



Greater Sacramento Chapter
Sacramento • Reno • Redding Divisions

QUARTERLY CONDUIT

Upcoming Events

1st Wednesday of Every Month at 6:00pm
IBEW Local 340 Membership Meetings
10240 Systems Parkway, Sacramento, CA 95827

February 21
Presidents Day - NECA Sacramento Office Closed

February 21—23
Association on Executives Institute (AEI)
Hilton Austin Convention Center, Austin, TX

March 23—25
District IX Council Meeting
The Hyatt Regency Indian Wells Resort & Spa, Indian Wells, CA

April 4—9
ELECTRI International Innovation Summit
Hotel Pullman Eiffel Tower, Paris, France
May 30
Memorial Day - NECA Sacramento Office Closed

July 4
Independence Day - NECA Sacramento Office Closed

July 12—15
NECA Tri-District Meeting
The Royal Sonesta Kaua'i Resort Lihue, Lihue, HI

July 30—August 5
National Training Institute (NTI)
Ann Arbor, MI

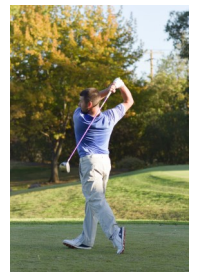
August 23—25
41st Annual ECCT-NECA Golf Tournament
Edgewood Tahoe Resort, Stateline, NV

September 5
Labor Day - NECA Sacramento Office Closed

September 11—13
Western Region Managers Meeting
Hotel Del Coronado, Coronado, CA

2021 Drive *fore* Charities a Huge Success

The 2021 25th Annual NECA/IBEW Drive *fore* Charities Golf Tournament raised \$50,000 for Saint John's Program for Real Change. The 37-year old charity helps homeless women and children through their 12- to 18-month residential program that includes mental health therapy, substance abuse counseling, parenting and healthy relationship classes, a high school diploma attainment program, budgeting, hands-on-employment training, childcare, transportation, and more.



Bethany Knudsen, the Assistant Director of Development from Saint John's Program for Real Change, as well as program client Christina N., attended the dinner after the tournament. They delivered a

heartwarming speech about the hardships endured by the women in the program and the wonderful opportunities they found in the program, leading to more than a few teary eyes in the room.

NECA Sacramento and IBEW Local 340 would like to give special thanks to Collins Electrical Company, Inc. for sponsoring seven foursomes, and to Schetter Electric LLC for sponsoring four foursomes.



The 26th Annual Drive *fore* Charities will be held on October 14, 2022 in Rancho Murieta.

More information about Saint John's Program
for Real Change can be found at
saintjohnsprogram.org



Foreman's Development Series Comes to Sacramento



NECA Sacramento is excited to offer the Foreman's Development Series to our members. This series includes 16 modules, broken up into four sessions, for foremen and journeymen to expand their knowledge, while also earning continuing education hours towards state certification. Modules are offered in four-day sessions, three hours each day, with a different module covered each day. You can register your foremen or journeymen by contacting our office. Registration includes all 16 modules. There are 20 spots available.

**Registration
includes all 4
sessions**

For registration, call
916.449.1322
or email Laura at
laura@necasac.org
or Kelly at
kelly@necasac.org

SESSION 1

Monday, March 7, 2022, 4:00pm-7:00pm
Module 1: The Role of the Foreman
General overview of the duties and responsibilities of the foreman. Identifies important personal qualities and characteristics of a successful foreman.

Tuesday, March 8, 2022, 4:00pm-7:00pm
Module 2: Project Start-Up
Familiarizes the participants with the documentation, terms and procedures that are necessary to successfully begin a new project.

Wednesday, March 9, 2022, 4:00pm-7:00pm
Module 3: Material Management
Examines the various issues associated with ordering and handling jobsite materials and studies a series of "best practices".

Thursday, March 10, 2022, 4:00pm-7:00pm
Module 4: Labor Relations
Focuses on the relationship between labor and management, hiring practices, managing employee attitudes, setting expectations and handling performance issues under collective bargaining agreements.

SESSION 3

Monday, September 19, 2022, 4:00pm-7:00pm
Module 9: Safety
Introduces the concept of an injury-free environment and demonstrates effective practices.

Tuesday, September 20, 2022, 4:00pm-7:00pm
Module 10: Communication
Discuss why communication is important to the foreman and explore the common barriers to good communication and how to resolve them. Learn how to apply techniques to improve daily communication, as well as how to navigate through difficult conversations.

Wednesday, September 21, 2022, 4:00pm-7:00pm

Module 11: Documentation
Cover the various forms of documentation that a Foreman will encounter on a job site and gain an understanding of how to create good documentation.

Thursday, September 22, 2022, 4:00pm-7:00pm

Module 12: Specifications
Utilizing an actual Specification book, provides Foremen with a working knowledge of typical Specification requirements utilized in today's

SESSION 2

Monday, June 20, 2022, 4:00pm-7:00pm
Module 5: Understanding the Estimate
Gives a broad overview of how electrical contractors pursue work through the bid process, how they arrive at their cost estimate, and how the successful estimate is then turned into the job budget of labor and material that the Foreman is responsible for managing.

Tuesday, June 21, 2022, 4:00pm-7:00pm
Module 6: Understanding the Estimate Part II
Learn how to use the Estimate to determine crew install rates, how to utilize Labor tracking as well as understanding monthly Job cost reports.

Wednesday, June 22, 2022, 4:00pm-7:00pm
Module 7: Man-Loading and Scheduling
Gain an understanding of common terms used in scheduling and compare a General Contractor's Schedule with an Electrical Budget to learn how they relate to each other. Use the schedule and budget to man-load a project, and then use that data to develop a Weekly Planner.

Thursday, June 23, 2022, 4:00pm-7:00pm
Module 8: Managing Production
Examines the concepts of individual versus system productivity. Examine best industry practices for managing production, working more efficiently, and ways to motivate and set goals for a diverse workforce including CW's/CE's.

SESSION 4

Monday, December 5, 2022, 4:00pm-7:00pm
Module 13: Change Management
Discuss how and why construction changes occur, the documents involved, how they are handled, priced, and tracked as well as how changes impact the project.

Tuesday, December 6, 2022, 4:00pm-7:00pm
Module 14: Project Closeout
Look at the documentation such as punch lists, as-built drawings and commissioning that are important to the final stages of project completion. Discuss the importance of customer service to ensure that we become the preferred choice for future projects.

Wednesday, December 7, 2022, 4:00pm-7:00pm

Module 15: Highly Effective Foreman Part I
Takes Foremen from highly qualified to 'highly effective' by improving their use of people skills with working relationships, communications skills, setting expectations and team building which results in better direction and motivation for their crew.

Thursday, December 8, 2022, 4:00pm-7:00pm
Module 16: Highly Effective Foreman Part II
Builds from Part I to help Foremen become more consistent in performing their jobs so that they achieve higher than average RESULTS on their projects. Topics include setting team goals, planning, time management, worker accountability, worker performance and conflict resolution.

Local 401 Paid Sick Leave Narrative



The state of Nevada currently mandates that all employers with 50 or more employees provide 40 hours of paid sick leave annually.

This benefit would typically be paid to the employee as wages, subject to all employee and employer taxes, such as Federal Income Tax, Social Security Tax, Medicare Tax, Federal & State Unemployment Tax, etc. These wages would also be subject to all other payroll related costs, such as Workers Compensation Insurance, etc.

However, in a multi-employer collective bargaining situation, it is virtually impossible to administer this benefit for each employee/member, since during the course of the year, the member may work for multiple employers. The only logical way to address it and fairly compensate the employee/member and not be in violation of the statute is to include it in the Collective bargaining Agreement. Which is what has been done.

Therefore, in the structure of the Paid Sick Leave benefit negotiated most recent contract, the percentage of wages that is set aside for the mandated Paid Sick Leave is a taxable benefit to the Employee/Member and is subject to all employee and employer related taxes, insurance and union benefits based on a percentage of wages, such as the NEIF and NEBF.

The main difference is that in a non-collective bargaining arrangement the paid Sick Leave is subject to the taxes when that time off is taken and those wages are paid to the employee. In the case of the multi-employer collective bargaining agreement the only way to effectively collect the tax is to subject that benefit to all applicable taxes as it is earned, i.e. every pay period.

The steps to do this would be as follows:

1. The Paid Sick Leave percentage (currently 2%) must be added to the employee/members wages on a weekly basis, as payroll is incurred, so that all applicable taxes, insurance and benefits can be calculated and properly applied to the revised "grossed up" wages, which would then include the Paid Sick Leave Benefit.
2. The same percentage that was added the wages, before taxes would then need to be deducted from the employee's paycheck after all taxes are calculated.
 - a. By adding the Paid Sick Leave benefit it to Gross Wages, before tax, then deducting the same amount after taxes, all taxes, insurance and benefits, would then be paid on the Paid Sick Leave benefit.
3. Amount deducted would be remitted to the Trust along with the rest of the Union Benefits.
 - a. When the employee withdraws these funds from the Trust they will already have been taxed.
4. All other employer costs would be calculated on the revised "grossed up" wages and paid accordingly.

 11/13/22

Fran McDermott
Executive Director

Date



Jacob Haas
Business Manager

Date

41st Annual ECCT-NECA Golf Tournament

"The Bob"

Hosted by the Sacramento NECA Chapter

August 23 - 25, 2022

At the

Edgewood Tahoe Resort



NECA
IBEW *drive for* **Charities**

26th Annual Golf Tournament

Friday, October 14, 2022

Rancho Murieta Country Club

In Support of Our Community

NECA National COVID-19 Legal Alert

Supreme Court Reinstates a Stay of OSHA's Vaccinate-or-Test ETS

The United States Supreme Court issued a per curiam decision reinstating a stay of OSHA's ETS.

A per curiam decision is a court opinion issued in the name of the Court rather than specific judges, but it is certainly not an indication that the decision was unanimous or non-controversial, and in this instance, we know it was not that. There was also a concurrence by Justice Gorsuch (joined by Justices Thomas and Alito), and a joint dissent by Justices Breyer, Sotomayor, and Kagan.

At first blush, it appears that the majority of the Court is saying that without a more explicit delegation of authority from Congress, OSHA can only regulate hazards that are fairly unique to the workplace, which could have broader implications for OSHA's regulatory reach than just this COVID-19 ETS (see Heat Illness):

"Although COVID-19 is a risk that occurs in many workplaces, it is not an occupational hazard in most. COVID-19 can and does spread at home, in schools, during sporting events, and everywhere else that people gather. That kind of universal risk is no different from the day-to-day dangers that all face from crime, air pollution, or any number of communicable diseases. Permitting OSHA to regulate the hazards of daily life—simply because most Americans have jobs and face those same risks while on the clock—would significantly expand OSHA's regulatory authority without clear congressional authorization."

Under this theory, the majority opinion indicates that there are some issues that are of such "exceptional political and economic" consequence that the courts will presume Congress did not intend to delegate the issue to agencies unless the delegating statute is clear. More specifically, for those rare, really significant regulations that have really significant impacts on the country, Congress needs to be somewhat precise in its intention to delegate its legislative duty to an executive agency. In this context, the OSH Act's now-fifty year old and rather generic delegation of rulemaking authority does not grant a clear enough mandate for OSHA in this context. That is, the OSH

Act may be a clear enough delegation of authority for those not quite-so-major-issues about which OSHA typically develops and enforces regulations, but not for something so fundamental as "ordering 84 million Americans to either obtain a COVID-19 vaccine or undergo weekly medical testing at their own expense. This is no 'everyday exercise of federal power.'" And while the vaccinate-or-test rule may be an appropriate subject for a rule that OSHA could issue and enforce, if that is to be a nationwide rule of that importance, that is, in order for OSHA to lawfully issue and enforce that rule, it would need to be the result of a pretty express and somewhat recent delegation of authority from Congress.

So, it should be the States, or at least the US Congress, which is closer to the pulse of the American people, not OSHA on its own, that should decide whether there should be a vaccination requirement of any kind for major segments of the population. In other words, this kind of policy is something important enough that it deserves legislation, not a sub-cabinet agency regulation. And really, it has been two years into the pandemic, and a full year into the rollout of a safe and efficacious vaccination program with ample supplies, and not only has Congress not passed a law that requires vaccination or large-scale testing programs in workplaces, or for healthcare workers, or for federal contractors, etc., it has not even seriously debated it publicly.

And the majority does clarify that OSHA is not blocked from any regulation regarding COVID-19, just a broad, one-size-fits-all approach like the vaccinate-or-test ETS:

"That is not to say OSHA lacks authority to regulate occupation-specific risks related to COVID-19. Where the virus poses a special danger because of the particular features of an employee's job or workplace, targeted regulations are plainly permissible. We do not doubt, for example, that OSHA could regulate researchers who work with the COVID-19 virus. So too could OSHA regulate risks associated with working in particularly crowded or cramped environments. But the danger present in such workplaces differs in both degree and kind from the everyday risk of contracting COVID-19 that all face."

Supreme Court Stay continued...

Indeed, simultaneously with this opinion about the OSHA ETS, the Supreme Court issued a companion decision upholding CMS's authority to issue its regulation setting a hard vaccine-mandate for certain healthcare workplaces.

Here is the specific relief granted in the OSHA ETS decision:

"The applications for stays presented to JUSTICE KAVANAUGH and by him referred to the Court are granted. OSHA's COVID-19 Vaccination and Testing; Emergency Temporary Standard, 86 Fed. Reg. 61402, is stayed pending disposition of the applicants' petitions for review in the United States Court of Appeals for the Sixth Circuit and disposition of the applicants' petitions for writs of certiorari, if such writs are timely sought. Should the petitions for writs of certiorari be denied, this order shall terminate automatically. In the event the petitions for writs of certiorari are granted, the order shall terminate upon the sending down of the judgment of this Court."

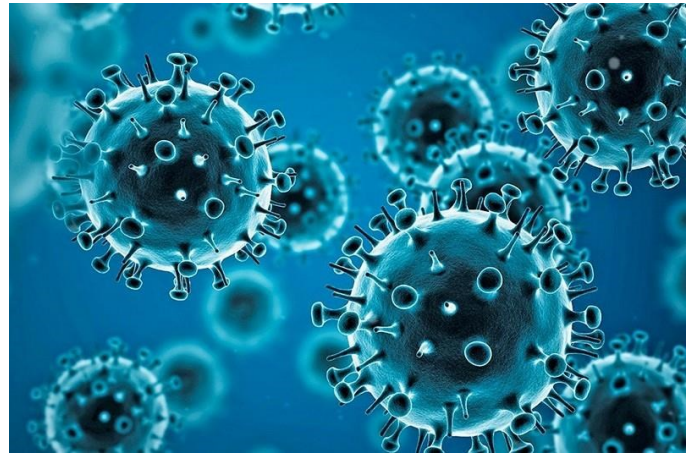
While the decision technically is only a temporary stay of the ETS pending a full review of the legal challenges to the rule by the Sixth Circuit, the Court's conservative justices sent an unmistakable signal that the High Court conservative majority believes OSHA exceeded its statutory authority in issuing a workplace standard to address an issue of broad public health.

The three progressive justices, issued a scathing dissent essentially charging that a stay would result in the loss of tens of thousands of lives to COVID-19.

We will provide a more in-depth analysis of the Court's decision soon, not only about what it means for the ETS, but the sea change it may signal for OSHA's regulatory authority generally. For now, we simply wanted to immediately let you know that enforcement of the ETS has been stayed – i.e., there are no regulatory obligations to meet pursuant to the ETS – and seems to have been effectively put to rest by the Supreme Court. There does still remain the OSH Act's General Duty Clause, so a return to evaluating a reasonable response to the pandemic against the multitude of various CDC and OSHA guidance for COVID-19 workplace protocols.

Also one quick word about what this means for the State OSH

Plans. The Supreme Court's decision today to reinstitute a stay of the federal OSHA vaccinate-or-test ETS technically affects only the federal rule. Since the basis on which the Court struck down the federal ETS was the Major Questions Doctrine, the decision relates only to federal OSHA's authority regulate without a more clear delegation from the US Congress. That principle is only applicable to fed OSHA, the federal OSH Act, and the US Congress. It would not be applicable to any State OSH Plan that would have its regulatory authority arising out of a state statute.



To be clear, without a fed OSHA ETS on the books, the State Plans will not be compelled to issue their own versions of a vaccination ETS, but this ruling by the Supreme Court does not block them from doing so on their own accord. From a practical standpoint, however, we just watched 100% of the State OSH Plans sit on the sidelines while the Fifth Circuit's Stay of the fed ETS was in effect. Every one of those state plans could have moved ahead with their own versions of a vaccination ETS, but they all pumped the brakes, including those that we might have anticipated to be most aggressive (i.e., Cal/OSHA, WISHA, and OR OSHA). Even during the period that the Stay was lifted between December 17th and today, only MN OSHA moved ahead to adopt the vaccinate-or-test ETS. We would not be terribly surprised to see most (or maybe even all) of the State Plans stand down again.

We wanted to very quickly let you know that the ETS seems to have been put to rest by the Supreme Court, and there are no regulatory obligations to meet pursuant to the ETS. There does still remain the OSH Act's General Duty Clause, so employers are now faced with a return to evaluating whether they are making reasonable efforts to protect their employees from pandemic hazards when measured against the multitude of various CDC and OSHA guidance for COVID-19 workplace protocols.

Electrical Trainee Cards - Keeping Them Current

Existing law requires that persons performing work as electrician under a C-10 licensed contractor be certified pursuant to certification standards established by the Division of Labor Standards Enforcement.

To work as an electrician a person must be one of the following: certified by having taken and passed the exam, or an apprentice in a state approved program, or an electrician trainee.

Registration must be renewed annually until you become certified or leave the trade

If a person wants to perform electrical work for a C-10 contractor and does not yet qualify to take the certification exam because of lack of work experience or related instruction, can do so legally by registering as an electrician trainee.

An electrician trainee must be enrolled in a state approved school and under the supervision of a certified electrician that supervises only one electrician trainee.

How do I become an electrician trainee?

1. Submit an electrician trainee registration application with a check for \$25 payable to the order of:

DIR – Electrician Certification Fund

2. Submit proof of enrollment in an approved school.

Mail to: Department of Industrial Relations (DIR)

DLSE-Electrician Certification Unit

P.O. Box 511286

Los Angeles, CA 90051-7841



How do I obtain a certification?

1. Before you can take the examination, you must apply and be approved by DLSE (Department of Labor Standards Enforcement).

Applications may be obtained from DLSE, or online dir.ca.gov/dlse/ecu/ElectricalTrade

Phone: (510) 286-3900

2. The completed application, any other required supporting documentation and the application fee should be sent to DLSE at the address below.

Department of Industrial Relations

P O Box 511286

Los Angeles, CA 90051-7841

Phone: (510) 286-3900 Email: ECUINFO@dir.ca.gov

3. Once DLSE has approved you for testing, you will receive an eligibility notice.

Denied candidates are notified by DLSE of the elements they need to complete in order to be approved.

All questions and requests for information about examinations should be directed to PSI.

PSI Services LLC

3210 E Tropicana

Las Vegas, NV 89121

Phone: (888) 818-5831 Fax: (702) 932-2666 www.psiexams.com

NEBF – 2022 Temporary Return to Work Amendment

NOTICE TO RETIREES RECEIVING A NORMAL OR EARLY RETIREMENT PENSION BENEFIT CONCERNING A TEMPORARY RETURN TO WORK AMENDMENT TO THE PLAN OF BENEFITS FOR THE NEBF

The Trustees of the National Electrical Benefit Fund (NEBF) and the National Employees Benefit Board have approved a temporary Return to Work Amendment to the Plan of Benefits for the NEBF that permits certain eligible retirees to return to covered and contributory employment for a period of time without a loss of pension benefits from the NEBF. Please read the following notice carefully as this amendment does not apply to all retirees or to all electrical employment.

The rules of the Plan generally provide for a suspension of benefits for a retiree who returns to employment in the electrical industry for forty (40) or more hours per month. This temporary Return to Work Amendment changes the suspension rules for certain eligible retirees. Following are the features of the amendment:

1. The temporary amendment is effective from January 1, 2022 through December 31, 2022.
2. All normal and early retirees with a pension effective date of December 2021 or earlier will be permitted to return to covered and contributory employment only and will be permitted to work for up to 600 hours during the above period without a loss of NEBF benefits. This amendment applies only to the NEBF Plan. (In order to receive benefits from other funds it will depend on the rules of those funds.)
3. Once an individual has worked for 600 hours in covered and contributory employment during the term of the temporary amendment, the individual will no longer be able to take advantage of this amendment and the normal rules (permitting work in the electrical industry for less than forty (40) hours per month without a suspension of benefits) will apply.
4. Disability pensioners are not eligible (the existing rules applicable to disabled pensioners remain in effect).
5. Only retirees who return to NEBF covered and contributory employment will be able to take advantage of this amendment – this amendment will not apply to persons who work for covered employers where no NEBF contributions are required or to persons who work for non-covered employers in the electrical industry.

If you have any questions concerning the temporary Return to Work Amendment, please contact the NEBF.

Telephone: 301-556-4300

Sacramento River Cats

2022 Season



Starting April 5th

**Check out the NECA Sacramento Suite at
Sutter Health Park!**

**Available dates will be emailed closer to the start of the
season**