



## Cal/OSHA Issues Emergency Regulations for Wildfire Smoke Protection

**Employers should act now – the emergency  
wildfire smoke regulation is in effect.**

On July 29, 2019, the California Occupational Safety and Health Standards Board's [emergency regulation](#) to protect outdoor workers from the harmful effects of wildfire smoke became effective. As [previously reported](#), Cal/OSHA has been developing these standards for several months.

### **WHAT EMPLOYERS NEED TO KNOW**

#### **Air Quality Index**

Under the new regulation, employers must take steps to protect workers who could be exposed to wildfire smoke. Employers will have to monitor the Air Quality Index (AQI) at their worksites for fine particulate matter (PM 2.5). If the AQI for PM 2.5 is greater than 150 and the employer "reasonably anticipates" that employees will be exposed to wildfire smoke, then employers must reduce exposure to the smoke.

Depending on the worksite and conditions, employers may reduce exposure to workers by relocating them to enclosed buildings with filtered air (called the engineering control method) or to another outdoor location where the AQI for PM 2.5 is 150 or lower (called the administrative control method). If it is not feasible to reduce smoke exposure using engineering or administrative control methods, then employers must give employees the option to use air respirators, such as [N95s](#).

If the AQI exceeds 500, then respirator use is mandatory, and employers must also comply with the burdensome respiratory protection requirements contained in [section 5144](#), including fit testing and medical evaluations. The regulation also explains how to check current and forecasted AQI, although employers are also allowed to measure PM 2.5 levels themselves to determine AQI.

Employers must establish a system to communicate to employees about AQI levels, including relaying information about available protective measures, and encourage employees to inform them of worsening air quality and any adverse symptoms resulting from smoke exposure. Employers must also provide training on the new regulation, including information about the effects of wildfire smoke, obtaining medical treatment, how to obtain AQI information, methods to protect employees from wildfire smoke, and how to safely use respirators. Read the [full text of the regulation](#) for monitoring and training requirements.

## **Affected Workplaces**

Certain workplaces are exempt, such as enclosed buildings or vehicles that have air filter systems, firefighters engaged in firefighting, or employees with only short-term exposure to the smoke (less than one hour). Outdoor occupations and industries, including agriculture, construction, maintenance, landscaping, are primarily affected.

However, all employers with a worker who could spend a cumulative hour or more outside over the course of a shift must comply with the regulation, which could include employers whose employees are intermittently exposed to outside air. For example, certain warehouse jobs where employees might move in and out of doors or delivery jobs could fall under the emergency regulation.

Even an employer with no outdoor employees should be cautious, as the regulation could also apply to high traffic indoor worksites such as restaurants or banks where doors are consistently opened and allow in outside air. Employers should consult with legal counsel to determine if they fall into an exemption.

## **WHAT EMPLOYERS SHOULD DO**

Employers must quickly prepare to comply with these regulations. Employers should determine whether the smoke protection requirements apply to their business and, if so:

- Familiarize themselves with how to monitor AQI information;
- Develop the appropriate training and information for their employees; and
- Potentially have respirators on hand (Employers with outdoor employees should stock up on respirators, such as the N95s, to prepare for multiple shifts of employees working in poor air quality to facilitate timely compliance with the regulations and minimize potential disruptions in work).

As with the new Silica Standard, the Wildfire Smoke Regulation specifically mentions an inexpensive N95 respirator as one measure of compliance. As a result, you might want to consider having a sufficient supply available for each jobsite and in each vehicle in your fleet.

**On July 30, 2019, the California Division of Occupational Safety and Health (Cal/OSHA) announced that its "emergency regulation requiring employers to protect workers from hazards associated with wildfire smoke is now in effect, following its approval yesterday by the [California] Office of Administrative Law."**

# Important Updates

## SEXUAL HARASSMENT PREVENTION TRAINING

### **NECA Harassment Online Courses that Meet AB 2053/1825/2358, SB1343/SB396 and DOL Requirements**

NECA recently announced that they were able to license a new version of the sexual harassment online training courses that meet California's 2-hour requirement for supervisors and 1-hour requirement for employees that now also meet AB2358 and DOL requirements for harassment training regarding apprenticeships!

Because of the increase in demand, they were also able to secure a very favorable deal on this training and we're now able to offer it at *half of the previous price!*

The 2-hour Supervisor's course is [available here](#) for \$19.00

The 1-hour Employee's course is [available here](#) for \$13.00

In the next couple of weeks they will also be issuing credits in the NECA Learning Center to those that purchased the courses at the previous rate that they can use within one year for additional courses.

To take these courses, individuals must have a profile in NECA's membership database. We can manage this for you, your Accredited Representatives can maintain rosters and register individuals at your company, or individuals can register themselves. The direct link to create a profile on the website, or use the "Forgot Password" tool to determine if they already have a login, can be [found here](#). Linda O'Neil, [lom@necanet.org](mailto:lom@necanet.org), or Vivian Brown, [vivian@necanet.org](mailto:vivian@necanet.org), can assist you with this.

### **Potential Modification to Law Could be Forthcoming**

Eddie Bernacchi, our legislative advocate in Sacramento tells us that he is working on two Senate Bills to ease some of the burden on construction industry employers.

**SB 530** has been amended to be an industry focused bill, that would provide comprehensive construction industry training options, and portability of an employee's certification of having taken the requisite training between employers' signatory to the same Collective Bargaining Agreement. **SB 778** is a broader measure that extends the deadline for employers to provide sexual harassment prevention training and education and clarifies when refresher training must be provided. We anticipate that both will make their way to Governor Newsom for consideration and we will ask for contractor support letters to the Governor when appropriate.



National Electrical Contractors Association  
THE VOICE OF THE ELECTRICAL CONSTRUCTION INDUSTRY

# **ALERT**

07/25/2019

## NECA 2019 Las Vegas

### **UNAUTHORIZED VENDOR ALERT**

Some NECA members and show exhibitors have been approached by unauthorized vendors fraudulently claiming to be the official housing company or in some cases email marketing list supplier for NECA 2019 Las Vegas .

**CMR is the only official housing and registration agent for NECA 2019 Las Vegas. Dealing with unauthorized vendors could result in additional charges, incorrect hotel placement, inflated room rates, or identity theft and other fraud. [Check out the official hotel information on NECA's convention website »](#)**

Additionally, we have reports of members and exhibitors being approached by unauthorized vendors fraudulently marketing access to attendee and membership email addresses. **NECA does not distribute or allow the purchase of any attendee or membership email listings.**



Please note, all official NECA 2019 vendors utilize the official vendor logo (above) in all communications.

If you have any questions or concerns, attendees can visit the [Registration & Hotel Support Center](#), contact CMR [by email](#) or phone: 800-368-6322.

If you are contacted by **any entity other than CMR** concerning convention housing, or are approached with offers to access mailing lists, please email [Katie McCormick](#).



## **SMWB ALERT!**

### **Wage Statement Litigation Continues**

SMWB first sent this Alert! in 2015. Since then, class action lawsuits, based in part on violations of California Labor Code Section 226, have become commonplace. Section 226 mandates that employers provide their employees with, as a detachable part of the employee's paycheck, an itemized statement containing several categories of specific information. These class action lawsuits seek penalties on behalf of all employees who receive non-compliant wage statements. Section 226 was amended in 2013 to provide for hefty penalties – even where the employee cannot prove any actual damages.

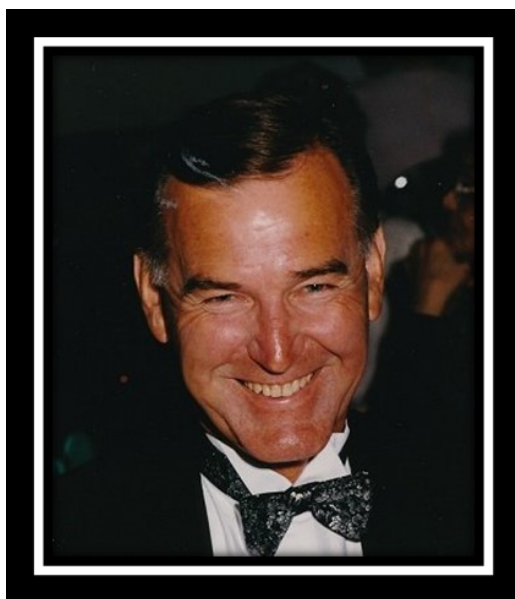
Compliant wage statements must set forth accurate and complete information, including but not limited to:

1. Gross wages earned;
2. All deductions;
3. Net wages;
4. Total hours worked by the employee (unless exempt);
5. The inclusive dates of the period for which the employee is being paid;
6. The name of the employee and either the last four digits of the employee's social security number or an alternative employee identification number;
7. The name and address of the legal entity that is the employer; and
8. All applicable hourly rates in effect during the pay period.

Many employers include only the pay period end date and fail to include their correct legal name and their full address. These mistakes can result in significant liability for employers. If you issued noncompliant check stubs to ten (10) employees each week for one year, the penalty is at least \$40,000.00. For one hundred (100) employees, the penalty balloons to \$400,000.00. As these penalties can be significant, we urge you to check your wage statements to ensure they are in compliance with Section 226.

### **Act now!**

*Roger M. Mason is a shareholder with Sweeney, Mason, Wilson & Bosomworth, Los Gatos, California. Since 1982, Roger has focused on labor and employment law, both transactional and litigation. He advises and represents businesses in multiple aspects of employment and labor law, successfully resolving individual and class action claims through mediations, arbitrations and trials. He can be reached at (408) 356-3000 or [rmason@smwb.com](mailto:rmason@smwb.com). Rachael Brown assists her clients in a variety of matters, focusing primarily on employment disputes. She can be reached at (408) 356-3000. or [reb@smwb.com](mailto:reb@smwb.com).*



*Henry "Hank" Cassidy*  
*(1935 – 2019)*

*It is with great sadness that we convey the passing of Hank Cassidy, former Branch Manager for Del Monte Electric in Walnut Creek. He passed away on July 5<sup>th</sup>, at 83.*

*Hank served on our Chapter Board of Directors from 1992-1999, holding the office of Chapter President from 1997-1999. He played an instrumental part in developing the Northern California Electrical Construction Industry Labor Management Cooperative Trust (a.k.a. Mission 2000), which developed the prevailing wage compliance programs for a number of IBEW Local Union areas including Local 302, Local 595 and Local 180.*

*Hank was very active in the Chapter up to his retirement from the industry in March of 1999. Shortly afterward he and Dixie retired to the same area where he grew up in Camden, South Carolina.*

*We will remember Hank for his no-nonsense approach to everything he did and for his volunteer/can-do attitude.*

*Memorial contributions may be made to Camden First Baptist Church, 1201 Broad St., Camden, SC 29020; or the Kershaw County Fine Arts Center, 810 Lyttleton St., Camden, SC 29020.*



# NECA 2019 Las Vegas

*September 14<sup>th</sup> - 17<sup>th</sup>*

MANDALAY BAY

# There's Still Time!

*Convention Website*



**SYNERGY**  
eLinks

[CW/CE NEW WAGE RATES](#)

[SEXUAL HARASSMENT PAMPHLET](#)

[2019 NECA LAS VEGAS BROCHURE](#)

[GUIDE TO NEBF PARTICIPATION AGREEMENTS  
FOR NON-BARGAINING EMPLOYEES](#)

[DISCLOSURE ABOUT AN EMPLOYER'S PARTICIPATION IN A  
MULTIEMPLOYER PLAN](#)

[2019 INSIDE WIREMAN HOLIDAYS](#)

[SOUND AND COMMUNICATION AGREEMENT WITH UPDATED  
WAGE SCHEDULES FEBRUARY 2019](#)

[NEBF 2018 ANNUAL FUNDING NOTICE](#)



**CONTRA COSTA CHAPTER**  
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 (925) 372-3222  
[www.ccneca.org](http://www.ccneca.org)

*August 2019*

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thur</i>	<i>Fri</i>	<i>Sat</i>
				1	2	3
4	5	6	7	8	9	10
11	12	13	14 <b><u>Retirement Trust</u></b> Martinez Training Center 10:00 a.m.	15	16	17
18	19	20 <b><u>Industry Trust</u></b> Prima's Restaurant 11:45 a.m.	21	22 <b><u>JATT</u></b> Martinez Training Center 2:00 p.m.	23	24
25	26	27	<u>28</u>	29	30 Off-Day	31
<div>The Bob Golf Tournament</div>						

**Upcoming**

**September 2<sup>nd</sup>**  
 Labor Day Holiday Observed  
**September 13<sup>th</sup> - 17<sup>th</sup>**  
 NECA 2019  
**September 14<sup>th</sup>**  
 Board of Governors Meeting  
**September 16<sup>th</sup>**

Contra Costa Chapter, NECA Board of Directors and Industry Trust Meeting