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NEW MEMBERS

DiBara Masonry



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West Coast Equipment

September 30, 2020

ISSUE 17

New COVID Reporting Requirement Effective September 17, 2020

Governor Newsom signed [Senate Bill 1159](#) on September 17, 2020 which created new reporting obligations for California employers with employees who test positive for COVID-19 and extends the workers compensation presumption for COVID-19 until January 1, 2023.

SB 1159 was an urgency statute which means it became effective immediately on September 17.

First, California employers with 5 or more employees must now report to their workers compensation claims administrator, via email or fax, any instance of which they are aware an employee tested positive for COVID-19 **within 3 business days** or risk substantial financial penalty by the State (up to \$10,000).

Second, SB 1159 presumes that illness or death resulting from COVID-19 arose out of and in the course of employment. The presumption applies to employees 1) who test positive during a COVID-19 "outbreak" at their place of employment and 2) whose employer has 5 or more employees.

"Outbreak" is defined by the number of employees or can also be determined if a local public health agency, the California Dept. of Public Health, Cal/OSHA or a school superintendent orders a workplace closure due to risk of infection with COVID-19.

# of Employees	Outbreak Threshold
100 or less	4 positive COVID employees
More than 100	4% of employees

The presumption starts July 6, 2020 and is to be repealed January 1, 2023.

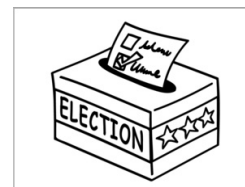
State Fund is hosting a free webinar on October 6, 2020. See MCAC Industry Events below to register.

Read more [here](#).



2020 California Ballot Guide

Each election cycle brings a dreaded task -- reading the [Official Voter Information Guide](#) published by the Secretary of State. This year's edition is 112 pages and it always ends up feeling like a bad homework assignment. If you want an alternative (or maybe a supplement) to those 112 pages, check out the [CalMatters election guide](#). An issue summary with pros and cons, supporters and opponents, funding stats including how much and from whom, and a 1-minute video recap makes this a resource I am enjoying for my election homework. Happy reading all.



Skilled and Trained Workforce: What to Know *Before* You Bid

Skilled & Trained Workforce (STW) requirements have been on the books since 2013. In the years following, they have expanded to encompass a growing number of [project types](#). There are currently more than 15 such statutes. DIR list of STW statutes as of 10/3/19 [here](#).



The basic premise of Skilled & Trained Workforce is to ensure ALL workers are either skilled journeymen or registered apprentices in approved apprenticeship programs.

The mechanics of STW have increasing percentages of journeymen that have graduated from an approved apprenticeship program on job sites until a designated quota of such journeymen is reached. Effective January 1, 2018, that quota was fixed at 30% for bricklayers, marble masons, stone masons, terrazzo workers or finishers.

The key sticking point to meeting STW requirements comes down to one word -- "And." **There is a provision in STW laws that allows "on the job training" to count toward fulfilling the Skilled & Trained requirement, BUT that provision is *in addition to* requiring that 30% of journeymen MUST be graduates of an approved apprenticeship program.** Below is the breakdown of how that looks.

- 100% of your workforce must be "Skilled"; includes on the job training (aka equivalent hours field experience), apprentices registered in a state-approved apprenticeship program, and graduates of an approved apprenticeship program.

AND

- 30% of your Journeyman bricklayers workforce must be "Trained" (graduated from an approved apprenticeship program) for specified project types including:
 - School District (K-12) Design Build > \$1 Million
 - School District (K-12) Lease Leaseback
 - Local Agency & other Specified State Agency Design Build > \$1 Million
 - LAUSD Best Value > \$1 Million
 - Alameda, Los Angeles, Riverside, San Bernardino, San Diego, Solano & Yuba County Best Value ≥ \$1 Million
 - Community College District Design Build

So, before you consider bidding on a STW project, consider whether you can meet both the Skilled **AND** Trained provisions. [Penalties for failure to comply](#) are steep and stipulate that the awarding body withhold 150% of the value of the monthly billing from non-compliant subs and (there's that pesky word again!) also include monetary penalties based on the number of offenses.

Skilled & Trained Workforce FAQ's [here](#).

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Ready Mix Prevailing Wages Must be Paid Electronically Effective September 1, 2020

Effective September 1, 2020, ready-mix concrete companies will be required to submit payroll online to DIR using its [electronic certified payroll reporting system](#) (eCPR). Please note that this requirement

applies only to the certified payroll records required by section 1776(a) of the Labor Code. The separate written time records certified by ready-mix drivers do not need to be uploaded into the electronic certified payroll report system and are only required to be submitted to the Labor Commissioner's Office upon request.



This issue has been on again/off again since it became a law July 1, 2016 ([AB 219](#)). First, its constitutionality was challenged and, ultimately, affirmed in 2018. Concurrent with the legal battle, problems with the online payroll reporting system led to suspension of online reporting. The issues with the eCPR system have been remedied thus the suspension is lifted and online reporting is in effect.

Read Dept. of Industrial Relations (DIR) News Release [here](#).

Read FAQ's [here](#).

California To Prohibit Sales of New Gas Vehicles in 2035



On September 23, 2020, Governor Gavin Newsom issued an [executive order](#) requiring sales of all new passenger vehicles to be zero-emission by 2035. Commercial trucks and construction equipment are to follow suit by 2045. California Air Resources Board (CARB) regulations will provide the mandate.

The zero-emission campaign is already underway with CARB holding its first [public workshop](#) to discuss development of a regulation to accelerate the deployment of zero-emission forklifts on October 7, 2020.

California will be leading the nation in this effort - joining 15 countries that have already committed to phase out gasoline-powered cars and using our market power to push zero-emission vehicle innovation and drive down costs for everyone. - Office of Governor Gavin Newsom Sep 23, 2020

Read Governor Newsom's Announcement [here](#).

MCAC UPCOMING INDUSTRY EVENTS

October 1, 2020 @ 9am - IMI Masonry Walls: QA/QC From a GC's Perspective Webinar Register [here](#). FREE.

October 2, 2020 @ 12pm - IMI Specialized Attachments for Masonry Veneer Walls Webinar. Register [here](#). FREE.

October 6, 2020 @ 11am - State Fund New COVID Reporting Requirements Webinar - SB 1159. Register [here](#). FREE.

October 7, 2020 @ 10am - MCAC CBC Ch. 21 Masonry Code Update Webinar. Register [here](#). FREE.

October 16, 2020 - Silica in Construction, Maritime and General Industries In-Person Training Sacramento, CA. Register [here](#). \$275.

April 8-11, 2021 - MCAC 166th State Meeting Scottsdale, AZ. Final dates pending. Details to follow.

June 8-10, 2021 - World of Concrete (WOC) Tradeshow, Las Vegas, NV. More info [here](#).

On-Demand - COVID-19: Understanding the Federal Response and Relief Offered to Employees and Employers in California Webinar. Access [here](#). Presented by CA Labor Commissioner and ADP.

MCAC FEATURES MEMBER BENEFIT PROGRAMS FOR YOU!



MCAC Members Saved \$5,053.75 on 2020/21 Contractor Membership Dues!

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Contact Jared Layel

jared@stmooreinsurance.com

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Sincerely,

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