



CALIFORNIA METALS COALITION

MONTHLY NEWSLETTER: SEPTEMBER 2020

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A Monthly Publication for California's Metalworking Industry—Since 1972

NEW LAW IMMEDIATELY EXTENDS GOVERNOR'S ORDER ON COVID-19 AND WORKERS' COMP

SB 1159 (Hill-D) was signed into law on September 17, 2020. It **takes effect immediately** because the bill received a supermajority (2/3) vote from the Legislature and was deemed “urgent.” SB 1159 picks-up where Governor Gavin Newsom’s executive order left-off on July 5, 2020.

As background, Governor Newsom signed Executive Order #N-62-20 on May 6, 2020. The order was retroactive to March 19, 2020—which is the day that California’s shelter-in-place directive began—and ended 60-days after the Executive Order’s signing (July 5, 2020). **The order presumes that a worker who tests positive for COVID-19 contracted the virus at their place of work.** The order has a direct impact on workers compensation claims.



What Does SB 1159 Do?:

1. **CODIFY EXECUTIVE ORDER:** SB 1159 makes key aspects of the May 6th executive order state law. This includes the presumption that a worker contracted COVID-19 at their place of work, that the presumption is rebuttable by the employer, and timelines related to workers’ compensation filings.
2. **ADDS OUTBREAK REQUIREMENT:** SB 1159 has one major upgrade from the executive order. An “outbreak” threshold must be reached before the employee presumption can be made for a workers’ comp claim. For companies with less than 100 employees, an “outbreak” is defined as 4 positive cases within 14 days. For companies with more than 100 employees, an “outbreak” is positive cases from 4% of total employees within 14 days. If the “outbreak” definition is not met, an employee cannot presume COVID-19 was contracted at work in a worker’s comp claim.
3. **REPORTING TO CARRIER:** Employers with 5+ employees who “knows or reasonably should know” that an employee tested positive for COVID-19 must inform their workers’ comp carrier within 3 business days.
4. **SUNSET CLAUSE:** SB 1159 ends on January 1, 2023.

CMC’s lobbying team worked extensively on this issue, especially when more far-reaching bills were introduced to compete with SB 1159. Given all the political pressure for drastic changes during the pandemic in 2020, SB 1159 can be seen as a positive outcome for the metals sector.

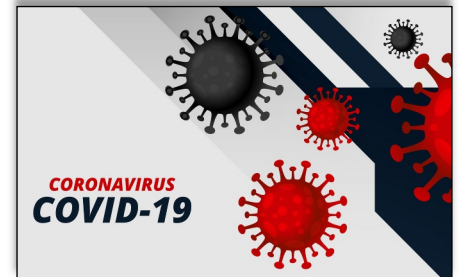


NEW COVID-19 REPORTING LAW TAKES EFFECT JAN 1 2021

On September 17th, **AB 685 (Reyes-D)** was signed into law. It takes effect January 1, 2021. AB 685 focuses on **employer COVID-19 reporting requirements** to employees, labor unions (if applicable), subcontractors, and public health agencies.

The employer notification requirements of AB 685 are based on a **“qualifying individual”** putting another person at risk due to a **“potential exposure to COVID-19.”**

A **“qualifying individual”** is one of the following: (1) had a lab-confirmed case of COVID-19, (2) had a COVID-19 diagnosis from a licensed health care provider, (3) had a COVID-19 isolation order provided by a public health official, or (4) died due to COVID-19.



A **“potential exposure to COVID-19”** is one of the following: (1) notice from an employee or their emergency contact that the employee is a qualifying individual, (2) notice from the testing protocol of the employer that the employee is a qualifying individual, (3) notice from a subcontracted employee that a qualifying individual was on the worksite, and (4) notice from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite.

AB 685 Required Action: If an employer receives a notice of “potential exposure to COVID-19” from a “qualifying individual,” the employer has **one business day** to give written notice (email, text, etc) to employees and subcontractors.



As part of the **notification**, the employer must provide to “all employees who may have been exposed” information regarding local, state or federal COVID-19 related benefits (ex: workers comp, paid sick leave, supplemental sick leave, anti-discrimination/anti-retaliation).

As part of the **notification**, the employer must provide to “all employees who may have been exposed” information regarding the company’s disinfection and COVID-19 safety plan—per CDC guidelines.

If an “outbreak” occurs, the employer is **also required to notify** their local public health agency within 48 hours of a COVID-19 outbreak the names, number, occupation, worksite and company NAICS worksite code. The definition of “outbreak” is based on the California Department of Public Health, which currently means “3 lab confirmed cases within 2 weeks.” It is important to note that the definition of “outbreak” in AB 685 is different from the definition of “outbreak” in SB 1159 (*see previous page*).

Cal-OSHA Preventing Entry to a Facility: AB 685 extends Cal-OSHA’s designation of an “Imminent Hazard” to COVID-19. An “imminent hazard” means the danger is reasonably expected to cause death or serious physical harm immediately or before the imminence of the hazard can be eliminated. If a COVID-19 “imminent hazard” is determined, Cal-OSHA may prevent entry to the company or prohibit an operation or process.

CMC is holding a Zoom Meeting on Thursday, October 1 at 10am to discuss AB 685 and other new laws. A flier is included on page 4 of this newsletter.

NEW



2021

**California Metals Coalition
48th Annual Metals Industry Conference**

February 26, 2021 (Friday) | Hyatt Regency Orange County near Disneyland | 7:30am-3:45pm

www.metalscoalition.com/annual-meeting.html

COMPANIES WITH 5+ EMPLOYEES MUST PROVIDE UNPAID FAMILY AND MEDICAL LEAVE RIGHTS

SB 1383 (Jackson-D) was signed into law on September 17, 2020. **California employers with 5+employees must provide unpaid family and medical leave rights to their employees.** The new law also expands the state's existing family and medical leave entitlements, and goes into effect on Jan 1, 2021.

SB 1383 requires up to **12 workweeks** of unpaid job-protected leave during any 12-month period. The employer must **maintain and pay for the employee's coverage under a group health plan** for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.



Under SB 1383, eligible employees **may take leave to** bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. The new law also covers employees who are in active duty or are called to cover active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

Lastly, in cases where both parents work at the same employer, and are also new parents, SB 1383 allows up to **12 weeks of leave to each employee**. Previously, the employer only had to grant both employees a combined total of 12 weeks of leave. **CMC is holding a Zoom Meeting on Thursday, October 1 at 10am to discuss SB 1383 and other new laws.** A flier is included on the next page of this newsletter.

QUESTIONS? CMC MEMBERS HAVE FREE ACCESS TO LABOR ATTORNEY



THE
GOLDSTEIN
LAW FIRM



As a CMC member benefit, you have access to The Goldstein Law Firm on all labor issues.
Contact labor attorney Joseph Goldstein directly at (310) 553-4746 or josephgoldsteinesq@gmail.com



Zoom Meeting

October 1, 2020

Thursday

10am-11am PST

Free (pre-registration required)

<https://us02web.zoom.us/meeting/register/tZlqc-yqqTorH9R-q7aoSo6KVBxFnIs6AZkW>

**REGISTER
TODAY**

California Metals Coalition (CMC)

"2020: New Laws Impacting the Metals Sector"

California's legislative session ends on September 30, 2020. Join us on October 1, 2020 and prepare for California's new laws. Hear from CMC lobbyist Lori Kammerer, Attorney Joseph Goldstein, and CMC Executive Director James Simonelli.

Here are some of the bills to be discussed:

- **SB 1159**
 - Rebuttable presumption for workers comp & COVID-19
- **AB 685**
 - New notification requirements for COVID-19
- **SB 1383**
 - 12 weeks of unpaid protected leave for businesses with 5+ employees
- **AB 995**
 - Establish DTSC oversight board; amends and increases fees
- **AB 1867**
 - Updates access to paid leave; coordinates with federal rules
- **Workers Compensation Insurance Rating Bureau**
 - New ruling states COVID-19 cases will not impact workers' comp ex mod

James Simonelli



Lori Kammerer



Joseph Goldstein



NEW

CMC MEMBERS SHOULD UTILIZE FREE ENVIRONMENTAL COMPLIANCE PLATFORM


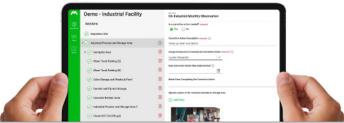
Mapistry Environmental Compliance Platform

Leading California manufacturers utilize powerful software to make their environmental compliance team more effective and efficient.

As a CMC member, you have free access to Mapistry's Environmental Compliance Platform (ECP). Just contact our office! The ECP starts with centralized files, record keeping, tasks, and automated reminders. It is enhanced by Mapistry's mapping tools, which can be used for storm water, chemical inventory, hazardous waste, evacuation routes, and much more. Permits, plans, reports, field inspections, emissions data, and corrective actions are conveniently in one place. And for those interested in a specific "add-on" Mapistry suite (see below), CMC members receive a deep discount.



Mapistry Technology Solutions

Product		Benefit
Base	Mapistry Environmental Compliance Platform (ECP) with Support	Free for CMC Members
Environmental Add-On Suites	Stormwater Sampling & Inspection Suite (ECP-SW)	Free for CMC Metal Industry Stormwater Group Participants
	Stormwater SWPPP Builder Suite (ECP-SWPPP)	Free for CMC Members
	SPCC Suite (ECP-SPCC)	 CMC Discounted Rate (Call for CMC for Pricing)
	Hazardous Materials Tracking Suite (ECP-HM-INV)	
	Hazardous Materials Inspection Suite (ECP-HM-INSP)	
	Wastewater Sampling Suite (ECP-WW)	
	Air Emissions Tracking Suite II (ECP-AIR-EM2)	
	Air Emissions Tracking Suite I (ECP-AIR-EM1)	
	Air Inspection Suite (ECP-AIR-INSP)	
Safety & Operations Add-On Suites	COVID-19 Response Plan Builder (COVID-PLAN)	
	COVID-19 Compliance Assurance Forms (COVID-INSP)	
	General Facility Inspection Suite (ECP-GSS or ECP-GMS)	
	General Facility Log Suite (ECP-GFL)	CMC Discounted Rate (Call for CMC for Pricing)

WELCOME NEW MEMBER



Our grassroots movement of California's metalworking industry begins with you!

Thank you for your support!



Modesto Junk Co.

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Modesto, CA 95354
(209) 522-1435

www.modestojunk.com

RENOWN METALS RESEARCH CENTER RELOCATES TO CALIFORNIA UNIVERSITY

After spending 30 years at Worcester Polytechnic Institute in Massachusetts, the world renowned **Advanced Casting Research Center (ACRC)** has relocated to Irvine, California.

The **University of California Irvine (UCI)** currently houses a \$40 million microscopy and digital manufacturing center with the latest additive manufacturing. In February 2020, UCI invested another \$4 million for a modern foundry, vacuum arc melting, atomization unit, metallography, mechanical testing, heat treat methods, and non-destructive evaluation. This move helped land ACRC in California.



ACRC was founded in 1985 with a small group of companies to advance the use of light metals. Over the years, ACRC has grown to be one of the larger industry-university alliances in North America and has carried out fundamental research with real-world metal industrial applications.



ACRC's founding director, Dr. Diran Apelian, is a Distinguished Professor in the UCI Department of Materials Science and Engineering. He retired from his position as Alcoa-Howmet Professor of mechanical engineering at WPI after 30 years, earlier this summer. Apelian is widely recognized for his innovative work in metal processing and for his leadership as a researcher and educator. His research has helped establish mechanisms and fundamentals in metal processing and helped lay the foundations for significant industrial developments. Apelian graduated from Drexel University (1968) and holds a Sc.D from MIT (1972).

"UCI realizes that metal processing and materials processing is an important industry...there's nothing like this within the University of California system," said **ACRC Director Dr. Diran Apelian**.

The new ACRC center is anticipated to open in **November 2020**. You can learn more at: www.acrc.manufacturing.uci.edu.

SEPTEMBER 30 DEADLINE FOR BUSINESSES THAT DO NOT OFFER RETIREMENT PACKAGES

In 2017, California passed SB 1234 into law. **SB 1234 mandates small businesses to offer a retirement program option to employees.** Deadlines are quickly approaching, depending on the size of the California business.



Less than 1 year to act!

Your program must be in place by the deadline, **or face fines and penalties.**

- 100+ employees
September 30, 2020
- 50+ employees
June 30, 2021
- 5+ employees
June 30, 2022

A yellow sticky note on the left says "Less than 1 year to act!". A yellow arrow points from the note to the 50+ employees deadline. A red arrow points to the 100+ employees deadline.

Companies with 100+ employees typically have retirement packages for employees. But if you don't have a plan, the deadline to comply with SB 1234 is September 30, 2020.

Companies with **50+ employees** must have their program in place and completed in less than 1 year. If your company falls in this category, you should already be researching options that fit your needs before the **June 30, 2021** deadline.

Companies with **5+ employees** have until **June 30, 2022**. It will be smart for these smaller companies to begin now and understand the impact of SB 1234—as well as your options.

What If I Already Offer Retirement? Metal businesses that currently offer a retirement package (ex: 401k) to its employees already meet the requirements of SB 1234.

What Are My Options If I Do NOT Have Have a Retirement Package? Metal businesses have generally have 2 options to comply with SB 1234:

1. CalSavers: Utilize the state-run retirement program called CalSavers (www.calsavers.com). CalSavers works with your payroll to deduct a set amount from employees. The employer does not have to match any of the retirement funds under CalSavers. Employees can also choose to opt out—but it is a legal requirement of the employer to conduct a thorough education of CalSavers.



2. 401(k): 401(k) is a common business retirement program. For metal companies, the California Metals Coalition (CMC) has an **exclusive 401k Multiple Employer Plan (MEP)** designed to save you money. Operated by two of the nation's largest retirement providers, Pentegra and Pensionmark, the CMC MEP is a popular choice for metal companies of all sizes. To learn more, visit CMC's MEP web page at: <http://www.metalscoalition.com/401k-mep.html>.



Fines for Not Complying with SB 1234: Non-compliant companies will be fined **\$250 per eligible employee**. After 180 days, an additional penalty of **\$500 per eligible employee applies**. The company may also be subject to lawsuits.

SB 1234 can be complicated, and risky, if you do not have the right information. If you need to review and compare **CalSavers to a 401(k)**, just contact CMC at 916-933-3075.



YOUR CMC MEMBER BENEFITS:

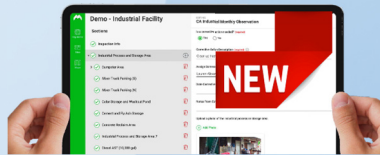
Save Money and Take Advantage of Your CMC Member Programs

CMC's member programs are reviewed and approved by CMC's Board of Directors—which is comprised of California metal business owners and operators. CMC's programs are tailored to benefit your metal business and assist your compliance team.

Contact CMC @ 916-933-3075 with any questions or to register for a program.



**Storm Water Compliance
Group Savings**



**Free Environmental
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Harassment Prevention Training**



Group Freight Discounts



**Access to Labor and
Environmental Attorneys**



Free OSHA Audit & Resources



**Sweeper Discounts
& Rentals**



**Individual Assistance on
Rules and Regulations**



Exclusive 401k MEP



**Monthly Industry
Newsletter**



Access to CMC Lobbying Team



Meetings & Webinars