

ALERT

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 **CalChamber**
CALIFORNIA CHAMBER OF COMMERCE

Chief Justice: Innovations Still Leave Funding Shortfall

Civics Education Needed to Combat Voter Apathy

California courts are using innovation and efficiencies to provide access to justice in response to recession-based cut-backs, but more funding is needed, California Chief Justice Tani G. Cantil-Sakauye said this week in her [State of the Judiciary address](#).

Speaking before a joint session of the California Legislature on March 23, Cantil-Sakauye thanked the Governor and the Legislature for the recent new investment in the judicial branch after budget cuts stemming from the recession, but stressed that the new funds are not enough.

The continuation of courthouse closures, court closings, reduced service hours and the number of employees who continue to be on furlough are evidence that the judicial system is falling short of necessary funding, the Chief Justice said.

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AP Photo/Rich Pedroncelli

Chief Justice Tani G. Cantil-Sakauye

Governor, CalChamber Chair, Kings Owner to Speak at Annual Sacramento Host Breakfast



California Governor Edmund G. Brown Jr. will be the featured speaker at the 90th Annual Sacramento Host Breakfast on May 28.

In keeping with tradition, California Chamber of Commerce 2015 Chair Joseph M. Otting, president and CEO

of OneWest Bank N.A., will precede the Governor at the podium.

Also speaking will be Vivek Ranadivé, owner/chairman of the Sacramento Kings.

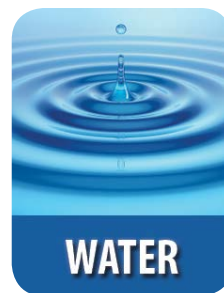
Host Reception/Breakfast

The breakfast and a reception the evening before are co-sponsored by the CalChamber and the Sacramento Host Committee, made up of 30 Sacramento business leaders.

The Host Reception and Breakfast

See Governor, CalChamber Chair: Page 4

Emergency Water Package Passes Legislature



A \$1 billion emergency relief drought package passed the Legislature this week and was expected to be signed by the Governor.

California has entered the fourth year of a severe drought with a snowpack well below historical averages, meaning less snow to melt and supply water through the spring and early summer.

The part of the package accelerating previously approved funding passed with bipartisan support in both legislative houses, while the accompanying trailer bill encountered resistance from Republican legislators who questioned provisions granting enforcement powers to fish and game wardens and creating a new office.

Similar concerns were raised by grower representatives at informational hearings on the package.

Emergency Legislation

The finance portion of the package accelerates funding as follows:

- \$267 million for water development, including recycling, desalination and drinking water;
- \$131 million for direct drought response, including food assistance, emergency drinking water, protection of fish and wildlife, invasive species protec-

See Emergency Water: Page 7

Inside

[CalChamber Marks 125th Anniversary: Page 5](#)

Labor Law Corner

Terminating Employee Who Has Given Two Weeks' Notice



Ellen S. Savage
HR Adviser

My employee gave two weeks' notice that she is quitting, but I want to end her employment today. Will that turn her quit into a termination? And if so, will it mean she can collect unemployment insurance even though she quit? And do I have to pay her out for the two weeks?

If an employee gives two weeks' notice that she is quitting and instead you end her employment earlier than the

notice period, you have turned a voluntary quit into a termination.

Let's look at how that will affect her unemployment insurance (UI) eligibility, and whether you must pay her out for the notice period she gave.

UI Eligibility

An employee who is terminated for "misconduct" is disqualified from receiving UI benefits. If you terminate an employee as a result of her having given notice to quit, she will not have been terminated by you for misconduct and thus would not be disqualified.

In this situation, she will likely be eligible to collect benefits, which could in turn have a negative effect on your UI reserve account and cause your UI rates to go up.

If, however, you pay the employee for the full period of notice, then the Employment Development Department (EDD) still will consider the separation to be a voluntary quit for UI purposes. This is because by being paid out for the notice period, the employee has not suffered any loss of wages.

According to EDD, for UI purposes, a voluntary quit becomes a termination only if the employee suffered a wage loss.

(Note that this discussion pertains only to UI eligibility, not whether the separation was a quit or a termination for other legal purposes, such as a wrongful termination lawsuit.)

In deciding whether to pay out the notice period even though you are terminating the employee, it is critical to first determine whether she would be eligible for UI even if EDD still considers it a

voluntary quit. Remember that an employee who quits with good cause (such as to relocate with his/her family to another state, or to take a substantially better job) might be eligible to collect UI anyway. If that is the case, your turning the quit into a termination will make no difference in whether she will collect UI.

Paying for Notice Period

If you are an at-will employer and don't require employees to give advance notice of quitting, then there is no legal obligation to pay out a notice period if you terminate the employee early. Note that the lack of a legal obligation to pay those wages does not change the UI eligibility discussed above.

However, it's important to check your employee handbook or other company documents that might create a requirement for employees to give notice.

It's not unusual to find an employee handbook that states that employment is at will, meaning either party can end the relationship without notice, but then to find a policy in the same handbook asking that employees give two weeks notice if they are planning to quit. By requiring notice, you may be creating an obligation to allow the employee to work the two weeks or to be paid out for it.

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.

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Email: alert@calchamber.com.
Home page: www.calchamber.com.

CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor Law

HR Boot Camp. CalChamber. April 23, San Diego; June 10, Santa Clara; August 18, Sacramento; September 2, Laguna Beach. (800) 331-8877.

Business Resources

34th National UI Conference. National Foundation for Unemployment Compensation and Workers' Compensation. June 17-19, San Diego. (202) 223-8904.

International Trade

March International Mixer. Northern

California World Trade Center. March 31, Sacramento. (916) 321-9146.
Asia/Pacific Business Outlook. U.S. Commercial Service. April 13-14, Los Angeles. (310) 235-7212.
CalAgX Export Training Program.

See CalChamber-Sponsored: Page 3

Next Alert: April 10



Background Checks in California: What Employers Must Know



Considering the digital age and all the ways employers can access information about current and prospective employees, sometimes an employer learns too much about a person.

Complying with California and federal employment laws for background screenings is no easy task.

California Chamber of Commerce employment law experts Erika Frank and Jessica Hawthorne will present a live webinar on just this topic:

[Background Checks in California: What Employers Must Know](#) on Thursday, April 16. They'll provide an engaging overview of rights, restrictions, requirements, legal trends and more.

"There's so much information out there. Employers want to be sure that what they learn about someone's background is something they can legally use when making hiring and employment decisions," said Hawthorne.

CalChamber experts will give an overview of rights, restrictions, requirements, legal trends and more:

- Important steps before obtaining background information.

- What employers can and can't ask applicants to disclose.
- Protections for personal and family medical histories.
- Applicants' online activities.
- Confidentiality of information.
- When applicant screenings reveal cause for concern (for example, drug conviction, criminal background).
- Tips to avoid negligent hiring claims and penalties.



Erika Frank



Jessica Hawthorne

CalChamber Presenters

Erika Frank, vice president, legal affairs, and general counsel, joined CalChamber in April 2004 as a policy advocate and general counsel, leveraging her 10 years of legal, governmental and legislative experience. Named vice president of legal affairs in 2009, she is CalChamber's subject matter expert on California and federal employment law.

Frank oversees and contributes to CalChamber's labor law and human resources compliance publications; co-produces and presents webinars and seminars; and heads the Labor Law Helpline. Frank earned her J.D. from McGeorge School of Law.

Jessica Hawthorne, senior employment law counsel and Helpline manager, rejoined CalChamber in January 2014. She previously served as employment law counsel from 2006 to 2009. In addition to managing and serving as a consultant for the Labor Law Helpline, Hawthorne uses her employment law knowledge and expertise to produce, write, edit and conduct webinars, seminars and online events, as well as contribute to CalChamber publications. She returned to CalChamber from the California Correctional Peace Officers Association (CCPOA), where she was internal counsel for four years. Hawthorne earned her J.D. from Widener University School of Law.

Registration

Registration information for the seminars is available at www.calchamberstore.com. Products are available for purchase by any business; CalChamber preferred and executive members receive a 20% discount.

CalChamber-Sponsored Seminars/Trade Shows

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Fresno Center for International Trade Development. April 14, Salinas; April 15, Clovis; April 16, Sacramento. (559) 324-6401.

Legal and Business Strategies in Exporting. Port of Los Angeles. April 17, Los Angeles. (310) 732-7765.

California-Mexico Trade Initiative. San Diego Regional Chamber. April 19-22, Mexico City, Mexico. (619) 544-1316.

MEXPORT Trade Show 2015. Otay Mesa Chamber. April 23, San Diego. (619) 661-6111.

Annual Conference. Export-Import Bank of the United States. April 23-24, Washington, D.C. (703) 536-4992.

China-U.S. Business Summit. China-U.S. Business Summit Organizing Committee. April 26-28, Los Angeles. (626) 810-0820.

Making Hay: The Future of U.S. Competitiveness. Monterey Bay International Trade Association. April 30, San Jose. (831) 335-4780.

World Trade Week Kickoff Breakfast. Los Angeles Area Chamber. May 5, Beverly Hills. (213) 580-7569.

SelectUSA Road Show in Mexico. SelectUSA. May 12-14, Merida, Mexico City and Tijuana, Mexico. (202) 482-6800.

Orange County World Trade Week. Irvine Chamber and UPS. May 14, Irvine. (949) 502-4128.

SelectUSA Greater China Road Show. SelectUSA. May 18-29, Hong Kong, Shenzhen, Dongguan, Guangzhou, Shanghai, Shenyang and Dalian, China. (202) 482-6800.

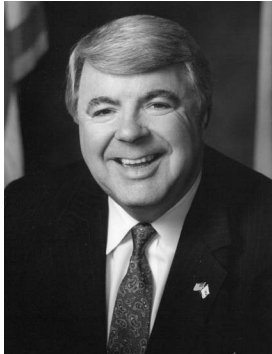
18th Annual International Business Luncheon. World Trade Center Northern California. May 28, Sacramento. (916) 321-9146.

9th World Chambers Congress. International Chamber of Commerce. June 10-12, Torino, Italy.

Korea Overseas Investment Fair. Korea Trade-Investment Promotion Agency. June 24-25, Gyeonggi-do, South Korea. (408) 432-5021.

In Memoriam

Bill Campbell, Former Senator, Head of Manufacturers Association



Former Senate Republican Leader William P. Campbell, a former president of the California Manufacturers and Technology Association, passed away last

weekend at his home in Orem, Utah. He was 79.

"Bill was a life enhancer and a joy to be around," said former California Chamber of Commerce President Kirk West in

announcing Campbell's death on Facebook. "He was a dear friend for many years. I will greatly miss him...everyone one who knew Bill will miss him."

Campbell was first elected to the Assembly in 1966 from Hacienda Heights in Los Angeles County. After four terms in the Assembly, split by an unsuccessful bid for a seat on the Los Angeles County Board of Supervisors in 1972, he moved on to the Senate in 1976, serving as Republican leader for four years before retiring in 1990 to head the manufacturers association for eight years.

In 2003, he was named to lead the blue-ribbon commission that examined the causes of the Southern California wildfires that year and recommended

ways to improve the state's response to future fires.

The former senator's likeability and ability to find common ground on contentious issues are cited frequently in comments by those who knew him.

"Campbell's affability and quipping mask a skilled and savvy politician," wrote now-State Librarian Greg Lucas in a 2008 [blog post](#) that also recounted other tales from the senator's career.

"His accomplishment was getting people to work together," former Senate Democratic leader David A. Roberti told the *Los Angeles Times*. "He had a great personality even when he was being partisan. You had to laugh. He did it in a friendly way."

Governor, CalChamber Chair, Kings Owner to Speak at Host Breakfast

From Page 1

provide venues at which California's top industry and government leaders can meet, socialize and discuss the contemporary issues facing businesses, the economy and government.

Leaders from business, agriculture,

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

Capitol Summit

On May 27, at the Capitol Summit preceding the reception, political insiders

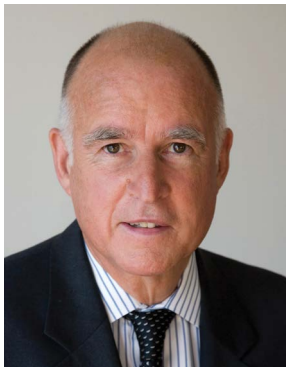
and CalChamber policy advocates will describe the impact of redistricting and primary election reforms on how public policies are developed.

CalChamber President and CEO Allan Zaremberg will moderate a discussion by political practitioners from both major parties:

- Rob Stutzman, founder and president of Stutzman Public Affairs, a Sacramento-based firm specializing in campaigns, communications and crisis management.

- Robin Swanson, principal, Swanson Communications, a strategic political communications firm.

Following the Summit lunch, former Assembly Republican Leader Mike Villines, Villines Group LLC, will moderate as CalChamber policy advocates provide updates on the status of the hottest major policy topics of concern to business.



Governor Edmund G. Brown Jr.



Joseph M. Otting



Vivek Ranadivé



CalChamber

MAY 27-28, 2015

CAPITOL SUMMIT & SACRAMENTO HOST BREAKFAST

Registration

Registration for the Capitol Summit, Host Reception and Host Breakfast is \$60. Space is limited. The registration deadline is May 15.

For more information or to register, visit www.calchamber.com/2015summit-host.
Staff Contact: Danielle Fournier

CalChamber Celebrates 125 Years

Following is the text of an email sent this week to California Chamber of Commerce members and customers.

For 125 years, CalChamber has pursued prosperity for all Californians. We share this rare business milestone with you—our loyal members and customers.

In supporting CalChamber and by contributing to our state's economy, you help make California a better place to live, work and do business.

CalChamber traces its roots to the **California State Board of Trade**, which incorporated in 1890.

In the early years, we encouraged immigration to California. The "Land of Promise" image is taken from a booklet we distributed in 1897 to visitors and home-seekers. Among the informative articles was "Scenic California" by John Muir.

Since then, our name and purpose



have evolved:

In 1910, the California State Board of Trade became known as the **California Development Board**, promoting the business of the state and pride in California-made products.

In 1921, we merged with the **California Industries Association** to form the Cali-

fornia Development Association, Commerce and Industry, to support a sound business climate in a rapidly growing state.

In 1929, we incorporated as the **California State Chamber of Commerce, Agriculture and Industry**.

In 1972, we adopted the shorter name **California Chamber of Commerce** for our not-for-profit, which serves as a business advocate and HR compliance resource for California employers.

In 2006, we modernized our brand with a shortened moniker—**CalChamber**—and a new logo.

CalChamber looks forward to many more years of serving you and working to keep your trust. We wish both your company and employees the continued success you've earned and truly deserve.

We will always be grateful for your support.

Chief Justice Stresses Need for Funding, Civics Info for Future Leaders

From Page 1

Improving Operations

She pointed out that in response to budget cuts, courts across California have analyzed their operations and have found ways to cut costs or better serve their communities.

Cantil-Sakauye noted that judicial council staff has been reduced by 30%, a court construction cost reduction program has been developed, and a new technology plan has been created, among various efforts.

Among the innovations is the expansion of online education programs for judges and justices who face mandatory education.

In addition, to better serve communities, more than 383 courts in the state are addressing community-specific needs, such as reducing recidivism or improving recovery.

These "problem-solving courts," as they are known, include mental health

courts, domestic violence courts, elder courts, and veterans courts. These types of courts did not exist 10 to 15 years ago, the Chief Justice said, but are "reflective of some of the challenges in society today."

Another effort underway to improve court operations is the adoption of the California Language Access Plan, the most comprehensive plan for language access in the United States, Cantil-Sakauye said.

Appropriate language access is necessary for California, she said, because of the high percentage of Californians who speak foreign languages.

Approximately 40% of Californians speak a language other than English at home, and 1 out of 5 people who appear court need some form of language assistance, she said.

Civic Engagement

Cantil-Sakauye also stressed the need for civics education and civic engagement

to inform citizens and fight voter apathy.

"Innovations and efficiencies mean very little if the public does not have trust or confidence or understand the work we do," she said. "And we have to pass on or, as youth say, download that information to the next generation so when they take our place they can be effective leaders."

Voter apathy is of particular concern.

"Frankly, voters disenfranchise themselves voluntarily," Cantil-Sakauye said.

The Chief Justice pointed out that during last year's midterm elections, only 31% of Californians eligible to vote cast a ballot, and only 8% of eligible youth did so. Of 18-year-old high school seniors eligible to vote, she commented, less than half think that state and local issues are their responsibility.

"If not their responsibility now, it soon will be," she said. "And I believe we need to pass on what we know to them so they can be ready for that challenge."

Tools to stay in touch with your legislators.

calchambervotes.com

Bill Expedites, Reduces Costs for Roadway Repair/Maintenance



SUPPORT

The Assembly Natural Resources Committee has approved a California Chamber of Commerce-supported bill that streamlines

certain roadway infrastructure improvements.

AB 323 (Olsen; R-Modesto) extends, until January 1, 2020, the current California Environmental Quality Act (CEQA) exemption for certain roadway repair and maintenance projects.

The exemption applies for the repair, maintenance, or minor alterations to an existing roadway if the project is carried out by a city or county with a population of less than 100,000 persons. Without action, this exemption is set to expire on January 1, 2016.

Requirements

Importantly, the exemption AB 323 proposes to extend applies only if certain

requirements are met, including: the project must not cross a waterway, there must be negligible expansion of use, the site must not contain wetlands or riparian habitat, and there must be no impact to cultural resources.

Ensuring that minor roadway maintenance and repair projects in small to mid-size jurisdictions move forward expeditiously is critically important from a public safety standpoint.

Although such projects may fall within certain categorical exemptions under the *CEQA Guidelines*, AB 323 ensures that roadway repair and maintenance projects would continue to be statutorily exempt from CEQA and thus would not be subject to exceptions that may defeat their use. Accordingly, if a proposed project fits within the terms of AB 323's stated exemption, then that is the end of the inquiry and the exemption applies.

CEQA was initially passed to ensure that California's environment is considered before moving forward with a project. Over time, however, CEQA has become a hook for litigation and a means

to delay worthy projects for reasons that have nothing to do with the environment.

Until changes are made to the underlying process, CalChamber supports legitimate CEQA exemptions, such as AB 323, which will encourage the expeditious approval and implementation of minor but important roadway projects.

Key Vote

AB 323 passed Assembly Natural Resources on March 23 with unanimous support.

Ayes: Williams (D-Santa Barbara), Dahle (R-Bieber), Cristina Garcia (D-Bell Gardens), Hadley (R-Manhattan Beach), Harper (R-Huntington Beach), Mark Stone (D-Scotts Valley), McCarty (D-Sacramento), Rendon (D-Lakewood), Wood (D-Healdsburg).

The bill will be considered next by the Assembly Transportation Committee.

More Information

For background information, see the [2015 CalChamber Business Issues and Legislative Guide](#) article on CEQA. **Staff Contact: Anthony Samson**

CalChamber-Backed Career Technical Education Bill Passes Committee



SUPPORT

A California Chamber of Commerce-supported bill that establishes a new career technical education (CTE) matching-grant program passed the Senate

Education Committee this week.

SB 148 (McGuire; D-Healdsburg/Leyva; D-Chino) builds on the work being done by the Career Pathways Trust grant program. The bill appropriates \$600 million of Proposition 98 funds to establish a new career technical education grant program for districts that operate state-approved CTE course sequences aligned with regional business needs, and states the Legislature's intent to provide additional funding for the program in 2017-18 and 2018-19.

This additional funding will ensure that school districts, joint powers authorities, and regional occupational centers have adequate resources to maintain and

develop CTE programs that align with those offered by nearby community colleges, teach the skills needed by local employers, offer counseling and guidance services to help students graduate from high school and map out a clear path to a career, and build partnerships with local employers to give students valuable work experience and real-world learning opportunities through internships, externships, job-shadowing, and mentorship programs.

Local Control Funding Formula

Since 2008, and especially since the adoption of the Local Control Funding Formula (LCFF), many school districts have started to re-prioritize how they allocate their financial resources. In some cases, this has meant a loss of support for CTE courses and programs to the extent permitted under their maintenance-of-effort requirements.

Those requirements end this year though, freeing school districts to divert even more funds away from this important work. While the CalChamber is

strongly supportive of the LCFF and the goal of improving educational outcomes by putting key educational and budget decisions in the hands of educators, it is also evident that, when choices must be made about which competing investments should receive a school district's finite resources, CTE too often falls to the bottom of the list.

In time, this may be corrected for through the implementation of a strong accountability system that properly values the role of CTE in increasing educational attainment and preparing today's students for tomorrow's workforce, but that accountability system is still being developed, and will not change things overnight once it is completed.

In the meantime, important programs that took millions of dollars to develop may be scaled back or eliminated, and too few programs will be created or expanded to meet the growing needs of the workforce and prepare students for those jobs that offer high wages and robust benefits.

See CalChamber-Backed: Page 7

CalChamber Calls for Nominees

Small Business Advocate Award Nominations Due April 28



Just one month remains to submit nominations for the California Chamber of Commerce

Small Business Advocate of the Year Award, an annual recognition of small business owners who have done an exceptional job with their local, state and national advocacy efforts on behalf of small businesses.

"Every year the award winners demonstrate how one person speaking out can make a difference," said Dave Kilby, CalChamber executive vice president, corporate affairs. "Nominating that outstanding spokesperson from

your community helps bring statewide recognition to the importance of small business advocacy."

Application

The application should include information regarding how the nominee has significantly contributed as an outstanding advocate for small business in any of the following ways:

- Held leadership role or worked on statewide ballot measures;
- Testified before state Legislature;
- Held leadership role or worked on local ballot measures;
- Represented chamber before local government;
- Active in federal legislation.

The application also should identify

specific issues the nominee has worked on or advocated during the year.

Additional required materials:

- Describe in approximately 300 words why nominee should be selected.
- News articles or other exhibitions as supporting materials.
- Letter of recommendation from local chamber of commerce president or chairman of the board.

Deadline

Nominations are due by April 28. The nomination form is available at www.calchamber.com/smallbusiness or may be requested from the Local Chamber Department at (916) 444-6670.

Emergency Water Package Passes Legislature

From Page 1

tion, and emergency water supply and education;

- \$660 million for urban/rural flood protection, mainly in the Central Valley. The funding comes from the Proposition 1e water bond approved by voters in 2006 that must be spent before 2016.

Future Needs

The drought legislation was aimed at funding projects that could be started quickly.

Work remains to be done on long-term

efforts to alleviate California's chronic water shortage.

California Chamber of Commerce President/CEO Allan Zaremborg has commented, "Since we can't make it rain, we have to manage our resources more efficiently today and in the future. That includes adequate storage and conveyance facilities, plus approving desalination, recycling and reuse operations."

Water Security

The emergency water legislation underscores the related need to fix Cali-

fornia's aging water distribution system as well.

The CalChamber is part of a coalition working to promote the Governor's proposed fix to the system through implementation of the Bay Delta Conservation Plan.

The coalition includes business leaders, labor unions, family farmers, local governments, water experts and community groups.

For more information, visit www.watersecurityca.com.
Staff Contact: Valerie Nera

CalChamber-Backed Career Technical Education Bill Passes Committee

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Resources for CTE Program

SB 148 establishes an additional funding source to help maintain existing investments in CTE, and encourage school districts to continue using some of their resources for CTE program development by doubling their investment.

Ideally, this additional funding stream will be available through 2018–19, giving policymakers time to continue to fine-tune Local Control and Accountability Plan requirements and oversight, adopt

rubrics that evaluate school districts on their ability to prepare students for some level of postsecondary training or degree program, and develop a new Academic Performance Index based on multiple measures of student success.

This will also give the California Collaborative for Education Excellence time to start working with school districts to support appropriate goal-setting and improved student outcomes, which should include career and college readiness.

Key Vote

SB 148 passed Senate Education with unanimous support:

Ayes: Liu (D-La Cañada Flintridge), Huff (R-Diamond Bar), Block (D-San Diego), Hancock (D-Berkeley), Leyva (D-Chino), Mendoza (D-Artesia), Pan (D-Sacramento), Vidak (R-Hanford).

The bill will be considered next by the Senate Appropriations Committee.

Staff Contact: Mira Morton

Simplify your training requirement and reward supervisors with free coffee.

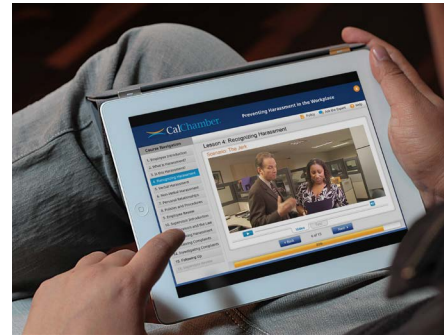
California requires companies with 50 or more employees to provide two hours of sexual harassment prevention training to all supervisors within six months of hire or promotion, and every two years thereafter. **New for 2015:** Based on legislation effective 1/1/15, CalChamber's online courses for California supervisors and employees educate individual learners about preventing abusive conduct in the workplace (such as bullying), in addition to harassment protections for unpaid interns and volunteers.



Get a **\$5 Starbucks eGift Card** for every California Harassment Prevention training seat you purchase by 3/31/15.

Use priority code HPST2. Preferred and Executive members receive their 20% discount in addition to this offer.

Starbucks, the Starbucks logo and the Starbucks Card design are either trademarks or registered trademarks of Starbucks U.S. Brands, LLC. Starbucks is not a participating partner or sponsor in this offer.



CalChamber's two-hour California harassment prevention training course for supervisors meets state requirements. **Tablet and Desktop Ready!**

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