

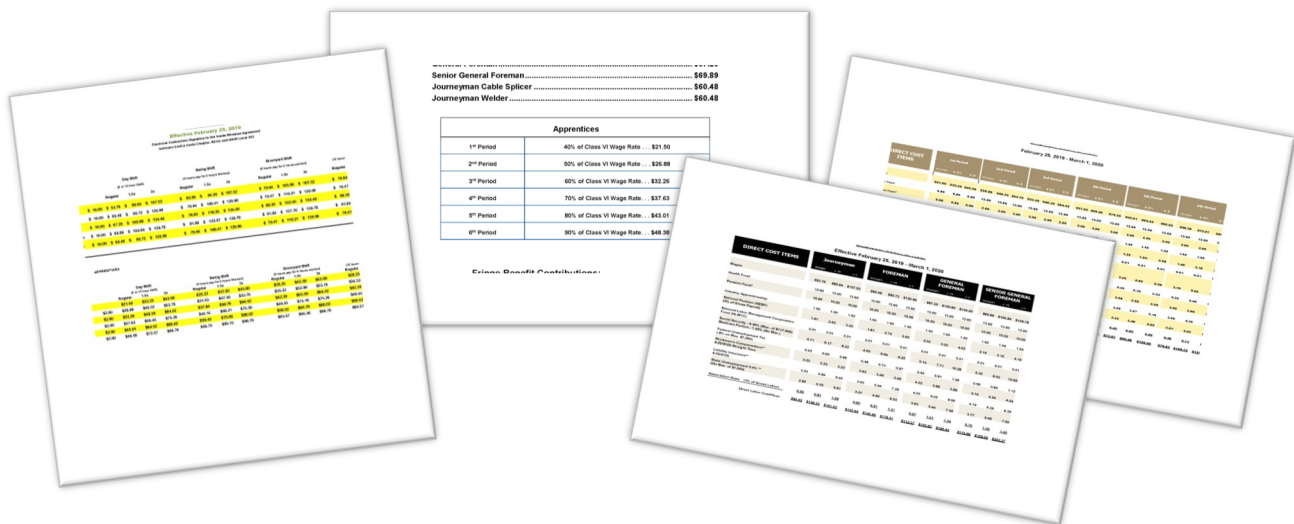


OUR 56TH YEAR

CONTRA COSTA CHAPTER

February 2019

Inside Wireman Wage/Fringe Increase



Effective February 25, 2019

Last month the members of IBEW Local Union 302 voted to allocate their entire \$2.00 per hour increase on February 25, 2019, to wages.

New Wage Sheets, Cost-Per-Hour Sheets, and Shift rates
reflecting the \$2.00 hour increase can be found
at: <http://www.ccneca.org/Wages.html>

The February increase in the package will be the only increase in 2019. The next adjustment will be on March 2, 2020 when the package will increase by \$3.00/hour. The Agreement expires on May 31, 2020.

POLITICO ALERT

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

The PG&E Bankruptcy and its Impact on NECA Member Contractors

Facing at least \$30 billion in wildfire-related liabilities, Pacific Gas & Electric Corporation (PG&E) is preparing to file for bankruptcy, a move the company says will allow its electric and natural gas utility to keep operating. On January 14, 2019, the company announced that it provided the 15-day advance notice, required by recently enacted California law, that it and its wholly owned subsidiary Pacific Gas and Electric Company intends to file petitions to reorganize under Chapter 11 of the U.S. Bankruptcy Code on or about January 29, 2019.

The following information and recommendations are for contractors who work for PG&E about how they can best protect their interests. Contractors should use these recommendations as a guide and consult with their individual council for legal advice.

Recommendations for Contractors Doing Work for PG&E

Consider whether work can be postponed until after the bankruptcy filing. Typically, amounts owed for work that is performed post-petition is considered to be an administrative claim that has a higher priority and that is paid more quickly than a general creditor's claim for work performed before the bankruptcy.

Make sure to submit invoices in a complete and timely manner for work that already has been performed. If you receive money before the bankruptcy filing, you may avoid several years of delay or the risk that PG&E will not pay the full amount of allowed claims of general creditors.

If the work is being performed on private property, make sure that you have served a preliminary notice on the actual owner of the property and on any lender. Even if you failed to do so previously, serve the preliminary notice now, as it will be effective for work done 20 days prior to the notice and going forward from that date. The bankruptcy will not apply to property owned by someone other than the entity that filed for bankruptcy. It is possible that only the utility company, Pacific Gas and Electric Company, may file for bankruptcy, while the parent holding company, PG&E Corporation, does not. The property may be owned by a nonbankrupt subsidiary of the parent company or by a third party. If the property is owned by a nonbankrupt entity, you could pursue a mechanic's lien claim directly against the property.

If you performed work on private property and you are finished with your work, record a mechanic's lien. If the property is owned by a nonbankrupt entity, you can pursue a mechanic's lien claim directly against the property if the property is owned by the bankrupt entity, recording a mechanic's lien may give you rights as a secured creditor, which could be helpful in securing faster payment or for a greater amount if general creditors do not receive full payment for their claims.

If you finish work after the bankruptcy, you can and should take prompt action to enforce your lien rights. If the property is owned by a nonbankrupt entity you can record a lien as you would if there had been no bankruptcy. Even if the owner is the bankrupt entity, there are procedures for perfecting your lien rights in a bankruptcy. Remember that there are specific time frames for recording a mechanic's lien.

Once the bankruptcy has been filed, promptly file a claim in the bankruptcy for the amounts you are owed. The bankruptcy court will establish a deadline for submitting claims, which typically is at least several months after the bankruptcy is commenced. It is important to file a claim in a timely manner.

In PG&E's last bankruptcy in 2001, general creditors were paid in full for their claims (to the extent that the claims were valid), but payment was made several years after the bankruptcy. Victims of the 2016 and 2017 fires most likely will be considered to be general creditors in a bankruptcy, so there is reason to believe that there will be pressure in a PG&E bankruptcy for general creditors to be paid in full for valid claims.

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Expanded Sexual Harassment and Abusive Conduct Training Requirements

SB 1343 Compliance

The highly-publicized #MeToo movement made a significant cultural impact in 2018, not only on workplaces and individuals across all industries, but also on California state lawmakers who responded by introducing and passing legislation aimed at curbing harassment in the workplace. The most significant new law in this area was SB 1343, which expanded California's existing sexual harassment prevention training requirements from supervisorial employees to all employees and reduced the employee threshold triggering the training requirement for employers from 50 employees to 5 employees. Due to the climate surrounding the #MeToo movement, SB 1343 received no opposition.

SB 1343 amended existing California sexual harassment training laws to require that, as of January 1, 2019, all employers with five or more employees are now required to provide two hours of sexual harassment prevention training to supervisors and one hour to nonsupervisory employees within six months of hire or promotion, and every two years thereafter. All employees must complete their training before January 1, 2020. The California Department of Fair Employment and Housing (DFEH) has determined that this means training must be done during the 2019 calendar year. This includes supervisors trained in 2018 under existing law.

Existing posting requirements have not changed, employers must still post the required DFEH discrimination and harassment workplace poster and all employers must also distribute the DFEH pamphlet on sexual harassment to all employees.

The new law also requires the DFEH 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. DFEH expects to have the online trainings available by late 2019. The law also permits an employer, in order to comply with the training requirement, to develop a training module instead of the online training course developed by DFEH, if they so choose.

In addition, DFEH is offering a sexual harassment and abusive conduct [prevention toolkit](#), including a sample sexual harassment and abusive conduct prevention training program. Employers may use the training in conjunction with an eligible trainer to provide sexual harassment and abusive conduct prevention training.

Summary of Training Deadline:

Beginning January 1, 2019, employees must receive training by the first mandated deadline on January 1, 2020, meaning all employees must be trained in the 2019 calendar year. To comply with the January 1, 2020 deadline, all employees trained in 2018 must retrain in 2019. Training must take place within six months of hire or promotion and every two years thereafter.

Beginning January 1, 2020, seasonal and temporary employees, or any employee hired to work for less than six months, must be trained within 30 calendar days after the date of hire or within 100 hours worked, whichever occurs first. In the case of a temporary employee employed by a temporary services employer, the training must be provided by the temporary services employer, not the client.

Enforcement:

DFEH will accept complaints from employees regarding employer noncompliance with the law. Complaints filed with DFEH after January 1, 2020, regarding an employer's failure to provide the required sexual harassment and abusive conduct prevention training will be reviewed in light of the totality of the circumstances, which may include the availability of DFEH's online training courses or the availability of qualified trainers. If DFEH finds that the law has been violated, it will work with employers to obtain compliance with the law.

Responsibility to Provide the Training:


Existing California law specifies that, "An employer . . . shall provide" sexual harassment and abusive conduct prevention training [Gov. Code 12950.1(a)-(b)]. In addition, the DFEH is authorized to seek a court order that "the employer" has not and must comply with this requirement [Gov. Code 12950.1(f)]. This language makes clear that it is the employer's—not the employee's—responsibility to provide the required training, including any costs that may be incurred. This language also makes clear that employees may not be required to take such training during their personal time; the training must be "provided" by the employer as part of an individual's employment.

Phishing Email Posing as "NECA" Reported

We have been notified of a recent spam email that appears to be from the NECA delivering a "Secure message" with an attachment and a request for the user to sign in, even providing instructions for new users.

WARNING: Do Not Open the Email Attachment or Link!

Here is an example of the email received:

From: NECA Connection <ab@msnun.co.uk> 
Sent: Thursday, January 17, 2019 8:31 AM
Subject: Verification of NECA Membership Information

Good morning,

Each year membership information needs to be verified and forwarded. Would you mind looking over the attached NECA Member Profile Information for 2019 and letting us know if there are any changes?

We need the information to ensure that it can be included in the 2019 NECA Directory.

Thank you very much for your assistance.

Should you have any questions, please don't hesitate to contact us

NECA,
3 Bethesda Metro Center, Suite 1100
Bethesda, MD 20814

New secure email message from National Electrical Contractors Association

Open Message

To view the secure message, click Open Message.

The secure message expires on Jan 31, 2019 @ 02:00 PM (GMT).

Do not reply to this notification message; this message was auto-generated by the sender's security system. To reply to the sender, click Open Message.

In the highlighted area above, you can see the email is not coming from a verified necanet.org address. It is actually from, "NECA Connection <ab@msnun.co.uk>". NECA emails will generally come from a "necanet.org" address.

- Is the email out of the ordinary or unexpected?
- Is the sender's email from an unknown or suspicious domain like the above example: sos@msnun.co.uk?
- When you hover your mouse over the link, is it for an unknown website link?

If you have any questions, or would like assistance determining whether an email is spam or legitimately from the NECA, please contact Chenrée Lockley at 301-215-4553 or, Chenree.lockley@necanet.org.



National Electrical Contractors Association
THE VOICE OF THE ELECTRICAL CONSTRUCTION INDUSTRY

January 16, 2019

Codes & Standards

NECA + Schneider Electric Present NEC Safety by Design Webinar

Join join NECA and NECA Premier Partner Schneider on Thursday, February 7 at 10am CST for a live webinar presentation of NEC: Safety by Design and Advancements in Technology.

How can emerging technologies improve electrical safety? Register and attend this 1-hour live webcast to learn more about these top 3 objectives:

- **Review highlights from the 2017 NEC that improve electrical safety.**
- **Improve understanding of the current safety-by-design features such as barriers, compartments, and arc energy reduction.**
- **Discuss emerging technologies and their impact on safety and equipment design.**

[Register Here](#)

CONSTRUCTION ELECTRICIAN/CONSTRUCTION WIREMAN CALIFORNIA BAY AREA REGION - FRINGE BENEFIT TRANSMITTAL IBEW Local 302

New Remit to Address:

**Contra Costa County Electrical Workers IBEW Local 302 Trust Funds
P.O. Box 45382
San Francisco CA 94145-0382**

New Health and Welfare Contribution Rate:

Effective with hours worked in January 2019, the Health and Welfare contribution rate for the Market Advancement Initiative is \$5.95/hour (up from \$5.75).

New Requirement for NECA Star:

Effective with February 2019 Hours (March Transmittal) all employers will be required to report CW/CE benefits utilizing NECA Star.



SYNERGY

**[BAY AREA ELECTRICAL CONTRACTORS](#)
[RANKED BY FISCAL YEAR 2017 BAY AREA REVENUE](#)**

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

[2019 INSIDE WIREMAN HOLIDAYS](#)

**[SOUND AND COMMUNICATION AGREEMENT WITH UPDATED
WAGE SCHEDULES DECEMBER 2018](#)**

[NEBF 2017 ANNUAL FUNDING NOTICE](#)



February 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	15 Off-Day Inside Holiday	16
17	18 <u>President's Day Holiday</u>	19 <u>Inside JATC</u> Martinez Training Center 2:00 p.m.	20	21 <i>Happy Valentine's Day</i>	22	23
24	25	26	27	28		



CONTRA COSTA CHAPTER
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