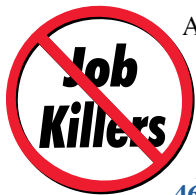


ALERT

Job Killer Bill DOA

Proposed Ban on In-State Oil/Gas Production Fails



A California Chamber of Commerce-identified **job killer** bill that proposed to ban in-state oil and gas production, **SB 467 (Wiener; D-San**

Francisco), failed in its first committee hearing this week.

“Banning oil production does not reduce demand for energy essential to California’s economy,” said CalChamber President and CEO Allan Zarembeg. “This bill would have required California to import oil from places that are less environmentally friendly and it would

make energy more costly and less reliable for consumers. Further, this proposal would have jeopardized thousands of good paying jobs.”

According to a coalition that opposed the measure, SB 467 was estimated to eliminate as many as 50,000 California jobs and \$1.5 billion in local and state tax revenues.

The bill prohibited the issuance of any new permits or renewal of any existing permits to conduct hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding or cyclic steam operations beginning January 1, 2022.

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The Workplace

New Supplemental Paid Sick Leave in Effect Now



In **Episode 114** of The Workplace podcast, CalChamber Executive Vice President and General Counsel Erika Frank,

CalChamber Policy Advocate Ashley Hoffman, and Benjamin Ebbink, partner at Fisher Phillips law firm, discuss California’s new COVID-19 supplemental paid sick leave requirement (SB 95).

New Law in Effect Now

On March 19, 2021, Governor Gavin Newsom **signed SB 95**, bringing back California’s COVID-19 Supplemental Paid Sick Leave.

Most employers already are familiar with complying with some of the requirements of SB 95, whether it is because of the federal Families First Coronavirus Response Act (FFCRA), AB 1867 (California’s previous COVID-19 Supplemental Paid Sick Leave law) or local ordinances that imposed supplemental paid sick leave requirements, Ebbink tells podcast listeners. Still, SB 95 is a new mandate with its own specific provisions.

The new paid leave requirement applies to all employers with more than 25 employees, and provides up to 80 hours of COVID-19-related paid leave. It also adds

See New Supplemental: Page 4

Capitol Summit, Host Breakfast Go Virtual

This year’s CalChamber Capitol Summit and the 95th Annual Sacramento Host Breakfast will be held virtually on the Zoom platform.

The Capitol Summit is scheduled for May 12, 10 a.m.–11:30 a.m. The Host Breakfast is set for May 13, 8 a.m.–9 a.m.

Capitol Summit

The Capitol Summit agenda will include legislative and election updates with CalChamber President and CEO Allan Zarembeg and special guest speaker Dan Walters, longtime journalist and political columnist with CalMatters.

Walters has been a journalist for more than 60 years, spending all but a few of those years working for California newspapers. At age 22, he was the nation’s youngest daily newspaper editor.

He joined *The Sacramento Union’s* Capitol bureau in 1975, just as Jerry Brown began his governorship, and later became the Union’s Capitol bureau chief. In 1981, Walters began writing the state’s only daily newspaper column devoted to California political, economic and social events.

Walters and the column moved to *The Sacramento Bee* in 1984, and in 2017 to

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May 12-13, 2021



VIRTUAL CAPITOL SUMMIT & SACRAMENTO HOST BREAKFAST

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Safe, Welcome Reopening Plan for California: Page 3

Cal/OSHA Corner

Adopted Wildfire Smoke Regulation Clarifies Employer Obligations



Mel Davis
Cal/OSHA Adviser

With a new fire season approaching, has Cal/OSHA developed additional regulations to address the hazards and mitigation of employee exposure to wild-fire smoke?

The emergency wildfire smoke regulations promulgated by the Division of Occupational Safety and Health (DOSH) and adopted by the Standards Board (OSHSB) on July 18, 2019 have been revised, adopted and approved by the Office of Administrative Law (OAL)

as new Section 5141.1 of Title 8, the California Code of Regulations.

The new section, "Protection from Wildfire Smoke," went into effect on February 1, 2021.

As the result of the catastrophic fire season of 2018, the DOSH promulgated the emergency wildfire smoke regulation. This emergency regulation was not to be the final source for guidance and DOSH regulatory mandates.

Subsequently, the Cal/OSHA Standards Board presented the proposed revision of Title 8, Section 5141.1 emergency wildfire regulation. The purpose is to preserve worker safety and health and to clarify employers' existing obligations, with the intent of making compliance easier, simpler and more straightforward.

Although the adopted regulation is substantially unchanged, there were areas within the emergency version that were not wholly clear. The adopted rule contains editorial revisions, tables are now clearly delineated, and some references to the air quality index (AQI) are deleted.

Clarifying Revisions

The following is a listing of some of the areas of revision and modifications. Some revisions are:

- Clarifying that doors of structures or vehicles may be opened for access or egress.
- Identifying reference tables.
- Employee exposure is to be determined at the start of the shift, as noted in subsection (c).
- Subsection (c) does not apply if the employer assumes the AQI is greater than 500 and complies with subsection (f), which outlines engineering, administrative and other controls.

• In an emergency, an AQI of 151 is assumed and the requirements of subsection (f)(4) are to be complied with.

• A new Appendix A has been added, applying to employer monitoring of PM 2.5 levels with a direct reading instrument.

• A new Appendix B has been added to address information to be provided to employees.

• Subsection (g) of Appendix B addresses the importance, limitations and benefits of respirators and the need for instruction on their use.

Visit Website

The adopted regulation contains other revisions from the emergency rule and for that reason I recommend that you refer to dir.ca.gov: Click on "Boards," then "Occupational Safety & Health Standards Board (OSHSB)," "approved standards," then scroll down to and click on "New Section 5141.1." There you will find a proposed regulation "(showing changes from current emergency regulation - courtesy copy)." This relates to the first iteration of the amendment process, before the first comment period.

Although there may be differences in the final approved copy, the courtesy copy will give a clearer understanding of the final document and revisions that were made.

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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CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor and Employment

Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. April 22-23 SOLD OUT. (800) 331-8877.

HR Boot Camp Virtual Seminar. May 6-7, Online. (800) 331-8877.

Managing CFRA Leave as a Large Employer. CalChamber. May 27-28,

Webinar. (800) 331-8877.

International Trade

BCA Virtual Business Matching 2021.

Consulate General of the Republic of Indonesia in San Francisco. Through May 8, Online. (415) 474-9571.

Virtual Trade Mission to Kenya. Mayor's Office of International Affairs,

Consulate General of the Republic of
See CalChamber-Sponsored: Page 7

Safe, Welcome Reopening Plan for California



Allan Zarembeg

I'm sure many readers know someone who postponed a wedding or reunion in 2020 due to the inability to gather or travel under COVID-19 restrictions. Thankfully, last week

came the good news that we can, once again, begin making plans.

California is on the right trajectory. If vaccination rates stay up and hospitalization rates stay low, Governor Gavin Newsom promises that, beginning June 15, Californians can once again gather together or travel to California's world class tourist destinations.

Californians are to be congratulated for helping conquer COVID-19 in the state. By sacrificing time together, paying attention to safety protocols and getting vaccinated as soon as possible, we have positioned our economy for reopening. If trends continue in this direction, life will soon look a lot more normal.

We'll soon see remote workers return to the office, more diners served restaurant meals indoors and sporting events played in front of loyal fans.

Just a Year Ago

Looking back a year ago, CalChamber's Labor Law Helpline was flooded with calls from businesses desperate for solutions in the midst of massive shut-

downs. Revenues were drying up and workers had to be let go. Those were sad days, full of uncertainty.

California's tourism, hospitality, entertainment and restaurant sectors were in the beginning of what would become an historic beating. At that time, we had no idea that some businesses would go more than a year with no income. We are grateful for the many small business loans, grants and other forbearance that kept lots of these operations afloat.

Commentary

By Allan Zarembeg

As we turn the corner on the worst of the pandemic, however, it is critical that we remember the contributions made by so many — those who followed protocols, essential businesses and their workers, and frontline health care heroes. The sacrifices of all have positioned California for a much-anticipated reopening.

Shared Responsibility

It is imperative that we now work together to do everything we can to support those who provide the jobs Californians need to support their families and drive our economy.

While California's history has changed, we all have a responsibility to continue our forward momentum. What does that mean? Get vaccinated and wear a mask.

We can look no farther than Europe to see how important vaccines are. Many countries are back in lockdown while California is opening for business, thanks in large part to effective distribution of vaccines.

Vaccines have been crucial to our success and will be critical to getting the job done. The Governor's reopening plan depends on people continuing to be vaccinated at a fast pace. On the brink of reopening, we simply cannot afford to let down our guard and the necessity, safety and efficacy of vaccines cannot be emphasized enough.

Vaccines a Game Changer

A few weeks after COVID-19 shut-downs began, Governor Newsom asked me to be on his Economic Recovery Task Force. This diverse group of business and community leaders collaborated on numerous recommendations to an evolving crisis that contributed to a robust policy response from state and local leaders.

We worked hard to provide solutions, but we did not have the benefit of vaccines in 2020. They have been a game changer. As of today, California's COVID-19 numbers tell an optimistic story — we have the lowest positivity rate in the country.

There is no question that the pandemic brought grief to thousands of families, dislocation to a generation of school children, and economic insecurity to millions of workers. But the willingness of Californians to adapt to the safety protocols and embrace the new vaccines has turned the tide.

Everyone needs to be vaccinated and continue to follow protocols. Let's keep doing the right things and get California open for business.

Allan Zarembeg is president and CEO of the California Chamber of Commerce.



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BUY NOW

New Supplemental Paid Sick Leave in Effect Now

From Page 1

several new qualifying reasons for which leave can be taken, including some related to COVID-19 vaccines, he explains.

The law went into effect on March 29, but applies retroactively to January 1, 2021. This retroactive provision is the tricky element of SB 95, because if an employee took unpaid time off (or time was paid at a lower rate) in January, February or March, that employee can ask the employer to retroactively pay for that time. This can create logistical challenges for many employers, Ebbink points out.

SB 95 also contains a notice requirement. A model poster is available at the Department of Industrial Relations (DIR) website, and the notice may be provided electronically to employees who work remotely, he explains.

SB 95 expires at the end of September, but the Legislature may extend it at any time.

Background

Many employers were relieved when AB 1867 expired at the end of December without an extension, Frank says. So why, she asks Hoffman, was SB 95 passed after months of inaction?

Hoffman replies that AB 1867 was tied to the FFCRA, which also expired in December. Congress at the time made supplemental paid sick leave voluntary and offered tax credits as an incentive. That is why AB 1867 expired in December, but it is not clear why it took until March to get the state Legislature

interested in supplemental paid sick leave, she says.

When SB 95 was first introduced, it contained provisions that were broader — for example, an employee could take time off to care for anyone, not just a family member, and it applied to all employers, not just those with more than 25 employees. A coalition of more than 110 business groups led by CalChamber issued a letter of concern, detailing the impact of the proposed law on small business. Working with lawmakers, the coalition was able to secure amendments to the bill, including an exception for small business, Hoffman explains.

Another amendment that was agreed upon specifically addresses Cal/OSHA's COVID-19 Emergency Temporary Standards, stating that in order for employers to comply with the standard's requirement to maintain the earnings of employees exposed to COVID-19 and excluded from the workplace (also referred to as exclusion pay), employers may require employees to first exhaust their COVID-19 supplemental paid sick leave.

Preparation

The first step employers need to take to comply with SB 95 is to provide the supplemental paid sick leave notice poster to employees. The poster should be posted in the workplace or it may be provided electronically to employees who are not frequenting the worksite, Ebbink says.

A model poster is available at www.dir.ca.gov/dlse/2021-COVID-19-Supplemental-Paid-Sick-Leave.pdf.

Next, employers should work on developing their company policy and a set of procedures on how to handle these types of COVID-19 paid leave requests. Because the law is in effect now and applies retroactively, employees can start taking leave right away or request retroactive pay, Ebbink explains. This is why it's important to develop a procedure and assign one person to handle these requests.

Employers have very little time to figure this out, so they need to move quickly, he urges.

Questions Remain

One big concern that employers have is how SB 95 stacks with other paid leaves—how much time is actually given out and what it will look like cost wise, Hoffman says.

There also is some confusion on the American Rescue Plan tax credits and whether they can be used to fully cover the costs of SB 95 leave. Other unanswered questions include whether former employees can request retroactive payments, or what to do if an employee took unpaid leave but took state disability or unemployment insurance payments, she tells Frank.

An FAQ summary from the Labor Commissioner is available at www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html.

Hoffman suggests consulting legal counsel for questions not covered in the Labor Commissioner FAQs.

Job Killer Bill DOA: Proposed Ban on In-State Oil/Gas Production Fails

From Page 1

Further, the bill prohibited those activities under existing permits beginning January 1, 2027. Finally, the proposal created new setback requirements for any new or modified permit related to oil and gas wells or production facilities as early as July 1, 2022 with only very limited exceptions.

Recent amendments to the bill adding a 2,500 oil and gas well setback requirement, coupled with other provisions in the bill, would have banned as much as 97% of oil production in California. The remaining 3% to 5% of allowable in-state oil and gas production would be placed in serious peril too as the volume

of production would be too low to sustain the substantial costs involved with the production and distribution of oil and gas through the California system.

California currently has more than 40 million residents, 35 million registered vehicles, 78,000 farms, 145 airports, 32 military bases and 11 public ports, including three of the nation's "megaports." All these entities use oil and gas, and rely on domestic sources to fill that demand.

Therefore, as the coalition opposing the bill points out, simply banning in-state oil and gas production by 2027 inevitably means California will be forced to rely on even more foreign crude oil imports.

Key Vote

SB 467 fell short of the majority needed to pass the Senate Natural Resources and Water Committee on April 13:

Ayes: Allen (D-Santa Monica), Laird (D-Santa Cruz), Limón (D-Goleta), Stern (D-Canoga Park).

Noes: Eggman (D-Stockton), Grove (R-Bakersfield) Jones (R-Santee).

No vote recorded: Hertzberg (D-Van Nuys), Hueso (D-San Diego).

Staff Contact: Adam Regele

The Workplace

Higher Education Integral to Business Needs



In Episode 115 of The Workplace podcast, CalChamber President and CEO Allan Zarembeg and Lande Ajose, senior policy

advisor for higher education to Governor Gavin Newsom, discuss the challenges the state faces in its goal to ensure that higher education remains accessible to all Californians.

California has some of the best regional economies in the world and it is thanks to our higher education institutions, which include prestigious universities like the University of Southern California, UCLA, California Institute of Technology and Stanford, Zarembeg tells podcast listeners. But California's higher education institutions don't just include research universities—the state has a community college system that serves as an entry level point for higher education and the California State University system, which graduates professionals.

Keenly aware of the needs of higher education institutions and the demand for jobs and talent, the higher education ecosystem is a priority for Governor Newsom, Ajose says. The Governor sees that higher education is tied to business needs.

“To him, it's a natural connection and integrated link,” she says.

To help bridge these two sectors, the Governor created the Council for Post-Secondary Education, which brought in Ajose and Zarembeg, and other representatives from business and labor. The

council seeks to meet the demands for talent by expanding educational opportunities, especially for people who have not traditionally had access to higher education, Ajose explains.

Challenges in Higher Education

Former California Governor Pat Brown developed California's Master Plan for Higher Education in 1960, creating opportunities for every Californian to pursue higher education regardless of their academic background, Ajose explains. Thanks to this great compact, California is now home to some of the best higher education institutions in the world.

The Master Plan, however, did not account for the vast number of people who are currently seeking a higher education, nor did it create a permanent funding solution, she points out. California is now at a crossroads as it tries to figure out how to create more space as there is more demand than supply.

The state also is faced with the challenge of creating a balance in the types of degrees that are issued, she says. For example, if the universities are giving out too many business degrees, how can students be encouraged to pursue degrees in science, technology, engineering and math (STEM)?

Another challenge the state must address is preparing students for higher education, helping them stay in college, and helping them graduate within a reasonable timeframe, Ajose tells Zarembeg.

Student success is dependent on the people that surround the student, and on getting the right information at the right time to the students so they are able to

meet the challenges at the school they have chosen. Since not all students have access to that knowledge, colleges and universities must create that infrastructure to ensure that students stay in school and continue moving through the curriculum, she says.

Recommendations for Better Access/Equity

The Recovery with Equity Taskforce recently released a report that gives 11 recommendations to address the challenges presented in the higher education system. Falling into four categories, Ajose says, the recommendations focus on creating affordability and equity; streamlining access to higher education; creating inclusion on campus; and how to help students who are in school and balancing a career.

“What we want to do is make sure that we are getting people into college and that we are getting them out of college, that we are doing that effectively and efficiently with high quality education, no matter where they choose to go, and affordably so that students can stay in California so that they are not worried about ‘Will I ever be able to buy a house or have a child because it is so expensive to live here?’” she says.

Lastly, Ajose stresses that it is essential that California's higher education institutions deal with the reality faced by everyday Californians. Ajose adds that California does not currently have a higher education system that can move at the speed of business development. When it comes to workforce development, it's important that higher education institutions work in partnership with business and “pick up speed a little bit,” she says.

Global Groups Express Cautious Optimism for Post-Pandemic Worldwide Recovery



Economic reports recently released by two key global organizations present cautiously optimistic signs for

worldwide recovery.

World Trade Organization

The [World Trade Organization \(WTO\)](#) reported on March 31 that prospects for a quick recovery in world trade have improved as merchandise trade expanded more rapidly than expected in the second half of last year.

According to new estimates from the WTO, the volume of world merchandise trade is expected to increase by 8.0% in 2021 after having fallen 5.3% in 2020, continuing its rebound from the pandemic-induced collapse that bottomed out in the second quarter of last year.

Trade growth should then slow to 4.0% in 2022, and the effects of the pandemic will continue to be felt as this pace of expansion would still leave trade below its pre-pandemic trend.

The relatively positive short-term outlook for global trade is marred by regional disparities, continued weakness in services trade, and lagging vaccination timetables, particularly in poor countries.

COVID-19 continues to pose the greatest threat to the outlook for trade, as new waves of infection could easily undermine any hoped-for recovery.

“The strong rebound in global trade since the middle of last year has helped soften the blow of the pandemic for people, businesses, and economies,” WTO Director-General Ngozi Okonjo Iweala said. “Keeping international markets open will be essential for economies to recover from this crisis and a rapid, global and equitable vaccine roll-out is a prerequisite for the strong and sustained recovery we all need.”

Other main points in the report are:

- World gross domestic product (GDP) at market exchange rates should increase by 5.1% in 2021 and 3.8% in 2022, after contracting by 3.8% in 2020.
- Merchandise trade in nominal dollar terms fell in 2020 by 7% while commercial services exports declined by 20%.
- Falling oil prices led to a 35% contraction in trade in fuels in 2020.
- Travel services were down 63% in 2020 and are not expected to fully recover until the pandemic wanes.

International Monetary Fund

The [World Economic Report](#) released April 6 by the International Monetary Fund projects global growth at 6% in

2021, moderating to 4.4% in 2022.

The projections for 2021 and 2022 are stronger than in the [October 2020 World Economic Outlook](#). The upward revision reflects additional fiscal support in a few large economies, the anticipated vaccine-powered recovery in the second half of 2021, and continued adaptation of economic activity to subdued mobility.

The high uncertainty surrounding the latest outlook relates to the path of the pandemic, the effectiveness of policy support to provide a bridge to vaccine-powered normalization, and the evolution of financial conditions.

Global prospects remain highly uncertain one year into the pandemic. New virus mutations and the accumulating human toll raise concerns, even as growing vaccine coverage lifts sentiment. Economic recoveries are diverging across countries and sectors, reflecting variation in pandemic-induced disruptions and the extent of policy support.

The outlook depends not just on the outcome of the battle between the virus and vaccines—it also hinges on how effectively economic policies deployed under high uncertainty can limit lasting damage from this unprecedented crisis.

Staff Contact: Susanne T. Stirling

Capitol Summit, Host Breakfast Go Virtual

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[CalMatters.org](#), a nonprofit news organization specializing in California issues. He has written more than 10,000 articles and his column appears in dozens of California newspapers, as well as those in other states.

Major sponsors of the Virtual Capitol Summit are the Automobile Club of Southern California, Crowe and Esquire Plaza. The gold sponsor is CSAA Insurance Group.

There is no fee to participate, but registration is limited.

To register and learn more about the summit, visit www.calchamber.com/2021capitolsummit.

Host Breakfast

The Sacramento Host Committee and the California Chamber of Commerce are proud to bring back the annual Sacramento Host Breakfast this year as a virtual event.

Since 1926, the breakfast has provided a venue where California’s top leaders meet, socialize and discuss the critical issues facing businesses, government and the state’s economy.

This year’s virtual format will enable leaders from business, agriculture, government, the military and education to participate safely.

Traditionally, the Governor of

California and the CalChamber chair speak at the breakfast about significant issues facing employers in the state.

Governor Gavin Newsom has been invited to speak at the breakfast. The program also will include remarks by Donna L. Lucas, 2021 chair of the CalChamber Board of Directors and president and CEO of Lucas Public Affairs.

For questions about either event, call (916) 930-1299 or email events@calchamber.com. Separate registration is required for each event.

CalChamber-Sponsored Seminars/Trade Shows

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- Kenya in Los Angeles. World Trade Center, Los Angeles. April 20–21, Online. (213) 680-1888.
- Perspectives on Trade: A Conversation with H.E. Isilho Coelho, Ambassador of the Democratic Republic of Timor-Leste. World Trade Center Washington D.C. and Washington Intergovernmental Professional Group. April 21, Online. (202) 759-0074.
- Port Congestion — An Update. District Export Council of Southern California. April 21, Online.
- First Sale Rule: It's Still Available to Lower Your Duty Exposure. Foreign Trade Association, April 21, Online. (888) 223-6459.
- What's New in Taxation and Business Laws in 2021. Women in International Trade, Los Angeles. April 22, Online. (213) 545-6479.
- A Seat at the Table: In Conversation with Ambassador Capricia Penavic Marshall. World Trade Center Washington D.C. and World Trade Center Dublin. April 27, Online. (202) 759-0074.
- FDA 2021 and Beyond, It's Not Just About PPE. Foreign Trade Association. April 28, Online. (888) 223-6459.
- Getting the Crew Back Together: Navigating Frequent Return to Work COVID-19 Storms. Foreign Trade Association. April 28, Online. (888) 223-6459.
- Forced Labor: What It Is and How to Survive an Audit. Foreign Trade Association. April 29, Online. (888) 223-6459.
- California-Baja California IT and Aerospace Virtual Mission. Governor's Office of Business and Economic Development (GO-Biz), U.S. Commercial Service and U.S.-Mexico Chamber of Commerce. May 3–6, Online. (279) 666-9104.
- World Trade Week Southern California Kickoff. Los Angeles Area Chamber of Commerce. May 6, Virtual. (213) 580-7500.
- China Medical Equipment Fair. California Small Business Export Program. May 13, Shanghai, China. (714) 951-5446.
- 95th Annual World Trade Week: Exploring the International Trade Landscape. Foreign Trade Association. May 20, Online. (888) 223-6459.
- A Seat at the Table: In Conversation with H.R.H. Princess Reema bint Bandar, Ambassador of the Kingdom of Saudi Arabia to the United States. World Trade Center Washington D.C. and the World Trade Center Dublin. May 25, Online. (202) 759-0074.
- 2021 Virtual Export Conference. National Association of District Export Councils (NADEC). May 26 and May 27.
- Federal Maritime Commission Trade and Compliance Seminar. Foreign Trade Association. May 27, Online. (888) 223-6459.
- International Trade Expo. AmCham Colombia. June 2–3, Virtual. +571 5877828.
- 2021 SelectUSA Investment Summit. International Trade Administration. June 7–11, Online. (800) 424-5249.
- USA Pavilion. Defense Exhibition Athens 2021. July 13–15, Athens, Greece. +30 210 699-3559.
- Expo Dubai 2021. Expo 2020 Dubai UAE. October 1, 2021–March 31, 2022, Dubai, United Arab Emirates. (+971) 800 EXPO (3976).

CalChamber Calendar

- Capitol Summit:*
May 12, Online
- Board of Directors:*
May 12–13, Online
- Host Breakfast:*
May 13, Online

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