

ALERT

The Workplace

Update on COVID-19 Workplace Safety Rules



In **Episode 141** of The Workplace podcast, CalChamber employment law expert Matthew Roberts and CalChamber policy advocate

Robert Moutrie give an update on the latest COVID-19 workplace safety rules and discuss what employers should watch for in the coming weeks and months.

This podcast was recorded on December 30, 2021. Important updates to the podcast discussion appear in the Editor's Notes below.

Below is a condensed summary of today's podcast. To hear the full discussion of each topic, visit the time stamps noted in the article below.

New Isolation, Quarantine Guidelines

Time Discussed: 01:35

On December 27, 2021 the U.S. Centers for Disease Control and Prevention (CDC) released new COVID-19 guidelines on quarantine and isolation periods for asymptomatic cases. Moutrie explains that the timelines have been shortened for asymptomatic cases only and in cases where someone is experienc-

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CalChamber Announces New Chief of Staff for Policy



Ben Golombek

This week, the California Chamber of Commerce announced that Ben Golombek will join the organization on January 17 as executive vice president and chief of staff for policy.

In that role, Golombek will head the CalChamber's policy staff, providing strategic oversight and management of CalChamber's legislative and regulatory priorities.

"Ben is a recognized leader who will be a great addition to CalChamber's team," said CalChamber President and CEO Jennifer Barrera in welcoming her successor. "Adding Ben's wealth of experience and policy expertise to that of our very talented group of policy advocates will make CalChamber's advocacy efforts stronger and more effective than ever."

Most recently, Golombek served since 2016 as the West Region vice president for public affairs for AT&T, where he managed a team of 20 to create and implement legislative campaigns and media strategies to educate and influence lawmakers, regulators and consumers for eight states, including California.

See CalChamber Announces: Page 9

Citizens Redistricting Commission Delivers Updated Political Maps in Record Time



The California Citizens Redistricting Commission completed its once-every-decade constitutional duty on December 27, 2021, when it submitted final maps to the Secretary of State that detail new boundaries for 80 Assembly members, 40 senators, 52 congressional representatives and four members of the Board of Equalization.

Remember that California voters, with backing from the California Chamber of Commerce, took the job of drawing political lines away from the Legislature and handed it to an independent commission with the passage of Propositions 17 and 20.

Maps Reflect Population Shifts

Now, for the second time since 2011, a newly established commission has created updated political maps that reflect shifts in California's population in the last decade. Importantly, the commissioners were prohibited from factoring in where an incumbent office holder resides or their partisan affiliation.

The 14-member commission, consisting of five Republicans, five Democrats and four members unaffiliated with either of the two major political parties, were tasked with completing their work in record time due to a six-month delay in the release of the U.S. census information. The new maps had to be finished before the New Year

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Labor Law Corner

Make Sure Holiday Pay Policies Spell Out Details of Company's Intent



David Leporiere
HR Adviser

My company has a holiday policy that simply lists the holidays that the company observes, but it doesn't state how much people get paid for the holiday, or who is eligible for the holiday pay. This year, both Christmas Day and New Year's Day fell on a Saturday, and I'm having employees pressuring me to pay them for the holidays even though they weren't scheduled to work those days. What, if anything, does the company have to pay to the employees?

First and foremost, neither state nor federal law requires employers to recognize "holidays." If an employer chooses to recognize a holiday, there is no law that requires employers to pay a premium rate of pay for work on those days.

If your company chooses to recognize holidays, however, you want to be sure that you have a written policy which specifically details what the company intends to provide and to whom.

Holiday Pay Policies

Courts and the state of California analyze holiday pay policies as if they are contracts. Basic contract law states that if an agreement is vague or ambiguous, such that it is capable of more than one interpretation, it will be interpreted in the manner that favors the party that did NOT draft the agreement.

What this means is that if you have a holiday policy that doesn't address all circumstances, the court or the state Labor Commissioner will rule in favor of your employees.

At a minimum, your policy would need to explain what will happen if an

employee is required to work on a day that you designate as a paid holiday.

In addition, you would want to explain what will happen if the designated holiday falls on a day that the business is closed, and/or when an employee is not scheduled to work.

You would also want to explain what, if any, prerequisites you require of your employees before they are eligible to receive the holiday pay.

Review by Legal Counsel

Once you have drafted your policy, we highly recommend that you have legal counsel experienced in wage and hour law review the agreement with you to be sure that it contains all the information necessary to convey your company's intent related to the holiday pay.

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

2022 Employment Law Updates Virtual Seminar. CalChamber, January 7, 11, 14, 21 (ALL DATES SOLD OUT), Online. (800) 331-8877.

2022 Employment Law Updates Webinar. CalChamber. January 27, Online. (800) 331-8877.

Keeping Pace with Current COVID-19 Workplace Standards. CalChamber. February 3, Online. (800) 331-8877.

Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. February 17 and February 18, April 14 and April 15, Online. (800) 331-8877.

HR Boot Camp Virtual Seminar. CalChamber. March 10 and March 11, Online. (800) 331-8877.

International Trade

Expo Dubai 2021. Expo 2020 Dubai UAE. Through March 31, 2022, Dubai, United Arab Emirates. (+971) 800 EXPO (3976).

Israel @ JPM Week San Francisco. Israel Ministry of Economy and Industry.

January 10–13, San Francisco. (415) 986-2701.

Annual Pan African Global Trade and Investment Conference. Africa-USA Chamber of Commerce and Industry. January 16–17, Atlanta, Georgia. (626) 200-5985.

Israel @ Cleantech Forum 2022. Cleantech Group. January 24–26, Palm Springs, CA; January 24–February 11, Online. (415) 986-2701.

2022 Taiwan Trade Shows. Taiwan External Trade Development Council. February 1–October 31, Online and In-Person. +886-2-2725-5200.

30th Annual Africa and Diaspora International Conference. Center for African Peace and Conflict Resolution, California State University, Sacramento. April 28–30, Sacramento. (916) 278-6282.

Next Alert: January 28

CalChamber, Coalition Gain Some Changes to Flawed Prop. 65 Warning Rulemaking

Life Is Short, But Prop. 65 Warnings May Not Be



A year ago, on January 8, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) [proposed changes](#) to how businesses warn under Proposition 65.

A [February 2021 CalChamber article](#) explained why the agency's proposal to change short-form warnings would have a negative impact on businesses by way of increased costs and unnecessary liability and yet still fail to address the Proposition 65 overwarning problem — something the agency intended to fix with the rulemaking.

The California Chamber of Commerce and the Consumer Brands Association (CBA) led an industry coalition of 119 organizations pushing back against the proposed changes, [arguing](#) the rulemaking should be rescinded because the proposal was flawed, relied on faulty data, was contrary to regulatory assurances made by OEHHA to all stakeholders when first overhauling Article 6 warning provisions in 2018 and failed to achieve OEHHA's stated goal of addressing Proposition 65 overwarning.

In December 2021, nearly a year after the rulemaking began, OEHHA [published a notice](#) of its plan to move forward — but with some notable modifications

that appear to have been made in direct response to CalChamber and CBA industry coalition comments.

Increase in Short-Form Size

Short-Form Size Limitation Increases from 5 Square Inches to 12 Square Inches

The coalition argued that the agency does not explain nor provide evidence to justify why a 5-square inches or less requirement is the appropriate cutoff. CalChamber and the coalition articulated that such a policy change deviated from OEHHA's own most recent [guidance](#) telling businesses that Article 6 had “no size limitations for which products could utilize short-form warnings.”

The regulated community relied on these express statements when spending significant time and resources overhauling their Proposition 65 compliance programs.

Under the modified approach, OEHHA proposes to increase the maximum label size for short-form warnings from 5 square inches to 12 square inches, explaining that “after considering these comments, OEHHA determined a 12 square inch limit would accommodate [-] concerns, while still limiting use of the short-form warnings to packages with limited available label space for consumer product information that would not easily accommodate the full warning.”

Website/Catalog Uses

OEHHA Preserves Use of Short-Form Warnings on Product Website or Catalog

In the original rulemaking, OEHHA eliminated the option to use the same short-form warnings found on the actual product for online or catalog warnings.

The coalition argued this change created confusion, placed undue burdens and significant financial obligations on California retailers, unnecessarily heightened retailer risk of liability by forcing the use of a different warning from that which could be found on the actual product, was inconsistent with Health and Safety Code Section 25249.11(f), and failed to consider the supply chain complexities.

Under OEHHA's latest proposed modification to the rulemaking, OEHHA appears to agree with the coalition and preserves the original regulatory language allowing the use of the short-form warnings found on the products to also be used on that product's websites or in catalogs.

In reversing itself, the agency explains that reverting back to existing law “provides consistency along the supply/distribution chain and conforms to the existing regulations in Section 25600.2.” We appreciate this change.

At the request of the CalChamber, the close of the [public comment](#) period for the modified rulemaking was extended one week, to January 21, 2022.

Staff Contact: Adam Regele



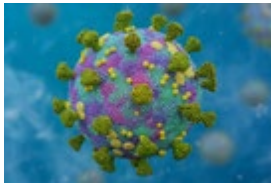
CalChamber Member Feedback

“The CalChamber aggressively advocates for all businesses, no matter your size, industry or location, safeguarding your ability to grow and innovate in California.”

Frank Washington
Chief Executive Officer
Crossings TV

COVID-19 Workplace Safety Rules Update

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ing symptoms, such as coughing and trouble breathing, then the symptomatic person will still need to

wait out through their symptoms.

Under the new CDC guidelines, an asymptomatic person who has tested positive (regardless of vaccination status) will need to isolate for five days, and, if no symptoms are present or are resolving after five days, then the person may leave their house as long as they wear a face covering for five additional days.

If a vaccinated person has been exposed to someone with COVID-19 and is asymptomatic, then the person will need to wear a face covering around others for 10 days. If someone is unvaccinated and has been exposed, then the CDC guidelines state that the person has to quarantine for five days and must wear a mask around others for five additional days, Moutrie says.

One big change to highlight: a person is not “vaccinated” if they have not received a booster shot if they qualify for one. A booster is required after 6 months of completing the primary series of the Pfizer or Moderna vaccines; and a booster is required after 2 months of having received the Johnson & Johnson vaccine.

Editor’s Note: On December 30, the California Department of Public Health (CDPH) issued new guidance on quarantine and isolation periods. Please read “New COVID-19 Guidance in 2022” on the Capitol Insider blog for information on the rules California employers will need to follow. On January 4, 2022, the CDC revised their guidelines on quarantine and isolation periods to include a testing component.

Cal/OSHA ETS

Time Discussed: 05:00

Employers should also expect changes happening with the California Division of Occupational Safety and Health (Cal/OSHA) Emergency Temporary Standards (ETS), Moutrie says.

At its December board meeting, Cal/OSHA approved the new version of their emergency regulation. The new rules

will treat vaccinated workers more like unvaccinated workers, with requirements for testing vaccinated workers after exposure and changes to post-exposure protocol where vaccinated workers exposed to COVID-19 will need to either be excluded from or practice social distance in the workplace.

Because the current ETS mostly eliminated social distancing rules, these more stringent social distancing rules are something a lot of workplaces are not ready for, so it’s something employers should really look at and prepare for, Moutrie stresses.

Another topic discussed at the ETS meeting is cloth facing coverings. What happened, Roberts asks, and how does it affect the workplace?

Moutrie explains that the CDPH put out a face covering mandate on December 13, 2021 that required face coverings in all indoor public spaces. An FAQ then clarified that the mandate applied to all workplaces where a worker is not truly alone and there are multiple workers around. So, even if a workplace is not open to the public, these rules will still apply. These rules were mainly put in place to prevent winter spread as people went home for the holidays and returned to the workplace, so this face covering mandate applies only through January 15, 2022.

The Cal/OSHA ETS regulations that will come into effect on January 14, 2022 include changes to the definition of what a qualifying face covering is. The rules introduce a new element called a “light test,” which requires that the face cover fabric not let a light pass through to qualify as a mask. This generated a lot of discussion and Moutrie expects an FAQ on it as we head into January because even surgical masks would allow some amount of light to pass through.

Federal Vaccine Mandate

Time Discussed: 11:08

Many employers have expressed confusion over the federal OSHA vaccine mandate and its long journey through the courts over the last couple of months, Roberts says. How does this affect California employers?

Moutrie replies that we had two separate federal vaccine mandates — the 100+ employer mandate and the federal

contractor mandate — and they both are tied up in the courts.

The 100+ employer mandate was stayed by the U.S. Court of Appeals for the Fifth Circuit, so it was not being enforced nationwide, but the Sixth Circuit lifted that stay. The U.S. Supreme Court will begin hearing arguments on January 7 and will issue an opinion sometime shortly thereafter. In the meantime, however, the mandate is in effect for certain states, but not for California, he explains. This is because California is a “state plan” and federal OSHA regulations do not immediately apply to us.

Cal/OSHA is planning to vote on the vaccine mandate at its January Standards Board meeting, and if the Supreme Court upholds the federal mandate, Cal/OSHA will likely vote the vaccine mandate into effect in mid-January.

“If the Supreme Court does not uphold it, of course, then that’s off,” Moutrie says. “So, California employers need to keep watching that.”

What Employers Should Expect

Time Discussed: 16:35

Given that Cal/OSHA likely wouldn’t change the federal mandate, what are some things employers can do now to prepare in case the U.S. Supreme Court upholds the federal rule, Roberts asks?

The federal vaccine mandate is a “soft mandate,” requiring either vaccination or weekly testing for unvaccinated employees. If an employer thinks the Supreme Court will uphold this mandate, Moutrie suggests they prepare by thinking about how they will collect information and keep track of who is and is not vaccinated, and how they will provide weekly testing.

Employers can also start considering ways to encourage their staff to take boosters as it’s expected that the federal vaccine mandate and Cal/OSHA will move toward requiring boosters for someone to be considered fully vaccinated.

Employers should keep their eyes open this month as there is going to be a lot of news. Record keeping issues will likely come up at some point in the later term, such as keeping actual proof of vaccination and not self-attestation, Moutrie says.



“The CalChamber’s creativity, dedication and solid working relationships in Sacramento are the cornerstones of its success at advocating for all sectors of the economy and regions of the state.”

Donna L. Lucas
 President and Chief Executive Officer
 Lucas Public Affairs
 2021 CalChamber Chair

CAPITOL WATCHDOG

Each year, the CalChamber tracks close to 3,000 legislative proposals on behalf of member businesses.

MAJOR VICTORIES

CalChamber scores major victories for employers through targeted advocacy and political action. See www.calchamber.com/majorvictories

ABOUT US

CalChamber is the largest broad-based business advocate in California, working at the state and federal levels to influence government actions affecting all California business. As a not-for-profit, we leverage our front-line knowledge of laws and regulations to provide affordable and easy-to-use compliance products and services.

FOR MORE INFORMATION

Contact Drew Savage,
 Vice President, Corporate Relations, (916) 930-1277.

Advocacy Return on Investment

2021 Sample Return on Investment for CalChamber Members

Government-run health care stalled (AB 1400)	\$200 billion
Costly leave expansion mandates stopped or amended (AB 995, AB 95, AB 1041)	\$44.6 billion
Massive tax increase stalled (AB 310, AB 1253, ACA 8)	\$22.3 billion
Mandatory bonuses for health care workers stopped (AB 650)	\$7 billion
Oil and gas development ban stopped (SB 467)	\$3.5 billion
Massive corporate tax increase stopped (AB 71)	\$2.4 billion
Automated decision systems assessment mandate for public contracts stopped (AB 13)	\$2 billion
Restrictions on personal health devices stopped (AB 1252, AB 1436)	\$1 billion
Costly health care coverage mandate amended (AB 570)	\$829.36 million
Changes encouraging unemployment insurance fraud and increasing fund insolvency stopped (AB 548)	\$500 million
Unworkable restrictions on smart speakers stopped (AB 1262)	\$500 million
Health care mandate on chronic diseases stopped (SB 568)	\$126.348 million
Costly mandate to create state-run medical provider network amended (AB 1465)	\$65 million
Health care cost increase due to insulin-related mandates stopped (SB 473, AB 97)	\$32.666 million
Health care premium increases due to changes affecting autism services stopped (SB 562)	\$4.3 million
Total Definable Return	\$284.857 billion

Return Per California Employee: \$19,921

Other Savings from Legislation Stopped or Amended

Litigation Threats

\$125,000 per lawsuit prevented

- Forced unionization of agricultural employees vetoed (AB 616)
- Criminal liability for good faith mistakes amended (AB 1003)
- Onerous return to work mandate amended and vetoed (AB 1074)
- Public shaming of employers stopped (AB 1192)
- New, uncapped leave and discrimination classification stopped (AB 1119)
- Mandate to pay for employee child care stopped (AB 1179)
- Significant expansion of family leave and paid sick leave amended and stopped (AB 1041)

Broad-Based Returns

Housing development bans stopped (AB 1295, SB 55, SB 499)

Lower voter threshold to increase property taxes stopped (ACA 1)

Dismantling of franchise system in California stopped (AB 257)

Expanded liability for products made or sold by another business stopped (AB 1182)

Unemployment insurance fraud deterrent bill signed (AB 110)

Requirement for Employment Development Department to prepare for future recessions signed (SB 390)

Legislation allowing required notices to be provided electronically to telecommuting employees signed (SB 657)

Advocacy on supply chain crisis — including contact with state and federal officials, and virtual meeting pointing out port and shipping short- and long-term challenges — led to state and federal agencies taking practical steps toward managing the supply chain more effectively.

Significant impact on export/import activities valued at \$552 billion a year combined.

Cybersecurity

Most Significant Security Breach in History Has Long-Term, Ongoing Ramifications



On November 24, 2021, Chinese technology giant Alibaba notified Apache Software

Foundation of a flaw in its log4j software that has existed for years. It took approximately two weeks for Apache to develop and release a fix.

In that time, news of this recently discovered cybersecurity vulnerability began to spread across the internet, indicating that one of the most popular pieces of computer code in use today, log4j, contained a series of vulnerabilities that threatened millions of systems relied upon by many, if not most, of the largest and smallest businesses in the world.

Log 4j

If you haven't heard of log4j or this newly discovered vulnerability, you're probably not alone. Log4j is a piece of code that helps software applications create libraries to log and keep track of their activities. It is written in an old programming language called Java and is designed to log activity for applications. Think of it as the trip computer on your car; it simply runs in the background and helps create a library of activity to help with troubleshooting and performance.

Log4j was developed by a handful of volunteers under the open-source Apache Software Foundation and is quite a popular logging application used by innumerable commercial applications. When developers are writing software, log4j is an easy to use and freely available application that can be "plugged in" so that developers do not have to create their own logging applications from scratch.

This is like buying an off-the-shelf part instead of machining your own. Log4j has been considered extremely reliable because it has been subject to

years of user testing and rigorous use and implementation around the world.

Daily Use Applications

Major portions of computer code in applications that are used in business and daily life rely on log4j. Even cloud storage systems, which provide the digital infrastructure for most applications, are impacted by this vulnerability, including software and tools that are used by millions of people every day. This even includes smart devices, smart TVs, and security cameras.

Given how widely log4j is used, bad actors who try to breach digital spaces or steal information have more opportunity to do so because this vulnerability opens up an avenue to slip into places they otherwise could not go. The opportunities to breach otherwise inaccessible systems and steal otherwise inaccessible information are much greater than they were before.

Businesses are advised to engage cybersecurity experts to vet the systems they use for log4j, and if log4j is in use, to check for exploitation and patch any vulnerabilities.

Multiple Threats

Already, the U.S. Cybersecurity and Infrastructure Security Agency indicated that this Java-based logging library was being actively exploited by multiple threat actors. Immediately, almost every major software company in the world was engaged in identifying whether their products and services were impacted and working to mitigate those vulnerabilities.

Many are still trying to figure out whether their software uses log4j, and if so, whether their applications were exploited. Exploitation of these vulnerabilities is extremely serious because the bug essentially allows an unauthenticated actor to remotely execute code on a server. This means that exploitation can occur even if the software accepting data

input is not written in Java by allowing the passage of malicious strings to other systems that are written in Java.

Given the ubiquitous use of log4j, this vulnerability threatens software used by millions of people every day and puts sensitive information and systems at great risk.

The global community of programmers and cybersecurity experts have been working to try and fix the vulnerabilities in whatever software they are responsible for. Technology firms are dedicating immense amounts of human power to manually review millions of lines of code to make sure systems are safe. Small businesses are contacting their software vendors to seek clarity and updates for existing programs. And this process will be repeated until the majority of the vulnerabilities to log4j have been resolved.

Ongoing Challenge

Importantly, the issue is not one that can be solved at once permanently. Cybersecurity is a series of redundancies and requires ongoing work into perpetuity. This is because cybersecurity is effectively a race against bad actors.

While companies continue to get better at protecting their systems and users, bad actors, particularly state-backed bad actors, continue to gain intelligence and improve their tactics.

The reality is, the real harm that may result from the log4j vulnerability may not appear until a year or two later, when bad actors have had a chance to choreograph and execute more coordinated, targeted, and harmful attacks against vulnerable systems. Thus, it is a race against time to try and fix any remaining bugs, update systems, and identify exploitation where it has occurred.

This article appeared originally as a Capitol Insider blog post.

Staff Contact: Shoeb Mohammed

AmCham Germany

Startup Culture in Berlin Finds Inspiration in California Entrepreneurial Spirit



The following answers to questions posed by the California Chamber of Commerce are from Daniel Andrich, general manager of the American Chamber of Commerce in Germany.

AmCham Germany

Please tell us a bit about the American Chamber of Commerce in Germany, services you provide and activities.

The American Chamber of Commerce in Germany (AmCham Germany) was established in 1903 and is one of the largest bilateral trade organizations in Europe. Our members strive to enhance global economic and trade relations built on the strong foundation of the American and German partnership.

My team and I actively support our members' interests through our global network in business, politics and AmChams worldwide. We enable cross-cultural understanding, cooperation and new investment through our commitment to transparent dialogue, unrestricted trade and a competitive and open business climate.

At AmCham Germany, we support unrestricted trade and investment between the United States, European Union and Germany. The chamber represents the business interests of American companies located in Germany and the U.S. also acts on behalf of its German members, many of whom maintain significant holdings in the U.S.

We offer our members a broad range of activities and services. One project I'd like to highlight here is our event series, "Transatlantic Talks." We launched this event series at the beginning of 2021 when Joe Biden became the new president of the U.S. With this series, we brought together representatives from American and German companies, experts in transatlantic trade and political decision makers to discuss how we can

all revitalize the transatlantic partnership.

AmCham Germany also has 11 regional chapters throughout Germany. There, our members organize events with our help and support each other with their business issues. In Berlin, we work together with our policy committees. In these six committees, we discuss relevant political topics, write position papers and plan our political communication. All these projects and activities can be found on our communication channels such as our recently relaunched website (<https://www.amcham.de/>), newsletters and social media channels.



Daniel Andrich

Germany-California Relations

Please describe your thoughts on the unique relationship between Germany and California.

The relationship between Germany and California is indeed very unique. As California's seventh largest export destination, Germany imported \$6.47 billion in goods. Top exports included computer/electronic products, chemicals, waste and scrap, and agricultural products. Imports from Germany into California totaled \$9.58 billion in 2020. Transportation equipment made up almost 40% of the total.

So the numbers clearly show how strong the partnership between Germany and California is. In our work, we also

observed how crucial the relationship on state levels is. When talking about the status of the transatlantic partnership, the discussion often evolves around the relations between Berlin and Washington D.C. But the partnership on the state level has been very stable during the last decades and both sides still invest a lot in each other.

When it comes to California, I also think that we can learn a lot from each other in terms of best practice exchange. California hosts the most successful companies of the world. You can really feel the entrepreneurial spirit there. The spirit of innovation and the mindset of just trying new things also inspires the startup culture here in Berlin.

COVID-19 Impact

As countries slowly start to recover from the pandemic, what is the economic impact of COVID-19 on businesses in Germany?

Of course, the pandemic has been extremely challenging for German companies and the economy as a whole during the last two years. Our members value the federal support such as short-time work allowance and also financial support. But the situation is still difficult.

As a transatlantic organization, we always call for more international cooperation to deal with the impacts of the pandemic. COVID-19 still has us firmly in its grip and is also affecting all of our activities and interactions. But it also became visible during the last months that the transatlantic economic ties are on a stable footing and have been able to counter the turbulent years with robust and trusting relations. But transatlantic cooperation is key here and we clearly see a window of opportunity with the new German government.

Our call for action: Germany must take the leadership role within Europe to define fields of cooperation in transatlantic relations.

Staff Contact: Susanne T. Stirling

Redistricting Commission Delivers Updated Maps in Record Time

From Page 1

because candidates began the filing process on January 3, 2022.

In addition to the compressed timeline, the commission faced an additional challenge as California lost a seat in the U.S. House of Representatives for the first time in the state's history. The shrinking of the delegation came about because California did not grow as fast as other sunbelt states like Arizona, Texas, and Florida, which all gained at least one congressional representative.

Voting Rights Act Impact

In drawing the maps, the law required commissioners to adhere to the federal Voting Rights Act (VRA), which ensures that ethnic voters' rights are protected by, where possible, creating minority majority districts to increase the possibility of more candidates of color holding office.

Increases in the population of California's Latino and Asian American residents plus declines in the number of white voters led the commission to create more VRA districts in the Central Valley and Inland Empire for Latinos and in the Bay Area for Asian Americans.

It is projected that 16 of the 52 congressional districts have a Latino voting age population of at least 50%. Similarly, of

the 80 Assembly seats, 22 have a majority Latino population, as do 11 of the 40 Senate seats. The new maps include two majority Asian American districts, plus 16 districts where Asian Americans make up more than 30% of eligible voters or so-called influence districts.

Beyond the VRA, commissioners were tasked with considering Communities of Interest, a loosely defined term that includes city and county boundaries, transportation corridors and business clusters — think entertainment, tech or aerospace.

And, the new districts had to have a consistent number of voters, with the target for the Assembly of 500,000, for the Senate 1 million and 760,000 for the U.S. House of Representatives.

Incumbent 'Musical Chairs'

As mentioned above, the commission was not to regard an incumbent's residency or party affiliation when drawing new boundaries. The result has created what CalMatters columnist Dan Walters called "a game of musical chairs," as some members were drawn out of their current districts.

It should be noted that congressional representatives are not required to live in their districts, but members of the state

Senate and Assembly do have a residency requirement, which has forced several to move into newly drawn adjacent seats.

Those members unable to find a friendly place to land will be forced into matchups against colleagues from their own party or choosing not to run for reelection. Several retirements have already been announced and more are expected in the coming days.

Democratic Super Majority

What won't change with the new maps is the partisan composition of the Legislature. Democrats will continue to keep their super majority status for the next decade unless there are dramatic changes in voter attitudes and party identification. Democrats outnumber Republicans by a 2 to 1 margin, meaning that California remains a deeply blue state.

However, CalChamber's bipartisan approach to helping elect both Democratic and Republican candidates to the Senate and Assembly does provide us with a deep bench of allies from both parties. These are the legislators proud to work with us in a bipartisan fashion to ensure that California remains a hub for innovation, entrepreneurship, and economic growth.

Staff Contact: Martin R. Wilson

CalChamber Announces New Chief of Staff for Policy

From Page 1

Golombek has previous experience serving as chief of staff to three members of the California State Assembly, including the chairs of the Assembly Revenue and Taxation, and Assembly Appropriations committees.

Before his State Capitol experience, Golombek worked at Los Angeles City Hall, where he served as deputy city controller, communications director for a city councilmember and deputy press secretary for Mayor Antonio Villaraigosa.

Golombek graduated from Northwestern University, has an M.B.A. from the University of California, Davis, and completed the prestigious Coro Fellows Program in Public Affairs.

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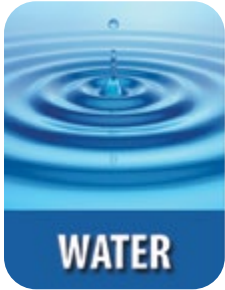
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December Storms Help, But California Remains in Drought



The December storms added to the Sierra snowpack on which the state depends for about 30% of its water supply, but California remains in a drought, according to the state Department

of Water Resources (DWR).

The first DWR snow survey of the season at Phillips Station, just west of Lake Tahoe, on December 30, 2021 recorded 78.5 inches of snow depth and a snow water equivalent of 20 inches, 202% of average to the location on that date.

The snow water equivalent measures the amount of water in the snowpack and is a key component of the DWR water supply forecast. Statewide, the snowpack was 160% of average for the date, DWR reported. (As of January 5, the statewide snowpack was 147% of average for the date.)

DWR officials pointed out that California needs more storms and average temperatures in the winter and spring to refill major reservoirs. Moreover, a wet start doesn't necessarily mean the water

California Department of Water Resources Photo by Jonathan Wong



Deep snow blankets the location of the first Department of Water Resources snow survey of the 2022 season. Measurements were taken at a meadow west of Lake Tahoe.

year will end up with above average precipitation.

Significant precipitation is needed in January and February to generate enough runoff to make up for the previous two winters that were the state's fifth- and second-driest water years on record, according to DWR.

Wet Decembers have been followed

by dry spells in the past. DWR noted that last winter, the snowpack runoff was a disappointment due to high temperatures, dry soil and evaporation. In 2013, the wet December was followed by a dry January and February, and the year was the driest on record, contributing to the record-breaking drought.



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