



# SUMMER

OUR 59TH YEAR

CONTRA COSTA CHAPTER

January 2022



## Contra Costa Chapter, NECA

### **MEMBERSHIP MEETING POSTPONED**

It is with an “abundance of caution” that we must rescind our plans for the January Chapter Meeting. The Omicron Variant of the COVID-19 virus is making its way through the county, with case numbers having doubled during the week before Christmas and more than tripling again since then. As much as we look forward to seeing our members, we do not want to be responsible for anyone getting sick. We will resume our regular Chapter Meetings as soon as it is safe to do so.

The Board of Directors election that would have taken place at the meeting will now be conducted by mail ballot, which you will receive later this week.

### **Sound & Communications Postpones Vacation Withholding**

The parties to the Northern California Addendum No. 2 to the 9th District Sound & Communications Agreement have agreed to postpone the 3% vacation withholding that was to go into effect on January 1, 2022. The parties still plan to implement the 3% vacation withholding at a later date and we will advise you accordingly. Please be sure to update your payroll software so that no vacation withholding occurs at this time.

# POLITICO ALERT

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## **California Issues New Statewide Mask Mandate**

California's Department of Public Health (CDPH) issued a [new mandate](#). Under the order, masks are required for all individuals in all indoor public settings, regardless of vaccination status from December 15, 2021 through January 15, 2022.

CDPH has updated [its guidance](#) to clarify the application of the indoor mask mandate. Previously, the mandate by the CDPH referenced "indoor public settings" without further definition. In the updated guidance, the CDPH clarifies that "the guidance applies to all workplaces, regardless of whether they serve the public, or are open to the public. Masks may be removed, "if the workplace consists of a single employee, or may be removed while an employee is alone in a closed office or room."

Cal/OSHA has also updated its FAQ for the COVID-19 Emergency Temporary Standard (ETS) to state that the ETS requires that employers "provide face coverings and ensure they are worn by employees when required by orders of the California Department of Public Health (CDPH). (8 CCR § 3205(c)(6)(B).) The [December 13, 2021 CDPH guidance](#) is such an order."

## **Cal-OSHA Standards Board Adopts Revised COVID-19 ETS**

The Occupational Safety and Health Standards Board has approved revisions to the [COVID -19 Prevention Emergency Temporary Standards \(ETS\)](#) based on the latest recommendations from the California Department of Public Health. The revised ETS are effective on January 14, 2022 and will be in effect for 90 days

The revisions include the following:

- **Investigating and responding to COVID-19 cases in the workplace:** Employers must continue to properly notify employees, employee representatives and any other workers at a worksite of possible COVID-19 exposures within one business day. This section was updated to give employers more clear instructions on how to notify exposed workers.

**Face Coverings:** Masks must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. Additionally, the definition was updated to include more detail on the different types of acceptable face coverings, including the use of fabrics that do not allow light pass through when held up to a light source.

- **Testing and Exclusion:** The following revisions were made to conform with CDPH recommendations:
  - Employers are required to make COVID-19 testing available at no cost and during paid time to all employees, including those who are fully vaccinated, who have a “close contact” with a COVID-19 case, even if they are asymptomatic.
  - “Covid-19 Test” is now expanded beyond viral tests to include home tests, over-the-counter tests, and point-of-care tests. Importantly, a test cannot be self-administered and self-read unless the employer or an authorized telehealth provider observes.
  - During outbreaks and major outbreaks, employers must now make weekly testing (outbreaks) or twice-weekly testing (major outbreaks) available to asymptomatic fully vaccinated employees in the exposed group.
  - Employees who have recently recovered from COVID-19 and those who are fully vaccinated are not required to be excluded from the workplace after “close contact” but must wear a face covering and maintain six feet of physical distancing for 14 calendar days following the last date of contact.
  - “Worksite” was clarified to not include locations where the worker worked by themselves without exposure to other employees, or to a worker’s personal residence or alternative work location chosen by the worker when working remotely.
- Please note that the definition of “fully vaccinated” was NOT changed to require booster shots.
- **Return to Work Criteria:** The period of time before an employee can return to work after close contact or COVID-19 infection has been revised to be consistent with current CDPH guidelines. These time frames will automatically update if CDPH updates their guidelines pursuant to the Governor’s executive order ([N-84-20](#)). Under the re-adoption, employees who had a close contact but never developed symptoms may return to work after 14 days unless one of the following applies:
  - 10 days have passed since the close contact and the person wears a face covering and maintains six feet of distance from others for 14 days; or
  - Seven days have passed since the close contact, the person tests negative at least five days after the close contact, and the person wears a face covering and maintains six feet of distance from others for 14 days.

Please also note, employers must continue to maintain an effective COVID-19 Prevention Program that includes identifying and evaluating employee exposures to COVID-19 health hazards, training employees on how to prevent hazards and implementing procedures to correct unsafe conditions.

Cal/OSHA is updating its resources to assist employers with understanding their obligations required by the revised ETS. The [COVID-19 webpage](#) contains an [updated fact sheet](#), which describes revisions to the ETS. When the revised ETS become effective, Cal/OSHA will publish updated FAQs. Cal/OSHA’s model [COVID-19 Prevention Program in English and Spanish](#) is a helpful resource for employers to develop and maintain an effective written program.

## **NECA - Electrical Contractors of California Trust**

# **End of Year 2021 Legislative Report**

Link below will take you to an overview of all the pertinent legislation that was passed during the 2021 legislative session that will have an impact on contractors and the construction industry overall. All of the newly enacted laws will become operative January 1, 2022, unless otherwise noted.

**[NECA - ELECTRICAL CONTRACTORS of CALIFORNIA TRUST  
2021 End of Year Legislative Report](#)**



## **The 2021-2022 Edition of the NECA Manual of Labor Units**

NECA is excited to announce the launch of the 2021-2022 edition of the MLU. This edition features new labor units for cable bus, conduit tags, all-threaded hanger rods, coaxial cable, traffic light camera controls and much more.

To provide all NECA members with more options, NECA is releasing an all-new web subscription to enhance user experience. The subscription features the ability to export sections to excel, utilize calculators, customize column factoring and more.



Each NECA member will receive a free copy of the MLU and this cycle NECA is also providing each NECA member company with one seat of access to the new web subscription (a \$385 value)! This subscription will provide access over the life of this edition of the MLU with 2 years of access to the labor units!

**ACCREDITED REPRESENTATIVES WILL RECEIVE AN EMAIL WITH ACCESS INSTRUCTIONS TO THIS NEW SYSTEM WITHIN THE NEXT TWO WEEKS.**

Additional copies can be purchased in the NECA Store.

# Sweeney Mason

## **News Alert:**

### ***Ninth Circuit Upholds California Ban on Mandatory Employment Arbitration Agreements***

In October 2019, Governor Newsom signed AB 51, a bill prohibiting employers from requiring mandatory arbitration agreements as a condition of employment. It applied to all mandatory arbitration agreements entered into or modified on or after January 1, 2020. AB 51 also imposed criminal and civil sanctions for violations of the law.

Two days before AB 51 was set to go into effect, the U.S. District Court for the Eastern District of California issued an injunction in the case of *Chamber of Commerce of the U.S. v. Bonta*, blocking enforcement of AB 51, on the grounds that AB 51 directly conflicted with the Federal Arbitration Act (FAA).

Fast forward to September 15, 2021, when a panel of the Ninth Circuit Court of Appeals issued a 2-1 decision reversing the lower court's injunction. The Ninth Circuit mostly upheld AB 51, finding that it did not conflict with the FAA, but it did invalidate the criminal and civil penalties.

The Ninth Circuit panel's decision does not take effect immediately, however, and it is very likely that the decision will be challenged either to the full Ninth Circuit or to the U.S. Supreme Court. In the meantime, California employers that continue to use mandatory arbitration agreements face risk and uncertainty.

#### Employer Takeaways:

1. Stop requiring arbitration as a condition of employment.
2. Consider voluntary arbitration agreements - but remember, the employer bears the burden of showing it is truly voluntary. Pay close attention to *how* agreements are presented to employees.
  - Make it a standalone document - do not bury it in an employee handbook or make it part of an employment agreement.
  - Give employees sufficient time to review/consult with counsel.
  - Explain, both in writing and orally, that signing the arbitration agreement is voluntary and that there will be no retaliation if they do not sign. It is safe to assume that many employees will not read the full agreement, so explain in an email or short cover letter to the agreement about its voluntary nature.
  - Include specific language in the agreement that makes it clear it is a voluntary agreement and not a condition of employment.
  - Ensure that arbitration is mutual (i.e. requires the employer to arbitrate disputes too, not just the employee).
  - Do not take any actions that could be construed as retaliatory if the employee refuses to sign.
3. Review new hire documents to remove all references to mandatory arbitration.
4. Review existing arbitration agreements.
  - AB 51 applies only to mandatory arbitration agreements entered into or modified on or after January 1, 2020.
  - It does not invalidate agreements entered into before January 1, 2020.
  - Mandatory arbitration agreements entered into between January 1, 2020 and now should be reviewed with legal counsel.

*For more information, please contact our employment team at 408-356-3000 or via email: Roger Mason at [rmason@smwb.com](mailto:rmason@smwb.com) or Rachael Brown at [reb@smwb.com](mailto:reb@smwb.com).*

# ***Joint Apprenticeship and Training Committee***

## ***APPLICATION ANNOUNCEMENT***

Our Inside Wireman's JATC will be taking applications during the month of January 2022 at our Training Center in Martinez, on two Mondays (January 24<sup>th</sup> and the 31<sup>st</sup>) from 12:30 p.m. to 3:30 p.m.

Applicants must be 18 years of age or older, be a high school graduate or equivalent, and must have a full year of high school algebra with a passing grade of C or better. Even at this late date, it is possible for a motivated individual to meet the math requirement by taking the self-paced algebra course offered by the Martinez Adult school, or taking the technical math class online at the Electrical Training Alliance Website.

We rely on our members to look for and encourage interested individuals to apply for our program as the future of this industry depends on our talent pool. Please distribute the announcement which can be downloaded [here](#) to any individual that you believe would be an asset to our industry.

Every statistic we have seen over the past several years from the two parent organizations (NECA and IBEW) project the manpower shortage to continue well into the next decade. We would like to increase the size of our classes accordingly, but we can only do that if we have work opportunities for the apprentices already in the program. We currently have apprentices on the out-of-work list. If you can use an apprentice, please call the dispatcher at Local 302.



### **SYNERGY**

[Joint Apprenticeship and Training Trust Committee Application Announcement](#)

[Sound and Communications Wage/Fringe Benefit Schedules](#)

[CE/CW Wage and Fringe Benefits](#)

[California Harassment Prevention Training Fact Sheet for Employers](#)

[Examples of Various Scams and Things to Look For](#)

[NEBF \(National Electrical Benefit Fund\) Summary Plan Description 2021](#)

[Notice of Summary Plan Information for the National Electrical Benefit Fund](#)



January 2022

Sun                      Mon                      Tue                      Wed                      Thur                      Fri                      Sat

Local 302 Holidays for 2022

1  
**New Year's Day**  
 Observed 12/31/21  
 Sound & Inside

2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 <b>Holiday</b> <b>Martin Luther King</b> Sound & Inside	18	19	20	21	22
23	24 <b>Inside Apprentice Applications</b> Training Center Martinez 12:30 - 3:30 p.m.	25 <b>JATC</b> 2:00 p.m. Zoom	26	27	28	29
30	31 <b>Inside Apprentice Applications</b> Training Center Martinez 12:30 - 3:30 p.m.					



**CONTRA COSTA CHAPTER**  
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