



June, 2017

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IBEW AND NECA TO HOST JOB FAIR JUNE 6TH!

IBEW Local #234 and the Monterey Bay CA Chapter of NECA are hosting a Job Fair on Tuesday, June 6th at 5 pm at the Tri-County JATC Office located at 10300 Merritt Street in Castroville. Contractors will have the ability to interview candidates for employment – and those who are selected will receive a dispatch at the Job Fair to go work. Calls have gone unfilled in the recent past and we are hopeful that we will encourage not only those who have left the area to return, but also attract new talent to our team. If you are interested in attending, please contact the Organizer Paul Gutierrez at the Union Hall.

NOTICE TO EMPLOYERS UTILIZING MARKET ADVANCEMENT AGREEMENT

On June 1st of this year, there is an across the board wage increase for individuals working under the CW/CE Addendum to Inside Wiremen Agreements in the Bay Area. An increase of \$1.00 per hour applied to the Construction Electrician, Level 2 will also be applied proportionally to other classifications, much like apprentice/foreman classifications under the Inside Agreements. The new rate schedule can be viewed by clicking the link below. Keep in mind that wage increases for most of the classifications are also triggered by the individual achieving additional on-the-job work hours, just as apprentices have two ways to get wage increases in the NECA/IBEW system.

[New CE/CW Wage & Fringe Benefits Effective June 1, 2017](#)

To Benefit... Participate!

**NECA/IBEW Family
Medical Care Plan
2018 Contribution Rate
Increase for CW/CE
Addendum**

After review of the financial projections and the current status of the NECA/IBEW Family Medical Care Plan (FMCP), the Board of Trustees has determined that a contribution increase in the amount of 5 percent is appropriate and will be implemented. New rate of \$5.75/hour will be effective January 1, 2018. The FMCP average increase since the Plan's inception has been 5 percent, well below the annual medical cost trends.

**“You cannot
tailor-make the
situations in life
but you can
tailor-make the
attitudes to
fit those
situations.”**

— Zig Ziglar



CONGRATULATIONS CLASS OF 2017

We would like to offer our congratulations to the Tri-County Electrical JATC Class of 2017! Graduates are: Ryan Porter, Juan Palacios, Chris Olsen, Trudi Teller, Corey Cardenas-Perron, Gilbert Sanchez and Steve Rios.

Special congratulations to Chris Olsen who was selected as the Outstanding Graduating Apprentice. This will be attending the National Training Institute (NTI) at the University of Michigan in Ann Arbor this summer. NTI is sponsored by the Electrical Training ALLIANCE (formerly the NJATC) and is a week long experience designed to strengthen leadership and training for the electrical industry. Congratulations to all of you!



IRS UPDATES ITS WEBPAGE ON EMPLOYER PAYMENTS AND CALCULATIONS

On April 6, 2017, the IRS updated its webpage on [Types of Employer Payments and How They are Calculated](#). It provides a summary of the employer shared responsibility provisions, the penalties amounts adjusted for calendar year 2017, examples of employer liability, and description of the IRS' process for assessing and collecting the employer shared responsibility payment.

POLITICO ALERT

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POLITICO UPDATE

NECA Retention Cap Reauthorization Legislation Continues to Move

Our sponsored 5% retention cap legislation (AB 92) has moved out of the California State Assembly and will next be heard in the California State Senate.

The California State Legislature passed and Governor Brown signed NECA sponsored legislation (SB 293) in 2011, putting into

place statutes that capped the amount of retention a public entity could withhold from progress payments made to construction contractors on public works projects at 5%. In 2014, NECA sponsored legislation (AB 1705) was passed into law providing technical clean up to the law and also extending the sunset on the 5% retention cap statute to January 1, 2018.

AB 92 would extend the sunset clause on the current 5% retention cap statutes, pertaining to public works projects, from January 1, 2018 to January 1, 2023.

The 5% retention cap is a significant policy for our industry and has had an extremely positive impact on large, small and emerging construction businesses.

It is imperative that we extend this fair policy that reduces the cost of public works construction and provides capital for job creation, at a time in which California is actively investing in its infrastructure, at both the local and state levels.

We will keep you updated on this important measure and may ask you to “engage” once the bill makes it to Governor Brown for consideration.

DIR Announces Renewal Registration for Public Works Contractors

Public works contractors who are registered with the Department of Industrial Relations (DIR) for the current fiscal year (ending June 30, 2017) may now renew their registration(s) for the next fiscal year (starting July 1, 2017) using DIR’s online public works contractor registration system. Registered contractors who fail to renew by July 1, but continue working on public works after that date will be subject to late fees and potential penalties.

Contractors must be registered with DIR before bidding, being awarded, or performing work on public works projects in California.

Using the [online system](#), public works contractors can:
Register for the first time
Renew an active registration
Reactivate a prior registration
Securely pay the non-refundable \$300 registration/renewal fee.

Contractor registration is active when the online registration form is complete, and the \$300 registration/renewal fee is processed. Registration is processed within 24 hours, if paying by credit card.

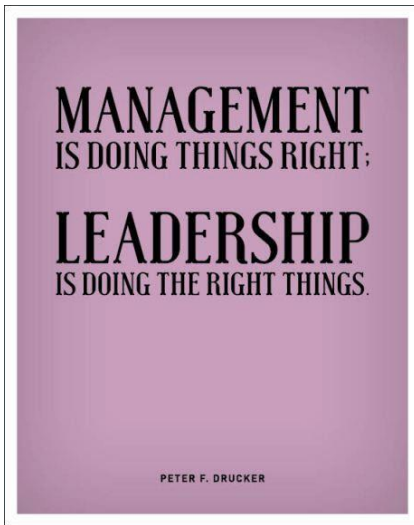
A user guide with [instructions](#) is on the DIR website.

New California Registrar of Contractors

California Contractors State License Board (CSLB) has announced the selection of CSLB Enforcement Chief David R. Fogt to serve as the Board’s new Registrar of Contractors, effective May 2, 2017.

Our office was very supportive of this appointment and has had a great working relationship with Dave during his time as CSLB Enforcement Chief. Mr. Fogt’s appointment, which was approved by the Director of the Department of Consumer Affairs, continues a long history of CSLB employees working their way through the ranks to become Registrar. We look forward to working with Dave in the years to come.





NECA EDUCATION OPPORTUNITIES

Change Order Management in Electrical Construction

Date: Tuesday, June 13, 2017
Time: 8:00AM-3:00PM
Location: Zero Net Energy Center, San Leandro

Electrical Project Supervision, Train the Trainer

Date: June 5-9, 2017
Time: 8:30AM – 4:30PM
Location: Sound & Comm Training Center, San Leandro

For more information, please contact Juanita Mitchell
At the Northern California Chapter, at 925-828-6322



OSHA SUSPENDS RULE REQUIRING ELECTRONIC SUBMISSIONS OF INJURY AND ILLNESS DATA

Many employers with more than 10 employees – including electrical contractors around the country – are required by the Occupational Safety and Health Administration to keep a record of serious work-related injuries and illnesses. Minor injuries requiring first aid only do not need to be recorded.

The rule, which covered nearly 441,000 workplaces, took effect January 1st and employers were obligated to send in their 300A summary data electronically by July 1st. But OSHA never launched the website for companies to submit the information, and it [posted language](#) recently with an existing fact sheet saying it “is not accepting electronic logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information” to the agency.

UNION LABOR SHORTAGES PROJECTED FOR CONSTRUCTION CRAFTS

Construction unions should take note that skilled labor shortages are becoming as much of a problem for them as for contractors, the head of The Association of Union Constructors told Bloomberg BNA.

Leaving aside the political motivations of unions, they are business entities focused on jobs and training, TAUC Chief Executive Officer Steve Lindauer said May 19. “They represent people, but they are there to provide our contractors with the most important resources they need, which are human resources: skilled craft workers that are safe.”

If that's not being done, contractors are “going to look somewhere else,” he said.

Management representatives focused on completing projects on time and at cost see shortages in union craft labor as more of a problem than do unions, which have a separate priority of obtaining work for their members, Lindauer said.

He pointed to recently released results of a TAUC study on union labor supply in the U.S. construction and maintenance industry. The study covers perceived labor

supply shortages and surpluses for union craft workers overall, as well as for 14 specific unions. Seventy percent of contractor and construction manager respondents to the study reported a union craft labor shortage in 2016, compared to 48 percent of union and labor representative respondents.

At the same time, union-side pessimism has increased from the 41 percent of union and labor respondents who reported a 2015 labor shortage in last year's version of the TAUC report.

"This is the third year we've done this study, and to me, each year is a snapshot," said Lindauer, whose organization includes more than 2,000 union contractors. "I think we're starting to see somewhat of a trend that there is something to be concerned about there at our end of the pipeline."

THE LAW AND COMMON SENSE

Licensing Law And The Rule Of Unintended Consequences

John McGill

One of the major issues confronting contractors these days is licensing. Attorneys are focused on the issue as a way to win a TKO for their client-

whichever side they represent. The way the law is written, the way it is applied, and the purpose of the law are all at odds with each other. The game is on and the effort to get contractors to work for free- and to provide an owner with a free project- is being played, and played seriously in the courts. There have been some especially bad outcomes for contractors notwithstanding that they met the spirit of the law but were technically (theoretically) out of step.

To be sure there are bad actors in the construction industry and they deserve to be "educated" on the law. Unfortunately, it is not just the bad guys getting caught up in the licensing net; the good guys too are being dragged in as well. Courts are buying off on strict application of the law notwithstanding the contradictions and inconsistencies between what the rules say and the purpose the licensing law is intended to accomplish.

The point of the contractor's licensing law is to assure that only qualified contractors are performing work. The contractor's test is meant

to demonstrate the individual understands the basics of the law and is accomplished enough in their particular field to be able to perform the work in a competent and professional manner.

To that end the Legislature passed a series of laws to discourage incompetent and/or unlicensed contracting. The laws are well-intentioned but, as applied, they ignore the purpose of the licensing laws and worse yet they seem to tie a judge's hands so the court cannot consider fairness when ruling on a licensing issue. This is where the law falls down and, as they say, bad things happen to good people.

For example, if your company is a corporation and properly licensed but you undergo a reorganization and change the staffing and departments, you need to be sure the projects you are doing continue to have the same license attached to them as when you started. In a recent fairly notorious case, a large contractor reorganized. They had a \$30+M contract with a public agency. At the end of the contract there

was a payment dispute and lawsuits followed. The public owner argued the contractor did not have a license because in the reorganization the license went to another department even though the same project personnel remained. Nothing changed at the job, just at the corporate level.

At trial the jury found there was a proper license and awarded damages to the contractor. The trial court judge reversed the award and the appellate court agreed- the company did not have a license the entire time it was performing on the project so it had to lose. The fact that the company was the same, the personnel were the same, and the company had been in business for a very long time, did not matter. The courts made it easy for themselves: no license, no pay. Not only that, the company had to give back the money it was already paid on the project- all of it! The point of the contractor license law- to assure the contractor is qualified- was subverted to the more myopic objective- you didn't follow the rule exactly and therefore you can't win the case.

A judge apparently has no discretion to review the facts to see if the purpose of the licensing law is satisfied. Instead, a perfectly qualified contractor is severely penalized for an obviously unintended and ultimately irrelevant oversight and the Owner is given a free project that was built by professionals in a professional manner and without problems or defects. The unfairness is obvious and the purpose of the law is ignored in favor of punishing the qualified contractor for a minor and inconsequential infraction.

And it doesn't stop with the fact of not having a license either. Attorneys will use any possible argument to obtain a TKO against contractors. If your license is qualified by a Responsible Managing Employee, expect to be questioned about the involvement of the RME in your company. The rule is that the RME has to be involved in the company and either managing projects or managing a specific project. This is fair, and you need to be compliant, but the argument you can expect to hear is your RME is not

involved in *the* project in dispute. If you have multiple on-going projects it is not possible for the RME to be on all of them and by Code you don't need multiple RMEs if you have multiple projects. Expect the argument though and expect to provide W2's among other things for the RME as an element of the proof you present.

The takeaway here is that licensing is not something to take lightly or to ignore. The law is intended to protect the public from incompetent contractors; a very worthwhile goal. It is not intended to bankrupt legitimate contractors or to get an owner a free project just because there was technical noncompliance by the contractor. That said, be aware: licensing is now the cause *de jure* and raised in nearly all construction related disputes. Good contractors are being caught in the same net as bad and the results do not serve any public interest at all. To the contrary, it subverts the public interest.

Bio: John McGill is an attorney representing contractors and suppliers throughout the Bay Area and Northern California in both private and public work disputes. He is the author of



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 **July 8, 2017 from 8am to 1 pm.** Call Stacy at the JATC office at (831) 633-3063 to reserve your place. Class size is limited.

SIGNIFICANT CHANGES TO THE CODE

A Significant Changes to the Code series, with instructor David Martinez is scheduled for **June 20, 2017 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.

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@tricityjtc.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 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 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!

SIGNIFICANT CHANGES TO THE NEC

- James Brown
- Mark Hiura
- Will Nunes
- Nick Prelgovisk
- Brian Stanley

JATC INFORMATION

JATC APPLICANT TEST SCHEDULED

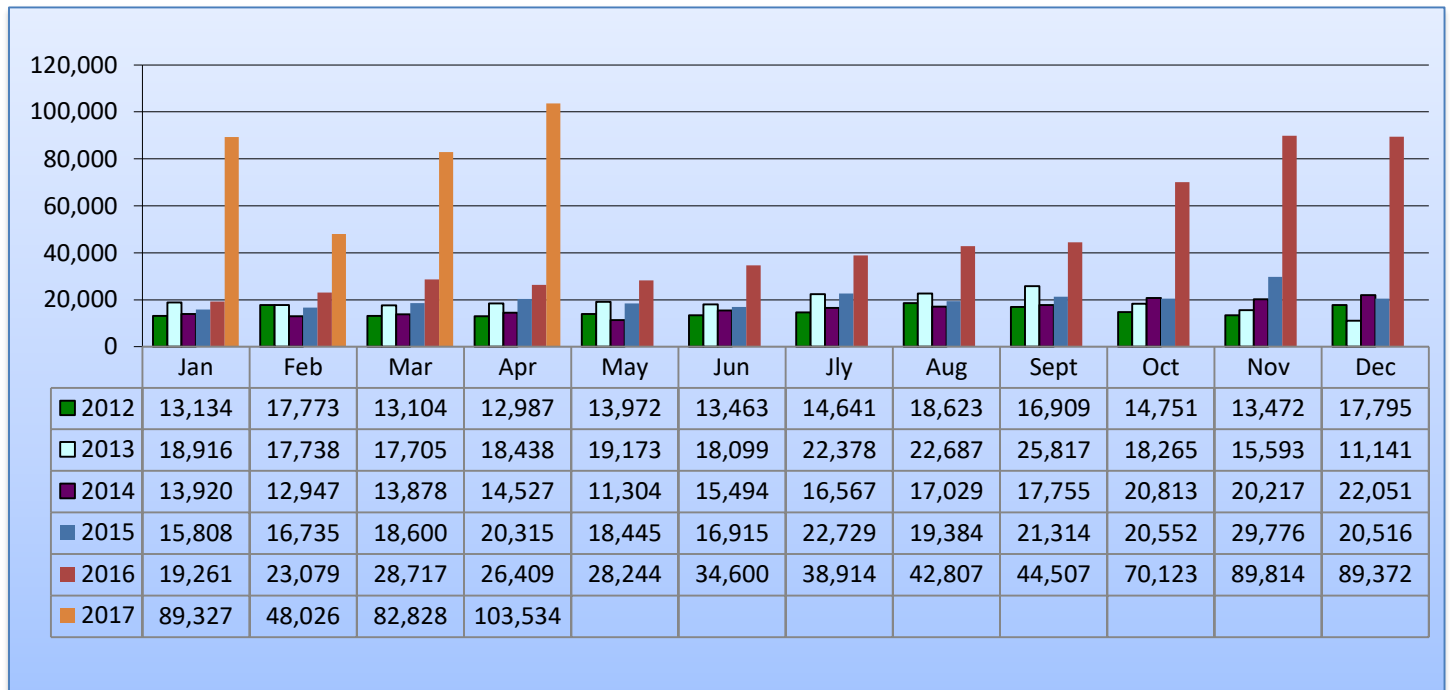
The Tri-County Electrical JATC accepts applications on a year round basis. For more information regarding the process, please click in the following link:

AVAILABILITY LIST UPDATE

On the Inside Out-of-Work List, there are 10 on Book 1, 53 on Book 2, 4 on Book 3 and 16 on Book 4. There is 1 on Sound & Comm Book 1, 1

on Sound & Comm Book 2, and 3 on Sound & Comm Book 3. There are 2 on CE Book 2. There are 14 on CW Book 1 and 162 on CW Book 2. There is 1 Inside apprentices available for work at this time.

INSIDE MONTHLY HOURS REPORT





June 6, 2017

IBEW-NECA Job Fair
5 pm to 7 pm
Tri-County JATC Training Center
Castroville, CA

June 18-20, 2017

Labor Relations Conference
Minneapolis, MN

June 26, 2017

Board of Directors Meeting

June 28-29, 2017

Sound and Communications Partnering Session
San Leandro, CA

July 19-21, 2017

District Nine Meeting
Vancouver, BC

July 29-August 4, 2017

National Training Institute
University of Michigan
Ann Arbor, MI

October 7-10, 2017

NECA Convention
Seattle, WA

December 1, 2017

NECA Christmas Party
La'el Vineyards Barn
Tres Pinos, CA
By invitation only