

ALERT

Governor’s State of State Recaps COVID Efforts



Flanked by video screens in an empty stadium, Governor Gavin Newsom delivered the first virtual State of the State address this week.

The number of empty seats at Dodger Stadium in Los Angeles, the Governor said in his [March 9 address](#), is close to the number of Californians — 54,395 — who have lost their lives to COVID-19.

In reviewing the state’s efforts to fight the pandemic, the Governor said California is leading the way toward recovery because “we listened to the experts and were guided by the evidence.”

He acknowledged that the state and he have made mistakes, but pointed to the increasing number of vaccinated Californians and declining rate of positive COVID-19 tests as among reasons to place “faith over fear, optimism over pessimism.”

CalChamber Comment

California Chamber of Commerce President and CEO Allan Zarembeg issued the following statement in response to the Governor’s address:

“We appreciate the Governor’s focus on the importance of vaccines and safely re-opening California’s economy and our schools as quickly as possible. The Governor’s previous actions to provide economic relief to our small businesses will certainly help provide an economic bridge as we wait for California’s economy to recover.

“As we move toward that recovery, we encourage Governor Newsom to use the billions of dollars California is likely to receive in federal relief to replenish the unemployment insurance fund rather than burdening small businesses with tax increases to repay billions in federal government loans.”

State Lags Behind New CDC Guidelines for Vaccinated and Unvaccinated People



On Monday, the Centers for Disease Control and Prevention (CDC) issued new guidance on

social contact and when quarantining is required for vaccinated people.

California employers should pay close attention, as these changes herald potential future changes to California’s Emergency Temporary Standard (ETS), but are not immediately effective in California.

The new CDC guidance (“Interim Public Health Recommendations for Fully Vaccinated People”) is available on the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

The guidance covers a range of situations, from small social gatherings of vaccinated individuals to larger, mixed gatherings of vaccinated and unvaccinated individuals.

CDC Guidance

Of interest for employers, the guidance provides that:

- “Fully vaccinated people can . . . [r]efrain from quarantine and testing following a known exposure if asymptomatic.”

- “Fully vaccinated employees of

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California Fair Employment Department Releases COVID-19 Vaccine Guidance



On March 4, 2021, the California Department of Fair Employment and Housing

(DFEH) updated its [COVID-19 guidance](#), addressing several vaccination-related questions. The updated guidance replaces the version last updated on [July 24, 2020](#).

The DFEH answers one of employers’ biggest questions — can they require employees to get vaccinated? Yes, says

the DFEH, an employer may require employees to receive a Food and Drug Administration (FDA)-approved vaccination so long as the employer complies with the Fair Employment and Housing Act (FEHA), meaning it “does not discriminate against or harass employees or job applicants on the basis of a protected characteristic, provides reasonable accommodations related to disability or sincerely held religious beliefs or practices, and does not retaliate against

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Labor Law Corner

Steps to Consider When Employee Telecommutes from Another State



David Leporiere
HR Adviser

As a result of COVID-19, we've had a lot of employees working remotely, but now some of them are planning to move out of state and wish to continue to work for us on a remote basis. Is there anything special we have to do for our employees working in other states?

Once your employees begin working in another state, they will, in most

circumstances, be subject to the laws of the state in which they are performing services for the employer.

You will need to work with your workers' compensation carrier, or an insurance broker to secure coverage in each state in which your employees are working.

In addition, you will have to familiarize yourself with the laws and regulations of those states as they relate to the employee-employer relationship. In most situations, the laws of California do not stretch beyond the physical boundaries of the state.

One situation in which California's requirements extend beyond its boundaries is the requirement for supervisors who oversee employees within California to receive sexual harassment prevention

training, even if they work outside of the state.

Consult Experts

It is highly advisable to consult the services of an expert in employment law in each of the states in which you have employees performing services for your company.

Conferring with a tax specialist about the requirements in each of the states where you have employees also is a good idea.

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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Labor and Employment

Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. March 18–19 SOLD OUT, April 22–23 SOLD OUT. (800) 331-8877.
Bringing Your California Employees Back to the Workplace. CalChamber. March 25, Online. (800) 331-8877.
HR Boot Camp Virtual Seminar. April 8–9, Online. (800) 331-8877.

International Trade

Brazil and the U.S. – Bilateral Relations and Trade Opportunities. Brazil California Chamber of Commerce. March 15, Online. (310) 598-7502.
Briefing on Virtual Trade Mission to Kenya. World Trade Center, Los Angeles, Consulate General of the Republic of Kenya in Los Angeles and Mayor's Office of International Affairs. March 16, Online. (213) 680-1888.
St. Patrick's Day Virtual Business Breakfast. Consulate General of Ireland. March 16, Online. (415) 392-4214.
Beauty & Personal Care Products: Export Opportunities in Southeast Asia. U.S. Commercial Service. March 18, Webinar. (800) 872-8723.
Consulate General of Ethiopia Virtual Business Forum. Ethiopian Consulate General of Los Angeles. March 18, Webinar. (213) 365-6651.

Bridging a Sustainable Economic Future between the United Kingdom and Los Angeles. World Trade Center, Los Angeles. March 23, Online. (213) 680-1888.
2021 Smart City Summit & Expo, Taiwan. SCSE+. March 23–26, Taiwan. +866 2-2577-4249, ext. 255.
Strengthen Your Supply Chain Knowledge: Supply Chain Mapping. World Trade Center Northern California. March 24, Online. (916) 447-9827.
Celebrating International Women's Day with Women in International Trade. Women in International Trade, Los Angeles. March 25, Online. (213) 545-6479.
U.S.-Cuba Bilateral Relations under the Biden Administration. Institute of the Americas. March 25, Webinar. (858) 453-5560.
Cyber Security Business Development Mission to India. U.S. Department of Commerce, International Trade Administration. April 19–23, New Delhi, Mumbai, optional stops in Bangalore or Hyderabad. (303) 844-5655; (202) 482-3773.
Virtual Trade Mission to Kenya. Mayor's Office of International Affairs, Consulate General of the Republic of Kenya in Los Angeles, World Trade Center, Los Angeles. April 20–21, Online. (213) 680-1888.

The Workplace

Improving Diversity in the Workplace



In Episode 109 of The Workplace podcast, CalChamber Executive Vice President and General Counsel Erika Frank and Lyndon

Huling, manager for leadership recruitment and diversity services at the University of California, Davis, share insights on developing diversity and inclusion programs in the workplace.

Diversity and inclusion are at the forefront of the discussions that leaders and the business community are having. What, Frank asks Huling, are the biggest issues related to diversity and inclusion that businesses are facing right now?

Huling replies that in many ways companies are having a reckoning and are “understanding that diversity, equity and inclusion is crucial to the foundation” of success. They are starting to ask the big questions of what it means to actually operationalize this mission in functional and meaningful ways.

Where to Start

The topic of diversity and inclusion can feel overwhelming at times, Huling says. Organizations and business leaders may have a passion for it, and may realize that inequities exist, but it’s hard to know where to start.

Businesses should start with a plan. Huling recommends that business leaders should ask themselves how they can turn this big problem into something manageable and measurable for their company.

It’s also important to start with a shared understanding of the company’s values and mission. For example, Huling points out that he sees many job openings for professionals who can address diversity and inclusion, but oftentimes the context of what diversity means for that company is not there.

So, once a company has everyone on the same page, then the company can

start talking about strategy, developing a roadmap, drawing in talent, and creating a culture that is inclusive, Huling says.

Tips

It’s one thing for business leaders to have a passion for diversity and inclusion, and realize that it should be a priority, but it’s another thing to walk the walk, Huling says.

Frank points out that there is no cookie-cutter solution to diversity and inclusion. How, she asks, can companies make a strategic long-term decision in commitment?

Business leaders should take the time and think about the components of their diversity and inclusion goals and think about how it tangibly looks like in action for their company, Huling replies.

Once those priorities are set, companies should organize their workers and leaders around a set of practices to accomplish their goals. It may sound like a daunting task, but if businesses take the time to take apart the components of their diversity and inclusion strategy, it becomes much more manageable, he explains. Then companies can put people in place to put the mission and vision into action.

In the area of recruitment for example, Huling points out that companies can ensure they have diverse selection committee members and think about the marketing materials and imaging they use when they talk about their brand. Even thinking about how job descriptions are written can be important in signaling that diversity, equity and inclusion is a priority.

“So, some of the work is in the weeds and some of it is the more glamorous forward-facing work, but it’s all equally important,” Huling says.

Educating the Workforce

Business leaders should also keep in mind that their company’s workforce is stepping into the conversations surrounding diversity and inclusion from across

the spectrum. Some employees may be leaders in the diversity space and know the language and strategy; others may be in between and know the language but don’t know how to engage; and other folks may be entering the conversation for the first time, Huling explains.

He recommends that companies begin with introductory topics and create a safe space to talk about issues such as race or sexual orientation. Companies need to build trust and create a culture where everyone feels included and feels heard.

Another important component of this work is to conceptualize it, making diversity, equity, and inclusion relevant to the individuals that are being trained.

“When you talk about diversity in the abstract it’s easy to think about it as something else, whether it’s somebody else’s problem or something that’s detached from the work that you’re doing,” Huling says. “Where I have found people really derive meaning from these trainings is when they can see the implications of diversity, equity and inclusion in the work that they do.”

Recruitment

Many businesses gravitate toward recruitment efforts first because it’s an easy place to measure the impact of their mission. But recruitment is not everything, Huling cautions. Attracting the talent is only one piece of the puzzle—it’s equally important to ensure that the infrastructure exists to keep that talent.

“You don’t want to promise something that doesn’t exist internally,” he stresses.

See other CalChamber podcasts, webinars, blogs and training materials on diversity and inclusion at www.calchamber.com/diversity.

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

CalChamber Outlines Trade Priorities for Congress, Federal Officials



As the Biden-Harris administration and 117th Congress get to work, the California Chamber of Commerce is communicating its international trade priorities and support for working together to secure a national free trade agenda to federal officials.

Those officials include the newly sworn in Secretary of Commerce, in addition to California members of Congress.

The 40th U.S. Secretary of Commerce, Gina M. Raimondo, was sworn in on March 3 after a bipartisan Senate vote of 84-15. She will lead a key agency responsible for focusing on promoting economic growth.

A graduate of Harvard University and Yale Law School, Raimondo was a venture capitalist before entering public service. Most recently, she served as Governor of Rhode Island.

The confirmation of trade lawyer Katherine Tai as the U.S. Trade Representative, a Cabinet level position within the Executive Office of the President, was pending at publication time. She is a graduate of Yale University and Harvard Law School.

Fluent in Mandarin, Tai spent several years as the head of China enforcement at the Office of the U.S. Trade Representative. Most recently, Tai worked in the top trade staff position on the U.S. House Ways and Means Committee.

CalChamber Trade Priorities

The CalChamber, in keeping with longstanding policy, supports 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.

Specifically, the CalChamber asks that:

- Trade be a priority.
- The revamp of the World Trade Organization address the functioning of the Appellate Body, and support efforts to ensure our trading partners adhere to fair and transparent trade practices while being held accountable when they violate international rules.



U.S. Commerce Secretary Gina Raimondo



U.S. Trade Representative Nominee Katherine Tai

- The focus continue on lowering tariffs and nontariff barriers to support the expansion of American exports.
- Trade Promotion Authority is renewed to enable the United States to easily pursue new trade deals.
- Bilateral, regional, and multilateral trade agreements — which are critical to consumers, workers, businesses, farmers and ranchers — continue to be advanced.

Trade as a Priority

California is one of the 10 largest economies in the world with a gross state product of more than \$3 trillion.

International trade and investment are a major part of the economic engine for the state of California that broadly benefits businesses, communities, consumers and state government. California's economy is more diversified than ever before, and the state's prosperity is tied to exports and imports of both goods and services by California-based companies, to exports and imports through

California's transportation gateways, and to inflows and outflows of human and capital resources.

Accordingly, promoting the ability of California companies to compete more effectively in foreign markets continues to be a high priority for the CalChamber, along with attracting foreign business to the state.

Supporting global trade is about helping Main Street businesses. Most exporting firms in our state are small

and medium-sized businesses. The jobs created in these trade-reliant sectors pay higher wages than their nontrade-related counterparts and create additional jobs in nontraded industries, such as restaurants, retail, hospitality and others.

World Trade Organization

The World Trade Organization (WTO) is the only global international organization

dealing with the rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible.

At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations, and ratified or approved in their parliaments or legislatures. The goal is to help producers of goods and services, exporters and importers conduct business. The WTO gives U.S. and California businesses improved access to foreign markets and better rules to ensure that competition with foreign businesses is conducted fairly.

The CalChamber is pleased the major trading economies reached consensus on the Director General and now can focus on a path forward for the WTO in 2021. The revamp of the World Trade Organization should address the functioning of the Appellate Body, and support efforts to ensure our trading partners adhere to fair and transparent trade prac-

CalChamber Outlines Trade Priorities for Congress, Federal Officials

From Page 4

tices while being held accountable when they violate international rules.

Tariff/Nontariff Barriers

The CalChamber opposes protectionist-oriented legislation that leads to higher prices and limited choices for consumers. The negative impact of this sort of policy often expands to include job loss in related industries, retaliation by our trade partners and violations in WTO and trade agreement provisions.

The CalChamber has supported a number of state and federal programs, but it should be noted that the CalChamber also dissuades the introduction of legislation that is unnecessary, unconstitutional or violates existing trade agreements.

Tariffs

Raising tariffs results in higher prices to the consumer for the specific product protected and in limited choices of products for consumers. Further, increased tariffs cause a net loss of jobs in related industries, retaliation by U.S. and California trading partners, and violate the spirit of our trade agreements.

One of the major challenges generally facing American exporters is the duty rates or tariffs and other assessments charged by other countries when goods are imported into those countries. The U.S. has the lowest average duty rate at 4.5%.

The CalChamber urges Congress to continue to support the lowering of duty rates with short phase-out periods as one means to support the expansion of American exports as free trade agreements are enacted.

Nontariff Barriers

The CalChamber also urges Congress to continue to support the reduction and eventual elimination of nontariff barriers, whether due to sanitary or phytosanitary certificates, lack of streamlined regulatory procedures, quotas, embargoes, assessments, and similar monetary and other challenges imposed to limit imports into the country.

Trade Promotion Authority

With more than 30% of U.S. gross domestic product (GDP) tied to international trade and investment and 95% of the world's population abroad, representing 80% of the world's purchasing power, U.S. engagement in the international marketplace is more important to the nation's economy than ever.

Passage of trade promotion authority will help Congress and the President to work together to forge new and beneficial trade agreements for the United States.

Every president since Franklin D. Roosevelt has been granted authority to negotiate market-opening trade agreements in consultation with Congress. Congress will need to renew trade promotion authority again in 2021 to enable the United States to continue aggressively pursuing new trade deals. Without trade promotion authority, the United States will be compelled to sit on the sidelines while other countries negotiate preferential trade agreements that put U.S. companies at a competitive disadvantage.

By approving trade promotion authority, Congress can help strategically address the range of U.S. trade negotiations being pursued: conclusion to a U.S.-United Kingdom free trade agreement; a possible U.S.-European Union free trade agreement; conclusion to a U.S.-Kenya free trade agreement; and even a possible re-admission to the Trans Pacific Partnership (TPP) — now Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) — as well as other future trade negotiations.

The CalChamber, therefore, supports the extension of trade promotion authority so that the President of the United States may negotiate new multilateral, sectoral and regional trade agreements, ensuring that the United States may continue to gain access to world markets, resulting in an improved economy and additional employment of Americans.

U.S. Completed Agreements

The United States has completed free trade agreements (FTAs) with Australia,

Bahrain, Chile, Colombia, the Dominican Republic and Central America, Israel, Jordan, Morocco, Oman, Panama, Peru, Singapore, South Korea, and the U.S.-Mexico-Canada Agreement.

Financially, this translates into the removal of billions of dollars in tariffs for U.S. exports. Trade agreements ensure that the United States may continue to gain access to world markets, which will result in an improved economy and additional employment of Americans. The CalChamber urges support of trade agreements that will continue to keep U.S. and California businesses competitive.

Other Free Trade Agreements

Several hundred FTAs are in force worldwide, with the United States party to just a handful. For example, both Canada and Mexico have FTAs with Chile. Mexico has more than 45 FTAs with countries and blocs, including Japan, Israel and the European Union. Chile has more than 50 FTAs with countries worldwide.

Future Trade Agreements

The CalChamber has asked the administration and Congress to continue to advance bilateral, regional and multilateral trade agreements which are critical to consumers, workers, businesses, farmers and ranchers.

In addition, the United States should reinvigorate efforts to establish free trade agreements with partners that share our trade philosophy, including the European Union, the United Kingdom, and Japan. These markets offer new access opportunities for American products and creating these alliances would ensure the U.S. can maintain its position as a major exporter.

For details on California interests in regions of the world, see the *CalChamber Business Issues and Legislative Guide* articles on [Trans-Pacific Relations](#), [Trans-Atlantic Relations](#), [Sub-Saharan Africa](#), and the [Americas](#).

Staff Contact: Susanne T. Stirling



Helping Business In A Global Economy

www.calchamber.com/international

Single-Payer Health Care – Brought to You by 40 Million Payers



On February 19, a throng of legislators, led by Assemblymember Ash Kalra (D-San Jose),

introduced AB 1400, the Guaranteed Health Care for All bill (aka CalCare, aka single-payer health care).

According to Kalra, “CalCare will ensure that all Californians, regardless of employment, income, immigration status, race, gender, or any other considerations, can get the health care they need, free at the point of service.” While the plan may outline free medical services, is it actually free?

The short answer is a resounding no!

Now for the longer answer. While a patient may not have to pay at the point of service, the money must come from somewhere. Doctors and dentists can’t work for free. Additionally, provider offices need to keep the lights on, the air conditioner rolling, personal protective equipment must be purchased, and someone will have to clean and sanitize. So, what would the country’s first single-payer model cost?

High Cost

The short answer is a lot!

Now for the longer answer. In 2017,

the Senate Appropriations Committee’s analysis on SB 562 — a single-payer bill — found that the cost of a single-payer system in California would be approximately \$400 billion.

These estimations include a shortfall of funding of \$200 billion. This means even if all public funds were rolled into this single-payer system, California would still need another \$200 billion to fund this model. However, this estimate is uncertain as federal waivers would have to be obtained for all federal programs that provide funds for payment of health care services such as Medicare, Medicaid and others. So, where would all that money come from?

Taxpayer Burden

The short answer is hardworking, taxpaying Californians. Every. Single. One of us.

Now for the longer answer. Even if all current employer and employee spending on health care were shifted over to a single-payer system, there would still be a shortfall of \$100 billion. So naturally, the focus turns to us, the taxpayers.

SB 562’s analysis assumed single-payer funding would come from a payroll tax increase, in the amount of 15%. Vermont attempted to enact a single-payer system in 2011 but the efforts were

derailed when an 11.5% payroll tax on businesses and an individual income tax increase of up to 9.5% were proposed.

So, if we’re all going to pay our hard-earned dollars to fund this system, naturally California is champing at the bit for this, right?

Voters Opposed

The short answer is no, most Californians don’t want this.

Now for the longer answer. When SB 562 was introduced, CalChamber conducted a poll which found that voters overwhelmingly preferred to keep their current health insurance (71%) over switching to a single-payer approach (29%).

Voters strongly support subsidies for people who cannot afford their own health care (75%) and for those who have pre-existing health conditions (81%), but are not ready to embrace government-run health care. Worth noting, California voters have twice rejected a government-run health care system — in 1994 and 2004.

Stay tuned, there’s plenty more to come!

This article appeared first as a Capitol Insider blog post.

Staff Contact: Preston Young

State Lags Behind CDC Guidelines for Vaccinated/Unvaccinated People

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non-healthcare congregate settings and other high-density workplaces (e.g., meat and poultry processing and manufacturing plants) with no COVID-like symptoms do not need to quarantine following an exposure; however testing following an exposure and through routine workplace screening programs (if present) is still recommended.”

Not Yet for California Employers

Although these are certainly appreciated improvements that will help businesses across the country function more smoothly as vaccines become more common, they are not an immediate solution for California’s employers.

The presently applicable ETS —

which continues to govern the conduct of California’s employers — does **not explicitly recognize vaccinated status as reason for an exemption from its requirements.**

In other words, although this CDC guidance is a step in the right direction, it does not change the rules in California **unless** it is incorporated into California’s ETS.

Evolving Discussion

Notably, Cal/OSHA and stakeholders (including CalChamber) discussed incorporating vaccination status into California’s ETS at last month’s advisory committee meetings. There, Cal/OSHA staff and employers acknowledged the evolution of CDC guidance toward recognizing vacci-

nation status and allowing different treatment of vaccinated employees.

Labor advocates, however, pushed back on recognizing vaccines in the ETS.

For now, California employers will need to wait to see the draft language that Cal/OSHA is preparing and which will likely become public closer to the May Cal/OSHA Standards Board meeting. There, the Standards Board may approve new ETS text that may incorporate some of this new guidance.

But until then, California employers need to stay in compliance with the current text of the ETS, which is available at <https://www.dir.ca.gov/oshsb/documents/COVID-19-Prevention-Emergency-apprvdtxt.pdf>.

Staff Contact: Robert Moutrie

Fair Employment Department Releases COVID-19 Vaccine Guidance

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anyone for engaging in protected activity (such as requesting a reasonable accommodation).”

The DFEH clarifies that it’s not providing guidance on whether or to what extent an employer **should** mandate vaccination within its workforce. Rather, it only addresses how an employer should comply with the FEHA if it decides to require employees to be vaccinated.

Interactive Process

If an employee objects to vaccination on the basis of disability, employers must engage in the interactive process with, and reasonably accommodate, the employee. The DFEH encourages employers to consider a variety of accommodations, including whether employees can work from home or whether other procedures or safeguards could be put in place at the worksite that would enable the employee to work without endangering others.

If an employee objects to vaccination based on sincerely held religious beliefs or practices, employers must also accommodate those employees. Similar to responding to a disability, employers should engage in the interactive process with the employee to identify a reasonable accommodation that eliminates the conflict between the religious belief or practice and the vaccination requirement. The DFEH says this could include job

restructuring, reassignment or modification of work practices.

‘Undue Hardship’

Employers don’t have to provide accommodations that result in “undue hardship.” In those circumstances, the DFEH says employers may “exclude the employee from the workplace.”

Undue hardship is a difficult legal standard to meet. To the extent possible, employers should be flexible when it comes to accommodations. If an employer believes a particular request may cause an undue hardship, they should consult with legal counsel about their circumstances before denying an accommodation.

Not Required, But...

If an employee objects to the vaccine solely because they don’t “trust that the vaccine is safe,” the DFEH says that employers likely don’t have to accommodate them.

If the employee doesn’t have a disability or sincerely held religious reason for not being vaccinated, the employer is not legally required under the FEHA to accommodate the employee.

The new FAQs explain that employers can discipline a resistant employee but caution that employers cannot retaliate against employees for engaging in protected activities.

For example, an employer may not

retaliate against someone who alleges that the employer’s vaccination policy discriminates against or has a disparate impact on a protected group.

Medical Information

The new guidance also clarifies that employers administering a COVID-19 vaccination program themselves may ask employees for medical information, such as a pre-vaccination screening questionnaire, so long as the questions are “job related and consistent with business necessity,” another legal standard defined in the DFEH regulations. Employers should consult with legal counsel about requesting medical information from employees or applicants.

If the vaccination is administered by a third party, employers can require an employee or job applicant to provide proof of vaccination. The DFEH explains that simply asking for proof of vaccination is not related to disability, religious creed or a medical examination; however, the documentation could potentially include disability-related medical information, so employers should instruct employees or applicants to omit any medical information from such documentation.

Employers should review the [DFEH’s updated guidance](#) and consult with legal counsel before implementing a mandatory vaccination policy.

Staff Contact: James W. Ward



UPDATES NOW IN EFFECT

CalChamber’s all-in-one 2021 California and Federal Labor Law poster reflects the most current notices for your employees.

NEW POSTING WITH MANDATORY UPDATES EFFECTIVE JANUARY 1, 2021

Our steady presence at the State Capitol and direct contact with state agencies bolster our commitment to providing you with the most accurate, up-to-date labor law notices year-round.

BUY NOW

California to Create Nation's First Dedicated Privacy Agency



There is never a dull moment in the world of privacy policy. An online presence is funda-

mental to commerce and entertainment in our society and throughout the world, but along with it comes conflict and controversy. Now, a new uncertainty looms on the horizon.

The passage of Proposition 24 brings the creation of the first-ever California Privacy Protection Agency (CPPA), an independent regulatory and enforcement body vested with full administrative power, authority, and jurisdiction to implement and enforce the California Consumer Privacy Act and the newly enacted California Privacy Rights Act of 2020.

Aside from the Federal Trade Commission, which has been the chief federal agency on privacy policy and enforcement since the 1970s, this will be the first privacy agency of its kind in

the United States, and the first state-level agency that is dedicated to privacy policy and enforcement.

An Example or a Warning

Being the first dedicated privacy agency in the United States, the inaugural board of this new agency will exert great influence over privacy policy and enforcement into the future. This influence will bleed beyond California's borders, serving as either a model, or a warning, for jurisdictions looking to follow suit.

The CPPA will be governed by a five-member board, including one chairperson. The Governor will appoint the chairperson and one member; and each of the three remaining seats will be appointed by the Attorney General, Senate Rules Committee, and Speaker of the Assembly, respectively.

The World Watches

The world is watching to see what CPPA's inaugural board looks like, whether it will be inclusive of diverse

stakeholder input, whether it will have the ability to empathize with the businesses and economics of the real world, and whether the appointments will be made on fact-based inquiries about qualifications, experience, and merits.

The fear, however, is that the board will be made up of zealots, activists, and academics who are disconnected from the real world and apathetic toward the struggles that business owners in California face on a daily basis. It is no secret that California privacy enforcement continued against businesses unabated throughout the pandemic.

Because of the great power and responsibility that the CPPA is vested with, it is important that the inaugural board be comprised of individuals who bring a balanced and inclusive approach to the position. Doing so could bring much needed transparency and predictability to the world of privacy regulation.

This article appeared first as a Capitol Insider blog post.

Staff Contact: Shoeb Mohammed



LIVE WEBINAR | MARCH 25, 2021 | 10 AM TO 11:30 AM PT

Bringing Your California Employees Back to the Workplace

Offices and jobsites in California are on the brink of reopening. While employees may be eager to return, they may also be concerned about their health and safety.

Join CalChamber's legal experts on March 25 when they'll discuss workplace safety and personnel issues that businesses should consider before, during and after the transition. Secure your online seat today!

Cost: \$159.00 | Preferred/Executive Members: \$127.20



Considerations and key takeaways for businesses planning to reopen

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