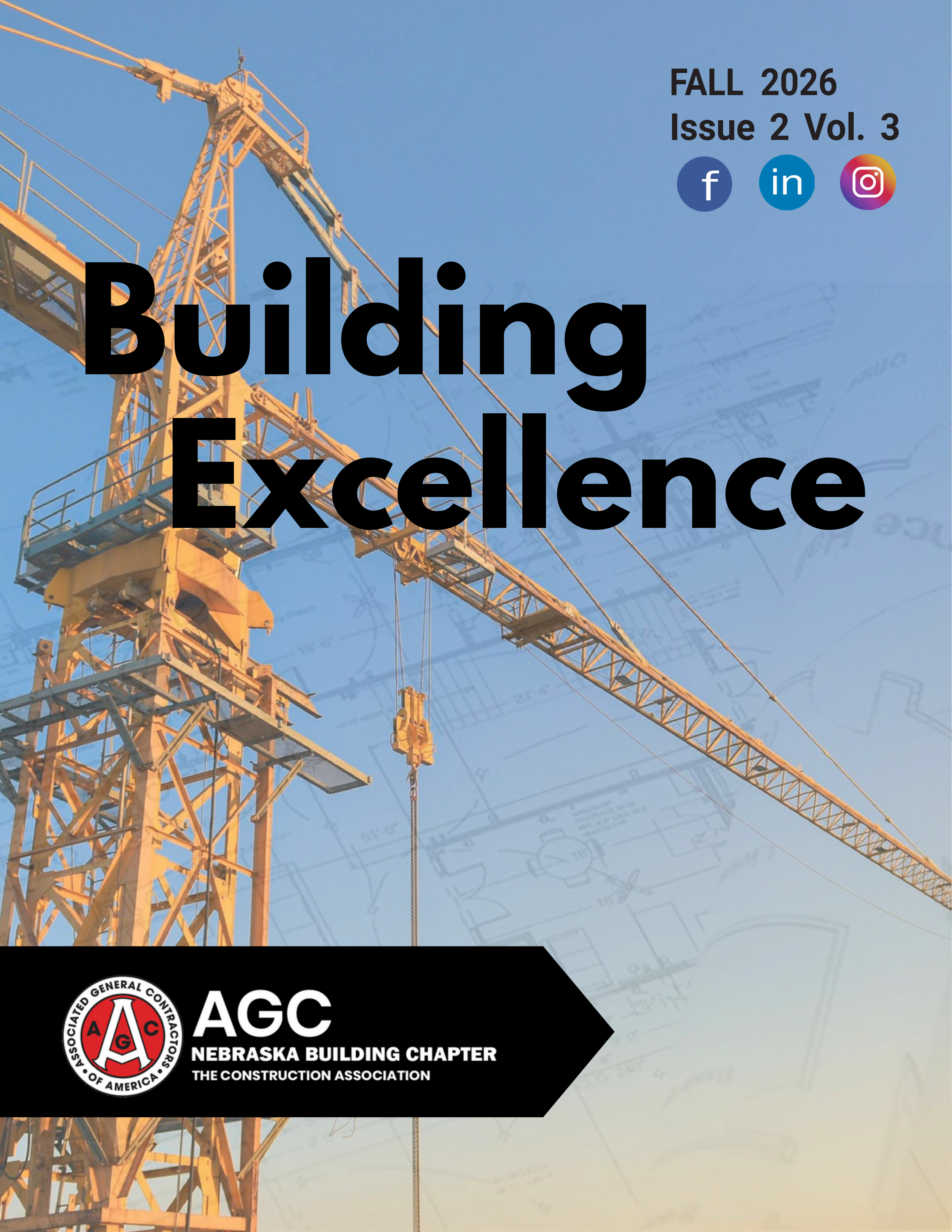

FALL 2026
Issue 2 Vol. 3

Building Excellence

AGC
NEBRASKA BUILDING CHAPTER
THE CONSTRUCTION ASSOCIATION

President's Message

Building the Next Generation

Roger Bullington,
Chief Construction
2026 AGC Nebraska Building Chapter President

Every project we complete eventually comes to an end. The ribbon is cut, the owner moves in, and we move on to the next challenge.

What lasts much longer than any building is the impact we have on the people who built them.

As contractors, we know our success isn't determined solely by the work we win it's determined by the people who show up every day to make that work possible. Our employees solve problems, mentor younger team members, build relationships with owners and trade partners, and represent our companies in the communities where we work.

That responsibility makes leadership development more important than ever.

Many of us entered this industry because someone believed in us. Someone took the time to explain the drawings, answer our questions, teach us how to communicate with a client, or trust us with a little more responsibility than we thought we were ready for.

Those moments shaped our careers. Today, it's our turn to do the same.

Developing future leaders doesn't always require a formal program. Sometimes it's inviting a young superintendent into a project meeting, asking an estimator to participate in a client presentation, or encouraging a new employee to become involved in AGC Nebraska Building Chapter. Growth happens when people are given opportunities to learn, contribute, and lead.

I've seen firsthand how involvement in our Chapter helps employees gain confidence, expand their professional network, and bring fresh ideas back to their companies. The relationships built through AGC often become the relationships that help solve challenges on future projects.

Strong companies are built on strong cultures. Those cultures don't happen by accident—they're created intentionally through mentorship, communication, and a commitment to helping people succeed.

As leaders, we're responsible not only for the projects under construction today but also for preparing the people who will lead this industry tomorrow.

That's one of the things I value most about AGC Nebraska Building Chapter. Together, we're not simply building schools, hospitals, offices, and community spaces—we're building careers, strengthening companies, and ensuring Nebraska's commercial construction industry remains one of the best in the country.

I encourage you to challenge someone on your team this year. Give them an opportunity to grow. Invite them to attend an event, participate in a committee, or enroll in a training program. You may be surprised by what they accomplish—and by the positive impact they'll have on your company.

Thank you for everything you do to strengthen our industry. I look forward to seeing you at upcoming Chapter events as we continue building not only great projects, but great people.

Roger Bullington
Chief Construction

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AGC NEBRASKA BUILDING CHAPTER
THE CONSTRUCTION ASSOCIATION

Our Mission:

The Nebraska Building Chapter is dedicated to:

- Represent the best interest of members in the commercial construction industry and the greater business environment;
- Support and encourage the advancement of skill, integrity, and responsibility within member firms; and
- Stimulate and promote progress, innovation, and safety in the industry.

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Executive Director's Message

Invest in Your Best Asset

If I asked you what your company's greatest asset is, you might say your equipment, your backlog, or your reputation.

I'd argue it's your people.

The commercial construction industry has always been about relationships and talent. Buildings don't construct themselves. It takes skilled craft professionals, thoughtful project managers, experienced superintendents, dedicated safety professionals, and strong leaders to bring every project to life.

That's why one of the smartest investments your company can make isn't in a new piece of equipment or software—it's in your employees.

At AGC Nebraska Building Chapter, that's exactly what we're here to help you do.

Your membership is much more than advocacy at the Capitol or networking events. It's a resource for developing the people who will lead your company into the future. Every educational program, safety meeting, committee, and leadership opportunity is designed to help your employees grow professionally while strengthening your business.

Think about the people on your team.

Do you have a superintendent who's ready to take the next leadership step? A young project engineer who wants to understand the business beyond the jobsite? A safety professional looking to stay ahead of changing regulations? An office administrator who could benefit from expanding their network?

Our chapter offers opportunities for all of them.

The Supervisory Training Program continues to develop field leaders with practical, construction-specific management skills. Our safety education helps companies create stronger cultures and safer jobsites. Committee participation allows employees to build relationships, share ideas, and become more engaged in shaping the future of our industry. Legislative updates keep your team informed about the policies affecting the way we build in Nebraska.

The return on these investments isn't measured only by certificates or completed courses. It's reflected in better communication, stronger leadership, improved retention, safer projects, and employees who are proud to be part of your organization.

We often hear that workforce is the biggest challenge facing our industry. Recruiting new employees is important but retaining and developing the people you already have may be the best investment you'll ever make.

As we move through the rest of the year, I encourage you to look around

Continued

your office and your jobsites and ask yourself one question:

Who should I bring with me next time?

Bring someone to an AGC meeting or event. Enroll an emerging leader in STP. Invite a new employee to serve on a committee. Encourage your safety team to attend training. Introduce a future leader to the relationships and resources that have helped make our industry so successful.

When your employees grow, your company grows. And when our member companies grow stronger, so does Nebraska's commercial construction industry.

Thank you for investing in AGC Nebraska Building Chapter. More importantly, thank you for investing in the people who make this industry exceptional.

I look forward to seeing your team at our next event.

Sheila O'Connor
Executive Director

Calendar of Events

A few events to put on your calendar now!
Visit agcnebuilders.com/events for a full list of upcoming events.

September 7	**Closed for *Labor Day***
September 9	AGC & DBIA Breakfast Meeting: Lincoln Convention Center Update **| 7:30-9:00am** **Scott Conference Center** | 6450 Pine St, Omaha **Speakers: Senator R. Brad von Gillern**, Legislative District 4 and **Senator Beau Ballard**, Legislative District 21 Together, they will give an update on the Lincoln Convention Center project, project funding sources, and site selection considerations. **Cost:** AGC & DBIA Members $25.00
September 11	Construction Coalition **| 8:00-9:00am** **Nebraska Building Chapter AGC** | 301 S 13th St Ste 200, Lincoln Continuing the conversation on curbing losses in the construction industry. **Presented by: Jason Hellmuth**, Continuing Education Officer, Lincoln Police Department
September 14-18	Construction Suicide Prevention Week
September 17	2026 Fall Shoot Event **| 12:00-5:00pm** **Oak Creek Sporting Club, Brainard** Join us at Oak Creek Sporting Club for an afternoon of sporting clays, fabulous food, networking, raffle prizes, and fun!
October 8	Fall GC & SC Roundtable **| 12:15-4:15pm** **Round the Bend Steakhouse** | 30801 E Park Highway, Ashland
October 14	Concrete Flatwork Essentials for General Contractors **| 8:00am-4:30pm** **Round the Bend Steakhouse** | 30801 E Park Highway, Ashland
November 12	Fall Social & Awards Dinner **| 5:30-9:00pm** **Nebraska Innovation Campus** | 2021 Transformation Drive, Lincoln

AGC
NEBRASKA BUILDING CHAPTER
THE CONSTRUCTION ASSOCIATION

2025-2026 Sponsors

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2026 Board of Directors

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OSHA Heat Guidance Reminds Employers to Stay Ahead of Risk

*Guidance provided by **Marsh McLennan Agency***

OSHA's continued focus on heat hazards is a timely reminder that heat illness prevention should be part of workplace safety all year long, not just during the hottest months. Heat stress can affect workers in both outdoor and indoor settings, especially when ventilation is poor, equipment gives off heat, or cooling systems are not sufficient to maintain safe conditions. Because every workplace is different, preventing heat illness requires more than a general message or blanket statement.

Key takeaways include:

- **Heat risk can exist anywhere**
  Indoor workspaces may become just as hazardous as outdoor ones when heat accumulates, air circulation is limited, or equipment and operations create additional warmth.
- **Prevention should be proactive**
  Employers should identify where heat exposure is most likely, evaluate worker risk, and build controls that fit the specific job, worksite, and environment.
- **Simple safeguards matter**
  Strong prevention programs typically include:
  - Access to cool drinking water
  - Rest breaks in shaded or cooler areas
  - Gradual acclimatization for new and returning workers
  - Employee and supervisor training on heat illness signs and response
  - Regular temperature monitoring
  - Improved ventilation, fans, or cooling equipment
  - Clear procedures for adjusting work when conditions become more extreme
- **Not every worker has the same needs**
  Some health conditions or medications can make employees more sensitive to heat, so it is important to tailor controls when needed rather than relying on a one-size-fits-all approach.

Marsh McLennan Agency's Heat Stress Toolbox Talk can also help employers by providing a practical resource to talk with employees before they are exposed to hot conditions, reinforce safe work practices before hot weather arrives, and can also support a written safety program that aligns with OSHA National Emphasis Program guidance.

The overall message is clear: heat risks should be anticipated, monitored, and managed before they become emergencies. Employers that take a proactive approach can help protect workers, support a safer workplace, and reduce the risk of citations and disruption, and stay OSHA compliant.

Click here for more insights on strengthening your heat stress prevention strategy.

If you want to learn more about workplace safety and risk management resources that can help protect your employees and business, contact Marsh McLennan Agency.

> **"Heat risks should be anticipated, monitored, and managed before they become emergencies"**

Nuclear Verdicts: What Business Owners Need to Know (And How to Protect Your Business Before It's Too Late)

*By **Andy Bassett**, CEO, Ellerbrock-Norris*

Nuclear verdicts are becoming increasingly common, and they're reshaping the environment contractors and trades businesses operate in.

Rising insurance costs. Tighter underwriting. Growing expectations around documentation and safety. You've likely felt at least one of these firsthand, and when a serious incident happens, these verdicts can turn a routine claim into something far more severe.

A nuclear verdict is any jury award that exceeds $10 million, but the real story is how often that threshold is being hit.

In 2023 alone, juries issued 89 of them – a 15-year high totaling $14.5 billion across nearly 50 industries, with many stemming from vehicle incidents, product liability claims and allegations of negligence. This isn't a rare event anymore, and third-party litigation funding is only adding fuel, giving plaintiffs the resources to pursue longer, more aggressive cases.

Here's what a lot of business owners don't realize: while you can't control when nuclear verdicts happen around you, you can control how prepared your business is. The same steps that lower your odds of a runaway verdict also strengthen how insurers view you at renewal, so every improvement works double duty.

Here's where that shows up:

- **Build a strong safety culture.** Many nuclear verdicts start with accusations that a company ignored warning signs, so documented, lived-out procedures shut that narrative down before it gains momentum.
- **Prioritize fleet safety.** Auto liability remains one of the most common sources of nuclear verdicts. Driver policies, telematics and regular maintenance are tangible proof that your company takes safety seriously.
- **Strengthen your contracts.** Vague scopes of work or unenforced subcontractor insurance requirements can leave you absorbing risk you never intended to take on.
- **Tighten compliance and documentation.** OSHA, DOT, HR and wage-and-hour records aren't just regulatory hurdles – inconsistent documentation can paint a picture of carelessness in court.

"While you can't control when nuclear verdicts happen around you, you can control how prepared your business is."

When your business reflects clear standards and proactive leadership, credibility follows on both sides of this equation. It becomes much harder for a claim to spiral into nuclear territory, and just as hard for an underwriter to see you as high-risk.

That's the real takeaway here. Nuclear verdicts don't expose weak insurance. They expose weak operations. The businesses that hold up best aren't the ones with the best legal defense – they're the ones who never needed one, because the standards were already in place.

Not sure where your exposure sits today? Let's take a closer look together.

When Three Laws Collide: Navigating FMLA, ADA, and Workers' Compensation on the Jobsite

*By **Ashley H. Connell**, Woods Aitken LLP*

In the construction industry, workplace injuries and medical conditions are, unfortunately, inevitable. When an employee is hurt on the job, employers often think solely in terms of workers' compensation. However, a single workplace injury can trigger obligations under three separate legal frameworks: the Family and Medical Leave Act ("FMLA"), the Americans with Disabilities Act ("ADA"), and the Nebraska Workers' Compensation Act. Understanding where these laws overlap and differ is critical to avoiding potential liability.

Nebraska workers' compensation generally addresses work-related injuries and occupational illnesses. It provides a system for medical benefits, wage-loss benefits, rehabilitation, and return-to-work issues. These are benefits paid by the employer's third-party workers' compensation insurance provider.

The **FMLA**, by contrast, is a job-protected leave law. For eligible employees of covered employers, it provides up to 12 weeks of unpaid, job-protected leave for qualifying medical and family reasons, including the employee's own serious health condition as a result of a work-related injury. To be eligible for FMLA leave, an employee must have worked for a covered employer for at least 12 months, completed at least 1,250 hours in the past 12 months, and work at a location with 50 or more employees within 75 miles.

> **"Understanding where these laws overlap and differ is critical to avoiding potential liability."**

Finally, the **ADA** adds a third layer. The ADA covers private employers with 15 or more employees. It prohibits disability discrimination and may require reasonable accommodation for a qualified individual with a disability, unless doing so would impose an undue hardship. A reasonable accommodation may include modified duties, schedule changes, equipment, reassignment, or in some cases additional unpaid leave. The ADA can apply where an employee is not eligible for FMLA, or even after FMLA leave is exhausted.

> **"If an employee suffers a work-related injury or medical restriction, do not assume the analysis stops with workers' compensation."**

For contractors, the practical takeaway is simple—if an employee suffers a work-related injury or medical restriction, do not assume the analysis stops with workers' compensation. Employers should also evaluate FMLA eligibility and designation and whether ADA accommodation duties are triggered. Each law operates independently, and an employer must analyze its obligations under all three to avoid legal liability. If you have questions or need assistance, please give us a call at (402) 437-8500. Learn more about Woods Aitken's Labor & Employment Practice Group and subscribe to our E-Briefs for the latest news, tips, and updates.

Money Market Accounts vs. CDs: Finding the Right Fit

*By **Jan Sheridan,** VP Treasury Management, Union Bank & Trust*

When it comes to managing your organization's finances, every dollar counts. Whether you're looking to grow your reserves or store your funds safely, two options stand out: money market accounts (MMAs) and certificates of deposit (CDs). Both are smart choices, but which one is the best fit for your business or nonprofit? Let's break it down.

Money market accounts

Here's how money market accounts work: Your organization deposits funds, which then earn interest — often at tiered rates, meaning the more you save, the more you earn. Plus, MMAs often come with check-writing privileges and debit card access. This type of account offers the liquidity you need for operational expenses or unexpected opportunities.

Potential benefits include:

1. **Higher interest rates**: MMAs often outpace standard savings accounts, helping your funds grow faster.
2. **Liquidity**: MMAs allow withdrawals (with some limits), making them ideal for organizations that need both growth and flexibility.
3. **Accessibility**: You can add to your MMA whenever it suits your business needs, ensuring you can continuously grow your savings.
4. **FDIC insurance**: Your funds are protected up to $250,000 per depositor, per insured bank, per account ownership category.
5. **Tax efficiency**: Depending on your situation, interest earned from MMAs may come with certain tax benefits. Consult your tax advisor to explore your options.

Certificates of deposit

A CD is like the financial equivalent of a slow cooker — set it and forget it. You deposit a fixed amount of money for a set term, and in return, you earn a guaranteed interest rate. CDs are perfect for funds your organization won't need to touch for a while.

> **"Whether you're looking to grow your reserves or store your funds safely, two options stand out: money market accounts (MMAs) and certificates of deposit (CDs)."**

Potential benefits include:

1. **Guaranteed returns:** CDs offer fixed interest rates, providing predictable income for your business.
2. **Low risk:** This type of deposit is also FDIC-insured for up to $250,000 per depositor, per insured bank, per account ownership category.
3. **Higher interest rates:** Longer-term CDs often come with better rates than your typical savings account, perfect for long-term savings.
4. **Diversification:** CDs can be a stable addition to your financial strategy, balancing riskier investments.
5. **Maximizing strategy:** Consider laddering your CDs — i.e., staggering their maturity dates — to ensure steady returns while keeping some funds accessible.

Choosing the right option

Whether you're an ambitious startup, an established corporation, or a growing nonprofit, the best choice for your business's funds depends on your financial needs. Need quick access or flexibility? An MMA is your best bet. Seeking higher returns with funds you won't need for a while? A CD is the smarter choice. Evaluate your cash flow, goals, and risk tolerance to determine the right fit — or the right combination — to help achieve your objectives.

Safety Corner

Building a Stronger Safety Culture Through Education

Whether you're just beginning your Construction Safety Management Certificate (CSMC) journey or working toward completing the certificate, AGC has multiple opportunities remaining in 2026.

The CSMC program helps construction safety professionals build practical skills that improve jobsite performance, strengthen safety culture, and support long-term career growth. **Complete all four CSMC courses in any order and earn the certificate. Upcoming Courses:**

Health Hazards in Construction (HHC)

September 21-24 | Arlington, VA

Learn to identify, evaluate, and control workplace health hazards, including exposure risks, heat stress, silica, and other industrial hygiene challenges. Register

Safety Management Training Course (SMTC)

October 26-28 | Dublin, OH

Build foundational safety management skills that help you address key jobsite hazards, conduct investigations, and strengthen safety performance. Register

Safety Management Training Course (SMTC)

December 2, 3, 16 & 17 | Live Virtual

End the year with practical training focused on managing safety challenges across the jobsite. Register

Advanced Safety Management Training Course (ASMTC)

October 7, 8, 14, 15, 21 & 22 | Live Virtual

Move beyond the basics and gain advanced strategies for managing company-wide safety programs and risk management initiatives. Register

Advanced Safety Management Training Course (ASMTC)

November 9-11 | Arlington, VA

Move beyond the basics and gain advanced strategies for managing company-wide safety programs and risk management initiatives. Register

Education and Training Opportunities

The Building Chapter offers a variety of education and training, both in-person and on-line. Below are some of the training opportunities offered through the Chapter or from Chapter partners. Click here for more detailed information.

CONSTRUCTION SUPERVISION FUNDAMENTALS

CSF is designed by AGC of America, specifically to meet the needs of the learner as well as the construction industry. Developed and field tested by contractors and for use in training a new supervisor, or newly promoted foremen, or anyone who seeks career advancement.

The **Construction Supervision Fundamentals** course is a highly interactive first step on the path to developing construction supervisors. The Building Chapter offers the CSF program offered once a year and has 15 hours in-seat classroom instruction and approximately 4 hours of assignments between sessions. Students receive a certificate of completion from the Building Chapter upon completion of the the course.

Click here for more information.

STP

The **Supervisory Training Program** is a construction specific training curriculum developed, updated, field-tested, and taught by construction professionals. It is made up of six courses which can be taken in any order. The Building Chapter offers three courses per year, January through March on a rotation. The courses are a blended learning experience for all levels of management--without leaving your company site. Online blended learning format means devoting 4 hours per week to reading, listening to podcast, and online coursework, plus 60-minute live video conference class once a week. Upon completion of all six courses, students will receive a certificate of completion from AGC of America.

Click here for more information.

Lean Construction

Lean Construction is based on the holistic pursuit of continuous improvements aimed at minimizing costs and maximizing value on a construction project: planning, design, construction, activation, operations, maintenance, salvaging, and recycling.

The highly interactive program provides 36-hours of instruction and training to provide construction industry professionals at all levels with the knowledge and skills to take advantage of the benefits of Lean Construction.

Students participating in AGC's five-unit Lean Construction Education program will be eligible to take an exam to earn their CM-Lean.

Click here for more information.

BIM Education Program

AGC's **Building Information Modeling** Education Program (BIM EP) is designed to educate construction professionals at all experience levels in BIM concepts and processes. The program consists of four courses, intended to give participants a broad understanding of the new processes required in BIM.

The program provides 32 hours of instruction and training to get construction industry professionals at all levels ready to take advantage of the benefits of BIM.

After participants complete all four courses in the program, they become eligible to sit for an exam to earn the Certificate of Management - Building Information Modeling (CM-BIM).

Click here for more information.

Print Reading 101

The Building Chapter's **Print Reading 101** is a 10-hour construction-specific, in-house, flexible training series developed by a construction educator with field experience. The course curriculum was determined and tested by a Task Group of Building Chapter members. This is a ready to-go training package! All you add is a session facilitator.

Click here for more information.

Building Chapter Partnership Training Opportunities

Rethinking the Next Generation of Leaders

"Young people these days just don't want to lead."

We've heard some version of that complaint about every generation. But maybe it's time to look at leadership differently.

A recent Deloitte survey of 22,000 young professionals found that only 6 percent of Millennials and Gen Zers say a leadership position is a primary career goal. That may sound discouraging, but the survey also found that more than two-thirds are interested in leadership.

The difference is that today's young professionals are looking for something more than a title. They want meaningful work, opportunities to learn, flexibility, stability and a clear path for growth. They want leadership to fit into a successful life—not define their entire life.

That presents an opportunity for employers and associations. **We have a chance to show the next generation what leadership can look like and help them develop the skills to get there.**

Education, mentoring, networking and hands-on leadership opportunities are more important than ever. And while 70 to 80 percent of Gen Z and Millennials say they use AI for learning and career advice, there is still tremendous value in learning from people who have experience, perspective and a willingness to invest in others.

That is why programs like **The Voyager Framework** are so valuable. The next session begins **Monday, September 14**, with five virtual Monday evening sessions and a year of free "flash coaching." The program is designed for new and emerging leaders and focuses on character, impact, service and legacy.

The next generation isn't turning away from leadership. **They may simply be redefining what good leadership looks like.**

Our opportunity is to meet them there—and help them become the leaders our industry will need tomorrow.

Contact Dr. Stacey Ocander at: drstacey@makesusbetter.co OR Mark Mathia at: mark@markmathia.com for more information or to get your team member registered.

Construction Spanish Online Class

The **Austin AGC** is offering spanish classes for the construction industry in collaboration with Austin-based Freestyle's Language at Work Program.

The 12-week online program starts **September 22** and runs through **December 17**, with 2 online classes per week along with available "conversation coaching" each week. Cost is $995 per student (AGC member price) and $1,195 (non-member.) Click here for more information.

AGC of Colorado Training Partnership

The Building Chapter has partnered with AGC of Colorado to offer training sessions at a discounted rate. The following courses will be offered this Fall. Use discount code: **AGCNE** when registering.

Additional courses include:

Bluebeam Max Mini Camp:
Starting **September 29**, multiple camps.

Bluebeam Essentials:
Starting **October 12** and **December 7**.

Visit agccolorado.org for more information.

Avoiding the Costs of OSHA's Most Cited Construction Citations and Penalties

*By **Gretchen L. McGill** and **Christian D. Rush,** Dvorak Law Group, LLC*

The construction industry is one of the most hazardous industries in the United States, with falls, equipment misuse, and insufficient training contributing to thousands of injuries and fatalities annually. To mitigate these risks, the Occupational Safety and Health Administration (OSHA) enforces stringent safety standards. However, violations of these standards remain prevalent, leading to significant penalties. Between October 2024 and September 2025 (OSHA's most recent fiscal year), OSHA issued 26,566 citations in the construction industry, resulting in penalties of $109,238,366.00.

> "Compliance with OSHA standards not only protects the lives and well-being of construction workers but can save your company steep fines for any violations."

This article provides insight into the top five most nationally cited OSHA construction violations, and some practical compliance tips to prevent injury and penalties. The most frequent OSHA violations in Nebraska generally mirrors these national trends. While this article provides valuable insight, retaining legal counsel to advise and navigate the nuance of OSHA's safety standards can help ensure continued compliance and avoidance of these citations and penalties.

1. Fall Protection

Fall protection violations have consistently topped OSHA's list of citations for over a decade. OSHA's fall protection standard mandates that employers provide fall protection systems for employees working at heights of six feet or more above a lower level. This includes guardrails, safety nets, or personal fall arrest systems. Additionally, fall protection is required at any height when employees are working over dangerous equipment.

To help stay compliant, you should conduct regular inspections of fall protection systems to ensure they meet OSHA standards. Install guardrails and safety nets at all unprotected edges, holes, and leading edges. Provide personal fall arrest systems and ensure employees are trained in their proper use. Develop a site-specific fall protection plan, especially for complex projects involving multiple levels or unique hazards.

2. Hazard Communication

Information about the identities and hazards of chemicals in the workplace must be available and understandable to workers. All employers with hazardous chemicals in their workplace must have labels and safety data sheets for their workers exposed to such chemicals. Employers must also provide training to these employees on how to handle the chemicals appropriately.

The definition of "hazardous chemical" is quite broad: it is any chemical that is classified as a physical hazard, health hazard, simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified. If your work site is inspected for proper identification of hazardous chemicals, OSHA can ask to see your written safety plan.

Continued

3. Ladders

The ladder safety standard requires that ladders be capable of supporting at least four times the maximum intended load. Portable ladders must extend at least three feet above the upper landing surface and be positioned at a 75-degree angle. Ladders must also be inspected regularly for visible defects. Common violations include cracked rails, missing rungs, and improper ladder positioning.

Some compliance tips include training employees on proper ladder use, including maintaining three points of contact while climbing. Ladders should be inspected daily for defects like corrosion, bent rails, or missing components. Avoid using ladders on slippery or unstable surfaces unless they are secured. Defective ladders should be clearly labeled with "Do Not Use" signs and removed from service until repaired.

> **"Ultimately, prioritizing safety, with the support of knowledgeable legal advisors, is an investment that pays dividends in productivity, employee satisfaction, and, most importantly, lives saved."**

4. Control of Hazardous Energy

Hazardous energy sources include electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other sources in equipment that could pose a harm to workers. OSHA violations occur when proper lockout/tagout procedures are not followed while working on or near electrical circuits or equipment.

When performing work near electrical circuits and/or equipment, the following lockout/tagout procedures should be followed:

- Identify all sources of energy and all shut offs for each energy source
- Disable backup energy sources
- Test equipment to make sure it is de-energized
- Deplete stored energy
- Lock switch gear in off position
- Turning off a switch is not enough –equipment must be shut off, locked out, and tagged out
- Make sure all workers are safe and accounted for before equipment or circuits are unlocked and turned back on

5. Respiratory Protection

Necessary protective respiratory equipment protect workers against insufficient oxygen, environments, harmful dusts, fogs, smoke, mists, gases, vapors and sprays. A common harmful dust present in the construction industry is crystalline silica, which is found in materials such as concrete, masonry and rock. When these materials are made into dust, breathing in the fine particles can produce serious adverse health effects.

Some activities that may release harmful amounts of silica dust are:

- Chipping, hammering, drilling, sawing, or grinding rock, concrete or masonry
- Crushing, loading, hauling or dumping rock
- Demolishing concrete or masonry structures
- Working tile or grout
- Dry sweeping or pressurized air blowing of concrete or sand dust
- Cutting, sanding or grinding granite or other stone countertops

Examples of workplace controls that can be used to control silica exposure is wetting down dust before sweeping it up and using the water flow rate recommended by the manufacturer for a tool with water controls. However, respiratory protection is required where engineering and work practice controls are insufficient to reduce exposures to or below the permissible exposure limit (50 microgram per cubic meter, calculated as an eight-hour time-weighted average).

What's the Bottom Line?

Compliance with OSHA standards not only protects the lives and well-being of construction workers but can save your company steep fines for any violations. By addressing the most common violations, contractors can create safer job sites, avoid costly penalties, and enhance their reputation in the industry.

Retaining experienced legal counsel like Dvorak Law Group, LLC, can provide valuable guidance in developing and maintaining OSHA compliance programs tailored to your operations, ensuring that your safety protocols meet regulatory requirements. Beyond, should an OSHA investigation ever arise, or a citation be issued, our attorneys can help navigate the complex enforcement process, evaluate your options for contesting or negotiating citations, and represent your best interests throughout any administrative proceedings.

Ultimately, prioritizing safety, with the support of knowledgeable legal advisors, is an investment that pays dividends in productivity, employee satisfaction, and, most importantly, lives saved.

Workers' Compensation: The First 60 Days

*By: **Matt Rein**, Sales Executive & **Ramon Diaz de Leon**, Vice President, FNIC*

Matt Rein, CAWC

Ramon Diaz de Leon, CAWC, CRIS

When a workplace injury occurs, the first conversation often shapes everything that follows. In our experience, employees want to know they are being heard, supported, and given a clear path forward. Employers want to help their team member recover while keeping communication open and productive.

A new Nebraska law gives employers more time to do exactly that.

A New Opportunity for Employers

Effective April 14, 2026, LB455 extended the waiting period from 7 days to 60 days before First Reports of Injury become publicly available and before the Nebraska Workers' Compensation Court sends its notice informing injured employees of their option to consult with a workers' compensation attorney. Employees may still hire an attorney at any time, but the law provides employers with more time during the early stages of a claim.

For employers, that means more time to coordinate medical care, answer questions, address concerns, and explore return to work options before employees receive attorney solicitations or the court's notice about consulting legal counsel.

Why It Matters in Construction

In construction, returning an injured employee to productive work is not always straightforward. Temporary modified duties, alternative responsibilities, or other accommodations often require planning and collaboration between the employer, claims team, and insurance advisor.

Those efforts are most successful when communication remains open. The additional time created by LB455 allows employers to demonstrate their commitment through action.

When the claim is managed collaboratively, employers have a better opportunity to resolve issues before they escalate. That can help keep some claims from progressing, reducing indemnity payments, litigation, attorney involvement, and ultimately the overall cost of a claim.

Why This Change Happened

At FNIC, we have seen firsthand how quickly claim outcomes can change when communication breaks down early. We have also seen employers go the extra mile by creating transitional work opportunities, modifying job responsibilities, and connecting employees with community resources during recovery. Those efforts deserve the opportunity to succeed.

> **"Effective April 14, 2026, LB455 extended the waiting period from 7 days to 60 days before First Reports of Injury become publicly available."**

Our team was proud to support this legislation through our longstanding involvement with Nebraskans for Workers' Compensation Equity and Fairness (NWCEF). The change reflects years of feedback from Nebraska employers who believed injured employees should have the opportunity to experience a supportive claims process before deciding whether additional representation was needed.

LB455 does not change an employee's legal rights. It simply provides employers with valuable time to demonstrate good faith, strengthen working relationships, and focus on helping employees recover and return to productive work.

If you have questions about how this legislation may affect your workers' compensation program or your return to work process, contact Matt Rein or Ramon Diaz de Leon at FNIC.

Beyond the Code: Building for Performance

*By **Max Dwyer**, Trade/Commercial Sales Manager, Pella Windows and Doors of Omaha & Lincoln*

Every commercial construction project begins with the same objective: build something that performs just as well decades from now as it does on the day of completion.

Building codes establish essential standards for structural integrity, fire safety, energy efficiency, and occupant protection. They provide the foundation for quality construction, and those standards and codes continue to evolve alongside advances in building science. But experienced builders know that meeting code is just the beginning.

> **"Success is the result of coordination between architects, manufacturers, field managers, contractors, and skilled tradespeople who each play a role in delivering the finished product."**

The projects that continue to perform decades after completion have something else in common: teams that understand quality is built into every phase of construction, not enforced onto it at the end.

In today's commercial buildings, performance depends on how well every component works together. Success is the result of coordination between architects, manufacturers, field managers, contractors, and skilled tradespeople who each play a role in delivering the finished product.

Few systems demonstrate that more clearly than the building envelope.

Windows, curtain walls, doors, air barriers, flashing systems, and exterior cladding must function as one integrated assembly. A well-engineered product can only perform as intended when it is installed correctly and coordinated with the surrounding systems. Small inconsistencies in sequencing, detailing, or installation may not be apparent during construction, but they can affect energy performance, moisture management, occupant comfort, and long-term maintenance costs for years to come.

As building codes evolve and performance expectations continue to rise, collaboration has become more important than ever. Contractors gain confidence that products are being installed as intended. Owners receive buildings designed to perform over the long term. Occupants experience spaces that are more comfortable, efficient, and resilient.

At Pella Windows and Doors of Omaha & Lincoln, we see our role as part of the larger project team. Whether supporting preconstruction planning, coordinating with architects, providing installation resources, or working alongside contractors in the field, our goal is to help deliver buildings that perform as designed, not just on opening day, but throughout their service life.

Building codes establish the foundation. Lasting performance is achieved when experienced professionals share a commitment to craftsmanship, communication, and continuous improvement.

Pella Windows and Doors of Omaha and Lincoln are proud to work alongside the builders and contractors whose commitment to quality continues to shape Nebraska's commercial landscape.

Ask Anything segment, where we dedicate space to answering questions submitted by our members. Whether it's about safety, legislative issues, education, training or industry updates, we're here to provide the answers you need. Please email sheila@agcnebuilders.com with any questions you may have.

Leadership Development Isn't Just for the C-Suite

We talk a lot about workforce development—and usually that means getting people into the industry, teaching them skills or helping them advance. But workforce development doesn't stop once someone is hired.

A new report from the Association for Talent Development (ATD) reinforces something I think many of our members are already seeing: **leadership development needs to happen at every level of an organization—not just in the C-suite.**

According to the report, 75% of executives say leadership development for all employees is a high priority. Yet, only 47% of organizations currently provide that type of training across all levels.

Why the shift? Retention is a big part of it.

Organizations have found that when employees have opportunities to learn, grow and take on new responsibilities, they are more likely to stay. In fact, 60% of training professionals surveyed said leadership development improves employee retention. It also strengthens organizational culture, builds the leadership pipeline and improves employee performance.

That makes sense in our industry.

We need people to see a future in construction—not just a job. We need to develop the person who will become the foreman, the project manager, the superintendent, the department leader and eventually the company leader.

And leadership development isn't just about teaching someone how to manage people. It's about communication, decision-making, adaptability, building trust and understanding the impact you have on the people around you.

Interestingly, the ATD survey found a gap between what executives think employees need and what employees think they need. For example, 75% of executives said adaptability was very important, compared with only 34% of workers. Similarly, 72% of executives identified building trust as important, compared with 40% of workers.

That gap is worth paying attention to.

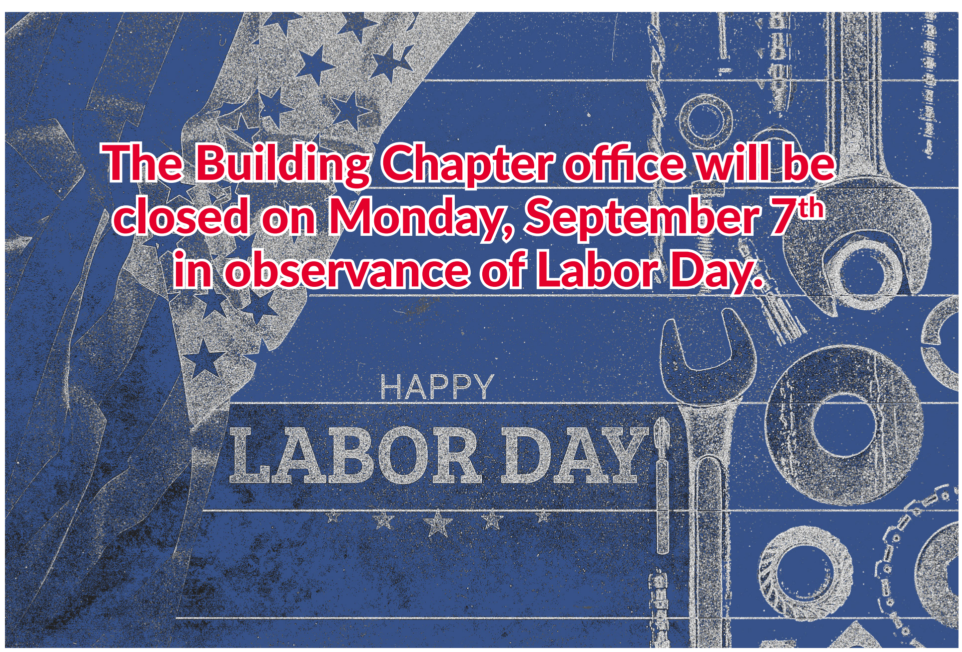
Sometimes the people we are trying to develop don't see the same opportunities for growth that their leaders do. That means we must do more than offer training—we have to create a culture where learning, feedback and professional growth are part of the job.

"Training someone to do the technical part of their job is important. Helping them become a better leader, communicator and teammate is just as important."

At the Building Chapter, we believe strongly in developing **quality people**. Training someone to do the technical part of their job is important. Helping them become a better leader, communicator and teammate is just as important.

Because when we invest in our people, we aren't just making better employees.

We are building better companies, stronger teams and the next generation of leaders in Nebraska's construction industry.



What's New for Nebraska Workers' Comp Deductibles

*By **Duana Freeman**, CWCA, AIC, ARM, Claims Lead and Partner, & **Megan Hatch**, CPCU, CWCA, CRIS, Vice President, and Risk Consultant, UNICO Group*

In April 2026, Nebraska passed an update to its Workers' Compensation rules with key provisions going into effect on January 1, 2027.

One notable change involves workers' comp deductibles. Understanding these changes can help you make decisions that protect your business and manage your workers' comp costs.

What's changing? Nebraska has long required insurers to offer a medical deductible option ranging from $500 to $2500 per claim. Starting in 2027, this deductible will be treated as a net deductible rather than a gross deductible.

"It's important to work with your carrier to ensure that your elected deductible option is reflected on the policy."

This deductible applies to the medical portion of a claim, not indemnity costs. Under the new net reporting structure, medical costs you reimburse to your carrier under the deductible won't be reported to your experience mod. However, indemnity costs will continue to be reported and will impact your mod.

For example, if you have a $2500 deductible and a claim with $1000 in medical costs and $1500 in indemnity costs, you would reimburse your carrier for the $1000 medical portion. That amount would not be reported to your mod. The $1500 indemnity portion would be paid by the carrier and would impact your mod.

The update also introduces a larger deductible option for qualifying employers. Carriers may now offer deductibles of up to 40% of your annual workers' comp premium, with a minimum deductible of $50,000. To be eligible, your premium must be at least $125,000.

Unlike the smaller medical-only deductible, this larger option covers all costs, both medical and indemnity. Claims paid under this deductible are fully net reported, meaning the claim amount will reflect the total incurred minus the deductible.

For example, a $50,000 claim would be fully removed. A $100,000 claim would show at $50,000.

However, employers can elect a gross reportable deductible policy instead. Choosing gross reporting means that losses reimbursed under the deductible will be fully included in your experience mod. It's important to work with your carrier to ensure that your elected deductible option is reflected on the policy.

Business owners should look at the total cost of risk, not just your premium in isolation. The goal isn't to find a quick way to buy down your mod. It's to understand what you're buying and whether it aligns with your claims history, cash flow, and overall risk management strategy. Choosing the wrong deductible structure could increase your total spend over time. It also remains to be seen how carriers will adjust their offerings and pricing in response to these changes.

UNICO's team of advisors is following these updates and ready to help you understand how it may impact your business. If you're interested in exploring how these changes might affect your workers' compensation program, contact UNICO Group for expert guidance.

Should my construction business join a 401(k) Pooled Employer Plan (PEP)?

*By **Chris Wagner,** Director of Retirement Plan Services, Principal, Lutz*

Retirement benefits can play an important role in attracting and retaining employees, but managing a traditional 401(k) plan can be challenging. Administrative responsibilities, fiduciary obligations, and compliance requirements often create added demands for construction companies already balancing workforce and operational priorities. A Pooled Employer Plan (PEP) offers an alternative approach designed to simplify retirement plan management while still providing employees access to a competitive benefit.

What is a Pooled Employer Plan?

A Pooled Employer Plan (PEP) allows multiple unrelated employers to participate in a single retirement plan administered by a Pooled Plan Provider (PPP). While employers maintain their own participating employees and certain plan features, many administrative and fiduciary responsibilities are handled by the provider.

PEP Benefits for Construction Companies

Reduced Administrative Responsibilities
Instead of your internal team coordinating with multiple vendors, tracking deadlines, and managing compliance requirements, the PPP handles the following:

- Plan administration and compliance oversight
- Annual filings (Form 5500) and required reporting
- Investment lineup monitoring and documentation
- Participant notices and disclosures

Cost Efficiencies
PEPs create economies of scale by grouping multiple employers into a single plan. That scale can lead to more competitive pricing across administrative services, recordkeeping, and investment management. In practice, this may result in:

- Lower per-participant administrative fees
- Access to institutional-level investment options that may not be available in a standalone plan
- Reduced need for internal or external resources to manage the plan
- Potential removal of individual 401(k) plan audit, if required

Improved Employee Benefits
In a competitive labor market where skilled workers are in high demand, benefits can play a meaningful role in attracting and retaining talent. A PEP allows employers to offer:

- A professionally managed retirement plan
- Institutionally priced investment options
- A benefit that aligns with what larger employers may offer

Reduced Fiduciary Exposure
Retirement plans carry fiduciary responsibilities that can create risk if not properly managed. In a PEP, the PPP assumes many of those responsibilities, including:

- Investment selection and ongoing monitoring
- Ensuring plan compliance with ERISA requirements
- Managing plan governance and documentation

A Pooled Employer Plan can help construction businesses reduce administrative complexity while continuing to offer a valuable retirement benefit. As workforce challenges, compliance requirements, and employee expectations continue to evolve, employers should evaluate whether a PEP aligns with their resources, workforce needs, and long-term benefits strategy.

Lutz Financial Important Disclosure Information

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THE VALUE OF MEMBERSHIP

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