

ALERT

CALIFORNIA CHAMBER OF COMMERCE

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Testimony Highlights Need for 4-Day Workweek Bill



Testimony by the California Chamber of Commerce, employers and employees this week highlighted the need for the scheduling flexibility offered

by Chamber-sponsored AB 2217 (Villines; R-Clovis).

Nevertheless, the bill to allow *individual* workers to request and their employers to mutually agree to a four-day compressed workweek, failed to pass the Assembly Labor and Employment Committee on a 2-6, party-line vote (the same as vote on AB 2277 — see Page 4).

Flexibility for Family Needs

In testimony to the committee, Donna Lopez, a single working mother of three, commented that the flexibility allowed by AB 2217 would have made it easier for her to deal with the needs of her children, one of whom is developmentally disabled (full testimony on Page 7).

“Until last year I was always an hourly employee and whenever I wanted to — or *had* to — take time to support my kids, I either had to take vacation time or go without pay,” Lopez said. As a supervisor now at Cristek Interconnects, Anaheim, she has greater flexibility, she said.

“Why shouldn’t all the moms working on my crew at Cristek have the same flexibility I do?” Lopez asked. “I know that each of our needs as parents are different so one schedule does not fit all. This is what makes AB 2217 so great. This allows each of us to work with our supervisors to carve out a schedule that suits our unique needs.”

Help for the Environment

In written testimony presented to the committee, business owner Deborah Wilder of Contractor Compliance and Monitoring Inc. in Belmont noted that AB 2217 would save resources and the environment.

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Assembly Committee Nixes Plain-Language Poster Proposal

California Chamber-sponsored legislation aimed at making workplace posters easier to understand, benefiting both employees and employers, failed to pass the Assembly Labor and Employment Committee this week on a 2-6, party-line vote.

Chamber-supported AB 2277 (Villines; R-Clovis) would have established a working group of employee and employer representatives to recommend how to rewrite current state-mandated workplace posters using plain, simple language.

Importance of Plain Language

California employers and employees need workplace posters that:

- are easy to understand;
- contain clear definitions of obligations and duties; and
- are easy to administer and implement.

A plain language regulation looks good, is organized logically and is understandable the first time someone reads it.

If plain and simple language is used to write regulations, then new rules will be written using common, everyday words, using short sentences, using terms and definitions that are simply and clearly defined.

Plain and simple language in workplace rules ensures that employers know how to comply with the law and aids

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Among those testifying to the Assembly Labor and Employment Committee in support of a California Chamber-sponsored bill by Assemblyman Michael Villines (right) to help individual employees achieve greater flexibility in work schedules are (from left) business owner Deborah Wilder; single working mother Donna Lopez; and Dominic DiMare, Chamber vice president of government relations.

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Cal/OSHA Corner

Posting Requirements for Industrial Truck Users



Mel Davis
Cal/OSHA Consultant

Where can I find the “forklift poster” that the Division of Occupational Safety and Health requires?

Employers who use industrial trucks or tow tractors are to post and enforce a set of “forklift operating rules.”

Before June 27, 2002, all that an

employer had to do was refer to and copy and enforce the appropriate rules that were listed in Section 3664(a) of the General Industry Safety Orders.

Effective June 27, 2002, these “rules” were transferred into Section 3650(s). Most of the wording remained the same, but the overall effect of the Standard Boards action changed the forklift operating rules into regulations that could be individually cited.

Section 3664(a) still requires that the employers post and enforce a set of operating rules (emphasis added). Section 3664(a) goes on to state that the operating rules are to contain the appropriate “rules” from Section 3650(s).

Although less convenient, employers can extract the regulations from Section 3650(s) of the General Industry Safety Orders and call them the company’s forklift operating rules.

Sources

There are other sources from which an employer can obtain a prepared copy of forklift operating rules. One is the Cal/OSHA Consultation service at www.dir.ca.gov/dosh/puborder.asp (the poster on

“Operating Rules for Industrial Trucks”). Other sources are forklift suppliers and workers’ compensation insurance carriers.

The employer must post the operating rules where the forklift operators may readily see them.

The Labor Law Helpline is a service to California Chamber preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or e-mail: helpline@calchamber.com.

Seminars/Trade Shows

For more information on the seminars listed below, visit www.calchamber.com/events.

Business Resources

CEO Succession Planning. Wilcox Miller & Nelson. May 11, Sacramento. (916) 977-3700.

Labor Law

Managing Leaves of Absence Web Seminar. California Chamber of Commerce. April 27. (800) 331-8877.
Managing Employee Performance Web Seminar. California Chamber of Commerce. May 11. (800) 331-8877.
Introduction to Human Resource Administration. California Chamber of Commerce. May 16, Sacramento. (800) 331-8877.

International Trade

80th Annual World Trade Week Kickoff Breakfast. Los Angeles Area Chamber of Commerce. May 3, Los Angeles. (213) 580-7538.
Doing Business with Israel: A Trade Briefing. Israel Economic Mission. May 4, Sacramento. (323) 658-7924.
DR-CAFTA 2006. San Diego World Trade Center and U.S. Chamber of Commerce. May 16, San Diego. (619) 615-0868 ext. 109.

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Chamber Calendar

Volunteer Leaders Conference:

April 24, Sacramento

Fundraising Committee:

April 24, Sacramento

Transportation Committee:

April 24, Sacramento

Taxation Committee:

April 24, Sacramento

Water Resources Committee:

April 24, Sacramento

Board of Directors:

April 24, Sacramento

California Business Legislative Summit:

April 25, Sacramento

Visit www.calchamber.com for the latest business legislative news plus products and services to help you do business in California.



Chamber Supports Bill Increasing Competition in Video Services



The California Chamber of Commerce is **supporting** legislation designed to encourage competition in the video services market.

California Chamber President Allan Zarembeg joined AB 2987 co-authors Assembly Speaker Fabian Núñez (D-Los Angeles) and Assemblyman Lloyd Levine (D-Van Nuys) at an April 6 press conference held in a State Capitol room decorated with 1970s furniture and accessories to call attention to how outdated cable franchise laws are. The first cable franchise laws were written a decade earlier, in the 1960s, and haven't been updated.

AB 2987 will enact the Digital Infrastructure and Video Competition Act of 2006, which will remove city-by-city franchising that has prevented new competitors from entering the television entertainment services market.

'Win-Win-Win'

"It's rare enough to have a 'win-win' piece of legislation, but AB 2987 is a 'win-win-win' for California," said Zarembeg. "This bill will increase competition in video services, leading to lower prices, enhance private investment in our telecommunications infrastructure, and create jobs.

"Not only will jobs be created to deploy this new technology, there will be



California Chamber President Allan Zarembeg (center) shares the retro 1970s couch at an April 6 press conference with the co-authors of AB 2987, the video competition bill, Assemblyman Lloyd Levine (left) and Assembly Speaker Fabian Núñez (right).

numerous developers, vendors, suppliers and equipment manufacturers that will benefit from this unprecedented investment. The more services our providers can deliver through an improved telecommunications infrastructure, the more likely each service will be available to California consumers at lower prices."

Also appearing at the press conference were Alice Huffman, president of the California NAACP; Jose Perez, chairman of the California Hispanic Association for Corporate Responsibility (which has not taken a position on the legislation); and Nancy Biagini of the Communications Workers of America.

Hearing

AB 2987 is scheduled to be heard by the Assembly Utilities and Commerce Committee, which is chaired by Levine, on April 24.

Chamber members wishing to encourage competition, promote innovation and help provide consumers with access to new technology in the video services market should voice **support** for **AB 2987** to committee members. Search for a sample letter by bill number at www.calchamber.com/positionletters.
Staff Contact: Dominic DiMare

Testimony Highlights Need for 4-Day Workweek Bill

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She pointed out that one of her employees travels from Tracy to Belmont, another from Dublin to Belmont five days a week. "If they could work only four days, that is three to four hours a week they are not on the road commuting, polluting the air, creating traffic and wear and tear on the roads, taking time away from their families," Wilder wrote.

Wilder also is former mayor of Foster City, vice chair of the Bay Area Chapter of California Women's Leadership Association and the national vice president of Women Construction Owners and Executives, USA.

Current Law Inflexible

Under current law, individual employees do not have the right to seek

and arrange flexible schedules with their employers.

The current alternate work schedule adoption process is largely unused and does not provide flexibility for individual workers and employers. The unwieldy Labor Code requirements effectively eliminate most employers and employees from choosing schedule options such as

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Assembly Committee Nixes Plain-Language Poster Proposal



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workers with knowledge if workplace rights have been violated. Poorly written rules can make employers and employees

feel inferior, frustrated and angry, and can end up causing divides when none were intended.

Working Group

AB 2277 was intended to address this problem by assembling a working group composed of equal numbers of employer and employee representatives, overseen by the Division of Labor Standards Enforcement, using existing resources, to collaboratively work together to make recommendations on how best to simplify the language of current state-mandated workplace posters.

It was further intended that any recommended revision to a required posting would not diminish or increase any employee right or protection or any employer liability or duty. All of the



To demonstrate the need to make workplace posters easier to understand, Julianne Broyles, California Chamber director of employee relations and small business, unrolls a Chamber-published employer poster with the assistance of Assemblyman Michael Villines (R-Clovis), author of Chamber-sponsored AB 2277, as Dominic DiMare, Chamber vice president of government relations, testifies.

working group's recommendations were to be transmitted to the Legislature for their consideration and possible action.

Key Vote

AB 2277 failed to pass Assembly Labor and Employment on vote of 2-6.

Ayes: Nakanishi (R-Lodi); Houston (R-Livermore).

Noes: Koretz (D-West Hollywood); Chan (D-Oakland); Chu (D-Monterey Park); Klehs (D-Castro Valley); Laird (D-Santa Cruz); Leno (D-San Francisco).
Staff Contact: Julianne Broyles

Energy Efficiency, Sensible Greenhouse Gas Bills Set for Hearing

Two California Chamber of Commerce-supported bills addressing greenhouse gas emissions and municipal utility energy efficiency are set to be heard by the Assembly Natural Resources Committee on April 24.

● **AB 1925 (Blakeslee; R-San Luis Obispo)** requires the State Energy Resources Conservation and Development Commission to make recommendations on how to facilitate and provide incentives for cost-effective strategies to contain, sequester and recycle carbon dioxide created during the generation of electricity.

● **AB 2021 (Levine; D-Van Nuys)** helps California achieve its energy-saving targets by requiring municipal utilities to invest in cost-effective, energy-efficient technologies.

AB 1925

AB 1925 sets up a commission to study and make recommendations for how the state can develop parameters to accelerate the adoption of cost-effective

geologic sequestration strategies for the long-term management of industrial carbon dioxide. Carbon dioxide is the most common of the man-made greenhouse gases.

The bill is an important step in expanding the use of known processes such as carbon sequestration, as well as encouraging the development of new technologies and processes to capture and contain carbon.

The Chamber believes the ultimate result of AB 1925 will be a reduction in greenhouse gas emissions, without risking the state's energy supply or sources, or harming California's growing economy and jobs climate.

AB 2021

AB 2021 would help California increase its energy efficiency and prepare for future energy demands by requiring municipal utilities to meet energy efficiency targets specified by the California Energy Commission.

The bill requires the Energy

Commission to identify all potentially achievable cost-effective electricity and natural gas efficiency savings and establish statewide annual targets for energy efficiency savings and demand reduction over 10 years.

The bill also requires the information to meet the Energy Commission's identification and target-setting requirements under existing law.

Committee Action

The Chamber believes AB 1925 and AB 2021 are practical approaches to addressing some of the energy-related challenges California faces at present and in the future without compromising the state's energy supplies or economy.

Both bills will be considered by the Assembly Natural Resources Committee on April 24. The Chamber is urging businesses to contact their Assembly members and members of the committee to voice **support** for **AB 1925 and AB 2021**.

Staff Contact: Dominic DiMare

Business PAC Urges Financial Support on Initiative Battles to Protect Economy

CalBusPAC, the issues political action committee of the California Chamber of Commerce, is urging the business community to get involved in the initiative process to protect and enhance the state's economy.

"Once again the interests of business are directly at stake in the initiative arena this year in California," said Chamber President Allan Zaremborg. "Strong financial support from businesses will help CalBusPAC represent business in this year's initiative contests."

June Ballot

For the June election, CalBusPAC is actively opposing Proposition 82, the so-called Reiner initiative that seeks to tax many individuals and small businesses in order to impose universal preschool and create a new state-run bureaucracy.

November Ballot

CalBusPAC's priorities for the November ballot include:

- Collecting signatures to protect transportation funding from being raided by the Legislature. This initiative will close a loophole in Proposition 42, the Chamber-supported measure approved by voters in

2002 to dedicate the sales tax on gasoline for transportation purposes.

- Collecting signatures to reduce lawsuit abuse and prevent excessive awards of punitive damages when the government has certified the product.

- Defeating a new tax proposed to be placed only on oil extracted in California, which is the source of almost half the gasoline consumed in the state.

- Defeating a new tax on California businesses to fund political election campaigns for state legislators and statewide office holders.

CalBusPAC

CalBusPac was formed in 1976 by the Chamber to protect, preserve and further the private enterprise system. CalBusPAC is organized under California law as a general purpose issues committee (Fair Political Practices Commission committee identification number 761010) that makes contributions to support or to oppose ballot measure campaigns and other issues of interest to the business community.

CalBusPAC does not make any con-

tributions or expenditures in support of or opposition to any candidate for public office.

CalBusPAC may accept contributions in any amount, but cannot accept contributions from foreign nationals. It also cannot accept any

funds earmarked for any specific issue. CalBusPAC alone will decide its funding priorities based on its analysis of the importance of the issues to the business community and the needs and viability of the ballot measure committees formed to support the interests of business.

Contributions to CalBusPAC are not deductible as charitable contributions for federal income tax purposes.

To Contribute

To contribute to CalBusPAC online, visit www.calchamber.com/calbuspac. Contributions may be mailed to: CALBUSPAC, ID# 761010 c/o California Chamber of Commerce 1215 K Street, Suite 1400 Sacramento, CA 95814
Staff Contact: Michele Zschau



Testimony Highlights Need for 4-Day Workweek Bill

From Page 3

flextime, part-time, job sharing, telecommuting and compressed workweeks.

Cristi Cristek, president of Cristek Interconnects, briefly outlined for the committee the process her business had to go through to adopt an alternative schedule, and the time and costs involved. A smaller firm, she noted, likely would be unable to afford the expense.

Employee Protections

Dominic DiMare, vice president of government relations for the Chamber, emphasized that AB 2217 is designed to provide an additional benefit for employees.

In addition, AB 2217 contains important protections for employees. It prohibits any

employer from offering an employment benefit to an employee as an incentive to seek flexible schedules, or retaliating against an employee who does not seek a flexible schedule. AB 2217 does not affect workers covered by collective bargaining agreements.

Action Needed

The Senate version of the four-day workweek proposal, **SB 1254 (Ackerman; R-Tustin)** is set to be heard on April 26 in the Senate Labor and Industrial Relations Committee.

The Chamber is urging employers and employees to contact their senators and

members of the Senate committee to voice support for SB 1254.

Visit www.calchamber.com/4dayworkweek for access to an easy-to-use sample letter. Please send copies of your letters to the Chamber.

Employers or employees who are interested in testifying in support of these bills, please fill out

and fax in the form on the website or contact Jessica Smith, Chamber grassroots coordinator, at (916) 444-6670, e-mail: advocacy@calchamber.com.

Staff Contact: Julianne Broyles

Sample letters, petitions at calchamber.com/4dayworkweek

Legislative Outlook

An update on the status of key legislation affecting businesses. Visit www.calchamber.com/position_letters for more information, sample letters and updates on other legislation. Staff contacts listed below can be reached at (916) 444-6670. Address correspondence to legislators at the State Capitol, Sacramento, CA 95814. Be sure to include your company name and location on all correspondence.

Chamber-Backed Enterprise Zone Tax Credit Bills Move in Assembly



Two California Chamber-supported bills to promote and ease utilization of tax credits available under the enterprise zone program passed the Assembly Jobs, Economic Development and the Economy Committee on April 18.

- **AB 2502 (Arambula; D-Fresno)** gives small businesses the ability to transfer extra enterprise zone research and development incentive credit to satisfy other tax obligations.

- **AB 2589 (Runner; R-Lancaster)** improves the ability of businesses located in more than one enterprise zone to use tax credits under the enterprise zone program.

Expanding Incentives

The enterprise zone program currently offers the state's most significant economic development tax incentive.

AB 2502 gives small businesses additional incentive to locate, stay and expand within enterprise zones, thereby encouraging small businesses to partner with the state in developing economically distressed areas through the enterprise zone program.

AB 2589 amends current statutes to allow enterprise zone credits to be used to reduce the tax attributable to the income of all a business's enterprise zone activities.

Key Votes

AB 2502 passed Assembly Jobs on a 5-1 vote.

Ayes: Arambula (D-Fresno); Houston (R-Livermore); Baca (D-Rialto); Garcia (R-Cathedral City); Liu (D-La Cañada Flintridge).

Noes: Canciamilla (D-Pittsburg).

AB 2589 passed Assembly Jobs on a unanimous vote.

Action Needed

Both AB 2502 and AB 2589 move next to the Assembly Revenue and Taxation Committee.

Contact members of Assembly Revenue and Taxation to **support AB 2502** and **AB 2589** as ways to provide valuable incentives for business investment and expansion and job creation for Californians.

Staff Contact: Kyla Christoffersen

Business Investment Incentives Bill Set for Hearing in May



California Chamber-supported legislation to provide businesses with investment incentives and rewards for investment is set for a May 1 hearing before the Assembly Revenue and Taxation Committee.

AB 2218 (Torrico; D-Newark) reduces taxes on business by creating a tax exemption for the gross receipts from the sale or use of manufacturing equipment.

Key Recovery Component

California's economic recovery cannot succeed without business investment and job creation. During the recession of the 1990s, the manufacturer's investment tax credit was a critical component to the state's recovery. After the 1990s, California ceased offering tax incentives

for investment in manufacturing equipment. Consequently, California is one of the only states that taxes manufacturing equipment with no exemption or credit.

The Chamber believes AB 2218 sends an important message to the business community that California values and wants to encourage investment. Legislation such as AB 2218, as well as bills addressing bureaucratic and regulatory barriers, will help bring more quality jobs to California and will make California more competitive with other states.

Action Needed

The Chamber is encouraging employers to urge members of Assembly Revenue and Taxation to **support AB 2218**.

Staff Contact: Kyla Christoffersen

Working Mom Explains How 4-Day Workweek Bill Can Help

Following are excerpts from testimony by Donna Lopez, single working mother and employee of Cristek Interconnects in Anaheim, to the Assembly Labor and Employment Committee on April 19 in support of AB 2217 (Villines; R-Clovis), allowing individual workers to request and their employers to mutually agree to a four-day compressed workweek.

It is a privilege to share my own personal story as a single working mother in hopes that you will see how important the passage of AB 2217 could be to women and their families throughout California.

I had my first child as a single mother 22 years ago at the age of 16 . . . I eventually married the father and we had two other girls, but for the past 12 years I have raised my children on my own.

Despite the challenges of supporting myself and my kids, I have chosen to remain single so that I could focus on providing for my kids and supporting them.

For a woman with no formal education, it has been a tough road.

I began in completely unskilled (and minimum wage) jobs, and mostly through my survival instincts have gradually progressed to where last year I accepted a

job at Cristek, where I supervise a staff of largely female assembly workers.

Until last year, I was always an hourly employee, and whenever I wanted to — or had to — take time to support my kids, I either had to take vacation time or go without pay. This was even more difficult in my case because my first child, Michael, is developmentally disabled and had many special needs.

Today, I am proud that although his reading level is second grade, he has been employed for the past three years through the Goodwill doing landscaping work . . .

I can't tell you how much easier it would have been on both of us if AB 2217 was law at that time. I know I could have worked with my employers to arrange my schedule so I could have been present for my son *without* losing much-needed pieces of my paycheck!

I have been able to be very creative, but this was a choice between two bad options — miss important events or miss paying the bills.



Donna Lopez

My oldest daughter, Natalie, graduated with honors last year and is now on scholarship at UCSD. I am so proud of her, and although I was there for many of her school projects, I could have done so much more if I had the flexible work schedule afforded by AB 2217.

Since I am now a salaried employee, I am blessed to be able to flex my schedule to help coach my youngest, Rebecca's, baseball team (she

has a 3.2 GPA and is an awesome center-fielder, by the way).

My question to each of you is . . . why shouldn't all the moms working on my crew at Cristek have the same flexibility I do?

I know that each of our needs as parents are different, so one schedule does not fit all. This is what makes AB 2217 so great. This allows each of us to work with our supervisors to carve out a schedule that suits our unique needs.

I would really appreciate your support for this bill and thank you for your attention and consideration.

Governor's Legislative Staffers Talk with Chamber Luncheon Attendees



Richard Costigan (left), legislative secretary to Governor Arnold Schwarzenegger, kicks off a presentation on different aspects of the Governor's legislative agenda at the California Chamber Luncheon Forum on April 6. Other members of the Governor's legislative unit who presented brief overviews of their issue areas were (from left) Dennis Albiani, Moira Topp, Kacy Hutchison and Eric Csizmar. The Governor's chief deputy legislative secretary (not pictured) is Cynthia Bryant.

Unlock the mystery to leaves of absence

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- Federal family leave with pregnancy disability
- State and federal family medical leaves with workers' compensation and disability leave

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