



THANK YOU
TO OUR
NEWSLETTER
SPONSOR



2023 MCAC
MISSION
PARTNERS



June 29, 2023 ISSUE 28

In This Issue:

- Cal/OSHA Citation: Fact or Allegation
- Workplace Violence Safety Plans and Gender Specific Restrooms Progressing Toward a Jobsite Near You
- Amended Apprenticeship Regulations on Public Works: What You Need to Know Now
- It's a Wrap! See Video of Veneer Masters Nor Cal 2023 Debut. And the Winner is...
- HELP WANTED! MCAC to Elect New Board of Directors for 2024/25
- Industry Events 2023
- Save the Date! MCAC 169th State Meeting - January 23, 2024 - Las Vegas, NV with World of Concrete/MCAA Annual Conference
- FEATURING MCAC Member Benefits! Insurance Program with Masonry Construction Expertise

Membership in MCAC = Membership in MCAA
State + National = More membership Value!

Cal/OSHA Citation: Fact or Allegation?

I often hear employers make the same mistake: thinking that an OSHA citation is a finding of fact or conclusion of law. It is not. An OSHA citation contains only allegations subject to review by an independent federal agency (OSHRC) if the employer contests the citation. - Phillip Russell – Ogletree Deakins – Tampa, FL – LinkedIn 6/13/23



Seeing this LinkedIn post from Phillip Russell got me thinking: Does the same rule of law apply to Cal/OSHA citations? So, I went to [Kevin Bland](#), MCAC trusted Cal/OSHA legal expert at Ogletree Deakins in Costa Mesa, CA, and asked him.

MCAC - Kevin, does this '*... OSHA citation is merely an allegation as opposed to a finding of fact/conclusion of law*' principal hold true in CA?

Kevin Bland – It is merely an allegation in California too. If the employer does not contest it (appeal) then it would become a finding and conclusion by operation of law. That's why it's so important to appeal all citations so that, at the very least, the employer can get a non-admission clause before finalizing.

In fact, a recent article in [EHS Today](#) makes the case that appealing OSHA citations can be cost effective. While there's no denying the legal expense of contesting a citation, it could be less expensive than creating the basis for repeat, willful or failure to abate violations. Employers are advised to dedicate their resources to ensure any violations that are upheld are correct (for example, a serious, instead of willful, violation).

READ MORE

Workplace Violence and Gender Specific Restroom Bills Advance in California Legislature

Each year a new crop of issues piques our interest. This year we have added the issues below to our watch list. While this is not a complete list of all measures we are following, they represent a sampling of our high priority targets.



Note: These are *proposed* measures that have not yet been passed unless noted otherwise.

[SB 553](#) – Occupational Safety: Workplace Violence - This bill would require every employer with 1 or more *persons in service*, as defined by [labor code section 350](#), to establish, implement, and maintain, at all times in all of the employer's facilities, a **workplace violence prevention plan as part of the injury prevention program**. The workplace violence prevention plan may be incorporated into an existing Injury and Illness Prevention Plan (IIPP) or maintained as a separate document. Employers would also be required to **provide effective training to employees that addresses the workplace violence risks** that employees may reasonably anticipate to encounter in their jobs, among other requirements. Interestingly, Cal/OSHA issued a [news release](#) this week announcing citations levied against two agricultural employers under Injury and Illness Prevention Program requirements even though there is no workplace violence prevention standard except for healthcare currently in place.

[AB 521](#) – Construction Jobsites – Restrooms – Requires Cal/OSHA to consider revising a construction jobsite restroom regulation (*Section-[3364](#) of Title 8 of the California Code of*

Regulations) to require at least one women's designated restroom for jobsites with 2 or more required water closets by December 31, 2025. The women's restroom requirement is based solely on how many restrooms are already required onsite -- regardless of genders actually present on the jobsite. MCAC proposed an amendment to limit the requirement to jobsites with multiple genders onsite. The author rejected the suggestion opting instead to amend the language to eliminate the term "women" in exchange for those identifying as "female or non-binary." As of the latest committee hearing on June 22, 2023, this bill has not received a single no vote.

Stay Lifted on CAC's Amended Apprenticeship Regulations



Photo credit:

<https://masoncontractors.org/2015/02/13/apprentices-show-their-skills-during-masonry-madness/>

Source: [Atkinson, Andelson, Loya, Ruud & Romo](#)

On March 27, 2023, a California Court of Appeal lifted a stay of enforcement on amended apprenticeship regulations issued by the California Apprenticeship Council (CAC). Though an appeal regarding the regulations remains ongoing, the regulations are now in effect and may be enforced by the Department of Industrial Relations (DIR).

What Do the Amended Regulations Require?

The amended apprenticeship regulations **apply to contractors performing public work** and require public works contractors to assign to apprentices work that is included in the apprenticeship standards under which the apprentice is training.

What Has Changed with the Amended Regulations?

Prior to the amended regulations, contractors on public works hired apprentices based on the craft of the supervising journeyman and assigned tasks to apprentices that were within the scope of the journeyman's craft. The amended regulations revise this industry practice and now **require that apprentices may only be assigned tasks that are within the "work processes" of the apprenticeship program under which the apprentices are training.**

Why is this Change Significant?

This is a significant change for two reasons. First, a craft's scope of work as defined in its master labor agreement may vary from the scope of the craft's DAS-approved apprenticeship program. Second, various work processes may be taught or assigned by various different crafts or trades, thus putting contractors in the middle of a jurisdictional dispute between the various trade unions.

[READ MORE](#)

More resource(s):

[AGC of California provides update on public works apprenticeship regulations](#) - 3.27.23 -

<https://www.agc-ca.org/about/agc-blog/agc-of-california-provides-update-on-public-works-apprenticeship-regulations/>

[Dept. of Industrial Relations Public Works Apprenticeship Requirements](#)

It's a Wrap! Veneer Masters Contest Nor Cal Edition OMEGA Products Int'l | Sacramento, CA



On May 20, 2023, the Nor Cal edition of the successful Southern California [Veneer Masters](#) contest debuted at the OMEGA Products International facility in Sacramento, CA. Teams went head-to-head in three unique and challenging masonry projects installing a thin brick profile, a grouted profile, and a dry stack profile. Teams had 45 minutes to complete each profile. MCAC sponsored the event and I had the privilege and very difficult task of judging these impressive works. On the line was a \$3,000 1st Place prize.

1st place - Brix Masonry, Inc.

2nd place - Fierro Masonry, Inc. / Golden Trowel

3rd place - Stoneworks



JUDGES DELIBERATION TABLE

My fellow judges -- left to right: Me, Julie Trost, MCAC; Richard Rydel, Masonry Inst. of America; John Brackenbury, Hirschi Masonry; Val Murillo, Bricklayer for 42 years/former MCA San Diego Chapter member; Doug Mantell, Mantell Masonry Construction; John Chrysler, Masonry Inst. of America and Ron Bennett, E&S Masonry (Ret.)/CA Masonry Council (*Sorry Ron for my inept selfie skills! Those are Ron's hands hard at work.*)



Congrats to the winners and all the teams that made it a great day! Thank you to my fellow judges who made my first judging experience a highlight of the weekend! [#OMEGAProductsInternational](#) was a wonderful host!

HELP WANTED! MCAC to Elect New Board of Directors for 2024/25

Every odd-numbered year, MCAC elects new leadership. Is 2023 your year to be on the ballot?



The MCAC Board of Directors consists of five positions: President, Vice President, Secretary, Treasurer and Immediate Past President. The Immediate Past President is a non-elected post assumed by the outgoing president. All five board members have equal voting authority. Terms are two years.

Here are the job description basics:

1. Participate in every-other-month virtual meetings/calls (That's just 6 per year!).
2. Attend two meetings each year (Be warned! You might have to travel to awful places like Hawaii, Napa or Carlsbad).
3. Be available to respond to occasional staff requests for input on pressing matters that arise in between the calls and meetings. That's it!

A new MCAC Board of Directors will be in place effective January 1, 2024. We will save you a seat and, who knows, you might actually enjoy it.

Interested? Call or email MCAC Executive Director Julie Trost (916) 966-7666 | julie@mca-ca.org. Or, at least, take Julie's call when she rings you.

INDUSTRY EVENTS

January 17-19, 2023 [World of Concrete/MCAA Annual Meeting](#) – Las Vegas, NV.

Bonus! MCAC/MCAA Contractor Members receive convention show floor passes for free. Please use your NEW MCAA MEMBER NUMBER to receive this member benefit upon registration.

January 23, 2023 [MCAC Webinar: How to Find & Retain Top Talent in Construction](#)

February 7-10, 2023 [UC Davis Wildfire Resilient Structures \(WiRes\) Conference](#) – Town & Country Resort - San Diego, CA

March 6-8, 2023 [MCAC 168th State Meeting/60th Anniversary](#) – Westin Hapuna Beach Resort – Hawaii (Big Island). Registration deadline February 6, 2023.

April 13-14, 2023 Concrete Masonry Assn of CA and NV (CMACN) Annual Meeting - San Diego, CA

April 28, 2023 MCAC 2nd Annual Legacy Golf Tournament – Eagle Glen Golf Club – Corona, CA. Registration to open *soon*.

May 20, 2023 Veneer Masters Competition - Nor Cal - OMEGA Plant - Sacramento, CA

June 19, 2023 MCA San Diego Golf Tournament - The Golf Club of CA - Fallbrook, CA

September 17-21, 2023 MCAA Midyear Meeting - Hershey, PA

September 21-23, 2023 Concrete Masonry Assn of CA and NV (CMACN) Annual Meeting - San Diego, CA

September 25, 2023 MITA Golf Tournament - Victoria Country Club - Riverside, CA

October 7, 2023 Veneer Masters Competition - So Cal - OMEGA Plant - Corona, CA

October 21, 2023 Fastest Trowel Contest - RCP Brick & Block - Murrieta, CA

**Save
the
Date**



MCAC 169th State Meeting

Tuesday, January 23, 2024

Las Vegas, NV

MCAC FEATURES MEMBER BENEFIT PROGRAMS FOR YOU!



MCAC Members Saved \$6,025 on 2022/23 Dues by Participating in Insurance Program

Saint Moore Insurance Agency pays a portion of MCAC member dues for companies participating in the MCAC group insurance program. So, if your renewal is around the corner, the team at Saint Moore Insurance Agency (SMIA) is ready to help. See if Saint Moore Insurance Agency can get you the

coverage you need AND *save you some money. Saint Moore is MCAC's Preferred insurance Provider and brings decades of experience to meeting the needs of mason contractors. [Hear what other MCAC members have to say about Saint Moore,](#)

*Saint Moore Insurance Agency provides discounted premiums and pays a portion of MCAC member program participant dues. **MCAC members saved a collective \$6,025.00 on their 2022/23 dues.**

Contact Amy Mulder
amy@stmooreinsurance.com
(909) 800-6010 Cell

Contact Matt Brown
matt@stmooreinsurance.com
(951) 536-2227 Cell

Sincerely,
Julie Trost
Executive Director
Mason Contractors Association of CA
7844 Madison Avenue, Suite 140
Fair Oaks, CA 95628
p. 916.966.7666
julie@mca-ca.org

Sent byjulie@mca-ca.orgpowered by



Try email marketing for free today!