



NEW MEMBERS

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ISSUE 14

Sexual Harassment Training Deadline Extension Possible

Possible relief is pending in the California legislature. [SB 778](#) could potentially provide more time for employers to comply with the new sexual harassment training requirements that became effective on January 1 this year.

[SB 778](#) seeks to 'clean-up' the timing of sexual harassment training requirements of last year's SB 1343. Effective January 1, 2019, [SB 1343](#) mandated that **California employers with 5 or more employees** provide 1 hour of sexual harassment and abusive conduct prevention training to non-supervisory employees and 2 hours of such training to all supervisors **before January 1, 2020**. Training is required once every two years and within six months of hire or promotion.

If passed, SB 778 would give employers until **January 1, 2021** to meet the new training requirements and further clarifies that employers that already provided the training in 2019 need not do so again for two years.

SB 778 also gives the Department of Fair Employment and Housing (DFEH) additional time to develop the FREE online training for employers to use as required by SB 1343.

While this training timeline fix is not a done deal yet, it has already passed the Senate without a single no vote and is expected to receive Assembly approval in the coming weeks. The bill is an "urgency" measure which means it will go into effect immediately if signed by the Governor.

MCAC is working with Saint Moore Insurance Agency (SMIA) to bring FREE supervisor sexual harassment training to you. Stay tuned for details!

Correction to R.E. Williams 'In Memoriam'

In our March 27, 2019 tribute to R.E. Williams, we listed his terms in office on the CCMCA Board of Directors (now MCAC) between 1992-1999. Those posts on the board of directors, in fact, belong to R.E. Williams, Jr. not R.E. Williams, Sr. Our most sincere apologies for the error.

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Members are Asking MCAC!

Disclaimer: This is a long one -- in recognition of a very important MCAC figure

A Member Asked - Julie, how is Ryan O'Brien? Have you heard from him lately?

Answer: I have! He paid a visit to the office on June 13, and I am honored to report Ryan has had some very memorable milestones recently.

Many of you are very familiar with our founder, Ryan M. O'Brien, but, for those of you who may not have heard the stories, here is a little background. Ryan comes from a family of masons that dates back to 1854. He had his own mason contracting business from 1948 to 1962 and, ultimately, gave his company up to found MCAC (then CCMCA) in 1963. Ryan retired from MCAC in 2009 at 87 years young.

He's rubbed elbows with Ronald Reagan; built the largest commercial exhibit (100% masonry of course!) in the history of the Los Angeles County Fair; gone toe-to-toe with national, state and local labor groups; been a lobbyist, helped establish the first federally funded minority masonry apprentice program; and is a WWII Purple Heart recipient -- to name a few highlights in his lifelong list of accomplishments.

...and if you haven't heard Ryan tell a joke, you're missing out. But I digress. I will let Ryan tell you about his recent milestones in his own words (mostly) below.

ON SUNDAY, MARCH 17TH, I HAD MY **97TH BIRTHDAY PARTY** WITH MY RELATIVES AND YOUNG OLD FRIENDS BECAUSE I DO NOT HAVE MANY OLD, OLD FRIENDS LEFT. THERE WAS A TOTAL OF 75 ATTENDING MY PARTY.

ON MONDAY THE 18TH, KEVIN KILEY, CALIFORNIA ASSEMBLY, PRESENTED ME WITH A **RESOLUTION ON THE ASSEMBLY FLOOR** IN THE CALIFORNIA CAPITAL. ON WEDNESDAY, MARCH 20, THE **AMERICAN LEGION** HAD THEIR ANNUAL LEGISLATIVE DAY AND 100TH ANNIVERSARY CELEBRATION AT THE CAPITAL AND I WAS RECOGNIZED AS A MEMBER AND **GUEST OF HONOR**.

ON THURSDAY, MARCH 21, BRIAN JONES, CALIFORNIA STATE SENATOR, FOLLOWING THE OPENING SESSION OF THE SENATE, WAS CALLED UPON BY THE **PRESIDENT OF THE SENATE TO INTRODUCE ME TO THE OTHER 39 SENATORS**. ALL WERE PRESENT DUE TO SOME VERY IMPORTANT LEGISLATION TO BE

VOTED ON AFTER THE INTRODUCTION. FRIDAY WAS THE VERY IMPORTANT GIN RUMMY DAY.

IT LOOKS LIKE MY GOLDEN YEARS HAVE STARTED. - Ryan M. O'Brien

By the way, Ryan plans to marry his current girlfriend, Jean, on his 100th birthday. We're all invited!



California Senator Brian Jones introduces Ryan O'Brien to the Senate Floor March 21, 2019.

Where Can I Find the California Air Resources Board (CARB) Tools I Need?

In follow-up to our June 18 News Brief that contained some California Air Resources Board (CARB) deadlines, we are providing a few key resources that contain additional information and guidance on the complex myriad of regulations to help you do things like:



- Register/Renew/Update your equipment - [On-Road](#) | [Off-Road](#)
- See your equipment lists
- [Get equipment labels](#)
- Determine your engine tiers - [On-Road](#) | [Off-Road](#)
- Calculate your fleet size

On-Road Diesel Overview and Low-Use

GVWR greater than 26,000 pounds

GVWR of 14,001 to 26,000 pounds

<https://www.arb.ca.gov/msprog/onrdiesel/documents/FSRegSum.pdf>

<https://www.arb.ca.gov/msprog/onrdiesel/documents/fagconstructiontrucks.pdf>

Off-Road Diesel Tier Chart

<https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart>

Portable Equipment 8-page Overview with Tier Phase-Out Schedule

https://www.arb.ca.gov/portable/perp/perp_booklet_2018.pdf

Large Spark-Ignition (LSI) Overview

Types of Equipment Impacted: Forklifts, floor scrubbers and sweepers, airport ground support equipment, and industrial tow tractors with LSI engines of 25 horsepower (19 kilowatt) or greater

<https://ww3.arb.ca.gov/msprog/offroad/orspark/documents/lsooverview.pdf>

The [MCAC website](#) can also connect you to the regulatory information you need. Don't forget to

check it out the next time you ask yourself, "Now, where is that...diesel regulation reporting form...Cal/OSHA Pocket Guide...heat illness high heat requirements checklist...public works contractor registration...prevailing wage rule and rates, etc."

Cal/OSHA Penalties Increase for 2019

In 2015, the [Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 \("Inflation Act"\)](#) directed agencies to do two things to bring penalties in line with inflation and make up for the lack of previous increases : 1) implement an initial "catch-up" adjustment which saw the biggest increase in OSHA penalties since 1990 and 2) make subsequent annual adjustments for inflation each year by January 15.

States with [state plans](#), like California, are required to implement programs that are "at least as effective" as federal OSHA and are given six months to do so. Expect [Cal/OSHA penalties to increase accordingly](#) for 2019 and reflect, at least, the figures below.

| | 2019 | WAS | PRE-INFLATION ACT |
|---|---------|---------|-------------------|
| General and Regulatory Violations including posting and recordkeeping | 13,260 | 12,471 | 7,000 |
| Repeat and Willful Violations - Maximum | 132,598 | 124,709 | 70,000 |
| Serious Violations - Maximum | 25,000 | 25,000 | |
| Serious Violations - Minimum | 18,000 | 18,000 | |

REMINDER: Penalties are permitted to increase annually based on the Consumer Price Index.

<https://www.federalregister.gov/documents/2019/01/23/2019-00089/department-of-labor-federal-civil-penalties-inflation-adjustment-act-annual-adjustments-for-2019>

MCAC UPCOMING INDUSTRY EVENTS

July 11 & 12, 2019 - War On Dust Tour, Peninsula Building Materials - Livermore and Santa Clara Yards, CA. [FLYER](#)

July 17, 2019 - MCA San Diego Open Mic Event, Creative Mines, Carlsbad, CA. Click [here](#) for more information [FLYER](#)

July 18, 2019 - Peninsula Building Materials Santa Clara Yard Grand Opening, Santa Clara, CA. [FLYER](#)

July 23, 2019 - MCAA Silica Train-the-Trainer Webinar. Click [here](#) for more information or to register.

July 26, 2019 - Workers Compensation Action Network (WCAN) Town Hall and Summit, Redwood City, CA. Click [here](#) for more information. To register, email contactus@fixworkerscompnow.org or call Maryann Marino (949) 375-0856.

September 8-11, 2019 - MCAA Mid-Year Meeting. Click [here](#) for more information or to register.

September 17, 2019 - MCAA Silica Train-the-Trainer Webinar. Click [here](#) for more information.

September 19-21, 2019 - CMACN Fall Meeting and Design Awards Banquet, Huntington Beach, CA. [FLYER](#)

October 15-17, 2019 - Federated Insurance Contractor Risk Management Academy, Owatonna, MN. Click [here](#) for more information or to register.

December 2, 2019 - MITA Golf Tournament - Victoria Golf Club, Riverside, CA. Details to follow.

**164th MCAC State Meeting
2020/21 Board of Directors Election**



REGISTRATION DETAILS TO FOLLOW

The Annual Concrete Masonry Design Awards and Dinner
Will Also be at This Same Location Later in the Evening.
Please Plan to Stay for This Important Industry Event Recognizing Exceptional
Concrete Masonry Projects.

\$279.00 Group Rate
plus taxes & fees
Reference CMACN for Group Rate

Make your hotel reservations:

866-478-9702 ext. 1.

Select Group Reservations.

Identify group as Concrete Masonry Association of California and Nevada

OR

Online

<https://gc.synxis.com/rez.aspx?>

[Hotel=64852&Chain=15889&arrive=9/19/2019&depart=9/21/2019&adult=1&child=0&group=CMA0919Z](https://gc.synxis.com/rez.aspx?Hotel=64852&Chain=15889&arrive=9/19/2019&depart=9/21/2019&adult=1&child=0&group=CMA0919Z)

Members Saved \$3,976.25 on Their 2019/20 MCAC Contractor Membership Dues!

How did they do this? By participating in the MCAC Insurance Program. See if MCAC's Preferred Provider, Saint Moore Insurance Agency (SMIA), can get you the coverage you need for your business AND save you some money on your premiums and dues all while supporting MCAC with a percentage of the group's premiums.

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Sincerely,

Julie Trost

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