



NORTHERN CALIFORNIA  
**ALLIED TRADES**

# NCAT

Covid-19: What Contractors Need to Know

Jeannie Simpelo, CEO

Wednesday, January 13, 2021 • 9:00am – 11:00am

UNITING THE TRADES OF:



**NCPFC**



**NCGMA**

# NCAT Organization Chart



**NCAT**

**(Northern CA Allied Trades)**

Umbrella Organization – Board of Directors consists of representatives both NCPFC and NCGMA Manages joint efforts and expenses that includes classes, events, association staff, Horton building, and office operations.



**NCPFC**

**(Northern CA Painting and Finishing Contractors, Inc.)**

Has its own Board, Financials, CBA Negotiations, and Strategic Plan. Focused on paint contractors and industry.



**NCGMA**

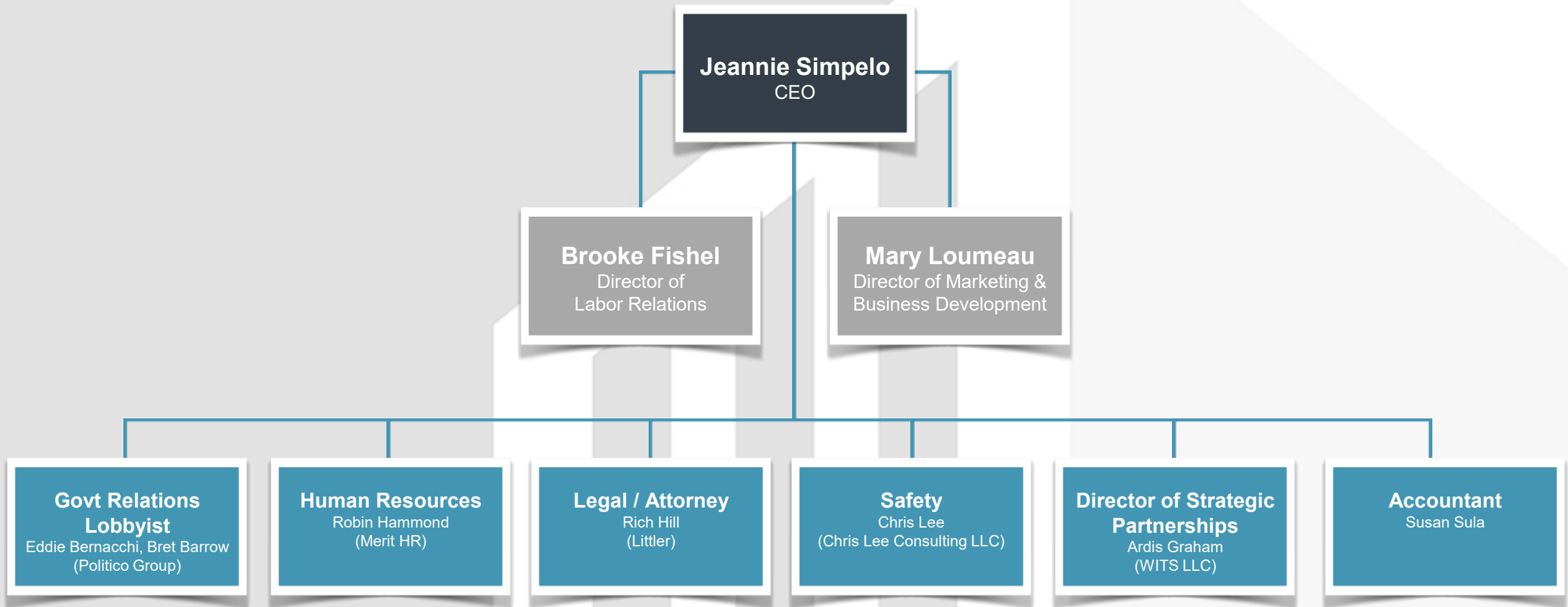
**(Northern CA Glass Management Association)**

Has its own Board, Financials, CBA Negotiations, and Strategic Plan. Focused on glass contractors and industry.

**FUTURE MEMBERS**

Future Strategic Goal is to include other DC16 Finishing Trades under NCAT

# NCAT Team Organizational Chart



# THE UNITED VOICE OF THE FINISHING TRADES

We have a team of experience and knowledge behind the Association focused on helping your business thrive.



**Jeannie Simpelo**  
Chief Executive Officer



**Brooke Fishel**  
Director of Labor Relations



**Mary Loumeau**  
Director of Marketing  
& Business Development



**Ardis Graham**  
Strategic Partnerships Consultant



**Eddie Bernacchi**  
Legislative Consultant



**Bret Barrow**  
Legislative Consultant



**Chris Lee**  
Safety Consultant



**Robin Hammond**  
HR Consultant

## Covid-19 NCAT Association Resources:

[ncpfc.org/Covid19](https://ncpfc.org/Covid19)

[ncgma.org/Covid19](https://ncgma.org/Covid19)

# AB 685 and Cal/OSHA Emergency Temporary Standard

Bret Barrow and Chris Lee

## What is AB 685?

### COVID-19 Enhanced Enforcement and Employer Reporting Requirements

- Notification of employees
- Notification of local public health agencies
- Cal/OSHA may issue an Order Prohibiting Use (OPU) from 1/1/21 – 1/1/23
- Cal/OSHA can issue serious violations more quickly from 1/1/21 – 1/1/23

## What is required under the Cal/OSHA Emergency Temporary Standard on COVID-19?

California Code of Regulations, Title 8, Sections 3205 – 3205.4 contains 5 sections addressing:

- COVID-19 prevention
- Multiple COVID-19 infections and COVID-19 outbreaks
- Major COVID-19 outbreaks
- COVID-19 prevention in employer-provided housing
- COVID-19 prevention in employer-provided transportation to and from work

The ETS, which became effective on 11/30/20, requires employers to develop and implement a COVID-19 Prevention Plan.



# AB 685 and Cal/OSHA Emergency Temporary Standard

Bret Barrow and Chris Lee

The Plan must include the following elements:

- **Communication of COVID-19 Policies and Procedures**
- **Procedures for Identifying COVID-19 Hazards**
- **Procedures for Investigating COVID-19 Cases**
- **Procedures for correcting hazards**
- **Training**
- **Physical distancing**
- **Face Coverings/Face Masks**
- **Engineering, Administrative and Personal Protective Equipment Controls**
- **Recordkeeping and Reporting Obligations**
- **Exclusion of COVID-19 Cases**
- **Return-to-work criteria**
- **Multiple COVID-19 Infections and COVID-19 Outbreaks**
- **COVID-19 Prevention in Employer-Provided Housing and Transportation to and from work**



# Covid-19 Prevention Plan

## Chris Lee and Rich Hill

### Notification Requirements (Chris Lee)

#### Investigating and responding to COVID-19 cases in the workplace

- **3205(c)(3)(B)3. Give notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case to:**
  - All employees who may have had exposure and their authorized representatives
  - Independent contractors and other employees

#### Multiple COVID-19 Infections and COVID-19 Outbreaks (3 or more cases within a 14-day period)

- **3205.1(f)(1) The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows of 3 or more COVID-19 cases**
- **3205.1(f)(2) The employer shall provide to the local health department the total number of cases and for each case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and the NAICS code of the workplace**

#### Major COVID-19 Outbreaks (20 or more cases within a 30-day period)

- **3205.2(f) Notifications to the local health department. Employers shall comply with the requirements noted above in 3205.1(f)**

### Testing Requirements (Rich Hill)

#### Exclusion Pay Requirement

##### **What contractors need to know:**

- Positive COVID-19 case, no outbreak
- What to do if there is an outbreak
- Major outbreak
- Exclusion pay is limited to workplace exposure





# Relationship to FFCRA and AB 1867

Rich Hill

## What is FFCRA?

- **Families First Coronavirus Response Act: Employer Paid Leave**

## **What contractors need to know:**

- **Seriously consider voluntarily complying with the FFCRA through 3/31/21 in order to take advantage of the FFCRA tax credits**



# Legal Challenges to the Cal/OSHA ETS

Rich Hill

## Cal/OSHA Emergency Temporary Standards

### What contractors need to know:

- Two lawsuits have been filed but a ruling by a court may be months away



# Workers' Compensation Presumptions (SB 1159 and EO N 62-20)

Bret Barrow and Rich Hill

What is EO N 62-20?

- What is Executive Order N 62-20?
- **#3. Provides that the presumption of a work-related illness “is disputable and may be controverted by other evidence.”**  
What does that mean?
  - This means that even when an employee is presumed to have become ill from COVID-19 at work, an employer may dispute that conclusion. In such a case, however, the employer bears the burden of proving that the injury or illness did not occur at work.

What is SB 1159?

- **Workers' Compensation Presumption: Covid-19 - Critical Workers**

**What contractors need to know:**

- **Develop a form to report COVID-19 cases**
- **Maintain daily records of which employees worked at each specific place of employment and which employees worked from home**
- **Create and maintain a log of all positive COVID-19 cases**
- **Catalogue the measures you have taken to reduce potential transmission of COVID-19**
- **Develop an investigation protocol and process**



# Covid-19 Stimulus Bill

Rich Hill

- **PPP Loans**
- **Employee Retention Tax Credits**

## **What contractors need to know:**

- **Consult with your CPA or accountant**



# Covid-19 Authorized Vaccines: Pfizer and Moderna

Rich Hill

**Can California employers under a CBA require their employees to get Covid-19 vaccination?**

- **Duty to accommodate employees with medical issues, disabilities or religious objections**
- **Employee relations issues**
- **Alternative is to encourage and incentivize employees**
- **Duty to bargain with Union Representative**
- **Who pays for the time to get vaccinated?**
- **Do you need a policy and when do you disseminate the policy?**

## **What contractors need to know:**

- **The most important thing for NCPFC and NCGMA is to discuss the issue of vaccines with District Council 16**



# State and Local Public Health Orders Regarding Travel

Rich Hill

- **Mandatory Quarantines following Travel (Santa Clara County)**
- **Exceptions for Critical Infrastructure Workers (San Francisco)**
- **Travel Recommendations**



# Non-COVID Related Issues

Bret Barrow, Rich Hill and Robin Hammond

- **SB1383: California Family Rights Act (CFRA) Expansion - (Robin Hammond)**
  - **Effective January 1, 2021: Employers with 5 or more employees are subject to CFRA and Family and Medical Leave Act (FMLA)**
    - **Eligibility Requirements and Changes**
- **SB 973: New Pay Data Reporting Effective March 2021 - (Bret Barrow)**
- **AB 2992: Victims of Crime/Protected Time Off – California expands entitlement for Leave for Crime Victims - (Robin Hammond)**
- **AB 2331: Virtual Elimination of Prevailing Wage De Minimis Exemption - (Rich Hill)**



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[ncgma.org/Covid19](https://ncgma.org/Covid19)



## Speakers' Contact Information

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**Q&A**



**Thank you**