



# SUMMER

OUR 58TH YEAR

CONTRA COSTA CHAPTER

FEBRUARY 2021

## Inside Wireman Wage/Fringe Increase Effective March 1, 2021

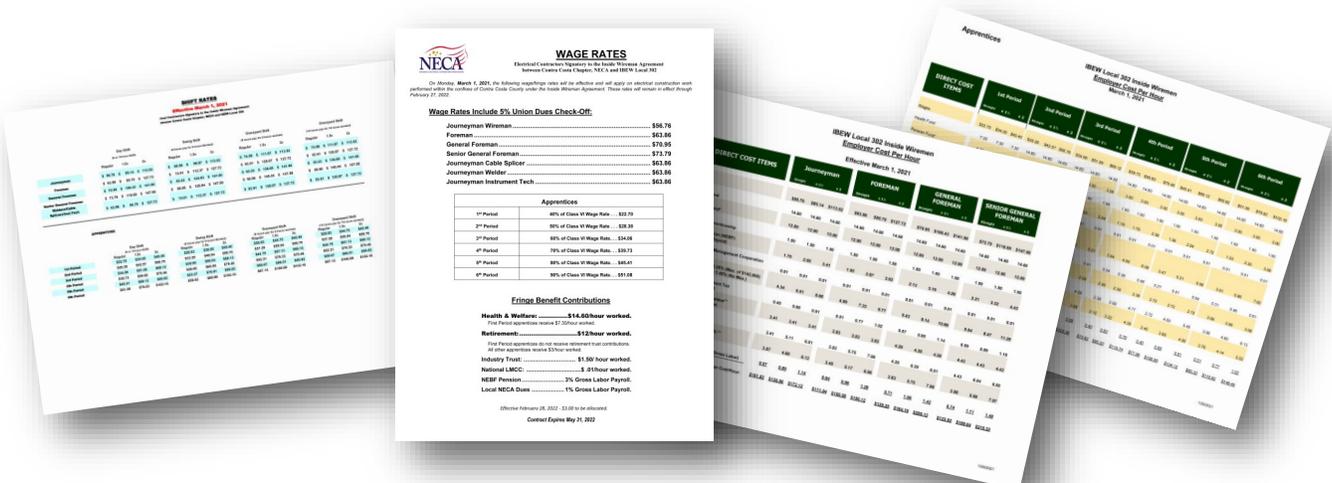
The members of IBEW Local 302 have voted to allocate their \$3.00 increase under the Wireman's Agreement as follows:

- \$1.50 . . . to Wages
- \$1.00 . . . to Pension
- & \$0.50 . . . to Health and Welfare.

**These changes take place on Monday, March 1, 2021 (not February 1<sup>st</sup>).**

One of the items we addressed during the recent negotiations was gradually increasing the Retirement Trust contributions on apprentices in years 2-5, until their retirement percentage matches their wage percentage. As a result, those apprentices will receive the full \$1.00 contribution on the money that was allocated to the Retirement Trust this year.

We have updated our wage rate sheet, cost-per-hour sheets, and shift rates (please see links below). The new agreement booklets should be available by end of February.



[New Wage Rates](#), [Cost-Per-Hour Sheets](#), and [Shift rates](#) reflecting the \$3.00 hour increase can be found at: <http://www.cneca.org/Wages.html>

The next increase in the total package will take place on February 28, 2022 and will also be \$3.00/hour. The agreement expires on May 31, 2022.

# POLITICO ALERT

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**As there have been new and moving parts regarding employer responsibilities related to COVID-19, we have been fielding new questions in that area. Below you will find responses to the most frequently asked questions we have received.**

## **What Are the Current COVID-19 Related Paid Time off Requirements?**

The most recently federal COVID-19 relief measure that was passed in late December of 2020 **did not** extend the federal "Emergency Paid Sick Leave Act," which is the requirement that employers (with less than 500 employees) provide up to 80 hours of paid sick and family leave under the Families First Coronavirus Relief Act (FFCRA). Although, the new federal relief bill **did** extend the availability of the refundable tax credit under the FFCRA until the end of March, 2021. This allows employers to provide COVID-19 related leave voluntarily to employees that have not fully exhausted the 80 hours of paid leave under that program and still be eligible for the federal payroll tax credit to help offset costs.

AB 1867, which established the state requirement for employers with over 500 employees to provide COVID-19 supplemental paid sick leave, also expired on December 31, 2020, along with the expiration of the federal "Emergency Paid Sick Leave Act," as AB 1867's sunset was tied to the federal law.

California's Department of Industrial Relations has confirmed that both programs have expired.

- See here: [California's Supplemental Paid Sick Leave Expired on December 31, 2020.](#)

The new [Cal/OSHA COVID-19 Emergency Temporary Standards \(ETS\)](#) requires employers to "continue and maintain an employee's earnings, seniority, and all other employee rights and benefits," if an employee is "**able and available to work,**" but must **be excluded from the workplace because they were exposed to the virus at work** and must quarantine. In this scenario, a contractor must continue to provide an employee their pay and benefits while they are in quarantine, if the employee was exposed to the virus on the jobsite. Under the regulations, an employer may require the employee to exhaust any paid sick leave benefits before providing exclusion pay, and may offset payments by the amount an employee receives in other benefit payments. These obligations do not apply if an employer establishes the employee's exposure was not work-related. In addition, Cal/OSHA does not consider an employee receiving workers' compensation temporary disability benefits for wages lost during the period in which they are excluded from the workplace to be "able and available to work." Therefore, an employee cannot receive both types of benefits.

Cal/OSHA has recently updated their [FAQs on the Cal/OSHA COVID-19 Emergency Temporary Standards](#). They are very comprehensive and address many questions. Please take a moment to review.

It should be noted, that with the refundable employer payroll tax credit for paid leave under the FFCRA being extended through March of 2021, a contractor with less than 500 employees has the ability to use the federal employer payroll tax credit to offset any exclusion pay incurred under the requirements of the ETS, so long as the employee has not exhausted all 80 hours of paid time off under the FFCRA program.

## **What Are the Current COVID-19 Related Notification Requirements?**

There are three statewide COVID-19 incident notification requirements that contractors need to be aware of. Two are legislatively mandated (AB 685 -employee/union/subcontractor notice & SB 1159 - workers' compensation notice) and one is regulatorily mandated (Cal/OSHA COVID-19 Emergency Temporary Standards). Below is a simple overview of the requirements of each.

### **SB 1159**

Report any positive case to your workers' compensation carrier. The report must be made via email or facsimile within three business days of learning of the case and contain the following information:

- An employee has tested positive, without revealing any personal information about the employee.
- The date the employee had their specimen taken for their test.
- The address of the worksite to which the employee reported.
- The highest number of employees who reported to that worksite over the preceding 45-day period.

### **AB 685**

Upon learning of a positive case in the workplace, an employer, within one business day, must provide the following written (includes text and email) notice:

- To all employees (and their exclusive representative, if any), and the employers of subcontracted employees who were on the premises at the same worksite as the "qualifying individual with the infectious period" notice that they may have been exposed to COVID-19.
- To "all employees who may have been exposed" (and their exclusive representative, if any) information about COVID-19-related benefits to which they may be entitled under federal, state or local laws, as well as employer-provided benefits.
- To all employees (and their exclusive representative, if any) information about the disinfection and safety plan in place in accordance with Centers for Disease Control and Prevention (CDC) guidelines.

## **Cal/OSHA COVID-19 Emergency Temporary Standards**

Upon learning of a positive case in the workplace, an employer, within one business day, must:

- Notify all employees (and their employees' authorized representatives), as well as independent contractors and employers of other workers who may have been exposed to COVID-19, in a manner that does not reveal the COVID-19 case's personal identifying information.

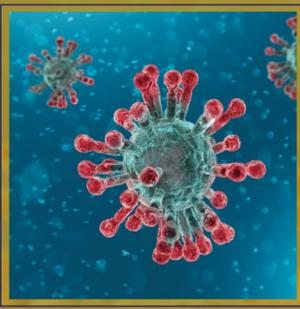
## **Is Construction Provided COVID-19 Vaccine Priority?**

The State's vaccine distribution plan ([Vaccinate All 58](#)) includes efforts to prioritize segments of the population for inoculation. By way of background, Governor Newsom formed two advisory bodies to make scientific, evidenced-based recommendations for the roll out of the COVID-19 vaccination. The [Drafting Guidelines Workgroup](#) was tasked with developing California-specific guidance for the prioritization and allocation of vaccines when supplies are limited and the [Community Vaccine Advisory Committee](#) (Advisory Committee) provided input and feedback to the planning efforts and on resolving barriers to equitable vaccine implementation. During the process, we had been advocating for construction to receive some level of priority.

We have confirmed that construction will fall under Phase 1B Tier Two. Per the State's webpage (<https://covid19.ca.gov/vaccines/>), Phase 1B Tier Two covers:

- Those at risk of exposure at work in the following sectors:
  - Transportation and logistics
  - Industrial, commercial, residential, and sheltering facilities and services
  - Critical manufacturing
  - Congregate settings with outbreak risk: Incarcerated & Homeless

The construction essential workforce designation is covered under "Sector Index 13" of the [essential workforce definitions](#), which is titled "industrial, commercial, residential, and sheltering facilities and services."



# PPP Loan Update and Second Draw Process

## What is the Coronavirus?

Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the Severe Acute Respiratory Syndrome (SARS)-CoV-2 virus. The current mutation is a new strain of the SARS virus and no individual has any immunity prior to an exposure. The CDC has reported that testing has begun on a vaccine but for now, everyone should prepare and plan for possible impacts resulting from COVID-19. It has spread from China to many other countries around the world, including the United States.

**Jef Fagan, NECA General Counsel**

The Small Business Administration, along with the Department of the Treasury, released updated information and guidance related to the Paycheck Protection Program (PPP), specifically the “second draw loans” recently established by Congress.

**The full release and guidance can be found [here](#).**

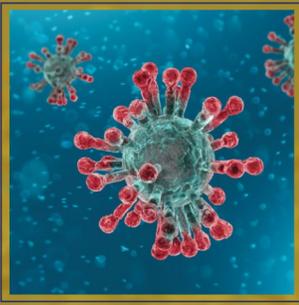
While NECA strongly encourages its members to work directly with their lenders and legal counsel on determining eligibility and loan amounts, the following summary assisted by our friends at [Lanigan, Ryan, Malcom and Doyle, P.C.](#) is very helpful and informative.

### Changes to Original PPP Loan and Process

- The last day to apply for and receive a PPP loan (original or “Second Draw”) is March 31, 2021.
- New borrowers can use 2019 or 2020 for purposes of calculating their maximum loan amount.
- Loan forgiveness covered period is the period beginning on the date the lender disburses the PPP Loan, and ending on any date selected by borrower between 8 and 24 weeks after date of disbursement.
- Eligible entities now include: Section 501(c)(6) organizations, destination marketing organizations, and certain news organizations.
- For 501(c)(6) orgs, they qualify as long as:
  - ◆ Does not receive more than 15% of its receipts from lobbying activities;
  - ◆ Lobbying activities of the organization do not comprise more than 15% of the total activities of the organization;
  - ◆ Cost of the lobbying activities of the organization did not exceed \$1m during the most recent tax year of the organization that ended prior to Feb 15, 2020; and
  - ◆ The organization does not employ more than 300 employees.
- In addition to payroll, rent, mortgage interest and utility expenses, PPP loans can now be used for:
  - ◆ covered operations expenditures—payments for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses.
  - ◆ covered property damage costs—costs related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation.



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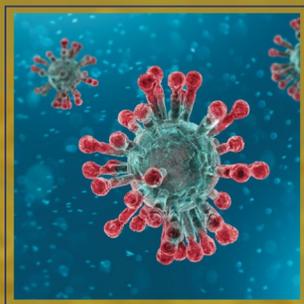


- ◆ covered supplier costs—expenditures made by a borrower to a supplier of goods for the supply of goods that are essential to the operations of the borrower at the time at which the expenditure is made; and is made pursuant to a contract, order, or purchase order—(i) in effect at any time before the covered period with respect to the applicable covered loan; or (ii) with respect to perishable goods, in effect before or at any time during the covered period with respect to the applicable covered loan.
  - ◆ covered worker protection expenditures—operating or a capital expenditures to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration, or any equivalent requirements established or guidance issued by a State or local government, during the period beginning on March 1, 2020 and ending the date on which the national emergency with respect to the COVID-19 expires related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19.
- The Economic Injury Disaster Loan (EIDL) Advance Amount received by the borrower will not reduce the amount of forgiveness to which the borrower is entitled and will not be deducted from the forgiveness payment amount that SBA remits to the lender.
  - Any EIDL Advance Amounts previously deducted from a borrower’s forgiveness amount will be remitted to the lender, together with interest to the remittance date.
  - If a partnership received a PPP loan that did not include any compensation for its partners, they can request that their original PPP loan amount be increased to include appropriate partner compensation.
  - PPP borrowers who can reapply or request an increase in their PPP loan amount:
    - ◆ If a borrower returned all of a PPP loan, the borrower may reapply for a PPP loan in an amount the borrower is eligible for under current PPP rules.
    - ◆ If a borrower returned part of a PPP loan, the borrower may reapply for an amount equal to the difference between the amount retained and the amount previously approved.
    - ◆ If a borrower did not accept the full amount of a PPP loan for which it was approved, the borrower may request an increase in the amount of the PPP loan up to the amount previously approved.

### Second Draw of PPP Money

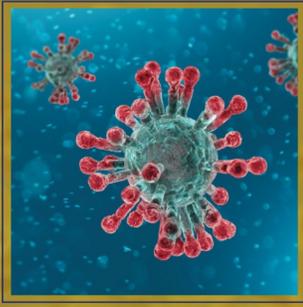
- Eligibility:
  - ◆ Available to borrowers that previously received a PPP loan and have used or will use the full amount of the initial PPP loan for authorized purposes on or before the expected date of the disbursement of the “Second Draw PPP Loan”;
  - ◆ Has 300 or fewer employees; and
  - ◆ Experienced a revenue reduction in 2020 relative to 2019.





- This is calculated by comparing the borrower's quarterly gross receipts for one quarter in 2020 with the borrower's gross receipts for the corresponding quarter of 2019.
- If borrower was in operation all four quarters of 2019, they could also meet this requirement if it experienced a reduction in annual receipts of 25% or greater in 2020 compared to 2019.
- Gross receipts include all revenue in whatever from received or accrued (in accordance with the entity's accounting method) from whatever source including:
  - ◆ Sale of products or services
  - ◆ Interest
  - ◆ Dividends
  - ◆ Rents
  - ◆ Royalties
  - ◆ Fees/commissions
  - ◆ Reduced by returns and allowances
- Gross receipts do not include:
  - ◆ any forgiveness amount from original PPP loan
  - ◆ taxes collected for and remitted to a taxing authority if included in gross or total income
  - ◆ proceeds from transactions between its domestic or foreign affiliates (special rules for companies that were acquired/acquiror)
- Maximum loan is lesser of 2.5 months of borrower's average monthly payroll cost or \$2m.
  - ◆ Calculated in the same manner as original PPP
  - ◆ Can use 12-month period prior to when the loan is made (i.e. 2020) or calendar year 2019.
- Businesses that are a part of a single corporate group cannot receive more than \$4M of Second Draw PPP Loans in the aggregate.
- Loan terms are same as original PPP loan:
  - ◆ SBA guarantees the loan
  - ◆ No collateral required
  - ◆ No personal guarantees required
  - ◆ Interest rate is 1% calculated on a non-compounding, non-adjustable basis
  - ◆ Maturity is five years
- Affiliation rules still apply.
- Must submit to the lender SBA Form 2483-SD including the required certification and proper documentation.
  - ◆ If using same lender as original PPP loan and using same calendar year (i.e. 2019) for determining loan amount as original PPP, then no need to resubmit payroll documentation.





- ◆ If loan is less than 150k, then applicant does not need to submit documentation when applying for loan but will need to do so when applying for forgiveness.

- As with most of the COVID-19 legislation and regulation, additional guidance is likely forthcoming. NECA will updated its resources as necessary. Please seek competent legal advice for assistance with any specific factual scenarios.

*This material is for informational purposes only. The material is general and is not intended to be legal advice. It should not be relied upon or used without consulting a lawyer to consider your specific circumstances, possible changes to applicable laws, applicable CBAs, prime contracts, subcontracts, rules and regulations and other legal issues. Receipt of this material does not establish an attorney-client relationship.*

**[SBA Website Page for further information on First Draw PPP Loans](#)**

**[PPE First Draw Borrower Application Form](#)**

**[SBA Website Page for further information on Second Draw PPP Loans](#)**

**[PPE Second Draw Borrower Application Form](#)**



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## NEWS RELEASE

Release Number: 2021-10

January 26, 2021

### **Cal/OSHA Reminder to Employers: Post 2020 Annual Summary of Work-Related Injuries and Illnesses on February 1**

**Oakland**—Cal/OSHA is reminding employers in California to post their 2020 annual summary of work-related injuries and illnesses, including those related to COVID-19, in a visible and easily accessible area at each worksite. The Form 300A summary must be posted each year from February 1 through April 30.

Instructions and form templates are available for download from Cal/OSHA's [Record Keeping Overview](#). The overview gives instructions on completing both the log (Form 300) and annual summary (Form 300A) of work-related injuries and illnesses. The annual summary must be placed in a visible and easily accessible area at each worksite.

Employers that are required to record work-related fatalities, injuries and illnesses must record a work-related COVID-19 fatality or illness like any other occupational illness. To be recordable, an illness must be work-related and result in one of the following:

- Death.
- Days away from work.
- Restricted work or transfer to another job.
- Medical treatment beyond first aid.
- Loss of consciousness.
- A significant injury or illness diagnosed by a physician or other licensed health care professional.

If a work-related COVID-19 case meets one of these criteria, then covered employers in California must record the case on their 300, 300A and 301 or equivalent forms.

Posting of the summary helps ensure workers are aware of work-related injuries and illnesses that occurred the previous year. Current and former employees and their representatives are entitled to a copy of the summary or the log upon request.

The 2020 definitions and requirements for recordable work-related fatalities, injuries and illnesses are outlined in the [California Code of Regulations, Title 8, sections 14300 through 14300.48](#). Employers are required to complete and post the Form 300A even if no workplace injuries occurred.

Many employers in California must also comply with [electronic submission of workplace injury and illness records](#) requirements by March 2nd each year. Cal/OSHA has posted details on which employers are required to submit the electronic reports as well as other information online.

The California Division of Occupational Safety and Health, or Cal/OSHA, is the division within the Department of Industrial Relations (DIR) that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their safety and health programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734).

**Contact:** Erika Monterroza / Paola Laverde, [Communications@dir.ca.gov](mailto:Communications@dir.ca.gov), (510) 286-1161

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)

# NECA/MCAA/SMACNA Issue White Paper to Help Determine Project-Specific Loss of Productivity Related to COVID-19 and Other Impacts

## **“Project-Specific Loss of Productivity Analysis Methodologies”**

(Click [here](#) to download)

There is no question the ongoing COVID-19 pandemic has impacted the construction industry as a whole, including the mechanical, electrical, and plumbing (MEP) trades. National Electrical Contractors Association (NECA), the Mechanical Contractors Association of America (MCAA) and Sheet Metal and Air Conditioning Contractors’ National Association (SMACNA) have aligned the MEP trades in a collaborative effort to bring to you and the construction industry the white paper (see above link), "Project-Specific Loss of Productivity Analysis Methodologies".



### **SYNERGY** eLinks

**Inside Wireman Wage/Fringe Increase Effective March 1, 2021**  
**[New Wage Rates](#), [Cost-Per-Hour Sheets](#), and [Shift rates](#)**

**[COVID-19 Emergency Regulation](#)**  
**[Now in Effect](#)**

**[Workers Compensation](#)**  
**[SB 1159](#)**

**[Workplace Exposure Notice & Reporting AB](#)**  
**[685](#)**

**[Notice of Potential Workplace Exposure to](#)**  
**[Covid-19 Downloads](#)**

**[Expansion of California Family Rights Acts](#)**  
**[SB 1383](#)**

**[Equal Pay Reporting](#)**  
**[SB 973](#)**



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# February 2021

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
						
7  Funny Football Quotes	8	9	10	11	12 Inside Wireman Off-Day Holiday	13
14 Happy Valentine's Day	15 President's Day Holiday (Inside & Sound)	16 Health & Welfare 11:00 a.m.	17	18	19	20
21	22	23 JATC 2:00 p.m.	24	25 Electrical Industry Trust 10:30 a.m.	26	27
28	1	2	3	4	5	6