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Contractor

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Coping with difficulty

By Walter Pazik

Are you a successful businessperson or manager? If you are, the way you manage challenging situations will show the world your skills as a leader. There are lots of undesirable situations that can occur and challenge you in your role as manager or businessperson. These problems can be internal - such as with assistants or staff - or external forces. If you stay strong in these moments, you can grow as an individual and learn from the experience. In this article we will have a look at a number of the ways you can handle challenges in your business or career and how you can use it to help you later on.

Firstly, you should accept that the difficulties that have an effect on you or your company are yours and you are responsible for the solution. You'll not be able to remedy these situations if you have a need to blame somebody else for their occurrence. We're not telling you to conceal from other people how they are responsible, of course. Be matter-of-fact and address the problem head-on. You, however, are the leader and it's up to you to look for a way to solve the situation and get beyond it. Maybe the worker who set the problem in motion merely needs more adequate training so he or she doesn't do the same mistake. Or possibly, your procedures manual requires



updated. You, as the leader, have to concentrate on finding out what caused the situation and discovering a solution. Then, you may have to re-train your staff or rewrite your procedures manual to reflect the necessary changes.

There are some negative situations over which you have no control. To illustrate, you can't control a recession or a drastic change in the market in which you operate. In this type of situation, you might be called upon to make a number of tough decisions, and it will be necessary for you to be of strong character. Let the weaker leaders bury their heads in the sand. You must tackle this new environment head-on so you, and your organization, will survive. The more quickly you do something to address a challenge the more likely you are to move forward and adapt to changes. An important aspect to handling adversity is how versatile you are

At A Glance

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CSLB news: Cal/OSHA targets construction sites for inspections; C-57 licensees must abide by air rules

Cal/OSHA is focusing on safety compliance at construction sites in the San Francisco Bay Area, following a recent series of fatal accidents in the region. Investigators have been deployed to inspect construction work sites throughout the coming weeks to determine whether adequate measures have been taken to identify safety hazards and prevent injury.

"Construction sites present special challenges to worker safety," said Christine Baker, Director of the Department of Industrial Relations (DIR). "Employers need to have strong safety programs in place and train their workers to follow procedures."

Cal/OSHA is a division of state Department of Industrial Relations.

Hazards at construction sites include open trenches and moving equipment at ground level, but elevated areas are particularly dangerous. Four recent incidents in California illustrate the danger.

On May 21, a worker at a residential project in San Jose fell to his death from a three-story building. On May 20, a worker on a San Mateo project tumbled nine feet from a wall, sustaining fatal head injuries. The same day in San Diego, a worker near the top of 22-foot rebar column was killed when the column fell on him. On May 18, a construction worker was killed when the train bridge he was dismantling in downtown Riverside collapsed, crushing him. All four accidents are under investigation by Cal/OSHA.

Falls are the leading cause of death

for construction workers, which is one reason why the federal Occupational Safety & Health Administration (OSHA) has designated June 2-6 as "National Safety Stand-Down" week to encourage employers to talk with workers about fall hazards and prevention.

Cal/OSHA has posted an industry-specific fact sheet on fall protection (see it online at http://www.dir.ca.gov/dosh/dosh_publications/Fall-Protection-in-Construction.pdf) and will be participating with federal OSHA in a series of "Safety Stand-Down" events at construction sites across the state to bring emphasis to the importance of fall protection and other safety measures at construction sites.

"Our goal is to raise awareness for everyone working in construction that hazards can be identified and corrected," said acting Cal/OSHA Chief Juliann Sum. "Preparation and vigilance are vital to preventing workplace fatalities."

Fall protection will be among the items Cal/OSHA inspectors will be checking during its inspections, from railings on buildings to personal devices such as hooks that attach to vests. Cal/OSHA's teams will also examine trench safety, equipment safety and potential site hazards such as power lines. If inspectors find a lack of protection or a serious hazard, they can stop work at the site until the hazards are abated. Employers who fail to comply

with Cal/OSHA safety regulations will be cited and ordered to correct the violations.

Cal/OSHA has resources available for employers and employees on its website, including safety publications for industries such as construction. Cal/OSHA's Consultation Program provides free and voluntary assistance to employers and employee organizations to improve their health and safety programs. For assistance from the Cal/OSHA Consultation Program, employers can call (800) 963-9424.

Additional information on specific issues and work-related topics are available on the DIR website as well as on Facebook and Twitter.

C-57 licensees must abide by air rules for central valley work; certain portable engines to power well drilling equipment require registration

C-57 Well Drilling licensees who work in the Central Valley are reminded that they must register portable internal combustion engines of 50 horsepower or greater used to power drilling equipment with either the state or San Joaquin Valley Air Pollution Control District (District).

Well drilling contractors can choose a registration method depending on their

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Difficulty: Remaining calm gives situation clarity

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in changing your approach and aligning yourself with new market conditions.

You shouldn't waste time bemoaning the fact that changes should be made. Deal with this challenge head

on and see it as a learning experience for future reference. If you're able to remain calm in difficult times, you will have more clarity in what has to be done and how you are going to achieve it. This means you need to be able to cope with high levels of stress which can affect your health and efficiency if you allow it to. I'm sure

you've seen examples where a business leader, or a star athlete, has been up against extreme challenges in their life only to come through a much stronger leader as a result. This is the goal you need to shoot for in your life. Additionally, if you are strong in these situations, it will help people who look to you for leadership to also

continue being calm.

It doesn't matter if you are a business owner or the manager of another person's company, you are certainly going to be presented with adverse difficulties every so often. If you're able to tackle these situations with the correct attitude, it can help you to be more successful later on.



LAW TALK

By Kenneth S. Grossbart
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Serving your lawsuit

In the process of negotiations for settlement of a dispute, you may have to file a lawsuit. This may be because there is no meeting of the minds with respect to a settlement or the timing within which to file a lawsuit has come (so that you do not lose your rights). Once the lawsuit is filed with the court, the very first thing that must be done is the Summons and Complaint, along with other court forms, must be served on all of the defendants (the Summons notifies the party(ies) that they are being sued). For those in an office, this is a very mundane aspect of the lawsuit even though it is a very important aspect. As a contractor, subcontractor, or material supplier, you should be aware of this process in order to protect your own rights because if a party is not served properly then they are not a part of the legal action.

There are various ways for a Summons and Complaint to be served properly in a general lawsuit. The obvious is that the Summons and Complaint are served by personal delivery. Another effective way to serve a party is by substitution (meaning that the Summons and Complaint is left at the business with a person in charge or at home with someone 18 or older) and then a copy of the Summons and Complaint is then mailed to the same address. There is also the possibility that the Summons and Complaint can be served by mail alone utilizing a Notice and Acknowledgment of Receipt, which means that the recipient actually signs the Notice accepting service of the Summons and Complaint and returns it. If the party resides out-of-state, then it is also acceptable to

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serve them via first-class mail with a return receipt requested. Lastly, if the party cannot be served using the above means, it is possible to obtain permission from the court to serve by publication (published in a named newspaper that is most likely to give notice to the party). An unlawful detainer matter has additional rules regarding service that we will not get into here.

Keeping the above in mind, service also depends on the type of entity (an individual, a corporation, a public entity, etc.). Corporations can be served by serving the president, CEO, etc., or a person authorized by the corporation to accept service. They will also have a designated agent for service of process, often times an officer, their attorney or a company that is hired for just the purpose of receiving service, that service can be made to.

There is a recent case *Ariel Ramos v. Homeward Residential* wherein Ramos served the corporate defendant with the Summons and Complaint by delivering the paperwork to a manager at a branch office of the defendant. Even though

the manager told Ramos that they were not authorized to accept service and the documents should be served on the agent for service of process, Ramos did not do so. When defendant did not appear in the case, Ramos obtained a default judgment in her favor for over \$250,000. Once defendant was notified of the judgment, it moved to have the judgment set aside because they were not served properly. The court agreed and overturned the default judgment. In a nutshell, this means that Ramos thought she was victorious in her suit, but in reality, spent more time and money than necessary because the defendant was never served properly.

As you can see from the above scenario, it is important to make sure that you have an understanding as to what is going on in this beginning stage of your lawsuit in order to make sure that you are not surprised at a later date because the Summons and Complaint was not served properly.

Kenneth Grossbart is recognized as one of the foremost authorities in California construction law. Over the past 30 years, Ken has become a respected speaker on Mechanic's Liens and other construction related issues. 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. Ken Grossbart can be reached at Abdulaziz, Grossbart & Rudman: (818) 760-2000 or by E-Mail at ksg@agrlaw.com, or at www.agrlaw.com

Can Facebook really help your business?

By **Cidnee Stephen**

Every Monday, I am usually checking the Google analytics of my clients and am impressed by those that use Facebook as to how much traffic I see coming to the corporate website via this Social Media Channel. Am I surprised? No. You might be asking why. If so, check out these interesting stats:

Number of people who check Facebook EVERY day: 128 million Americans, 14 million Canadians

If you do the math that is approximately 40% of the population of each respective country that is visiting Facebook EVERY day!

That means if your target audience is ANYWHERE in North America, over the age of 13 with access to a computer, chances are they are pretty heavily represented on Facebook.

So, why am I impressed to see the traffic coming to my clients' corporate websites? Because BEING on Facebook doesn't help your business....but USING Facebook effectively can. Facebook just recently launched an updated version of

Web Corner



their Facebook for Business Resource. It's definitely worth checking out. Not only for how-to's on the points listed below, but also for some great success stories that can help you creatively promote your page.

While I'm sure this list is far from exhaustive, here's some savvy, simple and cost effective ways to start marketing your small business on Facebook:

1. You need a Company Page
2. Consistently post to your Page

Interesting ideas, tips, important

industry/company updates, conversation starters, promotions and contests are what bring your page alive and when coupled with the other points below, these are what will grow your followers and increase traffic to your website.

3. Include Calls to Action on your Page

Calls to action can encourage your Facebook followers to LIKE your page, share your posts, visit your website, participate in a contest, try your product/service or subscribe to your newsletters/blogs/YouTube Channels/other social media channels, etc.

4. Promote your company page via ads

There are so many creative ways to do this that can dramatically increase your results. You also need to think differently about these ads. Unlike Google where people are searching for something specific, on Facebook they are typically there socializing. That means your ads need to stand out, entice and distract them from their conversations in order to

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CSLB: Portable registration allows operation through district

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work location. Those who drill within District boundaries must register their fuel-powered engines of a certain horsepower under Rule 2280 (Portable Equipment Registration).

The portable registration allows operation of the equipment throughout the District without having to obtain individual stationary source construction and operating permits. The District is made up of eight

counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and part of Kern.

C-57 contractors whose work takes them beyond the Central Valley are required to register their portable engines of a certain power with the California Air Resources Board (CARB). Those who sign up for the Statewide Portable Equipment Registration Program (PERP) can operate their equipment using the engines throughout the state

without stationary source construction and operating permits from local air districts.

Visit this website for information and applications regarding the state PERP. To speak to a PERP information contact at CARB, call (916) 324-5869 or email portable@arb.ca.gov.

Go to this website for information and applications regarding the District Rule 2280 portable registration.

The District also regulates the use of internal combustion engines used on a temporary basis to power agricultural wells while they are being connected to electric power. Use of this type of engine requires a permit from the District depending on the size of the farm.

Visit the District's website for more information. Click here for for more information from the District on electrification of new irrigation wells in the Central Valley.

Beware the pitfalls of overconfidence

It's good you feel confident about your job. You take pride in your ability to do your work quickly and well. However, there is such a thing as overconfidence - when you forget about the hazards and fail to use safe work practices.

No matter how long you have been on the job and no matter how skilled you are, you must remember the basic safety precautions. Don't get complacent!

Experienced workers have paid dearly for carelessness. They have been electrocuted because they failed to lock out the power when doing electrical repairs. They have been burned in explosions when they allowed an ignition source in a flammable atmosphere. They have

been killed in falls from heights when they failed to hook up fall arrest gear. They have lost limbs while operating the same saws or punch presses they have used for years. They have been disabled in vehicle crashes while driving familiar routes.

All workplaces and tasks have certain hazards and risks. As a long-time worker, you can still become entangled in the conveyor if you wear loose clothing. The nip roll is just as tight and the floor may be just as slippery.

How do you avoid overconfidence when it comes to safety matters? Here are some suggestions:

- * Stay aware of the hazards.

Remain alert and focus on doing the job safely.

- * Follow the recommended safe work practices at all times. Do not take short cuts.

- * Wear your Personal Protective Equipment -- every time.

- * Pay attention during safety meetings. You may have heard it all before, but a reminder never hurts.

As an experienced worker, you have a responsibility to set a good example for newcomers. Do things the safe way, because someone may be watching and learning from you. Never let overconfidence compromise your safety.

5 THINGS YOU NEED TO KNOW ABOUT HEALTH CARE REFORM 2014

Small Business

- Must notify all employees of Health Insurance Exchange within 14 days of hire.
- Small group insurance may be purchased within the exchange or outside the exchange.
- All employees can apply for individual coverage on the exchange and may be eligible for subsidy.

Individuals

- March 15, 2014 is the deadline for Individual open enrollment.
- October 1st is the next Covered California Open Enrollment
- Guaranteed Issue Health Insurance.

For more information or quotes, call your Health Care Reform experts at I&C Benefits.
Phone: 888-321-0141 Email: vgonzalez@icbenefits.com



We are here to help you navigate your way through the HHR Mandate! Call today to set up a meeting with your employees to inform them of their Health Insurance benefits and options.

Know your eyewash basics

An easily accessible eyewash station is a vital safety tool. Flushing is such a simple treatment that it may be overlooked, but it is the only treatment for many chemical exposures. Reaching an eyewash station immediately and using it correctly is critical to preserving sight.

Here are some basic steps to make sure your business is prepared.

1. Assess your work area for caustic chemical hazards so that eyewash equipment can be placed where workers need it most.

2. The eyewash station should be reachable within 10 seconds from where hazards are located.

3. The eyewash's "hands free" valve needs to activate by a simple push or pull of a lever, button or foot pedal. Test this function often, since it's very important the wash can be operated without hands, and that it can stay on reliably for the entire wash period.

4. Injured workers should flush both eyes simultaneously for a full 15 minutes with a controlled, gentle flow of flushing fluid, holding eyes open with their fingers so the liquid can freely flow over eyeballs. The temperature of the fluid needs to be between 60 and 100 degrees for the full 15 minutes of flushing time.



5. The eyewash should be positioned between 33 and 45 inches from the floor, and at least 6 inches out from the wall.

6. Plumbed eyewashes should be flushed out weekly and inspected every year. Portable units should be maintained according to manufacturers' directions.

These basics should help your workers in case of an eye emergency. Remember that flushing is the very first defense, and the very best treatment, for chemical exposure to eyes. Make sure your employees know exactly where the eyewash is, how to use it, and how important it is that they use it immediately in case of an accident. Impress upon your workers that prompt treatment with an eye flush is the only thing that may prevent blindness.

It's also important to remember that chemical exposures can happen when we least expect it, and with substances we take for granted. Cleaning spray, bleach, pesticide, gasoline, printer ink and many other common liquids or sprays can cause serious damage to eyes. Make sure workers know that even if an eyewash station is not available, 15 minutes of flushing with clean, flowing water as soon as possible may prevent permanent damage or blindness. Just as with a fire extinguisher or an emergency exit, employees should always be aware of the nearest source of clean water.

Facebook: Free to create business page

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take action.

5. Boost your posts

Your posts only reach about 16% of your followers, but boosting exposure of these posts for as little as \$5 can increase exposure dramatically, and can be directed not only to your followers, but also to your targeted audience on Facebook.

6. Advertise on Facebook to promote your company website

If you can offer a free eBook, special event or a free

trial of your product or service, try using Facebook ads to drive traffic directly to your website instead of only to your Facebook page.

Your investment to give Facebook a try

Time to create a Facebook business page – 30 minutes (granted this can take longer when you make it fancier and add more functionalities over time)

Cost to create a business page – FREE

Time to post on Facebook – 15 minutes per post

Cost to post on your Facebook page – Free

Min. Cost to boost a post – \$5
Time to set up boosting a post – 5 minutes

Min. Cost to advertise per day – \$5
Time to create an ad – 5 to 30 minutes

Time to monitor your Facebook effectiveness – 15 minutes at the most per day

It's easy to come up with reasons as to WHY a tactic such as Facebook may not work for your business. Believe me, I hear reasons all the time, like:

"I'm not a Facebook user"

"I'm marketing to businesses, not consumers"

My response remains the same. Don't knock it until you give it a decent try. It will cost you little in time and money to do so, and the payoff could be well worth it!

Cidnee Stephen is president of Strategies for Success <http://www.strategiesforsuccess.ca>. Subscribe to Cidnee's free bi-weekly marketing tips at www.strategiesforsuccess.ca/marketing-tips-trends-and-updates/ for small businesses.

SAFETY ... IT PAYS



Understanding traumatic incident stress

Construction workers may be called upon to work in the wake of natural disasters, such as earthquakes or hurricanes, and to man-made disasters, such as technological failures or terrorist attacks. These workers are at risk of experiencing stress from what psychologists refer to as a traumatic incident. A traumatic incident is one that may involve exposure to catastrophic events, severely injured children or adults, dead bodies or body parts, or a loss of colleagues. NIOSH recommends that all workers involved in response activities help themselves and their coworkers and reduce the risk of experiencing stress associated with a traumatic incident by utilizing simple methods to recognize, monitor, and maintain health on-site and following such experiences.

Symptoms of Stress

Workers may experience physical, cognitive, emotional, or behavioral symptoms of stress. Some people experience these reactions immediately at the scene, while for others symptoms may occur weeks or months later.

Physical symptoms

Workers experiencing any of the following symptoms should seek IMMEDIATE medical attention:

- Chest pain
- Difficulty breathing
- Severe pain
- Symptoms of shock (shallow breathing, rapid or weak pulse, nausea, shivering, pale and moist skin, mental confusion, and dilated pupils)

Workers may also experience the following physical symptoms. If these symptoms occur over time or become severe, workers should seek medical attention. Additional physical symptoms include:

- Fatigue
- Nausea/vomiting
- Dizziness
- Profuse sweating
- Thirst
- Headaches
- Visual difficulties
- Clenching of jaw
- Nonspecific aches and pains

Cognitive symptoms

If these symptoms occur on the scene workers may not be able to stay clearly focused to maintain their own safety.

Workers may experience momentary cognitive symptoms; however, if symptoms are chronic or interfere with daily activities, workers should seek medical attention. These symptoms include:

- Confusion
- Disorientation
- Heightened or lowered alertness
- Poor concentration
- Poor problem solving
- Difficulty identifying familiar objects or people
- Memory problems
- Nightmares

Emotional symptoms

Strong emotions are ordinary reactions to a traumatic or extraordinary situation. Workers should seek mental health support from a disaster mental health professional if symptoms or distress continue for several weeks or if they interfere with daily activities.

Emotional symptoms include:

- Anxiety
- Guilt
- Denial
- Grief
- Fear
- Irritability
- Loss of emotional control
- Depression
- Sense of failure

- Feeling overwhelmed
- Blaming others or self
- Severe panic (rare)

Behavioral symptoms

As a result of a traumatic incident, workers may notice the following behavioral changes in themselves or coworkers:

- Intense anger
- Withdrawal
- Emotional outburst
- Temporary loss or increase of appetite
- Excessive alcohol consumption
- Inability to rest, pacing
- Change in sexual functioning

Recommendations to Monitor and Maintain Health On-Site

Responders need to take care of their own health to maintain the constant vigilance they need for their own safety. Responders must be able to stay focused on the job in the dynamic, changing emergency environment. Often responders do not recognize the need to take care of themselves and to monitor their own emotional and physical health. This is especially true if recovery efforts stretch into several weeks. The following guidelines contain simple methods for workers and their team leaders to help themselves and their team members. These guidelines should be read while at the site and again after workers return home.

Control the organization and pace of the rescue and recovery efforts

- Pace yourself.
- Watch out for each other.

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Trauma: Rest and eat as well as possible

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Coworkers may be intently focused on a particular task and may not notice a hazard nearby or behind.

- Be conscious of those around you. Responders who are exhausted, stressed, or even temporarily distracted may place themselves and others at risk.

- Take frequent rest breaks. Rescue and recovery operations take place in extremely dangerous work environments. Mental fatigue, particularly over long shifts, can greatly increase emergency workers' risk of injury.

Maintain adequate nutrition and rest

- Eat and sleep regularly. Maintain as normal a schedule as possible and adhere to the team schedule and rotation.

- Drink plenty of fluids such as water and juices.
- Try to eat a variety of foods and increase your intake of complex carbohydrates (for example, breads and muffins made with whole grains, granola bars).

- Whenever possible, take breaks away from the work area. Eat and drink in the cleanest area available.

Monitor mental/emotional health

- Recognize and accept what you cannot change—the chain of command, organizational structure, waiting, equipment failures, etc.

- Talk to people when YOU feel like it. You decide when you want to discuss your experience. Talking about an event may be reliving it. Choose your own comfort level.

- If your employer provided you with formal mental health support, use it!

- Give yourself permission to feel rotten: You are in a difficult situation.

- Recurring thoughts, dreams, or flashbacks are normal—do not try to fight them. They will decrease over time.

- Communicate with your loved ones at home as frequently as possible.

Recommendations to Maintain Health Following the Incident

Over time, workers' impressions and understanding of their experience will change. This process is different for everyone. No matter what the event or an individual's reaction to it, workers can follow some basic steps to help themselves adjust to the experience:

- Reach out—people really do care.
- Reconnect with family, spiritual, and community supports.
- Consider keeping a journal.
- Do not make any big life decisions.
- Make as many daily decisions as possible to give yourself a feeling of control over your life.

- Spend time with others or alone doing the things you enjoy to refresh and recharge yourself.

- Be aware that you may feel particularly fearful for your family. This is normal and will pass in time.

- Remember that "getting back to normal" takes time. Gradually work back into your routine. Let others carry more weight for a while at home and at work.

- Be aware that recovery is not a

straight path but a matter of two steps forward and one back. You will make progress.

- Appreciate a sense of humor in yourself and others. It is okay to laugh again.

- Your family will experience the disaster along with you. You need to support each other. This is a time for patience, understanding, and communication.

- Avoid overuse of drugs or alcohol. You do not need to complicate your situation with a substance abuse problem.

- Get plenty of rest and normal exercise. Eat well-balanced, regular meals.

OSHA CORNER

Please visit the following address on the web to download helpful safety posters, guides and pamphlets for a safer workplace.

<http://www.dir.ca.gov/dosh/PubOrder.asp>



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