

ALERT

6 Factors to Determine When Economy Can Start Reopening



Governor Gavin Newsom this week outlined the **six key indicators** that will guide California’s decision on when to modify stay-at-home orders and slowly begin reopening the state’s economy.

The Governor noted that the progress in flattening the curve, increased preparedness of the state’s health care delivery system and the effects of other COVID-19 interventions have yielded positive results. These actions, however, have also affected the economy and poverty in California, with 2.3 million unemployment claims filed in the last four weeks alone.

Any consideration of modifying the stay-at-home order must be done using a gradual, science-based and data-driven framework, Newsom said.

California Chamber of Commerce

President and CEO Allan Zaremberg issued the following statement in response to the Governor’s announcement on April 14:

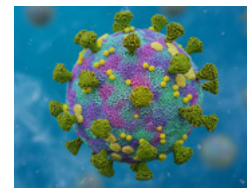
“The Governor clearly understands the importance of reopening California’s economy. His comments reflect the reality that workers, employers and customers must all feel safe in order to begin participating in the economy once again,” Zaremberg said.

“As our employers look toward rebuilding their businesses and providing the services Californians need and want, it is critical that we focus on developing workable physical distancing protocols and other measures that both provide necessary levels of safety for all and maximize the number and kinds of operations that are allowed to rejoin the economy.

“CalChamber has a great sense of

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State, Local Entities Taking Varied Approaches to Fighting COVID-19



The COVID-19 pandemic has changed daily life across the nation, forcing state and local governments to develop

public protection measures on the fly.

In California, Cal/OSHA and many city and county health departments have grappled with the best approach to providing signage, better sanitation, and facial coverings.

For employers and citizens, this rush to provide guidance and regulation has generated a fluid compliance environment, especially challenging for businesses working in multiple jurisdictions.

The sampling below of state and local directives provides examples of regulatory approaches.

Injury/Illness Plan

Cal/OSHA Guidance for Employers’ Injury and Illness Protection Plans Regarding COVID-19

For businesses that are still operating (the essential industries), Cal/OSHA has issued industry-specific guidance for multiple industries—including child care, health care, grocers, and agriculture—and is expected to issue additional guidance related to other essential industries, including retailers, transportation and logistics, and construction in the coming weeks.

See State, Local Entities: Page 8

Alert Moves to Digital-Only Publication

As the COVID-19 pandemic continues, the California Chamber of Commerce is suspending production of the printed version of the *Alert* newsletter, starting with the April 17, 2020 edition.

The CalChamber will continue to publish *Alert*, including the pdf version that mirrors the print publication. Links to the pdf file will continue to be available at calchamberalert.com, along with the online versions of all stories.

Readers can ask to be added to the e-Alert distribution list by emailing alert@calchamber.com or sign up for the CalChamber Alert app at calchamberalert.com/app.



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Labor Law Corner

Telework During Pandemic Could Affect Future Remote Work Requests



Ellen S. Savage
HR Adviser

If an employer allows employees to telework during the COVID-19 pandemic, will the employer have to allow them to continue teleworking after the California shelter-in-place order is lifted? For disabled employees, would an employer have to automatically grant telework as a reasonable accommodation if the employees wish to continue the arrangement after the pandemic is over?

Unless there is a disability-related limitation that may require teleworking, an employer has no legal obligation to allow employees to continue teleworking once the California shelter-in-place order is lifted.

If there is a disability-related limitation, but the employer can effectively address the need with another form of reasonable accommodation at the workplace, then the employer can choose that alternative to telework.

Essential Job Functions

The federal Equal Employment Opportunity Commission (EEOC), which enforces the Americans with Disabilities Act (ADA), provided the following information in a webinar on March 27:

“To the extent that an employer is permitting telework to (disabled) employees because of COVID-19 and is choosing to excuse an employee from performing one or more essential functions, then a request—after the COVID-19 crisis has ended—to continue telework as a reasonable accommodation does not have to be granted if it requires continuing to excuse the employee from performing an essential function. This is because the ADA never requires an employer to eliminate an essential function as an accommodation for an individual with a disability.”

According to the EEOC, temporarily excusing performance of one or more essential functions to enable employees to telework during the pandemic does not

mean that the employer has permanently changed a job’s essential functions, or that telework is a feasible accommodation, or that it does not pose an undue hardship.

An employer may restore all the employee’s essential duties after the immediate crisis has passed, and then evaluate requests for accommodations under the usual ADA rules.

Reconsidering Previous Requests

The EEOC does draw a distinction for disabled employees who had requested telework before the pandemic, but whose requests had been denied because of concerns that the employee would not be able to perform the essential functions remotely. The EEOC says that “the temporary telework experience could be relevant to considering [a] renewed request.”

The period of telework due to the pandemic “could serve as a trial period that showed whether or not this employee with a disability could satisfactorily perform all essential functions while working remotely, and the employer should consider any new requests in light of this information.”

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.

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Home page: www.calchamber.com.*

CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor Law

Remote Control—Rules for Remote and Traveling Employees. CalChamber. April 30, Webinar. (800) 331-8877.

HR Boot Camp. CalChamber. May 6, Sacramento; June 12, Walnut Creek; August 21, Pasadena; September 10, Sacramento. (800) 331-8877.

What Businesses Need to Know About the California Consumer Privacy Act. CalChamber. June 18, Webinar. (800) 331-8877.

Leaves of Absence: Making Sense of It All. CalChamber. June 26, San Diego; August 13, Oakland. (800) 331-8877.

California Leaves for Expecting Employees. CalChamber. September 17, Webinar. (800) 331-8877.

International Trade

CANCELED: Mission & Business Forum: Indo-Pacific Business Opportunities. U.S. Commercial Service. April 20–27, Hong Kong. (410) 962-3097.

POSTPONED: Hannover Messe Trade Fair. Deutsche Messe. April 20–24, Hannover, Germany. +49-511-890.

POSTPONED: 94th Annual World Trade Week. Los Angeles Area Chamber of Commerce. May 5, Los Angeles.

See CalChamber-Sponsored: Page 6

The Workplace

CalChamber Podcasts Tackle Variety of COVID-19-Related Issues



Over the last month, The Workplace podcast presented by the California Chamber of Commerce has uploaded a variety of episodes

addressing workplace-related issues concerning the COVID-19 crisis.

Topics covered include how to smoothly transition into remote work, apply for business loans, and comply with employment laws regarding layoffs and more. To listen to the episodes in full, please visit www.calchamber.com/theworkplace.

COVID-19 Podcast Episodes

Here are a few COVID-19-related podcast episodes you might have missed:

- **COVID-19: Preparing for Remote Work.** On [Episode 53](#) of The Workplace podcast, CalChamber Executive Vice President and General Counsel Erika Frank and employment law expert Jennifer Shaw offer advice on working remotely, as well as discuss resources available to employees and Governor Gavin Newsom's guidance on California's aging workforce. According to Shaw, employers should uphold "business as usual" to the best of their ability when deciding which tasks to give to their employees at home.

- **COVID-19 Business Loans Explained.** On [Episode 58](#), CalChamber President and CEO Allan Zarembeg, Golden Pacific Bank President and CEO Virginia Varela, and Executive Vice President and Chief Business Officer Joseph P. McClure explain the programs and federal loans available to small businesses through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Some of the programs they highlight are a debt relief program for busi-

nesses with fewer than 500 employees offered by the U.S. Small Business Administration, the Paycheck Protection Program, and the Economic Injury Disaster Loan Assistance Program.

- **COVID-19 Workforce Reduction Guidance (including Furloughs vs. Layoffs).** On [Episode 59](#), CalChamber Executive Vice President and General Counsel Erika Frank is again joined by employment law expert Jennifer Shaw to talk about important considerations and requirements for employers when they undergo a reduction in force (RIF). Given the uncertainty of this crisis, Shaw says, business owners are left to make determinations on their businesses' future with few concrete details—including laying off their employees. Shaw clarifies the difference between a furlough and an RIF/layoff and details the steps employers must take when laying off an employee at this time due to COVID-19, including how to address advanced notice and final paychecks.

- **COVID-19: Telework Best Practices.** On [Episode 60](#), CalChamber Executive Vice President and General Counsel Erika Frank and employment law expert Jennifer Shaw convene again to discuss remote work best practices—such as ways to ensure workers are taking mandated rest breaks, reimbursing expenses, establishing COVID-19-specific policies, and maintaining a harassment-free environment. For nonexempt employees especially, managers must set clear expectations and perform check-ins to make sure employees are taking their meal and rest breaks and not working off the clock. Frank recommends redrafting and tailoring any telework agreements to address the COVID-19 crisis. Shaw and Frank further agree that, even though employees are working at home, harassment policies should be upheld and emphasized.

- **COVID-19 Loans and the New**

Economy. On [Episode 61](#), CalChamber President and CEO Allan Zarembeg and Mark Vitner, managing director and senior economist at Wells Fargo Securities, LLC, examine the variety of federal COVID-19 loan programs available to businesses of all sizes and provide tips on how businesses can prepare for the new economic landscape. Vitner acknowledges that the economy reopening will be a gradual process, but a significant number of lost jobs will return over the course of the year. Helping expedite the economic recovery are a number of federal business loan programs encouraging businesses to rehire their workers by the end of June. Vitner also recommends that employers utilize this time to reevaluate their business models because change is inevitable.

- **COVID-19 Paid Leaves Explained.** On [Episode 62](#), CalChamber Executive Vice President and General Counsel Erika Frank and employment law expert Jennifer Shaw discuss how the federal Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act interact with California laws; how to handle paid time for these new laws; the importance of written documentation; and recommendations for employers.

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

CalChamber Resources

A resource page with a list of relevant COVID-19 articles and links to government resources is available on the CalChamber website, www.calchamber.com/coronavirus. The page is regularly updated to ensure readers are accessing the most current information available.

10 Cybersecurity Tips for Working from Home



As businesses rely more on technology and people begin adapting to the new work-from-home reality—in

which work-related information is transmitted online and through mobile devices, and employees are increasingly dependent on digital communication, file sharing, and cloud-based systems—it’s imperative that we prioritize cybersecurity and internet privacy.

More specifically, employers and their employees must understand the vulnerabilities that exist in technology, and organizations must put thoughtful processes in place to protect against breaches or inadvertent disclosures of information.

From a technical standpoint, there’s no such thing as absolute cybersecurity. The reason? Cybersecurity is like an arms race with both sides competing to develop the best weapons and defenses possible—which means businesses must continually assess, identify and evolve, given bad actors’ ongoing development of new threats.

For this reason, it’s essential that employers create redundancies, or layers of protection, that make it more difficult for these threats to penetrate the employers’ defenses.

It’s also critical that organizations have a data-breach response plan which details the steps to take should a data breach occur—much like a pilot’s pre-flight checklist. Because, as history has shown, no matter how good your people are, committing these plans to writing is invaluable, and it goes a long way toward protecting your business, your employees and your consumers.

Cybersecurity Tips

Here are 10 tips to help employers with remote workforces improve their cybersecurity efforts:

1. Separate Work Devices from Personal Devices. This is one of the easiest and most fundamental steps you can take to safeguard information. With separate devices, employees can control individual permissions on each device independently and can segregate apps, photos and files to their appropriate devices.

2. Use Separate Profiles. Can’t sepa-

rate work devices from personal devices? Not only do many companies allow their employees to use company-supplied phones for personal use, but currently, many employees are using their personal computers to work from home.

In situations like these, a best practice is to create separate user profiles on the single device so that one profile is solely for personal purposes and the other is solely work-related. While this works particularly well for traditional desktop and laptop computers, only some mobile devices allow for such functionality.

As a rule of thumb, Apple mobile devices don’t, so on these devices, designate specific apps for specific accounts. For example, you can use your native email app for work and download a second email app just for your personal email account. The same can work for messaging apps and cloud storage.

3. Watch for Suspicious Emails (Especially from Your Boss). Data breaches commonly occur because people open emails from senders either outside their organization or who’ve hacked their boss’ email account and appear legitimate—but aren’t. This practice, called “phishing,” occurs when a hacker sends an email to an entire organization with the hope of tricking someone—anyone—into clicking a link or providing information.

Signs that an email is fraudulent include bad grammar, a sense of urgency, strange requests, or strange hyperlinks or unexpected files. These attacks often are very successful because they come from accounts held by persons of authority within an organization—thus playing to an employee’s willingness to do the task.

If you receive any email from anyone asking you for sensitive information or to spend money, call and check with your supervisors first.

4. Don’t Download Random Apps. If you can’t find an application in your native app store (Google Play Store, Microsoft Store, Apple AppStore), it’s probably coming from an unverified vendor and can contain viruses or malware—so always check with your IT department before downloading an application that falls into this category. Better yet, ask your IT department to set the program up for you. When in doubt, do not download. Period.

5. Reset Passwords Regularly.

Regular password audits are important to ensure you stay one step ahead of the curve. A good password is unpronounceable; is at least 10 characters long; and includes a combination of numbers, symbols, and lower- and upper-case letters. Passwords should be changed at least every six months.

6. Enable Two-Step Verification. If your accounts or devices allow for “two-step verification,” you should enable it now. Two-step verification protects your accounts with an added layer of security by requiring two levels of verification before granting access to your account. Typically, this requires using your cell phone, but it’s worth the extra effort to protect your information.

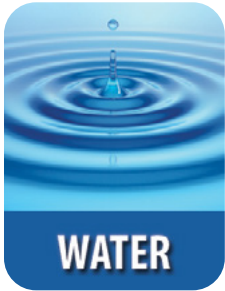
7. Update Your Software. Those notifications asking you to update your software and firmware often are critical security updates provided in response to newly identified cybersecurity threats around the world. It’s critical that you keep all your apps and devices up to date with the latest version of software available.

8. Never Send Sensitive Information Over Unencrypted Email. Most people don’t realize this, but the majority of email systems aren’t secure. Before sending sensitive documents or information via email, check with your IT department to see if your system is secure. If it’s not, try to use secure cloud systems or otherwise encrypted messaging tools to send the information.

9. Do Not Use Free Wi-fi. Free and public wi-fi, like those found in hotels, apartment complexes, and coffee shops, are some of the most vulnerable and insecure internet connections you can use. Never use free or public wi-fi for work.

10. Secure Your Home Router. When was the last time you changed your wi-fi password? Most people never change the password from factory settings, which leaves your home network vulnerable to breach. Now that you’re using your home internet connection to work, it’s more important than ever to ensure that your wi-fi is secure. It’s recommended that you keep your router updated, change your password regularly using the password recommendations provided above, and monitor for devices that are connected to your network but you don’t recognize.

Controversial Permit Jeopardizes Efforts to Secure Water Supplies for Californians



Action by a state department to dictate when and how much water can be pumped out of the Sacramento-San Joaquin Delta, the hub of the state's water delivery system, threatens the

collaborative approach to keeping water flowing for Californians.

The California Department of Fish and Wildlife issued a controversial Incidental Take Permit (ITP) to the California Department of Water Resources for the long-term operations of the State Water Project on March 31, as the COVID-19 pandemic was dominating the news. The 143-page ITP lays out when and how much water the State Water Project can pump out of the Delta.

Six California congressional representatives sent a letter to Governor Gavin Newsom, expressing their concern with the ITP and the negative impact it would have on coordination between the State Water Project and the federal Central Valley Project.

Immediately, agricultural and water agency stakeholders working on the voluntary agreement framework with the Newsom administration said the ITP jeopardized the process. Without the voluntary agreements, the concern is the State Water Resources Control Board will require that 40% to 70% of water flows be reserved for endangered fish and their habitat, severely reducing the amount of water available for human and agricultural needs.

The environmental community also issued statements arguing that the ITP didn't go far enough to ensure protection of endangered fish species.

Voluntary Agreement Interface

The State Water Board adopted new flow requirements in its Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary in December 2018. The most controversial piece of this plan was the potential 40%–70% reduction in flow to rivers,

which reduces water to all water rights holders, including the State Water Project, and therefore reduces water to landowners, water agencies and, ultimately, customers.

Governor Edmund G. Brown Jr. and Governor Newsom asked the State Water Board to slow finalizing the process of reducing flow requirements, in order to allow stakeholders to work out voluntary agreements based on recent and updated biological opinions (biops) regarding how to use less water and protect more species.

The ITP interferes with the voluntary agreements process, as it dictates a specific level of water for fish and the environment, rather than allowing the stakeholders to determine the appropriate level through negotiated compromise, the method preferred by both Governor Brown and Governor Newsom.

What Is in the ITP?

The ITP is a permit to take (kill or harm) a species listed under the California Endangered Species Act, and requires State Water Project operations to minimize, avoid and fully mitigate impacts to listed species. This ITP covers four species: delta smelt, longfin smelt, winter-run Chinook salmon and spring-run Chinook salmon.

The state agencies contend that the permit balances fish protections with human needs. It allows for real-time flow flexibility when excess flows occur rather than strict adherence to calendar times for water releases. Water can be released earlier or later depending on climate. Excess flows in wet years can be stored for use during drier times for fish or human needs. The ITP also includes interagency coordination for conservation, hatchery approaches and controlling predatory fish.

Water agencies disagree that the ITP is balanced. They are concerned the ITP adds additional requirements that reduce the amount of water available to their customers, who are businesses, developers, landowners, industrial and institutional users, and agricultural operations, as well as residential properties. The ITP mitigation measures are costly and unjustified, in the water agencies' opinion.

The water agencies also are concerned with the amount of authority the ITP provides to the Fish and Wildlife Department director to make real-time decisions about water flow reductions and the impact the ITP will have on the voluntary agreements process.

State and Federal Water Projects

Each year, the State Water Project delivers more than 3 million acre-feet of drinking water to about 27 million people and irrigates an estimated 750,000 acres of farmland. Roughly 30% of State Water Project water is delivered for agricultural uses, mostly in the San Joaquin Valley, and about 70% goes to residential, municipal and industrial uses, mainly in Southern California but also in the San Francisco Bay Area.

The federally operated Central Valley Project supplies an average of 5 million acre-feet of water each year for Central Valley farms and 600,000 acre-feet of water for municipal and industrial uses.

The state and federal water projects share many water facilities, such as the federal San Luis Canal and the California Aqueduct. Both projects use the canal to ship water from north to south. Water can be interchanged between the two projects to meet peak water demands.

During the Obama administration, the state Fish and Wildlife Department deemed State Water Project operations to be consistent with federal biops and the federal Endangered Species Act, so no further authorization or approval was needed under the California Endangered Species Act.

In 2018, however, the Trump administration withdrew the biops developed by the Obama administration and directed federal agencies to expedite a new set of biops, based on the belief that the Obama-era biops were not based on the best and most current scientific criteria. The President also indicated that he was in favor of sending more water to Central Valley farmers through the Central Valley Project.

California responded by initiating, for the first time, a separate take permit from the Fish and Wildlife Department

See Controversial Permit: Page 7

Environmental, Industry Groups Call for Suspending Public Comment Deadlines on Pending Regulations



A collection of industry and environmental organizations are urging federal and California agencies to extend or suspend

public comment deadlines on a variety of complex environmental regulations.

More than 100 environmental groups and the California Environmental Protection Agency (Cal/EPA) in late March called on the U.S. Environmental Protection Agency (EPA) to extend public comment deadlines on pending regulations, arguing that it is inappropriate for an agency to rush through a rulemaking and give the public only 30 days to weigh in on complex environmental proposals.

The groups assert that the state should temporarily halt the regulations that can be picked up easily after the country has successfully overcome the coronavirus (COVID-19) crisis.

Jared Blumenfeld, secretary of Cal/EPA, urged the EPA on March 19 to consider further extensions of the rulemaking process.

“The State of California has been a leader in attempting to proactively contain the coronavirus,” Blumenfeld said. “Governor [Gavin] Newsom declared a State of Emergency on March 4, 2020. Many local jurisdictions in California—including Sacramento, where Cal/EPA’s headquarters is located—have issued ‘stay at home’ orders. Like other state agencies,

Cal/EPA is working hard to reduce the risk of further contagion while continuing to provide our essential services to the public. But these circumstances do limit the ability of Cal/EPA to fully comment on a complex U.S. EPA rulemaking in only 30 days.”

Rulemaking Process

The Office of Administrative Law calls the rulemaking process one “designed to provide the public with a meaningful opportunity to participate in the adoption of regulations by California state agencies.”

While industry and environmental groups may tussle over the substance of regulations, they and the California Chamber of Commerce agree that participating in the rulemaking process is integral to democracy and to creating valid, enforceable and cost-effective rules that will help California meet its ambitious climate and public health goals.

Because this would be a temporary pause in the regulatory calendar, there is no question of sidestepping current environmental and health laws. And while there is little doubt that there will continue to be disagreement about the scope, effectiveness and cost of new rules and regulations, the CalChamber is prepared to set aside any differences and find a way to ensure that meaningful public participation in the creation of regulatory laws is ensured across all agencies, temporarily putting on hold complex regulations that deserve to be fully vetted by the public.

Preventing Spread of Virus

Regardless of one’s position on new policies pending before federal, state and local agencies, these requests for extensions represent broad agreement that the priority for public agencies and the parties they regulate should be preventing the spread of COVID-19.

To the state and federal agencies’ credit, they have granted two- to four-week extensions in a few circumstances. However, as environmental groups and industry have agreed, the pandemic will not be resolved in a few weeks.

The Natural Resources Defense Council, Sierra Club, Union of Concerned Scientists and many others suggested a public comment deadline of “at least 60 days after the national emergency has been lifted,” while the CalChamber, as well as some other environmental groups, have requested 90 days.

Governor Newsom’s executive order N-40-20 lays the groundwork for such requests at the state level, extending procedural deadlines that typically apply to the rulemaking process by 60 days.

For now, the CalChamber urges the agencies to put disagreements aside and figure out how to put a temporary hold on pending regulations until all Californians can be heard, allowing the current focus to be on reducing the impact of COVID-19.

Staff Contact: Leah Silverthorn

CalChamber-Sponsored Seminars/Trade Shows

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(213) 580-7500.

Introduction to the Bureau of Industry and Security (BIS) and Export Basics. International Trade Administration. May 5, Webinar. (800) 872-8723.

Opportunities in Turkey Automotive Sector. U.S. Commercial Service. May 6, Webinar. (800) 872-8723.

License Exceptions. International Trade Administration. May 7, Webinar. (800) 872-8723.

Complying with the International Traffic in Arms Regulations (ITAR). International Trade Administration. May 12, Webinar. (800) 872-8723.

Office of Foreign Assets Control. International Trade Administration. May 14,

Webinar. (800) 872-8723.

CANCELED: 2020 Annual Export Conference. National Association of District Export Councils. May 19–20, Alexandria, Virginia. (407) 255-9824.

Developing a Corporate Export Management and Compliance Program (EMCP). International Trade Administration. May 19, Webinar. (800) 872-8723.

CANCELED: World Trade Day. Northern California World Trade Center. May 21, Sacramento. (916) 321-9154.

Export Controls at Trade Shows. International Trade Administration. May 21, Webinar. (800) 872-8723.

Women’s Global Trade Empowerment Forum. U.S. Commercial Service. May

27–28, Dallas, Texas. (769) 610-1644.

Deemed Experts. International Trade Administration. May 27, Webinar. (800) 872-8723.

POSTPONED: Select LA Investment Summit. World Trade Center Los Angeles and the Los Angeles County Economic Development Corporation. May 27–28, Los Angeles. (213) 236-4853.

2020 SelectUSA Investment Summit. International Trade Administration. June 1–3, Washington, D.C. (800) 424-5249.

Exporter Readiness Requirements for CMMC/NIST. International Trade Administration. June 2, Webinar. (800) 872-8723.

Governor Newsom's Top Business Adviser Steps Down



Lenny Mendonca

Lenny Mendonca, director of Governor Gavin Newsom's Office of Business and Economic Development (GO-Biz) and chairman of the High-Speed Rail Authority, has stepped down from his role as

one of the Governor's key advisers, the Governor's office announced on April 10. Mendonca departed in order to focus more on his family and personal businesses, according to the statement.

The Governor appointed the San Joaquin Valley native as his chief economic adviser in January 2019, but Mendonca has been a long-time adviser to Newsom. In a statement, Newsom commended

Mendonca for spearheading an initiative to promote economic prosperity in California's inland counties and launching the Future of Work Commission.

"With a lifetime of business experience and an entrepreneurial spirit, Lenny has guided our economic development strategies with equal parts skill and grace," Newsom said. "A son of the Central Valley, Lenny made room at the table for parts of California that for too long have been left out of our state's prosperity."

As the state's top economic adviser, Mendonca often worked with the California Chamber of Commerce, notably attending the chamber's international affairs briefings and events with a keen understanding of the importance of international trade and its impact on California's job climate and economic future.

"Lenny is a friend to the business community and we appreciate the lead-

ership, professionalism and integrity he demonstrated in his service to the Governor and to all Californians," said CalChamber President and CEO Allan Zarembek in a statement on April 13. "He has been a stalwart and visionary advocate for California private enterprise with a clear understanding of what California employers need to succeed and how government can play an appropriate role. The CalChamber truly appreciates Lenny's willingness to work with us time and again, discussing critical issues important to the business community and listening to the concerns of our members."

Chris Dombrowski, chief deputy director at GO-Biz, will fill in as the office's acting director, while Tom Richards, vice chair of the High-Speed Rail Authority, will lead the board for the foreseeable future.

Controversial Permit Jeopardizes Efforts to Secure Water Supplies

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to ensure State Water Project operations met California Endangered Species Act requirements.

This inconsistency between state and federal permits issued has affected both the state and federal water projects. The State Water Project will have to operate under the ITP criteria, but the federal Central Valley Project does not. Many are concerned that if the federal project releases too much water too soon, the

State Water Project will have to make up the supply shortfall even though the state project has less capacity.

Conclusion

The ITP is another chapter in a long history of water wars among the various stakeholders. Although there appeared to be promise of compromise through the voluntary agreements framework, the ITP jeopardizes the opportunity. The surface water available is limited, meaning water

allocated for one purpose comes at the expense of other uses, be it flows to protect endangered species, voluntary agreements or a take permit.

Several water agencies and other stakeholders are already considering legal action, which would further polarize the stakeholders in this arena.

In the final analysis, the discord means all stakeholders will have to pay more money for less water.

Staff Contact: Valerie Nera

The Workplace

a Podcast by  CalChamber.

Catch Up on COVID-19 Employer Issues

Frequently Asked Questions

Telework Best Practices

And More

calchamber.com/theworkplace



State, Local Entities Taking Varied Approaches to Fighting COVID-19

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These “guidance” documents have come in the form of recommendations for employers to update their Injury and Illness Prevention Programs (IIPP) to include specific measures in response to COVID-19.

Although these guidance documents will add some costs to employers, Cal/OSHA has attempted to include stakeholders in discussions before issuing each set of guidance, and the California Chamber of Commerce has taken part in these discussions.

We are glad to see Cal/OSHA’s attempt to balance protection and feasibility in these extreme times when protective equipment is in short supply and businesses are struggling to keep their doors open.

Generally, the recommendations for essential industries have included:

- Employee training regarding COVID-19, how it spreads, and when to seek medical attention, as well as methods to prevent its spread, including frequent hand washing and social distancing.
- Establishing procedures to ensure additional cleaning of workplaces and social distancing in the workplace.
- Some structural changes to the workplace—such as the addition of face shields in grocery stores or providing for more social distancing space in facilities and team meetings.

Local Ordinances

Local Ordinances Regarding Facial Coverings, Signage, and Personal

Protective Equipment

Local governments have moved aggressively—and the rapidly evolving patchwork poses a challenge for California’s business community, particularly for those workers or businesses who operate across multiple jurisdictions.

Some jurisdictions have required additional personal protective equipment (PPE), others have prohibited certain activities, and still others have put into place price controls.

Los Angeles’s April 7 order provides an example, although, again, there is no guarantee of uniformity among local orders. There, employers in some essential industries—including grocery stores, restaurants, hotels, taxis and others—are required to provide facial coverings (not N95 respirators) to their staff. Notably, the Los Angeles order also requires employers “permit their employees to wash their hands at least every 30 minutes,” and includes anti-price gouging provisions. Failure to comply risks misdemeanor penalties.

Other counties, including Ventura County, have created posting requirements. Ventura’s April 9 order required employers to draft a “Social Distancing Protocol” and post it within three days—by April 12. Ventura’s March 31 order attempts to limit even essential businesses such as grocery stores to selling only those goods that are “essential,” but no list of what qualifies as essential has been provided to guide businesses.

Focusing on PPE supplies, some governments have required disclosure of stockpiles. For example, Santa Clara

County issued orders requiring that hospitals, businesses and individuals with stockpiles of PPE disclose them to county health officials.

A number of provisions place implicit requirements on businesses to police their customers. For example, the Los Angeles order requires customers to wear facial coverings in these businesses and permits businesses to exclude customers who refuse to do so—although businesses’ ability or interest in playing policeman against their customers is an open question.

Keep Eye on Local Government

These examples are by no means all-encompassing—hundreds of different city and county ordinances have been put out and new ones are coming out daily. The CalChamber highly recommends keeping a close eye on your local governments.

Guidance from Cal/OSHA can be found on its website at dir.ca.gov/dosh. The CalChamber website includes [helpful links to county websites](#), but businesses should also carefully monitor their communities’ local governments.

Hopefully, along with a safe return to normal commerce, we will soon see uniformity and clarity in the requirements placed on the business community.

Staff Contact: Robert Moutrie

10 Cybersecurity Tips

From Page 4

While employees work from home, it’s critical to continuously identify the risks to privacy and cybersecurity that remote work poses. Creating outlines and checklists to which your employees can refer is a great way to remind everyone that basic defenses are extremely valuable to your organization. The majority of data incidents that occur worldwide are caused by user error or oversight—meaning your first line of defense against cyberattacks is a well-informed workforce. When armed with the right information, your team members can enjoy a hassle-free remote work experience while remaining on top of their duties.

Staff Contact: Shoeb Mohammed

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6 Factors to Determine When Economy Can Start Reopening

From Page 1

pride knowing that California companies are actively engaged in providing the innovation necessary to successfully combat many elements of this crisis.”

Guidelines

Newsom said there is not a precise timeline for modifying the stay-at-home order, but that the following **six indicators** will serve as the framework for making that decision:

1. The ability to monitor and protect communities through testing, contact tracing, isolating, and supporting those who are positive or exposed. One key question the state will consider, for example, is how prepared the state is to test everyone who is symptomatic.

2. The ability to prevent infection in people who are at risk for more severe COVID-19. One key question the state will consider is if a plan has been developed to quickly identify and contain outbreaks in facilities housing older Californians, those living with disabilities, those currently incarcerated, and those with co-morbidities.

3. The ability of the hospital and health systems to handle surges. For example, does the state have adequate bed capacity, staff and supplies, such as ventilators and masks?

general public enter the premises?

6. The ability to determine when to reinstitute certain measures, such as the stay-at-home orders, if necessary.

One key question the state will consider is whether it is tracking the right data to provide an early warning system.

Newsom emphasized that even when stay-at-home orders are lifted, society will not instantly be back to normal.

“There’s no light switch here. It’s more like a dimmer,” he said. “Normal, it will not be until we have herd immunity and a vaccine.”

For example, he added, while restaurants may open, waiters may have to wear gloves and face masks, or customers entering the

establishment will first have to have their temperatures checked. Face coverings will likely become common in public settings as well.

A PowerPoint presentation of the Governor’s guidance, *California’s Roadmap to Modify the Stay-at-Home Order*, can be found at <https://www.gov.ca.gov/wp-content/uploads/2020/04/California-Roadmap-to-Modify-the-Stay-at-Home-Order.pdf>.



4. The ability to develop therapeutics to meet the demand. For example, have potential therapeutics been identified that have shown promise?

5. The ability for businesses, schools, and child care facilities to support physical distancing. For example, has the state worked with businesses to support physical distancing practices and introduced guidelines to provide health checks when employees or the

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