



# *The California* **Contractor**

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## **Three characteristics to make you the hero of your company**

By John White, Jr.

If you want to be a heroic leader, you need to have the right characteristics activated within you in order to impact the lives of others. In this article we will explore three characteristics that you need to be the hero of your company. Before you begin building your enterprise, it is vitally important to know and develop these character traits to be the heroic leader the world is waiting to see.

**The Heroic Leader is Not a Boss!** In the beginning stages of starting your business, panic and frustration can kick-in quickly. Especially when every sale means your survival and every customer is a big deal. Then, out of anger, you start cracking the whip and begin threatening your employees in an attempt to get them to realize that if they slack off, the business would go broke and they could be out of work. In his book "EntreLeadership," Dave Ramsey said that, "leading by fear and anger is not leading—it is bad parenting for two-year-olds. And if you lead like this, your company will perform like scared two-year-olds."

Now, if you want employees, then lead by fear and anger. But if you want team members who can lead, then start explaining why you do what you do.

This is how you teach your team to think like you. You may have to explain several times, but when they get it, they'll begin taking ownership for what they do. If they constantly refuse to listen, then it may be time for them to look for work somewhere else.

**The Heroic Leader is Humble!** Don't be afraid to get your hands dirty. If the truck with your supplies in it needs unloading, help unload. If there's no paper in the copier, put more paper in. If the bathroom needs cleaning, clean it. Your title doesn't make you better than the job that needs to get done. No one will love your business more than you. But when your team sees you getting your hands dirty constantly, they will follow your example and take more pride in their work. When you live by being an example, it validates your team's job and they have more respect for what they're doing.

**The Heroic Leader is Focused!** You need to focus on success instead of results. Money, big houses, fancy cars, etc., are results. But true success is making a difference in another person's life. A heroic leader focuses on improving the lives of their customers, as well as their team. When you invest in training

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Safe welding

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# Compliance dates delayed for some energy-related regulations in building standards code

## Energy provisions effective July 1, 2014, instead of January 1

California contractors whose operations are affected by residential and non-residential energy regulations or CALGreen energy provisions are being alerted to the change in the effective date of the 2013 California Energy Code, 2013 California Administrative Code - Chapter 10, and certain energy provisions in the 2013 California Green Building Code (CALGreen).

The original effective date of January 1, 2014, for specific sections of the 2013 triennial edition of the California Building Standards Code, Title 24, has been changed to July 1, 2014.

The California Energy Commission (CEC) experienced unanticipated delays in developing complete performance compliance software for 2013 Public Domain Residential and Nonresidential California Building Energy Code Compliance guidelines, necessitating the CEC action to change the effective date of energy related provisions. The California Building Standards Commission

(CBSC) approved the CEC action and issued Information Bulletin 13-07 on December 18, 2013, announcing the delayed effective date.

Contractors are encouraged to contact their local building enforcement agencies for assistance and/or clarification concerning the following summary of changes:

### 2013 CALIFORNIA ENERGY CODE, PART 6 – Effective July 1, 2014

- The 2013 California Energy Code, Part 6, Title 24, California Code of Regulations, now goes into effect on July 1, 2014. Until July 1, 2014, the 2010 California Energy Code, Part 6 is the effective code. The 2010 California Energy Code will remain in effect until July 1, 2014.

### 2013 CALIFORNIA ADMINISTRATIVE CODE, CHAPTER 10, Part 1 – Effective July 1, 2014

- The 2013 California Administrative Code, Chapter 10, Part 1, Title 24, California Code of Regulations now goes into effect on July 1, 2014. Until July 1, 2014, the 2010 California Administrative Code, Chapter 10, Part 1, continues to be the effective code. The 2010 California Administrative Code, Chapter 10, Part

1, will remain in effect until July 1, 2014.

- Questions about the change of the effective date of the 2013 energy provisions contained in Part 1, Chapter 10, and Part 6, California Administrative Code and California Energy Code, respectively, should be directed to the Energy Standards Hotline at (800) 772-3300 or via email at [Title24@energy.ca.gov](mailto:Title24@energy.ca.gov).

### 2013 CALGreen, PART 11

- Only affected energy provisions of the 2013 CALGreen, Part 11, Title 24, California Code of Regulations is delayed until July 1, 2014. The specific energy provisions that will not be effective until July 1, 2014 are identified on the CBSC website.

- Questions about CALGreen and the change of the effective date for residential green building standards should be directed to Emily Withers, District Representative, Department of Housing and Community Development at (916) 445-9471 or via e-mail: [ewithers@hcd.ca.gov](mailto:ewithers@hcd.ca.gov).

- Questions regarding non-residential green building standards should be directed to CBSC at (916)

Please see COMPLIANCE, page 4

## Hero: Invest time, ask questions, go into action

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your team, it improves customer relationship and can bring repeat business. If you focus on results, you'll only get results. When you focus on success; improving the lives of others, then the results will come automatically.

If you want to be the hero of your company, invest time into your team. Ask questions to find out from them what could be done better. After sifting through all the suggestions, get the best one and put it into action. Then acknowledge the one who gave the suggestion to the whole team. You may even

want to give them a small gift. When you do this, they will feel appreciated and valued. They will do their best work because they know you care. As a result, when your customers interact with your team, they will have a better experience with your company. At this point, you would have become their heroic leader.

For more inspiration to keep you focused on pursuing your dreams, get John's unique book of poems entitled Seeing In the Unseen. And while you're there, be sure to get your free EBook, "The Ultimate Motivation Handbook," and discover how to get motivated to do anything and reach your goals.



## LAW TALK

By Bruce D. Rudman  
of Abdulaziz, Grossbart & Rudman



# Determining the timing of bond claims on private development can be tricky

A couple of recent cases from the Court of Appeal demonstrate that the timing of filing bond claims for work performed on private developments can depend on technical issues that are out of the control of the contractor. As background, in addition to the mechanic's lien right, which must be perfected within a very short time frame, sometimes there are payment bonds recorded to protect the owner or developer from liens. On private works, these bonds are more common with respect to work performed in the public right of way (i.e., street paving or utility work). Whether the work is a "public work" or a "private work" has a drastic difference in the statute of limitations for bring a bond claim, as the right on a public work is roughly six months after completion as compared to a four year limitations period on a private works bond.

In 2012, the Court of Appeal held in *California Paving & Grading Co. v. Lincoln General Insurance Company*, that work by a paving subcontractor on public streets which was required for a private work of improvement was a "public work." The Court held that because there was a contract between the City and the developer for the work, it constituted a public work.

More recently another division of the same Court of Appeal ruled a different way for a lucky subcontractor in *R&R Pipeline, Inc. v. Bond Safeguard Insurance Company*. R&R Pipeline, Inc. ("R&R") entered into contract in 2008 for the installation of a storm

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drain and related improvements with Los Valles Co. LP ("Los Valles"), the developer of a golf course and residential community on private land,. R&R obtained labor and material bonds from Bond Safeguard Insurance Co. ("Surety") for the project. The land was privately owned but upon completion, the streets in the subdivision would be turned over (dedicated) to the County.

R&R alleged that there was a breach of contract and that Los Valles failed to pay R&R over \$1 million for the improvements upon the land. In 2011, R&R filed suit and also sued Surety on the labor and material bonds

which R&R asserted were obligated to pay for any work or labor performed by R&R under the contract with Los Valles. The Surety moved for a summary judgment, claiming that the bond was issued for a public work of improvement and R&R's claim was filed too late. R&R argued that its contract with Los Valles was a private work and thereby subject to a four-year statute of limitations and not subject to the shorter statute of limitations on a public work project.

The trial court found in favor of the Surety, holding that R&R "engaged in a public work" according to prior Civil Code section 3100 since Los Valles was the developer who entered into a Public Works Multiple Agreement with the County of Los Angeles. R&R appealed the decision to the Court of Appeal, who disagreed and reversed the decision of the trial court.

The Appellate Court did not agree that the specific Agreement was a contract between a public entity and a contractor for a public work of improvement. The Court looked at the R&R contract rather than the Multiple Agreement, which is contrary to the analysis by the Court in *California Paving*. But, despite making that determination, the Court of Appeal distinguished its facts from the *California Paving* case as the work of R&R was on private land which had not yet been dedicated to the County, rather than existing public streets.

Please see **LAW TALK**, page 7

# Don't let the dogs bite

May 18-24, 2014, is National Dog Bite Prevention Week.

Construction work -- particularly that done by plumbers and electricians -- often requires entering the homes and yards of clients. Nearly 40 percent of California homes include at least one dog, so chances of running into one on a service call or while completing a construction job are high. While many people love dogs and are very comfortable around them, it's important to remember that as a worker in a home, you are a stranger in their territory. Here are some tips to maintain safety while working in a home with a dog.

When entering a customer's home, or when making the appointment, don't be afraid to ask if there are dogs in the home. If the answer is yes, remind the owners to keep their dogs behind a closed door, in a crate or other secure location. Dogs



that are only chained, leashed or behind a gate may feel nervous and are more likely to aggress.

Other tips that may prevent or stop a dog attack:

- Don't run past a dog.
- Dogs naturally love to chase and catch things. Don't give them a reason to be come excited or aggressive.
- Never disturb a dog that's caring for puppies, sleeping or eating.
- Never reach through or over a fence to pet a dog.
- Dogs can be protective of their territory, and may interpret your action as a threat.
- If a dog approaches to sniff you, stay still.

In most cases, the dog will go away when it determines you are not a threat.

If you are threatened by a dog, remain calm.

Don't scream or yell.

If you say anything, speak calmly and firmly. Avoid eye contact. Try to stay still until the dog leaves, or back away slowly until the dog is out of sight. Don't turn and run.

If you fall or are knocked to the ground, curl into a ball with your hands over your head and neck. Protect your face.

If you are onsite when one of your workers is bitten, make sure the dog's owners follow these steps.

Restrain the dog immediately. Separate it from the scene of the attack. Confine it. Call Animal Services to report a bit at (727) 582-2600.

Check on the victim's condition. Wash wounds with soap and water. Unseen damage can occur with bites, and can lead to complications. Professional medical advice should be sought to evaluate bite wounds and the risk of

rabies or other infections. Call 9-1-1 if a response by paramedics is required.

Record important information including the owner's name, address and information about the dog's most recent rabies vaccination. If the dog does not have a current rabies vaccination, it may be necessary to quarantine it or even euthanize it for rabies testing. The person bitten may need to undergo post-exposure prophylaxis—a series of shots.

Comply with local ordinances regarding reporting of dog bites.

IF YOU are bitten:

First seek medical treatment for your wound. Next, contact authorities and tell them everything you can about the dog: the owner's name, if you know it; the color and size of the dog; where you encountered the dog; and if, where, and when you've seen it before. These details may help animal-control officers locate the dog. In addition, consider asking your physician if post-exposure rabies prophylaxis may be necessary.

## Compliance: Will apply to permits on July 1

Continued from page 2

263-0916 or via e-mail: [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov).

Please note that all other parts and provisions of the 2013 California Building Standards Code became effective on January 1, 2014.

### APPLICATION OF BUILDING STANDARDS

California Health and Safety Code (HSC), Division 13, Part 2.5, Section 18938.5 states that only building standards approved by the CBSC, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans, specifications, and construction performed under that building permit. This section of law also provides for exceptions and should be carefully reviewed.

The 2013 California Energy Code, Part 6, the 2013 California Administrative Code, Part 1, Chapter 10, and the affected energy provisions of the 2013 CALGreen, Part 11 (as identified in Building Standards Information Bulletin 13-07, will apply to submitted permit applications on and after July 1, 2014.

# Healthy air, inside and out

**C**lean air is an important part of a healthy workplace. The American Lung Association offers information on maintaining good workplace air quality.

## Signs of Potential Problems

Depending on the industry, workers may be at risk from exposure to tobacco smoke, carbon monoxide, allergens, bacteria, viruses, and chemicals that build up indoors. Workers may also be exposed to airborne contaminants on the job such as dusts, welding fumes, gases, solvent vapors and mists.

Some situations are emergencies. They include:

- Spills or releases of hazardous materials or flooding onto porous materials

- Sewage spills
- Gas leak
- Sudden onset of headaches, nausea, dizziness, drowsiness, which may signal carbon monoxide poisoning
- Widespread breathing difficulties
- Diagnosed tuberculosis or legionella

In those situations, take immediate steps to get people out of danger and limit harm:

- Notify and seek help from the appropriate emergency agency, such as the fire department, gas supplier, health department, or hazardous waste authority

- Evacuate the area if necessary
- Get medical help for people with symptoms
- Ventilate the area. Use temporary fans to help exhaust the air
- Tell other building occupants about the problem
- Fix the source of the problem

If you suspect your workplace has unhealthy air, take these three steps:

1. Let your supervisor and building management know there may be a problem. Follow the usual and proper

**Please see AIR, page 6**

## 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](mailto: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.

# How to avoid being ‘safety lazy’

**A**pollo 11 commander Neil Armstrong managed to make a valuable point about safety in piloting Eagle to its epochal landing on the moon. A remarkable safety system was built into all Apollo hardware, flight plans, and pilot procedures. But even then, it required the expert pilot’s confidence and his own knowledge and ability to make the system successful.

All workers may not have that kind of self-assurance, for it comes only from being master of the task. But every worker owes it to himself to strive for a similar mastery in his own line so that he can meet emergencies and handle them safely. Otherwise, without the appropriate skill, he may need to fall

back on the lazy way. And that’s when he also becomes “safety lax and safety lazy.”



the job requires them.

-- The shortcutter who bypasses safety procedures because he really is too lazy to take the safe way.

-- The shortsighted, too intent on the routines of a job to consider what else and who else might be affected by what he is doing.

The attitudes of the “safety lazy” worker are fairly common:

-- The type who is always too anxious to get a job over with.

-- The one who won’t use safety equipment or forgets to wear protective clothing and safety devices even when

Neil Armstrong strode onto the moon and into history because he was trained for each step of his task and expertly performed its every detail. Others can imitate Armstrong’s self-assurance through training and attention to the essential details of their work. That is how to survive the hazards of a flight to the moon -- or any other job!

## Air: Toxic air conditions are a hazard

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steps to alert them, as you may need to document the steps you took later.

2. Tell your health care provider about your symptoms. Report the symptoms to your company’s health or safety officer. The state or local health department may also need to be informed. Ask the health or safety officer if you should do that yourself.

3. Work with management as they investigate the problem. The process may take longer than anyone wants because the underlying problems may be difficult to identify.

Your employer is legally responsible for informing you of general and specific hazards connected with your job. Your employer is also responsible for providing you with a safe and healthful workplace. You can help by being alert for unsafe and unhealthy working conditions and reporting any problems.

### Investigating the Problem

The Occupational Safety and Health Administration has guidelines for investigating workplace indoor air complaints. The guidelines include the following steps:

1. Employer and employee interviews. Questions are asked about health complaints and potential sources (such as heating, ventilation and air conditioning systems). Other questions explore recent changes (such as remodeling or operations changes) that may have caused problems. For employees, questions are asked about their health complaints and symptoms, as well as their medical and work histories.

2. Walk-around inspection. Inspecting the heating, air conditioning and ventilation systems is an important step, as many of indoor air problems involve those systems. The inspection looks for potential indoor problem sources, as well as outdoor sources that may be brought indoors via the ventilation system.

3. Collection of air samples. Sometimes—though not always—samples of the air in the workplace can

help identify the problem. Sampling the air should not be the first or only step taken, however.

The U.S. Environmental Protection Agency has developed free software to help building professionals identify, solve and prevent indoor air quality (IAQ) problems. This IAQ Building Education and Assessment Model, or I-BEAM, is available online. For the section on diagnosing problems, click [here](#).

### Cleaning Up Indoor Air Pollution

Key to fixing problems in the indoor air at work are these steps:

1. Identify the source(s) of the problem. Many sources can be removed or kept out of the workspace once identified. However, several sources may combine to become a more serious problem together than they are separately.

2. Remove the source of the prob-

Please see LUNGS, page 8

# SAFETY ... IT PAYS



## The three 'Fs' of welding

**A**lways check carefully for FIRE hazards before you start welding. Remove all wood, paper and other flammable materials. Don't start welding in an area where there are flammable liquids unless you first check with the supervisor.

Sweep combustible floors clean before you weld over them. They should be covered with metal or some other material that won't burn. In some cases it may be advisable to wet the floor down -- but remember this adds the hazard of electrical shock if you're using electric welding apparatus. Be sure there's no cracks for sparks or slag for fall into. And never let this hot stuff fall into machine tool pits.

Open doorways, broken windows and other such openings may have to be protected with an asbestos curtain. Hot slag can roll along a floor, so be sure the curtain is touching the floor.

If you have to weld near combustible materials, make sure you have a fire extinguisher, bucket of water, fire hose or a pail of sand handy. If necessary, have someone else stand by with a fire extinguisher to put out sparks.

If you have to weld or cut any tank or drum that's held flammable liquids or gas, don't start your operation until an approved test shows there's no dangerous FUMES. Don't take somebody's say-so that the tank or drum was already tested. Insist on a test just before you start welding.

Good ventilation is a must for all welding operations. Many of these operations produce fumes that are harmful in heavy concentrations, and good ventilation is the only way of protecting yourself against them. Screens around your work must never be placed so they interfere with good air circulation. Sometimes special ventilating equipment is needed. If you've got any doubt about enough ventilation on a job, ask the supervisor what he thinks. Never weld in a small room or tank or other enclosed spaces without first making sure you've got enough ventilation.



Eye protection is essential on all welding jobs, and full-face protection is needed on many of them. You've been told the type of protection to wear on your operations, and what we've told you is the kind of protection that experience shows is necessary.

FACE and eye protection is needed in many operations performed by welders besides the actual cutting and welding. There's why, for instance, electric welders need goggles as well as the regular helmet. Any welder may have to chip and clean a good deal of metal, and even though this work can be done with the helmet raised, he can still throw particles of metal at his eyes. Basically, of course, eye protection is designed to protect you against sparks, slag, and molten metal, and against the flash burns caused by radiation from the welding equipment. If you follow the rules for protective face and eye covering, you won't have any face or eye injuries from your welding and burning work.

Remember the three Fs of welding: FIRE, FUMES and FACE (including eyes). Look out for these three, and you'll be able to weld safely.

## Law Talk: Do not delay in filing bond claims

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Because it was not a public work, the timing and rules related to claims on private works payment bonds applied and therefore the Court held R&R could prosecute its bond claim against the Surety.

It is very important that

when entering into any contract to make sure what you are getting into; more importantly, do not delay in recording lien or filing bond claims and then perfecting those claims when you are unpaid on works of improvement. This matter worked out for R&R but many contractors will not be so lucky.

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# Lungs: Be alert for any unhealthful conditions

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lem. Depending on the source, this can be easy (for example, remove the garbage) or may take more work (for example, switch chemicals). Clean damaged or dirty materials. Remove and replace materials too saturated or damaged to be adequately cleaned. For example, drywall or carpeting that has been flooded will likely need replacing rather than just cleaning.

3. Make sure the ventilation system is working correctly and that air flow is not blocked. Inadequate ventilation is one of the most common causes of problems with indoor air in a workplace.

## 10 Tips to Protect Yourself from Unhealthy Air

The American Lung Association encourages everyone to get involved in the fight for cleaner, healthier air. Here are some simple, effective tips for protecting you and your family from the dangers of air pollution:

1. Check daily air quality levels and air pollution forecasts in your area. Sources include local radio and TV weather reports, newspapers and online at [www.epa.gov/airnow/](http://www.epa.gov/airnow/).

2. Use less energy in your home. Generating electricity and other sources of energy creates air pollution. By reducing energy use, you can help improve air quality, curb greenhouse gas emissions, encourage energy independence and save money! Check out the Environmental Protection Agency's easy tips for conserving energy at

home.

3. Avoid exercising outdoors when pollution levels are high. When the air is bad, walk indoors in a shopping mall or gym or use an exercise machine. Always avoid exercising near high-traffic areas. Limit the amount of time your child spends playing outdoors if the air quality is unhealthy.

4. Encourage your child's school to reduce school bus emissions. Most buses use heavily polluting diesel engines. Newer fuels and engines are cleaner. To keep exhaust levels down, schools should not allow school buses to idle outside of their buildings. Many school systems are using the Environmental Protection Agency's Clean School Bus Campaign to clean up these dirty emissions.

5. Walk, bike or carpool. Combine trips. Use buses, subways, light rail systems, commuter trains or other alternatives to driving your car.

6. Fill up your gas tank after dark. Gasoline emissions evaporate as you fill up your gas tank. These emissions contribute to the formation of ozone, a component of smog. Fill up after dark to keep the sun from turning those gases into air pollution.

7. Don't burn wood or trash. Burning firewood and trash are among the major sources of particle pollution (soot) in many parts of the country. If you must use a fireplace or stove for heat, convert woodstoves to natural gas, which produces far fewer emissions.

8. Use hand-powered or electric lawn care equipment rather than gasoline-powered. Two-stroke engines like

lawnmowers and leaf or snow blowers often have no pollution control devices. They can pollute the air even more than cars.

9. Don't allow anyone to smoke indoors and support measures to make all public places smokefree. Dangerous particles from cigarette smoke can remain in the air long after a cigarette has been extinguished.

10. Get involved. Review your community's air pollution plans and support state and local efforts to clean up the air. Contact your local American Lung Association at [www.lung.org](http://www.lung.org) or 1-800-LUNG-USA (1-800-586-4872). Find out what is happening in your area and how to get involved.

## 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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