



OUR 59TH YEAR

CONTRA COSTA CHAPTER

AUGUST 2022

Sound and Communications

“INDUSTRY UPDATE”

OUR AGREEMENT WITH THE IBEW COVERING SOUND AND COMMUNICATIONS WORK WILL EXPIRE ON NOVEMBER 30, 2022

Management's Negotiating Committee has scheduled a pre-negotiation meeting with all Northern California Communication Contractors to discuss the upcoming negotiations as follows:

Zoom Meeting

Wednesday, August 3, 2022 @ 9:00 a.m.

(Please contact Chapter Office for Sign-In Information)

Representing the Contra Costa Chapter in this years' negotiations will be Mike Geller.

Please contact him with any of your concerns regarding the negotiation process
or items you feel need to be addressed.

Chapter Office Phone: (925) 372-3222 Email: mgneca@sbcglobal.net

From the inception of our Sound and Communications Agreement in the mid-1980's, there has always been some friction in the precise dividing line between what is Inside Wireman's work and what is Sound and Communications work. Keep in mind that Inside Wiremen can do the entire spectrum of electrical work after the meter, while Sound and Communications Installers are limited to the scope in the Sound and Communications Agreement.

The Council on Industrial Relations (CIR) recently heard a case concerning a grievance against one of our members regarding fiber optic cable and Traffic Signal work. The case was remanded back to the parties of the Northern California, Addendum No. 2, 9th District Sound and Communications Agreement with instructions to attempt to resolve the matter and also to come to a mutual understanding regarding future work of a similar nature. The CIR directed the parties to accomplish this prior to the negotiation of the successor Agreement.

The parties to the Agreement met on July 6th per the CIR directive. At that meeting, the parties agreed to schedule a series of meetings to address not only the Traffic Signal matter but the entire Scope in the Sound and Communications Agreement. It was also agreed to by the parties to conduct these meetings as a prelude to the negotiation of the successor agreement with the understanding that the scope language settlement (s) would be binding and incorporated into the final settlement of the Agreement.

The next meeting of the Scope Committee will be held on August 18th. If you have any items you would like considered at those discussions and/or any concerns, please contact Mike Geller at the Chapter phone number or email address listed above.

Sweeney Mason

LIMITED LIABILITY PARTNERSHIP

LEGAL NOTICE:

Required Contractor Action: Updates to RME Duties

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

A Responsible Managing Employee's ("RME") role is to oversee the contractor's construction operation to ensure that the contractor is complying with each of the requirements of Business and Professions Code Chapter 9. This includes ensuring project safety, obtaining proper permits, record keeping, the timely payment of subcontractors, etc. Until recently, one of the major requirements was that an RME provide direct supervision and control over the job site and contractors. Business and Professions Code § 7068.1 defines "supervision and control" as "direct supervision or control or monitoring and being available to assist others whom direct supervision and control has been delegated." The consequences for an RME's failure to provide direct supervision could be the difference between a contractor being able to recover payment for its work and the court finding that the contractor was in essence unlicensed, thus, unable to recover payment and potentially having to disgorge payments already received for its work under Business and Professions Code § 7031.

In January 2022, however, a new bill, AB 830, amends section §7068.1 to allow delegation of direct supervision and control by an RME and removing the "direct" supervision provision. The new provision allows an RME to delegate duties, including supervising construction sites, managing construction activities and checking jobs for proper workmanship, for example.

In addition, AB 830 also modified subsection (d) of §7068.1. The statute now requires that every applicant of licensee qualifying by the appearance of a qualifying individual to submit detailed information on the qualifying individual's duties and responsibilities, including an employment duty statement prepared by the qualifier's employer or principal. Although it is not clear from the CSLB website what the specific requirements of an employment duty statement are or what should be contained in the statement, it is a violation of §7068.1 to not provide one if requested.

A compliant “employment duty statement” will most likely include language incorporating Chapter 9. For example, the RME’s duties should be recorded in the employment duty statement and the RME should comply with the duties in the statement. The employment duty statement could serve to keep the RME accountable for their supervisory responsibilities. Delegation of any RME duties should also be recorded in the employment duty statement. In addition, contractors should be aware that opposing counsel may ask for the employment duty statement during litigation proceedings with the goal of demonstrating a discrepancy between the duties listed on the employment duty statement and what the RME actually did on the jobsite. Consequently, RMEs should be prepared to provide details about how, where, and when they performed the requisite duties listed in the employment duty statement moving forward. It is strongly recommended that all contractors prepare a compliant employment duty statement as suggested above as soon as possible.

Now is also a good time to review both your form contracts and liability insurance coverages. Are your contracts up to date and do they contain terms and conditions (including indemnity, scope of work and payment provisions) that adequately protect your business and serve your specific needs? Moreover, do you have adequate insurance to protect your company when something inevitably goes wrong—including coverage for your subcontractors’ work (if applicable)? What exclusions and exemptions does your insurance policy contain? Have appropriate additional-insured endorsements been issued for particular projects and, if so, does that coverage continue or terminate when the subcontractor (or contractor) completes its work? Do you have an adequate attorney’s fees clause if it becomes necessary to pursue legal action in the event you are not paid? All of these important questions must be addressed in advance of contracting to mitigate against potential catastrophic results. Contractors are encouraged to have their contracts reviewed by counsel, including to make sure that they comply with the recent changes to Business & Professions Code Chapter 9!

For more information, or if you 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.

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 "Legal 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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5% Public Works Retention Cap Becomes a Permanent State Policy!!!

Governor Gavin Newsom just announced that he has signed our "5% Retention Cap Bill," AB 2173 by Assemblymember Cottie Petrie-Norris (D-Laguna Beach).

The current public works 5% retention cap statute was set to expire at the end of this year. Now that AB 2173 has been signed by the Governor, the 5% public works retention cap policy is placed into California law for perpetuity.

We want to thank all of the contractors and other industry leaders who took the time to use our grassroots advocacy page to send an email to Governor Newsom asking that he sign the bill. Your voice makes a difference.

We would also like to thank Assemblymember Cottie Petrie-Norris and her staff for all of their hard work in getting AB 2173 passed into law. Assemblymember Petrie-Norris is a long-time industry supporter and we truly appreciate her continued efforts in making prompt and fair payment in the construction industry a priority.



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Solano & Napa Counties Electrical Contractors Trust

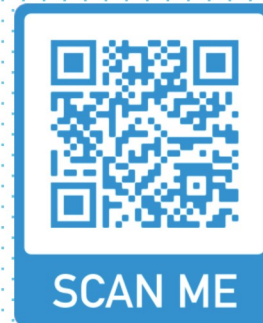
Date: Tuesday through Friday
September 27 - 30, 2022

Time: 9:00 AM - 12:00 PM

Location: Virtually

Cost: S/N Trust Contributors - Free
Contra Costa Industry Trust Contributors - Free
Non-Contributors - \$250.00

Registration:
<https://norcalneca.org/education/bluebeam-training/>



DESCRIPTION

This four-day course will cover many different aspects of Revu. Both days one and two will cover the Revu Essentials and Studio. Day three will cover Drawing Management and Day four will cover Quantity Takeoff. Attendees who register must complete all four training days.

Revu Essentials and Studio: This course will give you the foundational skills needed to organize, markup, edit and track comments in a PDF drawing set. You will also learn how to easily collaborate in real-time with project partners anywhere in the world using Studio. You will further learn how to: (1) Create a custom profile to efficiently navigate the Revu interface; (2) Use navigation tools to easily move within documents; (3) Use the thumbnails panel to adjust pages and documents; (4) Place the most frequently used markup tools in Revu; (5) Customize toolsets and share with project partners; (6) View and export a report of relevant markup data; (7) Create a custom stamp using dynamic text; (8) Centralize and manage project documents in the cloud using Projects; and (9) Digitally collaborate in real-time with project partners using Sessions.

Quantity Takeoffs: Discover how to take quick, accurate measurements and build better bids with Revu through hands-on exercises and Q&A. You will learn how to: (1) Calibrate your drawings for scale; (2) Take basic measurements quickly and accurately; (3) Import measurement tools for reuse and sharing; (4) Calculate and organize measurement totals with custom columns; and (5) Use keyboard shortcuts for faster takeoffs.

Drawing Management: This course will introduce you to key features of Revu for navigating drawings, detecting changes and managing revisions. You will learn how to: (1) Organize and manage your drawings over the course of a project; (2) Use the AutoMark feature to generate bookmarks and page labels; (3) Determine if your PDFs are raster- or vector-based; (4) Search for text and apply actions to the results; (5) Add, change and manage hyperlinks; and (6) Identify differences between drawings.

***Registration is capped at 20 participants. Further, only two participants allowed per company.**

California Employers

Wildfire Smoke Standard Reminder

As wildfire smoke affects the Sierra and foothills, the California Division of Occupational Safety and Health (Cal/OSHA) [reminds employers](#) to take steps to protect their workers from that unhealthy air. This is just the beginning of the wildfire season in California, so California employers must be prepared.

When wildfire smoke might affect a worksite, employers need to monitor the air quality index for particulate matter 2.5 (PM2.5) before and throughout the work shift. Air quality can be tracked through the [U.S. EPA's AirNow](#) or [local air quality management district websites](#). Using [Cal/OSHA's requirements](#), employers can use their own instruments, too.

Smoke from wildfires contains chemicals, gases and fine particles that can harm health. The greatest hazard comes from breathing fine particles in the air (called PM2.5), which can reduce lung function; worsen asthma or other existing heart and lung conditions; and cause coughing, wheezing and difficulty breathing.

If the AQI for PM2.5 is 151 or greater, employers must:

- Inform employees of the AQI for PM2.5 and the protective measures available to them.
- Provide effective training and instruction to all employees on the “Protection from Wildfire Smoke Information to Be Provided to Employees (Mandatory)” in [section 5141.1 Appendix B](#).
- Implement modifications to the workplace, if feasible, to reduce exposure, such as [providing enclosed structures or vehicles](#) where the air is filtered for employees to work in.
- Implement practicable changes to work procedures or schedules, like changing the location where employees work or reducing the time they work outdoors or are exposed to unfiltered outdoor air.
- Provide proper respiratory protection equipment, such as disposable respirators, for voluntary use. To filter out fine particles, respirators must be labeled N-95, N-99, N-100, R-95, P-95, P-99 or P-100, and **must be labeled as approved by the U.S. National Institute for Occupational Safety and Health (NIOSH)**. If the AQI for PM2.5 exceeds 500 due to wildfire smoke, respirator use is required.

Employers should also visit Cal/OSHA's [Worker Safety and Health in Wildfire Regions website](#) for additional information and resources.





NECA Alert

Breaking News from the National Electrical Contractors Association

Be Aware of Scam Text Targeting NECA Staff

Please be aware of a text being sent to NECA Chapter staff and probably others claiming it is from NECA CEO David Long. This is a known scam where the perpetrator gets you to purchase something (usually gift cards) as a gift for a colleague or someone else in the organization and then has you send them all of the gift card information directly.

Do not engage with these texts.



IRS Increases Mileage Rate for Remainder of 2022

R-2022-124, June 9, 2022

WASHINGTON — The Internal Revenue Service today announced an increase in the optional standard mileage rate for the final 6 months of 2022. Taxpayers may use the optional standard mileage rates to calculate the deductible costs of operating an automobile for business and certain other purposes.

For the final 6 months of 2022, the standard mileage rate for business travel will be 62.5 cents per mile, up 4 cents from the rate effective at the start of the year. The new rate for deductible medical or moving expenses (available for active-duty members of the military) will be 22 cents for the remainder of 2022, up 4 cents from the rate effective at the start of 2022. These new rates become effective July 1, 2022. The IRS provided legal guidance on the new rates in [Announcement 2022-13](#), issued today.

In recognition of recent gasoline price increases, the IRS made this special adjustment for the final months of 2022. The IRS normally updates the mileage rates once a year in the fall for the next calendar year. For travel from January 1 through June 30, 2022, taxpayers should use the rates set forth in [Notice 2022-03](#).

Registration For NECA 2022 Austin is Open!



NECA is excited to announce that registration is open for the 2022 NECA Convention & Trade Show in Austin, TX! This is the electrical construction industry's premier event. Attendees will gain access to industry-leading education, top-notch speakers, networking, entertainment & North America's largest Electrical Construction trade show. Lock in early registration rates by August 3!



SYNERGY
eLinks

[2022 Q2 Compliance Report](#)

[California Bay Area Region](#)
[CE/CW Wage & Fringe Benefits Effective June 1, 2022](#)

[Market Advancement Memorandum of Understanding](#)

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



August 2022

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thur</i>	<i>Fri</i>	<i>Sat</i>
	1	2 <u>NECA</u> Chapter Board of Directors 11:45 p.m.	3 <u>JATC</u> <u>Interviews</u> Noon	4 <u>JATC</u> <u>Interviews</u> Noon	5	6
7	8	9 <u>JATC</u> <u>Interviews</u> Noon	10	11 <u>JATC</u> <u>Interviews</u> Noon	12	13
14	15	16 <u>JATC</u> <u>Interviews</u> Noon	17	18 <u>Retirement</u> <u>Trust</u> @ Local 302 11:00 a.m.	19 <u>JATC</u> <u>Interviews</u> Noon	20
21	22 <u>JATC</u> <u>Interviews</u> Noon	23	24	25	26	27
28	29	"The Bob" - NECA 2022 Golf Tournament Edgewood Tahoe				
		30	31			



CONTRA COSTA CHAPTER
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