



MASON CONTRACTORS ASSOCIATION
OF CALIFORNIA

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NEW MEMBERS

Nassios Masonry Inc.

20101 SW Birch St Ste 135

Newport Beach, CA 92660

James Nassios

(949) 397-7776

www.nassiosmasonryinc.com

December 31, 2019

ISSUE 16

CARB Portable Equipment January 1, 2020 Deadlines

Attention Large PERP fleets (cumulative horsepower of all portable engines totals **over 750 horsepower**) that chose the *fleet average* compliance option: **January 1, 2020** is the date when your fleet will be subject to the first fleet average standard.

Small fleets (cumulative horsepower of all portable engines totals **750 or under**), January 1 is also the date you **must** follow the Tier Phase Out Schedule where engines phase out of operation based on their tier certification level.

[Read more](#)

[ARB Diesel Resources](#) in the MCAC 2Q 2019 Newsletter. See resource links in article #4, "Where Can I Find the California Air Resources Board (CARB) Tools I Need?".

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New Laws for Construction in 2020

The California Legislature introduced more than 3,033 bills in the first half of the 2019-2020 session. The laws become effective January 1, 2020 unless otherwise noted. Below is a summary of some of the priority bills MCAC was following.

For the [full report](#) on construction industry bills, visit the *Smith Currie website.



[Zero Retention by CalTrans Becomes Permanent \(SB 197\)](#)

Existing law prohibits the Department of Transportation, until January 1, 2020, from withholding retention proceeds when making progress payments for work performed by a contractor. This bill would delete the repeal of this provision, thereby making the prohibition operative indefinitely. See [MCAC SB 197 Support Letter](#).

[Public Works Contracts Claim Resolution Process Extended to January 1, 2027 \(AB 456\)](#)

This amendment extends to January 1, 2027 the public works claim resolution process applicable to any claim by a contractor against a public entity for an extension of time, for relief from damages or penalties for delay, or for payment of money or damages. The effectiveness and potential for abuse of this process are still being assessed.

[Skilled and Trained Workforce Commitment Required to Qualify for Community College Design-Build Contracts \(AB 695\)](#)

This law extends to January 1, 2030 the authorization for community college districts to enter into design-build contracts and prohibits a design-build entity, on or after July 1, 2020, from being prequalified or shortlisted for a design-build contract by a community college district unless the entity provides to the community college district a project labor agreement that includes a commitment to use a skilled and trained workforce.

**MCAC is an American Subcontractors Association of California (ASAC) member. Daniel McLennon of Smith Currie is the ASAC Government Relations Chairman. We are happy to have ASAC as a leading voice on subcontractor issues. Bill excerpts above courtesy of Smith Currie's [New California Construction Laws for 2020](#)*

New Laws for Employers in 2020

In addition to bills impacting contractors as members of the construction industry, there are an abundant supply of new rules that apply to contractors in their roles as employers. A couple of the notable bills are summarized below.



[New Employee Classification Test \(AB 5\)](#) aka Uber/Lyft bill.

Employee vs. Independent Contractor: That is the question. AB 5 codifies the ["ABC" test](#) to determine when a worker is an independent contractor.

Numerous industry exemptions were included in AB 5 including architects, engineers, lawyers and accountants. **Of note to the construction industry is a possible exception for Construction Trucking.** Possible because this trucking exemption comes with a list of qualifying criteria and expires January 1, 2022. The AGC of California and Smith Currie prepared a comprehensive [analysis](#) of this issue which includes steps to address its contract complexities. A must-read for anyone doing business with construction trucking operators. Learn what two clauses should now be in your trucking contracts and how to verify whether truckers you hire qualify as independent contractors within the AB 5 exception.

[Expansion of Paid Family Leave \(SB 83, #13\)](#) Beginning July 1, 2020, the maximum duration of Paid Family Leave (PFL) benefits an individual can receive from California's State Disability Insurance program will be increased from six to eight weeks.

[Extending the Deadline to Complete Sexual Harassment Prevention Training \(SB 778\)](#) extends the sexual harassment prevention training deadline under SB 1342 from January 1, 2020, to January 1, 2021. This bill became effective August 30, 2019 as an urgency measure. See article #2 in [MCAC News Brief 10.31.19](#).

The [minimum wage also increased](#) (and may [vary by city or county](#)), mandatory employment

arbitration agreements were banned ([AB 51](#)) and discrimination and harassment based on employees' natural hair was prohibited ([SB 188](#)).

View the [California Chamber of Commerce 2020 Labor Law White Paper](#) for a detailed report on each of these issues and more.

MCAC HONORS FOUNDER RYAN M. O'BRIEN - RIP 11/24/19



On November 24, 2019 we said goodbye to our association founder, masonry industry icon and war hero Ryan M. O'Brien. MCAC 2018/19 President, Todd Williams, and my husband, Eric Pflueger, had the privilege of being pall bearers at Ryan's [memorial service](#) on December 13.

Although it was a somber occasion, the mood definitely lightened when we got to share some of our favorite Ryan stories. One of Ryan's favorite stories (that I heard *many* times -- thank you very much Tom Daniel) was when the MCAC board (then CCMCA) tried to retire him thinking, that at 78 years old, maybe it was time for a succession plan. Ryan would proudly proclaim that he stuck around another 9 years! I couldn't help but smile knowing Ryan's was a life to be celebrated.

In honor of that life, the MCA San Diego made a \$350 donation to the [Veterans of Foreign Wars](#) and MCAC made a \$500 donation to the [The American Legion](#). These are both organizations Ryan supported and contributed to regularly.

We will never forget you Ryan. Thank you for all your contributions to the masonry industry and for giving us this incredible organization.

MCAC UPCOMING INDUSTRY EVENTS

February 4, 2020 - MCAC 165th State Meeting & Board Installation, Las Vegas Convention Center, Las Vegas, NV. Click [here](#) for more information.

February 4-7, 2020 - [MCAA Annual Convention](#) | [World of Concrete \(WOC\) Trade-Show](#), Las Vegas, NV.

WOC Exhibits-Only admission is FREE for MCAA/MCAC members. Contact the MCAA or [MCAC](#) offices if you need your member ID number which is required for the free registration.

February 18 | March 17 | April 14 | May 19, 2020 - MCAA Silica Train-the-Trainer Webinar. Click [here](#) for more information or to register.

April 2-3, 2020 [CMACN](#) Annual Meeting, Laguna Beach, CA

Attend the 165th MCAC State Meeting and
2020/21 Board of Directors Installation
February 4, 2020 | 1:00 - 4:00pm
Las Vegas Convention Center - Rm N212

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Sincerely,

Julie Trost

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