



SUMMER

OUR 56TH YEAR

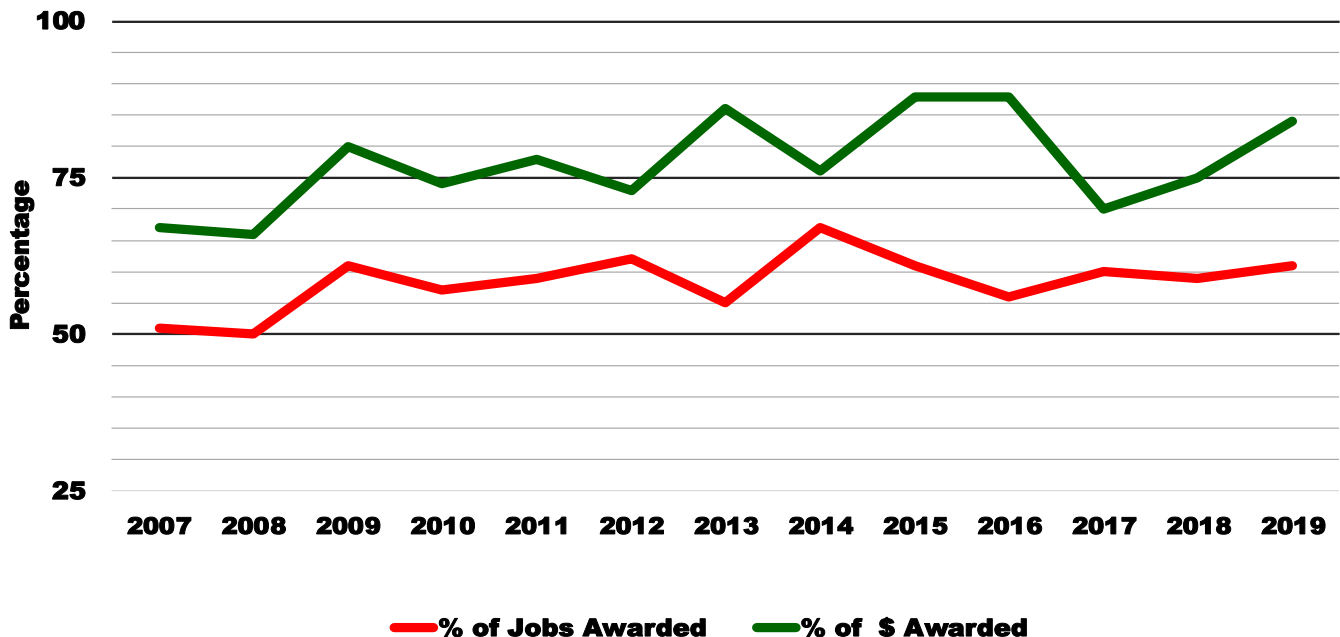
CONTRA COSTA CHAPTER

October 2019

Public Works 2008 UPDATE 2020

From time to time we like to bring you up-to-date on our effort to be certain that all contractors performing public works are complying with the various laws and regulations that govern such work. Our effort began in earnest with our "Mission 2000" program in 1997 along with the Northern California Chapter of NECA and Locals 180, 302, and 595. In 2008, Local 302 and the Contra Costa Chapter developed our own program focused entirely on projects here in Contra Costa County. We hired Tim Pangilla as Compliance Facilitator, and he has built a very cost-effective program, the net result of which is approximately 20% more public works dollars going to our NECA-IBEW employers. Graphically, it looks like this:

NECA-IBEW Market Share of Public Works Projects in Contra Costa County



Tim's Most Recent Full Report may be viewed [here](#).

For the past eleven years, we have been fortunate to have Tim Pangilla as our point person in the industry monitoring the public works market and providing enforcement. Last month, Tim notified us of his plans to retire in February, and that we need to start thinking about finding a replacement -- as if this was going to be an easy thing to do. It is not.

When we made the decision to create and fund a full-time compliance person to cover the public works projects in Contra Costa County, we interviewed a number of candidates, including people that had worked in public works compliance before. Tim stood out as the best option at the time, and has developed the position beyond our expectations. Through the years he has added a number of functions to the position, including letting our employers know what jobs are coming out to bid, what jobs require pre-qualification and which awarding authorities are using invitational bids. He has worked with the Labor Commissioners Office and the Contractors State License Board to eliminate any unfair advantage some contractors might try to gain by not complying with all of the regulations that you must comply with and he has done this in the face of significant weakening of the interpretation of "electrical work;" the unintended result of Electrical Certification. We are going to miss him. That's the bad news. The good news is that he has offered to train his replacement.

Our LMCC will be taking applications for the Compliance Facilitator position, effective immediately. Interested applicants should provide a letter of interest and resume to:

Tom Hansen, Chairman
Labor-Management Cooperative Committee and Trust
c/o IBEW Local 302
1875 Arnold Drive
Martinez, CA 94553

If you know of someone that may be interested, please encourage them to apply. Some people may be surprised to learn that we are not looking for a "bull in a China shop." The person must be comfortable walking on to a construction project and talking to workers on the job. They must be a self-starter and work with limited direct supervision. If someone would like to know what the Committee would be looking for in a candidate, show them a picture of Tim.

SAVE! the DATE!

December 12th, 2019

SIGNIFICANT CHANGES TO THE 2017 NEC

Featuring Michael Johnston

Zio Fraedos Restaurant, Pleasant Hill, CA
11:45 a.m. - 1:30 p.m. (Lunch Included.)

2017 NEC Handbook Dedicated to NECA's Johnston

The 2017 edition of the National Electrical Code (NEC) Handbook has been dedicated to Michael J. Johnston, the National Electrical Contractors Association's Executive Director of Standards and Safety.

Johnston, who chairs the NEC Correlating Committee, was chosen by editors of the handbook because of his exceptional leadership during both the 2014 and 2017 revision cycles of the NEC.

"It is an honor to be recognized by this group," Johnston said. "What a cool thing for NECA, too, as it recognizes NECA's continued and long-standing significant contributions and commitment to the NEC development process."

Editors of the handbook include editor-in-chief Mark W. Earley as well as Christopher D. Coache, Mark Cloutier, Gil Moniz and Derek Vigstol.

The news came during the awards ceremony at the Electrical Section Reception and Dinner at the National Fire Protection Association's Conference & Expo earlier this month.



"The 2017 NEC revision cycle has brought extraordinary changes to how the work gets done. Mike's exemplary organizational and communication skills ensured that the panel members and correlating committee members were well prepared to embrace the changes and complete their all-important work of revising the NEC," Mark Earley, NFPA's chief electrical engineer, told the association.

Based on the 2017 NEC, the NEC Handbook clarifies concepts for a better understanding of the Code. It's a powerful communication tool that helps you explain the NEC to clients and others who might not have professional electrical training. It reflects industry trends and Code changes that impact residential, commercial, and industrial work.

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AB 450 Immigration Worker Protection Act

We are reminding contractors that in 2017 California passed a new law, the Immigration Worker Protection Act that prohibits employers from voluntarily cooperating with ICE. In brief, under the new law, employers are prohibited from allowing immigration enforcement agents into non-public areas of the workplace without a judicial warrant and from allowing ICE agents to access, review or obtain employee records without a subpoena or judicial warrant. (There is an exception to this requirement for Notices of Inspection, which are generally letter requests for Form I-9s and sent to an employer at least 3 days in advance of the inspection). The new law also requires employers to provide their employees with certain written notices when the employer is notified that it will be inspected by ICE. (The Labor Commissioner is required to develop a template notice before July 1, 2018, which it will likely make available on its website). Employers who violate the new law will be subject to penalties ranging from \$2,000 to \$5,000 for first violations, and \$5,000 to \$10,000 for subsequent violations.

It's recommended that contractors educate their managers and any employees likely to encounter an ICE agent (such as receptionists, security officers, jobsite foremen, etc.) not to provide access to ICE agents unless they produce a judicial warrant, and not to voluntarily provide them with any employee records. Field employees should be advised to contact a foreman or management if approached by ICE, and to take a picture of any "official-looking" paperwork presented by ICE to send to a manager (if the manager is not present) or to your main office for review. Managers/foremen should also be instructed to contact upper management if approached by ICE, and to provide upper management with any "official-looking" documents presented by ICE. ICE agents should be politely told to wait in a public area (which may be outside or on the street, in some cases) until they have contacted upper management. ICE agents may act like they have the authority to demand access to employee records or non-public work areas without a warrant or subpoena, they do not—giving in to their demands when they do not have the proper documentation may subject the company to penalties.

If contractors are not doing so already, you should keep all Form I-9s in a separate file. (You can put a copy of the employee's Form I-9 in their personnel file as well). You should also be using the most recent Form I-9 for new hires. Following is a link to the current Form I-9 (released Jul. 17, 2017): <https://www.uscis.gov/i-9>

In early January, 2018, US Immigration and Customs Enforcement also updated its I-9 Handbook for Employers (available at <https://www.uscis.gov/i-9-central/handbook-employers-m-274>) which we suggest you print out for your office or jobsite use.

Conducting an I-9 audit, is also recommended.

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Sexual Harassment Prevention Training Update

On August 30th, 2019, Governor Newsom signed SB 778 which delays the implementation of the new sexual harassment prevention training requirements and any refresher training. As SB 778 contained an urgency clause, the delay went into effect immediately upon Governor Newsom's approval.

SB 778 makes the following modifications to the sexual harassment prevention training requirements that were added on January 1, 2019 as a result of last year's SB 1343.

The deadline for covered employers to have provided sexual harassment prevention training to all nonsupervisory employees is now January 1, 2021.

Employers who have already trained supervisory and/or non-supervisory employees in 2019 will not be required to re-train until 2021.

California Supreme Court Adopts Broad New Misclassification Test

The California Supreme Court has adopted a new legal standard that will make it much more difficult for businesses to classify workers as independent contractors. Specifically, the court adopted a new standard for determining whether a company "employs" or is the "employer" for purposes of the California Wage Orders.

Under the new "ABC" test, a worker is considered an employee under the Wage Orders unless the hiring entity establishes all three of these prongs:

- A. the worker is free from the control and direction of the hirer in connection with the performance of the work, both under the contract for the performance of such work and in fact;
- B. the worker performs work that is outside the usual course of the hiring entity's business; and
- C. the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity.

This decision not only expands the definition of "employee" under the California Wage Orders, it also imposes an affirmative burden on companies to prove that independent contractors are being properly classified.

From an industry standpoint, this decision is a seismic shift for California wage and hour law. The nonunion sector will have a much more difficult time classifying employees as independent contractors. The court now imposes a burden on businesses to defend their classification of workers as independent contractors. Misclassification of such workers will result in significant legal exposure with respect to wage and hour compliance.

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Federal OSHA Reporting Requirement

Effective January 1, 2017, employers in states regulated by federal OSHA were required to electronically submit Log 300 records of injuries and illnesses. As this was a federal program change, state-run safety and health programs like CalOSHA were required to respond and comply to the change. CalOSHA has not yet completed its review of this change.

However, on April 30, 2018, federal OSHA posted a "trade release" REQUIRING all affected employers to submit injury and illness data in the federal OSHA Injury Tracking Application (ITA) online portal, even if the employer is covered by a state plan that has not completed adoption of their own state rule.

Please review the following link: [Log 300 Recording and Reporting Occupational Injuries and Illnesses, with Anti-Discrimination Provisions](#). The links contained in the notice provide instructions on how to access the ITA.

Construction employers with a workforce from 20 -249 employees must report their log 300 information for the year 2017 through the ITA portal by July 1, 2018.



The NECA Learning Center

NECA offers a wide range of educational programs for your professional growth and your company's future.

FROM THE NECA LEARNING CENTER YOU CAN:

- View available courses in the Course Catalog
- Take on-demand online training
- Print certificates and transcripts
- Download receipts
- And much more

[View the Learning Center FAQ Here.](#)

NEW COURSES AVAILABLE INCLUDE:

[State-Approved Code Courses for CEUs](#)

Project Management courses topics such as on [notifications](#), [requests for information](#), [crew size and structure](#), and [project contracts](#).

[General Business](#) courses on topics such as [Conflict Resolution](#), [Creating Strong Team Culture](#), [Managing Different Generations](#), [Note Taking](#), [Stress Management](#) and [Time Management](#)

If you do not have your login information to enter the National NECA Website, contact Sharon Spare at the Chapter office via email (sspare09@sbcglobal.net) or call 925-372-3222 x10 for assistance.



Charlie Trout's

CODE QUESTION OF THE DAY

Do you know all the ins and outs of the Code?

NECA and Electrical Contractor magazine are pleased to present their daily online feature, "Code Question of the Day."

One good way to try to keep up with the technical side of electrical installations is to sign up for Charlie Trout's NEC Question of the Day. Every weekday there will be a new featured question as well as the question and answer from the previous day. Click [here](#) to see an example. To sign up for the free subscription click [here](#). It takes less than a minute and it is free.



SYNERGY eLinks

[MARKET SHARE REPORT SEPTEMBER 2019](#)

[GUIDE TO NEBF PARTICIPATION AGREEMENTS
FOR NON-BARGAINING EMPLOYEES](#)

[DISCLOSURE ABOUT AN EMPLOYER'S PARTICIPATION IN A
MULTIEMPLOYER PLAN](#)

[2019 INSIDE WIREMAN HOLIDAYS](#)

[SOUND AND COMMUNICATION AGREEMENT WITH UPDATED
WAGE SCHEDULES FEBRUARY 2019](#)

[NEBF 2018 ANNUAL FUNDING NOTICE](#)



CONTRA COSTA CHAPTER

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www.ccneca.org

October 2019

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
			Sound & Communication Apprenticeship Interviews 10:00 a.m.			
20	21	22	23	24	25	26
		JATT Training Center Martinez 2:00 p.m.				
27	28	29	<u>30</u>	31		



November 3rd Daylight Saving Time Ends