

# ALERT

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## Budget Item Expands Labor Commissioner Authority

*Increases Legal Costs, Penalties for Employers*



The California Chamber of Commerce and a coalition of employer groups is opposing a budget item that expands the Labor Commissioner's authority and exposes employers to

increased legal costs and penalties.

Budget Item 0559 provides the Labor Commissioner's office with significant enforcement authority that will expose employers to increased legal costs, penalties, evidentiary sanctions, shutting down of their operations, and ultimately job loss.

The CalChamber and coalition also are concerned that many of the proposals in the budget item are policy changes that seem unrelated to the implementation of the budget and may ultimately increase costs for the Labor Commissioner.

As such, the proposals should be considered in stand-alone legislation by the relevant policy committees.

The budget item is scheduled to be considered March 21 in Assembly Budget Subcommittee 4.

### More Time to File Claims

Budget Item 0559 proposes to suspend the statute of limitations for wages, penalties, damages, or other amounts assessed by the Labor Commissioner at the start of an investigation by the Bureau of Field Enforcement (BOFE) until the investigation is complete.

Currently, the statute of limitations is not suspended until an employee files a complaint for an administrative hearing with the Labor Commissioner or in civil court.

This proposal places employers at a significant disadvantage as it allows the BOFE investigators an unlimited amount of time to investigate and disrupt the workplace and the employer's operations.

### Evidentiary Sanctions Against Employers

Budget Item 0559 also proposes to preclude an employer from introducing into evidence in any administrative hearing or writ proceeding documents, books or records that were not produced to the Labor Commissioner as requested.

The proposal allows, but does not mandate, the Labor Commissioner to consider a reasonable request to allow

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## Senate Committee to Consider Job Killer Leave Mandate



A leave mandate job killer bill **opposed** by the California Chamber of Commerce is scheduled to be considered next week by a Senate committee.

**SB 63 (Jackson; D-Santa Barbara)** is set for hearing March 22 in the Senate Labor and Industrial Relations Committee.

SB 63, a more expansive version of a job killer bill vetoed last year, imposes a new maternity and paternity leave mandate.

### Added Burden

The CalChamber has identified SB 63 as a job killer bill because it unduly burdens and increases costs of small employers with as few as 20 employees by requiring 12 weeks of protected employee leave for child bonding. It also exposes those employers to the threat of costly litigation.

The bill requires a California employer who employs as few as 20 employees within a 75-mile radius to provide 12 weeks of protected parental leave. Therefore, a worksite with only 5 employees will be required to accommodate the mandatory leave if there are other worksites in a 75-mile radius with enough employees to reach the 20 employee threshold, creating a hardship for employers with a limited number of employees at a worksite.

The proposed mandate comes on top of the current requirement that employers with as few as 5 employees allow up to four

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May 31 - June 1, 2017

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## Labor Law Corner

# Paid Family Leave Optional for Employers with Fewer Than 50 Workers



**Dana Leisinger**  
HR Adviser

*My employee has come to me and asked to take Paid Family Leave to be with his new baby. He says he's entitled to the leave, but we have only 26 employees. Do we have to honor this request?*

Paid Family Leave (PFL) is an unfortunately named law, and frequently misunderstood. It is not a leave; it is a wage replacement program.

In the scenario above, yes—the employee is entitled to apply for PFL, but there is no job protection because he doesn't qualify to take the protected leave.

The protected leave is authorized by the federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA), which require that the employer have 50 or more employees.

### Fewer Than 50 Employees

If an employer has fewer than 50 employees, it is an internal call whether to grant time off. If time off is granted, the employee can apply for PFL. It is processed as payment through the Employment Development Department (EDD) for up to six weeks, and is a partial wage replacement.

Eligible workers can receive up to 55% of their previous weekly earnings. Employees can apply for PFL for other reasons also: to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner) or

to bond with a new child as above (including newly fostered and adopted children).

### Setting Precedent

Employers need to be aware that if they do grant time off when the employee is not entitled to it by law, the action can set a precedent.

Often employers grant the time off due to it being a slow time of the year for the business, or other conditions. If these factors can be proven objectively, the danger of precedent might not be a problem.

If, however, employers grant the time off simply because they like the employee and want to help him out, the next time someone asks to "take" PFL, it might be required. And if the leave is denied, that employee could claim discrimination.

*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](http://www.hrcalifornia.com).*

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## CalChamber-Sponsored Seminars/Trade Shows

More at [www.calchamber.com/events](http://www.calchamber.com/events).

### Labor Law

HR Boot Camp. CalChamber. March 23, Pasadena; May 11, Sacramento; May 25, San Diego; June 6, Santa Clara; August 24, Thousand Oaks; September 6, Beverly Hills. (800) 331-8877.

Leaves of Absence. CalChamber. April 6, Sacramento; April 25, Oakland; June 22, Huntington Beach. (800) 331-8877.

Are Drug-Free Workplaces in California Up in Smoke? CalChamber. April 20, Live Webinar. (800) 331-8877.

Preventing Discrimination in the Workplace. CalChamber. May 18, Live Webinar. (800) 331-8877.

Nothing Ordinary About Local Ordinances in California. CalChamber. June 15, Live Webinar. (800) 331-8877.

Leaves of Absence: Making Sense of It All. CalChamber. August 18, Sacramento. (800) 331-8877.

Meal and Rest Break Rules. CalChamber. September 21, Webinar. (800) 331-8877.

### International Trade

Connect to Thrive Global Summit. Bay

Area Regional Center for International Trade Development (CITD). March 23–24, San Bruno. (650) 738-7117.

Connect to Thrive—Impact of Digital Data and Commerce Across the Global Supply Chain. Bay Area Regional CITD. March 23–24, San Bruno. (650) 738-7117.

Asia Pacific Business Outlook Conference 2017. University of Southern California Marshall School of Business. March 27–28, Los Angeles. (213) 740-7130.

Trade Mission from Ghana, Africa. Northern California World Trade Center. March 30, Sacramento. (855) 667-2259.

Mexican Geothermal Opportunities Workshop. Institute of the Americas. April 4–5, La Jolla. (858) 453-5560.

Trade Connect Introductory Workshop. Port of Los Angeles. April 5, Garden Grove. (310) 732-7765.

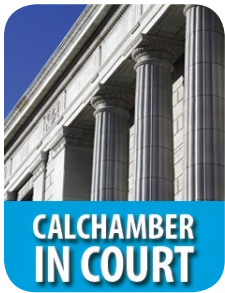
Export Compliance Training Program. Orange County CITD. April 17–May 22, Santa Ana. (714) 564-5415.

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*CalChamber in Court*

# Effort Asks U.S. High Court to Reverse Expansion of State Jurisdiction in Lawsuits



The California Chamber of Commerce has joined an effort to shut down unexpected litigation for companies that do business in California.

The CalChamber has joined the U.S. Chamber of Commerce, American Tort Reform Association and Civil Justice Association of California in asking the U.S. Supreme Court to overturn a California Supreme Court decision that expands the situations in which non-California residents may file lawsuits here.

The case is *Bristol-Myers Squibb Company v. Superior Court of California* (Case No. 16-466), currently pending at the U.S. Supreme Court.

The friend-of-the-court brief joined by the CalChamber earlier this month argues that states “have no legitimate interest in asserting specific jurisdiction so expansively and regulating conduct that occurred exclusively in other states.”

## Background

Bristol-Myers Squibb (BMS) manufactures Plavix, a prescription drug used to inhibit blood clotting. In the case, 86 California residents and 575 residents of 33 other states sued BMS and McKesson Corporation, a pharmaceutical distributor headquartered in California, for injuries allegedly arising out of the plaintiffs’ use of Plavix.

The California Supreme Court concluded that although BMS’ “ongoing

activities in California are substantial, they fall far short of establishing that it is at home in the state for purposes of general jurisdiction.”

But the state high court said California courts may exercise “specific jurisdiction” over the non-California resident plaintiffs’ claims in the case. The court noted that the nonresident plaintiffs’ claims arise from similar conduct that gave rise to the California plaintiffs’ claims—the nationwide marketing and distribution of Plavix.

The court also pointed to BMS’ “extensive contacts with California,” including hundreds of millions of dollars from Plavix sales, a relationship with a California distributor, maintenance of research and development facilities in California, and hundreds of California employees.

## In-State Activities

The friend-of-the-court brief filed by the CalChamber and others pointed out that the claims by the out-of-state plaintiffs did not arise out of BMS contacts with California as the drug was not manufactured here, not purchased here and the plaintiffs did not have any connection to or suffer injury here. Moreover, the research facilities in California had nothing to do with the development of the drug in question.

## Flood of Litigation

The brief also detailed the harm resulting from California’s “sliding scale” approach to establishing specific jurisdiction, in which the more wide-ranging a defendant’s contacts with a state, the more readily a court presumes a connec-

tion between the claims and the state contacts. The sliding scale approach rests on the determination that a defendant’s alleged in-state conduct parallels its alleged conduct in other states, expanding the concept of specific jurisdiction “beyond recognition.”

In addition, the brief noted that the sliding scale approach is unfair to litigants because a potential defendant would be unable to predict where litigation might be filed, which would be harmful to the economy.

Ultimately, consumers would bear some of the costs of that unpredictability in the form of higher prices. “The legal costs imposed on businesses whenever they are forced to litigate high-stakes cases in unexpected forums would surely increase in an environment where a product liability claim against a nationwide manufacturer could essentially be brought anywhere.”

Furthermore, the sliding scale approach would enable plaintiffs’ attorneys to “shop aggressively for plaintiff-friendly forums and bring as many claims as possible there.”

Strictly enforcing the requirement that an action be related to the defendant’s contacts with the state where the claim is filed “maintains appropriate limits on specific jurisdiction—allowing states to protect their citizens and control conduct within their borders while preventing them from adjudicating claims that should be heard elsewhere,” the brief concludes in urging the U.S. Supreme Court to reject the sliding scale approach. The case is scheduled for oral argument on August 25, 2017.

**Staff Contact: Heather Wallace**

## CalChamber-Sponsored Seminars/Trade Shows

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NAFTA’s Economic Progress 2017. Port of Los Angeles. April 28, Camarillo. (310) 732-7765.

Asia Society 14th Annual Dinner. Asia Society Northern California. May 4, San Francisco. (415) 421-8707.

World Trade Week Kickoff Celebration

Breakfast. Los Angeles Area Chamber. May 4, Los Angeles. (213) 580-7569.  
California Pavilion—TUTTOFOOD Milan World Food Exhibition.  
Northern California-Sacramento Regional CITD and Mission College CITD. May 8–11, Milan, Italy. (408) 855-5390.

23rd Inland Empire Annual World Trade Conference. California Inland Empire District Export Council. May 17, San Bernardino.

NAFSA Annual Conference and Exhibition. NAFSA: Association of International Educators. May 28–June 2, Los Angeles. (202) 737-3699.



## Budget Proposal Expands Labor Commissioner Authority

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more time to produce such documents.

Currently, employers often fail or refuse to initially respond to a document request from the Labor Commissioner for various reasons, including that the request is overbroad and asks for records and documents that do not pertain to the employee(s) at issue; seeks a significant amount of records that may take longer than 15 days to produce, as often is the time period provided; and the document request is not always served on the agent of service for a company, which means by the time it actually is delivered to the correct person, the time period to produce the records has expired.

Despite these reasonable objections to a document request, under the budget proposal, the Labor Commissioner can unilaterally determine that such objections are unreasonable and preclude an employer from introducing relevant documents into evidence.

Notably, the only option to ensure there is no evidentiary sanction is to oppose the request in court. This will incentivize employers to go to court to protect themselves, thereby increasing the costs for the Labor Commissioner's budget.

### Business License Suspension

Budget Item 0559 also seeks to revoke or suspend the business license of certain employers if they do not pay a judgment for wages within 30 days. Errant businesses subject to this penalty are those licensed by the following agencies: Department of Alcoholic Beverage Control, Board of Barbering and Cosmetology in the Department of Consumer Affairs, and the Bureau of Automotive Repair in the Department of Consumer Affairs.

It seems counterintuitive to revoke an

employer's license and therefore the ability to earn revenue to pay a final judgment of wages. If the goal is to encourage compliance and payment, the employer needs to be allowed to conduct business. While the amount of some awards may be minimal, other awards can be quite sizable and some businesses may not have the financial ability to pay immediately.

Moreover, if an employer's license is revoked and operations shut down, all employees working for that employer will lose their source of employment and therefore income.

If the employer's license is revoked, and the employer ultimately pays the final judgment, what will the coordination be between the Labor Commissioner and other agencies to ensure that the license is reissued immediately so the employer and all the employees may return to work?

The proposal fails to balance the goal of paying any final judgment of wages to an employee without harming other employees.

### Broad Authority for Temporary Restraining Orders

Budget Item 0559 also provides blanket authority for the Labor Commissioner to seek an injunction or temporary restraining order against an employer for anything, regardless of whether it is even connected to a pending investigation. Given how broadly it is drafted, this proposal seems likely to increase resources needed for potential judicial proceedings.

BOFE investigations currently can take as long as four years to complete, and potentially even longer, if this budget trailer bill language is adopted. Granting the Labor Commissioner such broad

authority to pursue a temporary restraining order or injunction for an extended amount of time will significantly interfere with an employer's ability to manage its workforce as well as pose a constant threat of civil proceedings and costs.

### Financial Costs, Penalties

Comprehensive and cumulative changes in Budget Item 0559 will increase litigation costs and potential penalties for employers defending against a claim of retaliation.

The Labor Commissioner will have three years to file an action for retaliation.

Next, the proposal deems the Labor Commissioner a "prevailing party" in a civil action if the Labor Commissioner is awarded *any* relief and allows the Labor Commissioner to receive its attorney's fees for pursuing the claim.

Under such a definition, if an employer was ultimately required to pay a nominal amount such as \$500, despite the request for a substantial award such as \$500,000, the Labor Commissioner's office would still be the "prevailing party."

Such a definition of "prevailing party" is problematic as it incentivizes the pursuit of claims that may lack merit as well as leverages an employer into a settlement.

Additionally, given the fact that the Labor Commissioner's office is completely funded by employer assessments, employers will essentially be paying twice for the Labor Commissioner to pursue a claim that may not be valid.

For a posting violation, the budget item also proposes a penalty of \$100 per day up to a maximum of \$20,000. Imposing such a high penalty where there is no evidence of harm to an employee seems overly punitive.

**Staff Contact:** Jennifer Barrera

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## Political Columnist Dan Walters to Speak at Capitol Summit

Back by popular demand, Dan Walters will be a featured speaker at the California Chamber of Commerce 2017 Capitol Summit on May 31 in Sacramento.

The half-day summit will feature political insiders and CalChamber policy advocates who will address national campaigns and state policy issues.

### Host Reception/Breakfast

Following the Capitol Summit, attendees are invited to the Sacramento Host Reception, an event co-sponsored by the CalChamber and the Sacramento Host Committee to provide networking opportunities 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, June 1. 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 at the Host Breakfast. Leaders from business, agriculture, the administration, education, the military and legislators from throughout the state are invited to join the discussion.

### Dan Walters



Walters has been a journalist for more than 50 years and has written more than 8,500 columns about California. The column now appears in more than 50 California newspapers.

He joined *The Sacramento Union's* Capitol bureau in 1975, just as Jerry Brown began his governorship, and later became the *Union's* Capitol bureau chief. In 1981, Walters began writing the

state's only daily newspaper column devoted to California political, economic, and social events, and in 1984, he and the column moved to *The Sacramento Bee*.

Walters has written about California and its politics in numerous publications and is a frequent guest on national television news shows, commenting on California politics. He is the author of *The New California: Facing the 21st Century*, the founding editor of the *California Political Almanac*, co-author of *The Third House: Lobbyists, Money and Power in Sacramento*, and contributed chapters to two other books, *Remaking California* and *The New Political Geography of California*.

### Register by May 19

May 19 is the deadline to register for the Capitol Summit, Sacramento Host Reception and Breakfast. The cost is \$65. Space is limited.

For more information or to register, visit [www.calchamber.com/2017summit-host](http://www.calchamber.com/2017summit-host).

## Senate Committee to Consider Job Killer Leave Mandate

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months of protected pregnancy-related leave. SB 63 will add another 12 weeks of leave for the same employee, totaling seven months of protected leave.

### Litigation Threat

The SB 63 mandate exposes small employers to costly litigation under the Fair Employment and Housing Act (FEHA) by labeling failure to provide the 12-week parental leave of absence as an "unlawful employment practice."

An employee who believes the employer did not provide the 12 weeks of protected leave, failed to return the employee to the same or comparable position, failed to maintain benefits while out on the 12 weeks of leave, or took any adverse employment action against the employee for taking the leave, could

pursue a claim against the employer seeking: compensatory damages, injunctive relief, declaratory relief, punitive damages, and attorney's fees.

A 2015 study by insurance provider Hiscox regarding the cost of employee lawsuits under FEHA estimated that the cost for a small to mid-size employer to defend and settle a single plaintiff discrimination claim was approximately \$125,000.

### Family-Friendly State

California already imposes numerous family-friendly leaves of absence on employers. The National Conference of State Legislatures recognizes California as one of the most family-friendly states given its list of programs and protected leaves of absence, including: paid sick days, school activities leave, kin care, paid family leave program, pregnancy

disability leave, and the California Family Rights Act. This list is in addition to the leaves of absence required at the federal level.

A recent study titled "The Status of Women in the States: 2015 Work & Family" ranked California as No. 2 for work and family policies that support workers keeping their jobs and also caring for their family members. Imposing an additional 12-week, mandatory leave of absence targeted specially at small employers is unduly burdensome.

### Action Needed

The CalChamber is encouraging members to contact their Senate representatives to urge them to **oppose SB 63**.

An **easy-to-edit sample letter** is available at [www.calchambervotes.com](http://www.calchambervotes.com).  
**Staff Contact: Jennifer Barrera**

Tools to stay in touch with your legislators.

**calchambervotes.com**

## CalChamber Committee Gets Close Look at San Jose Area Water Situation



**John B. Tang, P.E.**, vice president of government relations and corporate communications for the San Jose Water Company, gives an overview to the CalChamber Water Resources Committee on March 2 of how the water company has been dealing with drought-related conservation standards, flooding, water rates and plans for future water supply needs.

## Ukrainian Delegates Highlight Joint Energy Opportunities with State



Energy independence and security were subjects of interest when several Ukrainian delegates

visited the California Chamber of Commerce on March 14.

Leading the group was Nataliya Katser-Buchkovska, a member of the Ukrainian Parliament and the Head of the Subcommittee on Sustainable Development, Strategy and Investments of the Committee on Energy, Nuclear Policy and Security. Parliament Member Katser-Buchkovska informed Susanne T. Stirling, CalChamber vice president of international affairs, about perspectives of the Ukraine's energy and renewables sector and discussed mutually beneficial alternative energy projects.

Accompanying the Ukrainian Member of Parliament were Consul General Sergiy Aloslyn, Consul Oleksandr Krotenko and Mykyta Safronenko, secretary of the Ukrainian American Coordinating Council—all based in San Francisco.

Ukraine has a population of approximately 45 million and is the second largest country in Europe by land mass. On a broader scale, the European Union-Ukraine Deep and Comprehensive Free Trade Area, which finally started up on January 1, 2016, is expected to help Ukraine integrate its economy with Europe by opening up markets and harmonizing regulations.

the United States' 75th largest export destination with more than \$1 billion in exports. The top import from Ukraine to the United States is primary metal manufacturing, accounting for over 49.6% of total imports. Top exports from the United States to Ukraine include non-electrical machinery, minerals and ores, transportation equipment, and chemicals.

Ukraine is California's 84th largest export destination with \$38 million in exports in 2016, a drastic decline from \$93 million in 2013. California is among the top 10 state exporters to Ukraine. Computer and electronic products accounted for \$11 million of exports (28.8%), second-hand merchandise accounted for 13.3%, and agricultural products accounted for 12.1%.

In 2016, California imported \$33 million from Ukraine, including food manufactures, nonelectrical machinery, and fish. There are approximately 200,000 persons of Ukrainian descent living in California.

For more information, see the CalChamber portal [www.calchamber.com/Ukraine](http://www.calchamber.com/Ukraine).

**Staff Contact: Susanne T. Stirling**



Photo by Sara Espinosa

(From left) Mykyta Safronenko, secretary of the Ukrainian American Coordinating Council; Ukrainian Consul General Sergiy Aloslyn; Nataliya Katser-Buchkovska, member of the Ukrainian Parliament; Susanne T. Stirling, CalChamber vice president of international affairs; and Ukrainian Consul Oleksandr Krotenko.

### Trade Relations

Two-way trade in goods between the United States and Ukraine was approximately \$1.6 billion in 2016. Ukraine is



## Hong Kong-California Ties Subject of Recent Meeting at CalChamber



Trade, investment and innovation were topics of discussion on March 14 when representatives of the Hong Kong

Economic and Trade Office stopped by the California Chamber of Commerce.

Director Ivanhoe Chang and Deputy Director C.T. Wong met with CalChamber President and CEO Allan Zaremberg and Vice President for International Affairs Susanne T. Stirling.

Hong Kong is highly ranked in several leading surveys on competitiveness, financial development, economic freedom, and ease of doing business. Hong Kong is one of the world's largest trading entities and has a busy air cargo hub.

### Trade and Investment

The United States has substantial economic ties with Hong Kong. A report done by the U.S. State Department in February 2015 indicates that there are some 1,400 U.S. firms and approximately 85,000 U.S. residents in Hong Kong.

The latest available figures show U.S. direct investment in Hong Kong at about \$64 billion, making the United States one of Hong Kong's largest investors.

Trade between the United States and Hong Kong has been multiplying in the last few years, with a growth in U.S. exports from \$21.1 billion in 2009 to \$34.9 billion in 2016. Total trade between

the United States and Hong Kong totaled \$42 billion in 2016, according to the U.S. Department of Commerce.

Hong Kong is the ninth largest export destination for California, which exported approximately \$9.6 billion in goods to Hong Kong in 2016.

Photo by Sara Espinosa



CalChamber President and CEO Allan Zaremberg and Ivanhoe Chang, director of the Hong Kong Economic and Trade Office.

The top category of California exports to Hong Kong was computer and electronic products (47.3%), totaling \$4.5 billion. Miscellaneous manufactured commodities, agricultural products, and primary metal were the other top California export categories to Hong Kong, representing 14.5%, 12.5% and 4.9% respectively.

### One Belt, One Road Initiative

The One Belt, One Road initiative, launched in 2013 by Chinese President Xi Jinping, was also a topic of discussion. The initiative is an ambitious effort to foster global trade and economic development through a call for massive invest-

ment in and development of trade routes throughout Eurasia.

Hong Kong and China have an agreement of *One Country—Two Systems*. In such an initiative, Hong Kong would be a major financial center.

The initiative has two parts: the belt and the road. The belt is the physical road over land, which would stretch from China through Europe and north to Scandinavia. What is referred to as the road is the maritime Silk Road, which covers about 65% of the world's population today, one-third of the world's gross domestic product (GDP), and about a quarter of all the goods and services that move throughout the world.

The route, stretching across Eurasia, would encompass more than 60 countries. The belt would be made up of overland roads, rail routes, oil and natural gas pipelines, and other infrastructure projects, such as airports. The road, the maritime route, will be made up of a network of planned ports and other coastal infrastructure projects that run from South Asia and Southeast Asia to East Africa and the northern Mediterranean Sea.

The plan is in the initial stages and has constraints such as geography, current trade patterns and massive funding requirements. It has the potential to be the world's largest platform for regional collaboration.

For more information about Hong Kong, see the CalChamber portal at [www.calchamber.com/HongKong](http://www.calchamber.com/HongKong).  
**Staff Contact: Susanne T. Stirling**

## CalChamber Seeks Nominations for Small Business Advocate Award



The California Chamber of Commerce is seeking nominations for its annual Small Business

Advocate of the Year Award.

The award recognizes small business owners who have done an exceptional job with their local, state and national advocacy efforts on behalf of small businesses.

"The award winners are living proof that one person can make a difference by speaking up," said Dave Kilby, CalChamber executive vice president, corporate affairs. "We look forward to receiving many nominations of outstanding spokes-

persons for small business so that we can give statewide recognition to the advocacy that helps keep the community strong."

### 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 supporting materials.

- Letter of recommendation from local chamber of commerce president or chairman of the board of directors.

### Deadline: May 1

Nominations are due by May 1. The nomination form is available at [www.calchamber.com/smallbusiness](http://www.calchamber.com/smallbusiness) or may be requested from the Local Chamber Department at (916) 444-6670.

## Your Best Course of Action

California requires companies with 50 or more employees to provide two hours of sexual harassment prevention training to all California supervisors **within six months of hire or promotion**, and every two years thereafter. That's not all. Effective April 1, 2016, new requirements under the Fair Employment and Housing Act (FEHA) highlight **an employer's affirmative duty to take reasonable steps** to prevent and promptly correct harassing, discriminatory and retaliatory conduct in the workplace, **regardless of the number of employees**.



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