



February, 2018

INSIDE THIS EDITION:

Latest Edition of Manual of Labor Units Available

District Nine Meeting Scheduled

New Federal Log 300 Rules Don't Apply in CA...yet

ELELCTRI Releases New Publication

New IRS Mileage Rates

2018 Construction Forecast

Politico Alert - AB 1701

Cal NECA Health Pkan

Classes Offered through JATC

Apprentice of the Month

Congratulations to Those Completing Classes

Apprentice of the Month Announced!

LU #234 Availability List

Presidents Day Holiday

Calendar of Events



LATEST EDITION OF MANUAL OF LABOR UNITS AVAILABLE

The latest edition of the NECA *Manual of Labor Units* (index #4090) is now available as a digital publication (pdf) in the NECA Store. The print and CD editions will be available for purchase soon.

The 2017-2018 edition features an exciting organizational change – to better align the data in the *MLU* with the specification documents that you receive – this edition has been reorganized to correspond with the *Construction Specification Institute's MasterFormat, 2016 Edition*. Labor units have been placed with the *MasterFormat* Divisions that NECA members most commonly bid on and a reference of these changes is found within the *Manual*.

Members can purchase this publication for \$90 at the NECA Store. [Click here for the link!](#)



DISTRICT NINE MEETING SCHEDULED MAUI, HAWAII

The next District Nine Meeting is scheduled for April of this year. The Board of Directors has taken action to pay registration and three nights hotel for any local member that is employing on average 5 employees in the field. Interested in attending? Please contact the chapter office for more details.

The District IX Council Meeting will take place at the Sheraton Maui Resort & Spa. Hotel reservations must be made no later than Wednesday, February 28, 2018 to qualify for the special NECA rate, subject to availability.

Sheraton Maui Resort & Spa
2605 Ka'anapali Pkwy, Lahaina
Lahaina, HI 96761

TO BENEFIT ... PARTICIPATE!



The tentative itinerary for the meeting follows:

Tuesday, April 3rd
1:00 pm
Pre-Meeting Golf Outing: Kaanapali Royal GC
Wednesday, April 4th
9:00 am–10:00 am ECCT Meeting
10:30 am–1:00 pm
Chapter Manager’s Meeting & Luncheon
2:00 pm–4:00 pm Council Meeting
6:00 pm–7:30 pm
Welcome Reception (Dinner on your own)
Thursday, April 5th
8:00 am–9:00 am Breakfast
9:00 am–12:00 pm Morning Educational Sessions
2:00 pm–1:30 pm Lunch
6:00 pm–9:00 pm Reception & Awards Dinner
Friday, April 6th
7:30 am–8:30 am Breakfast
8:30 am–11:30 pm
POLITICO Report & NECA General Membership Meeting
11:30 am–1:00 pm Lunch
12:30 pm
Golf Tournament: Kapalua Bay Course

2018 RECOGNITION OF SAFETY ACHIEVEMENT

NECA’s [Recognition of Safety Achievement program](#) is now accepting 2018 applications. Focused on companies that excel in multiple areas of their safety and health programs, awards are given to member companies that consistently have OSHA recordable injury and fatality rates at levels lower than the industry standard, and implement internal company safety practices above and beyond basic compliance.

There are two categories (*applicants are automatically entered into both categories*):

- 1. Zero-Injury** Recognizes those member-companies that have worked a full calendar year without recordable incidents.
- 2. Safety Excellence** is the associations premier recognition program, and acknowledges member-contractors

[Click here for more information](#)



NEW FEDERAL LOG 300 RULES DON'T APPLY IN CALIFORNIA...YET

The federal requirement is being phased in over a two-year period. Initial federal reporting requirements set for July 1 of this year were moved to December, and the current federal administration is also reviewing the final rule. So, what does all this mean for employers who are governed by California’s Division of Occupational Safety and Health, better known as Cal/OSHA? Federal OSHA has given states that operate their own safety and health programs, such as California, extra time to implement the new requirements. The federal compliance dates don’t apply to California employers. According to Cal/OSHA, California employers are not required to follow the new federal requirements and will not be required to do so until “substantially similar” state regulations go through the formal rulemaking, adoption and approval process. California employers are not affected by the federal OSHA extension date because the new

requirements have not yet been adopted or approved in California. Cal/OSHA drafted a proposed rulemaking package to conform to the revised federal OSHA regulations. The package is being reviewed internally before the formal rulemaking process and public comment period begins. Until Cal/OSHA implements the federal changes here in California, the federal rules will not be enforced. Employers should be on the lookout for California's implementation of these federal rules.

IRS 2018 STANDARD MILEAGE RATES

The Internal Revenue Service issued the 2017 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on Jan. 1, 2018, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be: 54.5 cents for every mile of business travel driven, up 1 cent from the rate for 2017. 18 cents per mile driven for medical or moving purposes, up 1 cent from the rate for 2017. 14 cents per mile driven in service of charitable organizations. The business mileage rate and the medical and moving expense rates each increased 1 cent per mile from the rates for 2017. The charitable rate is set by statute and remains unchanged.

More details? [Click here!](#)



FORECAST:

SOME CLOUDS BUT NOT OVERCAST

The strength of civil engineering work in 2018 remains to be seen. It was healthy enough for ConstructConnect to change its 2017 construction totals from 4.5 percent to 7.8 percent.

Then, there's the residential market led by the resurgent single-family sector. The NAHB anticipates 2019 will be a breakthrough year, putting that sector within reach of normal performance. That will lessen the sting from a multifamily sector that has peaked.

Nonresidential has its own bright spots. Education construction is getting better support with approved state and local bonds. Retail may be shaky, but online shopping continues to make gains for warehouse construction.

Areas of retraction are showing some growth, including healthcare, religious buildings and amusement. Stronger manufacturing plant construction will continue. With solid pipeline and natural gas

plant construction, and positive movement out of Washington regarding infrastructure, the healthy nonbuilding sector could help 2018 surpass its total construction forecast. All in all, this is an economy that still has some spring left in its step.

[Click here to read the full article](#)



POLITICO ALERT

www.PoliticoOnline.com "Connecting you to California"
1127 11th St, Suite 747 / Sacramento, CA 95814 / (916) 444-3770 / FAX (916) 442-6487

AB 1701 was a top priority of California building trade unions and perhaps the most contentious industry measure of 2017. While we worked diligently to try and improve the measure to limit its impact on quality union subcontractors, future litigation will ultimately shape how, and to what extent, this statute will impact the construction industry. Due to the increased attention and confusion on what the new law does and doesn't do, we have prepared the summary below.

Overview of AB 1701 / New Labor Code Section 218.7 - the Facts and the Reality

On October 14, 2017, Governor Brown signed AB 1701 into law; extending joint and several

liability to direct contractors performing work on privately-funded construction projects.

AB 1701 added Section 218.7 to the California Labor Code and applies to construction contracts entered into on or after January 1, 2018, for “erection, construction, alteration, or repair of a building, structure, or other private work.”

Under the provisions of the law, a direct contractor on a private project “shall assume, and is liable for, any debt owed” by a subcontractor for wages and benefits. The law applies to wages and benefits owed by any subcontractor, regardless of tier. The direct contractor’s liability extends only to any unpaid wage, fringe benefit or other benefit payment or contribution, including interest, but doesn’t extend to penalties or liquidated damages. For judgments rendered against direct contractors, their property may be attached to satisfy judgment.

The new law does not directly make a first-tier subcontractor liable if a lower tier subcontractor fails to pay its workers. Subsequently, the law allows direct contractors to request relevant payroll records from their subcontractors.

The information that can be requested is limited to employees wage statements which were already required to be kept under [Labor Code section 226 \(a\)](#) and payroll records that already must be maintained under [Labor](#)

[Code section 1174](#). Direct contractors and subcontractors also have the right to request from subcontractors below them “award information that includes the project name, name and address of the subcontractor, contractor with whom the subcontractor is under contract, anticipated start date, duration, estimated journeymen and apprentice hours, and contact information for its subcontractors on the project.”

A direct contractor may withhold as “disputed” sums owed to a subcontractor if that subcontractor fails to provide the payroll or project information referenced above, until that information is provided. If the information is provided, all prompt payment rights are specifically protected.

The new law authorizes enforcement actions from (1) the California Labor Commissioner; (2) a third party that is owed fringe or other benefit payments or contributions (typically, this would be a union trust fund); and (3) a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978. Notably, employees do not have standing to enforce section 218.7 on their own, there is no private right of action for potentially unpaid employees to bring a claim against the direct contractor for unpaid wages themselves.

Labor-management cooperation committees and union trust funds who prevail in an action against a direct contractor for unpaid wages, will be entitled to their reasonable attorney’s fees and costs, including expert witness fees.

Effect of the New Law

Direct contractors on public works were already liable for amounts owed by a subcontractor or lower tier subcontractor who fails to pay wages, benefits, and other contributions. Also, on public works, subcontractors are required to submit certified payroll. One effect of AB 1701, similar to public works, may be that direct contractors on private projects will be more likely to subcontract with reputable, better capitalized subcontractors that are less likely to fail to pay their workers.

Because AB 1701 allows direct contractors to require that subcontractors provide payroll information on private projects, subcontractors will need to make sure that proper accounting systems are in place in order to generate certified payroll reports. All employers, not just contractors and subcontractors, are already required to maintain the wage and hour information that must be supplied under AB 1701 (in many instances, this information must be included on employee paychecks under other labor laws). Compliance with requirements to furnish payroll information should be

straightforward if accounting systems are in place.

Because AB 1701 holds direct contractors responsible for the payment of benefits as well, it would be prudent to work with industry pension trusts to ensure that they are equipped to quickly provide status letters to contractors to include with their progress payment submittals.

Review - New Labor Code Section 218.7 Requirements:

- The new provisions apply to private works contracts that are entered into “on or after January 1, 2018”. (Labor Code Section 218.7 (a)(1)).
- The statute imposes liability on “direct contractors” for “any debt owed to a wage claimant or third party on the wage claimant’s behalf, incurred by a subcontractor at any tier acting under, by, or for the direct contractor for the wage claimant’s performance of labor included in the subject of the contract between the direct contractor and the owner”. (Labor Code Section 218.7(a)(2)).
- For purposes of the new provisions, a direct contractor is a contractor who has a

direct contractual relationship with the project owner as provided in California Civil Code Section 8018. (Labor Code Section 218.7(g)). Accordingly, general contractors are “direct contractors”.

- The direct contractor’s liability “shall extend only to any unpaid wage, fringe or other benefit payment or contribution, including interest owed but shall not extend to penalties or liquidated damages”. (Labor Code Section 218.7(a)(2)).
- The new law permits “a direct contractor or subcontractor at any tier from establishing by contract or enforcing any otherwise lawful remedies” against lower tier subcontractors whose nonpayment of wages and fringe benefits create liability for the direct contractor or upper tier subcontractor. (Labor Code Section 218.7(a)(3)).
- The new provisions do not create a private right of action for individual wage claimants. Labor Code

Section 218.7 (b)(4) ensures that enforcement rights do not extend beyond the class of claimants listed in sections (b)(1), (2) and (3), none of which includes individual laborers. Section (b)(4) clarifies that that “no other party may bring an action against a direct contractor to enforce the liability created by subdivision (a)”, that is, no one other than the listed entities may enforce the statutory provision that creates this cause of action.

- For purposes of enforcement, the statute authorizes the California Labor Commissioner to bring civil or administrative actions against the direct contractor for “unpaid wages including interest” (Labor Code Section 218.7 (b)(1)).
- A third party (such as a union trust fund) that is “owed fringe or other benefit payments or contributions on a wage claimant’s behalf may bring a civil action against a direct contractor” and the prevailing party is entitled to recover its reasonable attorneys

fees and costs, including expert witness fees. (Labor Code Section 218.7(b)(2)).

- In addition, a “joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a)” may sue a direct contractor or subcontractor for wages they owe directly to a wage claimant or for “unpaid wages owed by the direct contractor, pursuant to subdivision (a)” of the new law. The committee is required to provide at least 30 days notice to the direct contractor or subcontractor prior to filing an action and, in such an action, the court shall award a prevailing plaintiff its reasonable attorney’s fees and costs, including expert witness fees. (Labor Code Section 218.7(b)(3)).

- Wage claims must be brought within 1 year after recordation of a notice of completion or cessation, or actual completion of the work, whichever event occurs

first. (Labor Code Section 218.7(d)(1-3).

- Direct contractors are entitled to request subcontractors to provide payroll and other subcontractor project information and to withhold payments as “disputed” if the subcontractor(s) do not timely provide the requested information. (Labor Code Section 218.7(f)(1) and (2), and (i)). However, the subcontractor’s failure to provide the information does not relieve the direct contractor of its obligations under Section 218.7. (Labor Code Section 218.7(f)(3)).
- Following trial, the property of the direct contractor may be attached to pay for any judgment that is entered against it. (Labor Code Section 218.7(c)).



CAL NECA HEALTH INSURANCE

Is your firm looking for health insurance for your non-bargaining staff members? If you haven’t looked at the Cal NECA Health Insurance Plan in

a while, it might be worth it to you to take another look! [Click here for more information.](#)



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 is moving with her husband Ed so we will be using a new. Blood borne pathogens will also be covered. The next class is scheduled for **Saturday, March 24th from 8 am to 1 pm.** Call Stacy at the JATC office at (831) 633-3063 to reserve your place for future classes as class size is limited.

SIGNIFICANT CHANGES TO THE CODE

A Significant Changes to the Code series, with instructor David Martinez is scheduled for **February 20, 2018 from 5:30 pm to 8:30 pm** and will be held 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.

NFPA-70E

NFPA 70E with Instructor David Martinez is scheduled for **Saturday, February 3rd** 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.

SMALL CONDUIT CLASS

Derek Webster will be teaching a Small Conduit class on **Saturday, February 10th from 8am-12noon**. Interested in signing up? Contact Stacy at (831) 633-3063.



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 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.

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.



APPRENTICE OF THE MONTH

We would like to congratulate first year apprentice **Wallace**

Barnes for being selected the Apprentice of the Month for February 2018! Milwaukee Tools has provided a reserved parking place (see above) for Wally for the month and will also be presenting him with Milwaukee back pack. The JATC selects one apprentice in the program based on attitude, performance and participation in the classroom and on the job. **Congratulations Wally!**

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!

OSHA 10

- Rafael Castro
- Andy Hartmann
- Francisco Mundo
- Elvis Newsome
- Brian Sabado
- Brian Stanley
- Jonathan Stanley
- Carlos Vargas
- Paul Velasquez
- William C. Jones
- Angel Lopez-Magana
- Ray Torres



SIGNIFICANT CHANGES TO THE NEC

- Kasey Jeska
- Nick Prelgovisk
- Brian Sabado
- James Brown
- Josh Murray
- Carlos Vargas
- Robert Rovella
- Chris Olsen
- Ralph Yniguez
- Brian Stanley
- Jim Shumaker
- Jonathan Stanley
- Jose Moncada

CPR/FIRST AID

- James Brown
- David Durbin
- Josh Murray
- Robert Rovella
- Charlie Ruiz

- Brian Sabado
- Brian Stanley
- Carlos Vargas
- Chad Vargas
- Paul Velasquez
- Moises Zuniga

APPRENTICE APPLICATION INFORMATION

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](#)

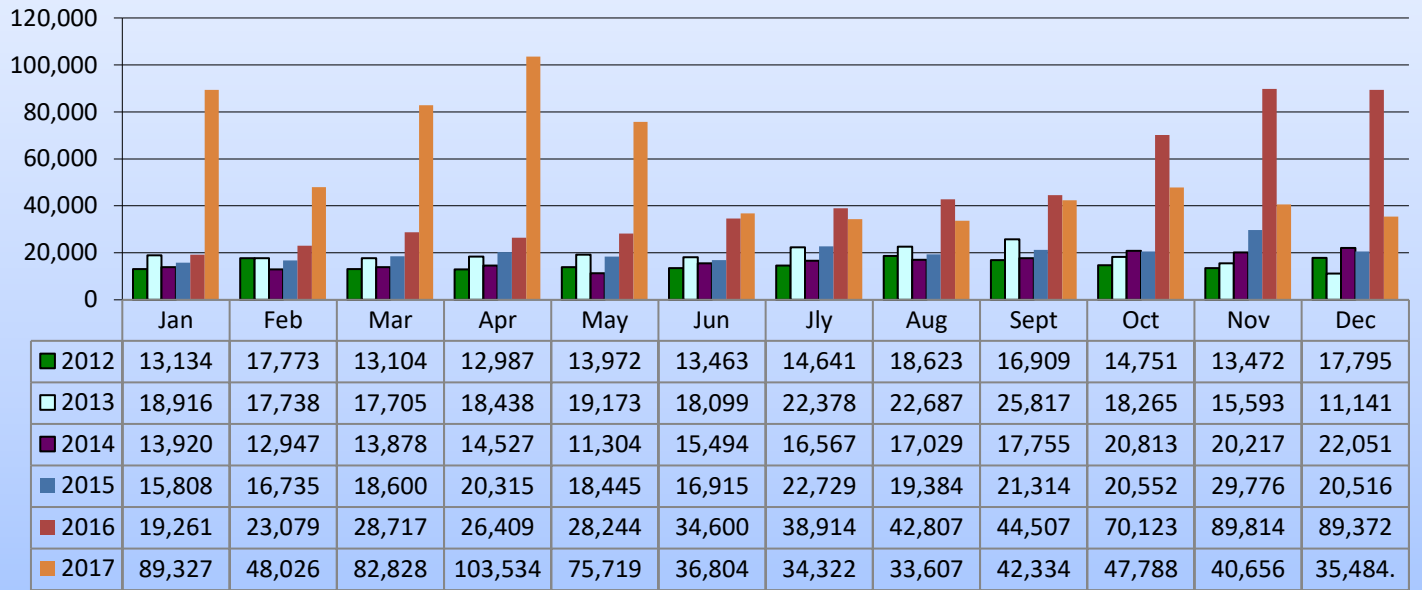
AVAILABILITY LIST UPDATE

On the Inside Out-of-Work List, there are 12 on Book 1, 48 on Book 2, 17 on Book 3 and 13 on Book 4. There is 1 on Book 2 for Sound & Comm. There are 20 on CW Book 1 and 154 on CW Book 2. There are 6 Inside apprentices available for work at this time.

PRESIDENTS DAY HOLIDAY

Please note that **Monday, February 19th** will be celebrated as a union holiday for IBEW Local #234. Any work performed on this day will be paid at double the straight time rate of pay.

INSIDE MONTHLY HOURS REPORT





February 14, 2018

Valentine's Day

February 19, 2018

Presidents Day Holiday

March 6-9, 2018

Association Executive's Institute
Philadelphia, PA

May 18, 2018

Tri-County Electrical JATC Gradation
Monterey Tides Hotel
Monterey, CA

September 29-October 2, 2018

NECA Convention
Philadelphia, PA