

THE MONTEREY CURRENT

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“Hope smiles from the threshold of the year to come, whispering, “It will be happier.”

Alfred Lord Tennyson



NEW LAW WILL COMPLICATE THINGS IN 2015

Reprinted from Contra Costa County Chapter Newsletter

At about this time every year, we pass along the California Chamber of Commerce list of [New Employment Laws Affecting Business](#) for the subsequent year. In 2015, our most immediate concern is the Mandatory Paid Sick Leave, which promises to present some unique challenges. Last fall our legislative advocate, Eddie Bernacchi, published a [Politico Alert](#) outlining the

highlights of the program. Despite our opposition, the state legislature passed the bill, and Governor Brown, our only hope for any sort of “adult supervision” of the legislature, signed the bill into law on September 10, 2014.

“Effective July 1, 2015 California will be the second U.S. State to Mandate Paid Sick Leave for All Employees State-Wide.”

Here is how we see this unfolding in the NECA-IBEW Electrical Industry:

- If you read the actual language in [AB1522](#), you will quickly come to realize this is not “Paid Sick Leave,” but rather “Paid Time Off.” Since there is no requirement that the employee actually be ill, and you can not deny an employee the right to use accrued sick days, you are going to have to build this impact into your pricing one way or another. Human nature, being what it is, finds most people

today taking advantage of benefits they accrue.

- Since the payment of benefits is based on the employees normal wage, there is a disparate impact for our signatory employers relative to their non-IBEW competitors. There is also a rebuttable presumption of unlawful retaliation on the employer if they deny a request for paid sick leave.
- NECA was able to get a delayed implementation for construction industry signatory employers for agreements entered into before January 1, 2015. This means it will not apply to employees working under our Sound and Communication Agreement until the expiration of that Agreement in November of 2017. Since our Inside Agreement expires on May 31, 2015, we will need to successfully deal with this in negotiations with Local 234 next year or it will apply to your Inside personnel in July.
- There is an outside chance that NECA and IBEW could arrive at a common solution for all of our industry on either a statewide basis or on a northern California basis, but I have to tell you that is a long shot at

this point. Our provincial structure and the delayed implementation mentioned above will work against us in this regard. Nonetheless, we have some ideas on how this might work, and we will make a run at it.

- If we are not able to arrive at a common solution on an aggregate basis, it will be up to each Chapter/Local Union to develop their own solution. If an area is unable to resolve this, it will fall back to the state-mandated program, which will then mean a hodge-podge of different solutions on a Local by Local basis. This will be an issue for our members that execute work simultaneously in multiple jurisdictions.
- If we are not able to arrive at a solution in aggregate or locally, be aware of the ‘Santa Claus effect.’ Most NECA-IBEW health plans have plan deductible years that coincide with the calendar year. Since accrual is limited to six days, it is hard to imagine a scenario where employees do not utilize time they would otherwise lose

at the end of the year for doctors/dentist appointments. They would receive their normal pay without the corresponding production. This will hit in what is typically one of the slowest months for billings for our employers.

- Regardless of what happens with your bargaining-unit employees, the new provisions will apply to your non-bargaining employees on July 1.
- Some of our larger members have well-defined sick pay policies in place for their office staff. For many of our smaller employers, not so much. If you have a policy, you will need to make sure that the accrual, carryover and benefit structure provided by your program meets or exceeds the new requirements. Most payroll systems have the ability to accrue sick pay as a benefit. When you receive your 2015 update from your software vendor or payroll service, you should inquire whether it is compliant with the provision that requires the employer to include the accrued balance of sick pay on

the employees wage statement, or you will have to provide a separate document for each employee at each pay day beginning in July.

- There are unique aspects to the new regulation unlike any other existing requirement imposed by state or federal law. Unlike health care, the new law applies to all employees — even part time employees. Unlike vacation, there is no requirement that it be paid out on termination of employment. Unlike Paid Family Leave, it is not a benefit paid by the state through an insurance program (SDI).
- Beginning January 1, 2015, employers are required to post in a conspicuous place at the workplace, a poster containing the following information: (1) that an employee is entitled to accrue, request, and use paid sick days; (2) the amount of sick days provided for and the terms of use of paid sick days; (3) that retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited; and (4) that an employee has the right under this law to file a

complaint with the Labor Commissioner against an employer who retaliates or discriminates against an employee. The new law required the Labor Commissioner to develop a poster, and it is now available for download [here](#).

- After January 1, 2015, employers are required to provide most employees with an individualized “Notice to Employee” (required under Labor Code section 2810.5) that includes paid sick leave information. This form is available for download [here](#). A revised Notice to Employee form must be used for employees hired after January 1, 2015, and is optional for use prior to the January 1, 2015 effective date. Use of the revised form prior to January 1, 2015, will be deemed compliant with the new requirement as of January 1, 2015.

Answers to frequently asked questions pertaining to this new “Paid Sick Leave Law” are available at http://www.dir.ca.gov/dlse/Paid_Sick_Leave.htm. As we move closer to summer we will be providing more information

along with our strategy for implementation.

ECAP & NECAWORKS Get to Know the Program



Early estimate of project numbers: If you are unfamiliar with the program, this will serve as an introduction and a great means to arm contractors with new tools to land new work. Whether a contractor is doing ECAP projects, thinking of doing ECAP projects or working independently on energy projects, it is advantageous to have a NECAWORKS, the project screening tool that allows contractors to quickly and accurately screen energy efficiency projects to determine payback period, benefit/cost ratios as well as lifetime financial and energy savings is **NOW FREE** to all NECA contractors. NECAWORKS is an online web application that enables contractors to input client's raw energy usage data and low-level financial metrics. The contractor then applies the preliminary project schematics, which include estimated cost (labor, materials, system and energy savings projections. NECAWORKS screens projects so contractors can determine whether or not a project is viable. If the project is not viable, NECAWORKS saves contractors a lot of time and

oney that could be wasted. If trying to sell, bid and design a project that doesn't make dollars and sense.

If the project is viable, NECAWORKS also provides strong documentation to present to clients establishing the many benefits (energy savings, financial return, payback period, benefit cost ratio, lifetime savings, first year savings tax incentives/rebates) they can expect by moving forward with an energy efficiency project from a NECA contractor. The tool screens the following types of projects: lighting control systems, lighting retrofits, HVAC, pumps and fans, building envelope, solar, energy storage, diesel/gasoline/natural gas turbines and generators.

NECAWORKS also serves as the perfect first step of National NECA's popular Energy Conservation and Performance Program (ECAP). By making a small initial investment in time with NECAWORKS, contractors can save a lot of time and money in the long run. If you would like more information, please view the informative video and sample project output that is attached above.

Instructions for Signing Up for NECAWORKS

How to "Purchase" NECAWORKS free: A contractor must "purchase" via the NECA store even though NECAWORKS is 100% free. [Click her to get started.](#)

NOTE: While NECAWORKS is free, the NECA Net system still requires you to input credit card information – but it will not be

charged! If you do not wish to enter your credit card number, you may enter 90000000000 when prompted. However, all other information including the CSV, expiration date, cardholder name and billing address must be complete and correct per your actual credit card. Upon completion, an automated email is sent with the necessary information to immediately begin using the NECAWORKS program. **[**First time NECA Net users, set up account here.](#)**

Setting Up NECAWORKS for Multiple Employees?

The subscription to NECAWORKS is specific to your company and location, and can only be used by individuals identified as current company employees within the NECA database. If you plan to assign use of this tool specifically to employees within your company, please be sure to verify or add the to your company profile. For assistance in editing your company profile, please contact [Vivian Brown](#) at NECA.

How Do I Use ECAP & NECAWORKS?

While experienced NECAWORKS users find the interface relatively simple to operate, a NECAWORKS class is recommended for contractors who are new to the software.

The Northern CA Chapter will be hosting ECAP and NECAWORKS presentations in Dublin, Napa and Stockton areas and our members are welcome to attend. For more information, please contact

[Darlene Best](#) at the Northern CA Chapter with any questions.

LEGISLATIVE UPDATE

House Passes National Defense Authorization Act – What this Means for NECA Contractors

During the week of December 1, the House of Representatives passed the National Defense Authorization Act of 2015 (NDAA) which included several small business reforms that NECA has been advocating for several years:

- **Reverse Auctions Reform (Section 824):** Within the Department of Defense, this provision limits the use of reverse auctions by banning the use of single round reverse auctions, single-bid reverse auctions absent price protections, third-party reverse auctions that include inherently governmental functions or private past performance evaluations, and reverse auctions for design-build work. Given that 95% of reverse auctions are for contracts of less than \$150,000, improper use of this

tool has been harming small businesses, particularly NECA contractors, by lifting competition and delivering contracts that fail to save the taxpayers money.

- **Design-Build Bidding Reform (Section 814):** Simplifies the multi-step process of competing for design-build contracts with the Department of Defense. Originated as the Design Build Efficiency and Jobs Act of 2013, sponsored by Chairman Sam Graves. NECA supported this provision because it will streamline the procurement process for electrical contractors during protracted bidding competitions.

- **Comprehensive Subcontracting Plan Reform (Section 821):** At the request of Graves, the NDAA included provisions to increase transparency and accountability in the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans.

- **Contracting Data and Bundling Accountability (Section 822):** Brings more transparency to data reported on bundled and consolidated contracts. Originated as the Contracting Data

Accountability Act of 2013.

NECA fully supports the passage of this legislation especially the reverse auctions reform piecemeal which has been a legislative priority for NECA for many years. Reverse auctions are inappropriate for the procurement of construction services. They do not guarantee the lowest price, place undue emphasis on price vs. value-added services, may encourage imprudent bidding, tends to denigrate relationships, and may even contravene federal procurement laws and certain state laws.

NECA has worked tirelessly to advance legislation and regulatory policies that impact our contractor's opportunity and ability to operate efficiently, profitably and in the best interest of our customers.

2015 NFPA 70E SIGNIFICANT CHANGES

While still considered a voluntary standard from an OSHA perspective, the NFPA 70E, Standard for Electrical Safety in the Workplace, has become the industry accepted best practices guide for electrical safety programs, employee training, planning and executing energized electrical work

tasks. The Standard has evolved significantly since the first edition was published in 1979. The NFPA has recently released the 2015 edition which contains a number of significant changes from previous, now considered obsolete by NFPA, editions.

Below are 3 of the most significant changes from the 2012 edition.

- **Reformatting of Hazard Risk Tables -** In lieu of performing arc flash incident energy calculations, employers could use Hazard Risk Tables to predict likelihood and severity of arc flash hazards and to select PPE for arc and shock hazards. The tables no longer are based upon risk, that is left up to the Qualified Person to determine, nor do they include direction for use of voltage rated gloves or insulated tools.

- **Deletion of HRC 0 & Clarifying "Normal Operation" -** Hazard Risk Category 0, which is basically the standard PPE worn everyday for normal construction activities, was prescribed by earlier editions of 70E to protect workers from explosions and similar hazards when they interacted with electrical

equipment without direct exposure to energized parts. I.E. switching on / off breakers with equipment doors on. The HRC 0 category is deleted in the 2015 edition. This is not to say a hazard never exists but that the Qualified Person must make that determination. That determination is to be based upon "Normal Operation" of equipment which meets the following criteria.

- The equipment is properly installed;
- The equipment is properly maintained;
- All equipment doors are closed and secured
- All equipment covers are in place and secured; and
- There is no evidence of impending failure.

• Warning Label Content - Labels must now contain all the following information:

- Nominal system voltage
- Arc flash protection boundary
- At least one of the following:
 - Incident energy at corresponding distance
 - Minimum arc rating of clothing
 - Site specific level of PPE
 - PPE selected using 70E tables

Perhaps even more important, 70E now clarifies that the owner of the electrical equipment is

responsible for the documentation, installation and maintenance of the field installed labels.

*Reprinted from LA NECA
Panel Board*

UPCOMING CLASSES OFFERED THROUGH THE JATC

SIGNIFICANT CHANGES TO THE 2014 CODE

Significant Changes of the 2014 National Electrical Code, with instructor David Martinez is held on the second Tuesday of the month. Drop on in! You are welcome to attend one class or as many as you like in this series. This is a (3) hour class. The next class is scheduled for Tuesday, January 13th at 5:30pm.

CPR/FIRST AID

A CPR/First Aid Class has been scheduled for Saturday, February 7th from 8 am to 1 pm at the Training Center. Roni Jane Sudyka will be the trainer and the class is always well received. Blood borne pathogens will also be covered.

Interested in any of these classes? Contact Stacy at the JATC office for more details! (831) 633-3063.

CONGRATULATIONS TO THOSE WHO HAVE COMPLETED UPGRADE CLASSES

Congratulations to the following individuals who

have recently completed classes offered through the apprenticeship program! We appreciate your commitment to the industry!

STATE CERTIFICATION

- Luis Cancino
- Daniel Lujan
- Jesus Ramirez
- Berardo Trujillo

SIGNIFICANT CHANGES TO THE 2014 CODE

- Frank Aldape
- James Brown
- Hector Camacho
- Ralph Garcia
- William Nunes
- Issac Rivera
- Robert Rovella
- Charles Ruiz
- Steve Trybom
- Ralph Yniquez

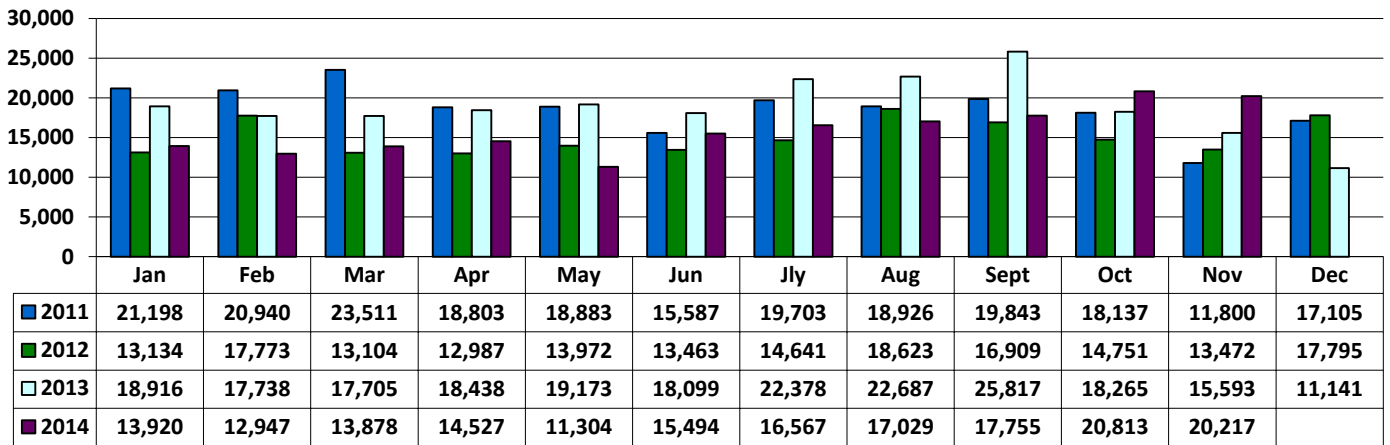
LOCAL #234 AVAILABILITY LIST UPDATE

On the Inside Out-of-Work List, there are 28 on Book 1, 24 on Book 2 and 1 on Book 3. For Sound & Communications there are 2 on Book 1 and 1 on Book 2 and 1 on Book 3. The Local Union has 2 CW's and CE's on the book and we currently have no Inside apprentices out of work at this time.

**To
Benefit...Participate!**



INSIDE MONTHLY HOURS REPORT



UPCOMING EVENTS CALENDAR



December 31, 2014 - January 1, 2015
New Year's Holiday

January 8, 2015
Board of Directors Planning Session

February 5-6, 2015
Western Region Managers Meeting

February 21, 2015
Aptitude Test for JATC

March 18-19, 2015
Labor Relations Conference
New Orleans, LA

April 13-16, 2015
NECA Now
Miami, FL

July 9-10, 2015
District IX Meeting
Laguna Beach, CA

National Training Institute
July 25-31, 2015
University of Michigan

October 3-6, 2015
National Convention
San Francisco, CA