



# SYNERGY

OUR 53RD YEAR

CONTRA COSTA CHAPTER

January 2016



**For various reasons,  
several of the changes we announced in our  
Newsletter over the past several months have  
been postponed.**

**ACA Reporting:** The U.S. Treasury and Internal Revenue Service issued [Notice 2016-4](#) that extends the due dates for the 2015 Information reporting requirements, both furnishing to individuals and filing with the IRS.

**Inside Fringe Benefit Reporting:** Our Third-Party Administrator (Benesys, Inc.) requested that we post-pone our transition from the Bank of America to Union Bank for a couple of months. For now continue sending your transmittals and checks to the Bank of America Los Angeles address.

**Sound and Communication NECA Service Charge Increase:** Will be delayed by 60 days to March 1, 2015. NECA service charge will change from 1/2 of 1% of gross labor payroll for the Sound and Communication Industry for hours worked after March 1, 2016.

ARE YOU LOOKING FOR  
**TALENT?**

Every year at about this time, the Associated Schools of Construction (ASC) hold their annual Construction Management Conference and Student Competition. This year, the event will be held February 10-13 at the Nugget Casino Resort in Sparks, Nevada. Many of our larger NECA member firms act as sponsors for the event (Cupertino, Rosendin, Sprig) along with a number of general contractors. The different schools of construction send teams to work on problems based on a real world installations and are judged on the basis of their presentations. There is also a job fair from 8 a.m. to 12-noon on Saturday the 13th, which many construction employers recruit from.

If you have been planning a trip to the snow, you might consider making a recruitment trip on the Presidents Holiday weekend this year. You can register as a Industry General Attendee, which will allow plenty of opportunity to network. Be sure to watch the Electrical Competition presentations — you will be duly impressed! For more information click [ASC67.org](http://ASC67.org). Oh, and be sure to not over look the team from Colorado State.

# January Membership Meeting

The next regular meeting of the Chapter Membership will take place on Thursday, January 21, 2016, beginning with cocktails at 6:00 p.m., at La Finestra Ristorante in Lafayette, CA.

Pursuant to the Chapter Bylaws, an election will be held at the January meeting to fill two positions on the Chapter's Board of Directors. This years' Chapter Nominating Committee is Michael Dias and Skip Stewart. If you are interested in running for a Board position, please contact one of them.



As is the case in all Chapter matters requiring a vote, only the accredited representative or designated alternate will be eligible to vote at the January meeting.

## CW/CE Health Contribution Rate Increase

Effective with hours worked January 1, 2016, the Health and Welfare Trust contribution rate for the CW/CE MOU will increase from \$5.01/hour to \$5.21/hour. The twenty cent increase is the only change in the agreement until June 1, 2016, when a cost-of-living increase will be applied to all wage rates.

## 2016 Holidays

The updated Holiday Matrix for 2016 can be accessed [here](#).



# 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**

Please take notice of the Contractors State License Board (CSLB) Industry Bulletin below. The main focus of SB 467 was to extend the sunset date for the CSLB. Without extending the authorization and authority of the CSLB, the Board would be eliminated and our industry would no longer be regulated. All contractors are encouraged to check with their bonding company to ensure that they have the proper bond in place.



[www.cslb.ca.gov](http://www.cslb.ca.gov) | [CheckTheLicenseFirst.com](http://CheckTheLicenseFirst.com) | [SeniorScamStopper.com](http://SeniorScamStopper.com)

December 3, 2015

CSLB #15-14

## **Contractors Urged to Make Sure They Increase Bond Coverage to \$15,000 Before End of Year; Applies to All Licensees**

**SACRAMENTO** — California law ([Business and Professions Code Section 7071.6](#)) requires all contractors to have either a contractor's bond or cash deposit filed with the Contractors State License Board (CSLB). The bond or cash deposit is filed for the benefit of consumers who may be damaged as a result of defective construction or other license law violations, and for the benefit of employees who have not been paid wages that are due to them.

On January 1, 2016, the amount of the bond is increasing from \$12,500 to \$15,000. CSLB urges all contractors to make sure they've got their new bond or cash deposit in-place by that date.

**Contractors who don't meet the deadline risk having their license suspended.**

If you haven't been informed about the new \$15,000 limit by your bond company, it's important that you contact them immediately, so you can comply with the new law.

Note that the bond of qualifying individuals will remain at \$12,500.

Recently passed legislation ([Senate Bill 467](#)) raised the contractor bond required of all licensees from \$12,500 to \$15,000 at the start of the new year. The legislation also eliminated the requirement that contractor applicants prove they have \$2,500 in working capital as a condition of obtaining a CSLB license.

# # #

# ***California Employers: New Law Forces Employers to Defend Compensation Policies***

*By Roger M. Mason, Esq., Kurt E. Wilson, Esq. and Dara Ashrafi, Esq.*

On October 6, 2015, the Governor of California signed into law SB358, the California Fair Pay Act (CFPA). Set to go into effect on January 1, 2016, the CFPA overhauls California's existing wage equality laws in an effort to further narrow the gender salary gap by shifting the burden of proof onto employers to demonstrate that their wage policies are not discriminatory. The amendment is expected to increase the number of gender wage discrimination lawsuits filed against California employers.

## **What Does The California Fair Pay Act Do?**

The CFPA amends Labor Code Section 1197.5, which has been in existence since 1949, currently prohibits employers from paying a member of one sex less than someone of the opposite sex "in the same establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions." The CFPA expands the existing protections by discarding the requirement that the workers be in the "same establishment" and, further, by requiring employers to provide equal pay for "substantially similar work, when viewed as a composite of skill, effort and responsibility." Thus, as of January 1, 2016, employers must analyze their employees' wage differentials across all of the employer's locations and with respect to the employees' actual job responsibilities—not merely job titles.

Under the CFPA, once an employee has established the existence of a wage differential, the burden shifts to the employer to demonstrate that the differential is based upon one or more of the following factors:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality of production; and/or
- A bona fide factor other than sex, such as education, training, or experience.

Although the above factors existed under the original Section 1197.5, the current amendment requires that employers affirmatively establish that their reliance on the factors is reasonable, and that one or more of the factors account for the entire wage differential. Additionally, no longer can an employer cite to a bona fide factor other than sex as a justification for a wage differential without also demonstrating that the use of such a factor is consistent with a "business necessity." An employee can now rebut an employer's showing of a "business necessity" by demonstrating that an alternative business practice exists that would serve the same business purpose without producing a wage differential.

Assuming that an employer fails to meet the above standards, an employee would be entitled to recover the amount of the wages (with interest) not paid due to the wage differential, plus an additional equal amount as liquidated damages.

## Additional Changes Under The CFPA

The CFPA contains numerous other amendments to Section 1197.5 of which employers should be mindful. The CFPA:

- Increases employers' retention requirement for records concerning employees' wages, rates of pay, job classifications, and other terms and conditions of employment from two years to three years;
- Prevents employers from prohibiting any employee from disclosing the employee's own wages, discussing the wages of others, inquiring about another employee's wages, or aiding or encouraging any other employee to exercise their rights under the CFPA;
- Designates that an employee's invocation of the CFPA or assistance in any investigation under the CFPA is a protected activity immune from any discriminatory or retaliatory action by the employer;

Creates a private right of action for employees who have been discriminated or retaliated against with a one year statute of limitation.

## How Can California Employers Protect Themselves?

Given that the CFPA will create the potential for significant liability exposure for employers, we highly recommend that California employers obtain the assistance of counsel to ensure they are in full compliance with the amended Section 1197.5 before it goes into effect.

Most importantly, HR directors should review their current compensation policies and eliminate any otherwise bona fide compensation adjustment factor that cannot be supported by a strict business necessity. Following that determination, job descriptions and salaries of all employees should be analyzed in light of the remaining bona fide factors to ensure that the entirety of any wage differential between like jobs can be adequately accounted for. Finally, all training materials for managers and supervisors with the ability to set wages should be updated to reflect the amended Section 1197.5 and your company's new CFPA-compliant factors, and any other reference to wage compensation schedules and workplace wage disclosure rules (notably in employee handbooks) should be revised in accordance with the CFPA.

For assistance in complying with or implementing new policies pursuant to the CFPA, please contact Roger M. Mason, Esq. or Kurt E. Wilson, Esq. at (408) 356-3000.

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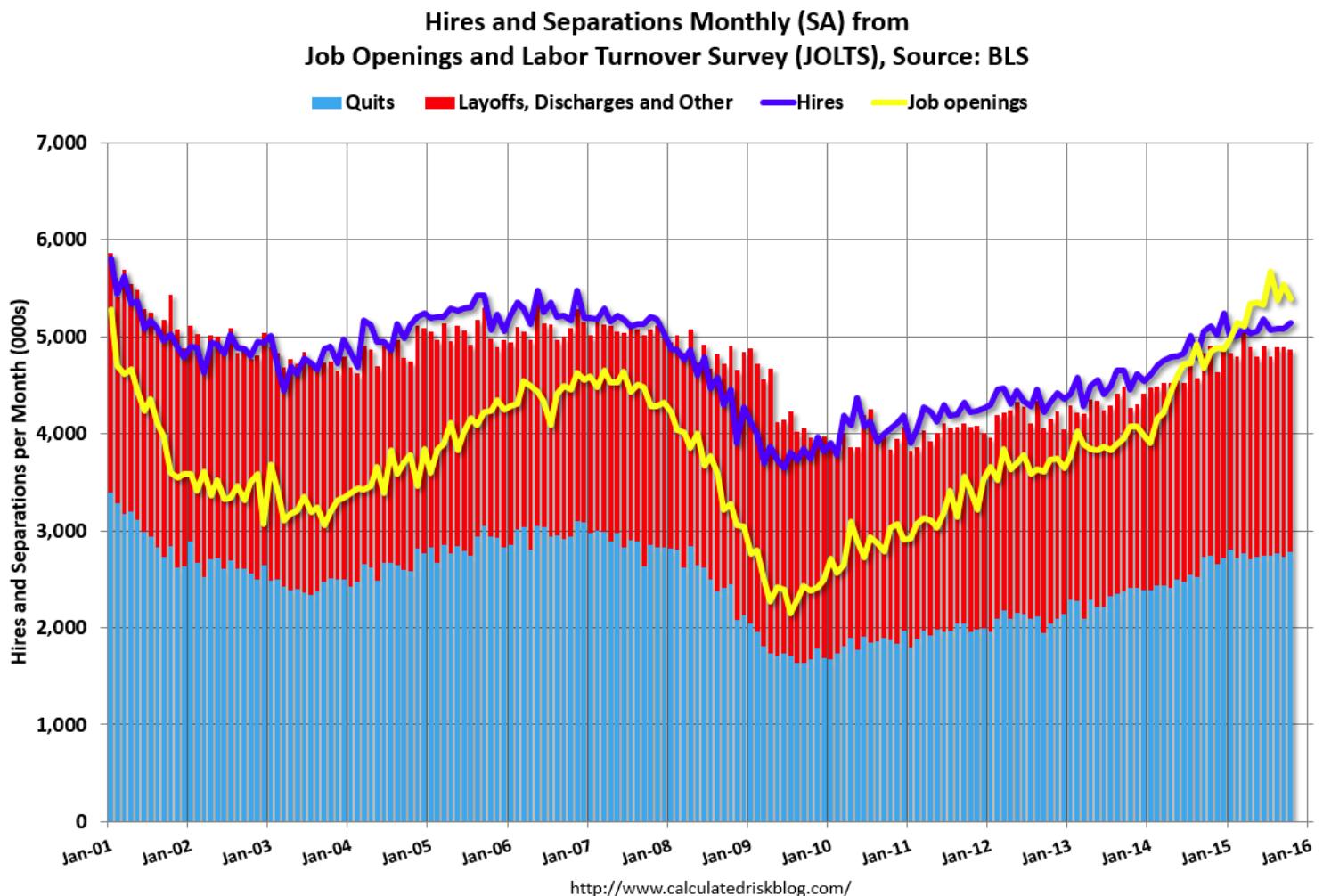
The information provided in this newsletter is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions, please contact Sweeney, Mason,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

SWEENEY, MASON, WILSON & BOSOMWORTH is a Professional Law Corporation located at 983 University Avenue, Suite 104C, Los Gatos, California, 95032, (408) 356-3000. This notice is designed to assist our clients and other business owners in spotting issues which may result in costly litigation and court awarded damages if allowed to continue unaddressed.

SWEENEY, MASON, WILSON & BOSOMWORTH'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.

# CALCULATED RISK

Every picture tells a story, don't it?



“Calculated Risk” a Finance and Economic blog by Bill McBride.

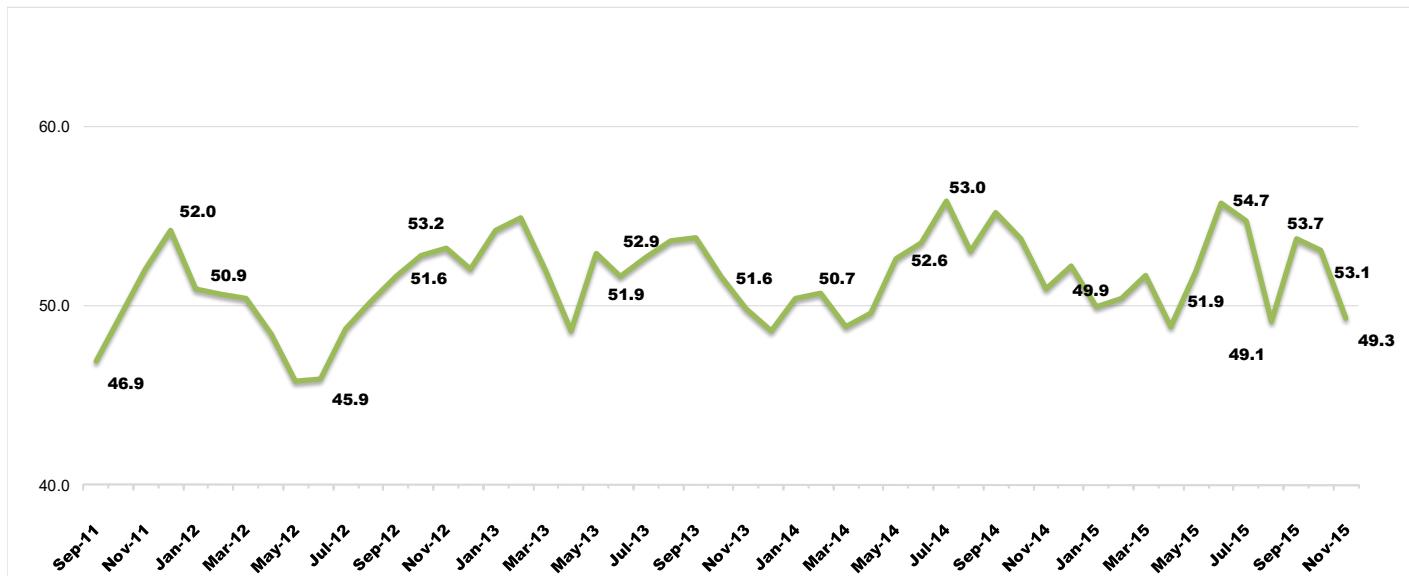
If you want to subscribe yourself, see the link below.

# Architect Firm Billings Index

Hits another bump . . . [read more](#)

## November ABI 49.3

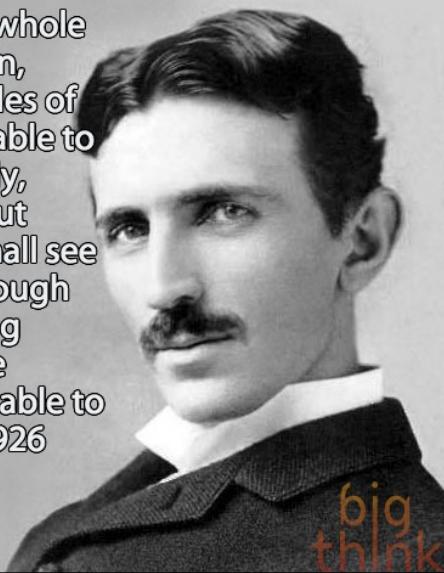
Any score above 50 indicates an increase and score below indicates a decline.



"When wireless is perfectly applied the whole earth will be converted into a huge brain, which in fact it is, all things being particles of a real and rhythmic whole. We shall be able to communicate with one another instantly, irrespective of distance. Not only this, but through television and telephony we shall see and hear one another as perfectly as though we were face to face, despite intervening distances of thousands of miles; and the instruments through which we shall be able to do this will [fit in a] vest pocket." -N.T. 1926

**NIKOLA TESLA**

Physicist, Inventor, & Engineer



## SYNERGY

<a href="#">NOTICE OF SUMMARY PLAN INFORMATION FOR THE NATIONAL ELECTRICAL BENEFIT FUND (NEBF)</a>	<a href="#">CALIFORNIA CONTRACTORS LICENSE LAW &amp; REFERENCE BOOK</a>	<a href="#">MAINTAINING YOUR CONTRACTORS LICENSE</a>
<a href="#">ACA REPORTING</a>	<a href="#">NEW 2016 LAWS AFFECTING CA EMPLOYERS</a>	<a href="#">2016 HOLIDAYS FOR LOCAL 302</a>
<a href="#">SOUND &amp; COMMUNICATION WAGE RATES</a>	<a href="#">LARGEST ELECTRICAL CONTRACTORS IN BAY AREA</a>	<a href="#">EMPLOYER CONTRIBUTION DUE DATE CHANGE EFFECTIVE MARCH 1, 2016</a>



*January 2016*

Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
					<b>HOLIDAY</b> New Years Day	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
				<b>JATT</b> 3:00 p.m. Training Center Martinez		
17	18	19	20	21	22	23
	<b>HOLIDAY</b> Martin Luther King Jr. Day			<b>NECA</b> Board: 4:30 p.m. Chapter: 6:00 p.m. La Finestra Lafayette, CA		
24	25	26	27	28	29	30

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**CONTRA COSTA CHAPTER**  
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