



# SUMMER

OUR 57TH YEAR

CONTRA COSTA CHAPTER

OCTOBER 2020

**NEW  
UPDATE**

## Inside Wireman Agreement

Our protracted negotiations with Local 302 over the Inside Agreement are continuing with several meetings scheduled over the next month. We will keep you apprised of any significant developments.

## Proposed Change to Chapter Bylaws

One of the unfortunate aspects of COVID-19 is the fact that we cannot legally conduct our in-person Chapter Meetings as we have in the past. We currently have a vacancy on the Chapter Board of Directors because of the retirement of Michael Dias, the former CEO of Contra Costa Electric.



In the event of a vacancy on the Board, the Bylaws provide that a Nominating Committee be appointed and an election conducted at no later than the second regular Chapter meeting. This pandemic was apparently not contemplated when the Bylaws were drawn up.

We do, however, have a procedure for modification of the Chapter Bylaws. We will be sending out a mail ballot vote to the accredited representative of each permanent member in good standing during the first week of October. The amendment will address this issue by allowing for a mail-in ballot for an election in the event an in-person meeting cannot be conducted. Please return your response within the time frame indicated in the instructions.

## New Class of Inside Apprentices Available

We want all of our Inside Employers to know that we have begun to put a new class of apprentices to work. The exact number will depend on the needs of the industry, but as of today we have eight (8) available, many with some non-union experience. Please call Jim Foley, the dispatcher at Local 302, (925-288-0302) if you can put an apprentice to work. Just as a reminder, first year apprentices start at \$22.10/hour on their wages, with no local pension contribution and a subsidized Health and Welfare contribution of \$7.05/hour (instead of the full contribution of \$14.10/hour).



**October 6<sup>th</sup>-8<sup>th</sup>**

Click [here](#) for details.

**Trade Show  
Free Registration  
Code: 20EXH**

**[BROCHURE](#)**

# TAKE ACTION TO PREPARE FOR WILDFIRE

Is there a reason some homes are destroyed while others are spared during a wildfire? Luck certainly plays a role, but it turns out there is more to it. Fire science has evolved to a point that we can greatly increase our chances of surviving a calamity by being just a little smarter about how we take care of our property.

There are several simple steps you can take now to increase the likelihood of your home surviving a fire. Please take a few minutes to watch the video below and learn how.



## VIDEO

### [Your Home Can Survive a Wildfire](#)

*Dr. Jack Cohen, Fire Science Researcher with the USDA Forest Service, explains current research about how homes ignite during wildfires, and the actions that homeowners can take to help their home survive the impacts of flames and embers. Featuring footage from the IBHS Research Center showing ember experiments on full-scale structures, this primer helps explain the basic steps to protect homes, and shows where to find more information.*



Below are four additional interesting fact sheets on enhancing home safety. We encourage everyone to visit the “Attic and Crawl Space Vents” page, as fire science has improved significantly in this area over the recent past, and small changes can yield large results.

## FIRE-WISE

### Fact Sheets on Enhancing Home Safety

[ATTIC AND CRAWL SPACE VENTS](#)

[FIRE SPREAD ON EMBER-IGNITED DECKS](#)

[UNDER-EAVE CONSTRUCTION](#)

[SKYLIGHTS](#)



The 2020 NECA “Virtual” Convention is less than a week away. You can register today for the upcoming convention and be entitled to participate in ALL of the available Educational Seminars and view the various speakers by clicking on the link below (or contact the Chapter office for assistance). You will be able to access the courses as well as view the various speakers for up to 30 days after the convention! (Member pricing: \$250)

**CLICK HERE TO REGISTER**

**Some of the courses available for viewing:**

**The New Role of Data in Construction: Key Performance Indicators**

Speakers: Josh Bone, Amanda Harbison

**Margin or Markup: Why Does it Matter?**

Speakers: David O'Brien, Craig Bodette

**Industrialization of Construction: Signal or Noise? Threat or Promise?**

Speakers: Heather Moore, Meik Daneshgari

**Applying Technology for Construction Productivity**

Speakers: Jason D. Turner

**Top 25 NEC Changes in the 2020 Edition and The Impact on Contractors**

Speakers: Michael Johnston

**Employee Engagement**

Speakers: Amanda King

**Keeping the “Line” of Communication**

Speakers: Jon Finch

**High Voltage Safety**

Speakers: Youssef Takhchi

**Break into Prefab & Digitized Procurement without BIM or Upfront Costs**

Speakers: Quintinus Henry, Aruna Muthumanickam

**To view additional seminars available click [here](#).**

**Full Schedule of Events**

*Trade Show Registration  
FREE w/ Code 20EX7*



## INSIDE WASHINGTON

GOVERNMENT AFFAIRS NEWS FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION



### **DOL Proposes Rule to Clarify Employee and Independent Contractor Status Under the Fair Labor Standards Act**

The Department of Labor [issued a new proposed rule](#), on September 23, addressing the classification of workers as independent contractors.

The proposed regulation, which will be subject to a 30 day comment period after it is formally released later this week, would institute a new structure for determining the status of the worker focusing on the “economic realities” of the workers situation and the real world applicability of the rule.

NECA has continuously worked on this issue and looks forward to submitting comments to the Department of Labor.

# POLITICO ALERT

[www.PoliticoOnline.com](http://www.PoliticoOnline.com) "Connecting you to California"

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

## **COVID-19 Supplemental Paid Sick Leave**

On September 9, 2020, California Governor Gavin Newsom signed AB 1867 which establishes new COVID-19 supplemental paid sick leave requirements for large employers not covered by the Federal Families First Coronavirus Response Act (FFCRA). The bill becomes effective on September 19, 2020. As previously reported, the measure was amended in the final hours before the amendment deadline, ensuring no changes could be made due to the state's constitutional 72 hours in print rule for bills. The vehicle used was a budget trailer bill allowing the language to be buried as a budget item. As a budget implementation measure, the Governor had no choice but to sign it. The lack of public discourse and the willful removal of opportunity to debate and influence the bill was horrific.

As we have received many questions regarding the new law, prepared below are FAQ responses regarding AB 1867 provided by legal counsel. Please note that the FAQ is intended to provide guidance information only. If you have a company specific questions concerning AB 1867, always check with your own attorney or human resources professional.

## **FREQUENTLY ASKED QUESTIONS REGARDING AB 1867**

### **Which Employers Are Covered by AB 1867?**

All California employers with 500 or more employees nationwide are covered by AB 1867.

### **When Are Employees Entitled to COVID-19 Supplemental Sick Leave Payments?**

Employees who must leave their home to perform work are entitled to COVID-19 supplemental paid sick leave if they are unable to work when they are:

1. Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
3. Prohibited from working by the employer due to health concerns related to the potential transmission of COVID-19.

### **What Constitutes being "Advised" by a Health Care Provider to self-quarantine or self-isolate?**

An employee who does not meet the requirements listed above for COVID-19 supplemental Sick Leave Payments is not entitled to receive them. However, AB 1867 is clear that an employer's obligation to provide COVID-19 Supplemental Sick Leave is triggered "upon the oral or written" request of the employee. This means that employers may not require a doctor's note or other certification from a health care provider.

### **How Many Hours of COVID-19 Supplemental Sick Leave Payments Are Employees Entitled to Receive?**

The number of hours of COVID-19 Supplemental Sick Leave Payments depends upon the employee's schedule:

1. Employees who the employer considers to work "full time" or who were scheduled to work or did work on average at least 40 hours per week in the two weeks preceding the date of taking this leave are entitled to 80 hours of COVID-19 Supplemental Sick Leave Payments;
2. Employees with a normal weekly schedule are entitled to COVID-19 Supplemental Sick Leave Payment hours equal to the total number of hours the employee is normally scheduled to work over two weeks;
3. If an employee works a variable number of hours, the employee is entitled to COVID-19 Supplemental Sick Leave Payment hours equal to 14 times the average number of hours the employee worked each day in the six months preceding the date the employee took COVID-19 supplemental paid sick leave (or, if the employee has worked less than six months but more than 14 days, the average hours worked each day over the entire employment period);
4. If an employee works a variable number of hours and has worked for a period of 14 or fewer days, the employee is entitled to COVID-19 Supplemental Sick Leave Payment hours equal to the total number of hours the employee has worked for that employer.

### **What Actions Do Employers Need to Take Relating to Paychecks?**

Employers subject to AB 1867 need to take steps to update their paycheck forms. Beginning the next paycheck cycle, paycheck stubs need to identify the amount of COVID-19 Supplemental Sick Leave Pay available. Your payroll department or service should double check that they have updated their paycheck forms to comply with AB 1867.

Instead of providing information regarding COVID-19 Supplemental Sick Leave Pay on paycheck stubs, employers can provide employees with this information in a separate writing furnished to the employees on the employees' designated pay dates.

### **Who Decides How Many Hours of COVID-19 Supplemental Sick Leave Payments to Use?**

Under the new law the employee determines how many hours of COVID-19 Supplemental Sick Leave Payments to use, up to the maximum number of hours authorized by the statute.

Note, however, that COVID-19 Supplemental Sick Leave Pay only is available if the employee is "unable to work" because the employee is:

1. Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or

Prohibited from working by the employer due to health concerns related to the potential transmission of COVID-19.

### **Can Employers Ask Employees to Prove That They Were Advised by A Medical Care Provider to Self-Quarantine?**

The employee is entitled to COVID-19 Supplemental Sick Leave Pay so long as the employee is unable to work for one of the three reasons listed in AB 1867. The new law does not require that the employee be advised by a healthcare provider in writing to self-quarantine or self-isolate. AB 1867 therefore does not allow an employer to ask for a doctor's note or other evidence that an employee is unable to work or that the employee has been advised to self-quarantine or self-isolate. Technically, if the employee could actually work and was not advised to self-isolate, the employee would not be entitled to COVID-19 Supplemental Sick Leave Payments. From a practical perspective, however, it would be risky to deny benefits under AB 1867 because if the employee were entitled to paid sick leave, the employer would potentially be subject to penalties.

### **Can Employers Require Employees to Use Other Paid or Unpaid Leave Before Taking Supplemental Sick Leave?**

No. AB 1867 prohibits an employer from requiring an employee to use any other paid or unpaid leave, paid time off, or vacation time before the employee uses COVID-19 Supplemental Sick Leave Payments.

### **What Rate is Used for COVID-19 Supplemental Sick Leave Payments?**

Each hour of COVID-19 Supplemental Sick Leave is to be paid at the highest of the following:

1. The worker's regular rate of pay for the last pay period, including pursuant to any collective bargaining agreement that applies.
2. The state minimum wage.
3. The local minimum wage.

However, an employer is not required to pay more than five hundred eleven dollars (\$511) per day and five thousand one hundred ten dollars (\$5,110) in the aggregate for COVID-19 Supplemental Sick Pay to an eligible employee.

## **Does the Hourly Rate for COVID-19 Supplemental Sick Leave Payments Include Benefits?**

No. In the wage and hour context, the California Labor Commissioner has stated that the "rate of pay" does not include contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing retirement, life, accident, or health insurance or similar benefits for employee. Unlike the FFCRA, AB 1867 does not require the continuation of medical benefits or any other fringe benefit contributions.

## **What Notice Must Employers Give?**

AB 1867 requires employers to display a poster in a conspicuous place that provides notice of COVID-19 Supplemental Sick Leave Pay.

1. AB 1867 requires the Labor Commissioner to create a standard template poster and to make the template available to employers.
2. If employees do not go to a workplace, the employer may satisfy this requirement by giving notice through electronic means

## **How is AB 1867 Enforced?**

AB 1867 authorizes the Labor Commissioner to impose civil penalties.

For example, the Labor Commissioner can recover:

1. A penalty of up to \$100 per offense for a willful violation of the poster requirement;
2. An administrative penalty equal to the dollar amount of leave withheld multiplied by three or \$250 (whichever amount is greater) up to a \$4,000 aggregate penalty;
3. Where failure to comply results in other harm or a violation of rights, a sum of \$50 for each day or portion thereof that the violation occurred or continued, not to exceed a \$4,000 in aggregate; and
4. Investigation and enforcement costs of not more than \$50 for each day or portion of a day a violation occurs or continues for each employee or other person whose rights were violated.

These penalty provisions are cumulative and do not preclude other remedies under applicable law; however, penalties for paid leave paystub violations are in lieu of the penalties for a violation of the general paystub statute, Labor Code Section 226.

## **Can the Requirements of AB 1867 Be Waived Through Collective Bargaining?**

No, AB 1867 did not provide authorization to exempt employers signatory to a collective bargaining agreement from having to provide the Supplemental Paid Sick Leave via a waiver in a collective bargaining agreement.

## **Do Collective Bargaining Agreement Grievance & Arbitration Procedures Apply?**

Depending on the specific language of an applicable collective bargaining agreement, individual claims for Supplemental COVID-19 Paid Sick Leave Payments may be subject to the grievance and arbitration procedures. Not all collective bargaining agreements have the same language with regard to use of the grievance procedure for statutory claims. Claims brought by the Labor Commissioner may also be subject to the grievance and arbitration procedures of the applicable labor agreement.

# New Member



## RC Electric Inc.

**RC Electric, Inc.**, located in Concord, is our newest Chapter Member.

Mr. Rick Crowell is the accredited representative. Their office number is (925) 332-5889.



**SYNERGY**  
eLinks

[Sound and Communication  
Skilled and Trained Workforce Requirement](#)

[NECA 2020 Virtual Trade Show and  
Convention Registration](#)

[Your Home Can Survive a Wildfire](#)

[NECA 2020 Virtual Trade Show and  
Convention Schedule](#)

[NECA 2020 LIVE BROCHURE](#)



October 2020

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1 <b>Inside Negotiations</b> 6:00 p.m. Local 302	2	3
4	5 <b>Board of Governors Meeting</b> 2:00 p.m.-5:00 p.m.	6	7	8	9	10
		<b>NECA VIRTUAL Trade Show and Convention</b>				
11	12	13	14	15 <b>Inside Negotiations</b> 6:00 p.m. Local 302	16	17
18	19	20	21	22	23	24
25	26	27 <b>JATT</b> 2:00 p.m.	28 <b>Interim Meeting</b> 10:00 a.m. Local 302	29	30	31