

CalChamber Launches #RespectWorks Campaign

Goal: To Ensure Harassment-Free Workplaces



The California Chamber of Commerce this week kicked off #RespectWorks, a campaign joined by a large and growing list of flagship California companies pledging to promote inclusiveness and prevent harassment in their workplaces.

"Harassment has no place in our workplaces," said CalChamber President Allan Zaremberg. "Joining #RespectWorks demonstrates an employer's solid commitment to their workers and the success of their company.

"Harassment-free workplaces have higher retention rates, recruit and hire the most qualified workers and are more productive and successful."

Early Supporters

So far, more than two dozen early signers have joined the #RespectWorks effort, pledging to use proven, best practices to prevent harassment. The list of early supporters includes, among others:

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Committee Votes to Hike Transportation Costs, Discourage Investment in Cleaner Technology



The Senate Environmental Quality Committee this week approved a job killer bill based on misconceptions of the diesel freight industry.

SB 44 (Skinner;

D-Berkeley) will discourage investment and reduce jobs in the state by targeting medium- and heavy-duty trucks to satisfy emission reduction goals. The bill will limit the ability to transport goods throughout California, and will ultimately undermine California's leadership in this area.

In testimony to the committee, CalChamber Policy Advocate Leah Silverthorn pointed out that SB 44 doesn't recognize significant technological advances being made in the state.

California is a U.S. leader in upgrading diesel technology, she said, but continued changes in the regulatory envi-See Senate Committee: Page 4

Shelved After Getting Job Killer Tag An Assembly policy

Cosmetic Ban Bill

An Assembly policy committee this week postponed action on a cosmetic product ban identified by the California Chamber of Commerce as a job killer.

The ban will hurt California manufacturers, retailers, and the more than 415,000 California jobs in the personal care products industry.

AB 495 (Muratsuchi; D-Torrance/ Wicks; D-Oakland) was discussed but not voted upon in the Assembly Environmental Safety and Toxic Materials Committee on April 9.

AB 495 would impose onerous and unnecessary economic burdens on California manufacturers and retailers by immediately banning thousands of personal care products from being sold in California.

The bill disregards sound scientific principles, bypasses a legislatively mandated analytical process to judge the safety of consumer products and seeks to prohibit safe cosmetic products based upon the mere presence of a chemical in the product, no matter the level, that could lead to potential regrettable substitutions and job losses in the cosmetic industry.

Product Safety

Product safety is a top priority for CalChamber member companies. They invest significant resources to evaluate the safety and environmental impact of

See Cosmetic Ban Bill: Page 4

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Targeted Taxes Pass Assembly Committees: Page 6



Labor Law Corner

Leave, Benefits May Be Available for Employees in Addiction Recovery



Ellen S. Savage Labor Law Adviser

Do we need to give an employee protected time off to enter a residential facility for substance abuse recovery? Will she be eligible for State Disability Insurance?

Employees who request time off for substance abuse recovery may be eligible for protected leave under a number of state and federal laws.

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Protected Leaves

California's Labor Code requires an employer of 25 or more employees to provide time off as a reasonable accommodation to any employee who volunteers to enter an alcohol or drug rehabilitation program, if it does not impose an undue hardship on the employer.

Smaller employers may need to consider offering time off for substance abuse treatment as a reasonable accommodation under the Americans with Disabilities Act and California's Fair Employment and Housing Act.

Employers of 50 or more employees may be required to provide a leave of absence of up to 12 weeks for such inpatient rehabilitation under the federal Family and Medical Leave Act and/or the California Family Rights Act.

State Disability Benefits

State Disability Insurance (SDI) benefits may be available to your employee depending on what type of treatment facility she is in, how long her doctor certifies she will need treatment, and whether the treatment is offered by a court as an alternative to criminal confinement. While SDI benefits are normally available for up to 52 weeks, benefits are limited to shorter periods

of time for residential substance abuse treatment.

An employee who is a resident of an approved alcoholic residential rehabilitation facility may qualify for up to 30 days of SDI. An additional 60 days may be paid if the employee remains a resident of the facility and the employee's physician/practitioner continues to certify there is a need for continuing resident services.

An employee who is a resident of an approved drug-free residential rehabilitation facility may qualify for up to 45 days of SDI benefits. An additional 45 days may be paid if the employee remains a resident of the facility and the employee's physician/practitioner continues to certify there is a need for continuing resident services.

No SDI benefits are available if a court has offered your employee the option to enter a residential drug or alcohol treatment facility as an alternative to serving time in jail as a result of committing a crime.

Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at www. hrcalifornia.com.

CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events. Labor Law

Scheduling Employees and Everything in Between Webinar. CalChamber. April 18. (800) 331-8877.

HR Boot Camp. CalChamber. April 26, Costa Mesa – SOLD OUT; May 9, Sacramento; June 14, Walnut Creek; August 22, Pasadena; September 12, Sacramento. (800) 331-8877.

Employer To-Due List for Pregnancy Disability Leave. CalChamber. May 16, Webinar. (800) 331-8877.

Leaves of Absence: Making Sense of It All. CalChamber. June 21, San Diego; August 16, Oakland. (800) 331-8877.

International Trade

Doing Business in Nordics Webinar. U.S. Commercial Service. April 16, Webinar. (800) 872-8723.

Doing Business in Austria and Hungary Webinar. U.S. Commercial Service. April 24, Webinar. (800) 872-8723.

Understanding Brexit. CalChamber and World Affairs, Sacramento. April 24, Sacramento. (916) 444-6670 ext. 232.

Aerospace Fair Mexico 2019. Mexican Government. April 24–27, Zumpango, Mexico. +52 (55) 7098-5299.

93rd Annual World Trade Week: SoCal— The Engine of Global Trade and Economic Growth. Los Angeles Area Chamber. May 2, Los Angeles. (213) See CalChamber-Sponsored: Page 3

Next Alert: April 26





The Workplace

New Podcast Focuses on Men and #MeToo Movement



The latest episode of the California Chamber of Commerce The Workplace podcast focuses on men and the #MeToo movement.

As more publicity is being given to instances of sexual harassment around the country, men have responded to news stories and other developments in a variety of ways. Some will no longer meet with female colleagues or socialize with women coworkers to protect themselves from the possibility of being wrongfully accused of harassment.

Perspective

Erika Frank, CalChamber vice president of legal affairs and general counsel, is joined by Jennifer Shaw, president of the Shaw Law Group, to shed light on these issues and provide perspective on the #MeToo movement.

"We all want to protect women in the workplace for sure, and what's happening is we're getting this focus on an unintended consequence [men excluding women or treating them differently due to fear of being wrongfully accused of sexual harassment]. I don't think people are talking about this issue nearly enough," Shaw says. "We see it in our practice every day.'

Both Frank and Shaw agree that

sometimes the way men have responded to the #MeToo movement has created interesting and often problematic circumstances in the workplace.

Both lawyers believe heightened awareness and embracing a sense of fairness for all workers is the key to avoiding a discrimination complaint that actually resulted from an over-exaggerated fear of a harassment complaint.

Frank points out that one of the things many people don't realize is that "unfortunately, avoiding one issue sexual harassment—opens the door to another legal issue, and that's gender discrimination."

Subscribe to The Workplace

Subscribe to The Workplace on Google Play, iTunes, PodBean, Tune In and Stitcher. New episodes are released each Wednesday.

To listen or subscribe, visit www. calchamber.com/theworkplace.

CalChamber-Sponsored Seminars/Trade Shows

From Page 2 580-7500.

Trade Winds Indo-Pacific Forum and Mission 2019. U.S. Commercial Service. May 6-13, India, Bangladesh, and Sri Lanka. (304) 347-5123.

Doing Business in Czech Republic and Slovakia Webinar. U.S. Commercial Service. May 15, Webinar. (800) 872-8723.

Annual Export Conference. National Association of District Export Councils. May 21-22, Arlington, Virginia. (407) 255-9824.

SelectUSA Investment Summit. SelectUSA. June 10-12, Washington, D.C. (800) 424-5249.

Doing Business in Baltics Webinar. U.S. Commercial Service. June 12, Webinar. (800) 872-8723.

Think Asia, Think Hong Kong. Hong Kong Trade Development Council. September 20, Los Angeles. (213) 622-3194.

CalChamber Calendar

Capitol Summit:

May 22, Sacramento International Forum:

May 22, Sacramento

Water Committee:

May 22, Sacramento

Host Breakfast:

May 22-23, Sacramento

Board of Directors:

May 22-23, Sacramento

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Cosmetic Ban Bill Shelved After Getting Job Killer Tag

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all cosmetic products prior to offering them for sale to consumers.

Personal care products sold in California are subject to the California Safe Cosmetics Act of 2005 and Cleaning Product Right to Know Act of 2017, which require cosmetic businesses to identify all intentionally added ingredients in a product, which are known or suspected to pose harm to consumers, and report those products to the California Department of Public Health, and in addition list specified chemicals and allergens on product labels and websites.

Misguided Approach

AB 495 is misguided because it fails to recognize the integrated nature of actual hazards and unsafe exposure. The measure presumes that the mere presence of a chemical in a product, no matter how trace or *de minimis*, would be harmful to human health.

The mere presence of a chemical in a product cannot be a proxy for "exposure." Actual exposure at a level sufficient to cause harm, as determined via rigorous analysis, should be the standard for more regulation.

Existing Process

The bill also circumvents California's Safer Consumer Products program (aka "Green Chemistry") within the Department of Toxic Substances Control (DTSC).

The 2008 law requires DTSC to establish a process to identify, prioritize, and, as necessary, evaluate chemicals of concern in consumer products and their potential alternatives. It was enacted with bipartisan support, and required scientists at DTSC, not the Legislature, to analyze the safety of and alternatives to chemical ingredients.

DTSC states "the regulations provide for a four-step continuous, sciencebased, iterative process to identify safer consumer product alternatives."

This process includes creating a list of candidate chemicals; identifying priority product/candidate chemical combinations; requiring manufacturers to conduct alternative assessments; and, if warranted, imposing a wide array of regulatory responses, including chemical bans.

Science-Based Policy Needed

The Capitol Insider blog post on "The Return of the Product Ban Bills" highlights problems with policy not based on science.

An example is the AB 495 ban of cosmetic products containing formaldehyde, a chemical that is sure to conjure up creepy imagery of preserved specimens floating in jars full of formaldehyde solutions.

But formaldehyde in very low concentrations is used safely in cosmetics as a preservative to kill microorganisms and prevent or inhibit their growth in products precisely to keep the cosmetic safe for human use and extend product shelf life.

Formaldehyde is a naturally occurring chemical found in the air we breathe and even in our own bodies when synthesizing amino acids and metabolizing medications.

Severe Penalties

Marketing unsafe cosmetics products is already a crime under federal law. The law provides severe penalties—including seizures, recalls, fines and bans—for product manufacturers that do not meet strict federal safety requirements.

AB 495 is unwarranted and motivated by public opinion, not sound science. Staff Contact: Adam Regele

Senate Committee Votes to Hike Transportation Costs

From Page

ronment here are discouraging companies from investing in upgrades. Ironically, that disincentive is keeping older, higher-polluting vehicles on the road instead of making it financially feasible for firms to invest in cleaner-burning newer vehicles.

Diesel trucks produce just 11.5% of California greenhouse gas emissions and less than a quarter of emissions attributable to transportation.

Yet SB 44 directs the California Air Resources Board (CARB) to develop a strategy that targets medium- and heavyduty trucks and requires this limited sector to satisfy the goals for reducing emissions for *all* motor vehicles.

Commercial trucks, which transport the vast majority of goods produced in California, would be held responsible for reducing the equivalent of all motor vehicle greenhouse gas emissions by 40% by 2030 and 80% by 2050.

The effect of the bill is to restrict the use of a diesel combustion engine without creating an alternative path to cost-effectively move California products across the country. There is no supply of electric-powered heavy-duty vehicles that are sufficient to move heavy goods across California's diverse terrain.

Any strategy developed by CARB before the technology is available to replace fleets will inevitably result in significant additional costs to all California businesses that rely on goods movement.

California already has some of the strictest emissions controls in the nation. Many trucks are subject to smoke check, periodic inspection, idling limits, and fines for noncompliance.

According to CARB, certification of emissions standards for new heavy-duty engines already have been tightened and trucks are on a scheduled path to be retrofitted to meet updated standards.

CARB's continued collection of real

data will provide guidance on any new emission reduction requirements that could reduce greenhouse gas emissions and are tied to actual emissions from medium- and heavy-duty trucks. There is no need to jeopardize California's ability to transport goods and risk jobs in this industry when efforts are already in place to reduce emissions.

Key Vote

SB 44 passed Senate Environmental Quality on a vote of 5-2.

Ayes: Allen (D-Santa Monica), Hill (D-San Mateo), Skinner (D-Berkeley), Stern (D-Canoga Park), Wieckowski (D-Fremont).

Noes: Bates (R-Laguna Niguel), J. Stone (R-Riverside County).

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

Staff Contact: Leah Silverthorn



Citizens Redistricting Process Begins Soon; Apply Online to Help Shape State's Future



Martin R. Wilson

A little known and often forgotten truth is that not all political change in California comes via the ballot box.

Once a decade, the demographers and

cartographers replace the voters in the leading role by advising the California's Citizens Redistricting Commission, which is charged with drawing the political boundaries for California's congressional, Senate, Assembly and Board of Equalization seats.

The process of redistricting or redrawing the political lines in California will be placed into the hands of the newly installed commission in August 2020. While the work of the commission may be some 18 months out, the process leading up to the selection of the redistricting commission starts much sooner—in fact, almost immediately.

Citizen participation is the cornerstone of the process of drawing the political lines in California. It will play a critical role in determining the quality of who represents business owners and members of the employer community in Sacramento and Washington, D.C.

Why a Citizens Commission?

Taking a step back, let's recall that in 2008 voters passed Propositions 17 and 20 to create the Citizens Redistricting Commission. The purpose of creating the commission was to take politics out of the process by removing the inherent conflict of interest of having elected officials choose voters as opposed to the other way around.

In previous eras, the so-called gerrymandered districts were subject to numerous court challenges. The challenges came about because oftentimes the newly drawn district lines defied logic and disenfranchised great swaths of voters by splitting cities and communities of interest.

Commentary By Martin R. Wilson

In 1981, Congressman Phil Burton drew the maps for California's congressional Democrats that yielded a gain of four seats for his party. He famously called his finished product, "My contribution to modern art."



Improved Process

Politicians making such claims now are from a bygone era and part of California political lore with the advent of the Citizens Redistricting Commission.

The vastly improved commission process created a new standard for openness and citizen participation by conducting 34 public hearings across California and taking into account more than 20,000 comments in writing.

Because of the process, the new maps withstood multiple legal challenges and received positive reviews from academic, legal and media observers.

According to an article by Jeff Horseman with the Southern California News Group, Justin Levitt, a professor at Loyola

Law School, called the commission's work, "A giant success...in the one thing it was designed to be—making sure incumbent politicians didn't control the process and encouraging citizens to take part."

About the Commission

The Citizens Redistricting Commission is comprised of 14 members and its work is supervised by the office of the nonpartisan California State Auditor. The commission membership must include five Democrats, five Republicans and four members who are other or no party preference (NPP) registered voters.

Criteria to Serve

To serve on the commission, you must meet the following criteria:

- Have been a registered voter since July 1, 2015;
- Have been registered with the same party or an NPP since July 1, 2015; and
- Voted in at least two of the last three statewide elections.

Ineligible

You are ineligible to be a commissioner if you meet any of these criteria:

- You or an immediate family member have served or been a candidate for congressional or state elective office;
- You've been an officer, employee or paid consultant for a California political party:
- You've been a paid consultant for a candidate for California congressional or elective state office; or
 - You've been a registered lobbyist.

Apply Online

If you are interested in taking the initial step by submitting an online application to the Auditor's office, please click the link below and get ready to map the future of California democracy: https://shapecaliforniasfuture.auditor.ca.gov.

Martin R. Wilson is executive vice president, public affairs for the California Chamber of Commerce.



Job Killer Bills Imposing Targeted Taxes Pass Policy Committees



Three California Chamber of Commerce-opposed job killer bills that seek to impose unfair targeted taxes passed Assembly policy committees this week.

Sweetened Beverages Tax

AB 138 (Bloom; D-Santa Monica) unfairly imposes a targeted excise tax on distributors of sweetened caloric beverages to fund health-related programs for all which will force distributors to reduce costs through higher prices to consumers or limit their workforce.

Given that the intended effect of AB 138 is to deter consumers from purchasing such beverages or concentrates, the bill will have a direct impact on the beverage industry and its employees.

The CalChamber believes any tax increase should be broad-based so that financial impacts are mitigated. One category of taxpayers should not be burdened with the financial responsibility of improving the health of all Californians. *Key Vote*

AB 138 passed the Assembly Health Committee on April 9, 8-5.

Ayes: Aguiar-Curry (D-Winters), Bonta (D-Oakland), Burke (D-Inglewood), Limón (D-Santa Barbara), McCarty (D-Sacramento), Nazarian (D-Van Nuys), Wicks (D-Oakland), Wood (D-Santa Rosa).

Noes: Flora (R-Ripon), Ramos (D-Highland), Rodriguez (D-Pomona), Santiago (D-Los Angeles), Waldron (R-Escondido). No Vote Recorded: Bigelow (R-O'Neals), Mayes (R-Yucca Valley).

Tax on Tire Purchases

AB 755 (Holden; D-Pasadena) imposes a \$1.50 targeted tax on the purchase of new tires, that will unfairly raise prices on California residents, including and the first target of the day of the same target of the s

raise prices on California residents, including employers, in order to fund the mitigation of zinc in storm water for all.

Californians are highly taxed, paying among the highest sales and use tax and personal income tax rates in the nation. This targeted tax will result in higher prices for consumers, who already pay a \$1.75 tax on their tires to fund California's tire recycling programs.

California just increased the gas tax, and California motorists pay more for gas than anywhere else in the country—about \$15 billion per year in additional costs. AB 755 will only contribute to the overall costs of living in this very expensive state. **Key Vote**

AB 755 passed the Assembly Environmental Safety and Toxic Materials Committee on April 9 on a party-line vote, 6-3.

Ayes: Bauer-Kahan (D-Orinda), C. Garcia (D-Bell Gardens), Holden (D-Pasadena), Kalra (D-San Jose), Muratsuchi (D-Torrance), Quirk (D-Hayward).

Noes: Dahle (R-Bieber), Mathis (R-Visalia), Melendez (R-Lake Elsinore).

Tax on Opioids

AB 1468 (McCarty; D-Sacramento/ Gallagher; R-Yuba City) 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.

The bill will impose a \$100 million excise tax on manufacturers and whole-salers that distribute or sell opioid medications in California. Each manufacturer and wholesaler would be required to report to the California Department of Public Health all opioid medication sold or distributed during a given fiscal year.

Based on the reported information, the department would then calculate the manufacturer's or distributor's ratable share, which is the individual portion of the collective sum of \$100 million they will be required to pay that year.

While the CalChamber agrees that opioid abuse is a significant problem, any tax increase should be broad-based and shared by all so that the financial burden is mitigated.

Key Vote

AB 1468 passed the Assembly Health Committee on April 9, 8-5.

Ayes: Bonta (D-Oakland), Burke (D-Inglewood), Limón (D-Santa Barbara), McCarty (D-Sacramento), Nazarian (D-Van Nuys), Santiago (D-Los Angeles), Wicks (D-Oakland), Wood (D-Santa Rosa).

Noes: Bigelow (R-O'Neals), Flora (R-Ripon), Mayes (R-Yucca Valley), Ramos (D-Highland), Waldron (R-Escondido).

No Vote Recorded: Aguiar-Curry (D-Winters), Rodriguez (D-Pomona). Staff Contacts: Sarah Boot, Valerie Nera





Governor's Chief Economic Adviser Joins Summit Speaker Lineup



Lenny Mendonca, chief economic adviser to Governor Gavin Newsom, will be a guest speaker at the Cali-

fornia Chamber of Commerce Capitol Summit on May 22.

The half-day Capitol Summit also will feature a straight talk with CalChamber President Allan Zaremberg, remarks by longtime political columnist Dan Walters of CALmatters, and a policy issues update with CalChamber experts.



Lenny Mendonca

Governor Newsom named Mendonca in January to be both chief economic adviser and director of the Governor's Office of

Lenny Mendonca

Business and Economic Development (GO-Biz).

Mendonca is a senior partner emeritus of McKinsey & Company, a global management consulting firm. He also is

a lecturer on inequality at the Stanford Business School.

He founded McKinsey's U.S. state and local public sector consulting practice and served for a decade on the McKinsey Shareholder Council, retiring in 2014.

As co-chair of the nonprofit organization California Forward, Mendonca is a longtime advocate for rethinking government operations. He also is chair emeritus of the Bay Area Council and its Economic Institute.

He received his M.B.A. and certificate in public management from Stanford University and holds an A.B. in economics, *magna cum laude*, from Harvard University.

With his wife, Christine, Lenny Mendonca is the founder and owner of the Half Moon Bay Brewing Company, The Inn at Mavericks and the Pacific Standard Taproom. He also is chair and primary owner of the Coastside News Group, formed in 2018 to buy the *Half Moon Bay Review*.

Other Events

After the Summit, attendees have the option to stop by the CalChamber International Forum (a separate RSVP is required). The afternoon forum will focus on trade issues for the California trade/business community, including the consular corps.

Scheduled for the evening of May 22 is the Sacramento Host Reception. This event is co-sponsored by the CalChamber and the Sacramento Host Committee to provide networking opportunities for business leaders from industries throughout the state.

The reception also gives attendees the opportunity to discuss key issues facing the state with other business leaders and elected officials. The evening event is a prelude to the Host Breakfast the next morning.

Featured speakers at the breakfast, now in its 94th year, traditionally have been the Governor of California and the chair of the CalChamber Board of Directors.

Register by May 10

The registration fee to attend the Capitol Summit, Host Reception and Host Breakfast is \$75 per person.

The registration deadline is Friday, May 10 OR until sold out. Space is limited.

For more information or to register, visit www.calchamber.com/summit.

CalChamber Launches #RespectWorks Campaign

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- Blue Diamond Growers;
- Gordon Biersch Brewing Company;
- Systems Integrated;
- Evans Hotels;
- Ernst & Young;
- Albertsons Companies;
- Manatt, Phelps & Phillips, LLP;
- Lucas Public Affairs;
- Sacramento River Cats;
- Wilcox, Miller & Nelson;
- AT&T;
- Hornblower Cruises & Events;
- OUTSOURCE Consulting Services.

#RespectWorks Resources

A key component of the effort is the ability of companies to have free access to several anti-harassment resources and a new human resources-related tip each month.

The monthly tip will focus on prac-

tical aspects of creating workplaces free from abusive conduct.

#RespectWorks resources can be found at *respectworks.calchamber.com*. They include the following:

- Sample harassment discrimination and retaliation prevention policy;
- Harassment prevention policy implementation checklist;
- #RespectWorks poster suitable for display in the office environment; and
- Tip of the month (the first tip provides details about California's new mandatory sexual harassment and abusive conduct prevention training for both supervisors and employees that must be completed by January 1, 2020).

Employers Embrace Effort

"#RespectWorks is an important campaign to remind both employers and employees the importance of maintaining workplaces that are both inclusive and free from harassment. I challenge all California employers to join the impressive list of companies supporting this effort and help drive us all to be more successful," said Mark Jansen, president and chief executive officer, Blue Diamond Growers.

"All workers deserve and should expect to have workplaces that are free from harassment. Gordon Biersch is committed to this goal for our company. We are a strong supporter of CalChamber's #RespectWorks movement," said Dan Gordon, co-founder and chief operating officer, Gordon Biersch Brewing Company.

Join Campaign

To join the campaign, visit respectworks.calchamber.com.



LIVE WEBINAR | THURSDAY, APRIL 18, 2019 | 10:00 - 11:30 AM PT

Scheduling Employees and Everything in Between

Under California's watchful eye, specific laws regulate the hours and days that nonexempt employees work.

Optimal schedules are always the goal to retain good employees. But staffing a workforce can be unpredictable, and employers need some flexibility in scheduling. Things just don't always go as planned. How do you ensure your current practices are in compliance?

Join our employment law experts online on April 18 to learn more.

Cost: \$199.00 | Preferred/Executive Members: \$159.20





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