



The Masonry Update

what's happening in the masonry industry in New Jersey

NEWS FLASH: MAY 28, 2021

OSHA Issues Additional Guidance: Recording COVID-19 Adverse Reactions

Last month the Association reported that OSHA issued guidance about recording adverse reactions to employer mandated COVID-19 vaccines. OSHA's guidance explained that *"If you require your employees to be vaccinated as a condition of employment, then any adverse reaction to the COVID-19 vaccine is work-related. The adverse reaction is recordable if it is a new case under 29 CFR 1904.6 and meets one or more of the general recording criteria in 29 CFR 1904.7."*

OSHA has since further advised employers that adverse reactions are only potentially recordable on the OSHA 300 Log where the vaccine is **mandated**. Where the vaccine is **voluntary**, OSHA is exercising its enforcement discretion to only require the recording of adverse affects to **required** vaccines at this time. Therefore, employers do not need to record adverse reactions from COVID-19 vaccines that they **recommend** but do not require. The vaccine must be **truly voluntary**. If employees are not free to choose whether or not to receive the vaccine without fearing adverse action from their employer, then the vaccine is not merely *"recommended"* and may be considered a condition of employment. [OSHA's Vaccine FAQs](#)

OSHA does not define what reactions are considered "work related", nor does the agency address the reporting requirement for employers of serious illnesses that result in a death within 30 days or an in-patient hospitalization. The guidance on COVID-19 vaccine adverse reaction reporting is creating a great deal of confusion as to recording responsibilities. [Contractors weigh new OSHA guidance on adverse vaccine reactions | Construction Dive](#)

[All COVID-19 Resource Links can be found on our website](#)

GOVERNMENT NEWS

Call to Action for CMU Producers!

The Association, and our industry partners IMI, ICE, and the Int'l Union of Bricklayers and Allied Craftworkers, fully support the [CMU Checkoff](#). After close to three years of efforts the Checkoff is finally coming to a vote soon! CMU producers must register to vote on the referendum and will receive a registration form in the mail with a self-addressed stamped envelope. Roughly \$10 million a year is expected to be contributed via this initiative for marketing, research, and promotion of CMU products. **Vote YES!**

NJDOL Issues Stop-Work Orders

NJDOL issued a company-wide stop-work order to Cunha's Construction and owner Nuno Cunha and ordered the construction company to halt work at current and future projects for the duration of the order. The contractor was paying workers in cash off the books, did not have worker's compensation insurance, failed to pay overtime, misclassified workers and more.

"With the authority to issue stop-work notices, we can better protect workers from bad actors who repeatedly skirt the law," said Assistant Commissioner Joseph Petrecca of the Division of Wage and Hour Compliance. *"Now more than ever, it is important to keep our workers safe, and ensure they are treated fairly."* [April 30, 2021 Press Release](#)

Galo Contractors Group was also issued a stop-work order for six alleged violations after workers reported the alleged

violations; misclassifying workers, failure to register as a public works contractor, failure to post and pay prevailing wages and failure to obtain workers' compensation insurance.

"We listen to workers and take every allegation of violation very seriously," said Labor Commissioner Robert Asaro-Angelo. *"The overwhelming majority of public contractors in New Jersey support their workers and boost our economy by paying the proper wages; we will do everything within our authority to protect them and exploited workers from the few who try to skirt the law."* [March 16, 2021 Press Release](#)

NJDOL Commissioner Supports USDOL Decision to Withdraw Independent Contractor Rule

On May 6, 2021, the USDOL announced a final rule withdrawing the "Independent Contractor Rule," to maintain workers' rights to the minimum wage and overtime compensation protections of the Fair Labor Standards Act. The rule would have made it easier to classify workers as independent contractors. The USDOL decided to finalize the withdrawal of the rule after review and consideration of public comments and the withdrawal is effective immediately.

New Jersey Labor Commissioner Robert Asaro-Angelo released this as part of his statement: *"Under the Murphy Administration, combatting worker misclassification has been a whole-of-government approach with full support from the legislature, which passed every legislative recommendation of the Governor's Task Force on Employee Misclassification. We look forward to working collaboratively with the Biden Administration to further enhance our efforts."*

CONSTRUCTION NEWS

Dodge Data & Analytics

Total construction starts fell 2% in April to a seasonally adjusted annual rate of \$853.5 billion. Single family construction starts posted a sizeable decline, falling 18% in April, after months of strong activity. Nonresidential building starts rose 16% in April.

Regionally, April's starts rose in the Northeast and the Midwest but fell in the West, South Central, and South Atlantic regions. Read the [DODGE report/May 18, 2021](#).

The Dodge Momentum Index posted an 8.6% gain in April, climbing to 162.4 from the revised reading of 149.5 in March. This gain in April marks the fifth consecutive monthly increase, and similar to February and March, was due to a large increase in institutional buildings entering the planning stage while commercial planning eased by less than one percent.

There were 13 projects with a value of \$100 million or more that entered planning in April. One of the leading institutional projects was the \$300 million first phase of The Cove JC Laboratory and Education facility in Jersey City, NJ. Read the [DODGE report/May 7, 2021](#).

New Jersey's Unemployment Rate Continues to Drop

New Jersey's unemployment rate for April was 7.5%, compared to 7.6% in March, 7.8% in February, and January, and 7.7% in December. Preliminary estimates of New Jersey's nonfarm wage and salary employment in New Jersey increased by 3,900 jobs in April. Employment increases were reported in six of the nine major private sectors, including construction, with an increase of 400 jobs.

Many business advocates and lawmakers blame the \$300 per week federal unemployment bonuses for enticing people to stay home rather than go back to work.

Architectural Billings Index (ABI)

Continuing its "meteoric rebound", the ABI recorded its third consecutive month of positive billings according to a

[May 19, 2021 report](#). Check out these ABI April 2021 headlines:

“Design Activity Strongly Increases”

“Demand Signals Construction is Recovering”

“Architecture Firm Billings Continue to Rebound at a Brisk Pace”

The Design Contracts score rose to 61.7 in April from 55.7 the month before. Billings rose from 55.6 in March to 57.9 in April. The report also notes that *“price and availability of construction materials and products is a moderate to serious problem for many firms”*. *“Some of the most frequently cited materials affected are lumber and steel joists.”* [APRIL 2021 UPDATE](#)

DESIGN AND BUILD WITH MASONRY

High Lumber Prices Continue to Impact Construction

The National Association of Home Builders reports that lumber prices have increased more than 200% since April 2020. The “price per thousand board feet” surpassed \$1,100 in mid-April, up from less than \$500 in June of 2020.

Atillo Rivetti, Vice President at Turner Construction, who assembles the firm’s Building Cost Index, says that fuel, copper, steel, and aluminum have each experienced modest price increases, while concrete’s price has slightly decreased. He also said price increases like gypsum drywall are expected to continue through 2021.

[Materials Shortages, Skyrocketing Prices Will Lead to Construction Delays for MultiFamily Sector](#). The National Multifamily Housing Council data shows that overall, multifamily sector costs are rising with lumber routinely cited as one of the leaders in price increases. Since December 2020 alone, lumber prices have risen 34.3%.

[What’s Behind the Materials Price Spikes?](#) Construction executives affirmed the wide range of materials that are experiencing escalating costs and delays include lumber and steel joists. In some cases, price increases on lumber and steel made switching to concrete the best option.

According to the National Association of Home Builders, the average cost of a new home is now \$36,000 higher than it was in 2020. Professionals in the construction industry say increasing lumber prices are also delaying project timelines and do not see any short-term solution to the problem. They are asking for the federal government to intervene and promptly take action.

EARN LU/HSWs



Be sure to check out the [IMI website](#) for upcoming Masonry, Tile, and Restoration Education, Structural Masonry Series and Vendor and Manufacturer Series webinars.

MAY WE NEVER FORGET

As you enjoy the Memorial Day Holiday,



**REMEMBER & HONOR all who have
SERVED & SACRIFICED for our FREEDOM.**

**Dedicated to promoting Masonry Design and Union Construction
throughout the State of New Jersey**

Visit our website www.mcofnj.org for more information.

