



OUR 59TH YEAR

CONTRA COSTA CHAPTER

NOVEMBER 2022



Sound and Communications Negotiations 2022

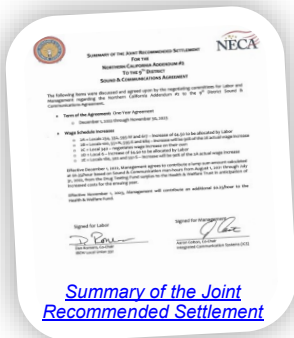
Settlement

Effective December 1, 2022 - November 30, 2023

The bargaining parties representing NECA and the IBEW came to an expedited end to the negotiation over our Sound and Communications Agreement this year.

Given the uncertainty within our current market conditions, heavily influenced by equipment shortages, inflation and the lingering effects of the pandemic; the parties agreed to a one-year extension of the Agreement with no changes other than a cost-of-living adjustment.

For the cost-of-living adjustment on December 1, 2022, the Inner-Bay Area Locals 6, 332, 595-W, 617 and 234 receive a \$4.50/hour increase. The Outer-Bay Area Locals 180, 302, and 551-S receive 90% of the Schedule 2A wage increase, after any allocation to Health or Retirement.



One piece of the puzzle that had to be addressed was the anticipated cost of health care for the next year. The employers have built up a sizable surplus in the drug testing fund (because very few employers utilize it). As a result, the surplus funds will be used to offset the increase in health costs during the next year. On November 1, 2023, one month before the expiration of their agreement, there will be an additional increase to the Health and Welfare Trust of \$0.25/hour to replace the amount bridged by the use of the drug testing surplus.

The IBEW held its Ratification/Allocation meeting this past Saturday, November 12th. At that meeting they determined that an additional \$0.40 would be allocated to Health and Welfare and \$0.85/hour would be allocated to Retirement. Therefore, the increase to the Installer Rate on Schedule 2E (Contra Costa, Napa/Solano, Marin/Sonoma) is \$2.93/hour. The new rates will become effective for hours worked on December 1, 2022. *Plan your work accordingly.*

At their meeting over the weekend, the IBEW also came close to completely resolving two long standing issues left over from the 2019 negotiations; uniform dues deduction and their vacation fund. Under the new arrangement, you will withhold 6% of all bargaining unit employees pay for each week and at the end of the month you will remit that amount on your NECA/Star transmittal. Each Local Union has the opportunity to allocate between vacation pay and dues, but it won't matter to you because your obligation is to withhold and transmit the 6% regardless of which local they happen to be working in. Note the effective date of the first remittance has not yet been determined, but we expect full resolution shortly. For now, continue withholding and remitting as you have been. To be continued . . .

Click [here](#) to view/download the revised Wage Schedules.

POLITICO ALERT

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COVID-19 Supplemental Paid Sick Leave Relief Grant Program Becomes Law

Governor Newsom has signed [AB 152 \(Committee on Budget\)](#) which implements the COVID-19 Supplemental Paid Sick Leave Relief Grant Program for which the industry strongly advocated. Securing funding and launching this program is a major achievement.

The new law establishes the COVID-19 Relief Grant Program within the Governor's Office of Business and Economic Development (GO-Biz) to assist qualified businesses with grants up to \$50,000 to reimburse COVID 19 Supplemental Paid Sick Leave (SPSL) provided between January 1, 2022 through December 31, 2022.

The bill provides for an additional \$70 million in grant funds, in addition to the \$250 million we secured for the program in the budget earlier this year, for a total of \$320 million. To qualify for the SPSL Relief Grant, a business must meet all of the following criteria:

- Is a "C" or "S" corporation, cooperative, limited liability company, partnership or limited partnership;
- Began operating before June 1, 2021
- Is currently active and operating.
- Has 26 to 49 employees and provides payroll data and an affidavit attesting to that fact.
- Has provided SPSL pursuant to the requirements of Labor Code §§ 248.6 and 248.7; and
- Provides organizing documents.

It is important to note that California construction employers were the only employers who were provided a variance when calculating the less than 50 employee threshold. While the grant program contains the less than 50 employee qualifier to access grant funds for all other employers in the state, we were able to secure industry specific language to allow construction employers to count only "core employees" towards the less than 50 employee threshold. That exemption reads as follows:

"For purposes of calculating the number of employees to determine if the employer meets the 26 to 49 employees requirement for access to the grant program, an employer covered by Industrial Welfare Commission Order No. 16-2001, shall calculate their number of employees as the number of full-time employees that have worked for the employer, without any break in employment, for the past 24 months."

This language should significantly increase the number of contractors who will qualify for access to the grant program.

COVID-19 Supplemental Paid Sick Leave Relief Grant Program Becomes Law

(Continued)

As previously reported, the California Labor Federation forced amendments into the bill that extend the requirement for employers with more than 25 employees to provide SPSL from September 30, 2022, to December 31, 2022. Employees may utilize unused SPSL under the extension, the total amount of leave available to employees was not increased. In addition, AB 152 states that an employer has no obligation to provide SPSL if the employee states they have tested positive for COVID-19 and refuses to provide documentation or submit to a test. Employers will also be allowed to request additional tests between days 5–10 after the first positive test. Employers do not have to provide additional SPSL to an employee who tests positive and refuses to submit to the follow-up testing.

As a budget “trailer” bill, AB 152 will take effect immediately. Now that the measure has been signed, we will work with Go-Biz during the launch of the program. Once the program is officially up and running, we will get an alert out with the needed information for application and encourage contractors to get their grant applications in immediately, as we strongly believe the program will be oversubscribed.

California's New Bereavement Leave Law

Clarity on AB 1949

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.

There seems to be confusion within the industry on if the bereavement leave authorized under AB 1949 is paid or unpaid. Upon introduction, we worked with the author to ensure the leave was “unpaid leave” and that the proposed law was not changed to “paid leave” throughout the legislative process. 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 that 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.

ECCT - NECA 2022

CA Legislative Scorecard



The last actions of the 2022 California legislative session took place on September 30th, which was the deadline for Governor Newsom to sign or veto legislation. NECA again had a very effective legislative session pursuing industry measures, including; making 5% retention on public works a permanent policy; tightening up contractors' state licensing law to ensure compliance with permitting and workers compensation insurance requirements; securing relief for employers who paid out COVID-19 Supplemental Paid Sick Leave; and providing increased access to payroll information for our industry labor compliance programs.

2022 was also a challenging year as it related to general employer legislation, due to the legislature's continued push for employment laws that circumvent the sanctity of our industry collective bargaining agreements. Protecting the wage, hour and working conditions that the industry jointly negotiates has become the highest priority when reviewing legislation. State mandated deviations from those pacts takes away from the union construction industry's ability to not only compete for work, but also recruit workers, and organize contractors.

In reviewing the Scorecard, it's important to remember that both houses of California's legislature have 2/3 democratic supermajorities, making it difficult to stop progressive and environmentally slanted bills that adversely impact our contractors. Despite that fact, NECA was again successful in defeating or amending numerous measures that would have been harmful to our contractors and the industry overall.

Click [here](#) to view:

NECA 2022 CA Legislative Scorecard

**Summary of the Key Bills NECA took strong positions on
this year and the outcome.**

Cal/OSHA Makes Big Changes to COVID-19 Regulation Ahead of December Vote

NOTICE OF PROPOSED MODIFICATIONS TO CALIFORNIA CODE OF REGULATIONS General Industry Safety Orders TITLE 8: New Sections 3205, 3205.1, 3205.2, and 3205.3

[COVID-19 Prevention – Non-Emergency Regulation](#)

California employers may want to get out their measuring tape – because the size (in cubic feet) of a workspace just became an important element of COVID-19 compliance.

Last Thursday and Friday (October 13/14), the California Department of Public Health (CDPH) and California Division of Occupational Safety and Health (Cal/OSHA) made some significant changes to the state's definition of a “close contact” and to the potential 2-year extension of California's COVID-19 regulation that all employers need to be aware of.

New “Close Contact” Definition Applicable Immediately

On October 13th, CDPH changed the definition of “close contact” via an [Order](#), effective immediately that will change enforcement for both large and small workplaces in California.

For context – over the last few months, a “close contact” had been defined by CDPH and Cal/OSHA as any person “sharing the same indoor airspace” as an infected person for 15 minutes. This “indoor airspace” definition led to confusion and consternation from many employers due to how dramatically it differed from the prior “six foot/fifteen minutes” rule. “Indoor airspace” was particularly galling for large workplaces, where an employee might be 30 feet from anyone – but potentially still count as a close contact.



Under the new definition, California workplaces will be separated by their cubic footage. Workplaces larger than 400,000 cubic feet will utilize the original definition of a close contact (six feet/fifteen minutes) whereas, for airspaces smaller than 400,000 cubic feet will keep the more recent definition of anyone sharing the same “indoor airspace”. Notably, CDPH's Order expressly notes that where “floor-to-ceiling walls” separate portions of a workplace, those areas must be counted separately for the purposes of determining whether the workplace is 400,000 cubic feet.

On October 14th, Cal/OSHA issued a 15-day change notice and made considerable changes to the draft regulation's text “[COVID-19 Prevention - Non-Emergency Regulation](#).” Though the full import of these changes is still being analyzed, the most important to employers appear to be:

- **Incorporation of the new “close contact” definition** based on the size of the workplace (see above) into the draft.
- **Easing of the threshold to end an “outbreak”** – now one case in a two-week period does not extend the outbreak. Instead, two cases will be the threshold to continue outbreak precautions. (Notably, this was a specific suggestion from CalChamber in prior meetings, and we are glad to see it incorporated.)
- **Changes to statutory notice requirements** – with 2022's AB 2693 (Reyes) changing notice requirements in the workplace, the regulation is being adjusted to match.

Click [here](#) to read full article.

Sweeney Mason

LIMITED LIABILITY PARTNERSHIP

LEGAL NOTICE:

CSLB Reminds Licensees of Contractor's Bond Increase to \$25,000

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

In its recent Industry Bulletin [CSLB #22-10](#), the Contractors State License Board (CSLB) reminded all licensees that the contractor's bond amount is increasing to \$25,000 on January 1, 2023:

CSLB first publicized this increase in December 2021. The increase is the result of Senate Bill 607, which was signed into law in 2021. 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).

CSLB distributed notices to 203 surety companies on September 28, 2022, with instructions for automatically increasing all licenses' bonds and bonds of qualifying individuals currently on file with CSLB. If you are a licensed contractor, your surety company or broker should contact you soon to inform you of any changes to your bond premium.

You can also contact your surety company directly to ensure they have returned documentation to CSLB to increase your bond. If you know the name of your surety company, you can look up their contact information [here](#). The name and contact information of your surety is also on your bond agreement itself or your broker can provide it. Questions about any increase to your bond premium must be directed to your broker or surety company and not CSLB.

Revised contractor bond and bond of qualifying individual forms with the new bond amounts will be available to the sureties in December 2022.

The increase occurred in part due to a [license bond study](#) that the CSLB conducted as required by [Business and Professions Code section 7071.6](#). The study determined that the current \$15,000 amount of the contractor bond is not sufficient and an increase may be necessary.

More information about bonds can be found on CSLB's [website](#) or if you have specific concerns or questions, contact any one of our construction law group below.

For more information, or if 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.



NECA

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SEPT 29 - OCT 2, 2023



SYNERGY
eLinks

Northern California Addendum #2 to the 9th District Sound & Communications Agreement
[Summary of the Joint Recommended Settlement](#)

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

[Inside Wireman 2023 Holidays](#) [Sound and Communications 2023 Holidays](#)

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

[Bay Area Construction Projects](#)

[NECA 2022 CA Legislative Scorecard](#)

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

[California Privacy Rights Act: What Employers Need to Know](#)

[Sound and Communications Apprenticeship Applications](#)



Happy Thanksgiving!

November 2022

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UPCOMING HOLIDAYS

Inside Wireman:

Off-Day 12/23 - Christmas Day Observed 12/26
New Years Day Observed 01/02/23

Sound & Communications:

Christmas Eve Observed 12/23 - Christmas Day Observed 12/26
New Years Day Observed 01/02/23



CONTRA COSTA CHAPTER
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