

URCA Viewpoint

WEBSITE: WWW.URCA.ORG

NEWS AND VIEWS FOR THE UNION ROOFER

VOLUME 20, ISSUE 1, Summer 2020

URCA's 2020 Don Banks Memorial Scholarship Deadline Has Been Extended Due to Pandemic.

The Don Banks Memorial Scholarship is currently open for applications. Please encourage your employees to apply. Due to the difficulties surrounding the Coronavirus pandemic, URCA has extended the deadline from July 31, 2020 to August 31, 2020 for students applying for a Don Banks Memorial Scholarship. The Scholarship Program recognizes the scholastic

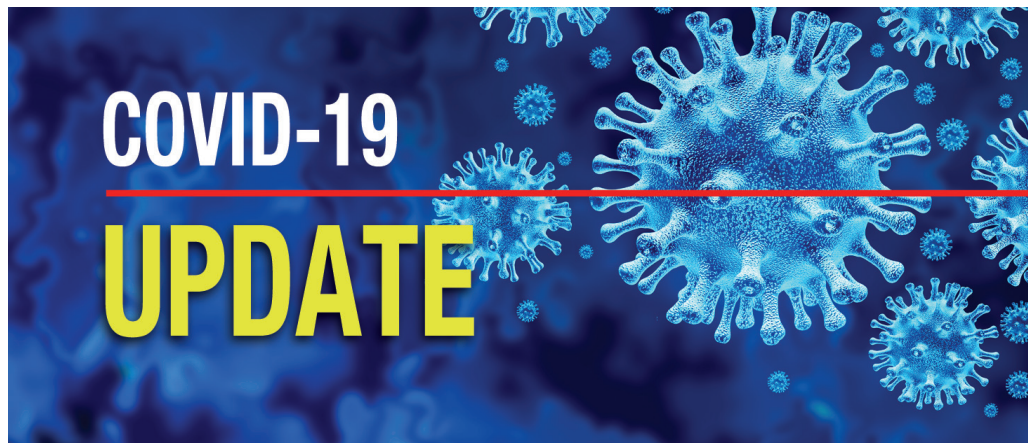


and community achievements of URCA member company employees, their spouses and children.

How much is awarded?

1. A. \$3,000.00 scholarship, renewable for three years based on the following:
 - B. The recipient must maintain an annual grade point average of 2.0.
 - C. Upon renewal, if the recipient is an employee, or the spouse, child or dependent of

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In response to the global Coronavirus ("COVID-19") and to slow the spread of the pandemic, Governor Newsom declared a state of emergency in early March of 2020. As the number of infections began to increase, Californians were ordered to stay at home and businesses were ordered to close. The closures were meant to be a temporary response to an unknown situation and the State of California announced it would re-open in phases as the number of infections stabilized. Recognizing the valuable contributions of the construction industry, Governor Newsom granted exceptions for essential workers which include "construction workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects."

As California began the process of re-opening in phases, the numbers of

confirmed COVID-19 cases once again began to increase and now California has extended the closure of businesses once again and is again attempting to halt the flow of infections. We are seeing new legislation, orders, and/or travel restrictions put into place for certain states as a measure to help prevent further transmission.

No industry or sector has been immune from COVID-19 nor its impacts. As COVID-19 brings businesses to a halt and are scrambling to adapt, the construction industry remains resilient — even in the face of tremendous challenge. Unlike many industries where "working from home" and "drive-thru service" are feasible alternatives, construction firms have job sites to run.

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On left: Eberhard crew making quick progress on installation of DowSil Fluid Applied Air and Weather Barrier on Coresite LA; and on right below grade wall Cetco Vortex DS Waterproofing on Project Blue Sky.



Chapman Coast Roofing Company Moves Location See Page 3



Eddie Marquez, J.D.
Executive Vice President

In early July, various members of the California Legislature tested positive for COVID-19 and legislative leaders announced both houses would be out until further notice. Leaders later announced they would follow a two-week quarantine and possibly, try to return to business in late July. With upcoming deadlines and the uncertain future, significant legislation for this year continues to be on hold. This is the second year of a two-year session and most non-COVID legislation has been postponed as COVID and other emergency matters take top priority.

URCA continues to monitor a number of important policy and regulatory issues that could have a significant impact on our industry.

Below is an update on the adoption of the California budget, URCA letters of opposition to Executive Orders and proposed legislation, and the US Department of Labor's ruling on Industry Recognized Apprenticeship programs.

California Budget 2020:

Governor Gavin Newsom signed the 2020 Budget Act – a \$202.1 billion spending plan that strengthens emergency response, protects public health and safety, and promotes economic recovery while closing a \$54.3 billion budget shortfall caused by the COVID-19 recession.

The Budget makes critical investments to save lives and promote economic recovery by continuing critical purchases of personal protective equipment and other safeguards necessary to safely reopen the economy during the COVID-19 pandemic. It protects public education and supports Californians facing the greatest hardships – since the pandemic is having a disproportionate impact on lower-wage workers, communities of color, and is further exacerbating income inequality. Finally, the Budget supports job creation, economic recovery and opportunity by recognizing and supporting the critical role small businesses play in job creation in the state.

The COVID-19 pandemic has impacted every sector of the state's economy and has caused record high unemployment – almost 1 in 5 Californians who were employed in February were out of work in May – and further action from the federal government is needed given the magnitude of the crisis. The Governor continues his efforts to secure \$1 trillion in flexible federal aid to state and local governments across the country. This additional support is critical to mitigate the worst effects of the public health crisis, encourage recovery, and support Californians in need.

Governors Executive Order N-62-20: (OPPOSED) creates a rebuttable presumption that an employee's COVID-19-related illness arose out of the course of employment for workers' compensation purposes if the employee tests positive or is diagnosed "within 14 days after a day that the employee performed labor or services at the employee's place of employment at the employer's

direction." The presumption does not apply if the employee worked from home.

To qualify, the employee must either (1) test positive for COVID-19 within 14 days after performing work; or (2) be diagnosed with COVID-19 by a licensed physician within 14 days after performing work and have that diagnosis confirmed by further testing within 30 days of the diagnosis. Additionally, the date of injury must occur between March 19, 2020, and July 5, 2020.

For current employees, the practical reality of this Executive Order is that any test-confirmed COVID-19 illness will be presumptively compensable by workers' compensation.

The Executive Order provides that the presumption "is disputable and may be controverted by other evidence." However, if a claim is not rejected within 30 days of filing, the presumption can only be rebutted by evidence discovered subsequent to the 30-day period.

Employees claiming COVID-19-related illness are eligible for all workers' compensation benefits, including "full hospital, surgical, medical treatment, disability indemnity, and death benefits." There is no waiting period for temporary disability benefits, but an employee entitled to COVID-19 paid sick leave must exhaust that paid leave first.

URCA opposed this N-62-20 as burdensome and redundant, especially with all of the current and coming relief from federal and state remedies.

AB 196 (Gonzales-Fletcher) (OPPOSE) Establishes Costly "Conclusive Presumption" of Injury. Significantly increases workers' compensation costs for employers by "conclusively" presuming (non-rebuttable) that contraction of COVID-19 by all "essential workers" is a workplace injury. Establishes an extremely concerning precedent for expanding presumptions into the private sector for COVID-19 issues, which the Workers' Compensation Insurance Rating Bureau (WCIRB) recently estimated will add billions in costs to California's workers' compensation system.

This bill would define "injury," for certain employees who are employed in an occupation or industry deemed essential in the Governor's Executive Order of March 19, 2020 (Executive Order N-33-20), except as specified, or who are subsequently deemed essential, to include coronavirus disease 2019 (COVID-19) that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. The bill would apply to injuries occurring on or after March 1, 2020, would create a conclusive presumption, as specified, that the injury arose out of and in the course of the employment, and would extend that presumption following termination of service for a period of 90 days, commencing with the last date actually worked.

URCA opposed to this proposed legislation as overly burdensome and redundant, as many protective measures have been implemented to

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COVID-19 Continued

URCA contractors remain committed to completing essential services, advancing critical infrastructure projects, and carrying out vital construction activities that provide work opportunities for skilled craftworkers across the country. Safety has always been the number one priority for our contractors, and we are now implementing new procedures that capture the best approach to deal with the novel COVID-19. Across the board, we have seen our contractors develop a multi-faceted COVID-19 response plan to help keep employees safe and job sites operational. These include, but are not limited to:

1. Understand and follow CDC guidelines.
2. Place restrictions on travel.



Work site safety is of utmost importance to employees, their families, and contractors.

3. Develop screening measures for employees who have recently traveled.
4. Instruct employees to stay home if they are feeling sick.
5. Place restrictions on in-person meetings and other employee gatherings.
6. Encourage employees to work from home if feasible.
7. Train all employees on the 6-ft distancing rule, no handshakes, etc.
8. Establish thorough cleaning protocols at offices and job sites.
9. Increase availability of cleaning supplies and hand washing stations at offices and job sites.
10. Stay up to date on both federal and local COVID-19 developments.
11. Maintain clear, honest and ongoing

communication with employees and with everyone with whom we do business.

Recognizing immediately the economic toll of COVID-19, federal, state, and county governments quickly implemented financial and business assistance relief packages to assist businesses that were directly and indirectly affected by COVID-19. Government at all levels have also been tasked with making sure they take immediate steps to contain the spread of COVID-19, support manufacturers and their employees, maintain vital supply chains and ensure the country's economic resilience.

URCA has been a part of these efforts and has partnered with national, state, and county organizations to send letters protecting our industry and directly

supporting or opposing the business impacts these governmental decisions will have on our industry. URCA has been lobbying congress and the state to make sure relief bills, insurance, paid leave, and more infrastructure projects and other legislative efforts account for the needs of the roofing industry.

As the pandemic progresses and the full effects of infection take hold, there is bound to be more change to the construction industry, possibly additional shutdowns, and it is likely that we will see additional targeted relief from congress. Please continue to operate safely, adhere to all safety measures, and continue to be compliant with the orders promulgated by the state, city, and county governments.



Banks Scholarship Continued

the employee, the employee must be actively/gainfully employed by a URCA contractor member and in good standing with the local union. Please note: A past applicant who has received a \$3,000.00 three-year renewable scholarship would not be eligible to receive this scholarship in future years.

2. Three \$1,500.00 scholarships, non-renewable and based primarily on financial need.

What is the award to be used for? Studies on the undergraduate or graduate level at a college or university, including a community college or technical school.

How do you obtain an application? You may download an application from URCA website's Members Benefits page (Don Banks Memorial Scholarship section). You can then print the multi-page PDF application on your own printer.

You may also request an application by phone or mail. Contact the URCA at 714-628-3916, email: em@urca.org, or write to: URCA Scholarship Applications 2914 East Katella Avenue, Suite 202 Orange, CA 92867

Applications must be completed and submitted no later than August 31, 2020.



Chapman Coast Roof Company Moves to a New Location



Chapman Coast Roof Company, Inc. has been in business for over 60 years and recently moved to their new location at 2030 East Walnut Avenue in Fullerton.

Chapman Coast Roof is an industry leader and has continued to successfully complete numerous jobs throughout the state. During the challenges of the pandemic, Chapman Coast Roof continues to adhere to the strictest standards of safety and has longstanding Union affiliated partnerships that provide for the robust economic vitality of the communities in which they work.

Congratulations on the new move and looking forward to Chapman Coast Roof's continued success.





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Legislative Report Continued

address infection.

AB 398, (Chu) (OPPOSE) COVID-19 Local Government and School Recovery and Relief Act. AB 398 would institute a tax of \$275 per employee for “an entity, including, but not limited to, a limited liability company, corporation, or limited liability partnership, that has more than 500 employees that perform any part of their duties within the state.”

URCA is opposed because AB 398 would degrade California’s economic competitiveness against other states who notoriously compete to attract California’s companies by providing tax benefits and other incentives to support businesses. This bill would take the exact opposite approach and unnecessarily raise the cost associated with job growth.

A “head tax” would increase the labor costs for businesses by making each employee more expensive. The increased labor costs from a “head tax” would put downward pressure on employee wages and workforce expansions, while simultaneously placing upward pressure to raise prices or even relocate the business outside of California. Unprecedented furloughs and layoffs are already happening in California due to COVID- 19. An employee “head tax” will exacerbate the unemployment in California by raising costs on businesses since it makes each employee more costly.

This proposed legislation unnecessarily and significantly drives up costs for California employers at a time when employers are already struggling. URCA strongly opposes AB 398 because it hurts employers at a crucial time and is not sound public policy.

US Department of Labor Final Rule Re: Industry Recognized Apprenticeship Programs (IRAPS): The USDOL completely excluded the construction industry from its final rule on IRAPs. This means DOL will not recognize any IRAPs that are intended to train apprentices in construction-related activities. The Department correctly concluded that the construction industry is already well-served by the current privately funded registered apprenticeship system administered jointly by union labor and management. Today’s rule ensures that the ‘gold standard’ for apprenticeship training will remain in place for future generations of craftworkers and provide them with the safest, most extensive training available anywhere in the world.”



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***CHAIRMAN, **SECRETARY-TREASURER**

The mission of the Union Roofing Contractors Association is to promote quality construction utilizing highly trained and skilled employees. The URCA is dedicated to the highest standards of professional integrity.

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Website: URCA.org

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