



September, 2017

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PLATT ELECTRIC JOINS AS OUR NEWEST ASSOCIATE MEMBER

Please help us welcome our newest Associate Members – Platt Electric. Platt recently opened two new shops in our area; one in Salinas and the other in Watsonville.

Daniel Fuentes
34 Simas St Ste B,
Salinas
(831) 784-8975

daniel.fuentes@platt.co

[m](#)

John Little
2 Hanger Way
Watsonville
(831) 274-3173

John.little@platt.com

Jacob Kreisel, Regional Manager will serve as our contact person for Platt. His contact information is jacob.kreisel@platt.com (916) 780-9940.

Our thanks to Platt for their generous donation to each of our apprentices this year. Every apprentice in our program received a tool bag with Klein Tools supplied by Platt. Thank you!!!



JENSON/JEROME FAMILY WELCOMES A NEW ADDITION!

Congratulations to Heather and Casey Jerome and the rest of the Jensen family at JM Electric who recently welcomed their new baby boy, Cooper Keith Jerome to the family!

TO BENEFIT ... PARTICIPATE!

POLITICO ALERT

www.PoliticsOnline.com "Connecting you to California"
1127 11th St., Suite 747 / Sacramento, CA 95814 / (916) 444-3770 / FAX (916) 442-6437

POLITICO UPDATE

AB 626 Follow-up – Claim Notice

Last year, NECA successively co-sponsored industry legislation (AB 626), regarding change order and extra work claims, to ensure a process that was fair and allowed contractors a path to initiate payment for that work.

Now that the law is in place, we have received requests to develop and provide a notice that our contractors may use when making a claim under the new statute. That [notice](#) and a [copy of the statute](#) are available here. Please contact our office if you have any questions.



NECA STAR OFFERS ONLINE PAYMENT OPTION

The Board of Trustees of the IBEW Local 234 Health and Welfare Plan

is pleased to announce that effective with payments made on or after September 1, 2017, you will now have the option to pay your monthly remittance by ACH. ACH payment options will be available in addition to check payments.

Please see below for a brief description of the three payment methods now available:

1. **Auto ACH** – (The Fund Office “pulls” payment from YOUR account) Using this option, payment in full for the total due on the report will be automatically debited from your account. There are no fees for using this service.

Note: the **Auto ACH** method requires a signed authorization form for permission to withdraw funds from your bank account on an ongoing basis. The amount withdrawn will equal the exact total amount due on each report. Enclosed is an Employer ACH Authorization Form.

2. **Manual ACH** – (YOU “push” payment to the Fund Office) Using this option, you agree to manually initiate an ACH

payment directly from your bank's online system. Your bank may assess you fees for using their ACH service.

If you wish to use the **Manual ACH** option, please contact the Contributions Department for the Plan's ACH payment information.

Check – The traditional payment option. Send your payment in the mail.

If you should have any questions regarding this notice, please contact the Fund Office at (877) 885-3753. We hope that you will find these new options helpful.



CAL OSHA ENFORCEMENT OF CONSTRUCTION SILICA BEGINS SEPTEMBER 23, 2017

On April 19, 2017, the Department of Industrial Relations for the State of California issued an important [update](#) to Cal/OSHA's new Respirable Crystalline Silica Standard for

Construction. The standard is substantially similar to Federal OSHA's new rules for [silica](#). The new standard is found under [Title 8 section 1532.3](#) of the California Code of Regulations and like the federal rule was set to go into effect on June 23, 2017. However, Federal OSHA decided to delay enforcement of the silica rule so that it had more time to provide guidance to employers due to the unique nature of the requirements. Cal/OSHA decided to follow Federal OSHA and will enforce the new requirements beginning September 23, 2017. Employers in California must keep in mind that they will be subject to Cal/OSHA's new permissible exposure limit for respirable crystalline silica of 0.05 milligrams per cubic meter (0.05 mg/M3), found in [Title 8 section 5155, Table AC-1](#). In addition, employers must continue to comply with the requirements set forth under [Title 8 section 1530.1](#) to control employee exposures to dust created by operations conducted on concrete or masonry materials.

Here is what the new construction regulation

for respirable crystalline silica says:

- Reduces the allowable limit for airborne crystalline silica to 50 micrograms per cubic meter of air, averaged over an 8-hour shift.
- Requires employers to use engineering controls and/or provide respirators when levels exceed the limit, and limit worker exposure to areas with high levels of silica.
- Requires employers to develop a written exposure control plan, provide periodic medical check-ups to certain workers, and train all workers on the risks of airborne silica and how to avoid exposure.
- Provide regular medical monitoring to workers exposed to high levels of silica, and give these workers information on their lung health.
- Provides flexibility so that small companies can comply with the requirements without incurring large expenses.

Dust Control Requirements In the majority of cases, at least in the construction industry, adherence to the silica regulation will come in the form of dust control measures, such as using water to wet the dust or a vacuum to suck it up, to limit the exposure to silica dust. Tools that

offer these kinds of integral control measures are available now, and will be in higher demand in the near future. Certain activities that create a higher level of silica dust will require workers to wear respiration equipment in addition to the recommended dust control method. Workers that spend a lot of time in an environment where respirators are necessary will be required to have regular medical exams and have their lung function evaluated. The regulation contains a table (Table 1) with some common construction activities, the recommended engineering or dust control method, and whether and what type of respiration protection is required based on the number of hours the worker will be exposed to the hazard. Excerpt from Table 1: Equipment/Task – Handheld power saws (any blade diameter) Engineering and Work Practice Control Methods – Use saw equipped with integral water delivery system that continuously feeds water to the blade. Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions. Required

Respiratory Protection and Minimum Assigned Protection Factor (APF):

- Less than 4 hours per shift - when used outdoors - None
- Less than 4 hours per shift – when used indoors or in an enclosed area – APF 10*
- More than 4 hours per shift – when used outdoors – APF 10*
- More than 4 hours per shift – when used indoors or in an enclosed area – APF 10*

*APF 10 protection is equivalent to a dusk mask. Contractors will find that in most cases, silica exposure can be brought to a safe level using effective dust control, such as water or vacuum suction. When dust control cannot be performed, worker exposure must be controlled through engineering controls, limiting the time of exposure, and the use of respirators. If an employer chooses not to employ the dust control measures given in Table 1 of the regulation, then the company must test the amount of silica in the air, and if it is above 25 micrograms per cubic meter of air, averaged over an 8-hour period, it must employ dust control measures to ensure that the level does not go above the 50 microgram

limit, or provide respirators when those measures aren't possible. The 25 microgram level is called the "action level" by the regulation. Rotary hammer with built-in VDCS including HEPA filter. Note the shroud, hose and vacuum. Other Requirements The silica regulation requires employers to set up a written exposure control plan, which details the activities most commonly undertaken, the method of dust or exposure control, and includes procedures for restricting access to areas where high exposure will occur. In addition, a "competent person" must be designated for implementing the exposure control plan and assessing areas of exposure. Employers will need to assess their current housekeeping methods and insure that alternatives that lower the risk of airborne silica exposure are employed. Training workers to identify silica exposure opportunities and how to reduce their risks is also required. Workers who are required to wear a respirator for more than 30 days in a calendar year will need to have regular employer-provided medical exams.

These exams include a baseline exam to assess lung function before exposure and a chest X-ray, and regular check-ups every 3 years to compare lung function over time. Workers must be allowed to receive reports of these exams. Employers must keep records of these exams and the workers' exposure level over time. According to OSHA's FAQ (frequently asked questions) sheet on the new rule, "The rule is expected to result in annual costs of about \$1,524 for the average workplace covered by the rule. The annual cost to a firm with fewer than twenty employees will be less, averaging about \$560." Finally, we include several other references for you and/or the individual in your firm with primary safety responsibility. ♦ When Federal OSHA first released the new standard in April of 2016, the National Office of NECA was part of a coalition of construction industry trade groups that produced a roughly one-hour webinar on the new rule. To access the webinar, titled "OSHA's New Final Rule on Crystalline Silica: What You Need to Know," click on the link

<http://vimeo.com/168242085> and use password: CSC4. ♦ In 2009, way before this new Standard was developed, Federal OSHA developed a publication “Controlling Silica Exposures in Construction,” which is also useful. Keep in mind it is not up-to-date with new standard. ♦ Since you need a written exposure control plan by September 23rd -- we have included a representative sample Respirable Crystalline Silica Program. You might also want to check with the loss control consultant for your workers compensation insurance carrier for additional help. Know that Cal OSHA is going to want to see a systematic, centralized, updated index of steps and practices to minimize or eliminate exposure to respirable (breathable) crystalline silica. ♦ Several of the tool manufactures now address dust control for concrete sawing and drilling. Click here to go to the Dewalt Site, here for Milwaukee, and here for Hilti Site. ♦ All of us probably need to make better use of the common dust masks (N95) -- and avoid scheduling work in areas with ongoing concrete demolition. This

is especially important if the demo is indoors or in enclosed areas.



What is silica?

The type of sand used in making concrete and used for sandblasting have jagged rough-hewn surfaces for bonding and joining and for solidification and strength. The crystalline form of silica is known as silicon dioxide (SiO₂) and comes in a number of forms, the most common of which is quartz. Quartz can be found in virtually all soil in nearly every part of the country. So when you think of crystalline silica, think of very jagged micro sized crystalline glass-type of shards. Silica is a known carcinogen, however, the most common disease is silicosis which scars the tissue of the lung making breathing difficult because the lung's ability to extract oxygen from the air is impeded. There is no cure for silicosis. It is the microscopic lacerations of the alveoli

in the lung that causes the formation of scar tissue and the creation of fibroids. Once the lungs are damaged, they do not heal, which is unlike what happens when people quit smoking. You cannot heal silica damaged lungs. Although visible dust from concrete sawing, drilling, jackhammering, sweeping, etc. contains particles that are easy to see, it is the tiny respirable sized particles (those that can get deep in the lung) that pose the greatest danger.

HAVE A SAFE



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WHAT'S IN STORE FOR YOU AT THE NECA CONVENTION?

The 116th Annual NECA Convention and Trade Show will be held in Seattle, Washington from October 7th through October 10th at the Washington State Convention Center. The Grand Hyatt has been assigned to the Monterey Bay CA Chapter members and guests.

Electrical professionals rely on the NECA Show for the solutions they need on the job, in the shop and in the office. NECA is proud to present the premier industry event that showcases thousands of products and services. The trade show floor is a virtual classroom featuring developments from around the industry.

Be sure to take advantage of the many free technical workshops. NECA partners with our exhibitors to bring you the latest technological advances presented in

classrooms located on the NECA Show floor.

The **Opening Reception** will take place on Saturday, October 7th at 7:30pm and followed by an afterparty sponsored by Milwaukee Tool. NECA conventioners and guests are invited to join us at the Museum of Pop Culture (MoPOP), housed in a stunning Frank Gehry - designed building, combines interactive and interpretive exhibits that tell the story of the creative, innovative and rebellious expression that defines American popular music for this year's Opening Reception. The afterparty sponsored by Milwaukee Tool's "Tool Shed Band", will start at 9:30pm in the Sky Church (based on a concept proposed by Jimi Hendrix), where their backdrop is the world's largest video screen, a 48,000-watt JBL surround-sound system and amazing computer controlled lighting.



Enjoy the interactive exhibits, where you can perform in the on-stage exhibit, create your own music in the sound lab or spend time touring the extensive collection of music and pop culture artifacts. From the wines and beers offered to the catered cuisine,

this night is fueled by the fresh and farm-to-table Pacific Northwest ingredients and experience.



The **Opening General Session** is on Sunday, October 8th, 10:15am–11:30am with Amy Purdy. After experiencing flu-like symptoms at age 19, Amy was rushed to the hospital in a state of septic shock. She experienced respiratory and multiple organ failure, which caused her to lose circulation to her extremities. She was put into a coma and placed on life support. After multiple blood transfusions and the loss of both kidneys, doctors made the decision to amputate her legs below the knee.

Today she is a top-ranked adaptive snowboarder in the United States, a three-time World Cup Para-Snowboard winner, the 2014 Paralympic bronze medalist and the author of New York Times best-seller *On My Own Two Feet*.

In 2005, Purdy co-founded Adaptive Action Sports, a nonprofit dedicated to introducing people with

physical challenges to action sports. It was instrumental in getting adaptive snowboarding added to the 2014 Paralympic Games.

Purdy's creativity, positive outlook, and never-give-up attitude have opened countless doors. She competed on *Dancing with the Stars* as the show's first double amputee contestant, where she finished second. She and longtime boyfriend Daniel Gale traveled around the world on *The Amazing Race*, and she was featured in a national Super Bowl ad for Toyota in 2015. Purdy has evolved into a uniquely inspirational and motivational speaker who has shared her story with millions globally.



The **Closing General Session** is on Tuesday, October 10th at 1:15 pm with polar explorer Ben Saunders who's incredible feats of endurance challenge conventional wisdom. The Briton combines the allure and nostalgia of 20th century explorers with the ingenuity of today's modern adventurers. He will discuss his journey and prove what can be accomplished through

ambition, passion and determination.

Best known for leading one of the most ambitious polar expeditions in a century, Saunders was the first person to successfully finish the epic, 105-day, 1800-mile trek on foot to retrace Captain Robert Falcon Scott's ill-fated 1910 journey to the South Pole - equivalent to running 69 marathons back-to-back.

A powerful advocate for the natural world, Saunders has seen first-hand the effects of climate change, and his expeditions are raising awareness for sustainable solutions.

Saunders will touch on such themes as defying conventional wisdom, pushing past self-imposed limits, understanding discounts between ideas and action, communicating with your team, and managing change. Saunders publishes the magazine *Avant* and has contributed articles to a variety of publications. A speaker at the 2005, 2012 and 2014 TED conferences, Saunders was labeled "a master story teller" by TED. He was featured in the 2016 *New York Times* best-seller *TED Talks: The Official Guide to Public Speaking*.



The **Closing Celebration** is on Tuesday, October 10th - Doors open at 7:15 pm and concert starts at 8:15 pm with ***Huey Lewis and the News!*** Their stirring sounds have been entertaining music lovers for decades. The American pop rock band's contagious and straight ahead style has outlasted countless trends, selling more than 20 million albums worldwide. Entering their 38th year together, they scored 19 top-ten singles across the *Billboard Hot 100*, *Adult Contemporary* and *Mainstream Rock* charts.

Favorites include *Heart and Soul*, *I Want a New Drug*, *Stuck with You* and beloved anthem *The Heart of Rock n' Roll*, all culled from their back-to-back multiplatinum albums, *Sports and Fore!* *The Power of Love*, their infectious hit from the blockbuster film *Back to the Future*, became the band's first chart-topper and was nominated for an Academy Award. *Huey Lewis and the News* are sure to be a smashing success - you won't want to miss the show!

Visit www.NECAconvention.org for more info on the NECA Convention 2017.

New this year, it is easier than ever for members to register themselves and a guest by following these instructions:

Log into the [NECA Registration & Hotel Booking Website](#) with your individual ID and Last Name

Note: Please contact the chapter office if you do not know your individual ID.

Once logged in, you as a chapter member, will automatically be placed into our chapter room block.

Free trade show only access is also available under the Non-Member tab. Use the invitation code "17ECM".



NECA NETWORK LAUNCHED!

NECA Network went live on Monday, July 17. Members have received an alert to the new online community in NECA This and their first "daily digest" email later that afternoon with a welcome message from John Grau and instructions on completing their profile and posting to the forums.

All Chapters can have a private community. Membership in the chapter communities has been pre-populated from our membership database, so there is no set up time for you. It's a great place to post information about membership meetings, upload documents for your members, and exchange information. We hope you will find our new online community valuable. For more information or have any questions about NECA Network, please contact Ginger Wilson at [301-215-4524](tel:301-215-4524) or vpw@necanet.org.



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 **September 9, 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 **September 19, 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@tricityjafc.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.

TRI-COUNTY JATC INSTRUCTOR DEREK WEBSTER GRADUATES!



Congratulations to JATC Instructor Derek Webster who recently graduated from the National Training Institute (NTI) 4 year instructor training program. NTI was held at the University of Michigan in Ann Arbor. **Derek is pictured above with NECA Manager Jerri Champlin, our outstanding apprentice graduate, Chris Olsen, and Business Manager Andy Hartmann. Congratulations Derek!**

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

- Stevan Gamez
- Eric Quigley
- Will Nunes
- Jim Brown
- Sergio Castillo
- Jonathan Stanley
- Juan Torres
- Nick Pregovisk
- Jose Moncada

CPR/FIRST AID WITH BLOOD BOURNE PATHOGENS

- Daniel Fernandez
- Marcus Gaeta
- Francisco Lopez
- Christopher Lucero
- Igor Malyghin
- Ulises Mendoza
- David Morales
- Ricardo Morales
- Daniel Ortigoza
- Trenalee Pieper
- Carlos Souza
- Randyn Trybom



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 9 on Book 1,
27 on Book 2, 13 on Book 3
and 3 on Book 4. There are
no Sound & Comm on any of
the books at this time. There
are 10 on CW Book 1 and 60
on CW Book 2. There are 6
Inside apprentices available
for work at this time.



DEFINED BENEFIT PLANS ELECTRICAL WORKERS' PENSION VICTORY UNRABELED BY 9th CIRCUIT

A \$2.5 million victory for electrical workers who sued an underfunded pension plan over various withholdings was partly undone by federal appeals court (Lehman v. Nelson, 2017 BL 243320, 9th Cir., No. 15-35414, 7/14/17).

The IBEW Pacific Coast Pension Plan was wrong to withhold \$1 per hour from contributions made on behalf of "traveler" workers who were covered by different pension funds, the U.S. Court of Appeals for the Ninth Circuit held July 14. However, the district judge who ruled for the workers went too far in extending the ruling to withholdings made under a subsequent pension plan amendment, the Ninth Circuit said.

The class action is a challenge to pension plan amendments made under the Pension Protection act of 2006. That law allows critically underfunded pension plans to make certain changes to adjustable benefits as long as proper notice is given. The challenged amendments allowed the Pacific Coast plan to withhold at least \$1 per hour from all employer contributions to improve the plan's funded status.

In this case, workers who traveled between pension fund jurisdictions said the plan wrongly interpreted these amendments to justify withholding money from contributions that should have been forwarded to their home pension funds. The withholdings violated a national reciprocity agreement mandating that all employer contributions be forwarded to a worker's home plan, according to the workers.

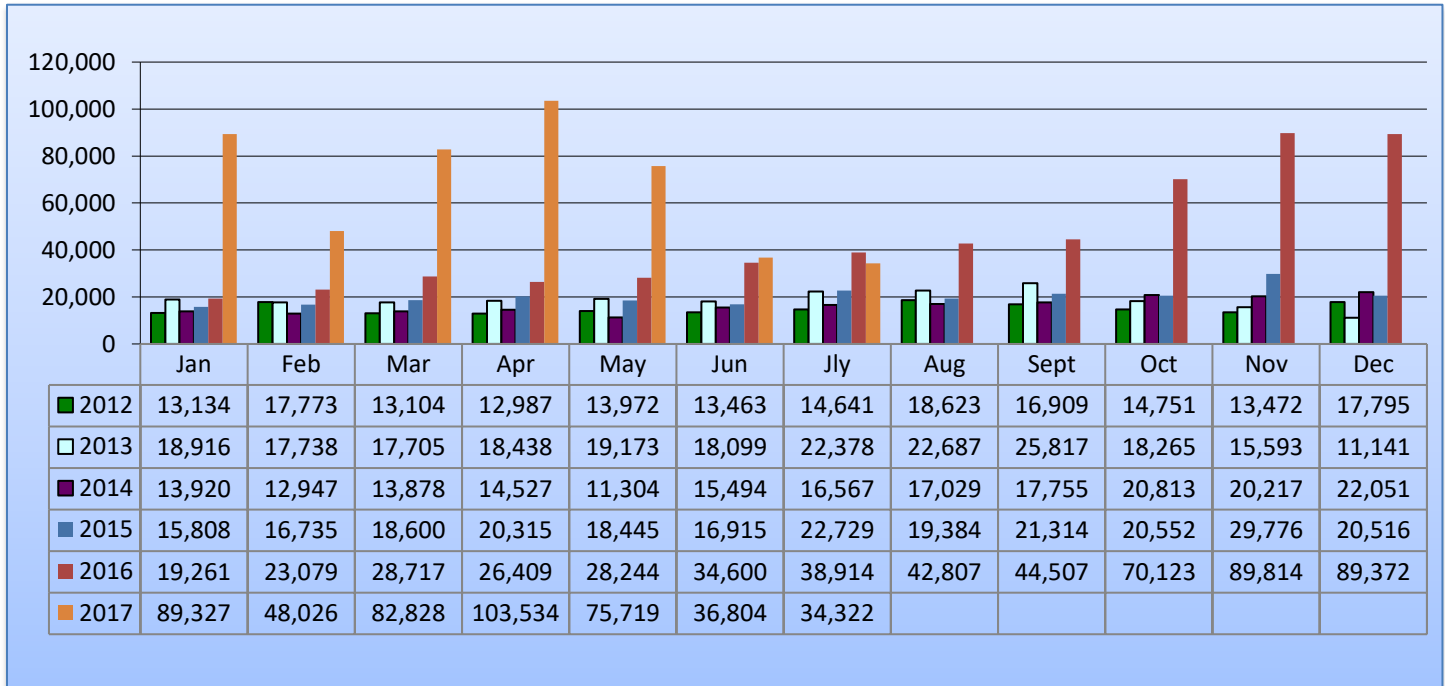
The Ninth Circuit said the disputed withholdings were made under two distinct plan amendments: one adopted in 2008 and one adopted in 2009. Although both amendments contained a similar withholding requirement, the worker who filed suit against the plan was only subject to withholdings made under the 2009 amendment. That's because the plan wasn't properly on notice that these withholdings were at issue, and thus it didn't have an opportunity to defend this claim, the Ninth Circuit said.

Given this, the Ninth Circuit said the district judge was wrong to extend his decision regarding the 2008 amendment to withholdings made under the 2009 amendment. That's because the plan wasn't properly on notice that these withholdings were at issue, and thus it didn't have an opportunity to defend this claim, the Ninth Circuit said.

The Ninth Circuit sent the case back to the district court for further review. It also undid the workers' award of attorneys' fees.

Judge Morgan Christen wrote the opinion, which was joined by Senior Judge Dorothy W. Nelson and Judge Milan D. Smith Jr. Davis Wright Tremaine LLP represents the workers. Urban Law Firm represents the pension plan trustees.

INSIDE MONTHLY HOURS REPORT





September 1, 2017
Floating Holiday

September 4, 2017
Labor Day Holiday

October 7-10, 2017
NECA Convention
Seattle, WA

October 21, 2017
Local #234 Family BBQ
Toro Park – Buckeye Area
Salinas, CA

November 4, 2017
JATC Interviews

November 10, 2017
Veterans' Day Observed

November 23-24, 2017
Thanksgiving Holiday

December 1, 2017
NECA Christmas Party
La'el Vineyards Barn
Tres Pinos, CA
By invitation only

December 25, 2017
Christmas Day