June 22, 2015

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Class Action Lawsuits with NO CLASS
By Jim Ryan, Chief Executive Officer

It is not uncommon for laws that are passed in Sacramento with the best intentions to often result in outcomes that have unintended consequences. When this occurs, attorneys often use the law for their personal enrichment rather than for the purpose that the law was intended.

So....there was a law passed several years ago that many call the "pay stub protection law". This law was an amendment to Labor Code Section 226. It requires employers to provide an accurate itemized statement in a detachable part of the employee's check draft/voucher or a separate itemized statement when the employee is paid in cash that details the following:

1. gross wages earned
2. total hours worked (with the exception of exempt salaried employees);
3. the number of piece-rate units earned and any applicable piece rates if employee is paid on a piece rate basis;
4. all deductions;
5. net wages earned;
6. the inclusive dates of the pay period;
7. the employee name and either the last four digits of the social security number or an employee ID number;
8. the name and address of the legal entity that is the employer; and
9. all hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate.

In addition to all of this, after July 1 of this year...yes, next week.....AB 1522 which was passed last year, requires employers to detail sick pay earned and taken on each employees pay stub or on a separate statement that is given each time an employee receives a pay check.

The "pay stub protection law" goes on to state that if the employer violates any of the above the potential fine is up to $4000 per employee...and the employer is liable for the attorney fee involved for the employee to collect the $4000!!
Well guess what?.....There are a number of attorneys in our state that are doing their best to initiate “class action” lawsuits that drag all employees of an employer into a lawsuit whether they want to be or not when an employer may have inadvertently missed one of the items detailed above. These class action lawsuits are aimed at recovering $4000 per employee, plus LEGAL FEES, for the attorney that initiated the lawsuit. The penalty is the same for address problems on the pay stub not being corrected, or forgetting to include the last 4 digits of the employee's social security number as it is for not listing the employee's deductions or gross wages.....(which were probably the items the law was aiming at in the first place.)

Well...we understand that legislation is being introduced that will allow employers when notified of non-compliance with the law to correct the issues within 30 days of notice...and “notice” means the moment the employer knows that a wage statement did not comply. Look......if there is an employer that is trying to steal wages from employees by confusing employees with non-compliant pay checks....that employer probably should be punished. But an employer that inadvertently makes what amounts to a clerical error on a pay stub should be able to correct the problem within 30 days and if the employer does correct the problem.....no harm ...no foul! For example...if the employer did not include the last 4 digits of the employee's social security number on the pay stub, the employer should be able to go back and correct that problem and do it retroactively!!

This makes sense, and we understand that many legislators on both sides of the aisle in Sacramento agree. I am certain that there will be a broad based coalition that will support this legislation.....mainly because it is FAIR!! For most of the violations of this law, the punishment that is prescribed is a bit like getting put in jail for several years for jaywalking...I mean really....if you have 100 employees and make one of these clerical type errors on your paystubs your liability at $4000 per employee plus legal fees is huge....do the math!!

It is simply not right. I really doubt that the legislature intended this law to be an annuity for attorneys that would actually initiate a case like this!! It would seem that if you spent the time and effort to go to law school and to pass the bar that you should have a higher purpose in life!!
Under the proposed rule, prime and subcontractors must report violations of 14 federal labor laws and "equivalent" state labor laws during the previous three years, and again every six months, on federal contracts over $500,000. A single violation, or a combination of violations, could lead a CO to either (1) deny the contractor the right to compete for a federal contract; or (2) remove a prime contractor or subcontractor from an ongoing project. Such determinations, based on "integrity and business ethics," would be made on an individual CO basis with assistance from newly-created agency Labor Law Compliance Advisors (LCA). The rule would only apply to direct-federal contracts and not to federal-aid highway contracts awarded by state departments of transportation.

One word describes this Executive Order, "subjective," and it effectively allows contracting officers to deny contracts to - or blacklist - any contractor. Determining and interpreting the severity of the violations becomes the responsibility of the CO and LCA, which don't necessarily have the legal education or experience to make such decisions. Inconsistent findings also could result, which would allow for a contractor to compete for one job while being denied to compete for another.

A 60-day comment period is underway for this proposed rule and guidance, and you can be assured that AGC of America is articulating our concerns. If you would like to provide any comments, please contact Jimmy Christianson at christiansonj@agc.org.

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Join the Engineering General Contractors Association Foundation, Inc. for the 11th EGCA ANNUAL HONOREE & SCHOLARSHIP AWARD DINNER- July 23rd, 2015 @ 5:30 P.M. at the SAN DIEGO YACHT CLUB

The 2015 Foundation Honoree Award will be presented to Charlie & Scott Erreca, Erreca's Inc.

**REGISTER**

Address: San Diego Yacht Club
1101 Anchorage Lane, San Diego, 92106
(FREE Parking)

Dessert Auction Scholarship Fundraiser

Here's a few samples of the delectable desserts:

**It's 5:00 P.M. Somewhere:**
This is 3 layers of Dutch chocolate cake soaked with Guinness beer and made with whiskey cream cheese frosting.

**Pucker-Up Lemon Cupcakes:**
Sweet and graceful are these perfect pucker lemon cupcakes, filled with a lemon jam and mounds of buttercream icing and lemon sprinkles.

**Sweet Amaretto & Chocolate Fudge Cream Cheese Cake:**
Chocolate fudge cake soaked in sweet amaretto filled with amaretto cream cheese mousse, and topped with a brown sugar, cinnamon and toasted almond streusel

Dinner Sponsor: Hawthorne Cat
DAY AT THE RACES
July 17, 2015
Del Mar
SOLD OUT!

AGC/EGCC SCHOLARSHIP MEETING
July 23, 2015
San Diego Yacht Club
REGISTRATION
SPONSORSHIP

AGC BLOOD DRIVE
July 22-23, 2015
"It's in YOU to Give"

Auctioneer: The Richie Brothers

Current Dessert Sponsors:
Statewide Traffic & Safety Signs
Ferguson Waterworks
Sunstate Equipment Co.
Blue Book

Be a Dessert Sponsor!

Enjoy a great evening with the next generation of engineers

$25.00 per guest

5:30PM Social Hour / 6:30PM Dinner / 7:00PM Awards Program

Questions, email:
RaeMarie Blaha-Jonas or call (858) 558-7444 ext 110

"An investment in knowledge pays the best interest."
-Benjamin Franklin

Luncheon - July 10, 2015
TECHNOLOGY IN THE TRENCHES - Jobsite Tech for a Smarter Build

AGC's Technology Trends in Construction Committee is pleased to present an AGC Luncheon on Friday, July 10, 10:00 AM - 1:30 PM at the AGC office, 6212 Ferris Square, SD 92121.

Technology has become a vital component to the modern jobsite. Hear from top general contractors in this moderated-panel discussion, and leave with knowledge on how to implement these technologies onto your jobsites now.

Who should attend: Project Managers, Project Executives, Project Engineers, Superintendents and Foremen, Technology Professionals, and Business Owners.

Topics Include:
Constructability Review (Using Bluebeam Studio Sessions) -
Presenters:
Dominic Daughtrey, Sundt Construction
Spencer Draper, Sundt Construction
Stan Singh, Bluebeam Software

Wed. July 22
Acme Safety & Supply (National City)
Balfour Beatty (Mira Mesa)
Cement Cutting (Sports Arena)
PRAVA Construction (Carlsbad)
Sherwood Mechanical (Sorrento Mesa)

Thurs. July 23
Dynalectric (Kearny Mesa)
Erickson-Hall (Escondido)
Helix Electric (Sorrento Mesa)
RQ Construction (Carlsbad)
TC Construction (Santee)

CLC MIXER/CAR SHOW
July 28, 2015
AGC
CAR ENTRY FORM
SPONSORSHIP FORM
REGISTRATION
AFFILIATE DAY GOLF  
Aug. 3, 2015  
Sycuan Golf Resort

AGC/EGCC DINNER MEETING  
Date: TBD  
RDO Equipment

SDSU AZTEC FOOTBALL/TAILGATE/SKYSHOW  
Sept. 5, 2015  
Qualcomm Stadium

AGC SOFTBALL TOURNAMENT  
Sept. 19, 2015  
SportsPlex Santee

MCRD BOOTCAMP CHALLENGE  
Sept. 26, 2015  
Marine Corps Recruit Depot  
REGISTRATION

FALL GOLF  
Oct. 5, 2015  
Country Club of Rancho Bernardo

BUILD SAN DIEGO AWARDS  
Nov. 4, 2015  
Hilton Bayfront  
CALL FOR ENTRIES

AGC/EGCC DINNER MEETING  
Date: TBD  
San Diego Yacht Club

HOLIDAY DINNER DANCE  
Dec. 5, 2015  
Hotel Del Coronado

• Taking it to the Field

  Presenters: TBA

• Layout with Total Stations (Using Trimble)

  Presenters:  
  Nathan Culver, SITECH NorCal - Trimble  
  Stephen Mayes, Morley Builders

COST:  
$30 MEMBERS  
$40 NON-MEMBERS  
lunch & networking included"

REGISTRATION

Questions, contact Jessica Kovack at (858) 750-4268.

Annual Joint Health & Safety Conference, July 15th, 2015  
9:00 A.M. - 4:00 P.M.

Please join the Industry Safety Leadership from the AGC San Diego Chapter  
Safety Committee and the AGC California Health & Safety Council for the  
Annual Joint Health & Safety Conference on July 15th. Get connect with some  
of the best minds in safety, health, corporate wellness, emergency  
preparedness, and risk management. Relevant exhibitors and high-quality  
speakers make this a must-attend conference!

Conference Location & Host, California State University,  
Dominguez Hills  
OSHA Training Institute Education Center, Extended Education Auditorium

REGISTRATION TO R.S.V.P. FOR CONFERENCE

This Year's Line-Up of Industry Speakers

Cliff Meidl Enterprises: Cliff Meidl, 2X Olympian Winner Inspirational Speaker  
Walter & Prince LLP: Lisa Prince, Partner  
Safesite: Peter Grant, CEO  
UC San Diego: Robert "Skip" Carter, Deputy Commissioner, California  
Highway Patrol (Retired)  
Med-Tek “Advances in Pre-Employment Analysis”  
Kerwin Williams, Chief Executive Officer and President & Amy Foster, Medical  
Technologies Unlimited Inc.  
Cal OSHA & Fed OSHA: Juliann Sum, Chief of Cal/OSHA

SPONSOR FORM
AGC Endorses Mayor Faulconer for Re-Election!
By Brad Barnum, Vice President Government Relations

"There's no Democrat or Republican Way to Fix a Pothole" was a common statement for Kevin Faulconer during his campaign for Mayor of San Diego. In his first State of the City Address, he emphasized the importance of infrastructure, stating that "Street repair will be the City's highest infrastructure priority."

AGC endorsed Mayor Faulconer in 2013 because of his commitment to fixing the city's deteriorating infrastructure, and his unwavering support of fair and open competition in construction. He already has made good on his commitment to direct 50% of new City general fund revenue to streets and neighborhoods, his bureaucratic streamlining proposals will allow for projects to be completed faster and more efficiently, and his plans to fix 1,000 miles of streets over the next five years and "repair the City's repair system" are well underway.

It's been over 13 years since AGC first supported Kevin Faulconer for City Council - we have been him since Day 1 - and we are happy to report that we are supporting his re-election for the next four years! Faulconer for Mayor!

June 7th marked the first day city candidates can raise funds for their campaigns, and AGC is pleased to announce a fundraiser for Mayor Faulconer on Monday, June 29! It will be held from 5:00 to 7:00 PM at the offices of Finch, Thornton & Baird, LLP. Thirteen AGC members have stepped up to the plate to co-host the event, along with AGC's Political Action Committee. They understand the importance of this election, and are committed to making the fundraiser a success.

Please click here to view the specifics about the fundraiser and to confirm your attendance. Again, it will be held on Monday, June 29, 5:00 PM at Finch, Thornton & Baird, LLP.

TIME TO TRAIN - AGC's July-December 2015 Construction Education & Safety Training Catalog Now Available

AGC San Diego offers one of the nation's most comprehensive, continuing education programs in the industry. We're pleased to release the July through December 2015 training catalog.

Courses include:

- Construction Law Seminars, Construction H.R., Compliance Seminars, OSHA Standards Courses, Stormwater (SWPPP) Certifications, Quality Management Courses, Construction Technology and Software Training, and a large variety of Safety and Construction Continuing Education Courses and Certifications.

Additionally, AGC is pleased to introduce a series of Fall Protection safety training courses in AGC's new (almost completed) Fall Protection Campus - check out page 45 for details.

A digital version of this catalog can be viewed by clicking on the button.
We encourage Monday Morning Quarterback readers to forward this link to your associates.

Now accepting registrations for all courses listed. Full Training Calendar
Questions, please contact Becca Schaffer at (858) 731-8155.

3rd Annual Hot San Diego Nights Summer Mixer, Classic Car & Hot Rod Show
Calling All Classic Car & Hot Rod Enthusiasts!
Attendee Registration Now Available

AGC San Diego's Construction Leadership Council (CLC) will again host the 3rd Annual AGC Hot San Diego Nights Summer Mixer & Car Show at the AGC training facility on Tuesday, July 28, 2015.

Paired with the exciting car show component, gourmet San Diego food trucks will cater the event, and San Diego's finest microbrews will again be on tap.

This year, the CLC has expanded the event to open AGC's doors to not only members, but also to prospective members, public agencies, and public officials - to continue fostering relationships within the industry.

Car entries still being accepted!

AGC members and friends are invited to showcase their classics at the mixer. The show is open to all classic cars, trucks, hot rods, street rods, custom cars, and motorcycles. Throughout the evening, mixer attendees will weigh in on their favorites via text-2-vote - Top finishers will be awarded trophies in the following categories: Best In Show ~ Best Classic ~ Best Mod-Rod

This is a free event thanks to our sponsors!

Any questions, or for more information, please contact CLC liaisons Jessica Kovack, (858) 750-4268, or Eddie Sprecco, (858) 750-4266.
MCRD BOOTCAMP CHALLENGE - Sept. 26, 2015

Are you up for the challenge?

The following AGC members will be representing TEAM AGC! 220 AGC member recruits have joined the ranks to compete in this year's MCRD BOOTCAMP CHALLENGE. ARE YOU IN?

AGC Staff
Baker Electric
Bergelectric
BPI Plumbing
Cavignac & Associates
Dynalectric
Ferguson Waterworks
Finch, Thornton & Baird
Flatiron
Granite Construction Company
H5 Networks
Johnson, Finch & McClure
Koch-Armstrong
KR Wolfe
Latitude 33
Lusardi
M.A. Stevens Construction, Inc.
On-Site Health & Safety
Polycomp Administrative Services
PRAVA Construction Services, Inc.
RORE Inc.
SDC & Associates
Sherwood Mechanical
SMART Safety Group
Sound Crete Contractors
Stronghold Engineering Inc.
Sundt Construction
Supply Patriot
TC Construction

CLICK HERE for the registration/waiver forms. $50 per person.
We strive to keep our membership listing current & up-to-date!

Email [Marcy Knopman](mailto:Marcy.Knopman@acdep.org) of any necessary changes.

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$50 per person.

Any questions, contact [Marcy Knopman](mailto:Marcy.Knopman@acdep.org) or [RaeMare Blaha-Jonas](mailto:RaeMare.Blaha-Jonas@acdep.org) (858) 558-7444

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### JUNE CLASSES

- **June 23**: Microsoft Excel - Intermediate
- **June 23**: Preventing Sexual & Other Unlawful Harassment
- **June 24**: Industrial Stormwater Permit Workshop
- **June 23**: CPR/First Aid & AED Training - [Spanish Version](mailto:Marcy.Knopman@acdep.org)
- **June 24**: CPR/First Aid & AED Training
- **June 26**: BIM Exam
- **June 30**: Microsoft Excel - Advanced

### JULY CLASSES

- **July 7**: Construction Financial Management
- **July 8-9**: CQM
- **July 8**: Dealing with Inspectors & Other Difficult People
- **July 9-10, 16-17**: OSHA 30-Hour
- **July 9**: Project Manager's Boot Camp
- **July 9**: Work Zone Traffic Control Technician & Flagger Training
- **July 14**: Advanced Estimating Concepts & Techniques
- **July 15**: Construction Contract Administration
- **July 16**: Qualified Rigger & Signal Person
- **July 17**: EM 385-1-1 Refresher Recertification Course
- **July 22, 23**: Fall Protection Competent Person Training
- **July 24**: Fall Protection Equipment Inspection Training
- **July 29**: CPR/First Aid
- **July 31**: QuickBooks 2013

[CLICK HERE](mailto:Marcy.Knopman@acdep.org) FOR CLASS REGISTRATIONS

For more information on courses, contact: [Becca Schaffer](mailto:Becca.Schaffer@acdep.org) at (858) 731-8155

[EDUCATION & SAFETY CATALOG](mailto:Marcy.Knopman@acdep.org)
Meetings are held at the AGC office, unless otherwise noted

**JUNE MEETINGS**

- June 24  Specialty Contractors' Council - 11:30 a.m.
- June 24  County Liaison Committee - 1:00 p.m. @ 5530 Overland Ave
- June 26  Caltrans Liaison Committee - 7:30 a.m. @ 4050 Taylor Street

**JULY MEETINGS**

- July 8  Build & Serve Committee - 7:30 a.m.
- July 13  Engineering General Contractors’ Council- 11:30 a.m.
- July 15  Annual Joint Health & Safety Conference @ Dominguez Hills
- July 20  Port Authority Liaison Committee - 11:45 a.m. @ Port of San Diego Office, 1st Floor, 3165 Pacific Highway, San Diego, CA 92101
- July 21  Affiliate Council - 11:30 a.m.
- July 29  Public Building Liaison Committee - 7:00 a.m.
- July 31  Technology Trends in Construction Committee - 12:00 p.m.

**GET INVOLVED... JOIN A COMMITTEE!**

Get involved in the AGC by serving on a committee. A great way to network with other AGC members.

[Click here](#) for calendar of meeting dates

[COMMITTEE PACKET](#)

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**About Monday Morning Quarterback**

AGC San Diego Chapter’s Monday Morning Quarterback is a “hot off the press” and to the point Monday morning briefing on the important issues facing San Diego’s construction industry. It is prepared by AGC Chief Executive Officer, Jim Ryan, and Vice President Government Relations, Brad Barnum.

Please contact Jim Ryan or Brad Barnum with your comments, or with information that should be conveyed to the industry through this service. Well over 2,000 individuals employed by AGC member firms are part of this system.

**ARCHIVE**

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