

February, 2017

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**To Benefit...
Participate!**

**CA MINIMUM WAGE
INCREASES**

Effective January 1, 2017, the California minimum wage increased, **for businesses with more than 25**

employees, from \$10 per hour to \$10.50 per hour. This is a result of Governor Jerry Brown's approval of SB 3 in 2016, which increases the state minimum wage annually starting on January 1, 2017 until it reaches \$15 per hour on January 1, 2022. Employers with 25 or fewer employees have an extra year to comply with these requirements.

The new law amends Section 1182.12 of the California Labor Code and increases the wage rate in five stages, as follows:

- (A) From January 1, 2017, to December 31, 2017 - \$10.50 per hour.
- (B) From January 1, 2018, to December 31, 2018 - \$11 per hour.
- (C) From January 1, 2019, to December 31, 2019 - \$12 per hour.
- (D) From January 1, 2020, to December 31, 2020 - \$13 per hour.
- (E) From January 1, 2021, to December 31, 2021 - \$14 per hour.
- (F) From January 1, 2022 - \$15 per hour

The change in 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 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.



Approximately 150 million Valentine's Day cards are exchanged annually, making Valentine's Day the second most popular card-sending holiday after Christmas.



NECA NOW REGISTRATION OPEN

QUICK FACTS

3 DAYS

March 27-29, 2017 • JW
Marriott Hill Country • San
Antonio, TX • Full registration
\$900 (Early Registration)

2 PLENARY SESSIONS

Future Forecast
Why Things Catch On

3 INTERACTIVE BREAKS

Short, small group sessions
on the most current topics
affecting you

28 BREAKOUTS

Leadership • Operations •
Business Development •
Finance • Personal
Development

LOCATION:

JW Marriott Hill Country

DRESS:

Resort Casual

For questions or more
information about
NECANOW 2017,
contact Staci Blue • 301-

215-4508

• staci.blue@necanet.org

POLITICO ALERT

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WCIRB FIRST AID REPORTING

The Workers' Compensation Insurance Rating Bureau (WCIRB) recently clarified the reporting requirements for first aid claims. Effective **January 1, 2017**, insurers will be required to report all first aid claims, regardless of whether the employer or insurance carrier paid for the first aid medical services.

We have received inquiries regarding the impact of the clarification and the reporting requirements for contractors.

The clarified reporting requirements fall on the insurance carriers. Labor Code Section 5401(a) states that "Within one working day of receiving notice or knowledge of injury under Section 5400 or 5402, which injury results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment BEYOND FIRST AID, the employer shall provide...a claim form..." The section goes on to describe first aid as any one-time treatment including minor scratches, cuts, burns, splinters, or other minor

industrial injury, which do not ordinarily require medical care.

Employers are not required by virtue of the Labor Code to report first aid. However, if an employer sends an employee to a medical facility and the doctor provides care, regardless of whether or not it is classified as first aid, the doctor must report it on a 5021 report (Doctor's first report of occupational injury or illness) and the carrier in turn must report that information to the Workers' Compensation Insurance Rating Bureau (WCIRB). Nothing changes in practice for contractors in regards to reporting under this new order. The new reporting requirement simply codifies the WCIRB's long standing policy that carriers must report ALL 5021 information.

In regards to the impact this order will have on insurance experience modification rates, it is important to remember that the clarification language does not pertain to on-site first aid. Physicians have always been required to fill out 5021 forms for all occupational cases regardless of severity. The new emphasis is to remind carriers that they must report all 5021 cases, including first aid, to the WCIRB even if the employer paid for the treatment.

Simply, the reporting requirements have not change and remain as follows:

Employer – Not required by Labor Code to report first aid care.

Physician – Required by Labor Code to provide 5021 form to carrier on all cases, including first aid.

Carrier – Required to report all 5021 cases to WCIRB.



FLOODING SAFETY TIPS

Inland Flooding

Inland flooding is the leading weather-related cause of death in the United States. Every year, almost as many people die from flooding as from hurricanes, tornadoes and lightning combined. Most flood-related deaths and injuries could be avoided if people who come upon areas covered with water followed this simple advice:

TURN AROUND, DON'T DROWN.

Inland flooding usually occurs during or after a heavy, slow-moving rain storm. But it also can result from strong coastal storms. Severe inland

flooding can occur in areas that are hundreds of miles from the eye of a hurricane.

The reason that so many people drown during flooding is because few of them realize the incredible power of water. A mere six inches of fast-moving flood water can knock over an adult. It takes only two feet of rushing water to carry away a vehicle. This includes pickups and SUVs.

If you come to an area that is covered with water, you will not know the depth of the water or the condition of the ground under the water. This is especially true during the dark, when your vision is more limited.

Play it smart, play it safe. Whether driving or walking, any time you come to a flooded road, TURN AROUND DON'T DROWN!

For more information, visit <https://www.oci.ga.gov/ConsumerService/SafetyTips-Flooding.aspx>

IRS Q&A ABOUT INFORMATION REPORTING BY EMPLOYERS ON FORM 1094-C AND 1095-C

In December 2016, the IRS updated its longstanding [Questions and Answers about Information Reporting by Employers on](#)

[Form 1094-C and Form 1095-C](#) that provides information about

- Basics of Employer Reporting
- Reporting Offers of Coverage and other Enrollment Information
- Reporting for Governmental Units
- Reporting Offers of COBRA Continuation Coverage and Post-Employment Coverage
- Reporting Coverage under Health Reimbursement Arrangements

The Q&A describes when and how an employer reports its offers of coverage and provides examples to illustrate the codes that employers should use. The updated Q&A provides information on COBRA reporting that had been left pending in earlier versions of the Q&A for the past year.





NEW I-9 FORM

The US Citizenship and Immigration Services (UCIS) has published a revised version of Form I-9, Employment Verification. By January 22, 2017, employers must use the new version dated November 14, 2016. Changes are designed to reduce errors and make it easier to complete the form on a computer. Additional information is available from the [UCIS website](#). The new form can be located [here](#).

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PROP 64: Control, Regulate and Tax Adult Use of Marijuana Act

This past election, California voters passed Proposition 64 the ["Control, Regulate and Tax Adult Use of Marijuana Act"](#) (the Act), which makes recreational marijuana legal under certain limits in the State of California.

Contractors have expressed concerns regarding the passage of Prop 64 and its impact on the jobsite relating to

workplace and worker safety.

Please note that the Act does not preclude an employer from adopting and enforcing its own rules around testing and use of marijuana for its employees. In fact, the Act contains a provision which preserves employers' sovereignty in setting drug-screening policies:

"Nothing in section 11362.1 shall be construed or interpreted to amend, repeal, affect, restrict or preempt ... the rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law."

Currently, California law permits employers to conduct drug testing under five circumstances: (1) pre-employment, (2) as part of physicals examinations, (3) under reasonable suspicion, (4) post-accident, and (5) random testing. Even with the passage of Prop 64, the current legal precedent in the State of California is still that an employer who maintains work rules prohibiting use of marijuana may test and discipline, or even terminate an employee for having marijuana in his/her system, even if marijuana use is permitted by law. Consequently, employers may still adopt and enforce policies that prohibit employees from using marijuana at any time during their employment.

Even though Prop 64 was designed in part to protect drug-free workplaces, the issue of whether an employer may discipline, or even terminate for marijuana use, may still be open to interpretation by the courts in the future. While it is difficult to forecast whether the courts of California would ever change current legal

precedents, courts in states like Colorado and Oregon, which have already legalized recreational use of marijuana, have upheld employer decisions to terminate employees for marijuana use where drug-free work rules were in place. These courts' decisions have been based at least in part on the fact that marijuana is still considered an illicit, controlled substance under federal laws.

In summary, the regulations ushered in by the passage of Prop 64 do not impair an employer's ability to maintain rules prohibiting the use of marijuana as conditions of hire or continued employment. Since legal recreational use may still have an effect on usage of marijuana, it is important that contractors reiterate its rules regarding drug and alcohol use, including marijuana, to job candidates and employees. If you have concerns about your company's rules regarding testing or use of marijuana, we encourage you to reach out to your legal counsel to address those questions.



UPCOMING CLASSES OFFERED THROUGH THE JATC

FIRST AID/CPR

Since First Aid/CPR language has been added to the Inside Agreement and will now be a requirement, the JATC continues to offer it more regularly. Roni Jane Sudyka will be the trainer and the class is always well received. Blood borne pathogens will also be covered. The next class is scheduled for **Saturday, February 11th** from 8 am to 1 pm. Call Stacy at the JATC office at (831) 633-3063 to reserve your place. Class size is limited.

NFPA 70-E

NFPA 70E with Instructor David Martinez is scheduled for **Saturday, February 4th** from 8am to 2pm. David will be teaching the standard for electrical safety in the workplace. Call Stacy at (831) 633-3063 to reserve your place.

MOTORS

A motors class, with instructor David Martinez is scheduled for the third 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, **February 21st** at 5:30pm.

OSHA 30

Demonstrate your commitment to workplace safety and compliance with OSHA 30. OSHA 30, with Instructor Stephen Slovacek, is scheduled for Saturday, March 4th at 7am. The complete class schedule will be shared on the first night of class. Call to reserve your place in the class. This is a stand-alone OSHA 30 course. It does not matter when you last completed OSHA 10. The six month rule does not apply to this class. This is a 30-hour course.

CALCTP

California Advanced Lighting Controls Training Program (CALCTP) with Instructor Stephen Slovacek is looking for participants. This class is a total of 50 hours: 10 hours of lecture and 40 hours of lab. The class schedule will be coordinated with those in attendance. **YOU MUST BRING PROOF OF COMPLETING THE ONLINE COURSE TO THE FIRST CLASS OR EMAIL TO stacy@tricityjatc.org.**

Students will not be allowed to attend the class if they have not completed the online coursework. Go to bit.ly/IBEW234CALCTP to get started today. There is a \$125 stipend available upon successful completion provided by the Monterey Bay LMCC.

CALCTP-AT

The JATC is also taking sign-ups for the California Advanced Lighting Controls Training Program-Acceptance Testing (CALCTP-AT) with Instructor Stephen Slovacek. This class is a total of 24 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/qkW7AI 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.

EVITP - CONDENSED

EVITP 3.0 Class Electric Vehicle Infrastructure

Training Program (EVITP) 3.0 with Instructor Stephen Slovacek. This class is a condensed version of the 35 hour course. It is a prerequisite for EVITP that you are a California Certified General Electrician. As a bonus, there is a \$125 stipend available upon successful completion provided by the Monterey Bay LMCC. Call Stacy for more information.

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!

CONFINED SPACE

- Abraham Lyle Jr.
- John Greene

- Andy Hartmann
- BJ Heading
- Jaime Hernandez
- Miguel Huerta
- Ernesto Magallan
- Jack Russo
- Danny Walford

JATC APPLICANT TEST SCHEDULED

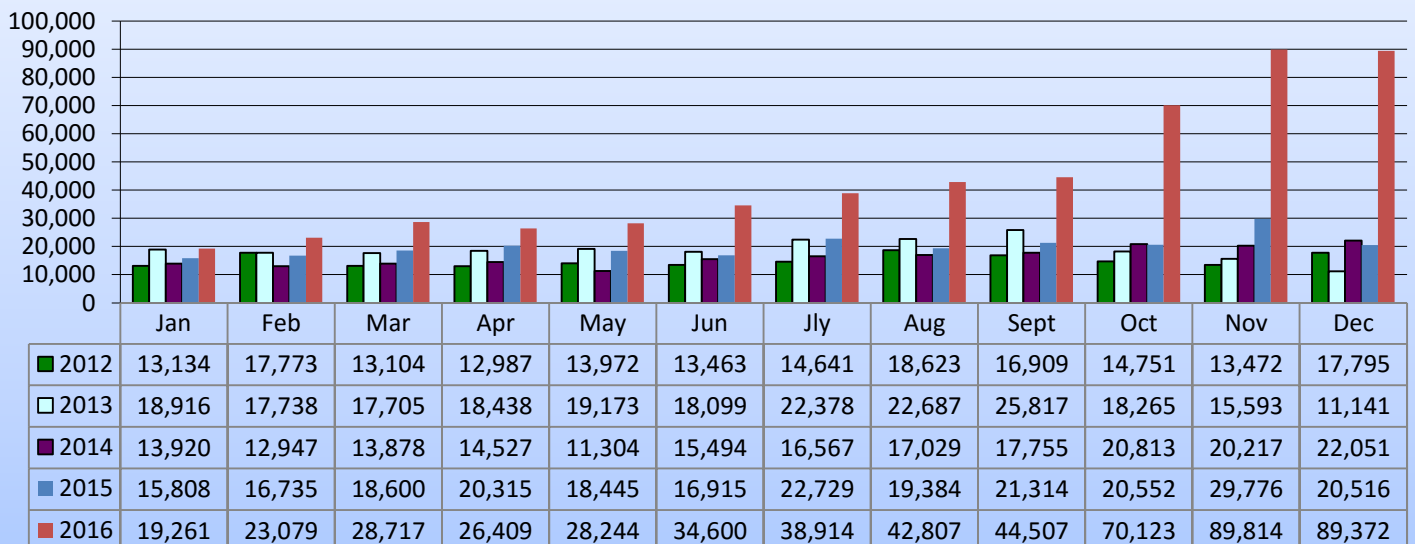
The Tri-County Electrical JATC accepts applications on a year round basis. For more information regarding the process, please click in the following link:

[JATC INFORMATION](#)

AVAILABILITY LIST UPDATE

On the Inside Out-of-Work List, there are 19 on Book 1, 85 on Book 2, 3 on Book 3 and 5 on Book 4. There are 2 CWs on Book 1 and 128 on Book 2. There are 6 Inside apprentices available for work at this time.

INSIDE MONTHLY HOURS REPORT



Upcoming Events

February 8-10, 2017

Western Region Managers Meeting
Laguna Beach, CA

February 16, 2017

Board of Directors Meeting

February 20, 2017

Presidents Day Holiday

March 27-29, 2017

NECA Now
San Antonio, TX

May 19, 2017

JATC Graduation
Monterey Tides Hotel

June 18-20, 2017

Labor Relations Conference
Minneapolis, MN

July 19-21, 2017

District Nine Meeting
Vancouver, BC

July 29-August 4, 2017

National Training Institute
University of Michigan

October 7-10, 2017

NECA Convention
Seattle, WA