

Southwest Regional Council of Carpenters

Office of the Contract Administrator

Dan Langford
Executive Secretary-Treasurer/CEO



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December 22, 2020

To: All California Contractors
From: Office of Contract Administration

Re: OSHA Regulations, AB 685, and California Minimum Wage

Signatory Contractors,

There are several pending changes to California laws and regulations that you should be aware of, please review this bulletin and the associated laws and regulations in order to stay informed about the rules that impact your jobsites.

Benefit Contributions Under the Cal/OSHA Regulations: Cal/OSHA has recently issued a set of [Emergency Regulations to Protect Workers from COVID-19](#) which may impact the payment of benefits on employees that test positive for COVID-19 and are otherwise able and available to work. Those regulations are available [here](#) and should be reviewed by all contractors for compliance purposes.

While these regulations are currently being challenged in court, we must proceed as if they will remain in effect until there is further guidance from the courts or the State.

The regulations require that an employer pay benefits on any employee who is otherwise able and available to work but is excluded from the workplace due to being a “COVID-19 case,” or due to a “COVID-19 exposure.” The definitions of “COVID-19 case” and “COVID-19 exposure” are complex, subject to certain exceptions, and should be reviewed by each contractor.

Where you have an employee that meets the criteria included in the regulations and that is excluded from the workplace, you should continue to pay their regular wages and report benefit contributions on the employee as if they were working. Use the same reporting form that you use to report on that employee’s regular working hours. This will ensure that the employee’s benefits are maintained during their period of leave.

This process should be followed on all January reports for December hours, and moving forward until further notice.

With the addition of these new regulations there are now three different ways in which benefits may be paid under California and Federal law, which are reviewed in the chart attached to this letter.

AB 685 Communications: [AB 685](#) is a new California law that goes into effect on January 1, 2021. It requires employers who receive a notice of potential exposure to COVID-19 to provide

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a written notice to other employees **and to their authorized representative** within one day of potential exposure. The SWRCC is the authorized representative of any Carpenters that you employ on your jobsites, and notice should be provided to us. Notices can be sent to contracts@swcarpenters.org or faxed to (213) 385-3759 marked Attention: Contract Administrator.

Minimum Wage: Please be advised that the [minimum wage for California](#) will increase on January 1, 2021 to \$13 per hour for employers with 25 employees or less, and to \$14 per hour for employers with 26 employees or more.

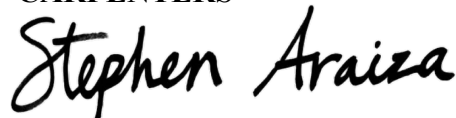
Where an employee's base wage would fall below the 2021 State minimum wage, that base wage should be increased in order to meet or exceed the minimum wage effective January 1st.

Additionally, as a reminder, each contractor is responsible for maintaining compliance with any local (city/county) minimum wage ordinances. Please review the minimum wage requirements for any jurisdictions where you are performing work and pay your employees accordingly as dispatches and wage sheets do not reflect local wage ordinances.

If you have any questions on these or any other issues please email us at contracts@swcarpenters.org or contact your local Business Representative.

Sincerely,

**SOUTHWEST REGIONAL COUNCIL OF
CARPENTERS**



STEPHEN A. ARAIZA
Contract Administrator

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	Applies to:	Details	Benefit Reporting Procedure:
Families First Coronavirus Response Act (FFCRA)	Contractors with fewer than 500 employees	See this poster .	Contact the Trust and have a special reporting form established for the reporting of Health and Welfare benefits.
California COVID-19 Supplemental Paid Sick Leave	Contractors with more than 500 employees	See this poster .	Do not report on these employees but keep records of the leave for audit purposes.
Cal/OSHA Emergency Regulations to Protect Workers from COVID-19	All California Employers	See these regulations .	Report on these employees using the reporting forms that would be applicable to that employee's regular work.