



THE ARIZONA CIVIL ENGINEER

President's Message

Michael A. Worlton, P.E., M.ASCE



Another year has come and gone, and it has been a challenging one for the civil engineering industry. For many, 2009 has been a year unlike any other. There have been major budget crises on all levels of government, increased competition, and uncertainty in the job market. This has been a time of change for many of our members. Some have adapted by entering new markets or performing new roles. Others have reduced work hours, gone back to school, or found new employment, while some are still looking for work. Although the sailing has been very rough for many this year, a smooth sea never made a skillful mariner. Navigating through 2010 may require adjusting course, finding new opportunities, and seeking for lighthouses to guide us securely through continued rough waters.

ASCE has been around for over 180 years, and has always served as a lighthouse during stormy times in our industry. Members are finding hope in the activities and programs offered by ASCE. Monthly luncheon attendance has swelled as members are putting more emphasis on networking and technical training. Volunteers have shown an increased interest in serving in leadership positions so they can give back to the Society while strengthening their resumes. Subsidiary organizations and technical committees are becoming more active as they seek to provide even greater value to their members.

It is comforting to know that the programs of ASCE continue to move forward and improve. We are still recognizing contributions to the Society and our profession on a local, regional, national, and international basis through our award programs. We provide a structured mentorship program and programs for leadership development, government relations, and continuing education. For me personally, ASCE has benefited my career and reminded me how proud I am to be a civil engineer. I have been able to network with ASCE members throughout the state and across the country. I have been rejuvenated by the insights and perspectives of my fellow members. If you haven't taken advantage of the many benefits ASCE has to offer, I encourage you to get involved. Go to our web page and look for opportunities to increase your network, grow professionally, and get energized about your role as a civil engineer. You may be surprised by the opportunities that develop as you become more active in ASCE.

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Interested in Classified Advertising or Annual Sponsorships?
Contact editor@azsce.org for details.



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PHOENIX BRANCH YMF

*By Kelly Lenhart, P.E.
President, Phoenix Branch YMF*

Happy new year!! YMF has a busy year planned for 2010, including our 1st Annual YMF cruise you won't want to miss!!

2nd Annual Light Rail Social Tour - Joint Event with AZ Water YP: Since last year's light rail social tour was such a huge success, we have invited the AZ Water YP group to join in on the fun! The social tour is next **Friday, January 15th** at 6:00pm. We will be hopping on and off the light rail at various locations in Phoenix and Tempe. More information regarding stops and times can be found in the attached flyer. If you have questions, please contact Dana Biscan at dbiscan@burnip.com.

YMF Cruise: Did you make a new year's resolution to have more fun in 2010? Why not join the Phoenix YMF for our first annual YMF Cruise to Mexico on a 3-night cruise, **May 21st-24th**, on the Carnival Paradise Ship from Long Beach, California to Ensenada, Mexico. A block of rooms has been reserved for our group and the trip promises to be an fun-filled adventure. They don't call it the "Fun Ship" for nothing. Reservations must be made February 1, 2010 to reserve your cabin in the YMF block. Please see attached flyer for more information or contact your YMF Cruise Director, Christine Fanchi at Christine.Fanchi@dibblecorp.com.

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INTERSECTIONS: CIVIL ENGINEERING AND THE LAW

*Beware those "Independent Contractors"
By Roger Owers, Ph.D., P.E., J.D.*

In today's trying economic times, design firms (like most other businesses) are seeking ways to lower their expenses. In an effort to save on payroll costs, design firms might be tempted to hire independent contractors or convert their employees to independent contractors. Beware.

Like other states, Arizona law views an independent contractor differently from an employee. An employer is not responsible for employment taxes of an independent contractor and may avoid some liability for the wrongdoings of independent contractors. To the contrary, an employer must pay employment taxes for their employees and are responsible for the wrongdoings of employees who are acting in the business interests of their employer.

These are two of the primary reasons that employers would rather have independent contractors doing their work instead of employees. Today's economic environment creates even more demand for designers to lower their costs and liabilities.

But those two reasons are also why governments and courts look very closely at the relationship between the employer and the worker. The government wants the employment taxes and the courts do not want to allow an employer to escape liability for workers over whom they have control.

So to evaluate whether a worker is truly an independent contractor or is really an employee, governments and courts have a variety of tests they use. For example, see <http://www.azcommerce.com/BusAsst/SmallBiz/SBS/J1/Jb.htm> or <http://www.irs.gov/businesses/small/article/0,,id=99921,00.html>.

The primary aim of these tests is to determine who has the right to control what the worker does during his or her job. It is important to realize that the government and courts will generally overlook what the employer actually calls the worker. They are concerned more with the behavioral and financial control over the worker's relationship. For example, an employer's control over the worker's tasks, hours, tools, computers, time off, etc., would most likely

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demonstrate an employer-employee relationship, even though the worker may happen to be labeled an “independent contractor”.

The downside? Among other things, an employer who is found to have employees yet has not paid employment taxes will be retroactively responsible for paying those back taxes. That employer may also be found liable for any wrongdoings that the worker may have done while working for the employer.

So, for the design firm who hires a worker as an “independent contractor” or converts an existing employee to an “independent contractor”, yet still retains control of the worker, beware. Back taxes and potential liability for wrongdoings of your worker—your employee—may be in your future.

Tempting in today’s economy. But not recommended.

This article is intended for general information only. It should not be construed as legal advice with respect to any particular situation. Readers should not act upon information contained in this article without first consulting their lawyer.

Roger Owers provides legal representation in the areas of design law, construction law, and Indian law. He holds a Ph.D. in civil engineering, is a registered professional civil engineer, and is a licensed attorney. He can be reached via e-mail at RogerOwers@KaibabLaw.com or via his website at www.KaibabLaw.com.

CLASSIFIED ADVERTISING

Expansion Opportunity

A leading Geotechnical and Materials Testing firm with offices in the western US is expanding in other geographic areas. Our current work includes geotechnical engineering and materials testing on major highways, dams, tunnels, bridges, rail lines, schools and international geotechnical consulting. Our project sizes range up to \$1 billion. We are looking for acquisition of a small to a medium size geotechnical and/or material testing firm (less than 20 people) with strong technical capabilities and clients in both public and private sectors.

Please Contact Stuart Trautenberg, our Acquisition Consultant, for additional information. All information and discussions will be confidential.

Stuart A. Trautenberg
Office : 949-499-9511
Cell: 949-633-9511
Email: stu@satraut.com

INTERESTED IN CLASSIFIED ADVERTISING?

Classified ad space is available a rate of \$75 per month for average sized ads (250 words) with logo. Longer ads will be charged accordingly. Ads should be in MS Word or plain text format. Logos should be .PNG or .JPG images and should be no more than 100 pixels in width and/or height. Ads are due by the 10th of the month prior to the month of publication. If you are interested in placing a classified ad announcing a civil engineering or related position with your firm, please contact editor@azsce.org.

ANNUAL SPONSORSHIPS

AzSCE is now accepting annual sponsorships. Sponsorship offers civil engineering and engineering related companies the opportunity to place their business card ad in the newsletter, provides space on the AzSCE.org webpage for highlighting a project and, new this year, sponsors will have the opportunity to place 1/2-page announcements in the newsletter up to two times per year. For more information, please contact editor@azsce.org.

2010 YMF Cruise

Carnival Paradise Ship

Friday, May 21 st	Los Angeles (Long Beach Pier)	Depart 5:30pm
Saturday, May 22 nd	Ensenada, Mexico	Arrive 9:00am Depart 6:00pm
Sunday, May 23 rd	At Sea	
Monday, May 24 th	Los Angeles (Long Beach)	Arrive 9:00am



	Inside Room	Ocean View	
Cruise Fare	\$239.00	\$270.00	Based on Double Occupancy
	\$188.00	\$212.00	3 rd or 4 th person in room
Taxes & Port Fees	\$128.87		
Prepaid Gratuities	\$30.00		

A block of 20 ocean view cabins have been reserved for our group. In order to be part of the YMF block, cabins must be **booked prior to February 1, 2010**. A \$100 deposit per person will be due at the time of booking. The final payment will be due by March 21, 2010.

Cancellation fees would go into effect on March 22 = \$100 per person
 April 22 = 50% per person
 May 14 = Full penalty

Cost per person includes cruise fare, meals, taxes, port fees and gratuities. Alcohol and shore excursions are not included in the quoted cost.

Exclusive activities will be planned for the YMF Cruise members.

To book your cabin on the YMF Cruise, please contact
 Karen Goldberg at Distinctive Travel
 602.604.1995 (Phoenix Area)
 1.800.249.4932 (Toll Free)

Please contact your YMF Cruise Director with any questions or comments:
 Christine Fanchi
Christine.fanchi@dibblecorp.com
 602.346.5768

YMF caravan from Phoenix to Long Beach to be coordinated for event.
 Details to follow.

JOIN AzSCE YMF and AZ WATER YP FOR A LIGHT RAIL SOCIAL TOUR



Friday, January 15 starting at 6 pm

Come spend the evening with AzSCE YMF and AZ Water YP riding the light rail to various venues around town!

Feel free to meet up at any point in the evening that is convenient for you. The last full trip of the day begins at 2 a.m., arriving at the opposite end of the line at 3 a.m. We will end the night on Mill Avenue so plan to park accordingly. An itinerary with a list of stops and venues is shown below.

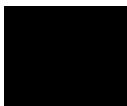
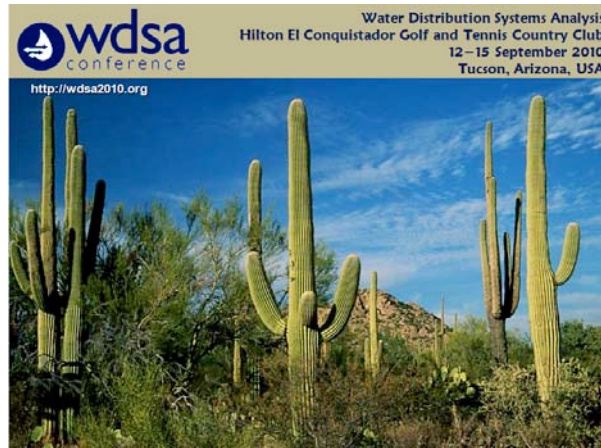
6:00 – 7:30 pm – Sun Up Brewing @ Camelback & Central
322 E. Camelback Road website: <http://www.sunupbrewing.com>
7:45 – 9:00 pm - Seamus McCaffrey's @ Van Buren & 1st Ave
18 W. Monroe website: <http://www.seamusmccaffreys.com>
9:15 – 10:45 pm – Rose & Crown @ Washington & 3rd Street
628 East Adams Street website: <http://www.theroseandcrownpub.net>
11:15 – close – Big Bang* / Cue Club* @ 3rd Street & Mill Ave.

The breaks in the schedule reflect travel time riding the light rail ☺
*Our group will not have to pay cover at Big Bang and will have preferred admission at Cue Club

This is a fun way to start out the new year and see what our friends and colleagues have accomplished!

If you have any questions, please contact Dana Biscan at dbiscan@burnip.com

The University of Arizona and the Technion
are pleased to announce the
**12th Annual Water Distribution Systems Analysis conference
(WDSA 2010) to be held
September 12-15, 2010 in Tucson, Arizona.
(wdsa2010.org)**



Schedule for WDSA2010 Conference

First Call for Papers	November 1, 2009
Second Call for Papers	December 1, 2009
Abstracts Due	February 1, 2010
Decision on Abstracts	March 1, 2010
Full Papers Due	May 1, 2010

Building upon the highly successful Water Distribution System Analysis (WDSA) conferences in Cincinnati in 2006 and Kruger National Park (South Africa) in 2008, the UA and Technion will host WDSA2010 in Tucson. This conference has emerged from the ASCE WDSA symposium dating back to the first meeting in Tempe in 2000. The meeting will cover modeling, systems analysis, and optimization applied to a full range of WDS issues including planning, design, operation, and security. In addition to oral and poster presentations, a number of workshops will be held on Sunday prior to the meeting.

Proposed Session Topics for WDSA 2010 Conference

<ul style="list-style-type: none"> • WDS as a microbiological system • Network Models • Water Use • Field Work 	<ul style="list-style-type: none"> • Contaminant intrusion and water security • Network Vulnerability • Network Water Quality • Asset Management 	<ul style="list-style-type: none"> • Sustainable WDSs • Network Hydraulics • Leakage • Mixing and dispersion
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Submit an abstract at: <http://openconf.engr.arizona.edu/wdsa2010>

Contact the organizing committee at wdsa2010@email.arizona.edu