

# The Lehigh Way

Volume 3 | Issue 1

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A publication from Lehigh Construction Group, Inc.



## An Alliance with Purpose

Lehigh & OSHA Train for Safety





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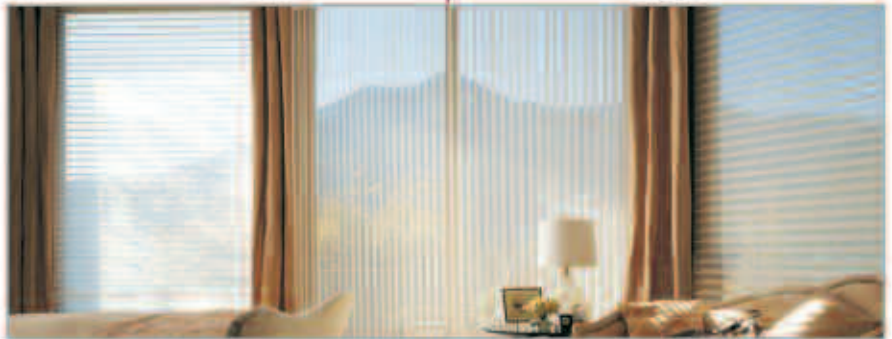
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Cover Photo by Stephanie Lei Photography  
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# Welcome to The Lehigh Way



It's hard to believe that we are already in our third year of this publication. It has been rewarding for Lehigh Construction Group to share stories about the great projects we are working on in the community and beyond, the other services we provide and the strong business relationships we have built over the years.

As we shaped this issue of *The Lehigh Way*, I couldn't help but notice the recurrent theme of the importance of networking. Lehigh Construction Group continues to be successful largely due to the special relationships we have with our clients, subcontractors, vendors, associates and our very own employees.

As our economy continues on the upswing and more opportunities are available, let's not forget the importance of these connections and how we can help each other. Our company has strong values and I know we have aligned ourselves with partners who hold themselves to similar high standards. Let's continue to join together to find ways to do things that seem impossible.

I hope you find this magazine to be of value. We welcome any feedback you might have or ideas for future issues. Here's to a prosperous year!

A handwritten signature in black ink, appearing to read 'D. Knauss'.

David E. Knauss  
President

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The Lehigh Way is published by Oser-Bentley Custom Publishers, LLC, a division of Oser Communications Group, Inc., 1877 N. Kolb Road, Tucson, AZ 85715. Phone (520) 721-1300, fax (520) 721-6300, www.oser.com. Oser-Bentley Custom Publishers, LLC specializes in creating and publishing custom magazines. Editorial comments: Karrie Welborn, karrie\_w@oser.com. Please call or fax for a new subscription, change of address, or single copy. This publication may not be reproduced in part or in whole without the express written permission of Oser-Bentley Custom Publishers, LLC. To advertise in an upcoming issue of this publication, please contact us at (520) 721-1300 or visit us on the Web at www.oser-bentley.com. June 2011



Third Alliance renewal signing, which took place on May 12, 2010. (From left) Robert D. Kulick, Regional Administrator, OSHA Region 2; David Knauss, Lehigh; Tom Glomb, Lehigh; and Art Dube, Area Director, Buffalo Area OSHA Office.



(From left) Gordon DeLeys, Rich Monroe, Tom Glomb

# An Alliance with Purpose

## Lehigh & OSHA Train for Safety

By Karrie Welborn

### THE BEGINNINGS

When Dave Knauss and Tom Glomb founded Lehigh Construction Group (Lehigh) back in 1984, one of the main things on Glomb's mind was safety. It still is and it always will be. He knew from the very beginning that any reality that included injured employees was simply not acceptable.

To both Glomb and Knauss, the business organization is an extension of the values with which they live their private lives. The first and foremost responsibility of the company, they believe, is making sure every employee gets home safely every day. They created a work culture in which safety was integral and the necessity for ongoing learning was understood.

Safety isn't just a part of the job for Glomb, it's an intrinsic reality that he sees as a part of ownership—a reality that demands leadership. The success of that leadership means that employees take the same strong view about safety. All field employees and Project Managers at Lehigh complete the Occupational Safety and Health Administration's (OSHA) 30-hour construction safety training. This is just the beginning of the safety culture at Lehigh. There are also monthly safety meetings and training sessions covering a variety of topics. Lehigh has received national, state and local safety awards—over 20—which indicate the safety culture is not just in the minds of the founders, but is a tangible reality for each and every Lehigh employee.

As the years rolled by, Lehigh's safety reputation continued to grow. The company received regular acknowledgment from OSHA for its exemplary safety record. Glomb began presenting safety information to high school students through the Genesee Valley Educational Partnership. According to Rich Monroe, an electrical, plumbing and heating instructor at Genesee Valley BOCES, the presentations had impact because Glomb is so passionate about safety. Monroe, a 30-hour instructor himself, is equally passionate.

The OSHA Alliance Program was inaugurated in March 2002 in an effort to allow businesses to partner with OSHA in ways that would encourage training and education in the community. According to the Alliance, this partnering would benefit the businesses by providing an increased access to workplace safety tools; information regarding worker's rights; maximizing worker health and safety protection. In addition to the likelihood of positive communication with OSHA, there was the benefit of interacting with other organizations committed to safety and workers rights. OSHA encouraged Lehigh to join the newly launched program. Glomb, however, wasn't so sure an Alliance was the right way to go, at least not until they had a clear purpose—something that would fit Lehigh's core values and allow those values to be extended into the community. It was not until May 2003 that Lehigh entered into an Alliance. When they did so, it was with a commitment to training young and inexperienced workers about the realities of construction safety, with particular attention to the "focus four hazards," falls, struck by, caught in and electrical hazards, because they are the most prevalent injuries on a construction site. This, of course, is exactly what Glomb was already doing. The difference was that he was now teamed with OSHA representatives during these presentations.

Gordon DeLeys, OSHA Compliance Assistance Specialist, is deeply committed to safety. Together, these two men (Glomb & DeLeys) have created dynamic, information-filled talks for high schools, college students, the Seneca Nation of Indians and the growing Hispanic population. Monroe, who had seen the impact Glomb's talks had had on the students in his classes, was enthusiastic about the team effort. "Tom Glomb and Gordy DeLeys are setting the standard for the Industry to follow—and it's working. They believe in it and they are truly impacting the industry."

Tom Murphy, a building trades instructor who once worked with



Gordon DeLeys shows class how to secure themselves to avoid falling with harness equipment.



Tom Glomb in red shirt, Gordon DeLeys shows safety equipment to students.

Monroe as a teacher's assistant, has taken his passion for safety to Alfred State SUNY College of Technology, first as an instructor and then as Department Chairman. Currently he assists the Dean with various projects on the Applied Technology Campus at Alfred State. "Tom and Gordy deliver the best OSHA Construction Safety training classes I have seen," says Murphy. "Their passion and dedication to safety really captures the students attention. I always contact them first to deliver the safety programs I am involved with."

## THE TRAINING

The team of Glomb and DeLeys gives a one-two information punch to anyone who sits in on a session. The information offered is straightforward. Glomb and DeLeys fit their style to the age and experience of the students, but otherwise the information is the same for all sessions. Glomb speaks to the business end of safety—how does having or not having a safety culture influence the business itself, while DeLeys deals with the rules and regulations OSHA has in place.

They often start with some "scare tactics" to grab the attention of the audience. They present some graphic accident photos and DeLeys often relates his first fatality experience as a compliance officer. He had been called out to a construction site where a bulldozer had rolled and crushed the operator. As it turns out, the operator was a personal friend of DeLeys; they had been high school classmates. As DeLeys notes, his friend was usually quite strong on safety. However, the friend was planning to sign papers to refinance the mortgage on his house and unfortunately, he took his eye off of safety. This lack of focus on safety cost him his life. Like most accidents, this one, although unfortunate, was totally preventable. Had DeLeys' friend buckled his seat belt upon entering the dozer, he would have stayed within the dozer's rollover protection and survived the rollover. DeLeys would not have had to tell his friend's wife that her husband had died. Even worse, when she was too distraught to explain the tragedy to her daughter, DeLeys had to explain to a three-year-old that Daddy was not going to be returning home. DeLeys says that this experience had him delving deeply into whether or not he should remain a compliance officer. In the end, it

made his passion for safety that much stronger.

A strong point of the training is that a safe company is a profitable company ... and vice versa. The students hear that the direct cost of an accident is but a fraction of the true cost. The indirect cost of any accident is three to five times the amount seen as the direct cost. The indirect costs include time to conduct an accident investigation, fill out accident forms, resources needed to post jobs, interview candidates and replace employees who are injured or killed. A simple foreign body in the eye, says DeLeys, has a direct cost of approximately \$300, yet its indirect cost is closer to \$1,700. It's quite an eye-opener for employees, notes DeLeys, when they realize how much extra business they have to generate to make up for what is seemingly a small accident. The bottom line is that it pays to create a culture of safety.

To students in colleges who are planning on building their own businesses or who plan to pursue a career in management within the building trades, Glomb points out the value of including the price of safety and health considerations into each project's estimates and expected design costs.

For students at Genesee Valley BOCES, coursework includes immediate hands-on experience. Instructor Rich Monroe is enthusiastic about the team's participation because it gives the young people a realistic look at building. The program includes technical skills in carpentry, cabinet making, residential wiring, plumbing and heating, to name a few. Each year the students build a house. "A real house that someone is actually going to live in," says Monroe. The response in the community to these houses (13 and counting) is extremely positive. The students gain the hands-on experience to take them to the next step in their training. When Glomb and DeLeys come in, they give them the reality of safety through photos and personal stories. The hope is that the students will not have to learn about safety through "hands on" accidents.

In the beginning, the two trainers were simply following Glomb's pathways to the BOCES schools and vocational students. The purpose of the initial Alliance was to instill in young people the need and wisdom to have a safe work culture and to prepare them with the skills to build safely. High school students, says DeLeys, are often unwilling or afraid to ask questions.





Alliance training in Batavia, N.Y. for the Genesee Valley BOCES class.

The employer assumes they understand, and a potential for injury is created. As Art Dube, area Director for Western New York explains, “Young workers have unique risks for work-related injuries and illnesses. Their lack of life experiences coupled with their zest to impress their employer can sometimes be a recipe for an accident to occur. Prevention is the key. Young workers, employers, educators and parents need to work collaboratively together to ensure the future workers of tomorrow receive the training, education and proper tools to equip them to have successful careers. OSHA Alliances, such as the one between the Buffalo Area Office of OSHA and Lehigh Construction Group, Inc., serve as one vehicle to help ensure that the road to success for a working young adult is without injury or illness.”

## EXTENDING THE TRAINING

As the safety seminars continued, it became clear the duo would also be welcomed by older students. DeLeys says that when they spoke to students at Alfred State College, students from other industries were inquiring about classes or just bringing in their chairs and listening before the first session was even over.

“Safety,” says DeLeys, “needs to be an integral part of every business; it needs to be a core value within an organization rather than the ‘flavor of the month’ where it’s important one day but when business gets tough, safety goes by the wayside.”

Murphy was instrumental, not only in bringing Glomb and DeLeys to Alfred State College, but in introducing the duo to the Seneca Nation of Indians who were in need of some construction trade training. Murphy has been training for the Seneca Nation since 2004. He would teach the basic fundamental, six-week construction class during the summer. The class provides a background in construction for the students and gives them a flavor of what the building trades involve, which in turn creates a career exploration atmosphere. “Feedback,” says Deborah Cooper, Director of Employment & Training, Seneca Nation of Indians, “has been positive. A good majority of the students have maintained employment in the building

trades or have pursued higher education in the construction industry. Students have been hired in private industry, within the local unions and within the Seneca Nation.” She added, “Tom Glomb, Tom Murphy and Gordy DeLeys have been instrumental in providing a quality learning atmosphere for the students involved in the Basic Construction class. Allowing the opportunity for the students to learn safety in the workplace is fundamental in construction industry. These three men have stepped up to the plate and given a lot to this program. The only thing asked, and this is an inside joke, is ‘What’s for lunch?’ as we always provide a good meal for the instructors and students. That’s the Indian way, to take care of our guests. I want to take this opportunity to thank both Tom and Gordy for being supportive of us. ‘Nya:weh.’” (Thank you in Seneca)

## TO BE CONTINUED



The training information Tom Glomb began sharing in the community has not changed, but the outreach has extended from BOCES vocational high school students, to Alfred State College, Erie Community College and the Seneca Nation of Indians. To date, approximately 10,000 individuals have attended the training. “The next group,” says DeLeys “are the hard to reach disenfranchised workers, i.e., those who do not speak English.”

Glomb likes to end each training with what he calls his “parting shot,” which is advice for those entering the workforce. Glomb states, “When you go on a job interview, the first question you should ask potential employers is about their safety program. If the person interviewing you doesn’t give an appropriate answer or starts wiggling all around, then that is your sign to get out of there.”

Glomb’s original objective, to make sure high school students understand the importance of safety, has evolved from an awareness clinic he facilitated on his own, to the current 10- and 30-hour training led by the dynamic duo of Glomb and DeLeys. For these two men, the intent to teach safety and deter injury is an ongoing goal. Their commitment to instill knowledge about safety touches all trade industries and reaches all ages. And it always will.



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# Lehigh Landmarks

## A Glance at the Historic Project Portfolio

Photos by Studio Z Photography

Despite all of the projects Lehigh Construction Group regularly undertakes in a variety of market sectors and the Lehigh PRO service vans that are running all over town, it is the portfolio of “historic” projects for which many people know the company best.

Although these projects make up a very small part of Lehigh’s overall body of work, they are all significant Buffalo-area landmarks. The projects provided Lehigh with the opportunity to showcase the company’s unique skills and craftsmanship—skills that are vital for these challenging restorations, renovations and new build projects.

### **BABEVILLE – “THE CHURCH”**

Buffalo-born national recording artist Ani DiFranco and her Righteous Babe record label retained Lehigh as its general contractor in 2001 to help save the crumbling, Asbury Methodist Church from the wrecking ball. The exterior of the Medina sandstone church structure, including the steeple towers, were rebuilt and the interior was converted into a performing arts center, offices for the record label and home of Hallwalls Contemporary Art Center. The new geothermal heating and cooling system made this project “green” years before the term “green” was coined. *Pictured Left.*

### **FRANK LLOYD WRIGHT’S ROWING BOATHOUSE**

The Rowing Boathouse was designed by Wright in 1905 for a rowing club at the University of Wisconsin. The non-profit Frank Lloyd Wright’s Rowing Boathouse Corporation, comprised of many local community leaders, acquired the rights to the design and in 2006 retained Lehigh as the general contractor to construct the Wright building on the Buffalo waterfront. *Pictured Below.*







### HELLENIC ORTHODOX CHURCH OF THE ANNUNCIATION

A catastrophic arson fire devastated this Buffalo landmark and the Greek community that it served. Lehigh was retained as a design-builder in 2003 by the community not only to rebuild and restore the structure, but to research and to propose new Byzantine finishes for the sanctuary as well. *Pictured Above.*

### THE BUFFALO SEMINARY

The Buffalo Seminary was founded in 1851 and remains Buffalo's only non-sectarian, college preparatory institute for girls. The 1909 building, located on the Frederick Law Olmsted-designed Bidwell Parkway, was recently added to the New York State Register of Historic Places and will likely be included on the National Register in the near future. Lehigh was first engaged by the school in 1999 as a design-builder to undertake renovations and improvements as part of a capital campaign. A number of additional projects have been completed since. *Pictured Right.*







## **WESTMINSTER PRESBYTERIAN CHURCH**

Westminster Presbyterian Church has long held a place of pride in Buffalo's rich history. The church was originally constructed in 1854 and is well known for its stained glass and other elements by Louis Comfort Tiffany. Lehigh was engaged as the general contractor for the sanctuary restoration in 1993. *Pictured Above.*



## **THE ROYCROFT INN**

Elbert Hubbard's Roycroft Campus in East Aurora, N.Y. was the birthplace of the Arts & Crafts movement in the United States. Lehigh was engaged as the construction manager by the Margaret L. Wendt Foundation in 1994 to restore and renovate the shuttered Roycroft Inn. *Pictured Left.*





Photo by Jim Bush Photography Inc.

# Acquisition Spurs Retail Sector

## Growth for Lehigh PRO Division

By Paige Podbelsek

Lehigh Construction Group has always provided a full array of services to its clients, completing everything from small jobs and repairs to large capital expansions, new builds and renovations. In 2001, noting the unwillingness of its competitors to undertake small jobs and repairs, Lehigh branded a separate, small job division ... and Lehigh PRO was born. Since that time, Lehigh PRO and its personnel have grown substantially. The hallmark of both PRO and Lehigh itself is a willingness to go beyond the norm and grow in unexpected ways, like Lehigh's recent acquisition of LGA Contracting.

In 2010, Larry Adamchick, owner of LGA Contracting, was considering retirement. Rather than shutting down his business after more than 20 years, he sought a different solution: to see it continue on in another format, with another owner, who would understand and utilize what he had built. Adamchick's business focused almost entirely on servicing the repair and

maintenance needs of approximately 75 national retailers, such as Kohl's, New York and Company, Radio Shack, 7-Eleven, Best Buy, Bed Bath & Beyond and Coach. A contact was made to Lehigh through his accountant and Adamchick was happy to find that the range and scope of the work done by the Lehigh PRO team was very similar to that of his own company. "Based on my 40 years of experience in the industry and knowing all of the local players," he explained, "Lehigh was the only company that made any sense to me to even approach." Adamchick's field staff was absorbed into the Lehigh PRO team, and Adamchick himself remains involved in the transition.

Lehigh assigned Josh Wells, their newest office-based PRO Manager, to learn the inner workings of the LGA operation and coordinate the new business. Lehigh PRO Group Leader Nick Sabal said, "We hired Josh because of our experience with him at his previous

employer (a construction materials supply firm). We admired how tenacious he was at researching solutions and identifying the correct product for our Lehigh PRO jobs. Learning the LGA business and the service the retailers expect is a great opportunity for him and he is rising to the challenge." Facility maintenance firms representing the retailers contact Lehigh directly and jobs are assigned to PRO's field team. "It's keeping us busy," Wells said. "It's a little niche in the market that Lehigh PRO didn't have before."

Lehigh PRO is a unique offering for a general contractor as it defies the notion that "bigger is better." In 2010, Lehigh PRO completed over 1,300 small jobs and work orders for over 150 clients. With the addition of the new retail clients, the division is poised for more growth in 2011.

Don't be surprised to see a Lehigh PRO van at the local mall on your next shopping trip!

# Ask the Expert

Lisa Coppola, Esq., Partner at *Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC*

## Protect yourself from legal issues in the construction industry



**Q: Billboards, with lawyers advertising that injured workers should sue, are everywhere. Some even describe falls off ladders. Why is this kind of advertising so popular today?**

**A:** For decades, lawyers simply didn't advertise. However, in 1977 the United States Supreme Court ruled that attorney advertising was protected speech under the First Amendment. Since then attorney advertising has exploded.

**Q: What does this onslaught of legal advertising mean to the construction industry?**

**A:** First of all, lawyer advertising has made the general public more aware of their right to sue for injuries. Whether that means rear-end auto accidents involving company vehicles or worksite injuries, we see more lawsuits today than ever before. Although some have no merit, they are costly to defend.

**Q: Why?**

**A:** Among other things, New York is home to several pro-plaintiff laws that unfairly penalize owners and construction companies with sound safety programs to compensate workers injured on construction projects.

The first law is known as Labor Law 240(1). This law provides for absolute recovery—without any deduction for a worker's own fault—when a worker is injured in a fall from a height or from a falling object. In many cases, an owner or contractor can be liable even if there was no violation of any OSHA regulation.

In recent years, the scope of this law has eroded somewhat with the development of the "sole proximate cause" defense. This defense allows defendants to argue that the worker's conduct in failing to use available safety equipment was the sole cause of his or her injury. If the facts support this defense, the worker's claim can be defeated.

**Q: How can companies use this defense?**

**A:** The first step is to have a well-thought-out safety plan and to be committed to implementing safety practices on a jobsite. Contractors (whether GCs or construction managers) and subcontractors should have written safety plans and should devote time to educating their teams about safety. After all, a primary goal of all construction industry players is to avoid accidents. If appropriate safety equipment is available to the worker but he or she chooses to ignore it, this defense applies.

The second step is to immediately investigate any claims of injury on a site, including documenting the claim and taking statements from witnesses. Taking so-called negative statements is just as important. These are signed statements from coworkers who have said that they are not witnesses, i.e., they didn't see anything notable. This prevents collusion (and perhaps even fraud) later and assists your attorney in gathering facts

necessary to prove the sole proximate cause defense, if applicable.

**Q: Are there any other laws that we should know about?**

**A:** Labor Law 241(6) is a troublesome statute because it's based on a set of state construction regulations called the Industrial Code that haven't been enforced since the mid-1970s. Even though the Industrial Code is not enforced on jobsites (where OSHA regulations reign), it governs personal injury lawsuits. The Code addresses issues ranging from slipping hazards to scaffolding erection and many things in between. Not only has the Code not been enforced for decades, it has not been updated either. As a consequence, the ancient Industrial Code provisions can differ from OSHA regulations, causing the responsible contractor to have to make a difficult, and potentially liability-creating, choice. The Industrial Code applies equally to owners and contractors, so every member of the construction relationship should be familiar with it and understand when and how it differs from OSHA, so that they can protect their companies.

**Q: Why should owners worry about this? Most owners ensure they have contractual risk transfer language (also known as a "hold harmless" clause) in every contract.**

**A:** A primary reason owners and developers should still be concerned is that even with contractual indemnification or "additional insured" status on their contractors' GL insurance policies, the owner will still be named in the lawsuit. This results in interruption of its staff who have to tend to the lawsuit process and the payment of self-insured retentions or deductibles. It also can result in negative press, because all lawsuits are a matter of public record. Anyone can search the courthouse and obtain lawsuit papers.

**Q: Are there any other concerns for owners?**

**A:** Sometimes a claim relates to an alleged defect in the property itself and doesn't have much—or even anything—to do with the manner and means of the work. For example, a worker's trip and fall on an existing stairwell or walkway can form the basis for a lawsuit. Whether an owner is entitled to indemnification under those circumstances may be questionable; after all, it was the owner's property that allegedly caused the injury. Consequently, owners have an interest in ensuring that comprehensive safety programs are standard practice on their sites.

**Q: What can subcontractors do to prevent the escalating cost of personal injury lawsuits?**

**A:** Here, too, a safety program that gets used, as opposed to remaining on a dusty bookshelf back at the office, can be the most effective weapon against the exorbitant cost of personal injury litigation. Instilling a safety-oriented mindset and ensuring that your team knows and follows it, is an effective tool for minimizing and even eliminating worksite injuries—not to mention the costs that come with them.



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