



SUMMER

OUR 60TH YEAR

CONTRA COSTA CHAPTER

JANUARY 2023



Contra Costa Chapter, NECA

MEMBERSHIP MEETING



The next meeting of the Chapter Membership is scheduled to take place on Thursday, January 26th, 2023, at Zio Fraedo's in Pleasant Hill.

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. Jim Szuch

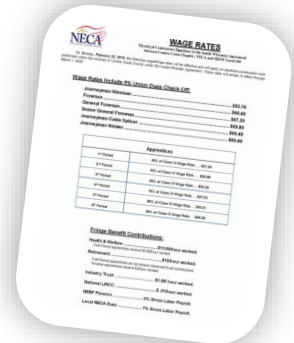
(Elocin Construction) and Sean McPeak (McPeak Electric) are the Nominating Committee for this year's election. If you are interested in running for the Board of Directors, please contact one of those two individuals to let them know.

**Click [HERE](#)
to RSVP**

Upcoming:

Inside Wage Adjustment

Please be advised that there is a wage/fringe benefit adjustment under our current Inside Agreement with Local 302 that will take place on February 27, 2023, with a total of \$4.00/hour to be allocated. As soon as we are made aware of the allocation, we will distribute revised wage/cost-per-hour sheets in this newsletter.



Our current Agreement expires on May 31, 2023.
We will be entering negotiations in early March.

Reminders:

MARKET ADVANCEMENT CW/CE Wages & Fringe Benefits

California Bay Area Region
Effective January 1, 2023

[Download here.](#)

Appendix "B"
 Construction Electrical/Construction Wireman
 Wage and Fringe Benefits
 California Bay Area Region
 Wage Schedule Effective Jan. 1, 2023 - December 31, 2023
 Agreement Term Jan. 1, 2023 - December 31, 2023

The minimum hourly rate of wages and benefits shall be as follows:

Job Classification	Wage Rates						Union Dues (per year)
	Hourly Wage	Hourly Wage	Hourly Wage	Hourly Wage	Hourly Wage	Hourly Wage	
Construction Electrician Level 1 (Local 302/303)	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	\$24.00	\$1.75
Construction Electrician Level 2 (Local 302/303)	\$26.00	\$26.00	\$26.00	\$26.00	\$26.00	\$26.00	\$1.75
Construction Electrician Level 3 (Local 302/303)	\$28.00	\$28.00	\$28.00	\$28.00	\$28.00	\$28.00	\$1.75
Construction Electrician Level 4 (Local 302/303)	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$1.75
Construction Electrician Level 5 (Local 302/303)	\$32.00	\$32.00	\$32.00	\$32.00	\$32.00	\$32.00	\$1.75
Construction Electrician Level 6 (Local 302/303)	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00	\$34.00	\$1.75
Construction Electrician Level 7 (Local 302/303)	\$36.00	\$36.00	\$36.00	\$36.00	\$36.00	\$36.00	\$1.75
Construction Electrician Level 8 (Local 302/303)	\$38.00	\$38.00	\$38.00	\$38.00	\$38.00	\$38.00	\$1.75
Construction Electrician Level 9 (Local 302/303)	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$1.75
Construction Electrician Level 10 (Local 302/303)	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00	\$42.00	\$1.75

SOUND AND COMMUNICATIONS Wages & Fringe Benefits

Effective December 1, 2022

[Download here.](#)

WAGES & FRINGES SCHEDULE "2-E"
 Effective December 1, 2022

The following rates are in effect within the following Local Union jurisdictions: Local 180, Napa and Solano Counties; Local 302, Contra Costa County; and Local 9516, Marin/Sonoma Counties.

MINIMUM HOURLY RATE OF WAGES SHALL BE AS FOLLOWS:

Job Classification	Hourly Rate
Communications & Systems Installers	\$ 45.54
Communications & Systems Technicians	\$ 53.84
Senior Communications & Systems Technicians	\$ 58.30

APPRENTICES:

Apprentice Grade	March 1, 2021	March 1, 2022	Percentage	Maximum Hourly Rate of Wages
1st	\$24.00	\$24.00	60%	\$24.00
2nd	\$26.00	\$26.00	65%	\$26.00
3rd	\$28.00	\$28.00	70%	\$28.00
4th	\$30.00	\$30.00	75%	\$30.00
5th	\$32.00	\$32.00	80%	\$32.00

FRINGE BENEFIT CONTRIBUTIONS:

Benefit	Rate
Health & Welfare	\$12.80/hr. worked
Pension	\$10.00/hr. worked
Life Insurance	\$1.00/hr. worked
Accident Insurance	\$1.00/hr. worked
Administrative Maintenance Fund (AMF)	0.5% Gross Labor Payroll
N.E.C.A. PENSION	0.75% Gross Labor Payroll
LOCAL N.E.C.A. DUES	0.75% Gross Labor Payroll
VACATION/WORKING DUES WITHHOLDING**	0.75% Gross Labor Payroll

* Includes Health Reimbursement Account (HRA) & Sick Pay From Workplace Program (SPWP)

** Effective Date is As Announced - Included with Wage Rates.

Percent differentials shall be maintained in accordance with present Agreement as follows: Technicians shall be 110% of the installer rate and Sr. Technicians shall be 125% of the installer rate.

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:

Important New California Requirements For 2023

As we closeout 2022, we want to remind contractors of the new employment and contractor related laws that they need to be aware of for the new year.

Below is a summary of the most important items.

California's Minimum Wage to Increase to \$15.50 per Hour

California's minimum wage will increase to \$15.50 per hour for all employers on January 1, 2023.

In 2016, California passed a law to raise the minimum wage to \$15.00 per hour statewide by 2022 for large businesses with 26 or more employees, and by 2023 for small businesses with 25 or fewer employees.

The expanded minimum wage also contained an annual review of the United States Consumer Price Index for Urban Wage Earners and Clerical Workers (U.S. CPI-W) by the Department of Finance. This past July, the Department of Finance found the inflation rate had increased by 7.9%, which required an increase in the minimum wage by 3.5%, resulting in the \$15.50 per hour rate for 2023.

After 2023, the minimum wage will increase based on the lesser of 3.5 percent and the rate of change in the averages of the two most recent U.S. CPI-W unless those averages are negative. If the averages are negative, there shall be no increase or decrease in the minimum wage for the following year.

The change in minimum wage has a domino effect on other California employment compliance areas that are linked to the state minimum wage. Many of the exemptions afforded to construction employers' signatory to a collective bargaining agreement (CBA) are dependent on the CBA providing for "premium" wage rates. The following are some of the key areas the minimum wage increase may impact construction employers.

Collective Bargaining Agreements – Hours and Days of Work

Under California Industrial Welfare Commission Wage Order 16, construction employers and unions are permitted to bargain hours and days of work different from those required by the Wage Order so long as their employees are covered by a valid CBA designating wages, hours and working conditions and the employees' regular hourly rate of pay is not less than 30 percent more than the state minimum wage. Contractors should determine whether their union agreements or other procedures are affected.

California Paid Sick Leave

Construction employers in California must provide paid sick days to their employees, unless the employees are covered by a valid CBA and fall under the exemptions included in Labor Code Section 245.5. The construction exemption to California's paid sick leave law requires that a premium regular hourly rate of pay of not less than 30 percent more than the state minimum wage be paid to exempt employees.

CSLB Contractor's Bond Increased to \$25,000

Contractor's license bonds are increasing to \$25,000 on January 1, 2023. The increase was passed in 2021 in SB 607 but had a delayed implementation date.

The increase applies to:

The contractor license bond (from \$15,000 to \$25,000) and;

The bond of qualifying individual (from \$12,500 to \$25,000)

The increase occurred due to a license bond study that the CSLB conducted as required by state law. The study determined that the \$15,000 amount of the contractor bond is not sufficient to protect consumers and an increase was necessary. More information on the Board's efforts to keep contractors in compliance with the increase can be found [here](#).

Non-Emergency COVID-19 Prevention Regulations

The Occupational Safety and Health Standards Board voted to adopt non-emergency COVID-19 Prevention regulations. These regulations will take effect once they are approved by the Office of Administrative Law in the month of January 2023.

DIR has issued a [news release](#) providing details about the new provisions and Cal/OSHA has created a new [COVID-19 Prevention Non-Emergency Regulation webpage](#) that contains a [fact sheet](#) on "What Employers Need to Know" that will soon include additional resources, such as frequently asked questions and a model written program for employers to use as an example.

The most controversial provision in the previous iterations of the COVID-19 Prevention regulations has been the "exclusion pay." This provision requires employers to pay employees, if they are exposed to COVID-19 at work, to stay home and isolate while they await a positive or negative COVID-19 test. Exclusion pay has been eliminated from the non-emergency COVID-19 prevention regulations.

AB 1041 - Expanded Use of CFRA Leave

Beginning January 1, 2023, AB 1041 requires California employers with 5 or more employees to allow their employees to use unpaid leave under the California Family Rights Act (CFRA) to care for a "designated person." Under the new law, a designated person is defined as any individual related by blood, or whose association with the employee is equivalent to a family relationship. An employee can designate this person at the time they request leave. An employer can limit an employee to one designated person in a 12-month period.

AB 1751 - Extension of COVID Workers' Compensation Presumption

AB 1751 extends the COVID-19 presumption under California's workers' compensation law until January 1, 2024. Under the COVID-19 presumption, which was originally created by [Executive Order N-62-20](#) and codified in state law in 2020, there is a rebuttable presumption that an employee's illness related to COVID is an occupational injury and thus eligible for workers' compensation benefits, [so long as certain criteria are met](#), making it easier for employees to receive coverage for COVID. These claims continue to be excluded from the experience rating calculations of employers.

AB 1949 - California's New Bereavement Leave Law

California has enacted a new bereavement leave requirement into law, effective January 1, 2023. The new law requires employers with five or more employees, including those covered by a collective bargaining agreement, to provide up to five days of unpaid leave to eligible employees for the death of a family member. The bill defines "family member" as a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law of the employee.

To be clear, AB 1949 does not provide any new state mandated paid time off. With that in mind, while on bereavement leave, an employee can use other available paid time off such as vacation pay, personal leave, or sick leave they may have accrued.

Under the new law, bereavement leave is only available to employees who have worked for the employer for at least thirty days prior to the commencement of the leave. The five days of leave do not need to be taken consecutively but must be completed within three months of the death of the family member.

Employers are allowed to confirm the need for leave by asking for documentation, such as a death certificate, a published obituary, or a written verification of death, burial, or memorial services from a funeral home or other applicable entity. The request from the employer for documentation must occur within thirty days of the employee's first day of leave.

The bill includes enforcement provisions that allow employees to file claims against employers who prevent them from taking bereavement leave or who take adverse employment actions against employees who take their leave. However, an especially crucial point for employers is that the bill is codified under the California Government Code and not the California Labor Code. This means that, while employers may see retaliation claims stemming from this new law, employees will not be able to file claims under the Private Attorneys General Act (PAGA) for any alleged violations.

AB 2693 - COVID-19 Exposure Notification Requirements Modified and Extended

AB 2693 takes effect January 1, 2023, and amends and extends COVID-19 workplace notice requirements until January 1, 2024. The main modification provides that an employer may now satisfy the notice requirement by prominently posting a notice that includes the dates on which an employee with a confirmed case of COVID was on the premises within the infectious period, and the location of the exposure. The notice must remain posted for 15 days in a location where workplace rules and regulations are usually posted, as well as on an employee portal (if applicable). Employers must also keep a log of all the dates the notice was posted at each of its worksites and allow the Labor Commissioner to access these records.

One other key change is that notice to the local public health agency will no longer be required in the event of an outbreak.

SB 1044 - Employee Rights in Emergency Conditions

Under SB 1044, beginning next year, employers with 5 or more employees are prohibited during an emergency condition from taking or threatening adverse action against any employee for refusing to report to, or leaving, a workplace or worksite. An “emergency condition” is defined as (1) a condition of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act, or (2) an order to evacuate a workplace, a worksite, a worker’s home, or the school of a worker’s child due to natural disaster or a criminal act. The law specifies that an emergency condition does not include a health pandemic.

SB 1044 also prohibits an employer from preventing any employee from accessing the employee’s mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to confirm their safety.

The law requires an employee to notify the employer of the emergency condition requiring the employee to leave or refuse to report to the workplace or worksite.

Notably, SB 1044 does not apply to an employee of a company providing utility, communications, energy, or roadside assistance while the employee is actively engaged in or is being called upon to aid in emergency response. This includes maintaining public access to services such as energy and water during the emergency.

Sweeney Mason

LLP

News Alert: Pay Transparency Requirements

By: Roger M. Mason, Esq., Caitlin E. Kaufman, Esq., and Rachael E. Brown, Esq.

California law currently prohibits employers from asking job applicants about their salary history and requires employers to provide job applicants with pay scale information upon request. California law also currently requires employers with 100 or more employees to file an annual pay data report with the California Civil Rights Department ("CRD"), previously the Department of Fair Employment and Housing ("DFEH"), that contains information about the race, ethnicity, and sex of their workforce in various job categories—a requirement that overlaps with the federal EEO-1 report filing requirement.

Effective January 1, 2023, SB 1162 creates new pay transparency obligations and creates a new CRD pay data reporting obligation. The law has three main components:

- (1) employers with 15 or more employees will now be required to include a pay scale in all job postings;
- (2) all employers will be required to disclose to their existing employees, upon request, a pay scale for their positions; and
- (3) employers with 100 or more employees will be required to comply with new pay data reporting requirements and submit those reports to the CRD, separate and apart from an employer's filing of the EEO-1 Report.

On December 27, 2022, the California Labor Commissioner's office released Frequently Asked Questions ("FAQs") about the new pay transparency requirements. The FAQs provide clarification on some of the questions that remained outstanding after SB 1162 was introduced. Unfortunately, the FAQs still do not clarify whether the requirements apply only to postings made on or after January 1, 2023, or if they apply to all postings that are active as of January 1, 2023.

We recommend that employers carefully review the FAQs and contact us with any questions about the new pay transparency law and how it applies to your business.

Sweeney Mason

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News Alert: Time Rounding & Meal Period Practices in Light of *Donohue*, *Loews*, and *Camp*

By: Roger M. Mason, Esq., Caitlin E. Kaufman, Esq., and Rachael E. Brown, Esq.

In February 2021, the California Supreme Court held that “employers cannot engage in the practice of rounding time punches — that is, adjusting the hours that an employee has actually worked to the nearest preset time increment — in the meal period context. The meal period provisions are designed to prevent even minor infringements on meal period requirements, and rounding is incompatible with that objective.” *Donohue v. AMN Service, LLC*. The Court also held that “time records showing noncompliant meal periods raise a rebuttable presumption of meal period violations, including at the summary judgment stage.” *Id.*

In July 2021, the California Supreme Court’s decision in *Ferra v. Loews Hollywood Hotel* held that meal and rest period premium payments must be paid at the employee’s “regular rate of pay”. California Labor Code section 226.7 requires that employers pay employees “one additional hour of pay at the employee’s regular rate of compensation” as a premium on any workday when an employee does not receive a compliant meal period or rest break. Prior to *Loews*, the prevailing view was that meal and rest premium payments could be paid at a standard rate rather than at the regular rate. Since *Loews*, employers must now pay meal and rest premiums at the regular rate of pay. Thus, if your employees receive any type of payments in addition to their standard rate of pay, e.g., nondiscretionary bonuses or commissions, you will need to factor these payments into the regular rate calculation to pay the correct meal and rest premium payments. Failing to do so would be grounds for legal claims related to the failure to pay full and timely wages, which could in turn trigger a variety of penalties.

Most recently, in October 2022, the Sixth District California Court of Appeal, relying on *Donohue*, held that even neutral rounding policies applied to general timekeeping are unlawful because “amounts measured in minutes are compensable where the worktime is regularly occurring.” The court noted that there is nothing in the Labor Code or wage orders that permits underpayment of an individual employee for all time worked “where the employer can capture and has captured the employee’s worktime in minute increments.” *Camp v. Home Depot U.S.A. Inc.*

The court invited the California Supreme Court to decide the validity of the decade-old rounding standard (that time rounding is permissible when neutral both on its face and in its application) in the limited circumstance “where the employer can capture and has captured all the minutes an employee has worked and then applies a quarter-hour rounding policy.” The court further “invite[d] the California Supreme Court to review the issue of neutral time rounding by employers and to provide guidance on the propriety of time rounding by employers, especially in view of the technological advances that now exist which help employers to track time more precisely.”

Until the California Supreme Court weighs in the law is still unsettled but, in light of the potentially significant implications of these cases, there are four practices that we strongly recommend you implement immediately, if not already in place:

1. Stop rounding time, including for meal periods.
2. Use contemporaneous time entry, including actual recording of meal periods.
3. Document the reasons for all meal period and rest break violations and pay meal period and rest break premiums when appropriate.
4. Review your regular rate calculations with counsel to ensure that you are paying meal period premiums, when applicable, at the correct rate of pay.

It is more critical than ever for employers to review their timekeeping and meal period practices, and we are here to help. We can review your existing policies and practices and/or provide new ones that will ensure compliance in these critical areas.

Please feel free to contact us with any questions.

For more information about any of these employment legal updates, please contact our employment team at 408-356-3000 or via email: Roger Mason at rmason@smwb.com, Caitlin Kaufman at ckaufman@smwb.com, or Rachael Brown at reb@smwb.com.

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.

SWEENEY MASON LLP is a Limited Liability Partnership located at 983 University Avenue, Suite 104C, Los Gatos, California, 95030, telephone (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 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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408.356.3000
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2023 Educational Courses

(Available through Solano/Napa ECT 2023)

Location: Napa Training Center,,720 Technology Way, Napa, CA 94566

Price: Cost for each of the training courses can be found by clicking the link for the class.
For Solano/Napa ECT Contributors, training may be free.

January 19, 2023

[Succession Planning](#)

February 8, 2023

[Enable Success – Creating Alignment Between Field and Office](#)

April 5-6, 2023

[Advanced Estimating of Electrical Construction](#)

May 10, 2023

[Key Performance Indicators: Using Lagging Information to Create Leading Indicators](#)

May 31, 2023

[Retention Strategies: A Focused Partnership with Your Employee](#)

June 8, 2023

[Impacts and Tools for Managing Schedule Compression](#)



*Keeping Your Eye
on the Target*



From time to time we remind you that the Social Security Administration is no longer mailing statements showing your earnings history and projecting your SSA benefits. You need to retrieve the information online at <https://www.ssa.gov/myaccount/>. If you have not already done so, take a few minutes to set up your account. At least once a year you should verify that your earnings history is accurate and that someone else is not reporting under your number.

Equally important, you should keep an eye on your projected benefits, and how they change from year to year.



And, While You are At It . . .



**RECEIVE YOUR BENEFIT ESTIMATE
ONLINE. ANYTIME. ANYWHERE.**

NEW to the Online Benefits Portal:

✓ **ESTIMATE YOUR BENEFITS!**
Thinking about retirement? Easily generate your NEBF lifetime benefit estimate, including years of service. Go to www.nebf.com/nebf and click on "Online Benefits" to register. It's that easy. No calling, no waiting.

✓ **CHANGE YOUR ADDRESS**
Moved? You don't have to write in with your change of address! Simply enter your new address after securely logging into your account. You'll receive an email letting you know the change has been made and will take effect within 24-48 hrs.



**INSTANT
& MOBILE**

Receive your benefit estimate and work history or update your address quickly and easily.



**MORE SAVINGS
MORE BENEFITS**

Receiving documents online saves money, which means more money is available for benefits.



**SAFE &
SECURE**

With the same secure encryption methods used to protect sensitive financial and military data.

Go to www.nebf.com/nebf and click on "Online Benefits" to register.

A number of our members and key non-bargaining personnel worked with the tools at the beginning of their careers. If you are one of those individuals and you worked for NECA-IBEW employers, you should also check with the National Electrical Benefit Fund to verify your accrued years of service and your estimated benefits at retirement.

The NEBF recently developed an Online Benefits Portal, which is very easy to use and will quickly give you your service credits by year and your estimated benefits at retirement. Start to finish it takes about five minutes, and we highly recommend you set up an account and check it each year at the same time you review your Social Security Information.

[Online Benefits Portal](#)

DID YOU KNOW?

You can receive text and email notifications when you have new documents available online- submit your contact information through the portal and activate alerts.



California Building Standards Commission

Information Bulletin 22-05:

2022 Legislative Changes

This information bulletin summarizes the 2022 legislative changes to state laws related to the California Building Standards Commission (CBSC) and state building standards. The statutory changes summarized in this bulletin become effective on January 1, 2023, unless otherwise specified in statute. The links will take you to the *California Legislative Information* website for the complete text on each law.



SYNERGY

[Notice to Retirees](#)

[Temporary Return to Work Amendment to the Plan of Benefits for the NEBF](#)

[Sound and Communications Wage Schedules Effective December 1, 2022](#)

[Employer Cost Per Hour Schedule E](#) [Shift Rates Schedule E](#)

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

[NECA 2022 CA Legislative Scorecard](#)

[Your Guide to 2023 California Employment Laws](#)

[Sound and Communications Apprenticeship Applications](#)



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