



November, 2019

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WAGE ALLOCATION FOR LOCAL #234

The membership of Local #234 met recently and voted on their allocation of the upcoming wage increase effective December 23, 2019. New wage sheets have been email to local contractors and has been posted in the private portion of the chapter's website. If you have not received a copy, please contact the chapter office for a copy.

from the IBEW was \$5.00/\$5.00/\$5.00 for Schedules A and D, and \$4.20/\$4.20/\$4.20 for Schedule E. The matter has been referred to the Council on Industrial Relations (CIR) for resolution. We expect the decision on or about November 22nd, and will advise you accordingly.

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SEXUAL HARASSMENT REQUIREMENTS – GOVERNOR SIGNS INDUSTRY REFORMS

Governor Newsom signed two important industry bills relating to sexual harassment training, **SB 778** and **SB 530**. These measures deliver needed time, clarity and flexibility to union construction employers attempting to complying with the State's expanded sexual harassment training requirements.

Background

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



SOUND AND COMM NEGOTIATIONS UPDATE

The last piece of the Sound and Communication negotiations will be the wage adjustments due over the next three years, as the parties have agreed to a three-year format; with a few minor agreement changes. The final offer from the employers was \$4.00/\$3.00/\$3.00 for Schedules A and D (covering work in Locals 6, 234, 332, 595 and 617), and \$2.75/\$2.50/\$2.25 for Schedule E (covering work in Locals 180, 302 and 551). The final offer

TO BENEFIT ... PARTICIPATE!

passing legislation aimed at curbing sexual harassment in the workplace. The most significant law on this topic passed in 2018 was SB 1343, which expanded California's existing sexual harassment prevention training requirements from only supervisory 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.

Under SB 1343 California employers, with five or more employees, are required to provide two hours of sexual harassment prevention training to supervisors and one hour of sexual harassment prevention training to nonsupervisory employees by January, 1 2020. New employees or employees receiving a promotion to a supervisory position are required to be trained within six months of hire or promotion. Training is also required to be provided every two years thereafter and must be provided by each new employer. In addition, the Department of Fair Employment and Housing (DFEH) is 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 implementation of the new law brought two specific challenges to our industry. First, the DFEH has yet to provide the mandated online training course, leaving no time to get employees trained by the January 1, 2020 deadline. Second, the union construction industry is a multi-employer setting in which collective bargaining agreement (CBA) covered employees work for multiple employers throughout their career. Over the span of a two-year period, these employees could change employers a half dozen times or more. Pursuant to the law, a worker who is dispatched by the union hall to multiple employers over a two-year period would need to receive sexual harassment prevention training each time they go to work for a union signatory construction employer. This is obviously burdensome to union construction workers who would be required to receive sexual harassment training multiple times over the two-year span and it is also inefficient for employers who would be required to provide redundant training.

Solution

To address these issues, we worked to pass two bills this year, **SB 778** which provided an extension to the deadline for employers to train their existing employees from January 1, 2020 to January 1, 2021 and **SB 530** to clarify that the training can follow the CBA covered employee in the union

multiemployer construction setting when they change employers. SB 530 also authorized Joint labor management apprenticeship training committees and other labor management committees to provide the requisite training.

Addressing these issues for the industry was a top priority, **a summary with specifics on each bill is enclosed below and a copy of each measure is attached.** Please don't hesitate to contact our office with any questions.

SB 778 - Employers: sexual harassment training: requirement extension

- Extends the deadline for covered employers to provide sexual harassment prevention training and education to their existing supervisory and nonsupervisory employees to January 1, 2021.
- Clarifies that covered employers who have provided sexual harassment prevention training and education to an employee in 2019 or 2020 may provide refresher training to that employee two years thereafter.

Please note that there are a few provisions that SB 778 did not change. Government Code Section 12950.1(a) still requires employers to provide the sexual

harassment prevention training to new nonsupervisory employees within six months of hire and to 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.

SB 530 – Union construction industry: discrimination and harassment prevention

- Rather than requiring retraining of a new employee, the bill authorizes a construction industry employer that employs workers pursuant to a multiemployer CBA to satisfy the Fair Employment and Housing Act’s sexual harassment training and education requirement by demonstrating that the worker has received the requisite amount of sexual harassment prevention training and education within the past two years by the employer itself, another employer signatory to the same CBA or an associated apprenticeship program, labor management trust, or labor management cooperation committee.
- Provides that a state-approved building and

construction trades apprenticeship program, labor management training trust, or labor management cooperation committee may provide sexual harassment prevention training and education to covered workers on behalf of an employer.

- Should an apprenticeship program, labor management training trust, or labor management cooperation committee provide the sexual harassment prevention training and education, the new law requires a certificate of completion of training to be maintained by the apprenticeship program, labor management trust, or labor management cooperation committee for a period of not less than four years.
- Requires an apprenticeship program, labor management trust, or labor management cooperation committee, that provides the sexual harassment prevention training and education, to maintain a database of apprentice and journeyman sexual harassment prevention training and to provide verification of an employee’s training status upon the request

of an employer that is a party to the associated multiemployer collective bargaining agreement.

- Requires the Division of Labor Standards Enforcement (DLSE) to develop an industry specific harassment and discrimination prevention policy and training standard for use by employers, apprenticeship programs, labor management trusts, or labor management cooperation committees in the construction industry that is tailored to best serve the industry.

TRUMP ADMINISTRATION FINALIZES OVERTIME EXEMPTION RULE

At the end of September, the U.S. Department of Labor released the final version of its overtime exemption rule, which increased the salary threshold for executive, administrative, and professional employees to \$35,568 per year. This means that executive, administrative, and professional employees who earn less than \$35,568 annually are entitled to overtime in the event they work more than 40 hours per week.

Before President Obama left office, his administration proposed an overtime rule that would have increased the salary threshold to \$47,476. However, the Obama rule was blocked by a federal judge before going into effect, and after President Trump took office, his administration declined to appeal.

The Trump Administration has now promulgated its own rule, setting the threshold at \$35,568 per year. The rule also allows employers to use nondiscretionary bonuses and incentive payments (including commissions) that are paid at least annually to satisfy up to 10% of the salary level. Although the rule increases the threshold from the current and very inadequate threshold of \$23,660, which has been in place since 2004, labor advocates argue that the Trump Administration's number is not high enough to account for the cost of living and make a meaningful difference for low wage full-time workers.

Heidi Shierholz, who was chief economist at the Labor Department under President Obama and is now policy director at the Economic Policy Institute, has determined that

“roughly 8.2 million workers who would have benefited from the [Obama] rule will be left behind by the administration's rule that workers' wages will be \$1.4 billion less than under the Obama rule.

The threshold will not increase automatically, as was proposed by the Obama rule. Rather, the current threshold will remain in place unless a new rule is promulgated. The final number will therefore exclude more and more workers from overtime protections as time goes on.

The rule will take effect on January 1, 2020.

FAILURE TO PROPERTY DOCUMENT I-9 FORMS CAN BE COSTLY

- Employers can be fined for incomplete or inaccurate forms, missing deadlines or even for using the wrong version.
- Fines can range from \$230 to \$2,292 per form for "Substantive/Uncorrected Technical Violations" and up to \$20,130 for "knowingly Hiring" unauthorized workers.

- DHS/ICE have more than tripled enforcement actions.
- Employers may be caught between federal and state laws.

Visit <https://www.uscis.gov/i-9> for the form and instructions

All contractors should be aware of the requirements to have new hires complete the I-9 Form. Contractors should be aware that both those new workers and the *employers* are subject to penalties if the forms are fraudulent, incorrect or even just incomplete. And now, you should also be aware that the government has stepped up its efforts to enforce the I-9 rules through increased employer audits.

While it appears simple, the I-9 Form can actually be a complicated document to properly complete. The government has made changes to the form in an attempt to make it easier, but this has not been the result, and the form still remains difficult. And, a perhaps unintended consequence of these attempts to "fix" the form is that employers are required to remain aware of when the revisions are made and always use the current forms, rather than the forms they have always used. Frustratingly, but not all that surprising, the current I-9 form available on the US Citizenship and Immigration Services "[I-9 Central](#)" website expired on August 31, 2019. The government is at work revising the form, but until it is finished,

USCIS directs employers to continue using the Form I-9 currently available. The USCIS will provide updated information about the new version of the Form I-9 as it becomes available. Employers need to keep alert for any information concerning the updated form.

Enhanced Enforcement

According to ICE, in fiscal year 2017 (October 2016 - September 2017) there were 1,716 worksite investigations, 1,360 I-9 audits and 311 criminal and administrative arrests. The following year, there were 6,093 workplace investigations, 5,200 I-9 audits and 1,669 criminal and administrative arrests - more than three-and-a-half times the prior year's activity. Investigations and audits are expected to continue at or above this level.

The first time an employer hears from ICE (or its Homeland Security Investigation arm) is when the employer receives a notice of inspection. "A notice of inspection alerts business owners that ICE is going to audit their hiring records to determine whether or not they are in compliance with the law. Employers are required to produce their company's I-9s within three business days, after which ICE will conduct an inspection for compliance. If employers are not in compliance with the law, an I-9 inspection of their business will likely result in civil fines and could lay the groundwork for criminal prosecution, if they are

knowingly violating the law." (taken from the ICE website)

There are many simple, technical violations that can occur, such as a misspelling, an incomplete address, failure to complete the form within the required timeframe, or, as noted, using the wrong version of the form. Employers are also at risk if they accept documentation that they know or should have known is suspect. Of course, knowingly hiring workers who are not eligible to work in the United States is a criminal offense. "Employers need to understand that the integrity of their employment records is just as important to the federal government as the integrity of their tax files and banking records." [View Form I-9 Inspection Process here.](#)

Contractors should make sure they are following the instructions for completing the I-9 Forms. The requirement to collect and maintain I-9 forms is separate from the federal e-Verify program, which helps employers ascertain if applicants are eligible to work in the US. Being verified through this program does not mean that I-9 forms are not needed for that individual.

California and other states and local government have also created new concerns. California passed a law that became effective in 2018, the Immigrant Worker Protection Act ([AB 450](#)), that prohibits

employers from voluntarily cooperating with ICE. In brief, under this law, employers are prohibited from and may be fined for allowing immigration enforcement agents into non-public areas of the workplace without a judicial warrant, and from allowing ICE agents to access, review or obtain employee records without a subpoena or judicial warrant. There is an exception to this requirement for the Notices of Inspection mentioned above. While California's law does not interfere with an employer's duty to comply with Notice of Inspection, it does require employers to provide their employees with certain written notices when the employer is notified that it will be inspected by ICE.

Parts of these types of laws may be invalidated by the Courts, but some may survive. Therefore, employers must be sure that their office and field employees are aware of the I-9 requirements, as well as any restrictions that their state or local governments may have enacted.



UPCOMING CLASSES OFFERED THROUGH THE JATC

FIRST AID/CPR

A CPR/First Aid class is scheduled for November 16th from 8 am to 1 pm. Instructor Merralinda Goddard will be teaching the basics of First Aid and CPR. Call Stacy at (831) 633-3063 to reserve your place. Class size is limited.

SIGNIFICANT CHANGES TO THE CODE

Instructor David Martinez will be leading the way through the Significant Changes of the 2017 National Electrical Code. 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, November 19th at 5:30pm.

FOREMAN DEVELOPMENT

The next Foreman Development classes are scheduled for November 4th from 5:30 pm to 8:30 pm with instructor Stephen Slovacek.

FORKLIFT GRADALL CERTIFICATION TRAINING

A Forklift and Gradall Certification class is scheduled for Saturday, November 2nd from 9am to 1pm. Call Stacy at

(831) 633-3063 to reserve your place. Class size is limited.

CALCTP-AT

California Advanced Lighting Controls Training Program-Acceptance Testing (CALCTP - AT) with Instructor Stephen Slovacek. This class is a total of 32 hours. The class schedule will be coordinated with those in attendance. The prerequisite for this class is completion of the 50 hour CALCTP. An application form must be completed prior to starting class. To register for this class there is a \$225 application/record maintenance fee. Go online to goo.gl/qkW7Al to complete an application and pay the application/record maintenance fee. There is a \$125 stipend available upon successful completion provided by the Monterey Bay LMCC.

CONGRATULATIONS TO THOSE COMPLETING UPGRADE CLASSES

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

FOREMAN DEVELOPMENT October 14, 2019

- Dave Alonzo
- Chris Olsen
- Jacob Taylor
- Brian Stanley

October 28, 2019

- Mark Hiura
- Dave Alonzo
- Jacob Taylor
- Brian Stanley

CPR/FIRST AID October 5, 2019

- Amauri Arista
- Bryan Craddock
- Jaime Hernandez
- Jonathon Marquez
- Jose Munoz
- Juan Rodriguez

SCISSOR/BOOM LIFT October 19, 2019

- Dave Alonzo
- Bryan Craddock
- Gary Gabriel
- Ivan Garcia
- Ashley Gibson
- Michael Julian
- Andres Laureano
- Steve Luiz
- Joseph Sakoda
- Brian Stanley
- Jack Russo
- Stevan Gamez



APPRENTICE APPLICATION INFORMATION NEW TEST DATE

The Tri-County Electrical JATC accepts applications on a year-round basis. A new online application is now available. 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 18 on Book 1, 10 on Book 2, 4 on Book 2 and 3 on Book 4. There are 2 on Book 2 and 1 on Book 3 for Sound & Comm. There are 4 on CW Book 1 and 8 on CW Book 2. There are no Inside apprentice available for work at this time.



THANKSGIVING TRIVIA

1. Under which president did Thanksgiving become an annual holiday? *Abraham Lincoln*

As a nation, the US has celebrated Thanksgiving off and on since 1774. In 1789 George Washington made a proclamation that the American people should celebrate a day of thanksgiving to God on November 26th. Some presidents after him continued the tradition, sporadically declaring days of Thanksgiving. But it wasn't until 1863 with Lincoln proclaiming a day of Thanksgiving on the last Thursday of November that it became an annual holiday. Every year after that Presidents proclaimed the last Thursday of November to be a day of Thanksgiving. It was changed to be the fourth Thursday in under President Franklin D. Roosevelt.

2. In what decade did both the Macy's Thanksgiving Day Parade and America's Thanksgiving Parade start? *The 1920's (specifically 1924)*

America's Thanksgiving Parade was inspired by Eaton's Santa Claus Parade in Toronto, Ontario and the papier-mache heads that he saw on a trip to Europe. Macy's Thanksgiving Day Parade was started by Louis Bamberger in Newark, New Jersey but was transferred

to New York City where it is now held by Macy's.

3. How do both Macy's Thanksgiving Day Parade and America's Thanksgiving Parade conclude? *With the arrival of Santa Claus*

In America's Thanksgiving Parade this usually features Santa receiving the key to the city from the Mayor of Detroit. This is supposed to herald in the Christmas season, but as we all know it's been creeping earlier and earlier each year.

4. What is the oldest Thanksgiving parade currently called? *6abc Dunkin' Donuts Thanksgiving Day Parade*

Catchy huh? It was started in 1920 and originally called the Gimbels Thanksgiving Day Parade until the Gimbels department stores closed down. WPVI a.k.a Channel 6 a.k.a abc6 as well as several companies have sponsored the parade since Gimbels went out of business.

5. Which president was the first to give a turkey a presidential pardon? *Ronald Reagan*

John F. Kennedy was the first president on record for unofficially sparing a Turkey in 1963. But it wasn't until the Reagan administration in 1987

that a turkey was given an official presidential pardon as a joke. Despite it being a joke, the turkey was spared and put into a petting zoo. In 1989 George H. Bush made it an annual tradition and each president following him has carried on the tradition.

6. What are turkey chicks called? *Pults or turkeylings*

Let me just say, turkeylings is an amazing name for baby turkeys. Female turkeys are called hens, and males are called toms in the US or stags in Europe.

7. What is the wobbly red piece of flesh on top of the beak of a turkey? *A snood*

The red bit of flesh under the beak is called a wattle. We are definitely not helping the turkey's reputation as a silly animal with all these names.

8. What state raises the most turkeys? *Minnesota*

With 41 million turkeys raised in 2015 Minnesota tops the chart for turkey production. Next up is North Carolina with 31 million turkeys raised. Then Arkansas coming in third with 27.5 million turkeys.

9. What decade was the green bean casserole, a Thanksgiving staple in many households, first created?

1950s (Specifically 1955)

The green bean casserole was created by the Campbell Soup Company and more specifically by Dorcas Reilly.

10. In what century were the first pumpkin pies as we know them made? *The 17th century (1600s)*

Although the pumpkin is native to North America, the pumpkin pie was actually first made in England and Europe. It wasn't until the 19th century that pumpkin pies as we know them started showing up in American cookbooks.

11. What culture produced the idea of the cornucopia, the horn of plenty? *Greek culture*

The cornucopia is very prevalent in Greek mythology. With one origin story having baby Zeus breaking off a horn from a divine goat that was suckling him. Another origin story has Heracles ripping off the horn of a river god named Achelous. The cornucopia then became associated with several Greek and Roman deities.

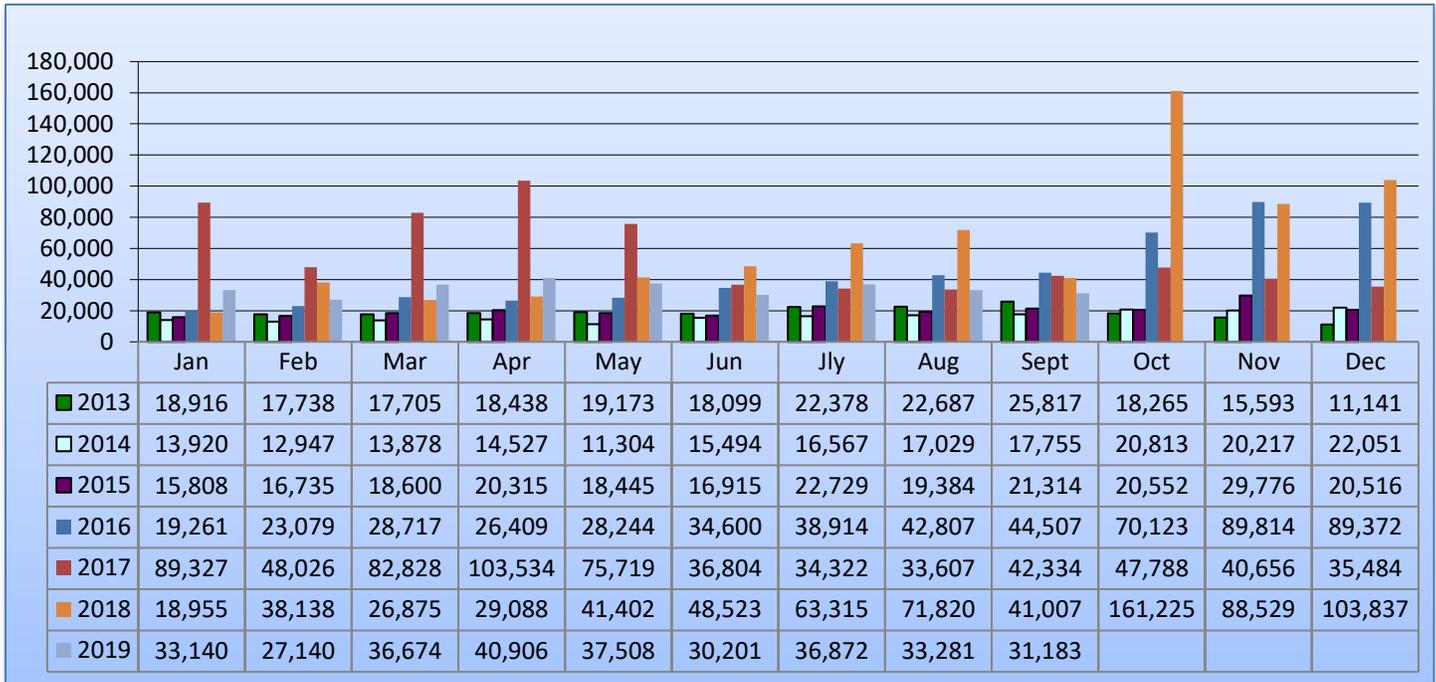
Those tidbits ought to give you something to talk about around the Thanksgiving table! Enjoy your holiday and be safe!!



**NEW ON-DEMAND
PROJECT
MANAGEMENT
COURSE NOW
AVAILABLE**

A project manager can have a significant impact on the overall health of a company through their management of cash flow on their projects. Managing Cash on a Project, the newest topic in the NECA Learning Center online project management course series, discusses the project manager's responsibilities for cash flow and how they can proactively manage it. This short on-demand online course joins Job Cost Control and Projections and the rest of NECA's project management training, learn more at www.necanet.org/PM.

INSIDE MONTHLY HOURS REPORT





November 6, 2019
Statewide JATC Meeting
Lighthouse Hotel
Pacifica, CA

November 20-22, 2019
Electrical Training Alliance Regional Seminar
Las Vegas, NV

November 28-29, 2019
Thanksgiving Holiday and Floating Holiday

December 5, 2019
IBEW-NECA Health Trust Meeting
Tri-County JATC Training Center
Castroville, CA

December 6, 2019
Chapter Christmas Party
The Perry House
Monterey, CA
By Invitation Only

December 9, 2019
10 am to 2 pm
Northern CA LMCC Meeting
Zero Net Energy Center
San Leandro, CA

December 24 - 25, 2019
Christmas Holidays