



SUMMER

OUR 58TH YEAR

CONTRA COSTA CHAPTER

JANUARY 2021

Making Sense of California's New COVID-19 Reporting Requirements

During the 2020 California legislative session, COVID-19 forced lawmakers to pivot from their routine business to addressing the growing pandemic.

In response, the Legislature enacted [SB 1159](#) and [AB 685](#) that created certain reporting requirements for employers when learning of a positive case.

Following up, Cal/OSHA recently approved and implemented [COVID-19 emergency regulations](#) that also creates a set of reporting requirements. The chart below provides a quick summary. The Politico Alert from Eddie Bernacchi on page two provides the specific requirements of AB 685.

SB 1159	AB 685	Cal/OSHA Regulations
<p>Report any positive cases 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:</p> <ul style="list-style-type: none">• 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.	<p>Upon learning of a positive case in the workplace, an employer, within one business day, must provide the following written notices:</p> <ul style="list-style-type: none">• 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 within 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.	<p>Upon learning of a positive case in the workplace, an employer, within one business day, must:</p> <ul style="list-style-type: none">• 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 within one business day in a manner that does not reveal the COVID-19 case's personal identifying information.

POLITICO ALERT

www.PoliticoOnline.com "Connecting you to California"

1127 11th St., Suite 747 / Sacramento, CA 95814 / (916) 444-3770 / FAX (916) 442-6437

REMINDER: NEW CALIFORNIA EMPLOYMENT LAWS TAKE EFFECT JANUARY 1ST

COVID-19 Workplace Exposure Notice and Reporting

[AB 685 \(Reyes\)](#) created COVID-19 notice and reporting obligations for all California employers. The new law will require contractors, within one business day, to provide written notice of a potential COVID-19 workplace exposure to all employees, employees' exclusive representative (the union), and any subcontractors who were at the same worksite as a "qualifying individual" within the "infectious period." A "qualifying individual" is defined as any individual who (1) has a positive viral test for COVID-19, (2) is diagnosed with COVID-19 by a licensed health care provider, (3) is ordered to isolate for COVID-19 by a public health official, or (4) has died due to COVID-19. "Infectious period" means the time a COVID-19-positive individual is infectious, as defined by the State Department of Public Health which is currently 10 days. If a qualifying individual has been at the employer's worksite during the infectious period, the employer must provide the potential COVID-19 workplace exposure notice. Contractors may communicate this written notice by e-mail, text message, or memorandum. The notice must include information regarding COVID-19 benefits under federal, state, or local laws that are available to employees as well as information regarding the employer's disinfection and safety plan that it plans to implement and complete per the guidelines of the Centers for Disease Control and Prevention. Employers are required to maintain records of notifications for at least three years.

The law further imposes the obligation for employers to report when there has been an "outbreak" in their workforce. Specifically, if an employer is notified that there have been three or more laboratory-confirmed cases of COVID-19 among workers who live in different households within a two-week period, the employer must, within 48 hours, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a "qualifying individual."

These COVID-19-specific changes to the Labor Code will remain in effect until January 1, 2023. In preparation to meet these new requirements, contractors should prepare a template COVID-19 notice that is ready to distribute, make a list of all employees, unions, or subcontractors that may need to be notified, prepare a disinfection or safety plan, and create training and checklists for supervisors and managers covering the new requirements. **IT IS ESSENTIAL FOR CONTRACTORS TO PREPARE IN ADVANCE SO THAT THEY CAN MEET THE 24-HOUR NOTICE REQUIREMENT IN THE EVENT THERE IS AN EXPOSURE EVENT. IN AN EFFORT TO ASSIST WITH THIS, WE ARE PROVIDING THE FOLLOWING DRAFT NOTICES FOR YOUR USE.**

NOTICE OF POTENTIAL WORKPLACE EXPOSURE TO COVID-19

For [Employees](#), [Union](#), and [Subcontractors](#)

To download these notices in Word, go to: <http://www.ccneca.org/CHAPTER-NEWSLETTER.html>.
You will see the links the left side column under heading, "Covid-19 Exposure Notices." Upon download, rename the document and edit with your specific events information.

Expansion of the California Family Rights Act

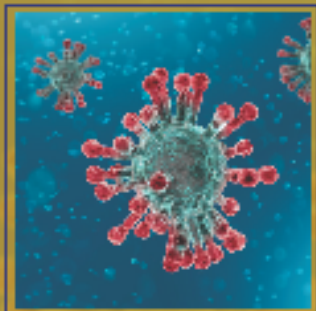
[SB 1383](#) expanded the coverage of the California Family Rights Act (CFRA). Currently, employers with 50 or more employees are subject to CFRA and its federal equivalent, Family Medical Leave Act (FMLA). Both provide employees with up to 12 weeks of unpaid leave. When SB 1383 goes into effect on January 1, 2021, CFRA will be expanded from employers with 50 or more employees to employers with 5 or more employees.

In addition, the bill expanded the scope of family members for whom the employee can take leave. CFRA currently allows employees to take unpaid leave for several purposes, including to care for a "family member" with a serious health condition. CFRA currently defines "family member" to include a minor child (unless the child is dependent), a spouse, or a parent. Beginning in 2021, the list of family members will be expanded to include grandparents, grandchildren, or siblings. In addition, the definition of a child will be expanded to cover all adult children, regardless of whether they are dependent.

Smaller contractors who are unfamiliar with CFRA will need to develop policies and procedures for these new leave requirements and should consult with employment counsel to ensure compliance.

Equal Pay Reporting

[SB 973](#) requires pay data reporting by employers in an effort to encourage and ensure wage parity for women and minorities. The new law requires employers with 100 or more employees who currently, under federal law, must file an annual Employer Information Report (EEO-1), to submit similar information to the California Department of Fair Employment and Housing (DFEH). The annual report to the DFEH requires the number of employees (and hours they worked): (1) by race, ethnicity, and sex; (2) in each of the job categories in the federal EEO-1 Report; (3) whose annual earnings fall within each of the pay bands used by the U.S. Bureau of Labor Statistics in the Occupational Employment Statistics survey. Employers who already file the annual EEO-1 Report under federal law can comply by filing a copy of the EEO-1 report with DFEH.



New COVID-19 Stimulus Bill

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 president signed the new COVID-19 Stimulus Bill into law on 12.27.2020. Prior to the new Stimulus Bill, the FFCRA paid leave program was set to expire on 12.31.2020. Of particular importance to NECA members, the new statute amends the FFCRA allowing employers to receive payroll tax credits for payments made under the FFCRA on or before March 31, 2021.

However, the amendments to the sick and care leave provisions of the original law DO NOT mandate employer participation after December 31, 2020. If an employer does continue to participate, in whole or in part, they will receive the payroll tax credits, up to the maximums provided in the FFCRA, for payments made prior to April 1, 2021.

In addition to the information already posted and distributed by NECA Government Affairs, the law firm of Greenberg Traurig put together a helpful [comparison](#) of the tax credits and relevant PPP provisions. Further, our friends at Brenna Manna Diamond offer an excellent [summary](#) of the Stimulus Bill as it stands without implementation guidelines. Government Affairs will continue to lobby for members and seek proper clarifications on the new provisions.

Determine Your Participation Level

Members are urged to immediately determine which leave benefits they will continue to offer, if any. We encourage all members to check with local legal counsel and financial experts to make sure there are no state or local leave requirements associated with the Coronavirus. As of this date, the following states have local provisions: Arizona, California, Colorado, Connecticut, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico (Bernalillo County only), New York, Oregon, Rhode Island, Texas (Austin, Dallas, San Antonio only), Vermont, Washington, Washington D.C.

As with most of the COVID-19 legislation and regulation, additional guidance is likely forthcoming. NECA will update 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.



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Sexual Harassment Prevention Training

SEXUAL HARASSMENT PREVENTION TRAINING REMINDER

January 1, 2021 Deadline!

Contractors with five or more employees had until January 1, 2021, to ensure that all employees received either one-hour (non-supervisory employees) or two-hours (supervisory employees) of sexual harassment prevention training pursuant to California law.

Please note:

- A supervisor is anyone with authority to hire, fire, assign, transfer, discipline or reward other employees.
- Union construction flexibility was placed in statute (SB 530 of 2019) to ensure that the harassment training can follow a collective bargaining agreement (CBA) covered employee within the union multi-employer construction setting if the employee changes employers. SB 530 also authorized joint labor management apprenticeship training committees and other labor management committees to provide the requisite training.
- Employers must provide the sexual harassment prevention training to new non-supervisory employees within six months of hire and the new supervisory employees within six months of hire or the assumption of a supervisory position. The option to verify that a CBA covered employee has undergone training within the past two years rather than provide the training, per SB 530, still applies.
- Pursuant to the original statute, the Department of Fair Employment and Housing (DFEH) was required to develop, and make available on its website, online sexual harassment training courses with a method for employees who have completed the training to print out a certificate of completion. The DFEH online training is free, and can be found by [clicking here](#).
- National NECA was able to license sexual harassment online training courses which meet California's one-hour requirements for employees and two-hour requirement for supervisors. The courses are available through the NECA Learning Center. The one-hour non-supervisory course is available for \$13.00/person and the two-hour supervisory course is available for \$19.00/person. Please contact the Chapter office if you need assistance enrolling.



New Online Training Programs Available for 2021

NECA has resumed charging for online training licensed from third party providers, but will continue to provide free webinars and our own on-demand online training courses with code NECA2021. All courses included in this promotion can be [found here](#).

If you have any question, please contact the Chapter officer at (925) 372-3222 or via email at sspare@sbcglobal.net.



How New Premier Partner Procore Can Help Electrical Contractors Hit the Ground Running in 2021

Wednesday, January 13, 2021 | 11:00 a.m. to 12 noon

The transition into 2021 will be unlike any the construction industry has seen. From limited project visibility to poor communication between the field and office, controlling labor costs and managing manpower will be critical in the performance of every electrical contracting business in 2021. Join the webinar to learn how tech is helping the industry move forward and how Procore can help electrical contractors hit the ground running.

RESERVE YOUR SPOT



California Minimum Wage Increase January 1, 2021

Please remember that in 2016, California passed legislation to increase the State minimum wage to \$15.00 per hour over time. Under the provisions of that law, California's minimum wage will increase on January 1, 2021 to \$14.00/hour for employers with 26 employees or more, and to \$13.00/hour for employers with 25 or fewer employees.

Below is the mandated schedule to raise the state minimum wage to \$15.00 by 2023. Please note that some cities and counties have a local minimum wage that is higher than the state rate.

Date	Minimum Wage for Employers with 25 Employees or Less	Minimum Wage for Employers with 26 Employees or More
January 1, 2017	\$10.00/hour	\$10.50/hour
January 1, 2018	\$10.50/hour	\$11.00/hour
January 1, 2019	\$11.00/hour	\$12.00/hour
January 1, 2020	\$12.00/hour	\$13.00/hour
January 1, 2021	\$13.00/hour	\$14.00/hour
January 1, 2022	\$14.00/hour	\$15.00/hour
January 1, 2023	\$15.00/hour	

Contra Costa Chapter, NECA Board of Directors ELECTION

Pursuant to the recently modified Chapter Bylaws we will need to conduct our annual Board of Directors election by ballot vote this year. The Chapter Nominating Committee has nominated Casey Dias of Watson Electric, Sean McPeak of McPeak Electric and Charlie Hadsell of Contra Costa Electric for the three expiring Director positions. Additional nominations can be made by any member of good standing. If you plan to nominate someone, please let the Chapter Office know by January 18, 2021.



A Special Thank You!

Earlier this week, I finished my 40th year working for the Contra Costa Chapter, NECA. I want to let you know that I consider it a great privilege to work for you and this organization, and I thank each of you for your support and your efforts to make this the great industry that it is.

Michael Geller

Remembering . . .

John Hunter

It is with great sadness that we convey the passing of John Hunter, former Business manager of IBEW 302. In addition to being a great representative of the members of Local 302, John went on to become an International Office Representative and was instrumental in establishing what we now call our Sound and Communication Agreement.



SYNERGY eLinks

**[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
\(for Employers, Union, & Subcontractors\)](#)**

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

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



CONTRA COSTA CHAPTER
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January 2021

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thur</i>	<i>Fri</i>	<i>Sat</i>
					1 New Year's Day Holiday	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 Martin Luther King, Jr. Day Holiday	19	20	21	22	23
24	25	26 JATC 2:00 p.m. Zoom	27	28 NECA Board Of Directors 10:30 a.m. Zoom	29	30
31						