



## January 2021

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# 2021

## TO BENEFIT ... PARTICIPATE!

### **NIC BITTLE LEADERSHIP SUCCESSION CLASS JANUARY 21st!**

### **HOW SMART CONTRACTORS DEVELOP THE NEXT GENERATION OF LEADERS**

Please join us for our next 90 minute lunch and learn on January 21, 2021 via Zoom for this important discussion about developing the next generation of leaders within your firm. Target Audience for this session is our mentors. So, please select those who you believe can pass valuable information down to those you believe have a future in your firm and we will register them for this session. There is no cost to our members thanks to the Wendt Scholarship that we were awarded. Registration is required. Please contact Jerri Champlin if you are interested in attending.

Mentorship is one of those buzz words that gets thrown around a lot in our industry. The fact is we need mentors. We need mentors because our industry has an unimaginable amount of wisdom, knowledge and insights locked away inside the minds of our best

and brightest. What is worse is many of those individuals will be leaving our industry in the next several years, but will this valuable information and experience be leaving with them? The choice is yours.

In this 90 minute program we will take the next step toward developing mentors within your firm and really get the ball rolling.

If you missed the first session, it is available as a recorded session. Please contact Jerri for more details but it won't keep you from joining in on the next session if you haven't seen the first.

Join us for a conversation around the insights and best practices successful organization use to transfer the knowledge, skills and experience of their best into the next generation. Call now to register!



## NEW CALIFORNIA LAWS TAKE EFFECT JANUARY 1

While we have previously provided a summary of all new California state laws that will impact the construction industry in our 2020 End of Year Legislative Report, we want to remind contractors to be particularly aware of a few significant new employer laws that will take effect on January 1, 2021. Below is a brief summary of those key new employment laws.

### COVID-19 Workplace Exposure Notice and Reporting

AB 685 (Reyes) created COVID-19 notice and reporting obligations for all California employers. The new law will require contractors, within one business day, to provide written notice of a potential COVID-19 workplace exposure to all employees, employees' exclusive representative (the union), and any subcontractors who were at the same worksite as a "qualifying individual" within the "infectious period." A "qualifying individual" is defined as any individual who (1) has a positive viral test for COVID-19, (2) is diagnosed with COVID-19 by a licensed health care provider, (3) is

ordered to isolate for COVID-19 by a public health official, or (4) has died due to COVID-19. "Infectious period" means the time a COVID-19-positive individual is infectious, as defined by the State Department of Public Health which is currently 10 days. If a qualifying individual has been at the employer's worksite during the infectious period, the employer must provide the potential COVID-19 workplace exposure notice. Contractors may communicate this written notice by e-mail, text message, or memorandum. The notice must include information regarding COVID-19 benefits under federal, state, or local laws that are available to employees as well as information regarding the employer's disinfection and safety plan that it plans to implement and complete per the guidelines of the Centers for Disease Control and Prevention. Employers are required to maintain records of notifications for at least three years.

The law further imposes the obligation for employers to report when there has been an "outbreak" in their workforce. Specifically, if an employer is notified that there have been three or more laboratory-confirmed cases of COVID-19 among workers who live in different households within a two-week period, the employer must, within 48 hours, notify the local public health agency of the names, number,

occupation, and worksite of employees who meet the definition of a "qualifying individual."

These COVID-19-specific changes to the Labor Code will remain in effect until January 1, 2023. In preparation to meet these new requirements, contractors should prepare a template COVID-19 notice that is ready to distribute, make a list of all employees, unions, or subcontractors that may need to be notified, prepare a disinfection or safety plan, and create training and checklists for supervisors and managers covering the new requirements. It is essential for contractors to prepare in advance so that they can meet the 24-hour notice requirement in the event there is an exposure event.

### Expansion of the California Family Rights Act

SB 1383 (Jackson) expanded the coverage of the California Family Rights Act (CFRA). Currently, employers with 50 or more employees are subject to CFRA and its federal equivalent, Family Medical Leave Act (FMLA). Both provide employees with up to 12 weeks of unpaid leave. When SB 1383 goes into effect on January 1, 2021, CFRA will be expanded from employers with 50 or more employees to employers with 5 or more employees.

In addition, the bill expanded the scope of family members

for whom the employee can take leave. CFRA currently allows employees to take unpaid leave for several purposes, including to care for a “family member” with a serious health condition. CFRA currently defines “family member” to include a minor child (unless the child is dependent), a spouse, or a parent. Beginning in 2021, the list of family members will be expanded to include grandparents, grandchildren, or siblings. In addition, the definition of a child will be expanded to cover all adult children, regardless of whether they are dependent.

Smaller contractors who are unfamiliar with CFRA will need to develop policies and procedures for these new leave requirements and should consult with employment counsel to ensure compliance.

### **Equal Pay Reporting**

SB 973 (Jackson) requires pay data reporting by employers in an effort to encourage and ensure wage parity for women and minorities. The new law requires employers with 100 or more employees who currently, under federal law, must file an annual Employer Information Report (EEO-1), to submit similar information to the California Department of Fair Employment and Housing (DFEH). The annual report to the DFEH requires the number of employees (and hours they worked): (1) by race, ethnicity, and sex; (2) in each of the job

categories in the federal EEO-1 Report; (3) whose annual earnings fall within each of the pay bands used by the U.S. Bureau of Labor Statistics in the Occupational Employment Statistics survey. Employers who already file the annual EEO-1 Report under federal law can comply by filing a copy of the EEO-1 report with DFEH.

Please contact the [NECA office](#) for sample draft notices.



## **CALIFORNIA MINIMUM WAGE INCREASE**

Please remember that in 2016 California passed legislation to increase the state minimum wage to \$15 per hour overtime. Under the provisions of that law, California’s minimum wage will increase on January 1, 2021, to \$14 per hour for employers with 26 employees or more and \$13.00 per hour for employers with 25 or fewer employees.

Below (see page 7) is the mandated schedule to raise the State minimum wage to

\$15 by 2023. Please note that some cities and counties have a local minimum wage that is higher than the state rate.

The change in the minimum wage has a domino effect on other California employment compliance areas that are linked to the state minimum wage. Many of the exemptions afforded to construction employers’ signatory to a collective bargaining agreement (CBA) are dependent on the CBA providing for “premium” wage rates. The following are some of the key areas the minimum wage increase may impact construction employers.

Collective Bargaining Agreements – Hours and Days of Work Under California Industrial Welfare Commission Wage Order 16, construction employers and unions are permitted to bargain hours and days of work different from those required by the Wage Order, so long as their employees are covered by a valid CBA designating wages, hours and working conditions and the employees’ regular hourly rate of pay is not less than 30 percent more than the state minimum wage. Employers should determine whether their union agreements or

other procedures are affected.

**Paid Sick Leave**  
Construction employers in California must provide paid sick days to their employees unless the employees are covered by a valid CBA and fall under the exemptions included in Labor Code Section 245.5. The construction exemption to California's paid sick leave law requires that a premium regular hourly rate of pay of not less than 30 percent more than the state minimum wage be paid to exempt employees.

**Tools or Equipment**  
Employers who require employees to provide their own tools or equipment may also be effected pursuant to the Industrial Welfare Commission Wage Order 16. Generally, when tools or equipment are required by the employer or are necessary for the performance of a job, they must be provided and maintained by the employer. However, an employee receiving wages that are at least two times the state minimum wage can be required to provide and maintain their own hand tools and equipment customarily required by the trade or craft. If employers are taking advantage of this provision, they should ensure they are

paying employees twice the new state minimum wage.



## WINE AND WISDOM

We continue to add more opportunities to our agenda for this educational and entertaining event! We have previously announced that we will be hosting a great event in May 2021! Our chapter, along with the East Central CA Chapter (Fresno) and the Kern County Chapter (Bakersfield) will host Wine and Wisdom! This event will be held at the beautiful Allegretto Resort and Spa in Paso Robles.

We will begin with an education course that you have chosen. "Managing Field Productivity" will be led by leading subject expert, Dr. Awad Hanna.

We also have a host of VIP's that plan to join us for industry updates and roundtables.

There's plenty of other activities planned! A golf tournament at Hunter Ranch, chapter dinners, a field trip to Sensorio Field of Light Show in the hills of Paso Robles, cooking demonstrations and much more! There might even be a zip-line adventure for those that are interested!

***You won't want to miss this event!! Mark your calendars now for May 6-9, 2021.***

## IRS ISSUES STANDARD MILEAGE RATES FOR 2021

The IRS recently issued the optional standard mileage rates for 2021, used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Effective January 1, 2021, the standard mileage rate for business use of a car (also vans, pickups or panel trucks) will be \$0.56 per mile (down from the 2020 rate) The complete IRS notice can be found by [clicking here](#).



# SEXUAL HARASSMENT PREVENTION TRAINING REMINDER

**January 1, 2021  
Deadline!**

Contractors with five or more employees had until January 1, 2021, to ensure that all employees received either one-hour (non-supervisory employees) or two-hours (supervisory employees) of sexual harassment prevention training pursuant to California law.

Please note that:

- A supervisor is anyone with authority to hire, fire, assign, transfer, discipline or reward other employees.

- Union construction flexibility was placed in statute (SB 530 of 2019) to ensure that the harassment training can follow a collective bargaining agreement (CBA) covered employee within the union multiemployer construction setting if the employee changes employers. SB 530 also authorized joint labor management apprenticeship training committees and other labor management committees to provide the requisite training.

- Employers must provide the sexual harassment prevention training to new non-

supervisory employees within six months of hire and the new supervisory employees within six months of hire or the assumption of a supervisory position.

The option to verify that a CBA covered employee has undergone training within the past two years rather than provide the training, per SB 530, still applies.

- Pursuant to the original statute, the Department of Fair Employment and Housing (DFEH) was required 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. The DFEH online training is free, and can be found by [clicking here](#).

- National NECA was able to license sexual harassment online training courses which meet California's one-hour requirements for employees and two-hour requirement for supervisors.

o The one-hour non-supervisory course is [available here](#) for \$13.00/person.

o The two-hour supervisory course is [available here](#) for \$19.00/person.

# CONGRATULATIONS TO THOSE COMPLETING CLASSES

The following individuals have recently completed classes:

## SIGNIFICANT CHANGES TO THE 2017 NEC

**December 15, 2020**

- Jim Shumaker
- Will Nunes
- Jonathan Stanley
- Lloyd Eads
- Andy Hartmann
- Juan Vargas
- Manuel Garcia
- Brian Stanley
- Jorge Mendoza
- Stevan Gamez
- Justin Anderson
- Randy Evans
- Kyle Tuck



## MILWAUKEE APPRENTICE OF THE MONTH

The Apprentice of the Month program is sponsored by Milwaukee Tools. The goal is

to encourage apprentice participation and reward a high performing student for achieving outstanding results both in the classroom and on the job. The JATC has named third year apprentice **Kevin Paige** as the apprentice of the month for January. Congratulations!



## UPCOMING CLASSES OFFERED THROUGH THE JATC

**ALL IN-PERSON JW CLASSES ARE CURRENTLY SUSPENDED DUE TO THE SHELTER IN PLACE ORDER! HOWEVER...ONLINE CLASSES ARE AVAILABLE. PLEASE HAVE THOSE INTERESTED CONTACT STACY AT THE JATC OFFICE AT [STACY@TRICOUNTYJATC.ORG](mailto:STACY@TRICOUNTYJATC.ORG) TO OBTAIN DETAILS.**

## SIGNIFICANT CHANGES TO THE NEC

Online classes have resumed for the Significant Changes to the NEC. Instructor David Martinez has started up these informative classes. Those interested in attending must register in advance in order to get a Zoom invitation. The next class is scheduled for Tuesday, January 19<sup>th</sup> at 5:30-

8:30pm via Zoom. Please contact Stacy at [Stacy@tricountyjatc.org](mailto:Stacy@tricountyjatc.org) for more information.

## FIRST AID/CPR

If your employees need First Aid/CPR, please contact Stacy at the JATC office to let her know.

The practical exam (for those who are currently registered through the JATC) will be held on Saturday, January 8, 2021. Here is the latest course:

CPR / First Aid with instructor, Merralinda Goddard

**Part 1 – Online Coursework** to be completed by January 8, 2021: link to online course provided by the instructor via email

**Part 2 – In-Person Practical** to be held on Saturday, January 9, 2021: available only to those who complete the online coursework. You will receive an appointment time to attend your hands-on practical. Masks are required but not provided.

**\*\*You must complete both the online course and the in-person, hands-on practical in order to receive your certification.**

Please contact Stacy (JATC) to sign up for the online course at (831) 741-9069

or [stacy@tricountyjatc.org](mailto:stacy@tricountyjatc.org) Note that once you are signed up with a link to online course – the course is paid for. **If you do not complete the course by the deadline date of January 8, 2021, you will be billed for the cost of the course.**



## APPRENTICE APPLICATION INFORMATION

The Tri-County Electrical JATC will again accept applications on a year-round basis. **OUR PROCEDURES HAVE CHANGED!!!** Please note that we will only accept online applications and applicants need only follow the directions contained in our website to apply. For more information regarding the process, please click in the following link:

## [JATC INFORMATION](#)



## AVAILABILITY LIST UPDATE

On the Inside Out-of-Work List, there are 7 on Book 1, 84 on Book 2, 4 on Book 3 and 9 on Book 4. There is 1 on Book 1, 1 on Book 2, 0 on Book 3 and 0 on Book 4 for Sound & Comm. There is 1 on CW Book 1 and 1 on CW Book 2. There is one Inside apprentice available for work at this time. Should you need an apprentice, be sure to contact Stacy at [Stacy@tricountyjatc.org](mailto:Stacy@tricountyjatc.org).



NECA Earn has partnered with Brandman University to make education more accessible and affordable to you.

Take advantage of the Brandman educational funding provided for you and your family's professional development. Scholarships are available to ALL NECA member employees and your spouse and dependents for all unit bearing programs. No essay to write or financial qualifications, simply fill out the scholarship form and verify your current employment once. Once the scholarship is applied to your account, it is with you for the length of your program. (Please follow scholarship instructions attached.)

Brandman University is a fully accredited, nonprofit university designed to serve working adults like you. Apply what you learn in your courses in real time, grow in your position, and gain the skills you need to take yourself to the next level. Brandman offers today's most career-relevant AA, Bachelor's, Master's, Doctoral, and certificate programs, with dedicated teachers and advisors to help you stay on your path to graduation. For more information, [Click Here](#) or contact Michelle Goyette at [mgoyette@brandman.edu](mailto:mgoyette@brandman.edu), (949) 585-2974.

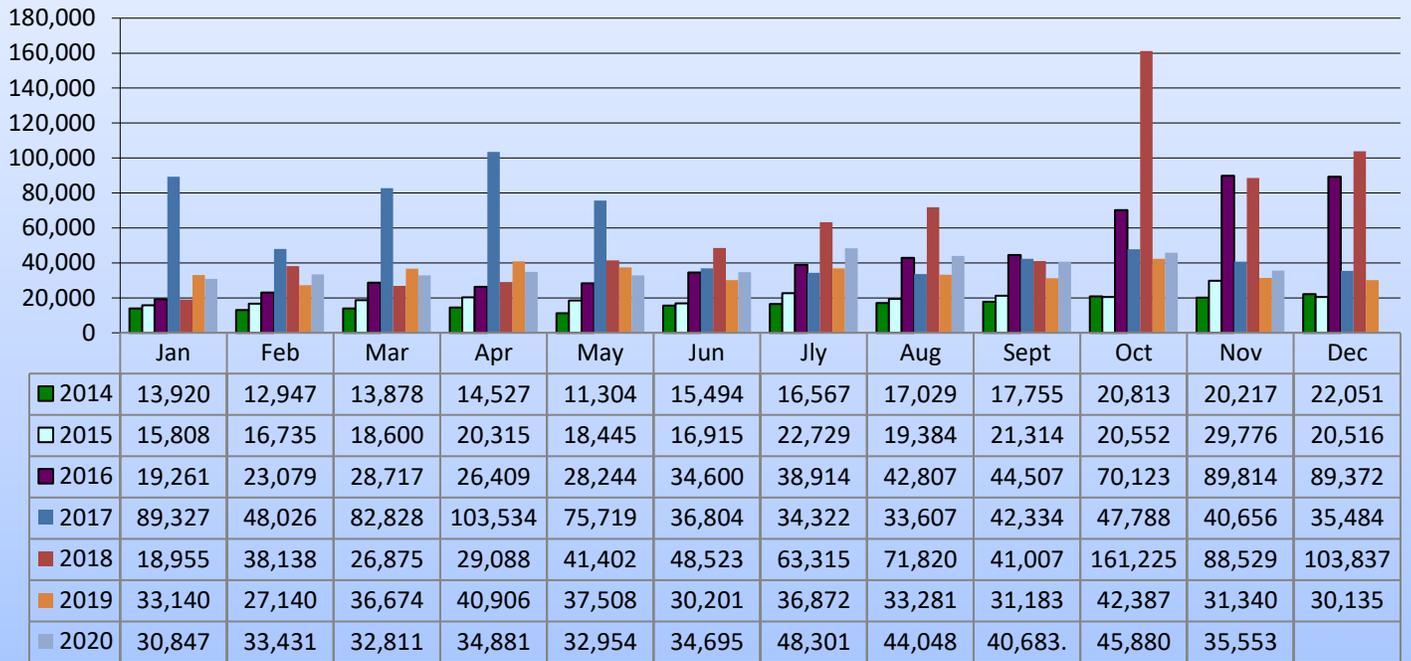
[NECA Earn Brandman Partner & Scholarship page](#)  
[Brandman University free application](#)

[NECA EARN Information](#)

## MINIMUM WAGE CHART FOR JANUARY 1, 2021

Date	Minimum Wage for Employers with 25 Employees or Less	Minimum Wage for Employers with 26 Employees or More
January 1, 2018	\$10.50/hr	\$11.00/hr
January 1, 2019	\$11.00/hr	\$12.00/hr
January 1, 2020	\$12.00/hr	\$13.00/hr
January 1, 2021	\$13.00/hr	\$14.00/hr
January 1, 2022	\$14.00/hr	\$15.00/hr
January 1, 2023	\$15.00/hr	

# INSIDE MONTHLY HOURS REPORT





**WE WILL KEEP YOU POSTED AS TO THE STATUS OF THESE MEETINGS  
AS WE BECOME AWARE.**

**January 21, 2021**

Leadership Succession Zoom Class  
Lunch and Learn  
11:30 am to 1 pm  
Virtual Class for our Chapter  
Nic Bittle, Instructor

**January 25-27, 2021**

IBEW-NECA Benefits Conference  
Virtual

**April 12-15, 2021**

NECA Now  
Denver, CO

**May 6-9, 2021**

Wisdom and Wine  
Education Course & Retreat  
Managing Field Productivity  
Allegretto Resort  
Paso Robles, CA  
Watch for details!

**October 9-12, 2021**

NECA Convention  
Nashville, TN