

# ALERT

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## Many Harmful Bills Still Alive in State Legislature



### OPPOSE

could hurt employers, the economy and the jobs climate in the state.

The scope and potential negative consequences of some of these proposals are immense, touching daily activities in businesses from a wide range of industries and locations.

Following is a sampling of CalChamber-opposed bills being actively considered by legislators.

#### Energy

• **SB 100 (de León; D-Los Angeles)**

Increased Energy Costs. Increases the cost of energy by creating an ambiguous zero-carbon energy by 2045 planning goal and requirements for regulatory agencies in the state.

• **SB 356 (Skinner; D-Berkeley)**

Threatens Grid Reliability and Safety. Threatens the safety and reliability of California's transmission grid by requiring the release of security-sensitive and market-sensitive data.

• **SB 520 (Mitchell; D-Los Angeles)**

The end of the legislative year is just a few weeks away and the California Chamber of Commerce continues to fight numerous proposals that

Increased Energy Costs. Increases the cost for energy in California by allowing for intervenors to collect compensation for engaging at the California Independent System Operator.

#### Labor and Employment

• **AB 168 (Eggman; D-Stockton)**

Exposure to Litigation. Exposes employers to costly litigation for inquiring into an applicant's prior salary or failing to provide a pay scale upon demand, even though the employee has not suffered any harm or wage loss as a result of the violation.

• **AB 569 (Gonzalez Fletcher; D-San Diego)** Pregnancy Discrimination. Creates a new mandate in the Labor Code, prohibiting employers from taking any adverse employment action against an employee due to the employee's use of various medical options for reproductive health, even though the Fair Employment and Housing Act currently provides these protections to employees, thereby creating inconsistencies and confusion amongst employers with regard to interpretation and enforcement of these competing provisions.

• **AB 1209 (Gonzalez Fletcher; D-San Diego)** Public Shaming of California Employers. Imposes new data collection mandate on California employers to collect and report data to the Secretary of State regarding the mean and median

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## Bill Could Increase Health Care Costs Without Improving Patient Care



### OPPOSE

ratios to the most stringent in the country and mandating transition times between patients, leading to patient access issues with no clear evidence of clinical benefit to dialysis patients.

• **SB 349 (Lara; D-Bell Gardens)**

would establish minimum staffing requirements for chronic dialysis clinics and establish a minimum transition time between patients receiving dialysis services at a treatment station.

The bill would require chronic dialysis clinics to maintain certain information relating to the minimum staffing and minimum transition time requirements and provide that information, certified by the chief executive officer or administrator, to the department on a schedule and in a format specified by the department, but no less frequently than four times per year.

The California Chamber of Commerce is **opposed** to **SB 349** because it could reduce access to needed treatment for patients on dialysis by requiring more staff and restricting dialysis clinics from providing treatment to more patients each day.

*See Bill Could Increase: Page 7*

Tools to stay in touch with your legislators.

**calchambervotes.com**

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## Labor Law Corner

# Court Says True Rest Break Means Giving Up Control of Employee



**Erika Pickles**  
Employment Law  
Counsel/HR Adviser

*Can we require employees to remain on our premises during rest breaks?*

The answer to this question was much simpler before the California Supreme Court's December 22, 2016 decision in *Augustus v. ABM Security Systems, Inc.*, 2 Cal.5th 257 (2016).

Before the court's ruling in *Augustus*, it was not uncommon for employers to have policies that required employees to remain

on-site during their paid rest breaks.

Under California law, employers must authorize and permit hourly, non-exempt employees to take a "net" 10-minute rest period for every 4 hours worked, or "major fraction thereof." Rest breaks are paid and as a result, some employers would require employees to stay at the worksite during rest breaks.

### Rest Break Issues

In *Augustus*, the California Supreme Court addressed two issues related to rest breaks:

- Whether employers must permit employees to take off-duty rest breaks; and
- Whether employers could require employees to be on-call during rest breaks.

The case involved security guards who claimed they were not provided uninterrupted rest breaks because they had to carry pagers and remain on-call during their rest breaks.

### Relinquishing Control

The court ruled that employers must relieve employees of all duty and relinquish control over how employees spend their time during rest breaks. The court explained that during rest breaks, "employees must not only be relieved of work duties, but also be freed from employer control over how they spend their time." The employee decides how he or she wants to spend the rest break.

The court didn't specifically say that employers couldn't require employees to remain on the employer's premises, but limiting where an employee can take a rest break is not consistent with relin-

quishing control over how the employee takes the rest break.

In addition, the court noted that an employee should be allowed to take a walk during a rest break, which suggests that it would not be permissible to restrict an employee from leaving the workplace during a rest break.

Even though you no longer should limit where an employee spends his or her rest break, you still can discipline employees who don't follow your rest break policy. If an employee chooses to leave the workplace to take a rest break and doesn't return in time, you can discipline the employee.

### Review Policies

Employers should review their rest break policies for any provisions that may be seen as exercising control over employees during rest breaks. In addition, this case involved Wage Order 4, which applies to office workers and employees not covered under a specific industry order.

Although most of the other Wage Orders contain similar language about rest breaks, not all do. Employers should refer to the Wage Order that applies to their business, and consult legal counsel with questions about whether their rest break policies comply with California law.

*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. September 6, Beverly Hills. (800) 331-8877.

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

HR Symposium. CalChamber. October 26, Los Angeles. (800) 331-8877.

### Business Resources

Mobile World Congress Americas. GSMA and CTIA. September 12-14, San Francisco. (202) 736-3200.

### International Trade

2017 U.S. Business Day. Taipei Economic & Cultural Office, Los Angeles. August 29, Taipei, Keelung City, Taiwan. (213) 380-3644 ext. 103.

California Mexico Clean Energy Summit. Hispanics in Energy. September 5-6, Sacramento. (916) 769-0926.

SEMICON Japan Connect Webinar. U.S. Department of Commerce. September 7. (408) 316-7315.

Innovation and Culture at the Border.

*See CalChamber-Sponsored: Page 3*



## CalChamber to Host Live Webinar on Meal and Rest Break Rules



California Chamber of Commerce employment law experts will discuss how employ-

ers can prevent meal and rest break violations, and how to stay in compliance with the law at an upcoming [live webinar](#).

When it comes to meal and rest breaks, California sets the rules. Informing employees, not overstepping boundaries, and keeping proper records are up to employers.

The California Supreme Court ruled in late December 2016 that on-call rest breaks are not permissible. Employees can use the 10-minute break time as they want—and must be uninterrupted.

### Webinar Topics

Join CalChamber's employer law experts on Thursday, September 21 for meal and rest topics, including:

- Employer obligations for meal and rest breaks;

- No on-call rest breaks (December 2016 ruling);
- Premium pay for meal and/or rest break violations;
- Timekeeping and recordkeeping guidelines; and
- Best practices to avoid compliance trouble.

### CalChamber Presenters

CalChamber hosts for the live webinar include:

- **Erika Frank**, executive vice president, legal affairs, and general counsel. She 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 and executive vice president at the start of 2017, she is CalChamber's subject matter expert on California and federal employment law. Frank oversees and contributes to CalChamber labor law and human resources compliance publications; co-produces and presents webinars and seminars; and heads the Labor Law Helpline.

Frank holds a J.D. from McGeorge School of Law.

• **Erika Pickles**, employment law counsel and HR adviser. Pickles joined CalChamber in 2015. She previously represented employers in California and federal employment law litigation, class actions, and private arbitration involving a range of workplace-related issues, including wage and hour, discrimination, harassment, retaliation and wrongful termination claims. She also investigated and responded to administrative claims before state and federal agencies, and conducted employment law training seminars. Pickles holds a J.D. from the University of San Francisco School of Law.

### Registration

For more information or to register for this live webinar, call (800) 331-8877 or visit [www.calchamberstore.com](http://www.calchamberstore.com). The cost is \$199 (\$159.20 for CalChamber Preferred and Executive members).

## CalChamber-Sponsored Seminars/Trade Shows

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Institute of the Americas. September 12, La Jolla. (858) 453-5560.  
Global Trade Services Workshop. Sacramento Regional Center for International Trade Development (CITD). September 13, Grass Valley. (916) 563-3204.  
Perumin-Extermin: Peru Mining Show. Duquesne University Small Business Development Center. September 18–22, Lima, Peru. (412) 396-5670.  
Expanding Horizons: A Workshop for Small Businesses Entering Emerging Markets. Overseas Private Investment Corporation (OPIC). September 19, Oakland. (800) 814-6548.  
10th World Chambers Congress. Sydney Business Chamber, The International Chamber of Commerce, and The International Chamber of Commerce World Chambers Federation. September 19–21, Sydney, Australia.  
Trade Mission to the Four Countries of the Pacific Alliance (Chile, Colombia, Mexico and Peru). U.S.-Mexico Chamber of Commerce California

Regional Chapter. September 27–October 10, Santiago, Chile; Lima, Peru; Bogota, Colombia; Mexico City. (310) 922-0206.  
Panama Energy Roundtable. Institute of the Americas. September 28, Panama. (858) 453-5560 ext. 103.  
Export Compliance Training Program. Orange County CITD. September 29, Santa Ana. (714) 564-5415.  
Import Compliance Training Program. Orange County CITD. October 13, Santa Ana. (714) 564-5415.  
Sustainable Building and Construction Trade Mission to Mexico. U.S. Department of Commerce International Trade Administration. October 16–20, Mexico City and Guadalajara, Mexico. (210) 472-4020.  
U.S. Trade Mission to Azerbaijan. U.S.-Azerbaijan Chamber. October 16–20, Azerbaijan and Georgia. (202) 333-8702.  
California-Germany Bilateral Energy Conference 2017. California Energy Commission. October 19–20, Sacramento.

 **CalChamber.**

## HR symposium

HOT TOPICS | TOP EXPERTS  
NETWORKING

**Thursday,  
October 26, 2017**

Westin Bonaventure  
Hotel and Suites  
Downtown Los Angeles

Five HR Sessions and  
Litigation Roundtable:  
8:30 a.m.–4 p.m.

HR Networking/Cocktail  
Reception: 4 p.m.–6 p.m.

Register at  
[calchamber.com/hrsypm](http://calchamber.com/hrsypm)



## Many Harmful Bills Still Alive in State Legislature

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salaries of men and women in the same job title and job description, determine which employees perform “substantially similar” work, and then have that report posted on a publicly accessible website, where such employers will receive undue scrutiny and criticism for wage disparity that is not unlawful and justified by a bona fide factor. (Job killer.)

- **AB 1565 (Thurmond; D-Richmond)** Significant Cost Increase on Employers and Costly Litigation. Unnecessarily accelerates the minimum salary threshold for exempt employees, which will significantly increase costs, especially on small employers who currently have a delayed increase under the current minimum wage scheduled increases.

- **AB 1701 (Thurmond; D-Richmond)** Expansion of Liability. Unfairly imposes liability onto a direct contractor, as defined, for the wage and hour violations of a subcontractor that the direct contractor did not cause.

- **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. (Job killer.)

- **SB 306 (Hertzberg; D-Van Nuys)** Labor Commissioner Enhanced Authority. Unnecessarily allows the Labor Commissioner to seek injunctive relief before completing an investigation and determining retaliation has occurred, as well as requiring an employer to pay the costs and fees of the Labor Commissioner to pursue a civil action for retaliation, even if the claim lacks merit, as well as exposes employers to a daily \$100 penalty, capped at \$20,000, for a posting violation.

### Education

- **SB 574 (Lara; D-Bell Gardens)** Jeopardizes State Workforce Goals. Unnecessarily impedes the ability of the University of California (UC) to use its restricted state funding in the most efficient manner possible to continue expanding enrollment without compromising on the quality of the education it provides or substantially increasing the state’s General Fund contribution by placing unreasonable restrictions on when the UC may contract for services.

### Government Contracting

- **AB 1250 (Jones-Sawyer; D-South Los Angeles)** Costly County Contractor Process. Imposes a cost to contractors with county contracts, subjects contractor and subcontractor employees’ private information to Public Records Act requests, and seeks to severely limit options for these counties to determine the most appropriate solution to providing efficient and effective public service by establishing significant and costly obstacles for agencies and for vendors contracting for personal services.

### Hazardous Waste

- **AB 245 (Quirk; D-Hayward)** Increases Costs to and Creates Uncertainty for Hazardous Waste Permit Operators. Imposes unnecessary new costs on hazardous waste permit operators by requiring a public hearing be held within 90 days of the submittal of a hazardous waste permit renewal application, notwithstanding the multiple existing opportunities for public review; and creates uncertainty regarding the application of ambiguous language relating to the adequacy of financial assurances to be reviewed every five years.

- **AB 246 (Santiago; D-Los Angeles)** Increased Indirect Costs and Likely Processing Delays for Hazardous Waste Permit Operators. Imposes unnecessary and substantial new indirect costs on hazardous waste permit operators and will likely result in further delays in permit processing by requiring the Department of Toxic Substances Control (DTSC), in consultation with air pollution control and air quality management districts, to assess all hazardous waste permitted facilities to determine if fence-line or other monitoring is necessary or available, and to provide a report on the assessment to the Legislature by September 1, 2018, notwithstanding the fact that DTSC has existing authority to require such conditions on a case-by-case basis.

- **AB 1179 (Kalra; D-San Jose)** Increased Costs and Likely Processing Delays for Hazardous Waste Permit Operators. Prematurely and unnecessarily imposes new costs on hazardous waste permit operators and will likely result in further delays in permit processing by arbitrarily setting inspection frequencies for certain facilities and directing the Department of Toxic Substances Control

(DTSC) to adopt regulations setting inspection frequencies for all facilities, notwithstanding the fact that DTSC is currently reforming its enforcement program at the regulatory level.

- **AB 1328 (Limón; D-Goleta)** Burdensome Disclosure Requirements. Increases costs by imposing burdensome chemical disclosure and monitoring requirements on oil and gas operators, and requiring that such information be provided to the State Water Resources Control Board.

- **AB 1646 (Muratsuchi; D-Torrance)** Burdensome Regulations. Requires additional burdensome regulations to refineries by mandating they install audible alarms systems as well as an emergency alert system for residents, schools, public facilities, hospitals and residential care homes for an unspecified distance around a petroleum refinery to be determined by the relevant local unified program agency.

- **SB 49 (de León; D-Los Angeles)** Creates Uncertainty and Increases Potential Litigation Regarding Environmental Standards. Creates uncertainty by giving broad and sweeping discretion to state agencies to adopt rules and regulations more stringent than the federal rules and regulations in effect on January 19, 2017 through an expedited administrative procedure without public participation or input, when the state agencies determine that federal action leads to less stringent laws and regulations than those in effect on January 19, 2017; and increases the potential for costly litigation by creating private rights of action under California law, which may be triggered when a state agency takes the foregoing discretionary action. (Job killer.)

- **SB 465 (Jackson; D-Santa Barbara)** Repeals Technical Advisory Group on Oil and Gas Development. Inappropriately repeals a long-standing effective advisory group providing technical advice to the Division of Oil, Gas, and Geothermal Resources on production efficiency and reservoir protection and replaces it with an advisory council of at least 16 members envisioned to include individuals with no technical expertise in such pertinent functions.

- **SB 774 (Leyva; D-Chino)** Upends Organizational Structure at Department of Toxic Substances Control. Creates substantial uncertainty for hazardous waste permit operators by establishing

*See Many Harmful Bills: Page 6*

# First Round of NAFTA Negotiations Concludes; Next Talks to Start September 1



concluded in Washington, D.C.

Round one of the renegotiation and modernization of the North American Free Trade Agreement (NAFTA) has

## Successful First Round

The negotiations began on August 16 and included meetings by a team of subject matter experts covering more than two dozen negotiation topics.

According to the Office of the U.S. Trade Representative (USTR), the United States, Mexico and Canada made detailed conceptual presentations across the scope of the agreement, and negotiating groups began work to advance text and agreed to provide additional text, comments or alternate proposals during the next two weeks.

The scope and volume of proposals during the first round of the negotiation reflects a commitment from all three countries to an ambitious outcome and reaffirms the importance of updating the rules governing the world's largest free trade area, according to the USTR.

In addition to the negotiations, officials from all three countries continued to engage a wide range of stakeholders, including representatives of the private sector; industry associations; civil society, including labor groups; legislative representatives; and state/provincial officials, the USTR reported.

## Modernizing NAFTA

In June, the CalChamber submitted

[comments on NAFTA](#) to the USTR. The CalChamber understands that the NAFTA was negotiated more than 25 years ago, and, while our economy and businesses have changed considerably over that period, NAFTA has not. The CalChamber agrees with the premise that the United States should seek to support higher-paying jobs in the United States and to grow the U.S. economy by improving U.S. opportunities under NAFTA.

In July, the CalChamber also [sent a letter](#) to the *Federal Register Notice* (FRN) supporting the modernization of NAFTA.

The CalChamber actively supported the creation of NAFTA among the United States, Canada and Mexico, comprising 484.3 million people with combined annual trade with the United States being around \$1.069 trillion in 2016. In 2016, goods exports totaled more than \$496.919 billion while goods imports totaled nearly \$572.217 billion.

The CalChamber, in keeping with long-standing policy, enthusiastically supports free trade worldwide, expansion of international trade and investment, fair and equitable market access for California products abroad, and elimination of disincentives that impede the international competitiveness of California business.

The provisions of NAFTA have been beneficial for U.S. industries, agricultural enterprises, farmers, ranchers, energy companies and automakers. Any renegotiation of NAFTA must recognize the gains achieved and ensure that U.S. trade with Canada and Mexico remains strong and without interruption.

The CalChamber's long-standing

support for NAFTA is based upon an assessment that it serves the employment, trading and environmental interests of California and the United States, as well as Canada and Mexico, and is beneficial to the business community and society as a whole. Since 1993, trade among the three NAFTA countries has nearly quadrupled.

The CalChamber now urges a quick and efficient process, and one that does not hinder ongoing trade and investment among the three NAFTA members who must be kept united in the same end-goal of a successful renegotiation.

Throughout this process, the Trade Promotion Authority with its objectives and procedures should be followed. Further, during the process, the CalChamber encourages re-examination of the provisions agreed upon by the three countries during the already-negotiated Trans-Pacific Partnership (TPP), as these may provide a starting point for further discussion.

## Next Steps

Negotiators from each country will continue domestic consultations and work to advance negotiating text through the end of August, and will reconvene in Mexico for a second round of talks from September 1–5.

Negotiations will continue at this rapid pace, moving to Canada in late September and returning to the United States in October, with additional rounds being planned for the remainder of the year.

**Staff Contact:** [Susanne T. Stirling](#)

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## CalChamber Calendar

*Fundraising Committee:*

September 7, Beverly Hills

*Board of Directors:*

September 7–8, Beverly Hills

*International Trade Breakfast:*

September 8, Beverly Hills

*Public Affairs Conference:*

October 17–18, Santa Monica

## Many Harmful Bills Still Alive in State Legislature

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the California Toxic Substances Board within the Department of Toxic Substances Control (DTSC), with hiring/firing powers over the Director and various powers and duties relating to hazardous waste facilities permits and sites, including the ability to, following a review of documents submitted, information presented, and testimony taken at a hearing, direct the Director to require that certain conditions be placed on a permit to address perceived hazards to public health or the environment, notwithstanding the extensive record compiled and developed by staff during the preceding years.

### Health

• **SB 349 (Lara; D-Bell Gardens)**

Increases Health Care Costs. Increases health care costs by setting dialysis clinic staffing ratios to the most stringent in the country and mandating transition times between patients leading to patient access issues with no clear evidence of clinical benefit to dialysis patients. (See story.)

### Housing

• **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 the 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%. (Job killer.)

• **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 in addition to a quarter-cent excise tax to fund affordable housing and homeless shelters, without creating greatly needed market rate housing. (Job killer.)

### Immigration

• **AB 450 (Chiu; D-San Francisco)**

Employer Liability. Places employers in a no-win situation between federal immigration enforcement and state enforce-

ment by punishing employers—rather than providing tools and resources for employees when federal immigration enforcement appears at their workplace regardless of whether a violation of law has been committed by the employer.

### Industrial Safety and Health

• **AB 978 (Limón; D-Goleta)** Access to Employer Records. Inappropriately allows organizations unaffiliated with the employer to access an undefined and potentially unlimited scope of employer internal documents and circumvents the rulemaking process now underway to provide for access by employees to their employer's Injury and Illness Prevention Program (IIPP).

• **SB 772 (Leyva; D-Chino)** Increased Cal/OSHA Costs on Employers. Blatant attempt to impose excessive costs on employers without transparency and without consideration of alternative methods for Cal/OSHA regulations to meet policy objectives, by exemption from major regulation statutory requirements for economic analysis of the most costly regulations.

### Legal Reform and Protection

• **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. (Job killer.)

### Natural Resources

• **SB 188 (Jackson; D-Santa Barbara)** Lost Oil Production. Threatens oil production in the state by prohibiting any new production and eventually forcing closure of existing oil-related infrastructure.

### Privacy/Technology

• **AB 1513 (Kalra; D-San Jose)** Licensee Private Information. Inappropriately makes the contact information for all home health care licensees available to labor organizations for the stated purpose of unionizing.

### Product Regulation

• **AB 958 (Ting; D-San Francisco)** Sidesteps the Safer Consumer Products

Program Process. Politically rather than scientifically identifies certain chemicals used in food packaging as priority products under the Safer Consumer Products program, and directs the Department of Toxic Substances Control (DTSC) to adopt regulations for those chemicals, unless it determines there is insufficient data to conduct and complete the priority product evaluation and regulatory process. If DTSC makes the foregoing determination, it must pursue the data necessary to conduct and complete and evaluation and regulatory process.

### Public Employees Retirement

• **AB 20 (Kalra; D-San Jose)** Investment Report. Broadly targets businesses and inappropriately discourages certain investments by requiring the boards of the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) to develop a report on companies associated with the Dakota Access Pipeline (the underground oil pipeline from North Dakota to Illinois).

### Water

• **AB 1000 (Friedman; D-Glendale)** Water Conveyance. Prohibits new water projects in a specific part of the state by adding more unnecessary and unreasonable permit requirements for water conveyance.

• **AB 1668 (Friedman; D-Glendale) and SB 606 (Skinner; D-Berkeley/Hertzberg; D-Van Nuys)** Water Conservation. Potentially damages the viability of commercial, industrial and institutional businesses by imposing a one-size-fits-all water management plan without regard to local conditions.

### Workers' Compensation

• **AB 570 (Gonzalez Fletcher; D-San Diego)** Apportionment to Pre-existing Disability. Violates the fundamental agreement between worker and employers by requiring employers to compensate injured workers for disability that has not, with medical certainty, resulted from a workplace injury.

### Action Needed

The CalChamber encourages members to contact their legislators to ask them to **oppose** the bills listed here.



# Housing, Health Care, Technology Panels on Agenda for Public Affairs Conference

A substantive view of some of the major policy challenges facing legislators in the first year of the two-year session will be among the takeaways at the California Chamber of Commerce Public Affairs Conference on October 17–18 in Santa Monica.

Topics such as housing, health care and technology will be discussed and debated at three bipartisan legislative panels. Attendees will gain insight on these meaty topics from the key policy makers and have ample opportunity to ask questions.

Equally important to what policy makers think is what the voters think on these and other key issues. Kicking off the conference once again will be a presentation of “The People’s Voice,” CalChamber’s annual survey of California voter attitudes from our pollsters at PSB. As in previous years, attendees will learn if legislative priorities match up with voters’ priorities. And if voters have other priorities, what are they?

Of course, around the corner is another election year and there will be



plenty of politics to discuss. Conference attendees will take a close look at the 2018 California political landscape where voters will be asked to choose the state’s next governor, as well as pick among candidates for the other seven constitutional offices.

In addition, there will be panel discussions on legislative and congressional races as well as any initiatives that may appear on the ballot. Panelists will

include leading campaign experts from both political parties.

## September 15 Early Discount

The special early registration fee is available until September 15.

For more information or to register, use the link at [www.calchamber.com/publicaffairs](http://www.calchamber.com/publicaffairs).

The major sponsor of this year’s conference is Google.

## Bill Could Increase Health Care Costs Without Improving Patient Care

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### Stricter Than Any Other State

SB 349 would set staffing ratios for California dialysis facilities at a ratio stricter than any in the entire country.

Under this bill, the Registered Nurse ratio would be 1 RN for every 8 patients and the Patient Care Technician ratio would be 1 technician for every 3 patients. The bill sets social worker and registered dietitian ratios as well.

Doubling the number of staff members at dialysis clinics significantly increases health care costs and since 90% of dialysis patients are covered under Medicare or Medi-Cal, which already is significantly underfunded, the likely result of increasing dialysis costs will be the loss of some dialysis clinics, the jobs that those clinics provide, and most important, the lifesaving treatment that patients receive at those clinics.

Additionally, the bill mandates the Department of Public Health to issue regulations setting an appropriate mini-

mum transition time between dialysis patients, and if one is not set by 2020, the bill mandates a 45-minute transition time between dialysis patients.

No state currently mandates a specific transition time. The default 45-minute transition time between patients will likely result in the loss of an entire shift of patients treated.

Currently, dialysis facilities usually have four treatment shifts in one day because the facility must shut down to allow for regeneration of the water treatment system, which is used for treatment for the following day. Adding a transition time will displace patients who are treated during the fourth shift. More facilities will be needed to do the job that current facilities can handle.

### Increased Costs

The Senate Appropriations Committee analysis of SB 349 confirms that the mandates in the bill will likely “substantially increase the costs of providing dialysis care” in California. The analysis

cites a study by researchers at the University of California, Davis which found that “expanding state-specific regulation of chronic dialysis clinics beyond federal requirements would be of uncertain marginal value.”

The Senate Appropriations analysis concludes that “it is not clear what the potential clinical benefit to patients would be from the increase in staff to patient ratios in the bill.”

### Action Needed

SB 349 is scheduled to be heard in the Assembly Appropriations Committee on August 30.

The CalChamber urges businesses to **contact their Assembly representatives** and ask them to **oppose SB 349** because it could significantly increase health care costs, reduce the availability of dialysis clinics and patient shifts at clinics and result in job losses with no clear evidence of a clinical benefit to patients.

**Staff Contact: Karen Sarkissian**

## Sexual Harassment in the News

With sexual harassment in the news and shaking up Silicon Valley, it's a cautionary tale for staying in compliance. If you wait until conduct is unlawful, even toward job applicants, independent contractors and other nonemployees, you've waited too long. Education is the important first step.

Remember, California companies with 50 or more employees are required to provide two hours of sexual harassment prevention training to all supervisors **within six months of hire or promotion**, and every two years thereafter.

**Save 20% on our online California harassment prevention courses for supervisors and employees.**

**Preferred and Executive members save an extra 20% after their 20% member discount!** Use priority code BHPA by 9/22/17.



Are you doing enough (and what California requires) to avoid a lawsuit?

**PURCHASE** online at [calchamber.com/hptdeal](http://calchamber.com/hptdeal) or call (800) 331-8877.

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