



District Council of
Plasterers' and Cement Masons'
of Northern California
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Memorandum

To: Signatory Employers/Employer Associations

From: Jerry Zamora, Chairman
District Council of Plasterers' and Cement Masons' of Northern California

Date: April 6, 2021

RE: SB95 (California Labor Code 248.2)

The District Council of Plasterers' and Cement Masons' of Northern California approved the following as DCPCM Case# 032921

Effective March 29, 2021, retroactive to January 1, 2021, SB 95 establishes mandates on employers to provide Covid-19 Supplemental Paid Sick Leave (SPSL) to employees. This Memorandum addresses the SPSL pay provisions set forth in SB 95 as they apply to payment of wages and fringe benefit contributions under the applicable Collective Bargaining Agreement (CBA) with the District Council of Plasterers' and Cement Masons' of Northern California and its affiliated Local Unions (Local 300 and Local 400) within the geographic jurisdiction of the Union. The following will apply for compensation paid to Cement Mason Union members "Union employees" pursuant to SB 95 who are employed by an Employer signatory to a CBA or MOA with the Union:

1. For purposes of calculating payments to and on behalf of employees that qualify for SPSL, the applicable wage rate shall be the classification rate under which the worker was classified prior to receiving such pay, which includes the Vacation and Supplemental Dues hourly amount (the total taxable wage rate). All payments of such wages required by said law or ordinance, net of payroll deductions, will be paid directly to the employee on a paycheck indicating that such wages are being paid in compliance with SB 95 law (SPSL). Vacation and Supplemental Dues will continue to be remitted to the Fund Administrator and the names of employees should be marked accordingly. The provisions of paragraphs 1 and 2 shall expire on September 30, 2021.

2. For all hours paid, but not worked, pursuant to the aforementioned SB 95 (SPSL), the Individual Employers shall not be obligated to make fringe benefit payments, except for Health and Welfare contributions. The names of employees on leave should be marked accordingly with the appropriate Health and Welfare contribution.

3. The Employer shall contact the DCPCM to implement the terms of this Case# 032921 and to establish and SB 95 sub-account number for the reporting of fringe benefit contributions. Contact Mr. Chester Murphy, OPCMIA Trustee, DCPCM at 510.430.9492 or cmurphy@opcmialocal300.org and Ruthie Spellman, Contribution Accounting Supervisor at 678.221.5050 or rspellman@zenith-american.com

4. Cement Masons who decline to perform work due to concerns of contracting COVID-19 shall not suffer any adverse employment action such as discharge, or opposition to an application for unemployment benefits, and shall be entitled to reinstatement, provided that the job continues, and work is available.

5. If an employee is sent home due to potential exposure to quarantine or because a jobsite is shutdown, the Individual Employer will notify the Local Union from which that employee was dispatched. The Union and Individual Employer agree to keep such information confidential.

Note: The above provisions only apply to SPSL pay required by SB 95. If a Union employee is performing covered work, said work is covered by all terms and conditions of the applicable CBA/MOA and this Memo does not apply.

The above temporary modifications to the applicable CBA terms only apply to the payment of wages and fringe benefit contributions made pursuant to SB 95 and shall not otherwise be considered a change, modification, amendment or supplement to any CBA between the Union and any signatory Employer.

The Employer remains solely responsible for compliance with all applicable State and Federal laws. All other terms and conditions of the applicable CBA/MOA remain in full force and effect.

If you have any questions, please contact the District Council of Plasterers' and Cement Masons' of Northern California:

Contact Mr. Chester Murphy, OPCMIA Trustee, DCPCM at 510.430.9492 or cmurphy@opcmialocal300.org