



International Brotherhood of Electrical Workers Local 234

IBEW Local 234 Newsletter

The Electrical Worker's Union for Monterey, San Benito, and Santa Cruz Counties

April 2020

Local 234 Officers:



Lamont Adams
**Business Manager/
Financial Secretary**

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Vice President

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Treasurer

Stephen Slovacek
Recording Secretary

John Agra
Andy Gattis
Trudi Teller
Ryan Porter
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Business Manager's Report by Lamont Adams

Sisters and Brothers,

On the Inside out-of-work list we have 12 on Book 1, 68 on Book 2, 13 on Book 3, and 7 on Book 4. There are 2 on Book 1 for Sound & Comm, 0 on Book 2, 4 on Book 3, and 0 on book 4. There is 1 on CW Book 1 and 5 on CW Book 2. There are 8 Inside apprentices on the out-of-work list.

I hope this newsletter finds you healthy and safe. As most of you have heard Monterey, Santa Cruz, and San Benito Counties are under a Shelter-In-Place

order. An outbreak of respiratory illness caused by a new coronavirus (COVID-19) has been classified as a pandemic and a National Emergency.

Out of an abundance of caution, we have decided to CLOSE the office and the JATC Training Center to the public. Services will still be available for members. The office is available by telephone for questions and concerns. Our website is also available for dues payments, monthly re-sign, and CORVID-19 updates. Our website is: www.ibew234.org

Dispatch will continue to function as normal. All in-person apprenticeship classes have been suspended until further notice. Apprentice classes will continue through an online format. All Journeyman upgrade classes have also been suspended until further notice.

Governor Gavin Newsom's Shelter-In-Place order contains exceptions for Essential and Critical workers. Electrical workers are on that list and many of our members are back at work. In order to provide direction and protections for members and contractors a Memorandum of understanding (MOU) between the IBEW and NECA has been developed.

In recognition of the current emergency in our nation and the need for our industry to react quickly to this and future emergencies, the IBEW and NECA have developed the National Disease Emergency Response Agreement (NDERA) for use by our contractors and members. This agreement provides our industry with the ability to react quickly to potential emergencies related to this pandemic. The provisions of the agreement became effective March 16, 2020, and is intended for use and shall remain effective until terminated.

This agreement lays out protections for contractors and members who are effected by CORVID-19. There shall be no adverse action taken against a member who refuses to be present at the jobsite so long as the member genuinely believes there is imminent danger and a reasonable person would agree there is real danger of contracting coronavirus at the jobsite. There shall be no adverse action taken against a member who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus. Members who feel it necessary to Shelter-in-place are allowed to do so. The member will be able to collect unemployment without the contractor contesting any claims. The member may return to their original positions with their employer upon the resumption of work on the jobsite, and/ or their ability to return, without the need of the referral process.

On page three of the Newsletter I have included a question and answer sheet dealing with National Disease Emergency Response Agreement (NDERA) and website with more information.

Please follow the advise of our health authorities to help prevent the spread of the Coronavirus.:

Wash hands frequently

Heighten cleaning practices

Stay away from work when ill

Avoid contact with people who are sick

Please stay safe and healthy during these times and remember, we will get through this. Please let's keep those dealing with this virus and those less fortunate in our thoughts.



Prevention With Little Steps by Rasha Aniag

In this time of increased awareness, precaution, and dare I say "panic", please keep in mind that prevention, via keeping the internal environment healthy and your external environment clean is still the best choice to stay safe from the virus. I want you to know that I am here to serve your health needs.

This is also a great time to reflect on your lifestyle and evaluate whether you are truly being pro-active in your health! Are you eating a whole foods diet devoid of fast food, boxed foods, and junk food snacks? Are you getting outside to breathe clean, fresh air (perhaps visit a State Park or the beach!) Are you thinking positive thoughts and checking on your neighbors, family and loved ones? For more on this, read Bruce Lipton's book "Biology of Belief" or Candace Pert's "Molecules of Emotion."

Are you increasing the amount of pure water you drink? Are you taking extra precautions and including vitamins, particularly Vitamin C, Ubiquinol, zinc lozenges (viruses cannot survive zinc), beta glucans for sustained immune support, and perhaps ashwaganda (for mental calmness)? Have you taken time to stretch or exercise on your own since your gym has been closed?

All of these practices will not only help you through this temporary health threat but can and should be sustained throughout your life.

Most of all . . . know that YOU are not alone . . . Stay safe, Stay home, Stay positive!

Your health is your wealth!

Congress Legislation regarding Covid-19

Congress has passed two major pieces of legislation to deal with the coronavirus crisis, the Families First Coronavirus Relief Act (FFCRA) and the Coronavirus Aid, relief, and Economic Security (CARES) Act.

Both include important protections for workers affected by the current crisis.

FFCRA:

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Federal.pdf

CARES:

<https://home.treasury.gov/policy-issues/top-priorities/cares-act>

From International President Lonnie Stephenson:

Does the NDERA protect an employee's right to refuse to be present and/or request a layoff/furlough if he/she has a reasonable belief that being present would place them in imminent danger of contracting coronavirus?

**** Yes.** The NDERA is designed to facilitate a return to work of employees who are out due to coronavirus, or who stay home because they have a genuine belief that being present would place them in imminent danger of contracting coronavirus. If the absence is for those reasons, then the recall rights, protections against adverse action, and unemployment protections in the NDERA apply. However, the employee must inform the employer that he/she is staying home due to coronavirus or because being present would place them in imminent danger of contracting coronavirus. Employees cannot be asked to go into any details about whether the employee has an underlying health condition or other concern. If the employee refuses to be present or is absent for other reasons, then the recall rights and protections under the NDERA do not apply.

Can the employer deny an unemployment claim if an employee stays home because of a genuine belief that being present would place them in imminent danger of contracting coronavirus?

****No.** The Agreement provides that in such situations, unemployment shall not be contested. However, the employee must inform the employer as set forth above.

Does having an imminent danger of contracting coronavirus take into account an individual's own health and/or family situation?

****Yes.** If an employee's own underlying health conditions or family situation (having an elderly relative at home, etc.) is such that the employee has a genuine belief that reporting to the job site would place him/her in imminent danger of contracting coronavirus, the recall rights, protection against adverse actions, and unemployment protections in the NDERA would apply. The employee must inform the employer as set forth above.

Is there a difference between furlough and layoff? Is an employer required to furlough if a jobsite is restricted/denied access or may the employer issue a lay-off? Is there a difference under the NDERA?

**** No.** There is no difference. We have seen questions asking if a layoff is somehow more severe or permanent than a furlough, and the answer is no. For purposes of the NDERA, the employer has the option to furlough/layoff under appropriate circumstances and use the recall process described in the Agreement. The employee is protected against adverse action as described in the NDERA.

Do furloughed employees get sick or FMLA benefits under the newly passed Federal legislation?

**** This and similar questions are not within the purview of the NDERA. The law and regulations of the legislation will guide these responses.**

Does the language of the NDERA that specifies that the employer shall not "contest" unemployment benefits require the employer to fraudulently fill out the state unemployment paperwork?

****No.** The employer is not required or encouraged to violate federal, state or local law when responding to unemployment inquiries from the government. While forms vary, if leave is taken consistent with this Agreement, where possible the employer should note that separation of employment is due to "the COVID-19 Crisis" or similar language. The state at issue will make the unemployment determination.

More guidance is available from the EEOC with respect to allowable screening procedures, and can be accessed here: https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

North America's Building Trades has also published guidance, available here: NABTU Guidance <https://nabtu.org/wp-content/uploads/2020/03/Contractor-Screening-of-Construction-Workers-March-20-2020.pdf>

Tri-County Electrical JATC Training News

(831) 633-3063

CPR/First Aid Certification Class

CPR / First Aid class has been postponed until further notice.



Foreman Development Series Class

Foreman Development class has been postponed until further notice.

2017 NEC Significant Changes Class

Significant Changes has been postponed until further notice.

Donate To The JATC When You Shop Amazon



Shop at **AmazonSmile** when you shop at Amazon. Amazon will donate 0.5% of the price of your eligible AmazonSmile purchases to the **Tri-County Electrical JATC**. Start your shopping at smile.amazon.com/ch/23-7114317

The Tri-County Electrical JATC is a non-profit 501(c)3. Donations are tax-deductible.

Congratulations on Completing Class

Foreman Development Series on 3/9/2020

Hector Camacho, Arturo Gonzales, Manuel Ramos, Jacob Taylor, and Juan Vargas

CPR / First Aid Class on 3/14/2020

Adrien Antosz, Cory Hoffman, Javier Martinez, Adalberto Padilla, Nick Prelgovisk, Robert Rovella, Charles Ruiz, James Stanchfield, and Moises Zuniga

Milwaukee Apprentice Of The Month

The Apprentice of the Month program is sponsored by Milwaukee Tools. The goal is to encourage apprentice participation and reward a high performing student for achieving outstanding results both in the classroom and on the job.

For **April 2020** the JATC has chosen to recognize:

2nd-year: Darien Rosbach

as the Milwaukee Apprentice of the Month. The apprentice of the month will have a dedicated parking space at the Training Center and also receive a gift provided by Milwaukee.



Objects of the IBEW

To organize all workers in the entire electrical industry in the United States and Canada, including all those in public utilities and electrical manufacturing, into local unions,
To promote reasonable methods of work,
To cultivate feelings of friendship among those of our industry,
To settle all disputes between employers and employees by arbitration (if possible.)
To assist each other in sickness or distress,
To secure employment,
To reduce the hours of daily labor,
To secure adequate pay for our work,
To seek a higher and higher standard of living,
To seek security for the individual,
And by legal and proper means to elevate the moral, intellectual and social conditions of our members, their families and dependents, in the interest of a higher standard of citizenship.

Weingarten Rights

Weingarten rights guarantee an employee the right to Union representation during an investigatory interview. These rights, established by the Supreme Court in 1975, must be claimed by the employee. The supervisor has no obligation to inform an employee that s/he is entitled to Union representation. This is what to say:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working condition, I respectfully request that my union representative, officer, or steward be present at the meeting. Without representation, I choose not to answer any questions."

The Rules

Under the Supreme Court's Weingarten decision, when an investigatory interview occurs, the following rules apply:

RULE 1:

The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.

RULE 2:

After the employee makes the request, the employer must choose from among three options. The Employer must either:

- Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee; or
- Deny the request and end the interview immediately; or
- Give the employee a choice of (1) having the interview without representation or (2) ending the interview.

RULE 3:

If the employer denies the request for union representation, and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

Members only Online Access

You may access your online profile at <https://m.gotomyunion.com>. Or download the **ISAQR** app at

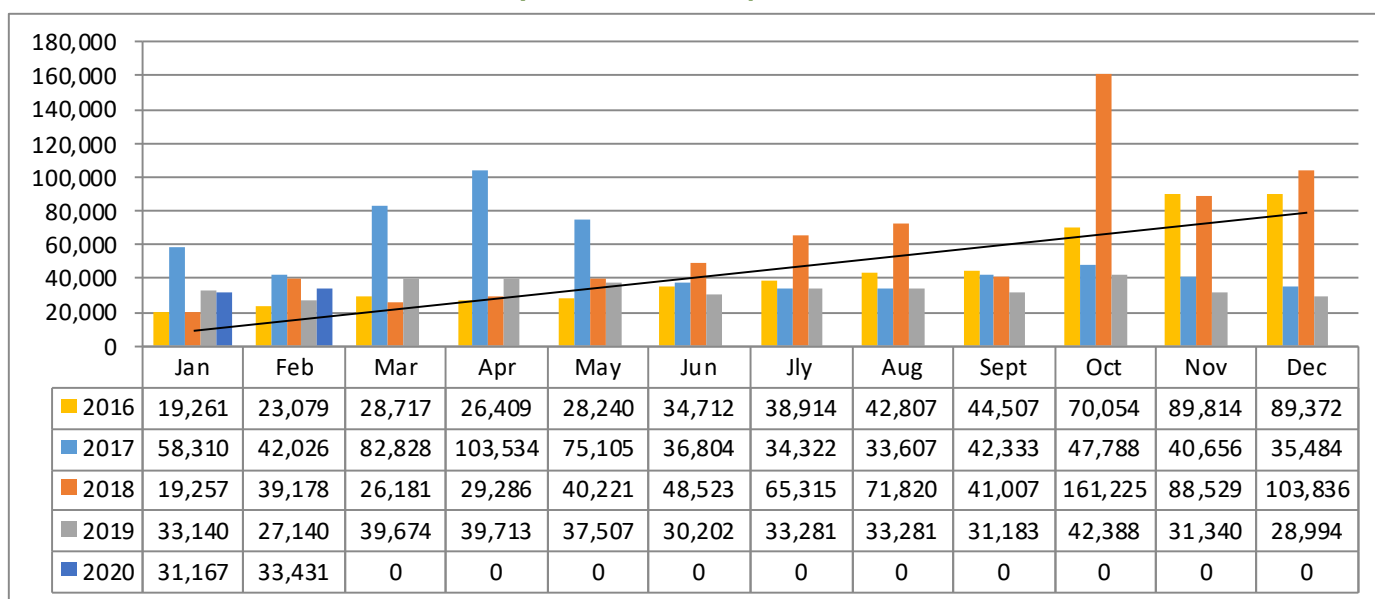
Apple Store: <https://goo.gl/GxYXtk>
Google Play: <https://goo.gl/LqvSt7>

Please contact the office if you need your individual username and password again.
831-633-2311

Go Green with Our e-Edition!

Sign up today to receive the newsletter in your email. Help reduce production costs and be "green" at the same time. Our homepage is located at www.ibew234.org. There is a link under Downloads, Newsletter to the subscribe form or call the Local 234.

Monthly Hours Report



Happy April Birthdays!

Dave Alonzo
Adrien Antosz
Thomas Bauer
Robert Benton
Jeff Best
Frank Bigham
Diego Blackman
Louis Bonds
Joaquin Correa-Mickel
Leslie Dollins
Alejandro Escobar
Michael Fryou
Gary Gabriel
Alex Garibay

John Greene, II
Troy Grier
Mark Hiura
Glen Johnson
Michael Kunkle
Tramaine Lamb
Lloyd Marchant
Richard Massie
Samuel Mendoza
Roldan Morales
James Nichols
Warren Nichols
Robert Norwood Jr
Patricio Ortiz

Evey Perez
Mickel Reeves
Alan Replogle
Michael Rodda
Adolfo Sandoval
Carlos Segura
James Shumaker
Jocelyn Solorio
Jonathan Stanley
Kyle Tuck
Bryan Tufts
Joe Velasquez Jr
Paul Velasquez
Francisco Villanueva



This Month's Local 234 Winners!

The winners from the **March** union meeting.
Voluntary PAC (Political Action Committee):
 Mike Ihnot won \$8.00 and donated \$5.00 back

Apprentice Give-Away:
 Jonathan Marquez won \$23.40.

Give-Away Winners:
 Jaime Hernandez won an IBEW tape measure.
 Joshua Benavidez won an IBEW Local 266 hat.
 James Stanchfield won an IBEW Local 134 hooded sweatshirt.
 Carlos Prado won an IBEW Local 357 t-shirt.
 John Agra won an IBEW Local 234 t-shirt.

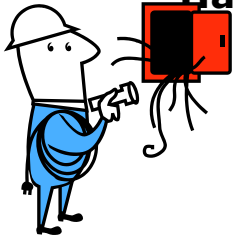
Quote of the Month

"Don't give up! I believe in you all. A person's a person, no matter how small."

General membership meetings are the second Wednesday of each month. The next general membership meeting will be:

Has been postponed due to Covid-19

— Dr. Seuss



April 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8 Membership Meeting postponed	9	10	11
12	13	14 JATC Meeting @ 4:00 pm	15	16	17	18
19	20	21	22 Executive Board Meeting postponed	23	24	25
26	27	28	29	30		
						Page 7



International Brotherhood of Electrical Workers Local 234



NONPROFIT ORGANIZATION
IBEW LOCAL 234
U.S. POSTAGE PAID
CASTROVILLE, CA
PERMIT NO. 410

IBEW Local 234
10300 Merritt Street
Castroville, CA 95012
www.ibew234.org
(800) 499-4239
(831) 633-2311
(831) 633-0570 fax
thehall@ibew234.org
(831) 633-JOBS (5627)
Job line

**Tri-County Electrical
JATC**
www.tricountyjatc.org
(831) 633-3063
(831) 633-3068 fax
info@tricountyjatc.org

RETURN SERVICE REQUESTED

