



SYNERGY

OUR 57TH YEAR

CONTRA COSTA CHAPTER

DECEMBER 2020



As we close another year, we gratefully pause to wish you a warm and happy holiday season, and we thank you for your continued support.

CONTRA COSTA CHAPTER, NECA

Mike Geller & Sharon Spare

Inside Wireman Agreement

*Between Local Union 302 International Brotherhood of Electrical Workers and
Contra Costa Chapter, National Electrical Contractors Association, Inc.*

Settlement

Earlier this week we received our [decision](#) from the Council on Industrial Relations (CIR) over the three remaining issues in our Inside negotiations: Wage and Fringe Benefit Adjustments, Managements Request to modify Article V. Section 24 and Managements request to utilize the Bay to Borders Agreement for all residential work going forward. The Council ruled on the wage/fringe benefit adjustments with \$3.00 due on March 1, 2021 and \$3.00 due on February 28, 2022.

The Council declined to rule on our other two issues.

In addition to the unresolved issues submitted to the CIR, the parties previously agreed to a number of things during the negotiation process. We have compiled a list of those changes in [Resolution of 2020 Negotiations](#). The most important items are:

- ◇ Employer disputes will now have the same time limitations as employee grievances.
- ◇ Elimination of the requirement that an individual must have completed the Foreman Training class to take a Foreman Call under the referral procedure.
- ◇ Instrument Techs will now receive Foreman's Pay.
- ◇ Elimination of the Variable Pension language in the Agreement.
- ◇ Extension of the reduced Health and Welfare contribution rate for first year apprentices.
- ◇ Addition of a provision allowing the employer to issue payroll on Friday when a holiday or off-day is celebrated on a Monday, Tuesday, or Wednesday
- ◇ Apprentices will receive the full allocation of any monies directed at the Retirement Trust until their percentage of retirement contributions matches their percentage of journeyman wage.

POLITICO ALERT

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Cal/OSHA Standards Board Unanimously Adopts Emergency Temporary COVID-19 Standards

The Department of Industrial Relations' (DIR) Occupational Safety and Health Standards Board has adopted emergency temporary standards addressing a variety of issues related to COVID-19 in the workplace. Cal/OSHA has submitted the new COVID-19 prevention standard to the Office of Administrative Law (OAL) for review. As an emergency regulation, the OAL has ten days to review and approve the regulation, meaning this new standard could go into effect as early as this week. The emergency standards will last 180 days and may be renewed beyond that time. Cal/OSHA is expected to issue compliance guidance on the new rules and will likely move forward with permanent rulemaking next year.

NECA opposed these proposed regulations, as we saw them as potentially confusing to contractors, as much of what the new standard requires is duplicative of recently enacted state law and issued guidance.

For example, the emergency standard contains notification requirements similar to those in [AB 685](#), California's COVID-19 notice and reporting requirement law that takes effect January 1, 2021. While both AB 685 and the standards target prompt notification, there are differences in language, definitions and terminology between AB 685 and the new Cal/OSHA standard, which raise uncertainty about when the notice requirements are triggered and to whom notice should be given under each rule. Of particular concern, is the standard's impact on our industry wage and hour policies. The temporary standards require employers to exclude COVID-19-positive employees and those who have been exposed to COVID-19 from the workplace until the return-to-work requirements are met. During this time, employers may be required to maintain these employees' "earnings, seniority, and other rights and benefits." Yet, the regulation does not explain how an employee's earnings should be calculated if the employee is an hourly, non-exempt employee. In addition, the paid time off provisions in these emergency standards are not only controversial as many experts don't believe Cal/OSHA has authority to require paid time off by regulation, they are also duplicative of federal and state law. Practically speaking, employers are already required to provide COVID-19 related paid time off. Employers with less than 500 employees fall under federal law requiring paid time off for COVID-19 incidents under the federal Families First Coronavirus Response Act (FFCRA), and larger employers, that have over 500 employees, are covered under state law (AB 1867).

In addition, the state has already issued guidance documents, directives and rules that our industry is currently following. These include:

- ◇ California Code of Regulations Title 8, Section 1509 - Injury and Illness Prevention Program for the construction industry - <https://www.dir.ca.gov/title8/1509.html>
- ◇ Governor's "COVID-19 Employer Playbook - Supporting a Safer Environment for Workers and Customers" - <https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf>
- ◇ California Department of Public Health's "COVID-19 Industry Guidance for Construction" - <https://files.covid19.ca.gov/pdf/guidance-construction--en.pdf>
- ◇ Cal/OSHA's "COVID-19 Infection Prevention in Construction" - <https://www.dir.ca.gov/dosh/coronavirus/COVID-19-Infection-Prevention-in-Construction.pdf>

That said, the COVID-19 [temporary standards](#) apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Under the new regulations, employers must have a written COVID-19 Prevention Plan that addresses the following:

- A system for communicating information to employees about COVID-19 prevention procedures, testing, symptoms and illnesses, including a system for employees to report exposures without fear of retaliation.
- Identification and evaluation of hazards – screening employees for symptoms, identifying workplace conditions and practices that could result in potential exposure.
- Investigating and responding to cases in the workplace – responding immediately to potential exposures by following steps to determine who may have been exposed, providing notice within one business day about potential exposures, and offering testing to workers who may have been exposed.
- Correcting COVID-19 hazards – including correcting unsafe conditions and work practices as well as providing effective training and instruction.
- Physical distancing – implementing procedures to ensure workers stay at least six feet apart from other people if possible.
- Face coverings – providing face coverings and ensuring they are worn.
- Adopting site-specific strategies such as changes to the workplace and work schedules and providing personal protective equipment to reduce exposure to the virus.
- Positive COVID-19 case and illness recording requirements and making the COVID-19 Prevention Plan accessible to employees and employee representatives.
- Removal of COVID-19 exposed workers and COVID-19 positive workers from the workplace with measures to protect pay and benefits.
- Criteria for employees to return to work after recovering from COVID-19.
- Requirements for testing and notifying public health departments of workplace outbreaks (three or more cases in a workplace in a 14-day period) and major outbreaks (20 or more cases within a 30-day period).
- Specific requirements for infection prevention in employer-provided housing and transportation to and from work.

Contractors will need to immediately take steps to adhere to these new requirements. While much of the emergency temporary standards reflect state law or previous Cal/OSHA voluntary guidance that many contractors are already following, there are many specific requirements that are new and significant. Contractors should consult with their safety, hygiene, and legal advisors on developing a written COVID-19 Prevention Program as well as developing or amending their policies to account for the new requirements.

In an effort to ensure you have all related and referenced information, please find below our summaries and requirement overviews for AB 685, AB 1867, SB 1159 and the Cal/OSHA emergency temporary standards.

[CAL/OSHA COVID-19 EMERGENCY TEMPORARY STANDARDS FAQs](#)

[AB685 COVID-19 Workplace Notification Requirement Overview](#)

[SB1159 COVID-19 Workers' Compensation Overview](#)

[AB1867 COVID-19 Paid Leave Overview and Frequently Asked Questions](#)

Upcoming Virtual Classrooms

This live online classroom brings the best of NECA's Basic Estimating program to a virtual environment. This class will cover the same objectives and activities as NECA's renowned in-person class.

Basic Estimating of Electrical Construction

This program focuses on understanding the cost components of electrical estimating, instilling industry best practices, all while developing a sound estimating process. Topics are presented in a lecture format followed by hand-on estimating exercises to reinforce the principles learned. Through the hands-on exercises participants will be expected to perform a takeoff, develop a material list, lookup and apply labor units using the NECA Manual of Labor Units, summarize the costs of the estimate, and apply overhead and profit to the estimate. Each lesson builds upon the previous one, with all the learning coming together through a simulated bid opening on the final day. Through active participation and completion of this course participants will be able to:

- Define estimating terminology
- Recognize and identify electrical symbols
- Identify potential estimating errors and correct them
- Understand the costs associated with electrical construction
- Prepare an estimate for a commercial electrical project including identifying the scope of work, organizing a material takeoff, applying labor units, summarizing costs and calculating a bid price for the project.

December 3, 2020 through
December 18, 2020
10:00 a.m. - 12:00 p.m EST
[Reserve Your Spot](#)

December 3, 2020 through
December 18, 2020
2:00 p.m. - 4:00 p.m. EST
[Reserve Your Spot](#)

January 5, 2021 through
January 22, 2021
10:00 a.m. - 12:00 p.m EST
[Reserve Your Spot](#)

January 5, 2021 through
January 22, 2021
2:00 p.m. - 4:00 p.m. EST
[Reserve Your Spot](#)

This class will take place virtually over several weeks. Participants are required to participate in each class session and complete all homework.

Phishing Emails Posing as "NECA"

NECA has been notified of recent spam emails that appear to be from the NECA team, marketing list selling and purchasing of "NECA Attendees Databanks". We assure you that NECA is aware and is investigating these spam emails. NECA does not participate in the purchasing or selling of marketing lists.

WARNING: Do Not Open These Emails

Click [here](#) to see an example of one of these emails.



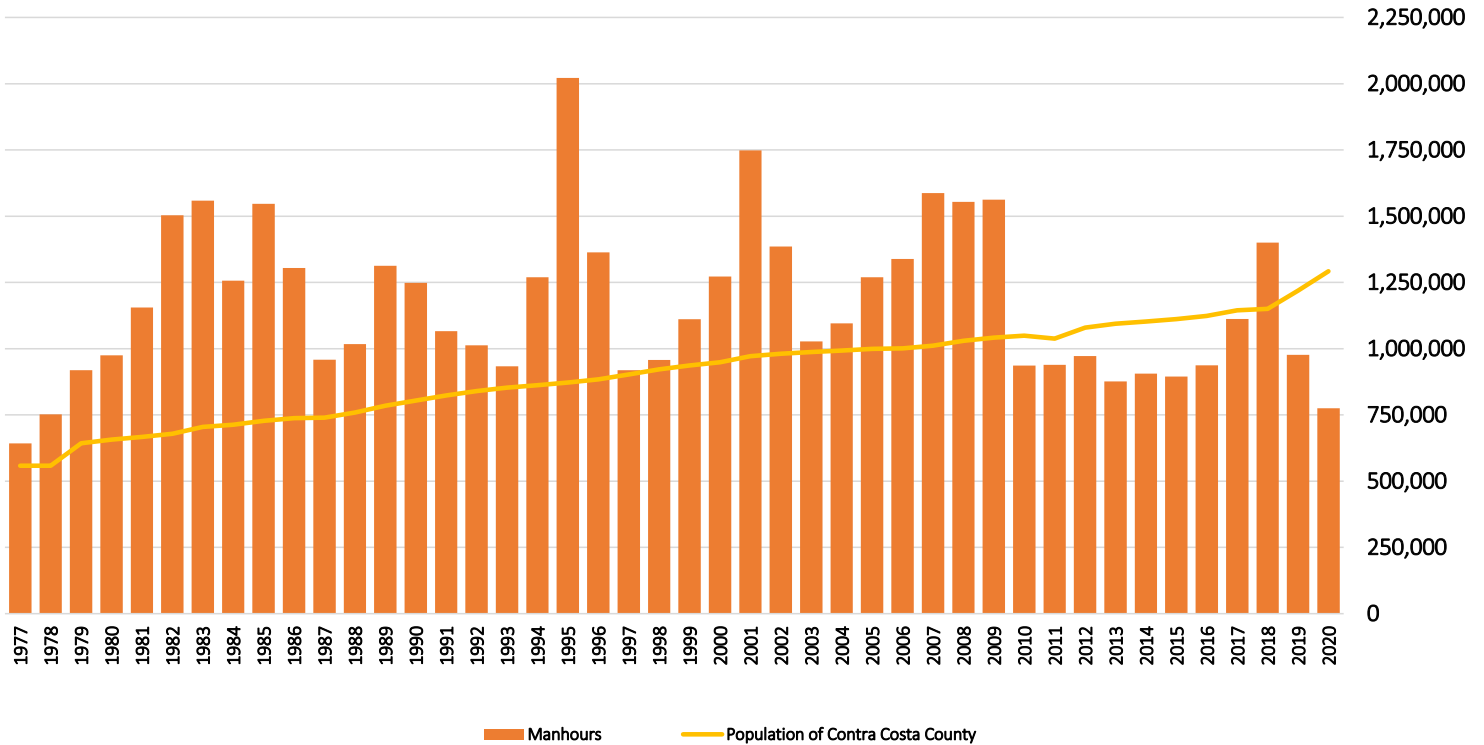
Best Practices to Avoid Potential Phishing Emails

Ask yourself the following questions:

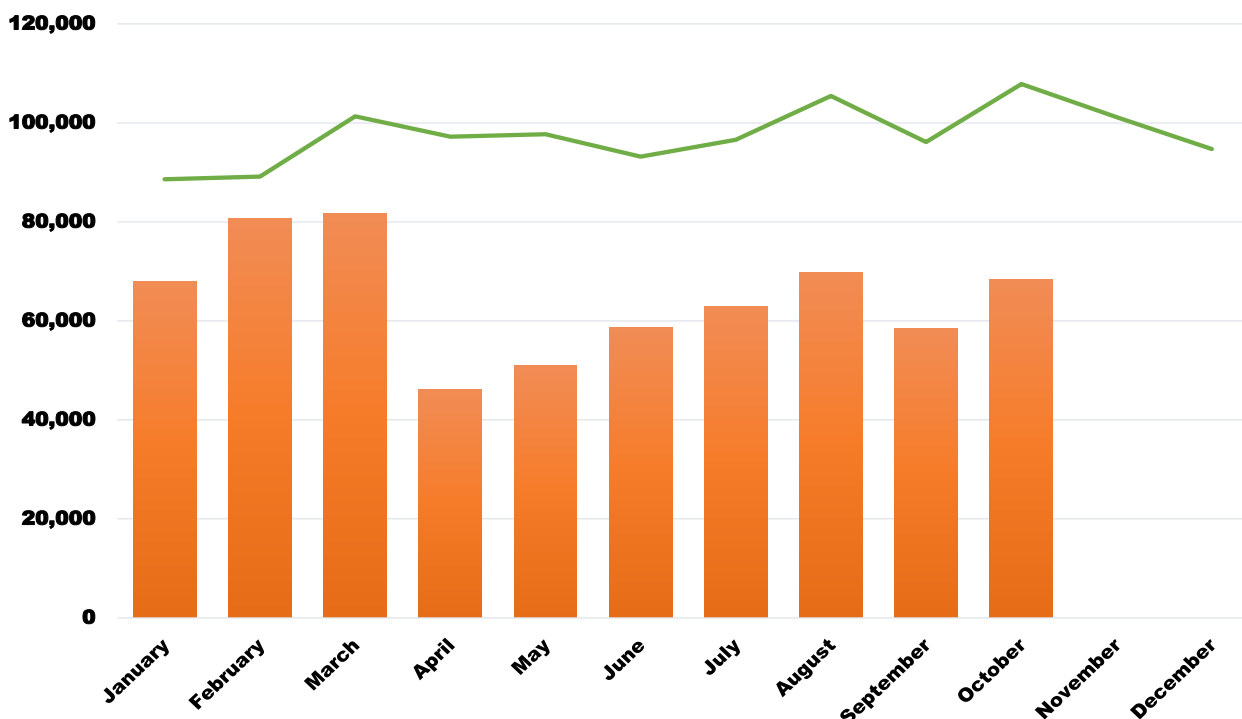
- Does the email have the official NECA logo?
- Is the email out of the ordinary or unexpected?
- Is the sender's email from an unknown or suspicious domain like the above example: mary.b2btopdatalists@gmail.com?

IBEW LOCAL UNION 302
Inside Wireman/Maintenance
Manhours Worked

2020 Total based upon Hours to-date



2020 Compared with Historic Average
Inside Wireman/Maintenance



REMINDER

Wage and Fringe Increases

Sound & Communication

(Effective December 1, 2020)

and

Market Advancement CE/CW

(Effective January 1, 2021)

(See Links below for Wage & Fringe Updated Sheets.)



SYNERGY
eLinks

**[Sound and Communication Wage and Fringe
Schedules A - E](#)**

**[Sound and Communication Schedule E
Cost Per Hour Shift Rates](#)**

[Sound and Communication Agreement w/Updated Schedules](#)

**[CE/CW Updated Wage/Fringe Rates Effective January 1, 2021
\(Showing Health & Welfare Increase.\)](#)**

[Bay Area Construction Projects](#)

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

December 2020

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2 NECA Bd of Directors 10:00 a.m.	3 Retirement Trust 11:00 a.m.	4	5
6	7	8	9	10	11	12
13	14	15 JATC 2:00 p.m.	16 Health & Welfare Trust 11:00 a.m.	17	18	19
20	21	22	23	24 Off Day	25 <i>Merry Christmas</i>	26
27	28	29	30	31 Off Day	1 First Day of 2021	2

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