



HOUSE FINANCE HIGHER EDUCATION SUBCOMMITTEE

H.B. 166 - Construction & Manufacturing Mentorship Program
Written Testimony from Construction Employer & Labor Coalition
April 11, 2018

Chair Carfagna, Ranking Member Sweeney and Representatives on the House Finance Higher Education Subcommittee:

Our groups collectively urge the House to remove construction from the Construction & Manufacturing Mentorship Program language contained in H.B. 166 (sections 4109.5, 4109.22, 4109.99).

In all, we represent over 1,000 commercial contractors and hundreds of thousands of tradespeople that build and renovate Ohio’s roads, bridges, schools, manufacturing facilities, water and sewer lines, office buildings, underground utilities, apartments and dormitories, parking structures, and utility and waste water treatment plants... to name a few. We spend millions of dollars annually on apprenticeship training, safety training, workforce development, and public outreach to encourage students and adults to enter the construction trades.

A construction jobsite is vastly different than a manufacturing facility. The mentorship language contained in H.B. 166 does not account for the construction industry’s unique considerations related to the safety of the mentor (minor) and others on the jobsite, insurance coverage for other contractors on the jobsite, and potential liability for the project owner and other contractors.

Additionally, current law does not prohibit contractors from mentoring 16 to 17 year old minors to give them hands-on construction experience; the industry does so already, utilizing the them in more controlled environments such as their shops, yards, or training facilities.

SAFETY:

Unlike manufacturing facilities, most commercial, industrial, heavy and highway construction jobsites have multiple businesses and numerous different trades working on the same jobsite at the same time. **Employing minors with no construction experience and very limited training on any tools/equipment that they will use, as well as little training on other jobsite hazards, presents a significant safety risk not only to the minor, but the others working on the jobsite who may not even be employed by the same company as the minor nor aware they are even on site.**

A construction jobsite has a much less controlled environment than a manufacturing facility. The physical nature of the jobsite, as well as the workers and employers on the jobsite can change daily depending on how construction progresses. Jobsites can be located in cramped, confined spaces;

underground; alongside a busy freeway or street; between high rises in tight urban settings; etc. This further increases the safety risks of the minor (mentor) and others working around him/her.

INSURANCE:

Many insurers refuse to provide coverage for construction jobsites that have minors on them. **This means that in addition to negatively impacting the insurance coverage of the contractor employing the minor (mentor) on a jobsite, the coverage of other contractors on that site could be impacted or even voided should an incident occur.**

LIABILITY/RISK:

A manufacturing facility generally has one owner/employer (the manufacturer) who employs everyone in the facility. Construction is very different. A jobsite includes multiple business entities: the project owner, a controlling contractor or multiple controlling contractors, subcontractors and material suppliers. Contracts are tiered, and it is not uncommon for an owner or controlling contractor to be unaware of a lower-tier subcontractor or supplier's workers (i.e. those employed by a subcontractor's subcontractor or supplier).

Should an accident or injury occur to a minor (mentor) on a jobsite, not only would the employer of the mentor be impacted, but also the controlling contractor(s) and project owner (workers' comp, insurance, OSHA citations, lawsuits, etc.). And those parties may not have known that a minor was working on the jobsite.

In conclusion, our groups invest heavily in recruiting students into the trades and providing meaningful exposure to the construction industry. We spend a significant amount of time and money annually to do so. However, any hands-on experience for minors needs to be done in a more controlled setting than an active, multi-employer jobsite.

As such, we urge H.B. 166 be amended to remove construction from the Construction and Manufacturing Mentorship Program. We would be happy to work with the Administration and Legislature to come up with a separate, more feasible program for the construction industry.