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# Contractor

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## Smackdown! How to get back on your feet after a failure

By Bob Selden

**W**e all have those moments or occasions when we feel down. How do we get out of these troughs and get back on track again? Here's some quick advice on how to work in the three key areas—mind, body and emotion.

So, you've just been told that you've missed out on leading that new, exciting project. Or you find that two of your colleagues are getting a promotion over you. Or the presentation you made to the board last week didn't seem to go over as well as you had hoped. All of these events (and probably one or two you are thinking about as you read this) can lead us to feel demoralized. The problem then escalates. The disappointment we feel from this one event spills over into everything else we do. Not only do we feel bad, but others around us start to notice our lethargy and things like our negative talk too. How can we get ourselves out of the despondent feelings and negative behavior brought about by disappointments such as these?

There are two things that will help. Firstly, we need to understand the three factors that are working when we are highly motivated. This is important so that we can aim to get them back into our life when things aren't going so well. Secondly, a list of helpful tips to get us started back toward normality.



All the work done by the sports psychs over the last 20 years to help athletes perform at their best, has been really helpful for us mere mortals as well. For instance through their research, we now know that when we are performing well (and highly motivated):

- We are being mentally stimulated, i.e. our mind is being used in a way that challenges and stimulates us (e.g. business, pleasure, creative)

- We are emotionally well balanced, i.e. we feel happy within ourselves and we have satisfying personal relationships with friends and loved ones

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### *At A Glance*

It's a great time to deep clean your office

Law Talk: What if the owner hires a construction manager?

Start healing COVID trauma

Panic attack or heart attack?

Protect yourself from wildfire smoke

**... and more**

# Knockdown: How to get your mind and body fit again

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- We are physically fit - eating, sleeping and exercising well.

So, the tips to get motivated should apply to getting our mind, emotions and body quickly back into shape. Here they are...

## 1. How to get your mind fit again:

- List on a sheet of paper the three or four things you do really well.

- Then, jot down some answers to these questions: "If things were going well for me now, what would I be doing?" "Which of my strengths would I be using?"

- Take each one of your answers and write out an action plan. Write it as "My goal is to ... The next steps I will take immediately to move toward my goal are ..."

- Next, some mental practice. Make yourself comfortable, either sit or lie down. Close your eyes, take a few deep breaths. Allow your imagination to flow

freely. Picture yourself as you take action to achieve your goals. Visualize them coming true in every detail. How do you feel? When you open your eyes write down any thoughts that come into your head.

- Do the first thing on your list now! Over the longer term, you might consider having a chat with a supportive friend, or reading a stimulating book, or even perhaps taking up a new and creative hobby.

## 2. How to get your emotions into balance:

- Immediately look for someone else who is doing something well (business, sport, study etc). Tell them in detail what a great job they are doing. Praising what others are doing, not only makes them feel good, it has a reciprocal effect. You will feel better as well.

- Tell your loved ones that you love them. Build the bridges, now!

- Share a laugh with someone you know. For example, watch a favorite comedy movie or video with someone. Laughter is a fantastic medicine. Recent

studies in Japan have shown that patients who laugh more get better more quickly than those who don't.

## 3. How to get physically fit:

- Start some exercise straight away. If you are not into a lot of exercise, start with a short walk. Remember the old Chinese saying "A journey of 1,000 miles starts with the first step."

- Be regular with your chosen exercise. Physical exercise is not only good for your body, it stimulates the brain. In fact, it's been shown that we can get the same stimulus from physical exercise that can be achieved with drugs. Besides, it's cheaper and better for you.

Getting one's motivation back again is all about building energy. Next time you find yourself a little demotivated, keep in mind that you need to re-energize your mind, emotions and body.

*Bob Selden is the author of "What To Do When You Become The Boss," a self help book for new managers.*

# Fall-clean your office for a safer, more effective workplace

**B**usy workdays often mean office organization gets short shrift. Your cleaning staff may handle the day-to-day vacuuming and wipe-downs, but there are plenty of other areas to keep neat and tidy. 1. Schedule a clean-up day for your whole office in advance. Make sure you have adequate waste receptacles and recycling bins for going through old files, magazines and desk junk. Order lunch in, and encourage everyone to work together to tidy their areas.

2. Cleaning will be much easier if you have everything you need. Make sure you have enough supplies for

everyone: bags, cleaning cloths, glass sprays, wipes, and compressed air for keyboards and computers. Have a shredder available for confidential documents—make sure it's heavy-duty enough to be used all day.

3. Donate old (working) electronics and usable office supplies to a nonprofit organization. Schools and daycares often greatly appreciate paper, even if it has a logo or letterhead on it. Electronics that no longer work or are sadly outdated can be recycled through an e-waste program—search online to find one in your

neighborhood. And don't forget to recycle those old paper products!

4. Clean the electronics you're keeping. Wipe down your computer with a soft cloth, and use cotton swabs and compressed air to get crumbs, drips and fingerprints off your keyboard. Use compressed air to get the dust out of your connectors and ports, and then clean and check the lengths of all cables and power cords for frays, nicks, hot spots and other areas that could be a danger.

5. After the cords, check other items that could be a safety issue. Test your office

chairs and tables for wobbly legs, loose screws or nuts. Inspect ladders and stepstools. View your supply room and kitchen with a critical eye: Are there heavy things stored where they could pose a lifting or falling risk? How about slippery steps, loose floor tiles, ripped or frayed carpets that could pose a tripping hazard? Cords that aren't neatly tucked away?

Streamlining your office is a good way to improve efficiency—and make your workplace safer in the process.



# LAW TALK

By Milene Apanian  
of Abdulaziz, Grossbart & Rudman



## What to do when the owner hires a construction manager

The following checklist is designed to be used by contractors/subcontractors. The goal is to foster open communication between the contractors, owner and construction manager, early on in the construction process, and before disputes arise. The issues identified below should promote dialogue between the members of the construction team.

### GENERAL ISSUES

- 1) Ask to see the owner/construction manager (CM) contract. Ask early!
- 2) Determine whether the CM will be the owner's advisor during the construction phase (agency CM), or the builder/contractor (CM at risk)
- 3) If CM is the builder/contractor, has the CM agreed to a guaranteed maximum price for the project, or will the CM be paid on a "cost + fee" basis.
- 4) Understand the CM's involvement during the design phase. Did the CM:
  - Review/evaluate the project program/schedule/budget
  - Prepare preliminary cost estimates
  - Consult on site use and improvements, materials, building systems, equipment and methods of delivery
  - Provide recommendations regarding the feasibility of the construction methods, availability of materials/labor/time, and the cost of alternative design & materials
  - Prepare project schedule

When a contract specifically states that it waives this language, then the person is waiving every claim, known or unknown, related to their dispute.

- 
- Review plans for constructability, cost & schedule
  - Advise owner on safety issues
  - Review construction contracts
  - Expedite/coordinate the order/delivery of materials with long lead time
  - Assist owner in retaining/coordinating professional services, surveyors/consultants/test labs
  - Review project labor needs & market availability
  - Develop bidders' interest in project, solicit/review/recommend bids
  - Assist in obtaining construction permits

### CONSTRUCTION PHASE

(CM as owner's advisor, NOT contractor)

- 5) Identify and understand the CM's responsibilities during the construction phase. Will the CM:
  - Review/recommend/award the

construction contract

- Administer/manage/coordinate the construction
  - Schedule & conduct meetings, prepare & distribute meeting minutes
  - Update construction schedule
  - Monitor costs
  - Prepare & update case flow reports & forecasts
  - Prepare progress & final payments
  - Review contractor's safety programs
  - Schedule & coordinate the sequence of construction
  - Process request for information
  - Process change orders
  - Review/document claims
  - Process shop drawings
  - Prepare progress reports & daily reports
  - Coordinate the delivery/storage/protection/security of owner bought materials & equipment
  - Assist architect in final testing & start up
  - Prepare punchlist for architect's/owner's review
  - Coordinate corrections & completion of project
  - Handle closeout, warranties & turn over keys
- 6) Identify/understand the CM's authority for the construction phase.

Can the CM without the owner's written approval:

- Enter into or modify contracts on behalf of the owner?
- Change the scope/design/materials/cost?

Please see LAW TALK, page 8

# Post-COVID anxiety? Five ways to heal

By Sakshi Shah

Everything seems to be normal on the surface. People are managing their businesses, employees are working, students are attending classes. But the rollercoaster has been going far too long for comfort, and things are changing rapidly. Businesses and schools open, then close again; cases go down, then go up.

Everyone is feeling anxious and stuck because of not being able to meet their friends, excessive workloads, or uncertain careers. People are also finding it difficult to practice mindfulness or pursue their hobbies in their free time. Financial and economic instability and widespread consumption of negative news are prominent factors adding to anxiety.

The uncertainty is causing various fears and it is completely okay if they are unable to handle it. Everyone is worried about what is going to happen in the next hour, day, month, year.

## Is feeling anxious okay?

Considering that we are in the middle of a worldwide pandemic, it's okay to not feel great every morning. Feeling anxious is an expected reaction to the pandemic. But feeling anxious and stressed daily can take a harmful toll on one's mental well-being. The first step is to acknowledge that you are feeling stressed and fearful. This is something that helps a great deal. Even during these tough times, we have to be true to ourselves.

## How to deal with COVID anxiety?

We can practice a few healthy ways to cope with all the panic and stress due to the uncertainty. Here's a list of five effective ways to cope up with COVID anxiety.

### 1. De-Clutter

Our minds can feel full and messed at times. Decluttering our surroundings can help one to feel fresh and new. This may sometimes help to think positively about situations.



Over the past year and a half, it's sometimes been difficult to find a place to donate or recycle items from our decluttering and downsizing tasks. But many donation centers have reopened, making the job a little easier.

For an even better way to donate and recycle—one that also strengthens community and social bonds, giving us an extra boost—consider joining your neighborhood swap, freecycle, or Buy Nothing groups. Fulfill needs of your neighbors while getting rid of stuff you don't need, and make new friends doing it. Visit [freecycle.org](http://freecycle.org) or [buynothingproject.org](http://buynothingproject.org) to get connected with a hyperlocal group in your area.

### 2. Social Media Breaks

News and other information is the only way to keep ourselves informed of the situation going on but it is okay to take periodic breaks. Social media detox is very important. Our mind needs a break from processing the bulk of information. When you're tempted to hit Facebook, Twitter, or your news feed, walk around the block instead. Can't leave your desk/just need to fiddle? Try a crossword or logic puzzle to relax and sharpen your brain.

### 3. Self Management

This can be done in numerous ways such as meditating, exercising, taking

deep breaths, eating healthy food, avoiding alcohol, and adequate amounts of sleep.

### 4. Unwind

Invest your time listening to your favorite playlists, making your favorite dish, practicing your old hobbies. Give yourself a break from your daily schedule. Many people have been finding it fulfilling to spend time outside walking, hiking, biking, or camping. It's a wonderful thing, but can cause added stress on the environment and county, state, and national parks and hiking trails. Be mindful and pick up your trash. To learn more about how to Leave No Trace, visit [Int.org](http://Int.org).

### 5. Connect with Friends

Some people find it easier not to vent to loved ones in these anxiety-provoking times. Don't bottle up your emotions and worries. But before talking to a friend or close one, asking about their situation is also very important.

Due to increasing awareness about COVID anxiety since this pandemic, people have started recognizing organizations and reaching out to them for help. Asking for help when you are not able to figure out emotions is completely okay. Acknowledge and reach out.

# Is it a panic attack or a medical emergency?

By Bertil Hjert

A panic anxiety attack can be horrible. The experience cannot be felt by someone who does not suffer from the condition as only the sufferer can tell how awful it gets. The attack is so uncomfortable and upsetting that the sufferer gets ready to do anything to get over it. Studies have proved that people can go to any lengths to get rid of future attacks.

However, the good news is that people have a lot of options today to overcome the problem. Most of these treatment options allow panic sufferers to resume a normal life again. But panic attacks can mimic other, more serious medical issues, such as cardiac events, so it's important to know the symptoms and be sure to call a doctor to be certain it's not a more serious health condition.

If an employee seems to be suffering a panic attack, here are the symptoms to look for.

## a) Skin losing color or blanching

A person with panic anxiety disorder can feel the 'fight or flight' response. When blood is diverted to the muscles during such a response, the fine blood vessels of the skin receive reduced blood flow, and becomes pale or blanched. The symptom is not dangerous and may return back to normal once the body comes out of the attack. Persons of color may experience this symptom differently, or it may be less noticeable.

## b) Shaking or shivering

This is a normal symptom when a person is nervous. One may also experience a drop in body temperature.

## c) Sweating

This results from the heated up body during an attack.

## e) Loss of appetite and rapid gastric emptying

This is quite an unpleasant side effect of panic anxiety attack. One tends



to feel full early while having a meal. Many body systems speed up during acute anxiety attacks. This may result in diarrhea and quick emptying of the digestive system, as well as a sudden or increased need to urinate.

## f) Shortness of breath

One of the most common and distressing symptoms is a smothering sensation and shortness of breath. One may feel that the chest is unable to expand enough to take air or as if someone is pushing a pillow against their face.

## g) Chest pain

This is quite scary and often caused by muscle tension during an attack.

## h) Racing heart or slow heart beat:

Anxiety tends to release adrenaline into the bloodstream. This causes the heart to race and one may feel missing beats.

## i) Lump in throat and difficulty swallowing

During an attack, throat muscles contract and result in a lump in throat and difficulty swallowing.

## Other symptoms to watch out for:

- Sweating

- Neck and shoulder pain and numbness in face or head
- Indigestion
- Dry mouth
- Skin rashes
- Insomnia
- Electric shock feeling all over the body
- Nightmares
- Tingling in hands or feet
- Weakness in arms
- Nightmares
- Aggression
- Losing control
- Symptoms of flu
- Sore eyes
- Distorted vision
- Disturbed hearing
- Hallucinations
- Headaches
- Hyperactivity
- Depersonalization

Panic can feel like a medical emergency. Don't be afraid to call for medical help if you, or one of your employees, is feeling unwell. For more tips on how to tell a panic attack from a cardiac event, visit [health.clevelandclinic.org/the-difference-between-panic-attacks-and-heart-attacks/](https://health.clevelandclinic.org/the-difference-between-panic-attacks-and-heart-attacks/).

# It's fire season! Protect yourself from smoke

Smoke is made up of a complex mixture of gases and fine particles produced when wood and other organic materials burn. This hot, dry summer, California's fire season is forecast to be one of the most dangerous on record. Know how to mitigate the effects of wildfire smoke on yourself and your employees.

## Smoke may smell good, but it's not good for you

While not everyone has the same sensitivity to wildfire smoke, it's still a good idea to avoid breathing smoke if you can help it. And when smoke is heavy, such as can occur in close proximity to a wildfire, it's bad for everyone.

Smoke is made up of a complex mixture of gases and fine particles produced when wood and other organic materials burn. The biggest health threat from smoke is from fine particles. These microscopic particles can penetrate deep into your lungs. They can cause a range of health problems, from burning eyes and a runny nose to aggravated chronic heart and lung diseases. Exposure to particle pollution is even linked to premature death.

## Some people are more at risk

It's especially important for you to pay attention to local air quality reports during a fire if you are

- a person with heart or lung disease, such as heart failure, angina, ischemic heart disease, chronic obstructive pulmonary disease, emphysema or asthma.
- an older adult, which makes you more likely to have heart or lung disease than younger people.
- caring for children, including teenagers, because their respiratory systems are still developing, they breathe more air (and air pollution) per pound of body weight than adults, they're more likely to be active outdoors, and they're more likely to have asthma.

- a person with diabetes, because you are more likely to have underlying cardiovascular disease.
- a pregnant woman, because there could be potential health effects for both you and the developing fetus.

## How to tell if smoke is affecting you

High concentrations of smoke can trigger a range of symptoms.

- Anyone may experience burning eyes, a runny nose, cough, phlegm, wheezing and difficulty breathing.
- If you have heart or lung disease, smoke may make your symptoms worse
- People with heart disease might experience chest pain, palpitations, shortness of breath, or fatigue.
- People with lung disease may not be able to breathe as deeply or as vigorously as usual, and may experience symptoms such as coughing, phlegm, chest discomfort, wheezing and shortness of breath.

## Protect yourself!

It's important to limit your exposure to smoke - especially if you are at increased risk for particle-related effects. Here are some steps you can take to protect your health:

If you have heart, vascular or lung disease, including asthma, talk with your health care provider.

Prepare for fire season if you live in a fire-prone area

If you have heart, vascular or lung disease, including asthma, talk with your health care provider before fire season to make plans. Discuss when to leave the area, how much medicine to have on hand, and your asthma action plan if you have asthma.

Have a several-day supply of nonperishable foods that do not require cooking. Cooking - especially frying

and broiling - can add to indoor pollution levels.

Consider buying an air cleaner. Some room air cleaners can help reduce particle levels indoors, as long as they are the right type and size for your rooms as specified by the manufacturer. If you choose to buy an air cleaner, don't wait until there's a fire - make that decision beforehand. Note: Don't use an air cleaner that generates ozone. That just puts more pollution in your home.

Have a supply of N-95 or P-100 masks on hand, and learn how to use them correctly. (1 pg., 650KB, about PDF) They are sold at many hardware and home repair stores and online.

If you have heart, vascular or lung disease, including asthma, talk with your health care provider.

## During a fire

Pay attention to local air quality reports. As smoke gets worse, the concentration of particles in the air increases - and so should the steps you take to protect yourself. Air quality reports are available through local news media, your local air agency or on [airnow.gov](http://airnow.gov).

Use common sense to guide your activities. Even if you don't have a monitor in your area, if it looks or smells smoky outside, it's probably not a good time to mow the lawn or go for a run. And it's probably not a good time for children - especially children with asthma - to be vigorously active outdoors, or active outdoors for prolonged periods of time. If you are active outdoors, pay attention to symptoms. Symptoms are an indication that you need to reduce exposure.

**Dust masks aren't enough!** Paper "dust" masks or surgical masks will not protect your lungs from the fine particles in wildfire smoke. Scarves or bandanas (wet or dry) won't help, either. Particulate masks known as N-95 or P-100 respirators will help, but they must fit well and be used correctly. They

**Please see SMOKE, page 8**

# SAFETY ... IT PAYS



## The three Fs of welding safety

**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 sledding 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.

## OSHA CORNER

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

<https://www.osha.gov/publications>



# Law Talk: What will the construction manager do?

Continued from page 3

## OTHER ISSUES

- Accept work that devastates the contract documents (plans/specification)?

- Change the schedule?
- Waive contractual requirements?

7) Identify who the ultimate decision maker is on the project.

Has the owner maintained exclusive authority over the project? Who will make the calls on aesthetic issues? What scope/design changes can the CM authorize without the owner's approval?

8) If you are still not clear on the CM's authority, ask the owner to clarify in writing!

9) Realize that the CM has no legal duty of care to manage the project so as to protect the contractor/subcontractors from financial loss!!!! In fact, there will be a conflict of interest if the CM looks out for your financial interest, instead of the owner's interest.

10) Is the CM a licensed contractor, architect or a registered engineer?

11) Does the owner/CM contract include an arbitration clause? If so, is it consistent with the owner/architect or owner/contractor contract?

12) Identify and use CM's knowledge and expertise.

13) Maintain a good working relationship with the CM.

*Milene Apanian assists contractors, subcontractors, material suppliers, and owners prevent and resolve disputes on public and private projects. Prior to practicing law, she worked for architects and contractors, gaining valuable knowledge and experience in construction. 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. Milene Apanian can be reached at Abdulaziz, Grossbart & Rudman, (818) 760-2000 or by E-Mail at [mca@agrlaw.com](mailto:mca@agrlaw.com) or at [www.agrlaw.com](http://www.agrlaw.com)*

## Smoke: Close windows and run your A/C or air purifier

Continued from page 6

are sold at many hardware and home repair stores and online.

If you are advised to stay indoors, take steps to keep indoor air as clean as possible. Keep your windows and doors closed, unless it's extremely hot outside. Run your air conditioner, if you have one. Keep the filter clean to prevent bringing additional smoke inside. Open windows to air out the house when air quality improves. Note: If you don't have an air conditioner, staying inside with the windows closed may be dangerous in extremely hot weather. In these cases, seek alternative shelter, such as with relatives or a cleaner air

shelter.

Help keep particle levels inside lower. When smoke is heavy for a prolonged period of time, fine particles can build up indoors even though you may not be able to see them. Try to avoid using anything that burns, such as wood fireplaces, gas logs, gas stoves - and even candles. Don't vacuum. That stirs up particles already inside your home. And don't smoke. That puts even more pollution in your lungs, and in the lungs of people around you. If you have asthma or another lung disease, make sure you follow your healthcare provider's directions about taking your medicines and following your asthma action plan.

Have at least a five-day supply of medication on hand. Call your healthcare provider if your symptoms worsen.

If you have cardiovascular disease, follow your healthcare provider's directions and call if your symptoms worsen. If you think you are having a heart attack or stroke, dial 9-1-1.

### Resources

Get air quality information: If there is an active fire in your area, follow your local news, the [airnow.gov](http://www.airnow.gov) website or your state air quality website for up-to-date information.

Only your doctor can advise you about your specific health situation. But EPA's color-coded Air Quality Index can help you protect yourself when particle levels are high. See the Air Quality Guide for Particle Pollution (<https://www.airnow.gov/publications/air-quality-index/air-quality-guide-for-particle-pollution/>) for specific steps you can take.

*Employers can learn more about their responsibilities to their employees in regards to clean air and wildfire smoke at <https://www.dir.ca.gov/dosh/wildfire/Protecting-workers-from-Wildfire-Smoke-fs.pdf>*

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