

**Hot off the press:** The legalization of medical marijuana creates an uncertain situation for employers. You must tread carefully to balance your employees' rights -- including respecting disability and privacy laws -- against the safety of the workplace. CMR Risk & Insurance Services provides useful insight to your obligations and liabilities; you can read the full article [here](#).

# just Briefly

## ▶ Smart subs never miss this event

Are you up to speed on new and noteworthy employment and labor laws and regulations that will affect you and your workforce in the coming year?

Attend the **2017 Construction Law Update** on Jan. 11, and you'll be able to answer, "Yes!"

Kevin Cauley and Sierra Spitzer, of **Schwartz Semerdjian Cauley & Moot**, will discuss such matters as the validity of a general contractor relying on a sub's bid number while ignoring other material terms and conditions; interpretation of written indemnification provisions with respect to employee injuries on construction sites; and subcontractor entitlement to late payment penalties under the prompt payment statutes for past retention payments withheld by the project owner.

The status of the injunction blocking labor commissioner enforcement of prevailing-wage requirements for ready-mix concrete suppliers will also be discussed.

Throw in dinner and a hosted bar at The Butcher Shop, and you have the perfect ingredients for an information-packed evening. What are you waiting for? RSVP [here](#).

## ▶ Five to meet and greet

How about reaching out to these new ASA members by welcoming them with an email, a phone call, or a handshake? Click on company names to visit websites.

▶ **Burner Sheet Metal** – Tony Burner / Lindsey Hudson – 619-873-1005 or [tburner@burnersheetmetal.com](mailto:tburner@burnersheetmetal.com) [lhudson@burnersheetmetal.com](mailto:lhudson@burnersheetmetal.com)

▶ **Cabrillo Hoist** – John McCormack – 866-950-9862 or [jmccormack@cabrillohoist.com](mailto:jmccormack@cabrillohoist.com)

▶ **Dr. Demo Demolition Services** – Ricky Montenez – 619-420-6366 or [drdemo@drdemo.com](mailto:drdemo@drdemo.com)

▶ **Marco Crane & Rigging** – Sam Meyer – 619-938-8080 or [smeyer@mholdingco.com](mailto:smeyer@mholdingco.com)

▶ **Squires Lumber** – Chris Paxson – 909-825-1882 or [chris@squireslumber.com](mailto:chris@squireslumber.com)

## ▶ \$100 Visa cards are burning holes in their pockets

Three ASA members brought new firms into the chapter and received \$100.

Congratulations and thanks go to Toby MacDonald of **Western Fire Protection**, James Simpson of **Pacific Southwest Structures**, and Johnny White of **Dynalectric**.

You, too, can win a \$100 Visa card. Just give [Nancy Grimes](#) the names of potential new members, and she'll do the work to sign them up.

## ▶ Employers: 1 DOL: 0

Thanks to ASA legal counsel Kevin Cauley, of **Schwartz Semerdjian Cauley & Moot**, for sharing this information from *HRCalifornia Extra*:

On November 22, 2016, a federal court in Texas issued a nationwide preliminary injunction blocking the Department of Labor (DOL) from enforcing the new federal overtime rule, which was set to take effect on December 1, 2016.

The federal overtime rule more than doubled the federal salary level that must be met before an employee can be classified as exempt from overtime under the executive, administrative and professional exemptions.

The court's decision was a victory for all of us. In granting the preliminary order to halt the rule, the court wrote that the states showed a "likelihood of success on the merits" of the lawsuit "because the Final Rule exceeds the Department's authority."

## ▶ Here to help

ASA events have grown increasingly frequent and popular. To accommodate this, **Sharon Jones** has been named as full-time administrative assistant in charge of events.

We thank Sharon for her dedicated service to ASA!



## ▶ ASA wants you!

No matter what your personal resolutions are, we hope one of them is to become more involved in ASA.



## ▶ How to bag free pheasant in two easy steps

**One:** Come to the ASA's enormously popular Sporting Clay Competition at Lemon Grove Gun Club (the 5th-annual, on June 23 this year).

**Two:** Do as David Blackston of **D.A. Whitacre** did last year, and win the certificate very generously donated by **Woodland's Hunt Club** for a free pheasant hunt.



Here's David, showing off one of the pheasants he bagged in 2016 thanks to Woodland's Hunt Club. This could be **you** in 2017.

## ► Your ASA president says ...

If you're making New Year's resolutions, may I suggest you add one more? Make 2017 the year you volunteer to serve the ASA in some capacity.

During 2017, we'll continue to monitor legislation that affects your ability to build. We'll provide affordable networking opportunities, and we'll offer valuable continuing-education programs. **Why not find a way to serve the organization that serves you so well?**

Join a committee! Or suggest a new member or two. (Last year our membership swelled by 15 percent; with your help, we can beat that record in 2017.) Or, support your ASA by following our Facebook and LinkedIn pages.

No matter how you choose to get more involved in the ASA, you'll be glad you did. I guarantee it!



Frank Robledo  
ASA President  
[frbledo@dyna-sd.com](mailto:frbledo@dyna-sd.com)

## ► Job well done

San Diego International Airport's e-newsletter recently featured ASA member **Fuller Electric**. The company was lauded for its work in readying the former Terminal 2 parking lot site for construction of the new Parking Plaza.

"Their work was integral in preparing the site," the article said, "so all systems ... would stay operational during construction."

Congratulations, Fuller!

## ► Hats off to ...

Dick Semerdjian has been named Lawyer of the Year in 2017's *Best Lawyers in America* – not only in the practice area of personal injury defense work, but in labor and employment law as well.



The partner at **Schwartz Semerdjian Cauley & Moot** – a longtime ASA member firm – was selected for this honor by his attorney peers and judges.

Congratulations, Dick!

## ► As the ready-mix turns

Prevailing wage for ready-mix drivers: To pay or not to pay?

In 2015, with the adoption of AB 219, deliveries of ready-mix concrete to public works projects became subject to prevailing wage.

In 2016, eight ready-mix companies filed a suit challenging the constitutionality of this new statute. In a dramatic move a few months later, the federal court issued a preliminary injunction suspending enforcement of AB 219.



Now, in an even more dramatic move, the U.S. Court of Appeals has struck down the lower court's preliminary injunction. This means AB 219 is in full effect for now, and ready-mix companies can be forced into compliance. What's next?

## ► Improving with age

Guess what's getting better? ASA's Facebook page, that's what!

Your ASA board of directors is always looking for more effective ways to promote membership, provide information, and enhance the image of the subcontracting community.

That's why the board recently decided to beef up the chapter's presence on Facebook. Now, if a prospective member wants to check out the ASA, or if you want to stay current on news and happenings, *this* is one more source of information.



How about taking a second to "Like" and follow the ASA page [here](#)?

## ► Something for nothing? Yes!

Great publicity for your company is always good, and it's even better when you can obtain it free.

ASA runs an ad in *Contractor News & Views* every month featuring an ASA-member company that promotes the value of joining our chapter.

This month, Tony Burner of **Burner Sheet Metal** – a brand new member – stepped up. Check out his ad [here](#) and contact [Nancy Grimes](#) to take advantage this great opportunity.



*We Build Relationships*

## ► Plan to attend



ASA events fill up quickly. We suggest you reserve your spot as soon as possible so you won't miss out!

- *Members-only event*
- *Non-members welcome*

**JAN 10** Growth: Vision to Execution – An Interactive Growth Strategy Discussion @ The Butcher Shop

**JAN 11** Annual Legal Update @ The Butcher Shop

**MAR 8** Member Showcase @ Admiral Baker Clubhouse

**APR 12** San Diego Gulls Game & Mixer @ Valley View Center

**APR 30** Meet Your General Contractor

**MAY 5** Spring Fling Golf Tournament @ Carlton Oaks

**JUN 23** Sporting Clay Competition @ Lemon Grove Gun Club

**JUL 26** Awards & Installation Banquet

**AUG 23** Board Strategic Planning Retreat @ University Club

**SEP 20** General Contractor & Public Agency Showcase @ University Club

**OCT 25** Meet Your General Contractor

**NOV 13** Fall Golf Classic @ San Diego Country Club

**DEC 7** Holiday Casino Night / Bay Cruise @ Bahia