

Federal and Cal OSHA Announce New Protective Measures for Workers Against Heat.

On a 5-1 vote, California's workplace-standards-setting board approved changes to strengthen protections for outdoor workers against heat-related illnesses. The amended standard is expected to take effect no later than July 1 and covers all outdoor workers and workplaces. The rule contains a set of high-heat procedures that apply to outdoor workplaces in agriculture, construction, landscaping, and oil and gas extraction. The changes will provide for greater heat illness protections than are currently in place and will become mandatory when temperatures exceed 80 degrees as opposed to the current 85 degree trigger point. The high-heat provisions are as follows:

1. Fresh, clean and suitable cool water must be available to all employees.
2. Enough shade must be made available to all employees during a rest or recovery break, and also enough shade for all employees during a meal break.
3. Supervisors are to be trained in recognizing heat related illness. Each employee must be provided a ten minute break for every two hours of high-heat exposure (above 95 degrees) and supervisors shall monitor all employees for heat illness during the prescribed breaks.
4. Employers are to have heat illness procedures in place to provide rapid response and immediate first aid to stricken employees.
5. New employees are to receive greater observation during their first two weeks of employment.

More information regarding the new



standards can be found on the web site www.dir.ca.gov/dosh/HeatIllnessInfo.html.

In addition to heat illness protocols, California continued at the forefront of occupational safety and health with new rules and regulations to provide greater worker protection

from on the job accidents and illness. Many of these are of particular interest to the construction and building industry. SB 193 expanded worker's rights to information regarding occupational chemical hazards and where they are being used throughout California. The bill

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Don't Miss Our Next LAP&FCA Meeting!

Tuesday July 14, 2015



11:30am — 1:00pm

Beckham Grill
77 W. Walnut Street,
Pasadena, CA 91103

Associates Meeting 10:50am — 11:30am

Social: 11:30am — 12 Noon

Lunch served 12 Noon followed by Program





Tom Unsell - Chapter President

As I enter the first few months of my two-year term in office, I need to thank Rob Stewart for his outstanding performance during his presidency. Rob dutifully, diligently and professionally represented the Chapter at many functions and conferences. I know he attended each of the FCA Leadership Councils during his term, and also was present at many of the construction industry legislative conferences, both at the state and national level, over the past two years. He also plans to continue to participate in those events as our Past President on the Board.

In addition to performing those duties as President, Rob also now serves on the Labor Management

Cooperation Committee (LMCC) as well as the Judicial and Audit Review Committees. His commitment to association duties cannot be doubted, and I admire the example he has maintained during his presidency, but then he was just following the precedent set by many other fine gentlemen before him.

That being said, I promise to all our members and associates, to continue in the footsteps of those who have preceded me in this office. This association has served the painting industry for over one hundred years, and has always been a leader in this local community of painting contractors. My pledge to you is a full and complete continuance of that commitment. Along with the new Board of Directors, we will do our best to promote the best interest of the organized contractors and our employee's in this new emerging economy. We realize growth is slow and less enthusiastic than we prefer, but we pledge to participate in the decision making process in ways that can best benefit all in the struggle to regain market share in our industry.

One way I am working towards this end is as a Trustee on the painting and drywall industry Health and Welfare Fund. Although I'm a newcomer, I'm also a quick learner who will do my best to contribute insight to the Trustee meetings as we move forward balancing available funds and provided benefits. Many of you are aware of the recent changes in employee eligibility requirements, and along with additional employer contributions, the fund has reversed the recent trend of operating in the red. It looks like the H&W Fund will produce a positive cash flow for the first time in three or four years.

A second aspect of what I need


to bring to your attention as the new president is to remind our contractor base of the marketing tools available to you from the LAP&FAC office. You can help us in this effort if your operations base has changed recently. Your original LAP&FCA application included a selection of markets and specialties that your firm identified with. If you have reduced or added to the scope of projects you want to pursue, please contact the office with those updates. We also have a tri-fold brochure and a professional video that describes what LAP&FCA contractors stand for, and when coupled with any in-house marketing literature you may have, you can present these to new (and remind old) customers that quality, professionalism, and above all, value, is what you bring to any construction project. Again, contact Don at the chapter office for free copies of the brochure and video.

The next few months provide several opportunities for me to represent our association at many local, state and national functions. I will be attending the American Sub-Contractors Association of California Legislative Conference and the Quality Construction Alliance in Washington to express your viewpoints on issues that affect our industry. I also plan to attend FCA sponsored meetings during the year to keep the LAP&FCA at the fore-front of the finishing industry decision makers. You can help in this effort of support to the association by attending our bi-monthly luncheon meetings. The best way to be heard is to participate. I want to know what you are thinking and what challenges you are facing in order to best speak on your behalf. Come and be a part of the solution, because if you don't, then you are also part of the problem!!

Tom Unsell

Yes, You Can Win an iPad

Attend membership meetings and earn tickets to a year end drawing to win an APPLE I-PAD!!! Starting on January 13th, each time a contractor attends a General Membership meeting they will earn one attendance ticket for the drawing, and if you make it to all six meetings you will be granted two (2) bonus tickets. Then at the 2015 Holiday party one lucky contractor will win the iPad.



LAP&FCA Chapter News

Editorial Committee
 President: Robert Stewart
 Executive Director: Don Vulich
 Edited by DS Publishing

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Website: LAPFCA.org

LAPFCA is a proud member of:



Upper photos, left to right: At the March meeting; (L to R) Terry Osburn and Tony Hobbs; Rob Stewart, Barbara Goshorn, Emad Aziz, Wiley Zagajski, John Tenorio, and Jim Dunleavy.

Calendar

2015

<p>May 6-9</p> <p>May 12 10:50am</p> <p>May 12 11:30am</p> <p>May 15</p> <p>July 14 10:50am</p> <p>July 14 11:30am</p> <p>August 15</p>	<p>FCA Leadership Council</p> <p>Associates Committee</p> <p>LAP&FCA General Membership Meeting</p> <p>Board of Directors Meeting</p> <p>Associates Committee</p> <p>LAP&FCA General Membership Meeting</p> <p>Dodger Day vs Cincinnati Reds</p>	<p>Chicago, IL</p> <p>Beckham Grill Pasadena, CA</p> <p>Beckham Grill Pasadena, CA</p> <p>Bakersfield, CA</p> <p>Beckham Grill Pasadena, CA</p> <p>Beckham Grill Pasadena, CA</p> <p>Dodger Stadium</p>
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Day at the Races ~ Santa Anita: (far left) Allie Corey Denise Gonzales, (far right) Roger Rivas. More photos on page 6.

L to R: Raz Bronstein, J.R. Grzeskowiak (foreground), David McLean, Jon Claypool, Pedro Garcia, and Austin Vulich.

Harold Gidish-H&E Equipment Services during his fall protection presentation.

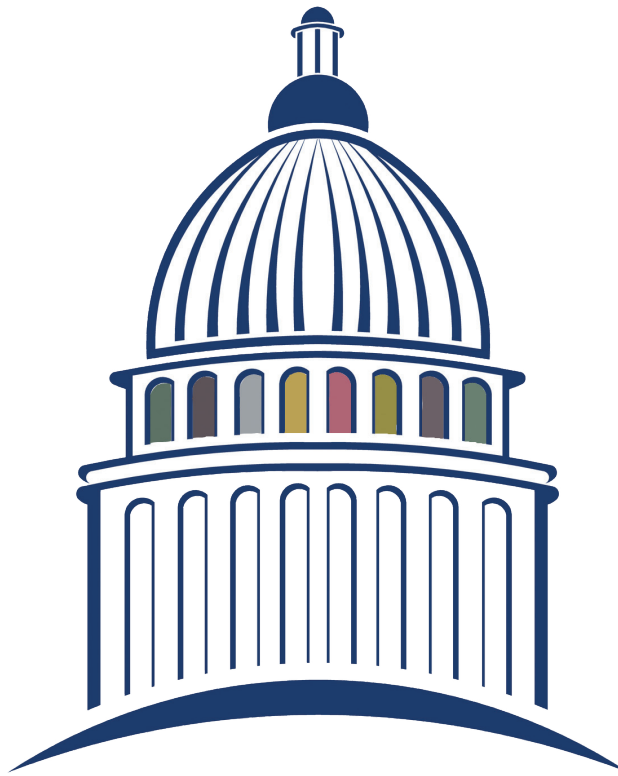
Visit: LAPFCA.org



2015 begins a new legislative session for both the California and National legislatures, although the political climate in each cannot be more opposite, as the State remains strongly Democratic while the Federal trend shifted increasing Republican. What effect this will have on us as contractors remains to be seen, but know we will be keeping a close eye on issues as they develop and also will continue to voice our positions as necessary. The LAP&FCA continues to align ourselves with other contractor associations as we seek to monitor and influence the legislative process. During the early stages of the legislative sessions it's hard to tell how everything will play out, but here are some of the bills we will be closely monitoring over the next two years.

STATE

In concert with the American Subcontractors Association of California (ASAC) we have begun the process of identifying and addressing the needs of contractors in California. Both LAP&FCA and PDCC are members of ASAC and participate in leadership roles of their Government Relations Committee, speaking for paint contractors during all planning sessions. We were also



present at the ASAC's recent Legislative Day at the Capitol, in Sacramento on April 21st. During the conference we heard many informative presentations on timely contractor issues such as OCIP/CCIP or wrap insurance policies (more on this issue next edition), sub-contractor indemnity, and prompt payment. Following a morning session on these issues, we then walked to the capitol building to share our viewpoint with our elected officials. I know many of you feel this is wasted effort but quite the opposite is true. By visiting our state Assemblyperson and Senator on a yearly basis they begin to know who we are and who we represent. They don't always agree with our viewpoint, but

they also realize we are not going away and speak for a portion of their constituency.

The first issue of importance to sub-contractors that we addressed concerns timely issuance of change orders. How many times have you performed additional work on a project only to wait months for a change order that you can then bill against? AB 1347, authored by Assemblyperson Chau and sponsored by ASAC addresses this very issue. Currently in committee, the bill is being

crafted to aid contractors in reducing the wait for payment and although final guidelines are yet to be defined, there seems to be strong support for this piece of legislation.

A second bill that is opposed by general and sub-contractors is AB 846, authored by Assemblyperson Gallagher, and as written would reduce the time allowed to perfect a mechanics lien. Oftentimes, this period of time between filing a lien and actually having acted on that can produce a negotiated settlement. By reducing the number of days to perfect a lien, it is our fear that awarding agencies will be less inclined to find agreement and therefore will lead to

Continued Next Page



expanded legal costs to contractors. This is one of those “if it ain’t broke, don’t fix it” situations.

monalities within countries that have vibrant apprenticeship programs, such as higher youth

highly trained and skilled workers by 2018, the PACE Act hopes to begin to change that dynamic. Of course, with the shift to Republican control of both houses of Congress it remains to be seen how this discussion will progress. If you agree with an emphasis on apprentice programs, be sure to contact your elected officials and support this movement.

Secondly, President Obama recently issued the Fair Pay and Safe Workplaces Executive Order #13673, and the Finishing Contractors Association fully supports this action. EO 13673 promotes high workforce standards that benefit public projects, and also compliments a number of government proprietary interests. This includes safety concerns, quality awareness, and timely job completion. A major intent of the executive order is to regulate bidding procedures to ensure high standards of contractors performing public projects. An expansion of the Contractor Performance Assessment Reporting System (CPARS) to sub-contractors as well as general contractors will promote living wage, safety procedures and improved quality of government project performance.



At ASAC Legislative Conference, April 21, 2015, Sacramento, CA.
Pictured left to right; Don Vulich, Tom Unsell, May Stewart, and Rob Stewart.

FEDERAL

I happen to be between meetings in Sacramento and Washington DC as I write this article, and will have to wait until next edition to report on current federal issues, but there are a few updates from last year we can examine until then. Two important issues for organized contractors are on legislators’ minds heading into the current congressional session.

Apprenticeship programs have received a vote of confidence on several fronts recently. Urban Institute fellow and American University economics professor, Robert L. Lerman, in addressing the Labor and Employment Association reported that apprenticeship programs are efficient and effective job training programs that benefit both employers and trainees. Lerman also notes some com-

employment, lower youth crime rates and increased productivity among apprenticeship trained employees. He stressed that rather than emphasizing apprenticeship programs, the U.S. has taken a “college for all’ approach and this produces high student loan debt and lower graduation rates. Of course, this trend is especially prevalent in construction. With this in mind, Senator Patty Murry (D, Wash) has introduced the Promoting Apprenticeships for Credentials and Employment Act (PACE) to support development of apprenticeship programs and increase the skill level of America’s workforce. This legislation is supported by a variety of business, labor, education and advocacy groups, including the International Union of Painters and Allied Trades. With a projected shortfall of millions of



New OSHA Measures Continued

increases the authority of the Hazard Evaluation System and Information Service (an agency within the Dept. of Public Health) to get information from manufactures and supplies about their California clients, and then to disseminate that information to end users.

Governor Brown also signed into law provisions that mandate increased timely abatement of workplace safety hazards. AB 1634 requires employers to fix and eliminate serious jobsite hazards prior to exhausting appeals of violations. Another employee workplace safety bill, AB 1897, will hold employers legally responsible for worker's compensation coverage and wage violations committed by companies that supply temporary workers. Finally, California is looking at ways to expand the workforce to inspector ratio as the State is far behind the federal government and many other states in this regard.

At the federal level, OSHA continues to stress increased worker protection through legislation and regulation. The agency still is investigating increased reduction and containment of silica dust on construction sites, fall protection remains a major concern and exposure to chemicals is very much on regulators radar. However, employers did win a small battle as OSHA issued an interpretation letter that states contractors may collect a deposit for company issued safety protection equipment, such as fall prevention harnesses. However, employers cannot use this interpretation to circumvent the requirement of employers to provide specified protection equipment. Such deposits must only be used to insure the return of company issued equipment.

California Paid Sick Days Law

Governor Brown signed into California law the Healthy Workplaces, Healthy Families Act of 2014 on September 10, 2014, which will require employers to provide paid sick days to employees beginning July 01, 2015. However, persons employed in the construction industry who are also covered by a valid collective bargaining agreement are exempt. This means the provisions of this act does not apply to field journeypersons and apprentice workers employed by District Council 36 employers. However, LAP&FCA contractors are not completely exempt from complying with this law. Any non-bargained employee, such as a project manager, shop superintendent or secretary will qualify for paid sick leave as prescribed by the Healthy Families Act.

Any eligible employee qualifies for this type of paid leave following 30 days of employment, and can begin to collect accrued benefits following 90 days. Each employee will earn one (1) hour of sick pay for every 30 hours of work, and a maximum of 24 paid sick hours per year may be "banked" by an employee. The employer is required to provide the sick

pay benefit upon "oral or written request of an employee", and advance notice to an employer is encouraged (when foreseeable) but is not mandatory.

Accrued paid sick days can carry over to the following year of employment, however an employer may limit an employee's use of sick pay to 24 hours or three days in each year of employment. Further, an "employer has no obligation to allow an employee's total accrual of paid sick leave to exceed 48 hours or six days."

"employers to provide paid sick days to employees beginning July 01, 2015."

One point to note is that accrued paid sick days are to be used for just that, a leave of absence for illness or the care of a sick family member. Additionally, no employer is required to provide compensation of unused paid sick days "upon termination, resignation, retirement, or other separation of employment." However, any employee re-hired within one year of the date of termination is still entitled to former accrued benefits.

Day at the Races ~ Santa Anita Park

Another beautiful Southern California day provided the setting for another LAPFCA Day at the Races on April 4, 2015. There was plenty of fun, food, drink, and hopefully winnings.



National Emphasis Program – Occupational Exposure to Isocyanates

A National Emphasis Program (NEP) was developed to focus OSHA resources on the workplace health issue of occupational exposure to isocyanates. This instruction combines enforcement and outreach efforts to raise awareness of employers, workers, and safety and health professionals of the serious health effects associated with occupational exposure to isocyanates. The health effects of occupational exposure to isocyanates include occupational asthma, irritation of the skin (dermatitis) and mucous membranes (eyes, nose, and throat), hypersensitivity pneumonitis, and chest tightness. Isocyanates include compounds also classified as potential human

frequently serious and sometimes fatal. Jobs that may involve exposure to isocyanates include painting, blowing foam insulation, and the manufacture and thermal degradation of many polyurethane products such as polyurethane foam, insulation materials, surface coatings, car seats, furniture, foam mattresses, under-carpet padding, packaging materials, shoes, laminated fabrics, polyurethane rubber, and adhesives. This instruction sets forth a site selection system that targets multiple industries and will focus on evaluating inhalation, dermal and other routes of occupational exposure to isocyanates. This instruction super-

Exposures to isocyanates can have adverse health effects for workers. Respiratory disease among workers exposed to isocyanates has been recognized since the 1950s. Isocyanates include compounds classified as potential human carcinogens and known to cause cancer in animals.

Isocyanates are powerful irritants to the mucous membranes of the eyes, nose and throat, and gastrointestinal and respiratory tracts. Irritation may be severe enough to produce bronchitis with bronchospasm. Hypersensitivity pneumonitis (inflammation in the lungs caused by exposure to an allergen) has been reported in isocyanate-exposed workers. Symptoms can continue for months or years after exposure has ceased. Deaths have occurred due to both asthma and hypersensitivity pneumonitis from isocyanate exposure.

Studies indicate that dermal exposure is a significant cause of respiratory sensitization. Thus, workers with skin contact to isocyanates may develop sensitivity, resulting in asthma attacks with subsequent exposures.

Isocyanates are widely used in the manufacture of flexible and rigid foams, fibers, coatings such as paints. The National Institute for Occupational Safety and Health (NIOSH) states that “Preventing exposure to isocyanates is a critical step in eliminating the health hazard”.

Targeting inspections under this NEP will focus on general industry, construction and maritime industries where exposures to isocyanates are known or are likely to occur.

Source: OSHA Directive: CPL 03-00-017



ersedes all Regional and Local Emphasis Programs specifically addressing occupational exposure to isocyanates.

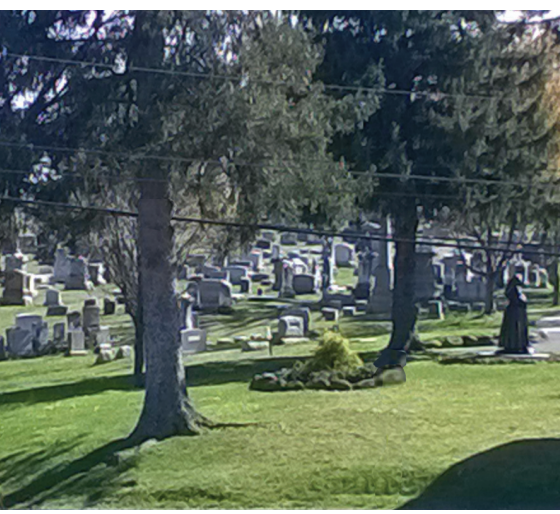
The purpose of this instruction describes policies and procedures for implementing a National Emphasis Program to identify and reduce or eliminate the incidence of

carcinogens and known to cause cancer in animals. Workers in a wide range of industries and occupations are exposed to at least one of the numerous isocyanates known to be associated with work-related asthma. Occupational factors are associated with at least 15 percent of all adult onset asthma cases in the United States. Occupational asthma is an illness characterized by intermittent breathing difficulty including chest tightness, wheezing, cough and shortness of breath. It is

adverse health effects associated with occupational exposure to isocyanates. Additionally, this instruction describes a Federal program change which establishes a new National Emphasis Program (NEP) to identify and reduce or eliminate the incidence of adverse health effects associated with occupational exposure to isocyanates. Because the seriousness and prevalence of this problem is nationwide, state participation in this national emphasis effort is required.



FROM OUR EXECUTIVE DIRECTOR



Photos from top: Historic Gettysburg battlefield; Gettysburg Cemetery (note: over 51,000 soldiers died within 3 days); famous President Abraham Lincoln sculpture within the Lincoln Memorial in Washington D.C.

The past few months have been filled with activity, and at times it feels like I can barely catch my breath...I'll use that as a partial excuse for not getting this edition out two weeks ago!! In early April, our annual Day at the Races was a huge success. With over 150 attending, it was another glorious Derby Day at Santa Anita. Our customary second level venue is no longer available for groups so we found ourselves on the new track level Club Court. It's always good for our industry when folks from both labor and management gather together and the only item on the agenda is fun and entertainment. The buffet lunch, the majestic San Gabriel Mountains and the magnificent horses provide just that. The venue is perfect and we can host larger crowds, so I hope to see more of you next year!!

Next up was a trip to Sacramento for the annual legislative office visits that I really enjoy. LAP&FCA was well represented by President Tom Unsell, Past President Rob Stewart and his wife May, and your Executive Director. We also partnered up with Sharon Hilke, Executive Director of the Painting & Decorating Contractors of California, and together or singly, visited the offices of four State Senators and three Assemblypersons. I often look back on my first time attending the legislative conference and I remember being astounded by a staff-member of then Assemblyman Tony Cardenas, recalling the specifics of another contractor's visit from the prior year. My eyes were opened to a fact: These guys really do listen to us and these meetings can really have an impact. Just last year our efforts helped put a stop to contracting agencies side-stepping the 5% cap on retention through a loop-hole in legislation. They wrongly labeled projects as "substantially complex" and then withheld 10% retention. With support from general contractors, sub-contractors and

material suppliers this abuse was ended. Now you know why we feel it is so important to attend every year. For more information of this year's conference see the Legislative News in the next edition of this newsletter.

As I was back in the office for only a few days, my wife Cathy and I then flew to Washington DC, for the annual Quality Construction Alliance (QCA) legislative fly-in. Along with other Finishing Contractors Association members (including LAP&FCA board members), and contractors and executives from other union construction industries, we were able to present issues to members of Congress. Specific Federal Legislative issues discussed will be featured in our next issue, but I wanted to say a few personal words about our visit. We rented a car and traveled to Gettysburg to visit the historic Civil War site. What a moving experience that was. To be present at a location that represents among the most horrific three days in American history was deeply emotional. In addition to that battlefield visit, we also attended a performance titled "Freedom's Song, Abraham Lincoln and the Civil War" at Ford's Theater. We all were deeply touched by the entire collection of song, Lincoln's words and mixed race composition of the cast.

My lasting impression on all this is that we live in a great country, one that can rebound from such desperate times and still endure. We still have a task before us, as recent events in Baltimore illustrate, but the struggles of our past prove that all obstacles can be overcome and that is what makes democracy so great. As we visited the Capitol during the conference, I kept reminding myself of this, and in spite of personal and party differences I have more hope for the future than ever.



Don Vulich

CUTTING TO THE QUICK SAVE THESE DATES

July 14, 2015 - General Meeting at Beckham Grill Pasadena Associates Meeting 10:50am, General Meeting 11:30am

August 15, 2015 - Dodger Day vs Cincinnati Reds