

ALERT

CALIFORNIA CHAMBER OF COMMERCE

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Chamber Praises Passage of Infrastructure Bond Package

Transportation Funding Protection Part of Deal

California is on the path to making a significant investment in infrastructure following the Legislature's passage of a \$37.3 billion bond package.

California Chamber President Allan Zarembeg voiced support for the bond package and an accompanying constitutional amendment to safeguard transportation revenues.

Critically Needed Investment

"Passage of the infrastructure bonds called for in the Governor's Strategic Growth Plan is an important accomplishment for California, our economy and our state government," said Zarembeg.

"Approval of these bonds by the voters will bring critically needed investment into our state's infrastructure, repairing and improving current facilities, while building to prepare for the continued growth in California. In turn, these ex-

panded ports, strengthened levees, newer schools, decongested highways, and additional housing will keep our economy — and California business — going strong," he said.

"Nearly \$20 billion is proposed to be invested in transportation in this bond package. Even this amount is not enough to meet our current and future needs, however," Zarembeg noted.

"This is why it is great news that the Legislature also approved a constitutional amendment to protect Proposition 42 and ensure that gas tax revenues people pay at the pump are dedicated to transportation projects. We need to continue to invest in transportation every

**Legislators' Votes
Pages 4-5**

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Chamber-Led Coalition Shifts Focus to Backing Legislative Measure to Close Prop. 42 Loophole

A California Chamber-led coalition has announced it will focus now on winning support for the legislatively adopted constitutional amendment to ensure gasoline taxes will be used for transportation.

Californians to Improve Traffic Now, the business, labor, transportation, local government and taxpayer coalition, had collected sufficient signatures to place on the November ballot a constitutional amendment "to close the Proposition 42 loophole" and ensure that gasoline taxes Californians pay at the pump be used for

transportation purposes.

Chamber-supported Proposition 42, passed in 2002, permanently dedicated gasoline sales tax revenues to transportation projects. A loophole in the law, however, allowed the Legislature and Governor to shift those revenues to the General Fund to help balance the state budget during California's fiscal crisis.

Focus on Voters

Following the Legislature's approval
See Coalition: Page 6

Bill to Examine Rules Impact on Small Business Moving



SUPPORT

The California Chamber of Commerce is **supporting** legislation that requires the Office of Small Business Advocate to commission a study of the cost impacts

of state regulations on California small businesses.

The Chamber believes **AB 2330 (Arambula; D-Fresno)** is vitally important to California small business owners because the burden of "one-size-fits-all" regulations almost always falls most heavily on them.

The bill is set for hearing May 17 in the Assembly Appropriations Committee.

The Chamber believes unnecessary laws and regulations can easily damage the vitality that businesses add to the state's economy. Laws and regulations have consequences, sometimes directly at odds with the intentions of the policymakers. Worse, an overly burdensome regulatory environment can quash the entrepreneurial spirit that motivates many small business owners in California.

Small Business Creates Jobs

Of the 3,320,977 small businesses in California, more than 960,000 are minority-owned and more than 871,000 are women-owned, according to the U.S.

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Labor Law Corner

Law Requires Benefits Continuation Only in Certain Circumstances



Dana Leisinger
Labor Law Consultant

We have an employee who is going out on pregnancy disability leave (PDL), and following that, baby bonding leave. I know we have to continue health benefits for an employee on federal Family Medical Leave Act (FMLA) leave, but do we have to continue to accrue vacation and sick leave during this time?

No. There is no law that requires an employer to continue to accrue vacation and sick leave when an employee goes out on a leave of absence. It is best to develop a policy that addresses this issue and to apply it uniformly to all leaves of absence so as to avoid any adverse impact.

Benefits Continuation

The only law that requires continuation of benefits is for health and welfare benefits when an employee goes on FMLA leave.

Under FMLA, an employer is obligated to continue health and welfare benefits for up to 12 weeks. Additionally, in a situation such as the one described above, the employee only gets the first 12 weeks of health benefits.

When the initial 12 weeks has passed, even if the employee is taking baby bonding time under the California Family Rights Act (CFRA), her health benefits end, unless the employer's policy or practice is to continue them for a longer period.

The PDL law alone does not require the employer to provide health insurance while an employee is on PDL. If the employer provides health benefits for other temporary disability leaves, however, the employer must provide benefits for PDL to the same extent and for the same length of time.

If PDL is unpaid leave and the employee normally pays a portion of her insurance premium, she should pay her share of the premium to the employer monthly by cash or check.

Employee-Paid Coverage

The Consolidated Omnibus Budget

Reconciliation Act of 1985 (COBRA) requires employers with 20 or more employees to offer all employees covered by health care the option of continuing to be covered by the company's group health insurance plan at the worker's own expense for a specific period after employment ends.

If an employee does not qualify for FMLA and goes out on any other leave (that is, workers' compensation, PDL or any internal leave an employer might offer), it is considered a reduction in hours and, therefore, triggers COBRA notices/rights.

Some policies, however, allow an employee to remain on the company policy as if she/he were actively employed when on an approved leave of absence for a limited duration, rather than requiring the employee to go on COBRA.

This option could eliminate a great deal of paperwork and some costs for both employer and employee, but it is prudent to check with your broker and/or carrier to verify that this is an allowable option.

Resuming Benefits

When an employee goes out on a protected leave of absence and returns, benefits must be resumed upon the employee's reinstatement in the same manner and at the same levels as provided when the leave began, without any new qualification period, physical exam, etc.

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.

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World Trade a Mainstay of State Economy



It's no accident that what is now a national observance — World Trade Month — began in California 80 years ago as World

Trade Week, celebrated during the third week of May.

International-related commerce accounts for approximately one-quarter of the state's economy and California ranks among the 10 largest economies in the world with a gross state product of more than \$1.5 trillion. California trade and exports translate into high-paying jobs for more than 1 million Californians.

In 2005, California exported to 224 foreign markets. California exports topped \$116 billion, according to the U.S. Department of Commerce. This was an increase from 2004, with California maintaining its perennial position as a top exporting state.

Exports from California accounted for more than 14 percent of total U.S. exports, with Mexico, Japan, Canada, China and South Korea being the state's top trading partners.

California is the number one exporter in the nation of computers, electronic products, food and kindred products. Computers and electronic products are California's top export, accounting for 36 percent of all the state's exports. California's agricultural exports grew to \$8.2 billion in 2005 — 14 percent of all U.S. agricultural exports.

Free Trade Agreements Critical

Because trade is so essential to California, the status of ongoing discussions for free trade agreements (FTA) is of high importance.

The continuing multilateral trade negotiations under the auspices of the World Trade Organization are just a backdrop for numerous bilateral discussions. Since 2002, the United States has completed bilateral FTAs with 14 countries, in addition to the previously signed agreements

with Israel, Canada and Mexico (North America FTA).

The more recent additions are: Australia, Bahrain, Chile, Dominican Republic/Central America FTA (Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua), Jordan, Morocco and Singapore. Financially, these agreements will translate to the removal of more than \$6.4 billion in tariffs for U.S. exports.

Commentary

By Susan Corrales-Diaz

Pending FTAs

More agreements are awaiting congressional approval. There's the U.S.-Oman FTA, which upon approval will become the fourth U.S. agreement with an Arab country.

Also pending approval by Congress is the U.S.-Peru FTA, the topic of an international breakfast with Peruvian Ambassador Eduardo Ferrero, hosted by the California Chamber in February as part of a national campaign to build support.

The U.S.-Peru FTA would be a building block for a possible broader U.S.-Andean FTA with Peru, Colombia, Ecuador and Bolivia. Bilateral trade between the United States and the Andean region was nearly \$30 billion in 2005.

California State Programs

Although trade policies are determined at the national level, the state can be a positive force to keep California open for business through continued economic growth and development, and support for trade and investment promotion.

The Chamber supports establishing a strategic plan for coordinating and conducting international trade and investment programs and activities in the state, including the establishment of California state trade and investment offices under the auspices of the Business, Transporta-

tion and Housing Agency.

Such a program can promote exports and foreign investment by matching California products and services with foreign buyers; collecting trade leads; offering counseling on market penetration strategies; advertising and promoting California as a supplier and location for investment; organizing foreign investment and buying missions to California; and supporting businesses in foreign trade shows throughout the world. At one time, California supported America's premier export finance program (California Export Finance Office), which boosted the ability of the state's small business exporters to secure financing for international transactions that the federal programs couldn't support.

State trade and investment offices are an important symbolic statement to our major trading partners. An official representative for the state of California can lend credence to a business transaction. Moreover, face-to-face representation still has recognized value. Protocol is a significant part of the business culture of many of our trading partners and enables us to build government-to-government relationships that can lead to trade and investment flows and measurable success of these offices.

As the California Legislature considers (re)establishing trade and investment promotion support on behalf of the state, it is crucial that it do so with an eye toward

putting in place a continuing process — beyond the current administration and current legislators who will be "termed out." Globalization is here to stay and our Golden State must continue to be engaged.

For our part, the Chamber remains dedicated to continuing our efforts to enhance California's international trade abilities in support of the state's economic prosperity.

Susan Corrales-Diaz, chair of the California Chamber International Trade Committee, is president of Systems Integrated in Orange.

www.calchamber.com/international

- FAQs
- trade issue updates
- statistics on leading markets
- links to research markets, buyers, suppliers

Votes on Bonds, Proposition 42 Protection

Assembly	Prop. 42 Protection	Transportation Bond	Housing	Education	Flood Protection		Prop. 42 Protection	Transportation Bond	Housing	Education	Flood Protection
Horton, S. (R-Chula Vista)	Y	Y	Y	Y	Y		Nava, P. (D-Santa Barbara)	Y	Y	Y	Y
Houston, G. (R-Livermore)	Y	Y	N	Y	Y		Negrete McLeod, G. (D-Chino)	Y	Y	Y	Y
Huff, B. (R-Diamond Bar)	Y	N	N	N	N		Niello, R. (R-Fair Oaks)	Y	Y	N	A
Jones, D. (D-Sacramento)	Y	Y	Y	Y	Y		Núñez, F. (D-Los Angeles)	Y	Y	Y	Y
Karnette, B. (D-Long Beach)	Y	Y	Y	Y	Y		Oropeza, J. (D-Long Beach)	Y	Y	Y	Y
Keene, R. (R-Chico)	A	A	A	A	Y		Parra, N. (D-Hanford)	Y	Y	Y	Y
Klehs, J. (D-Castro Valley)	Y	Y	Y	Y	Y		Pavley, F. (D-Agoura Hills)	Y	Y	Y	Y
Koretz, P. (D-West Hollywood)	Y	Y	Y	Y	Y		Plescia, G. (R-La Jolla)	Y	Y	Y	Y
La Malfa, D. (R-Richvale)	N	N	N	N	N		Richman, K. (R-Northridge)	Y	Y	N	Y
La Suer, J. (R-La Mesa)	A	A	A	A	A		Ridley-Thomas, M. (D-Los Angeles)	Y	Y	Y	Y
Laird, J. (D-Santa Cruz)	Y	Y	Y	Y	Y		Runner, S. (R-Lancaster)	Y	Y	Y	Y
Leno, M. (D-San Francisco)	Y	Y	Y	Y	Y		Ruskin, I. (D-Palo Alto)	Y	Y	Y	Y
Leslie, T. (R-Tahoe City)	A	A	A	A	A		Saldaña, L. (D-San Diego)	Y	Y	Y	Y
Levine, L. (D-Van Nuys)	Y	Y	Y	Y	Y		Salinas, S. (D-Salinas)	Y	Y	Y	Y
Lieber, S. (D-Mountain View)	Y	Y	Y	Y	Y		Spitzer, T. (R-Orange)	A	A	A	A
Lieu, T. (D-Torrance)	Y	Y	Y	Y	Y		Strickland, A. (R-Thousand Oaks)	N	N	N	N
Liu, C. (D-La Cañada Flintridge)	Y	Y	Y	Y	Y		Torrico, A. (D-Newark)	Y	Y	Y	Y
Matthews, B. (D-Tracy)	Y	Y	Y	Y	Y		Tran, V. (R-Garden Grove)	Y	Y	A	N
Maze, B. (R-Visalia)	N	N	N	N	N		Umberg, T. (D-Santa Ana)	Y	Y	Y	Y
McCarthy, K. (R-Bakersfield)	Y	Y	Y	Y	Y		Vargas, J. (D-San Diego)	Y	Y	Y	Y
Montañez, C. (D-San Fernando)	Y	Y	Y	Y	Y		Villines, M. (R-Clovis)	N	N	N	N
Mountjoy, D. (R-Monrovia)	N	N	N	N	N		Walters, M. (R-Laguna Niguel)	N	N	N	N
Mullin, G. (D-South San Francisco)	Y	Y	Y	Y	Y		Wolk, L. (D-Davis)	Y	Y	Y	Y
Nakanishi, A. (R-Lodi)	Y	Y	N	N	Y		Wyland, M. (R-Del Mar)	Y	Y	N	Y
Nation, J. (D-San Rafael)	N	Y	Y	Y	Y		Yee, L. (D-San Francisco)	Y	Y	Y	Y

A = absent/abstaining/not voting

Chamber Backing Bill to Restore Balance to Punitive Damages System



SUPPORT

The California Chamber of Commerce is **supporting** legislation to return balance to the use of punitive damages awards in product liability cases.

SB 1429 (Morrow; R-Oceanside)

helps bring balance to the court system by prohibiting punitive damages awards in product liability cases against companies that have complied with government standards as to that product.

The Chamber believes the bill makes a fair and reasonable reform to a state punitive damages statute that is devoid of adequate limits at the trial level.

Under SB 1429, if a defendant company can establish the product in question was approved by a government agency or complied with government standards, then punitive damages against the company could not be awarded. The plaintiff still could fully recover compensatory damages.

The new defense would not apply to defendant companies that withheld or

misrepresented required information related to product approval or compliance.

California ranks among the worst states in the nation in fairness of its civil justice system — 45th out of the 50 states.

Action Needed

SB 1429 has been assigned to the Senate Judiciary Committee. Contact committee members and your senator to urge **support** for **SB 1429**.

To see a sample letter, visit www.cal-chamber.com/positionletters.

Staff Contact: Kyla Christoffersen

California Chamber Praises Passage of Infrastructure Bond Package

From Page 1
year, and the voters agree," he said.

State Leadership

"Equally important, this accomplishment demonstrates that our state government can work to serve the people," Zaremberg commented. "Through the leadership of Governor Schwarzenegger and with the earnest cooperation and bipartisan agreement of the Legislature, Californians will now have the opportunity to approve an unprecedented amount of long-overdue investment in our state. I applaud the leadership of all our representatives and urge the voters to complete the process."

Governor Arnold Schwarzenegger commended legislators for the bipartisan

passage of the bond package, which he described as "significant progress" toward rebuilding California for the benefit of future generations.

November Vote

The measures to go before voters for approval in November are as follows. See Pages 4-5 for legislators' votes.

● **Proposition 1A:** Transportation Funding Protection. This constitutional amendment protects gas tax revenues from being used for purposes other than transportation. SCA 7 (Torlakson; D-Antioch). Passed Senate 38-0. Passed Assembly 58-11.

● **Proposition 1B:** Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act. SB 1266 (Perata; D-

Oakland). A \$19.9 billion bond measure. Passed Senate 37-1. Passed Assembly 61-10.

● **Proposition 1C:** Housing and Emergency Shelter Trust Fund Act. SB 1689 (Perata; D-Oakland). A \$2.9 billion bond measure. Passed Senate 27-11. Passed Assembly 54-16.

● **Proposition 1D:** Kindergarten-University Public Education Facilities Bond Act. AB 127 (Núñez; D-Los Angeles). A \$10.4 billion bond. Passed Senate 29-8. Passed Assembly 58-12.

● **Proposition 1E:** Disaster Preparedness and Flood Prevention Bond Act. AB 140 (Núñez; D-Los Angeles) A \$4.1 billion bond measure. Passed Senate 36-1. Passed Assembly 62-9.

Staff Contact: Jeanne Cain

Coalition Focusing on Legislative Transportation Funding Protection

From Page 1
last week of a measure to close the Proposition 42 loophole, the coalition announced it would withhold submitting the remaining signatures and instead work to gain voter approval for

the legislative proposal, which will appear on the November ballot as Proposition 1A.

The coalition had collected more than 1.1 million signatures and had begun the process of turning in signed petitions to

county elections offices last week when legislators adopted the constitutional amendment proposal on a bipartisan vote. The coalition had held back signatures in several large counties pending the outcome of the negotiations at the State Capitol.

Bill to Examine Rules Impact on Small Business

From Page 1
Small Business Administration (SBA).

The agency's most recent figures show that small business creates 65 percent or more of net new U.S. jobs and generates more than 50 percent of the U.S. non-farm private gross domestic product.

Regulatory Burden

A September 2005 report prepared for the SBA by researchers at Lafayette College, *The Impact of Regulatory Costs on Small Firms*, states, "small businesses continue to bear a disproportionate share of the federal regulatory burden."

The report also finds that the annual cost per employee for firms with fewer than 20 employees is \$7,647, compared to \$5,282 spent by firms with more than 500 employees.

Key Vote

AB 2330 passed the Assembly Jobs,

Economic Development and the Economic Committee, 6-0, on April 18.

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

Action Needed

The Chamber believes AB 2330 provides a positive process to ensure that policymakers have credible information on the impact current state regulations have on California small businesses.

Contact your Assembly representative and members of Assembly Appropriations to voice **support** for **AB 2330**.

A sample letter is available at www.calchamber.com/positionletters.

Staff Contact: Julianne Broyles

Constitutional Amendment

The constitutional amendment passed by the Legislature is modeled after the local government agreement passed in November 2004.

If approved by voters, the legislatively adopted proposal to close the Proposition 42 loophole will:

● prohibit the state sales tax on motor vehicle fuels from being used for any purpose other than state and local transportation and transit improvements, as authorized by Proposition 42;

● authorize the state to borrow Proposition 42 funds only if needed due to a "severe state fiscal hardship," and require full repayment, with interest, within three years of any such loans.

● restrict any such loans to no more than twice in any 10-year period.

In two of the three budget years since the passage of Proposition 42, the state has transferred more than \$2.5 billion in Proposition 42 revenues to use for non-transportation expenses.

Staff Contact: Jeanne Cain

Chamber Members Receive Psychologically Healthy Workplace Awards

California Chamber of Commerce members Wells Fargo and Seton Medical Center of Daly City have been recognized by the California Psychological Association (CPA) as winners of the Psychologically Healthy Workplace Award (PHWA).

Both companies demonstrate a commitment to workplace programs and policies that foster employee health and well-being while enhancing the organizations' performance and productivity, according to the CPA.

Wells Fargo



The winner in the for-profit category, Wells Fargo, is dedicated to the philosophy of its "people as a competitive advantage."

"Wells Fargo is humbled and honored to win this award," says Dr. Arne Boudewyn, employee assistance consulting manager, "and we're excited to be recognized for our work in supporting our team members."

Wells Fargo provides 24-hour access to employee assistance counseling and generous mental health benefits, as well as electronic access to educational and mentoring resources and direct access to training courses.

Wells Fargo's goal is to empower employees to "run it like you own it," and with the impressive resources dedicated to employee well-being, employees' satisfaction with their company runs high.

Seton Medical Center



The winner in the non-profit category, Seton Medical Center in Daly City, lives its mission of providing comprehensive, compassionate health care that is attentive to the whole person.

This mission, according to Joan Evans, administrative director of social support services, "creates a culture where associates 'feel cared about' and 'needed.'"

Seton's programs for associate recognition, culturally appropriate interventions, family health care benefits, return-to-work transition and health education exemplify its commitment to its employees.

"We believe in caring for our associates' body, mind and spirit," says Evans. "Caring is powerful medicine for our patients and associates. Providing a healthy

work environment is essential 'medicine' in taking our associates' well-being to heart."

Importance of Mental Health

Research reported in the April issue of *Occupational and Environmental Medicine* demonstrates the connection between highly stressful, unsupportive workplaces and physical manifestations of illness.

Employee mental health can directly affect workers' compensation and health care costs and employee productivity.

Maintaining a psychologically healthy workplace — in which workplace programs and policies are designed to enhance the quality of the work environment for employees and their families — is one of the best ways to reduce absences and turnover and keep employees fit, happy and productive.

Award Purpose

State psychological associations present the PHWA, established in 1999, to organizations demonstrating exceptional concern for the psychological well-being of their employees.

Award applicants are evaluated on their quality of vision and work environment, including:

- opportunities for employee involvement and recognition, for example, in de-

Award Applications Available

Information on applying for the Psychologically Healthy Workplace Award is available at www.calpsychlink.org or by contacting Dr. Beverly J. Ford, c/o California State University, Chico, 25 Main Street, Suite 202, Chico, CA 95929-0111, (530) 898-4645, bford@csuchico.edu. The deadline for applying is September 15, 2006. The award will be presented in April 2007 in Costa Mesa.

cision making and problem solving;

- assistance offered for family support, including child care, flexible work schedules and dispute resolution;
- opportunities for employee growth and development, such as career advancement and counseling; and
- working to assure employee health, security and safety.

Seminars/Trade Shows

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

Labor Law

HR 101: Introduction to Human Resource Administration. California Chamber of Commerce. May 16, Sacramento. (800) 331-8877.

Paying Employees Web Seminar.

California Chamber of Commerce. June 29. (800) 331-8877.

International Trade

Innovation in a World Without Borders.

California Institute of Food and Agricultural Research. May 15-16, St. Helena. (530) 754-9813.

DR-CAFTA 2006. San Diego World Trade Center and U.S. Chamber of Commerce. May 16, San Diego. (619) 615-0868, ext. 109.

80th Annual World Trade Week

Luncheon & Trade Fair. Foreign Trade Association of Southern California, Los Angeles Customs Brokers and Freight Forwarders Association, Women in International Trade, Los Angeles. May 25, Los Angeles. (323) 730-1011.

Trading in America: Incoterms for

Domestic Use. U.S. Council for International Business and the International Chamber of Commerce. June 8, San Francisco. June 9, Los Angeles. (212) 703-5061.

Hong Kong & Jiangmen: Your Partners for Success. Hong Kong Trade Development Council and the California Chamber of Commerce. June 15, San Diego. (213) 622-3194.

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