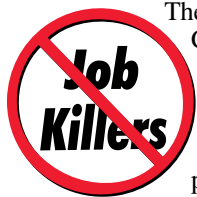


ALERT

VOLUME 43, NUMBER 12 • APRIL 21, 2017



CalChamber Releases 2017 Job Killer List



The California Chamber of Commerce this week released its annual list of job killer bills to call attention to the negative impact that 23 proposed measures would have on California's job climate and economic recovery if they were to become law.

Earlier this year, CalChamber identified several job killer bills that were moving through the legislative process; those bills are included below. CalChamber will periodically release job killer watch updates as legislation changes.

Readers are encouraged to track the current status of the job killer bills on www.cajobkillers.com or by following @CAJobKillers on Twitter.

"Economic growth and job creation are the keys to making California a great place to live, work and do business. The bills on this year's job killer list are a threat to our state's future prosperity and our quality of life," said CalChamber President and CEO Allan Zaremborg. "The goal of the job killer list is to remind California policymakers to keep their focus on the paramount issue affecting their constituents—job creation and prosperity for all."

The 2017 list of job killer bills follows:

Affordable Housing Barriers

SB 224 (Jackson; D-Santa Barbara) Barrier to Housing and Economic Development. Creates a significant hurdle to brownfield and urban redevelopment, infill housing, and economic development by requiring all projects to mitigate not only the impacts of the project itself, but also the impacts of other historical activities for which the applicant has no legal liability and over which it had no control.

Arbitration Discrimination

SB 33 (Dodd; D-Napa) Discrimination Against Arbitration Agreements. Unfairly discriminates against arbitration agreements contained in consumer contracts for goods or services with a financial institution, as broadly defined, which is likely preempted by the Federal Arbitration Act and will lead to confusion and unnecessary litigation.

SB 538 (Monning; D-Carmel) Arbitration Discrimination. Unfairly discriminates against arbitration agreements by prohibiting arbitration between a hospital and a health care plan or contracting agent, leading to confusion and litigation over preemption by the Federal Arbitration Act.

See *CalChamber Releases*: Page 4

CalChamber Defends Arbitration; Seeks High Court Review of Key Case



The California Chamber of Commerce is urging the U.S. Supreme Court to review a decision that threatens to disrupt existing arbitration agreements and erode the benefits of bilateral arbitration as an alternative to litigation.

The CalChamber has joined the U.S. Chamber of Commerce in a friend-of-the-court brief seeking the U.S. high court's review of the 9th Circuit U.S. Court of Appeals ruling in *Nancy Vitolo v. Bloomingdale's, Inc.*

The *Bloomingdale's* case is just the latest chapter in a long and well-documented history of attempts by courts in California to "invent new 'devices and formulas' aimed at circumventing binding arbitration agreements and the preemptive force" of the Federal Arbitration Act (FAA), the CalChamber/U.S. Chamber brief states.

The 9th Circuit decision in *Bloomingdale's* relies on a split 2015 decision (*Sakkab v. Luxottica Retail North America, Inc.*) that endorsed a 2014 California "judge-made rule" that bilateral arbitration agreements under the state's Private Attorneys General Act (PAGA) may be prohibited, despite the FAA (*Iskanian v. CLS Transportation Los Angeles, LLC*).

See *CalChamber Defends*: Page 6



May 31 - June 1, 2017

**CAPITOL SUMMIT &
SACRAMENTO HOST BREAKFAST**



Inside

**Member Referral Program:
Page 3**

Cal/OSHA Corner**Outdoor Workers Subject to Heat Illness Prevention Rule**

Mel Davis
Cal/OSHA Adviser

I have outdoor workers. Have there been any recent heat illness prevention regulation revisions that will affect the way I do business?

The last revisions to the heat illness prevention regulation took effect on May 1, 2015.

Although California is presently enjoying a record year for precipitation with accompanying cool air, now is a good time

to review your heat illness prevention program to ensure it meets all of the regulation's requirements that apply to your business, as California is known to change weather patterns quite quickly.

Shade, Rest Requirement

Shade is now required to be available or provided when temperatures exceed 80 degrees Fahrenheit.

The shade must be located as close as practicable to the areas where employees are working and sufficient enough to accommodate all employees on recovery or rest periods, without the employees having to be in physical contact with each other. This shade requirement also applies during meal periods for employees who remain on site.

Employees are permitted to take a preventative cool down rest in the shade, and are to be monitored and asked if they are experiencing symptoms of heat illness.

The regulation further specifies that the employer is to take/provide appropriate first aid or emergency response if the employee exhibits symptoms of heat illness.

High-Heat Procedures

The regulation section pertaining to high-heat procedures (temperatures exceeding 95 degrees Fahrenheit) was extensively revised with the May 1, 2015 version. The section requiring observing employees for symptoms of heat illness contains specific requirements for observation and communication, and designating one or more employees to be responsible for contacting emergency services if the need arises.

Employers are required to hold pre-shift meetings to review the high-heat proce-

dures and stress the importance of drinking water and cooling down when necessary.

Agricultural Employers

The agricultural employer must comply with the high-heat regulation. An additional rule specific to the agriculture industry is part of the regulation.

Agricultural employers must ensure that workers take a minimum 10-minute heat preventative "cool-down" rest period every two hours when temperatures reach 95 degrees or above.

This rest period may be provided concurrently with any other meal or rest period as required by the Industrial Welfare Commission Order No. 14 (agricultural occupations) if these times coincide.

Emergency Response

Emergency response procedures are to be in place. Supervisors and workers are to be trained to recognize heat illness symptoms and take appropriate action.

There is to be effective means of communication on site, and other procedures to ensure effective care is administered when necessary.

Downloadable Guidance

Links to the regulation, a guidance document, and enforcement questions and answers are available at www.dir.ca.gov. Click on Cal/OSHA, then select Heat Illness Prevention for information.

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.

California Chamber Officers

Susan Corrales-Diaz
Chair

Terry MacRae
First Vice Chair

Grace Evans Cherashore
Second Vice Chair

Mark Jansen
Third Vice Chair

Michael W. Murphy
Immediate Past Chair

Allan Zaremborg
President and Chief Executive Officer

Alert (ISSN 0882-0929) is published weekly during legislative session with exceptions by California Chamber of Commerce, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Subscription price is \$50 paid through membership dues. Periodicals Postage Paid at Sacramento, CA.

POSTMASTER: Send address changes to Alert, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Publisher: Allan Zaremborg. Executive Editor: Ann Amioka. Associate Editor: Sara Espinosa. Art Director: Neil Ishikawa. Capitol Correspondent: Christine Haddon.

Permission granted to reprint articles if credit is given to the California Chamber of Commerce Alert, and reprint is mailed to Alert at address above.

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

CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor Law

Leaves of Absence: Making Sense of It All. CalChamber. April 25, Oakland; June 22, Huntington Beach; August 18, Sacramento. (800) 331-8877.

HR Boot Camp. CalChamber. May 11, Sacramento; May 25, San Diego; June 6, Santa Clara; August 24, Thousand Oaks; September 6, Beverly Hills.

(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.

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

See CalChamber-Sponsored: Page 5



CalChamber Launches Member Referral Program

The California Chamber of Commerce has started a referral program to make it easy for members to invite others to learn more about the benefits of CalChamber membership.

CalChamber members may refer friends, family members or colleagues whose business is interested in becoming a member of CalChamber to take a 15-minute tour of HRCalifornia.com with a CalChamber site specialist.

Referrals shall be made by sharing a CalChamber-provided referral link by email, on social media, etc.

Members may be eligible to receive a \$15 Starbucks eGift Card for qualifying referrals.

To sign up and learn more about the program, visit calchamber.com/refer.

The program ends on May 31, 2017. Referrals must complete the tour of HRCalifornia by this date.

MEMBER REFERRAL PROGRAM

\$15 FOR YOU



\$15 FOR THEM



Join the CalChamber
Member Referral Program

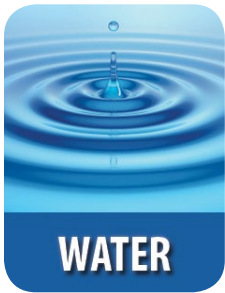


Tell your network about
HRCalifornia and share
your unique tracked link



They take a free tour of
HRCalifornia and you each
get a \$15 Starbucks eGift card

End of Drought Emergency Gives Way to Conservation as ‘Way of Life’



Prohibitions on wasteful water practices will remain in force following the Governor's ending the drought state of emergency he declared in January 2014.

The drought state of emergency continues for four counties—Fresno, Kings, Tulare and Tuolumne—where the effects of prolonged dry weather included groundwater depletion and land subsidence.

The April 7 executive order lifting the drought emergency pointed out that the water content in California's mountain snowpack is at 164% of the seasonal average.

Reservoirs are filled to above average capacities: Lake Oroville, the main reservoir in the State Water Project system, is at 101% of average. Lake Shasta, the largest reservoir in the federal Central Valley Project is at 110% of average, and the

majority of other California major reservoirs are above normal storage levels.

Conservation Plan

The same day as the Governor issued the executive order ending the drought state of emergency, California agencies released the final version of a plan for “Making Water Conservation a California Way of Life.”

The primary objectives of the plan, which implements the Governor's executive order from May 2016, are to use water more wisely, eliminate water waste, strengthen local drought resilience and improve agricultural water use efficiency and drought planning.

Also outlined were the components of new legislation to establish long-term water conservation measures and improved planning for more frequent and severe droughts.

Permanent Restrictions

Ongoing restrictions listed in the Governor's executive order included prohibitions on:

- Hosing of sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using nonrecirculated water in a fountain or other decorative water feature;
- Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
- Irrigating ornamental turf on public street medians.

Water Supply

In other developments, the U.S. Bureau of Reclamation announced on April 11 that it would be providing 100% of water allocations this year for all Central Valley Project water contractors south of the Sacramento-San Joaquin Delta for the first time since 2006.

A week later, the state Department of Water Resources said it would provide Northern California water users with 100% of their allotments, with users south of the Delta to receive 85%.

Staff Contact: Valerie Nera

CalChamber Releases 2017 Job Killer List

From Page 1

Economic Development Barriers

AB 421 (Santiago; D-Los Angeles) Extends Superfund Liability to Emissions into the Air. Imposes statutory liability on businesses and individuals for clean-up recovery costs associated with deposits or redeposits of certain substances that were emitted into the air under a statutory scheme that places the burden of proof on the defendant.

AB 1645 (Muratsuchi; D-Torrance) Gas Price Increase. Jeopardizes the production of California-based fuel by banning the use of hydrogen fluoride and hydrofluoric acid at refineries that use more than 250 gallons and are located within two miles of a residence, notwithstanding the fact that there are significant safety regulations in place at the local, state and federal levels.

Increased Labor Costs

AB 5 (Gonzalez Fletcher; D-San Diego and Kalra; D-San Jose) Unfair Scheduling Mandate. Burdens small and large employers with a scheduling mandate that requires employers to offer additional hours of work to employees before hiring a new employee or contractor and exposes employers to multiple threats of costly litigation for technical violations that do not cause an employee any harm.

SB 562 (Lara; D-Bell Gardens) Government-Run Health Care. Creates a new single-payer government-run, multibillion-dollar health care system financed by an unspecified and undeveloped "revenue plan" which will penalize responsible employers and individuals and result in significant new taxes on all Californians and California businesses.

AB 1209 (Gonzalez Fletcher; D-San Diego) Public Shaming of California Employers. Imposes a mandate on California employers to collect data on the mean and median salaries paid to men and women under the same job title or description without also considering any bona fide reason for differences in compensation, to publicly shame California employers and expose them to costly litigation for alleged wage disparity where no violation of the equal pay law exists.

SB 63 (Jackson; D-Santa Barbara) Imposes New Maternity and Paternity Leave Mandate. 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 and exposes them to the threat of costly litigation.

Increased Unnecessary Litigation Costs

SB 49 (de León; D-Los Angeles) Creates Uncertainty and Increases Potential Litigation Regarding Environmental Standards. Creates uncertainty for businesses with respect to the federal environmental standards proposed to be incorporated into California law if backsliding occurs at the federal level in the future, and increases the potential for costly litigation by creating private rights of action under California law when certain events occur.

SB 300 (Monning; D-Carmel) Lawsuit Exposure. Increases frivolous liability claims and exposes beverage manufacturers and food retailers to fines and penalties by mandating state-only labeling requirements for sugar-sweetened drinks.

Tax Increases

AB 43 (Thurmond; D-Richmond) Targeted Tax on Contractors. Unfairly targets one category of taxpayers to fund a benefit for all of the state by imposing a tax on contractors for the privilege of doing business with the Department of Corrections and Rehabilitation, and requires the contractor to absorb the cost while maintaining a price of lowest responsible bidder.

AB 479 (Gonzalez Fletcher; D-San Diego and C. Garcia; D-Bell Gardens) Targeted Tax on Alcohol. Unfairly imposes an additional targeted excise tax on manufacturers, importers, and wholesalers of distilled spirits and a floor tax, that will increase their costs and force them to reduce in other areas, including labor.

AB 1003 (Bloom; D-Santa Monica): Targeted Tax on Sweetened Beverages. Unfairly imposes a targeted excise tax on distributors of sweetened beverages to fund health-related programs for all, which will force distributors to reduce costs through higher prices to consumers or limiting their workforce.

AB 1356 (Eggman; D-Stockton) Targeted Tax on High Earners. Unfairly increases the personal income tax rate to 14.3%, the highest in the country, on one category of taxpayers (including sole proprietors), who already pay over half of

the income tax revenue to the general fund, forcing them to mitigate costs through means including reducing workforce, in order to fund higher education that will benefit all of California.

AB 1512 (McCarty; D-Sacramento) Targeted Tax on Opioids. Unfairly imposes an excise tax on opioid distributors in California, which will increase their costs and force them to adopt measures that include reducing workforce and increasing drug prices for ill patients who need these medications the most, in order to fund drug prevention and rehabilitation programs that will benefit all of California.

ACA 4 (Aguiar-Curry; D-Winters) Lowers Vote Requirement for New Tax Increases. Adds complexity and uncertainty to the current tax structure and pressure to increase taxes on real property by giving local governments new authority to enact special taxes, including parcel taxes, to fund construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for public infrastructure or affordable housing, and lowering the vote threshold to impose such new taxes from two-thirds to 55%.

ACA 11 (Caballero; D-Salinas) Targeted Retail Industry Tax Increase. Exposes the retail industry to increased taxes by imposing a quarter-cent sales tax increase to fund affordable housing and homeless shelters, without creating greatly needed market rate housing.

SB 567 (Lara; D-Bell Gardens) Multiple Tax Increases on California Employers. Proposes multiple tax increases on California employers, including eliminating the water's edge election and requiring payment of capital gains on the inheritance of a family business, when California already has the highest personal income tax and sales tax rates in the country, as well as one of the highest corporate tax rates, which will discourage job growth in California.

SCA 6 (Wiener; D-San Francisco) Lowers Vote Requirement for Tax Increases. Adds complexity and uncertainty to the current tax structure and pressure to increase taxes on commercial, industrial and residential property owners by giving local governments new authority to enact special taxes, including parcel taxes, by lowering the vote threshold from two-thirds to 55%.

See CalChamber Releases: Page 5

Job Creator Bill Passes Assembly Education Committee



A California Chamber of Commerce-supported education bill aiming to

increase the pool of skilled workers unanimously passed the Assembly Higher Education Committee this week.

AB 669 (Berman; D-Palo Alto) extends the Economic and Workforce Development (EWD) program within the California Community College system, ensuring that the program continues to provide grants to help develop industry-aligned curriculum, provide training and work-based learning opportunities and connect colleges with businesses, thereby creating a skilled workforce aligned with the needs of industry in California, especially in subjects in highest demand. Without legislation, the program is set to expire in 2018.

The EWD program was created to advance California's economic growth and global competitiveness by developing high-quality education and services focusing on continuous workforce improvement, technology deployment, and business development, consistent with the current needs of the state's regional economies. A 2016 report by the Chancellor's Office highlighted the program's achievements thus far, including training of almost 60,000 individuals and service to more than 11,000 businesses. Extending the program will assist in furthering such success.

The EWD program funds both long-term and short-term activities in strategic priority areas, including advanced transportation, biotechnology, environmental technologies, health care delivery, and international trade. Extending the program will help ensure that students continue to have access to programs targeted

toward employable career paths and that employers have access to a growing pool of qualified workers trained in subject areas in highest demand.

Key Vote

AB 669 unanimously passed the Assembly Higher Education Committee, 13-0, on April 18.

Ayes: Arambula (D-Kingsburg), Baker (R-San Ramon), Bloom (D-Santa Monica), Chávez (R-Oceanside), Choi (R-Irvine), Irwin (D-Thousand Oaks), Kiley (R-Granite Bay), Levine (D-San Rafael), Low (D-Campbell), Medina (D-Riverside), Quirk-Silva (D-Fullerton), Santiago (D-Los Angeles), Weber (D-San Diego).

The bill now moves to the Assembly Appropriations Committee; no hearing date has been set.

Staff Contact: Karen Sarkissian

CalChamber Releases 2017 Job Killer List

From Page 4

Job Killers Stopped

Two previously identified job killers were amended and the job killer status was removed, as noted below:

AB 199 (Chu; D-San Jose) Prevailing Wage on All Development Projects. Increases housing costs and discourages development by imposing prevailing

wage on all development projects (private and public). *With April 6 amendments, opposition and job killer tag removed.*

SB 62 (Jackson; D-Santa Barbara) Significant Expansion of California Family Rights Act. Increases costs, risk of litigation and creates less conformity with federal law by expanding the family members for whom leave may be taken, which will provide a potential 24-week

protected leave of absence for employers to administer. *Gutted and amended March 20 to a different subject. Job killer and oppose tag removed.*

In addition, CalChamber identified a bill reducing rental housing supply, **AB 1506 (Bloom; D-Santa Monica)**, as a job killer; however, in a recent *Los Angeles Times* article, the bill's author said he would not seek a vote on the bill this year.

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

International Trade

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

California's Role in the Future of the North American Partnership with Mexico. Select Committee on California-Mexico Cooperation. May 2, Sacramento. (916) 651-4040.

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 Center for International Trade Development (CITD) and Mission College CITD.

May 8–11, Milan, Italy. (408) 855-5390.

Seoul Food & Hotel 2017. California Asian Pacific Chamber of Commerce. May 14–21, Seoul, Korea. (916) 389-7484.

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

26th La Jolla Energy Conference.

Institute of the Americas. May 24–25, La Jolla. (858) 964-1715.

CalChamber Calendar

Capitol Summit:

May 31, Sacramento

International Forum:

May 31, Sacramento

Education Committee:

May 31, Sacramento

Water Committee:

May 31, Sacramento

Environmental Policy Committee:

May 31, Sacramento

Fundraising Committee:

May 31, Sacramento

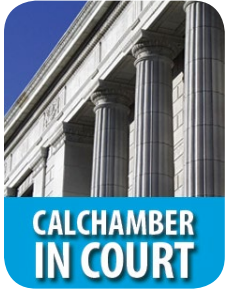
Host Breakfast:

June 1, Sacramento

Board of Directors:

June 1, Sacramento

Split Appeals Court Decision Upholds Cap-and-Trade Revenues



In a 2-1 ruling, the 3rd District Court of Appeal has upheld the state's practice of auctioning greenhouse gas (GHG) emission allowances to raise revenues.

The California Chamber of Commerce sued the state Air Resources Board (ARB) in 2012, asserting that AB 32, the GHG emission reduction law adopted in 2006, does not authorize the ARB to impose fees other than those needed to cover ordinary administrative costs of implementing a state emissions regulatory program.

The court majority found in the April 6 decision that "The system [of auctions] is the voluntary purchase of a valuable commodity and not a tax under any test." The majority opinion was authored by Associate Justice Elena J. Duarte, concurred in by Associate Justice M. Kathleen Butz.

In his dissent, Associate Justice Harry E. Hull Jr. pointed out: "Given that the auction program is, for Morning Star and businesses that are similarly situated, compulsory if they are to remain in business in California and that the auction program creates, in actual effect, general revenue, I can only conclude that the program is a tax in 'something else' clothing and that the auction program, not having been passed by a 2/3 vote in the Legislature, violates Proposition 13."

The CalChamber is reviewing the decision and evaluating whether to appeal.

The lawsuit does not challenge any of the provisions of AB 32, including cap-and-trade authority, nor the merits of climate change science. The only issue addressed in the litigation is the portion of the regulation that seeks to permit the ARB to allocate to itself GHG emission allowances and to profit by selling them to GHG emitters.

The CalChamber, other members of the business community, members of the Legislature, the Legislative Analyst's Office and ARB have all highlighted the fact that the auction is not needed to achieve the goals of AB 32 or to have an effective cap-and-trade program.

CalChamber Defends Arbitration; Seeks High Court Review of Key Case

From Page 1

The U.S. Supreme Court review of the case is urgently needed to bring California's state and federal courts in line with the FAA's controlling principles and to promote the uniform application of arbitration rights nationwide for the benefit of businesses and individuals.

Background

Nancy Vitolo agreed to arbitrate any dispute with her employer on an individual basis, and expressly waived her right to participate in any class or representative actions arising out of her employment.

In filing suit, she seeks to avoid that binding agreement and assert the functional equivalent of class claims on behalf of thousands of other employees by invoking California's *Iskanian* rule, which prohibits the waiver of representative PAGA claims as a matter of state law.

Previous Rulings

The CalChamber/U.S. Chamber point out that the U.S. Supreme Court rejected an approach similar to the one advocated by Vitolo.

In *AT&T Mobility LLC v. Concepcion*, the U.S. Supreme Court said state law rules that invalidate parties' agreements to arbitrate on an individual basis interfere with the fundamental attributes of arbitration and therefore are preempted under the FAA.

Barred by the *Concepcion* decision from using the anti-waiver rule to bring a class action lawsuit, Vitolo seeks the functionally identical result by invoking the *Iskanian* anti-waiver rule to bring a representative claim under PAGA.

Vitolo's strategy is part of an increasing trend among California plaintiffs to try to avoid bilateral arbitration agreements and the FAA's requirement that the agreements be enforced according to their terms.

FAA Prevails

The CalChamber/U.S. Chamber argue that representative PAGA actions are the equivalent of class actions, so the *Iskanian* rule is preempted by the FAA for the same reasons the U.S. Supreme Court cited in deciding that the so-called "*Discover Bank*" rule (in the case of *Discover Bank v. Superior Court*) was preempted.

The U.S. Supreme Court said the FAA requires that courts enforce bilateral arbitration agreements despite contrary state law, unless that state law is both a "generally applicable" defense that permits the revocation of "any contract," and does not otherwise "stand as an obstacle" to the goals of the FAA by interfering with a fundamental attribute of arbitration.

The CalChamber and U.S. Chamber side with Bloomingdale's in agreeing that the *Iskanian* rule fails this two-part test.

Arbitration Benefits

- Studies have shown that arbitration is faster than litigation. Consumer arbitrations administered by the American Arbitration Association typically are resolved in four to six months.

A study by the California Dispute Resolution Institute found that consumer and employment disputes were resolved in arbitration in an average of 116 days.

In contrast, as of September 2016, the median time for a civil lawsuit filed in federal court to reach trial was 27 months, and more than 53,000 civil cases were left pending for more than three years. State courts, especially in California, have caseloads that are even worse, a problem that has been compounded in recent years by state budget cuts.

- Moreover, arbitration is far less expensive and more accessible for low-income plaintiffs than traditional litigation. Under many employment arbitration agreements, arbitration often costs employees nothing, as the filing and attorneys' fees are shifted to the employer.

The informality and greater efficiency of arbitration also makes it less expensive for businesses.

- Employees tend to fare better in arbitration. Studies have shown that plaintiffs who arbitrate their claims are more likely to prevail than those who go to court.

Staff Contact: Heather Wallace

Dinner Celebrates Warming U.S.-China Trade Relations



A dinner hosted by Chinese Consul General, Ambassador Luo Linquan last week celebrated recent trade

talks between President Donald Trump and Chinese President Xi Jinping.

Trump and Jinping agreed on a new 100-day plan for trade talks that will boost U.S. exports and reduce the United States' trade deficit with China.

The Consulate-General of the People's Republic of China in San Francisco, which also has responsibility for Nevada, Oregon, Washington and Alaska, covers 35% of U.S. trade with China.

Attending the April 11 dinner were 30 Northern California government and business leaders. Several California Chamber of Commerce member companies were represented, in addition to Susanne Stirling, vice president of international affairs for the CalChamber.

Guest Speakers

Following a welcome by Ambassador Linquan and a California-China eco-

nomie report by Yihang Yang, economic and commercial counselor, San Francisco Mayor Ed Lee added his welcome. Panorea Avdis, director of the Governor's Office of Business and Economic Development (GO-Biz), further emphasized the



Consul General, Ambassador Luo Linquan

importance of the California-China relationship.

Tom Larkins, Applied Materials, spoke of his company's foray into China.

Senior Vice President Dr. Fariba E. Alamdari, Boeing, addressed China's need over the next 20 years for 7,000 airplanes, valued at \$1 trillion.

Trade Relationship

According to the U.S. State Department, China has been one of the world's fastest-growing economies over the last several years, and its efforts to reform and modernize have helped transform China into a large trading economy. U.S.-China trade has risen rapidly over the past several decades. Total trade in goods between the two nations has increased from \$4.8 billion in 1980 to \$578.6 billion in 2016. U.S. exports to China in 2016 were approximately \$115.7 billion.

In 2016, China continued as California's third largest export destination, with approximately \$14.4 billion in exports. Computer and electronic products accounted for 29.9% of exports, totaling \$4.3 billion. Transportation equipment brought in \$1.7 billion (11.9%) and nonelectrical machinery brought in \$1.6 billion, accounting for 11.4%. This was followed by waste and scrap with \$1.6 billion, 11.3% of exports.

Staff Contact: Susanne T. Stirling

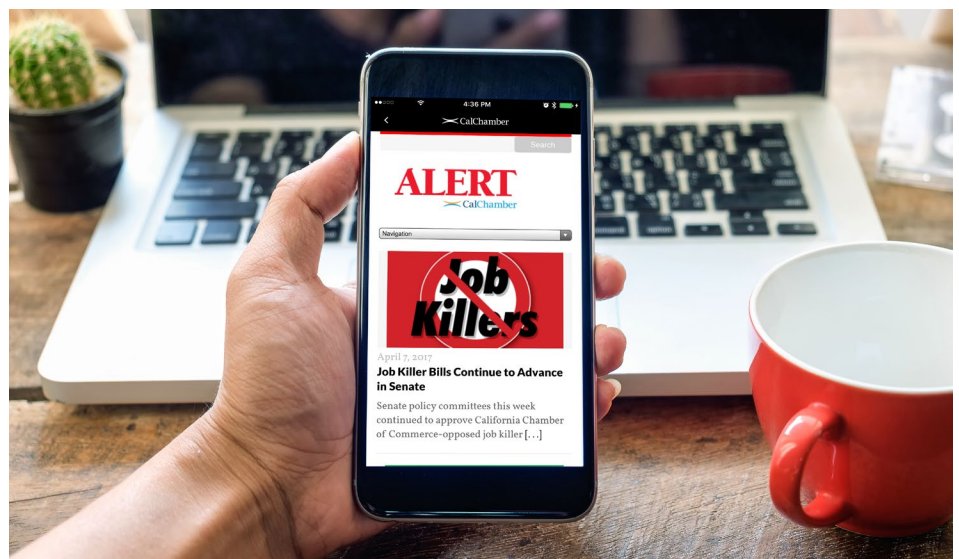
Get Easy Access to *Alert* Updates with Mobile App

Readers looking for an easy way to stay up-to-date on proposed state and federal laws or regulations of interest to employers can download the *CalChamber Alert* app at www.calchamberalert.com/app.

In addition to coverage of the CalChamber's pro-jobs advocacy, the *CalChamber Alert* offers explanations of major court decisions affecting employers and the economy; special reports on job killer bills, the economy, ballot measures and legislative vote records; plus information on CalChamber compliance products and services.

A regular feature is a popular column answering common California employment law questions.

The latest version has been optimized for greater speed on iOS or Android platforms.



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**.



Get a **\$5 Starbucks eGift Card** for every California supervisor or employee harassment prevention training seat you purchase now through 4/30/17.

Use priority code HPS7A. Preferred and Executive members also receive their 20% member discount.

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.



Updated with new video scenarios depicting same-sex harassment, disability discrimination, retaliation in action, confidentiality and more.

PURCHASE online at calchamber.com/hptgift or call (800) 331-8877.

ADDRESS SERVICE REQUESTED

HR Expert & Business Advocate™

P.O. BOX 1736 SACRAMENTO, CA 95812-1736
(916) 444-6670 FACSIMILE (916) 444-6685
www.calchamber.com

CALIFORNIA CHAMBER OF COMMERCE

ALERT

Periodicals
Postage
PAID
Sacramento, CA