



SUMMER

OUR 59TH YEAR

CONTRA COSTA CHAPTER

JULY 2022

Electrical Industry Apprenticeship & Training Contra Costa County

Changing of the Guard

It is with mixed emotions that we convey a forthcoming change in our NECA/IBEW Training Director position for our Inside Apprenticeship and Journeyman Training Program. Earlier this month, Greg Arcidiacono let us know that he would be retiring at the end of October.



Greg has been serving as our Training Director since August of 1996, nearly 26 years. This is something of an anomaly as most programs have significant turnover in that position. Greg is the longest-standing Apprenticeship Coordinator in the NECA-IBEW system. The reasons are many; his classroom competence (he started as an instructor shortly after turning out as a journeyman), his educational background (he has a college degree and an unrestricted teaching credential from the state), his genuine concern for the

individual apprentices in our program and his ability to get along with representatives of both the IBEW and NECA.

The Apprenticeship Committee will be welcoming Ray Green (currently Director, Employee Relations, Training & Development, QA/QC at Contra Costa Electric, Inc, and 30 year Instructor with Contra Costa County Electrical JATC). Ray will begin his transition in early August. We will formally introduce him at our next Chapter Meeting.

*Greg will be given a proper send-off
at the Annual Meeting of the Electrical Industry Trust in October.*

Basic Estimating of Electrical Construction

Sponsored by the Electrical Contractors Trust of Solano & Napa Counties

Dates: Tuesday – Thursday, July 19th – 21st, 2022

Time: 8:30 AM – 4:30 PM

Location: Napa Training Center
720 Technology Way, Napa, CA 94558

Cost: Free for Solano/Napa ECT Contributors or \$1,080.00 for Non-Solano/Napa ECT Contributors

Note: please contact [Scot VanBuskirk](#) with the Solano/Napa ECT to find out if you are a Solano/Napa ECT Contributor.

Registration must be paid prior to the class.

Participants who attend each day will receive 18 hours of continuing education credits. Space is limited, so please register soon!



Small mistakes in an estimate can have a huge impact on your bid's bottom line and this course provides the tools needed to be both comprehensive and competitive. This course will discuss the process for assembling an estimate including: developing material lists, applying labor unit data, material takeoff and application of direct job costs, overhead and profit. Following this class, participants will be able to:

- List types of mistakes found when estimating electrical construction projects and how to avoid them
- Describe the parts of an estimate
- Explain the importance of establishing the trust cost for a project
- Develop an estimate to provide job management information
- Discuss how labor units can be used to competitively bid projects
- Explain the difference between a competitive bid and simply a low bid

Target Audience: Individuals who are new to estimating or are looking to hone their skills.

Prerequisite: An understanding of electrical construction and the application of electrical material and completion of NECA's Introduction to the Manual of Labor Units online course (included with registration).

Click [here](#) to go to registration.

Note: Classes are subject to cancellation up to two weeks in advance of the class in the event sufficient registration is not received.

No refunds if cancelling one week prior to class.

Sweeney Mason

LIMITED LIABILITY PARTNERSHIP

LEGAL NOTICE:

Beware of the Dangers of Hiring Unlicensed Subcontractors

By: Joseph M. Sweeney, Esq., Christopher J. Olson, Esq., Scott A. Mangum, Esq.,
William M. Kaufman, Esq. and M. Jonathan Robb, Jr., Esq.

A recent California appellate court opinion provides insight to a long-standing dispute regarding Section 7031 of the Business and Professions Code. It is well-established that under Section 7031, an unlicensed contractor is barred from seeking compensation for work requiring a contractor's license. But does Section 7031 bar a licensed contractor from seeking compensation for work performed by an unlicensed subcontractor? The Court in *Kim v. TWA Construction, Inc.* (2022) 78 Cal.App.5th 808 said yes in certain circumstances—contractors might be barred from collecting compensation for work performed by an unlicensed subcontractor.

In 2015, homeowners Sally Kim and Dai Truong hired general contractor TWA Construction Inc. ("TWA") to build their home in Los Gatos, California. TWA's work included several projects for the homeowners. The contract between the parties specified that all the projects would be completed by a licensed individual in addition to an agreement that TWA would indemnify the homeowners from any claims arising from TWA's negligence.

One of the projects included the removal of a eucalyptus tree that straddled the neighboring property of Joan Todd and the homeowners' property. The homeowners did not know such work infringed on their neighbor's property at the time of the project. The homeowners had received a permit from the City and assumed that the tree could be removed without getting approval from Todd. As the tree was being removed, Todd told the workers to stop and called the police. The project was ultimately terminated by the homeowners without any further work being performed.

A year later, Todd filed suit against Kim-Truong, who ultimately settled. The homeowners pursued TWA for indemnity in the amount of \$50,000, plus attorney's fees and costs. In the course of litigation, it was discovered that TWA never checked the license of Martin Hoffman, the independent contractor hired to remove the tree. Before trial, Kim-Truong (who had filed a cross-complaint against TWA for several claims including negligence and express contractual indemnity) filed a motion in limine requesting that Hoffman prove that he had the required license for tree removal work. He was unable to produce a license. As a result, the trial court ruled that TWA was barred under Section 7031 from retaining \$10,000 of \$16,000 paid for the services performed by the unlicensed subcontractor.

TWA appealed, arguing that the trial court had erred in its application of Section 7031. The appellate court affirmed the trial court's ruling citing public policy. The appellate court reasoned in part that the lower court's decision provided protection to homeowners against potentially shoddy and unlicensed work and gave an incentive for contractors to check their worker's licenses before hiring them. The court did not consider as waived whether Hoffman was an employee for TWA.

The *Kim v. TWA Construction, Inc.* opinion leaves several issues to be resolved.

Notwithstanding, now is a good time to review both your form contracts and liability insurance coverages:

- Are your contracts up to date and do they contain terms and conditions (including indemnity, scope of work and payment provisions) that adequately protect your business and serve your needs?
- Moreover, do you have adequate insurance to protect your company when something inevitably goes wrong—including coverage for your subcontractors' work (if applicable)?
- What exclusions and exemptions does your insurance policy contain?
- Have appropriate additional-insured endorsements been issued for particular projects and, if so, does that coverage continue or terminate when the subcontractor (or contractor) completes its work?

All of these important questions must be addressed in advance of contracting to mitigate against potential catastrophic results. Contractors are encouraged to have their contracts reviewed by counsel. And above all, make sure to keep your contractor license in force and ensure that your subcontractors are properly licensed!

For more information, or if you you have specific questions, please contact Joseph M. Sweeney, Esq., Christopher J. Olson, Esq., Scott A. Mangum, Esq., William M. Kaufman, Esq. and M. Jonathan Robb, Jr., Esq.

The information provided in this publication is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions, please contact Sweeney Mason LLP.

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SWEENEY MASON LLP's philosophy is that by educating our clients, and other businesses, about their legal obligations, including changes in the law, we best serve our legal goal of minimizing or preventing expensive litigation.

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All fireworks, regardless of type or labeling, are illegal everywhere in the county. There are no “Safe & Sane” fireworks, regardless of labeling, they are all dangerous and uncontrollable. Additionally, the potential for serious injury posed by these illegal devices and the risk of causing catastrophic wildfires during this time of extremely high fire danger is great.

Click link below to see Events Guide for 2022

Bay Area 4th of July Events Guide 2022

How to Spot a Credit Card Skimmer at Gas Pumps and Avoid Getting Scammed



Knowing how to identify a gas pump skimmer is the first step in protecting yourself from this common scam.

Here is [picture of one](#).

Drivers are keeping a close eye on gas prices, which are at an all-time high. But a lack of cheap gas isn't the only issue you might face when filling your tank. A gas pump skimmer can do a real number on your bank account.

Gas-station fraud commonly occurs with the use of skimmers, small devices that thieves place on or above the card readers at gas pumps (and ATMs) to copy and steal your credit card information. They used to be found primarily in cities, but the scam has spread into rural areas, and everyone should be on alert for these devices.

Read the entire article [here](#) for information on:

- What are credit card skimmers?
- How does skimmer work:
- Do card skimmers work on chip cards?
- What does a credit card skimmer look like?
- How do I know if my gas pump has a skimmer?
- How can I protect myself at the gas pump?
- What should I do if I think my card has been skimmed?

Registration For NECA 2022 Austin is Open!



[Register Now](#)

NECA is excited to announce that registration is open for the 2022 NECA Convention & Trade Show in Austin, TX! This is the electrical construction industry's premier event. Attendees will gain access to industry-leading education, top-notch speakers, networking, entertainment & North America's largest Electrical Construction trade show. Lock in early registration rates by August 3!



SYNERGY
eLinks

[**Warren Buffett Says There is One Key Choice in Life That Separates the Doers From the Dreamers**](#)

[**California Bay Area Region
CE/CW Wage & Fringe Benefits Effective June 1, 2022**](#)

[**Market Advancement Memorandum of Understanding**](#)

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



July 2022

Sun Mon Tue Wed Thur Fri Sat

Independence Day Information

1
Holiday
Off-Day
(Inside Only)

2

3

4
4th of July
Holiday
(Inside and
Sound)

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NECA Tri-District Meeting - Hawaii

17

18
Inside JATC
Interviews
Martinez Training
Center 11:30 a.m.

19

20

21
Inside JATC
Interviews
Martinez Training
Center 11:45 a.m.

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Inside JATC
Interviews
Martinez Training
Center 11:45 a.m.

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Inside JATC
Interviews
Martinez Training
Center 11:45 a.m.

29

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31



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