

**CARPENTERS 46  
NORTHERN CALIFORNIA  
COUNTIES CONFERENCE  
BOARD**

# Memo

To: Signatory Employers/Employer Associations

From: Jay Bradshaw  
Executive Director, Carpenters 46 Northern California Counties Conference Board

Date: January 6, 2021

RE: Exclusion Pay Under the Cal/OSHA COVID-19 Emergency Temporary Standards

The Carpenters Work Preservation Committee (CWPC) approved the following today, as CWPC Case #15648:

Effective November 30, 2020 the Department of Industrial Relations' Occupational and Safety Health Standards Board ("Cal/OSHA") adopted emergency temporary standards ("ETS") to protect workers from COVID-19. This Memorandum addresses the exclusion pay provisions set forth in the ETS as they apply to payment of wages and fringe benefit contributions under the applicable Master Labor Agreement ("MLA") with the Carpenters 46 Northern California Counties Conference Board, on behalf of itself and the Northern California Carpenters Regional Council and its affiliated Local Unions within the geographic jurisdiction of the Northern California Carpenters Regional Council. The following will apply for compensation paid to Carpenters Union members ("Union employees") pursuant to Section 3205 (c)(10) of the ETS who are employed by an Employer signatory to a Master Labor Agreement:

- For Union employees excluded from work pursuant to the ETS, the Union employee shall be paid the applicable MLA full hourly wage ("Exclusion Pay"). Note: For Apprentices, payment of the full hourly wage shall be made pursuant to the Apprentice Wage Percentage Schedule set forth in the applicable MLA.
- Exclusion Pay paid to Union employees shall be considered hours paid for or worked relating to fringe benefit contributions under the applicable MLA for the following: Health and Welfare, Pension, Annuity, Vacation and Work Fee. As such, the Employer shall be required to remit fringe benefit contributions to the Carpenter Funds Administrative Office of Northern California, Inc. (CFAO) for these funds. Note: For Apprentices, payment of the fringe benefit contributions discussed in this paragraph shall be made pursuant to the Apprentice Wage Percentage Schedule set forth in the applicable MLA.

- The Employer shall contact the CWPC to implement the terms of this CWPC Case #15648 and to establish an ETS Carpenter Trust Fund (“CTF”) sub-account number for the reporting of fringe benefit contributions. Contact the CWPC at [aedwards@eainc.com](mailto:aedwards@eainc.com) or [tkinnett@eainc.com](mailto:tkinnett@eainc.com).
- Exclusion pay made to Union employees shall not be considered hours paid for or worked related to any other fringe benefit contributions under the applicable MLA.

Note: The above provisions only apply to Exclusion Pay required under the ETS. If a Union employee is performing covered work, said work is covered by all terms and conditions of the applicable MLA and this Memo does not apply.

The above temporary modifications to the applicable MLA terms only apply to the payment of wages and fringe benefit contributions made pursuant to the ETS and shall not otherwise be considered a change, modification, amendment or supplement to any Collective Bargaining Agreement 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 MLA remain in full force and effect.

If you have any questions, please contact the Carpenters 46 Northern California Counties Conference Board at (510) 430-9706.