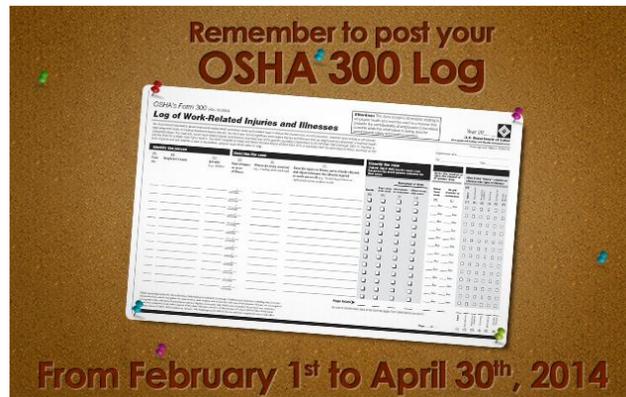




News leaks

Log of Work



The *Log of Work-Related Injuries and Illnesses (Form 300)* is used to classify work-related injuries and illnesses and to note the extent and severity of each case.

When an incident occurs, use the *Log* to record specific details about what happened and how it happened.

The *Summary* is a separate form, Form 300A, that shows the totals for the year in each category.

Post the *Summary* form in a conspicuous location so that employees are aware of the injuries and illnesses that occurred in the workplace. Employees have the right to review the injury and illness records ([29 CFR Part 1904.35](#)).

If you have more than one establishment, you must keep a separate *Log* and *Summary* for each physical location that is expected to be in operation for one year or longer.

Remember to record work related injuries and illnesses that result in:

- Death
- Loss of consciousness
- Days away from work
- Restricted work activity or job transfer
- Medical treatment beyond first aid

For more information, follow this link to the OSHA module that defines the requirements
[osha300form1-1-04.pdf](http://www.osha.gov/recordkeeping/new-
osha300form1-1-04.pdf)

[http://www.osha.gov/recordkeeping/new-
osha300form1-1-04.pdf](http://www.osha.gov/recordkeeping/new-
osha300form1-1-04.pdf)

CSLB Clarifies the New Law Requiring Replacement of Plumbing Fixtures

In 2009 the California State legislature passed Senate Bill 407. The legislation didn't take effect until January, 1 2014. The measure received minimal attention in 2009 but has garnered a lot of attention upon the New Year.

SB 407 requires non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures when a property is undergoing additions, alterations or improvements. Applicants seeking to obtain permits for any of these types of work will be required to replace non-compliant fixtures prior to final permit approval or issuance of a certificate of occupancy by the local building department. This law applies only to properties built on or before January 1, 1994.

Per Civil Code Section 1101.4, for any single-family residential real property, on and after January 1, 2014, building addition, alteration or improvement will require all non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2017, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

Per Civil Code Section 1101.5, for any multifamily residential real property and any commercial real property, on and after January 1, 2014, specified building addition, alteration or improvement will require non-compliant plumbing fixtures to be replaced with water-conserving plumbing fixtures. On or before January 1, 2019, all non-compliant plumbing fixtures shall be replaced with water-conserving plumbing fixtures (regardless of whether property undergoes alterations or improvements).

In an effort to provide clarity on what constitutes "property addition, alteration or improvement;" the Contractors State License Board has provided the following industry bulletin:

Building permits issued for property maintenance and repairs do not trigger new requirements

SACRAMENTO – *To dispel confusion over the new state Civil Code law (Senate Bill 407, 2009) that became effective January 1, 2014, for replacement of outdated plumbing fixtures with water-saving models, the Contractors State License Board (CSLB) offers the following clarification for contractors.*

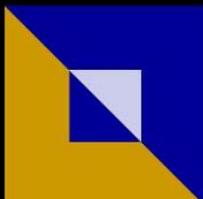
The new law requires anyone applying for a building permit that will alter or improve a single-family residence built in 1994 or earlier to replace all plumbing fixtures with water-saving designs. Replacement is a condition of receiving final permit approval from a local building department. The law also requires, by 2019, water-conserving plumbing fixtures in multi-family dwellings or commercial properties when specific renovations are made.

Although not a legal opinion, the California Building Officials (CALBO) group has interpreted "alterations" or "improvements" to mean any construction to an existing structure that enhances or improves the structure. Construction that is related to repairs or maintenance of the structure is not considered to be an alteration or improvement.

Following is a list of permit types that CALBO considers to be repair or maintenance, and do not trigger the requirements of SB 407:

- *Electrical service change out*
- *HVAC change out*
- *Re-roofing*
- *Sewer line replacement*
- *Siding or stucco*
- *Site work: retaining walls, fences, walkways, etc.*
- *Water heater replacement*
- *Window replacement*
- *Other repairs as determined by the state Building Code*

Property owners and licensed contractors who misunderstand the law may end up paying for new fixtures that are not required, or may avoid pulling building permits altogether to avoid the possible triggers to SB 407. CSLB encourages licensed contractors to verify requirements with their local building department before taking any action on a project.



The Allied Associations Present...

***“Collecting Your Money Through Mechanic's Liens,
Stop Notices & Bonds”
Presented by Attorney Kenneth Grossbart***

**Thursday, March 6th
3:00-5:00 p.m.**

*Plumbers Apprenticeship School
8750 Younger Creek Drive
Sacramento, CA 95828*

What you'll learn —

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- *Which forms to use*
- *About the new changes to the Preliminary Notice*
- *New laws that affect Mechanic's Liens & Stop Notices*
- *What to do to make a Mechanic's Lien valid*
- *How to enforce a Mechanic's Lien*
- *Basic Stop Notice requirements*
- *Basics on bond claims*
- *Common pitfalls to avoid*
- *How to collect your money!*

Every attendee will receive a copy of the 2014 California Construction Law book.

RSVP to Claire: claired@sacvalleyassoc.net
(Please include attendees' name, company, and email address)

*Deadline to register is Friday, February 28, 2014.
Space is limited to 50 people.*



New 2014 Laws May Affect Your Business

The New Year rings in a host of new laws that impact licensed contractors. Following is a summary of major changes to contractor laws, effective January 1, 2014.

Fraudulent Use of License – CSLB can now take administrative action against any licensed or unlicensed contractor who commits violations related to the fraudulent use of a contractor license. [Senate Bill 261](#) added [§7114.2](#) to the Business and Professions Code (B&P Code).

Qualifiers – CSLB is now able to discipline a qualifier and the licensed entity they are qualifying when the qualifier is not actively involved in the construction activities of the license they are representing. In addition to administrative penalties, the individual falsely serving as a qualifier on the license can be charged with a misdemeanor, and be sentenced to serve up to six months in jail, and pay a fine from \$3,000-\$5,000, or both, if convicted. [SB 262](#) amended [§7068.1](#) of the B&P Code.

Incomplete License Renewal – This new law, created by [SB 822](#), gives a break to CSLB licensees who submit an incomplete renewal application on or before the license expiration date. The application will be sent back by CSLB with an explanation, and the applicant will now have 30 days to correct and resubmit the renewal without a renewal delinquency fee. The law amends [§7026.1](#), [§7065.3](#), [§7114](#), and [§7141](#) of the B&P Code.

Fire Protection Systems – Licensed C-36 Plumbing contractors now will be allowed to install residential fire protection systems for one- or two-family homes. The law created by [AB 433](#) will stay in effect until January 1, 2017. The law amends [§7026.12](#) and [§7057](#) of, and repeals §7026.13 of the B&P Code.

Excavations – Regional Notification Centers will be required, through [AB 811](#), to compile information provided by operators and excavators regarding facility incidents and make that information available in annual reports and on their websites. The law amends [§4216.6](#) of the Government Code relating to excavations.

Limited Liability Companies – Contractors licensed as a limited liability company (LLC) will be allowed to obtain statutorily required liability insurance from a surplus line insurer. [AB 1236](#) amended [B&P Code §7071.19](#).

Bidding Practices – Contractors making public works project bids or offers must list each subcontractor license number on those documents. [AB 44](#) amended [§4104](#) of the Public Contract Code.

Public-Private Partnership Agreements – Local governments' public-private partnership agreements for fee-producing infrastructure projects must include performance bonds and payment bonds. [AB 164](#) amended [§5956.6](#) of the Government Code.

Prevailing Wage Law – Charter cities that don't require contractors to comply with the state's prevailing wage law on any public works contract cannot receive nor use state funding or state assistance for those construction projects. [SB 7](#) added [§1782](#) to the Labor Code.

Water-Conserving Devices – Permit applicants for all building alterations or improvements to single-family residential real estate must replace all non-water-conserving plumbing fixtures with water-saving fixtures as a condition of receiving final permit approval from a local building department. Also, [SB 407](#) requires that all noncompliant plumbing fixtures in any multifamily residential real property and commercial residential real property must be replaced with water-saving fixtures when specified renovations are made. The new law adds [§1102.155](#) to, and Article 1.4 (commencing with §1101.1) to Chapter 2 of Title 4 of Division 2 of, the Civil Code, relating to water conservation.



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Beware of New Extended Time Limitations on Prevailing Wage Matters

For those who perform public works, or who perform private works that are subject to the prevailing wage laws, the recently enacted Assembly Bill 1336 is going to drastically change the way you do business. This statute amended provisions of the Labor Code pertaining to prevailing wage claims by the Labor Commissioner or Joint Labor-Management Committees that are authorized to bring an action, and also made some changes to the laws reflecting the privacy rights of employees when prevailing wage records are made public.

The changes in the Labor Code sections pertaining to the timing of bringing a Civil Wage and Penalty Assessment ("CWPA") will become effective on January 1, 2014. The statute does not specifically state it is retroactive, but we must assume that the Labor Commissioner may argue that it extends the statute of limitations even on ongoing projects. We will probably have to fight that battle at some point for some of our clients.

The current statute of limitations to bring a CWPA has been for a substantial period of time, six months from the recording of a Notice of Completion, but if retention is still being held, one could be liable under a CWPA up to the amount of retention being held after the six month expiration until one year following completion. Typically, after a Notice of Completion is actually issued (which on a public works project is often times long after actual completion has occurred), retention is paid in less than six months so the extension is rarely applicable.

Under the new law, the CWPA must be served not later than 18 months after the recording of a valid Notice of Completion in the office of the County Recorder of the County in which the public work was performed, or 18 months after the acceptance of the public work, whichever occurs last. Thus, contractors will have the worry of any potential wage violations of their subcontractors hanging over their heads for 18 months rather than six or 12 months. This change is monumental. Many contractors who have concerns over compliance by their subcontractors will hold portions of the retention until after the time to bring an action by the Labor Commissioner has run, and now that time is greatly extended.

Another change in the law made in the statutes is the obliteration of information on prevailing wage documents subject to public disclosure to prevent disclosure of an individual's name, address and social security number; an exception applies where the records are being made available for inspection to a multi-employer trust fund under Federal law, then the information should be left intact except the social security number would be obliterated up to the last four digits of the social security number to allow for the proper allocation of the employee benefits and pensions to the workers. There are other exceptions to the law and if you are subject to a Request for Information, you should seek the aid and advice of counsel. Typically, a private contractor is not required to turn over its payroll records directly for inspection to any third party other than the owner for whom they are contracting or the Division of Labor Standards

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When dealing with prevailing wage projects, contractors have to be that much more diligent in policing the proper payment of certified payroll given this change in the law.

[Download a PDF Copy of Beware of New Extended Time Limitations on Prevailing Wage Matters](#)

Bruce Rudman has been practicing construction law for 15 years. He has garnered a great reputation in the construction field not only as a litigator but on licensing issues with the CSLB, particularly disciplinary proceedings. Abdulaziz, Grossbart & Rudman provides this information as a service to its friends & clients and it does not establish an attorney-client relationship with the reader. This document is of a general nature and is not a substitute for legal advice. Since laws change frequently, contact an attorney before using this information. Bruce Rudman can be reached at Abdulaziz, Grossbart & Rudman: (818) 760-2000 or by E-Mail at bdr@agrlaw.com, or at www.agrlaw.com

