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2022/23 MCAC Board of Directors Elected

At the Fall meeting of every odd numbered year a new MCAC Board of Directors is elected. Regular Members in attendance at the 166th State Meeting held November 5, 2021 voted into office the [slate of nominees](#) as presented.

Please join me in congratulating your incoming officers:

President - Ken Tejada | R&R Masonry, Inc. | Region: So Cal

Vice President - Dan Ricketts | GBC Concrete & Masonry Construction, Inc. | Region: San Diego

Treasurer - Troy Brewer | Townsend & Schmidt Masonry | Region: Nor Cal

Secretary - Armando 'Mando' Echeverria | Masonry Solutions | Region: San Diego

Immediate Past President - Ray Wetmore | Pacific Bay Masonry | Region: Nor Cal

As we welcome the new MCAC Board, we also bid farewell to **Todd Williams** of Williams & Sons Masonry, Inc. who served more than 13 years cumulatively between 2000 and 2021 on the MCAC Board of Directors and **Bob Mazza** of R Mazza Masonry, Inc. who stepped in to serve as MCAC Secretary during our time of need in 2020/21. **We appreciate your time and leadership contributed to the work of MCAC!**

The 2022/23 board assumes office January 1, 2022 and will be installed at the MCAC 167th Meeting to be held Spring 2022. The term of office for all positions on the Board of Directors is two (2) calendar years.

PAGA Repeal Proposed for 2022 Ballot Initiative...and More

The Private Attorneys General Act (PAGA) authorizes aggrieved employees to file lawsuits to recover civil penalties on behalf of themselves, other employees, and the State of California for Labor Code violations. It was designed to help the State regulate the underground economy and improve

enforcement of labor code violations. However, PAGA's loose requirements caused it to become realized as a valuable litigation tool and it has been weaponized against businesses ever since.

Businesses are fighting back. A proposed ballot measure, a lawsuit against the State and potential interest by the U.S. Supreme Court are all actions currently in play to combat PAGA.

PROPOSED BALLOT MEASURE

On October 4, 2021, three powerhouse trade associations representing business interests filed an initiative for the November 2022 ballot to, effectively, repeal the Private Attorneys General Act (PAGA). The initiative, named the [Fair Pay and Employer Accountability Act of 2022](#), filed by the California Chamber of Commerce, California New Car Dealers Association and Western Growers Association proposes, in part, to 1) allow workers to recover compensation without a lawyer, 2) reform the State system so that workers owed monies receive 100% of the penalties and are paid quickly, 3) increase penalties for 'bad apple' employers that willfully cheat their workers, and 4) enhance State enforcement responsibilities and allocate the budget for the State to assume those responsibilities.

LAWSUIT AGAINST THE STATE OF CALIFORNIA

In a [brief dated May 11, 2021](#), the [California Business and Industrial Alliance \(CABIA\)](#) is challenging the constitutionality of whether PAGA provides the Executive Branch "sufficient control" over PAGA plaintiffs. CABIA's argument asserts that PAGA violates California's Separation of Powers. An update on this case is expected after the first part of 2022.

U.S. SUPREME COURT CONSIDERATION OF PAGA

In recent months, a business coalition spearheaded by the U.S. Chamber of Commerce and several other PAGA defendants have filed petitions with the U.S. Supreme Court contending that the U.S. justices must reverse a 2014 California Supreme Court decision (*Iskanian v. CLS Transportation Los Angeles LLC*) which claimed that the Federal Arbitration Act does not allow employers to require employees to waive the right to litigate PAGA claims. The U.S. Supreme Court has previously denied such petitions but, this time around, they have asked for plaintiff responses to some of the defendant petitions. This seeming interest by the justices has us hopeful.

Ultimately, these measures are steps to protecting workers rights to recover monies they are owed while reducing "shakedown lawsuits". We will continue to report on these efforts.

Additional resources:

[PAGA Repeal May Be On the Ballot in 2022](#) | Akin Gump Strauss Hauer & Feld LLP | JD Supra 10/26/21

[Californians for Fair Pay and Accountability File Reform Initiative](#) | Cal Chamber Advocacy 10/5/21

[Appeal Filed in Case Challenging Constitutionality of California PAGA Law](#) | Nor Cal Record 5/17/21

[SCOTUS Suddenly Very Interested in California's Private Attorney General Act](#) | Reuters 11/17/21

MCAC Signs on to Support Consistency in the Next Update to Cal/OSHA COVID Regulation

**MCAC
COVID-19
UPDATE**

MCAC has joined forces with over fifty trade associations on a [November 8, 2021 California Chamber of Commerce letter to Cal/OSHA](#) calling for consistency between the present COVID regulation (formally known as the Emergency Temporary Standard or ETS) and the impending 2nd re-adoption. The letter expresses concerns including:

- Expansion of testing to vaccinated individuals with no symptoms after close contact
- Re-instatement of social distancing or exclusion from the workplace for vaccinated individuals with no symptoms after exposure
- Required testing of vaccinated individuals during outbreaks

If the 2nd re-adoption is approved at the December OSH Standards Board meeting, it will become effective January 22, 2022 and extend into mid-April 2022 at which time Cal/OSHA plans to implement a permanent standard.

History of Cal/OSHA Emergency Temporary Standard (ETS):

[December 16, 2021 Occupational Safety & Health Standards Board Meeting](#) when 2nd re-adoption is expected to be considered

[June 17, 2021 California ETS amended and re-adopted](#)

[November 30, 2020 California ETS first adopted](#)

Additional Resource(s):

[Understanding the Current Status of Multiple ETSs – Both Federal and California](#) | Littler 11/19/21

