

## Boys Will Be Boys

### ... But, Not Here!

Like it or not, at the field level, the construction industry tends to be a male-dominated industry. Because of this, we sometimes lose sight of what workplace civility calls for in certain situations. When it comes to interpersonal conflicts on the job, companies should double down on their compliance efforts, if for no other reason than because of the interesting cast of characters that make their living in construction.

A recent case reinforces the line between poking fun and inflicting emotional damage. Please take the time to read the effort brought by the [United States Equal Employment Opportunity Commission](#) against a construction industry employer that involved same-sex harassment between two heterosexual males. Early sexual harassment cases typically involved a male supervisor harassing a female subordinate. Later the courts recognized that a female supervisor was equally capable. Today, there are lawsuits by employees of the same sex and same sexual orientation and it is still considered sexual harassment. Here is the scary part



of this case: My reading of what the supervisor actually did is not too much different than something every guy has seen at one time or another in a locker room or out on the field of play. Do not let that be your standard of acceptability in the workplace. You may remember that Stephen Ross, the owner of the Miami Dolphins, learned this lesson the hard way when Johnathan Martin quit the team last fall because he had taken everything he was going to take from Richie Incognito, a fellow lineman on the team.

An employer's liability in a sexual harassment case depends on the harasser. If it is a co-worker, you might only be liable for your negligence in not controlling the workplace conditions. If it is a supervisor and the episode results in an adverse action against the victim (firing, demotion), you may be found strictly liable for damages.

Ask yourself this question: How disappointed would you be if one of your foremen got you pulled into five years of litigation and a loss approaching \$500,000 just because he thought someone on your job was not as "manly" as he should be?

The point of all this is to say that employers must be vigilant about the fact that all of their supervision and all of their employees know that harassment of any kind will not be tolerated. Nobody should have to feel uncomfortable coming to work. Not even a strapping, well paid NFL lineman.

We have attached a [Policy Against Harassment](#) for you to adopt as a company policy, in the event you do not already have one in place.

## **Change Order** **Management in Electrical Construction:**

**One of the Industry's most Vexing Problems is the Change Order.**

Changes which significantly alter the nature of the work or the materials to be installed are highly disruptive; so are substantial numbers of allegedly "insignificant" changes. In many cases, changes alter the sequence of scheduled activities. Often they require rework of installations, which have already been completed in order to accommodate the new design. Change orders usually divert some manpower and equipment needed for the original contract work. In addition to these expensive impacts on unchanged work, each change order is generally much more expensive to perform than an equivalent amount of work in the basic contract.

Most common causes for a change order can vary from one project to another, but still they are additions that need to be quantified in terms of money and time. Change orders, sometimes are a headache when the complexity and time frame of the requested job are tight. Most common causes for change orders can sometimes lead to legal battles, disputes and arbitration. Understand and minimize these impacts by attending this course.



*Dr. Awad Hanna*

The cost for this course is \$295 (NECA members) \$400 (Non-NECA members). It will be held May 1, 2014 at the NorCal NECA Office, 6300 Village Pkwy, Dublin, CA, from 8:30 a.m. to 4:30 p.m. Course duration/CEUs: Full day/0.6 CEU. Dr. Awad Hanna; University of Wisconsin-Madison, will be the instructor for this course. To register, contact Darlene Besst at [darleneb@norcalneca.org](mailto:darleneb@norcalneca.org).

## **CALCTP-AT Acceptance Certification**

**The new Building Energy Efficiency Standards Title 24, Part 6,  
will take effect on July 1, 2014.**

As reported over the last few months, the most significant efficiency improvements to the non-residential standards are proposed for lighting controls and building commissioning. The new regulations require commercial buildings (new and remodeled) comply with new acceptance testing requirements. Currently, CALCTP is the only training and certification organization authorized by the state to train and certify lighting controls acceptance test contractors and field testers for the new 2014 code.

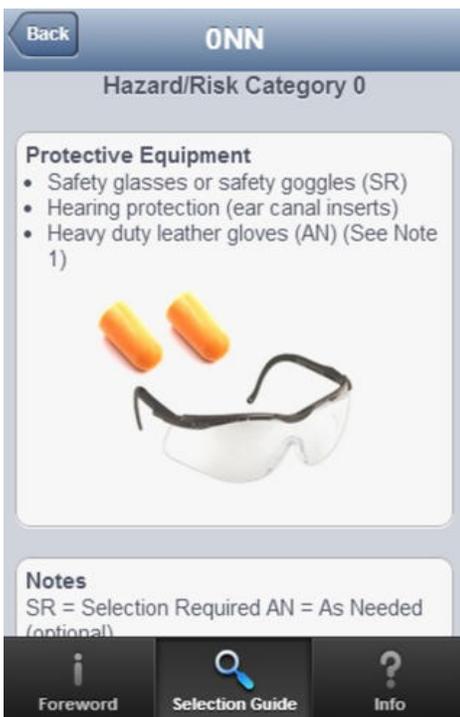
Contractors are urged to become CALCTP-AT certified. For contractors, a six-hour CALCTP-AT course is being offered in San Leandro at the ZNE Center on May 15, 8 AM-2 PM, and at the Napa Training Center in Napa (sponsored by the Electrical Contractors Trust of Solano & Napa Counties) on May 21, 8 AM-2 PM. The cost for both classes is \$50 per participant. To register, contact Darlene Besst at [darleneb@norcalneca.org](mailto:darleneb@norcalneca.org).



# Safety

## PPE SELECTOR APP ENHANCES SAFETY ON THE GO

The NFPA 70E Standard for Electrical Safety in the Workplace specifies what type of personal protective equipment is needed, depending on the task at hand, to protect against shock and arc flash. Our best-selling publication [NFPA 70E PPE Selector](#) (Index# 5024-12) distills information from the standard. And, now we are proud to introduce a new mobile application based on that popular publication. The **NECA Personal Protective Equipment (PPE) Selector App** is task-based and helps users determine quickly the level of personal protective equipment that must be worn based on the level of incident energy. Priced at \$4.99, the app is available in the iTunes and Google Play stores for both mobile and tablet devices.



**Get your NECA  
Personal Protective  
Equipment (PPE)  
Selector App.**



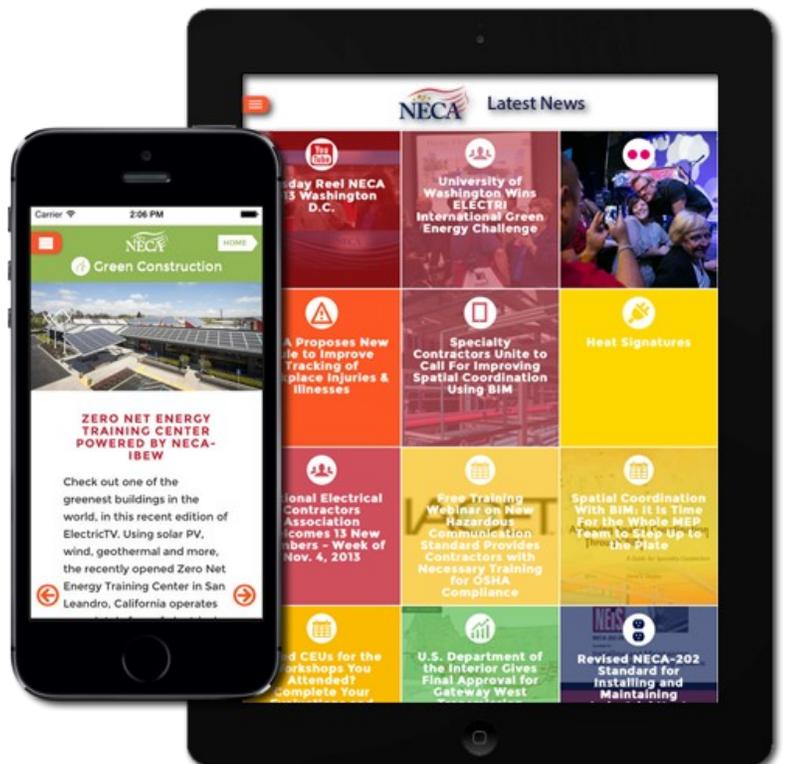


# News

**THE NEW WAY  
TO STAY UP-TO-DATE WITH NECA**



**Introducing: NECA's News App,**  
available for mobile and tablets in the  
iTunes and Google Play stores.



# POLITICO ALERT

[www.PoliticoOnline.com](http://www.PoliticoOnline.com) "Connecting you to California"

1127 11<sup>th</sup> St., Suite 747 / Sacramento, CA 95814 / (916) 444-3770 / FAX (916) 442-6437

California's prompt payment laws are scattered throughout the state's Business and Professions Code, Public Contracts Code and Civil Code, and their applicability varies depending on the type of project, the type of payment, and who is paying.



Keeping the statutory payment requirements straight can at times become confusing. Click [HERE](#) to view a summary of the state laws regarding payment timelines, payment withholdings and penalties.

**PROMPT  
PAYMENT**



**NECA**  
SEPT.  
27-30 **2014**  
CHICAGO



## Save the Date!

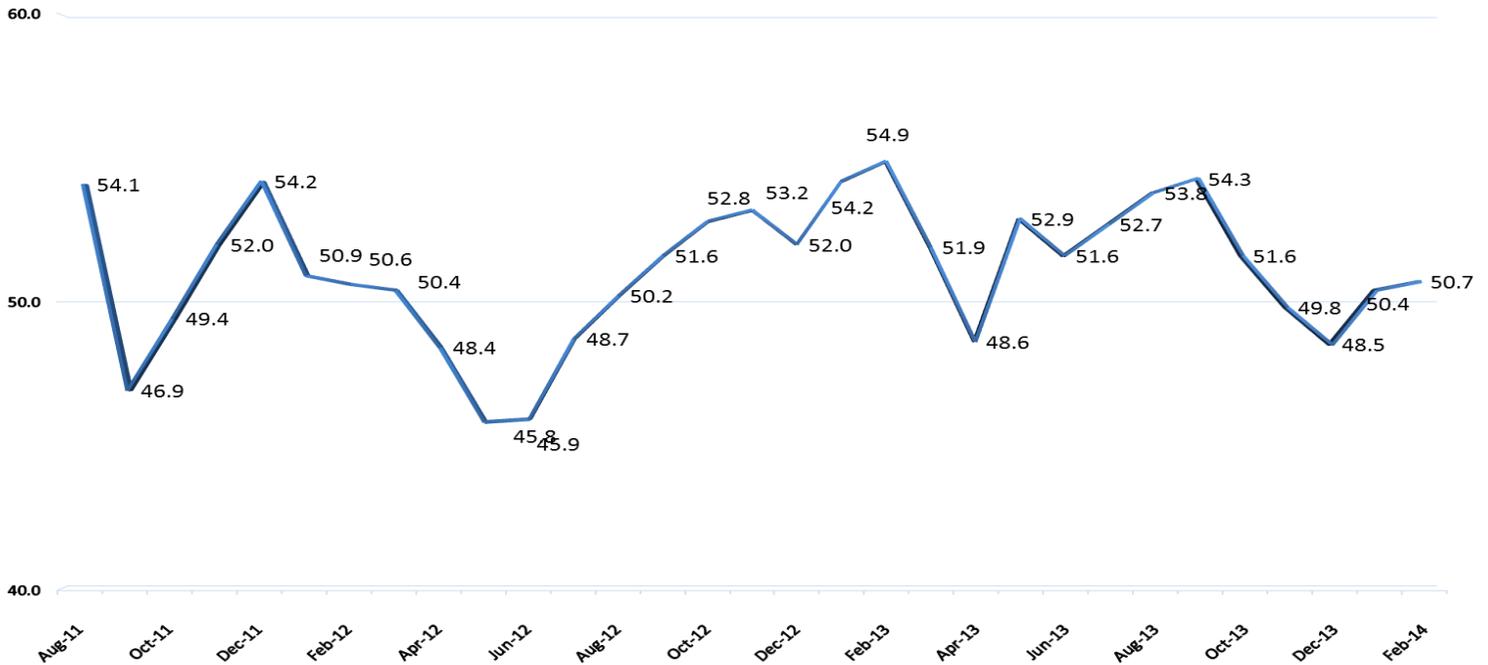
Plan to attend the 2014 NECA convention & trade show at McCormick Place West in Chicago, IL.

<http://www.necaconvention.org/>



# Architecture Billings Index

February 2014—Index 50.7



**Any score above 50 indicates an increase and score below 50 indicates a decline.  
Click [Here](#) to read full article.**



**SYNERGY**  
eLinks

**[Policy Against Harassment](#)**

**[United States Equal Employment Opportunity Commission  
Boh Brothers Construction Co. vs. EEOC](#)**

**[Politico Alert: Summary of State Laws regarding Payment Timelines,  
Payment Withholdings, and Penalties](#)**

**[Department of Industrial Relations State of California News Release:  
Record \\$17.7 Million in Unpaid Wages Returned to Workers on Public Works Projects in  
2013](#)**

**[Personal Best](#)**



# April 2014

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2	3	4	5
<b>2014 District IX Spring Meeting</b> Ojai Valley Inn & Spa April 3-4						
6	7	8	9	10	11	12
		<b>Inside Negotiations</b> 2:30 / 4:00 p.m. Martinez Training Center		<b>JATC</b> 3:00 p.m. Martinez Training Center		<b>Partnering Session</b> 7:30 a.m. Crown Plaza
13	14	15	16	17	18	19
		<b>Inside Negotiations</b> 2:30 / 4:00 p.m. Martinez Training Center	<b>Statewide LMCC</b> 9 a.m. to 3 p.m. San Leandro			
	21	22	23	24	25	26
		<b>Inside Negotiations</b> 2:30 / 4:00 p.m. Martinez Training Center				
27	28	29	30			
		<b>Electrical Industry Trust</b> 11:45 a.m. Primas				



**CONTRA COSTA CHAPTER**  
 1024 Court Street, Martinez, CA 94553  
 (925) 372-3222  
[www.cneca.org](http://www.cneca.org)