

ALERT

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Attorney General Issues Cybersecurity Guide *CalChamber Part of Collaborative Effort*



The California Chamber of Commerce has joined with Attorney General Kamala D. Harris in releasing a report outlining recommendations for California businesses to help protect against and respond to the increasing threat of malware, data breaches and other cyber risks.

The guide, *Cybersecurity in the Golden State*, is the product of a collaborative effort between the California Attorney General's office, CalChamber and Lookout, a mobile security company.

"Prevention is the best medicine. Not

only does the guide provide useful information to reduce the threat of cybercrime; it highlights the need to be proactive in preventing data breaches. This is good for California businesses and consumers," said CalChamber President and CEO Allan Zaremborg.

"I recognize that for many of us, computer technology and cybersecurity are complicated. But there are specific and straightforward steps that all small businesses can and should take to reduce their risk, as well as effective measures businesses can take to respond to cyberincidents should they take place," said Attorney General Harris.

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CalChamber Calls for Withdrawal of Proposed Federal OSHA Rule



The California Chamber of Commerce is part of a growing coalition of associations and employers opposing a proposed rule allowing a federal agency to obtain and make public, without any meaningful context, detailed information regarding specific workplace injuries and illnesses, including the company, location and specific data.

The federal Occupational Safety and Health Administration (OSHA) states that the proposed regulation would provide employees, potential employees, consumers, labor organizations and businesses, and other members of the public with important information about companies' workplace safety records.

The Coalition for Workplace Safety (CWS), including the CalChamber, is urging OSHA to withdraw the proposal. CalChamber and the coalition agree that the rule will do nothing to improve workplace safety while potentially causing significant harm to employers by making public information and data that has long been protected.

Without any meaningful context, the information is not a reliable measure of

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Coalition Forms to Educate Californians on Consequences of Another Oil Tax

The California Chamber of Commerce and a number of other groups this week announced the formation of a coalition to educate Californians about the devastating impact of another tax on oil.

"We just raised California taxes by \$7 billion a year for seven years," said CalChamber President and CEO Allan Zaremborg. "We now have a projected \$5 billion surplus. To create a new tax on oil only extracted in California will drive up the price of California oil, which constitutes about 40% of the California gasoline market.

"California's robust oil industry will be at a competitive disadvantage. This new tax will kill jobs and hurt local tax revenues. In addition, the bill would cre-

CALIFORNIANS AGAINST HIGHER OIL TAXES

ate an unaccountable, unnecessary, and expensive bureaucracy."

Californians already pay among the highest gasoline taxes and gas prices in the country and face the highest sales and income taxes in the nation. Another multibillion-dollar a year oil tax could drive California gas prices up even higher.

Coalition Members

Initial members of Californians Against Higher Oil Taxes include the

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Cal/OSHA Corner

Consultation Services Unit Helps Employers Reduce Workplace Injuries



Mel Davis
Cal/OSHA Adviser

Does the California Division of Occupational Safety and Health (Cal/OSHA) have a unit to assist small employers in complying with the occupational safety and health regulations (Title 8)?

The Cal/OSHA program consists of five distinct, independently functioning components. These components are:

- **Consultation Services**—Offers and provides free consultation, training and

publications to employers and their employees to help them comply with the workplace safety and health regulations;

- **Enforcement**—enforces worker safety and health standards;
- **Standards Board**—adopts, amends and repeals standards;
- **Appeals Board**—hears appeal regarding Cal/OSHA enforcement actions; and
- **Legal Unit**—represents Cal/OSHA in cases, does legislative bill analysis and assists Cal/OSHA staff.

Consultation Services

As can be seen, it is the consultation component that is designed to assist the small employer with reducing/eliminating workplace injuries and illnesses through voluntary compliance with occupational safety and health regulations, and improving work practices.

The consultation unit achieves this

mission through the following:

- on-site visits;
- off-site consultation;
- High-Hazard Employer Program;
- providing educational material and research;
- partnership programs; and
- outreach assistance.

It should be noted and understood clearly that the consultation unit, as stated earlier, is a distinct and independent unit. The Cal/OSHA Consultation Service will keep employer names and locations confidential, and gives priority service to small high-hazard employers. The unit will focus on effective safety and health programs, and may offer additional resources for assistance.

Although the Consultation Service is designed to assist the employer, it cannot ensure that its efforts will result in an OSHA-proof worksite, nor can it guaran-

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CalChamber-Sponsored Seminars/Trade Shows

More information: calchamber.com/events.

Labor Law

HR Boot Camp. CalChamber. April 10, Fresno; May 1, Sacramento; June 10, Santa Clara. (800) 331-8877.

International Trade

Trade and Investment Mission to Morocco. National U.S. Arab Chamber. March 9–15, Morocco. (202) 289-5920.

Indonesia International Furniture Expo 2014. Indonesian Trade Promotion Center Los Angeles. March 11–14, Jakarta, Indonesia. (213) 387-7041.

Annual Gala. Korean American Chamber of Commerce Los Angeles. March 19, Los Angeles. (213) 480-1115.

Offshore Technology Conference 2014. Malaysia External Trade Development Corporation. March 25–26, Kuala Lumpur, Malaysia. (213) 892-9034.

China's High Tech Surge Report. Asia Society and CalChamber. April 1, San Francisco. (415) 421-8707.

Asia/Pacific Business Outlook Conference. University of Southern California. April 7–8, Los Angeles. (213) 740-7130.

World Trade Week Kickoff Breakfast. Los Angeles Area Chamber. May 2, Los Angeles. (213) 580-7569.

Saudi Health Exhibition and Conference. U.S.-Saudi Arabian Business Council. May 19–21, Saudi Arabia. (703) 962-9300.

Consular Corps Luncheon. Northern California World Trade Center. May 21, Sacramento. (916) 321-9146.

China International Trade Mission and Expo. CalAsian Chamber of Commerce. May 22–June 1, Shanghai, China. (916) 446-7883.

China International Food Exhibition 2014. MEREBO Messe Marketing. May 27–29, Guangzhou, China.

Computex Taipei 2014. Taiwan External Trade Development Council. June 3–7, Taipei, Taiwan. (408) 988-5018.

The 15th Malaysia International Food and Beverage Trade Fair. Sphere Exhibits Malaysia Sdn Berhad and Mutiara Sigma (M) Sdn Bhd. June 19–21, Kuala Lumpur, Malaysia.

CalChamber Calendar

*Legislative Briefing and Host Breakfast:
May 20–21, Sacramento*



CalChamber Calls for Withdrawal of Proposed Federal OSHA Rule

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an employer's safety record or its efforts to promote a safe work environment. Many factors outside of an employer's control contribute to workplace accidents, and many injuries that have no bearing on an employer's safety program must be recorded.

Concerns

CWS objects to the proposed rule on several grounds:

First, OSHA simply lacks the authority to issue the regulation. In addition, the agency has failed to provide any evidence that the burdensome and costly proposal

is necessary or will improve workplace safety and health.

At the same time, OSHA has ignored the significant negative consequences of the proposed rule's required public disclosure of sensitive and confidential business information that is otherwise prohibited from release under the Freedom of Information Act and public release of personally identifiable information.

Public disclosure of this information will lead to underreporting of injuries and illness, creating a problem that does not currently exist. That disclosure will allow those who wish to do so, to mischaracterize and misuse the information for rea-

sons unrelated to safety.

Finally, this proposed rule embodies significant reversals in enduring OSHA policies and positions without adequate explanation or justification. OSHA has a longstanding position of treating employee hours worked as proprietary information and broad public disclosure of injury and illness data as unnecessary.

Also, for more than a decade, the agency has had a "no-fault" recordkeeping system to encourage employers to record injuries and illnesses, and has long recognized that mandatory electronic submission creates a burden on employers.

Staff Contact: Marti Fisher

Consultation Services Unit Helps Employers Reduce Workplace Injuries

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tee that Cal/OSHA enforcement will not inspect the workplace.

Also, Consultation Service staff will not perform the work the employer is required to do, ignore an unabated serious hazard, refer an employer to enforcement or provide on-site emergency assistance.

Requesting Assistance

The consultation unit's assistance can be initiated by a phone call from the employer. Employers and employee groups may phone to request consultation away from the job site.

An important part of the on-site visit is the opening conference, review of

employer safety records, program review, walk-around hazard identification, training, abatement assistance during and after the on-site survey, and a closing conference.

The employer will receive materials and guidance for setting up an effective Injury and Illness Prevention Program (IIPP) and other programs available to the employer and a written report.

The report will contain:

- health and safety review;
- hazard summary—workplace conditions not in compliance with Title 8;
- Employer report of Correction of Serious Hazards Found, if any;
- Consultation Process Fact Sheet; and

- Safety and health program assessment worksheet.

More Information

More information regarding the Consultation Unit can be found at www.dir.ca.gov. Click on Cal/OSHA and follow the prompts to the consultation unit.

The Labor Law Helpline is a service to California Chamber of Commerce 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 submit your question at www.hrcalifornia.com.

CalChamber Alert Available Via Mobile App

The California Chamber of Commerce is marking the 40th year of publishing *Alert* by making the newsletter available in mobile-friendly formats.

Readers interested in following the progress of major business policy and compliance issues can do so with the CalChamber *Alert* App, available for iPhone® and iPad®, as well as for Android™ smartphones and tablets.

The free app edition of *Alert* will include all the features of the print edition, such as updates on pending legislation or regulations, including "job killer" bills, that could have a significant impact on how California employers do business; the "Labor Law Corner" column answering California employment law questions;

explanations of major court decisions affecting employers and the economy; special reports on the economy, ballot measures and legislative vote records; plus information on CalChamber compliance products and services.

In addition, app subscribers can opt in to receive updates issued between regular editions of the print *Alert*, as well as a notification when a new story or an e-newsletter edition is published.

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CalChamber Legislative Briefing to Feature Insights on Top Issues

Business leaders from throughout the state are invited to attend the California Chamber of Commerce legislative briefing on May 20 in Sacramento.

Inside Scoop

The briefing will give attendees the opportunity to get the inside scoop from CalChamber President and CEO Allan Zaremberg about the politics behind major issues affecting employers' ability to stay competitive.

Also featured will be updates on CalChamber job creators and "job killers" and comments from longtime members of the Capitol Press Corps.

Lunch is included in registration for the briefing, set for 10:30 a.m.–1 p.m.

Host Reception/Breakfast

In the evening following the briefing is the Sacramento Host Reception, a networking opportunity for business leaders



from all industries in California to discuss key issues facing the state.

The reception is a prelude to the Sacramento Host Breakfast the following morning, May 21. The Host Breakfast provides a venue at which California's top industry and government leaders can meet, socialize and discuss the contemporary issues facing businesses, the economy and government.

Traditionally, the Governor of California and the chair of the CalChamber Board of Directors speak on issues facing employers in California. Leaders from

business, agriculture, the administration, education, the military and legislators from throughout the state are invited to join the discussion.

Registration

Registration for the briefing, Host Reception and Host Breakfast is \$50. Space is limited. The registration deadline is May 9.

For more information or to register, visit www.calchamber.com/2014briefing-hostb.

Staff Contact: Danielle Fournier

Coalition Forms to Educate Californians on Consequences of Another Oil Tax

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CalChamber, California Independent Petroleum Association, California Manufacturers & Technology Association, California Taxpayers Association, National Federation of Independent Business/California and the Western States Petroleum Association.

Recently, Senator Noreen Evans (D-Santa Rosa) introduced **SB 1017**, a proposal that would triple the oil tax in an effort to generate \$2 billion per year. Oil

companies and property owners already pay \$6 billion in state and local taxes each year to support local governments, schools, and police and fire services.

Previous efforts to impose a severance tax have been rejected, and Governor Edmund G. Brown Jr. has said that California doesn't need more taxes this year, including a new oil tax.

Californians Against Higher Oil Taxes will provide academic and economic analyses, research and other information

in a statewide campaign to raise awareness about how higher oil taxes will impact middle class families, small businesses and California's economy.

More Information

Visit www.stoptheoiltax.com for more information. Follow Californians Against Higher Oil Taxes on Facebook, www.facebook.com/stoptheoiltax and Twitter, www.twitter.com/stoptheoiltax.

Attorney General Issues Cybersecurity Guide

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Key Recommendations

Key recommendations outlined in the report include:

- Assume you're a target and develop an incident response plan now;
- Review data your business stores and shares with third parties, including backup storage and cloud computing. Once you know what data you have and where it is, get rid of what isn't necessary;
- Encrypt the data you need to keep.

Strong encryption technology is now commonly available for free, and it is easy to use;

- Follow safe online practices, such as regularly updating firewall and antivirus software on all devices, using strong passwords, avoiding downloading software from unknown sources and practicing safe online banking by using only a secure browser connection.

Links to a pdf and the online version of the guide are available at www.calchamber.com/cybersecurity.

Quick Answers to Tough HR Questions



Improving State Transportation Finance: Options Merit Vigorous Discussions



Loren Kaye

Transportation finance in California is falling far short of the state's needs. The gas tax, for structural and public policy reasons, is an inadequate source of ongoing investment for roads and highways. As illus-

trated in the nearby chart, gas tax revenues are falling as use of our road and highway system continues to increase.

A robust travel network is vital for moving Californians between home, school and work, as well as moving goods and supporting tourism. Even after the Internet revolution, physical transportation remains the backbone of the state's economy.

A unique feature of transportation finance is the potentially close connection between potential new revenue sources and the use of the roads and highways. That is, some of these revenue sources are virtual proxies for the use of the transportation infrastructure, which would make them more akin to fees than to taxes.

Finance Options

What are the finance options available to California policymakers to reinvest in the state's transportation infrastructure?

- **Increase the fuel excise tax.** Motorists pay the gasoline tax every time they fill up at the service station. The rate is 36 cents a gallon (plus local sales taxes and the federal 18 cents-a-gallon excise tax), which makes it the highest fuel tax in the nation. The tax was last increased 20 years ago, but was recently collapsed with the state sales tax on gasoline, which means it is periodically adjusted to reflect the changing gasoline sales base.

Because it is an excise tax, the revenues do not rise with inflation—only with growth in volume (which is actually falling; see February 7 *Alert*). The gas tax would need to be increased by about 7 cents a gallon to raise a billion dollars a year—assuming no fall-off in gasoline sales.

- **Increase the vehicle license fee (VLF).** Also known as the “car tax,” the VLF is closely associated by the public with transportation finance, even though it is actually used for general local government revenues. A recent ballot initiative proposal would have increased the

Guest Commentary By Loren Kaye

VLF by one percentage point and devoted the funds to highway maintenance and rehabilitation.

The tax is collected annually when automobiles must be reregistered, so any new tax would be a big bite. A billion-dollar increase would require an increase in the car tax of about 0.4%, or adding another \$120 annually for a \$30,000 car.

- **Ease the vote requirements for local sales tax overrides for transportation.** Today some 20 counties with more than 80% of the state's population tax themselves to pay for local transportation services. Levying sales tax rates ranging from 0.5% to 1.5%, these counties together raised nearly \$4.3 billion in

2012–13 to supplement state and federal transportation funds.

Proposition 13 requires that local sales tax overrides receive two-thirds approval of county voters. Some jurisdictions may find this a high hurdle, but for the 20 urban and metropolitan counties, the system obviously works. Indeed, some counties—Los Angeles, Santa Clara, San Francisco, San Mateo and Sonoma—have successfully gone to the voters more than once for a sales tax override.

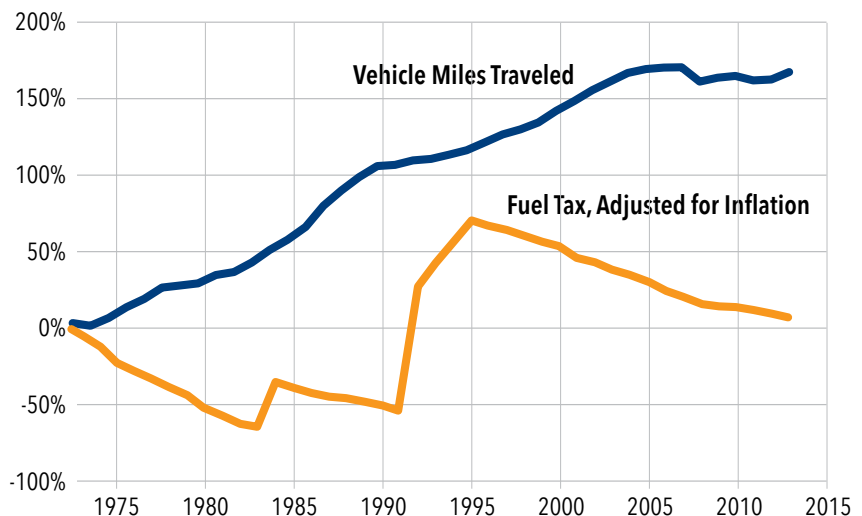
- **Expand network of toll roads.** Compared with other states, especially along the Eastern Seaboard, California's use of toll roads is modest, but growing.

In Northern California, highway operators have established eight toll bridges spanning San Francisco Bay and Delta channels, along with express lanes on two freeways.

In Southern California, two toll bridges have been in use for decades. But dedicated toll roads and, more frequently, dedicated high occupancy toll lanes on busy freeways are becoming a more familiar part of the transportation landscape. Motorists in Los Angeles, San

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Vehicle Miles Traveled Increasing; Fuel Tax Revenues Declining

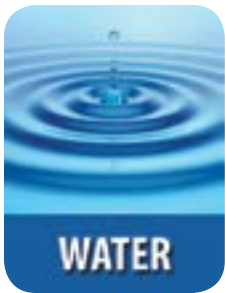


Source: California Foundation for Commerce and Education

Legislative Outlook

An update on the status of key legislation affecting businesses. Visit www.calchambervotes.com 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.

Governor Signs Drought Relief Bills



Governor Edmund G. Brown Jr. has signed two bills allocating \$687.4 million to enhance water conservation, improve water supplies and help Californians disproportionately affected by the drought.

The bills, **SB 103** and **SB 104**, both by the Senate Budget and Fiscal Review Committee, take effect immediately and designate the following:

- \$549 million from accelerated spending of voter-approved bonds in the form of infrastructure grants for local and regional projects already planned or partially completed to increase the reliability of local water supplies, including recapturing storm water, expanding the use and distribution of recycled water, enhancing the management and recharging of groundwater storage and strengthening water conservation;

- \$14 million for groundwater management statewide, including help for disadvantaged communities with groundwater contamination exacerbated by the drought;

- \$10 million from the Greenhouse Gas Emissions Fund for the California Department of Food and Agriculture to invest in irrigation and water pumping systems that reduce water use, energy use and greenhouse gas emissions;

- \$15 million from the General Fund for an Emergency Drinking Water Fund;

- \$13 million from the General Fund to augment the budgets of the California Conservation Corps and local community conservations corps to expand water use efficiency and conservation activities and to reduce fuel loads to prevent catastrophic fires;

- \$25.3 million from the General Fund for food assistance, structured to maximize potential federal drought assistance for individuals affected by the drought;

- \$21 million from the General Fund and federal funds for housing-related assistance for individuals affected by the drought.

Staff Contact: Valerie Nera

Improving State Transportation Finance: Options Merit Vigorous Discussion

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Diego and Orange counties can now pay to travel on as many as nine dedicated roads or lanes—presumably more quickly and with less congestion than their parallel “free” ways.

• **Devise new tax/fee on miles driven.** The latest and most intriguing approach to financing roads and highways is literally to charge drivers for driving. Known as a fee on vehicle miles traveled (VMT), this approach would marry the act of using roads and highways with a charge for doing so.

The major challenges include the novelty of this approach, whether accurate information on an individual’s driving can be obtained, concerns over privacy (if the means for gathering mileage

information is a GPS-type device), and sticker shock if the fee is collected annually. A half-cent per mile fee would raise about a billion dollars a year—or about \$50 per 10,000 miles driven.

Tough Debate

Any new tax or fee for transportation will be a tough slog.

On the right, opponents will question the efficiency of the transportation bureaucracy, the overhead from environmental delays and questionable mitigation measures, and high design and construction blunders. They will also question providing new funds for infrastructure while state coffers are brimming.

On the left, opponents will question prioritizing new money for public works

while other societal needs for the social safety net or children’s services loom large. Others will dispute raising even more money to pour concrete instead of investing in more public transit or making even stronger efforts to reduce automobile use.

These are all important arguments that will take time, intellectual commitment, and political leadership to work through. These objections should not be short-changed, but neither are they an excuse to not address our looming deficit in transportation finance.

Loren Kaye is president of the California Foundation for Commerce and Education, a nonprofit think tank affiliated with the California Chamber of Commerce.

CalChamber Joins Grassroots Partnership to Advance Visa/Travel Reforms



The California Chamber Commerce has joined the Discover America Partnership (DAP), a diverse coalition of industries and associations whose work depends on safe and efficient inbound international travel.

The DAP is a lobbying and grassroots campaign to advance visa and entry reforms to enable the United States to regain its historic share of the booming world travel market.

DAP members reflect a broad range of industries that share the need for efficient overseas travel to the United States—whether the travel is to negotiate business deals, host global conferences and trade shows, or welcome international tourists.

In 2012, international travel to the U.S. accounted for \$129 billion in direct spending, supporting 1.1 million jobs. There is enormous potential for growth, but only if the nation takes practical steps to more efficiently and securely welcome millions of new visitors.

According to the DAP, the potential benefits are hard to exaggerate. Month after month, economic projections from the U.S. Commerce and Labor departments underscore how international visitation to the United States is helping lead the nation's economic recovery.

Travel exports, already the top U.S. services export, are rising at a faster rate than any other sector of the economy—generating tens of thousands of U.S. jobs that can't be outsourced overseas.

JOLT Act

To nurture local opportunity from Asia to South America, the CalChamber seeks an efficient, reliable U.S. visa and entry process—and will now work with the DAP on the Jobs Originated through Launching Travel (JOLT) Act and other key priorities to facilitate business and leisure travel to the United States.

The DAP agenda includes reducing visa interview wait times and testing visa videoconference technology; streamlining the Customs and Border Protection entry process; expanding the Visa Waiver Program and trusted traveler programs; and reauthorizing the Travel Promotion Act.

A central focus of the current agenda is enactment of the JOLT Act of 2013. The House JOLT Act (H.R. 1354) currently has

more than 125 bipartisan co-sponsors. The JOLT Act addresses key barriers in the visa processing system that deter international business and leisure travel.

U.S. Visa Waiver Program

One of the JOLT Act's key economic and national security objectives is to expand the U.S. Visa Waiver Program. The Visa Waiver Program currently allows business and leisure travelers from 37 partnering countries to visit the United States for up to 90 days without obtaining a nonimmigrant visitor visa.

An enhanced Visa Waiver Program would provide necessary updates to the program while also allowing the Secretary of the U.S. Department of Homeland Security to designate additional program countries.

Taiwan

As of November 1, 2012, people from Taiwan have been able to visit the United States for up to 90 days without obtaining a visa. The entry of Taiwan into the U.S. Visa Waiver Program not only supports the National Travel and Tourism Strategy, but it strengthens the nation's economic partnership with Taiwan by giving more opportunities for the Taiwanese and Americans to do business with one another.

Taiwan is the 16th largest importer of U.S. goods and services and the seventh largest importer of California goods and services. California exported \$6.3 billion to Taiwan in 2012, primarily nonelectrical machinery, computer and electronic products, waste and scrap, transportation equipment, and chemicals.

Chile

On February 28, Chile became the first Latin American country and the 38th nation to gain visa waiver status.

Visitors to the United States from Chile spent more than \$5,000 per trip in 2012, 15% more than the average overseas traveler, according to the U.S. Travel Association. The association notes that visitor spending will likely triple the first year Chile is in the visa waiver program.

Chile is an important partner with the U.S.-Chile Free Trade Agreement implemented on January 1, 2004. Since then, bilateral trade between Chile and the United States has more than quadrupled

and both trade and investment opportunities abound.

Chile is California's 18th largest export destination. In 2013, California exported about \$2.3 billion to Chile. This included petroleum and coal products, computer and electronic products, machinery, and chemicals. California imports the following from Chile: fresh fruits, forestry products, wines and seafood.

DAP Information

For further information, please see: www.discoveramericapartnership.org.
Staff Contact: Susanne Stirling

Governor Convenes Trade/Investment Advisory Council

Governor Edmund G. Brown Jr. has established the California International Trade and Investment Advisory Council, bolstering the state's efforts to grow international business opportunities for California companies. He named former U.S. Ambassador to Hungary Eleni Kounalakis to chair the council.

The council will assist the Governor's Office of Business and Economic Development (GO-Biz) in identifying foreign markets with the greatest potential for export expansion and in developing specific export strategies for those markets—including the state's top trading partners, Canada, Mexico and China, and emerging markets such as Brazil and India.

The California economy benefits significantly from international trade and investment. California registered a record number of exports in 2013 with businesses exporting more than \$168 billion in goods, 4% higher than the previous year.

Detailed information vital to the businesses that make California one of the largest exporting states in the nation and one of the largest economies in the world is available at www.calchamber.com/international.

Simplify your training requirements and reward supervisors with free coffee.

Regardless of company size, CalChamber recommends harassment prevention training for all supervisors and employees. Just ask any employer blindsided by a workplace harassment lawsuit—the costs are enormous. California requires companies with 50 or more employees to provide two hours of sexual harassment prevention training to all supervisors **within six months of hire or promotion**, and every two years thereafter. CalChamber's online training makes it easy to educate employees and meet your compliance requirements.



Get a **\$5 Starbucks eGift Card** for every California Harassment Prevention training seat you purchase by 03/14/14.

Use priority code HTST2. Preferred and Executive members receive their 20% discount in addition to this offer.



California courses for individual learning include **new legislation** clarifying that sexually harassing conduct does not need to be motivated by sexual desire.

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