

# ALERT

## 4 Job Killer Bills Stopped, 1 Tax Bill Stalled



California Chamber of Commerce policy advocates working alongside advocates from allied business groups succeeded in stopping four CalChamber-job killer bills from advancing in the Legislature this year. One of these job killer bills has been gutted and amended, and will now propose tax credits for clean energy.

One additional job killer bill has stalled and is likely dead for the year.

### Bills Stopped for the Year

The following job killer bills missed the April 29 deadline for legislative policy committees to send bills along for

consideration by fiscal committees and will not advance this year:

- **AB 1651 (Kalra; D-San Jose) Workplace Technology.** Imposes overbroad, unworkable mandates on employers of all sizes, including public entities and tribal communities, that would reduce worker privacy, chill the development of new technologies, and wipe out small businesses for even a good faith mistake due to its excessively punitive enforcement mechanisms.

- **AB 2764 (Nazarian; D-Van Nuys) Livestock Ban.** Bans new or expanded commercial animal feeding and processing operations for meat, poultry, eggs, and dairy. Will increase food prices for Californians and force food to be

*See 4 Job Killer Bills: Page 6*

## CalChamber-Supported Bill Provides Tax Credit for Clean Energy Costs



The California Chamber of Commerce is **supporting** a bill that proposes tax credits for certain clean energy products.

### SUPPORT

Previously a CalChamber job killer bill, **SB 1301 (Becker; D-Menlo Park)** was recently amended and now creates a tax credit equal to 10% of the manufacturing costs associated with clean energy products, thus incentivizing investment in green energy and allowing the private sector to work toward state goal of net zero emissions. Because of these changes, the CalChamber has removed its job killer tag from SB 1301 and now **supports** the proposal.

SB 1301 would provide a tax credit for a wide variety of manufacturing costs associated with clean energy products, which are broadly defined in the bill. These include products used to produce renewable or zero carbon energy, zero-emission vehicles, zero-emission appliances, and energy storage primarily used for storing renewable or zero carbon energy.

Governor Gavin Newsom's January budget proposal forecasted another historic surplus, estimated to be approximately \$45 billion.

On April 21, the Legislative Analyst's  
*See CalChamber Supported: Page 7*

## CalChamber-Hosted Mexico Advocacy Day Lunch Focuses on Future of Bilateral Relations



(From left) Ambassador Liliانا Ferrer, consul general of Mexico in Sacramento; CalChamber President and CEO Jennifer Barrera; Cristina Planter Riebeling, director general of North American affairs, Mexican Ministry of Foreign Affairs; and Richard Kiy, president and CEO, Institute of the Americas. *See story on Page 5.*

### Inside

[COVID Emergency Standard Revise 3: Page 7](#)

## Labor Law Corner

# Final Wages to Fired Employee Should Include Reporting Time Pay



**David Leporiere**  
HR Adviser

Late during the shift one afternoon, I discovered one of the employees had been stealing from the company. I immediately sent him home. When he reported for work the next morning, I fired him and gave him his final check, which paid him through the previous day and included his accrued and unused vacation. The employee is claiming that I owe him money for the day he reported to work. Do I owe him for the time he was at work on that day, or any other amount of money?

Unfortunately, you definitely owe him reporting time wages for the day he came into work, and you may owe him additional wages for waiting time penalties.

### Reporting Time Wages

Pursuant to Section 5(A) of the California Wage Orders, any time an employee reports to work and is given less than half his or her scheduled hours of work, the employer is obligated to pay the employee for half of those scheduled hours.

In this instance, the employee reported to work in the morning, and as a result, you were obligated to pay him for half of the hours he was scheduled to work that day.

In addition, California Labor Code Section 203 requires all wages to be paid to the employee on the day he or she is terminated by the employer. For each day that the employer is late in paying the employee, the employer is obligated to pay one day's pay to the employee, up to a maximum of 30 days.

### Waiting Time Penalties

At a minimum, the employee would be entitled to waiting time penalties from

the day when he was informed of the termination until you paid him the reporting time pay.

To avoid such penalties, be sure to include in the final paycheck the reporting time pay for the day an employee is terminated.

As noted above, any time an employee reports to work on a scheduled workday, the employee is entitled to at least half of the hours he or she was scheduled to work.

The only exceptions to this rule are when the business closes due to an act of God, the loss of public utilities, or at the request of public safety officials.

Even if the employee reports to work, and is not fit for duty or engages in conduct that results in suspension or termination, that employee must be paid for half of the wages he or she was scheduled to earn that day.

*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](http://www.hrcalifornia.com).*

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## CalChamber-Sponsored Seminars/Trade Shows

More at [www.calchamber.com/events](http://www.calchamber.com/events).

### Labor and Employment

Managing CFRA Leave as a Large Employer: Intensive Webinar. CalChamber. May 19–20, Online. (800) 331-8877.

HR Boot Camp Virtual Seminar. CalChamber. May 26–27: SOLD OUT, June 23–24, Online. (800) 331-8877.

Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. June 9–10, August 25–26, Online. (800) 331-8877.

Managing CFRA Leave Requests at Your Small Business: Intensive Webinar. CalChamber. June 16–17, Online. (800) 331-8877.

### Business Resources

Resilient Workplace Webinar. DRB Toolkit, California Office of Emergency Services (CalOES), Federal Emergency Management Agency (FEMA). May 10, May 25, Online. (877) 563-5628.

### International Trade

2022 Taiwan Trade Shows. Taiwan External Trade Development Council. Through October 30, Online and In-Person. +886-2-2725-5200.

Trade Mission to South America. U.S. Department of Commerce, International Trade Administration. May 15–20. (800) 872-8723.

8th Annual Virtual Orange County World Trade Week. District Export Council Southern California. May 17, Online.

Export Import Bank of the United States (EXIM) and U.S. Small Business Administration Programs for Export Success. World Trade Center Northern California. May 18, Online. (916) 447-9827.

Annual Export Conference. National Association of District Export Councils. May 19–20, Washington D.C.

Future Sport Israel: Discovering

*See CalChamber-Sponsored: Page 6*

## *The Workplace* Questions Remain on Workplace Emergency Bill



In Episode 150 of The Workplace podcast, CalChamber employment law expert Matthew Roberts and CalChamber

policy advocate Ashley Hoffman discuss **SB 1044 (Durazo; D-Los Angeles)**, a proposal that would allow employees to leave work or refuse to show up to work if the employee subjectively feels unsafe.

### **SB 1044 Amendments**

We've previously explored SB 1044 on The Workplace podcast, but as the bill makes its way through the legislative process, amendments have been made to the proposal and significant ambiguities still remain that make it untenable for employers in its current form, Roberts says at the start of the podcast.

SB 1044 is a CalChamber job killer bill. The proposal allows workers to access their cell phones or other communication devices, or to simply leave the worksite altogether, without any repercussions from their employer, as long as they inform their employers that they feel unsafe at work due to a state of emergency or other emergency conditions, Roberts explains.

In a recent committee, amendments were made so that the bill applies only to some emergency or emergency conditions after the bill's enactment, Hoffman says. So, for example, the law wouldn't apply to the current COVID-19 state of emergency.

The bill now also requires the employee to provide the employer with notice where possible. And finally, the bill's definition of state of emergency has been narrowed so that it no longer applies where the state of emergency is technically still in place, but the emergency conditions have ceased.

Roberts points out that there's two phrases being used: state of emergency,

which is when the governor comes out and announces a state of emergency; and emergency condition. But what exactly is an emergency condition, he asks Hoffman?

Hoffman clarifies that the bill's author envisions an "emergency condition" as something that is imminent, such as an imminent threat to the structure, or health and safety of the employee. For example, an emergency condition would include an evacuation, or if you have a child at school and there's a fire in a structure next to the school.

### **Employer Concerns**

There are two pieces of SB 1044 that the CalChamber is concerned about, Hoffman says. The first concern is what is really "imminent and ongoing," and who gets to decide what it is? The bill is very subjective to the worker and this phrase can be interpreted quite broadly.

For example, she says, if there is a fire that is relatively under control and the worker is not under immediate threat, but the air quality index (AQI) is higher than the worker is comfortable with, then the worker could refuse to work.

The second biggest issue is that there is no carve-out for emergency personnel or anyone who aids emergency personnel. There are a number of positions where a person's job is to aid in an emergency or aid in some sort of crisis. Those positions can include firefighters, police and health care workers. So if there's a gas leak, who's going to be able to come in, clean up and make sure that the damage is being mitigated?

"It's very important that those people are reporting to work," Hoffman says.

### **Doesn't Give Employers Flexibility to Respond**

What recourse does an employer have, Roberts asks, if an employee leaves because they feel unsafe? What are an employer's choices?

If an employer disputes the matter, they risk litigation, Hoffman replies. The

worker can say that the employer violated the law and it would fall under the Labor Code and be subject to the Private Attorneys General Act (PAGA).

If an employer replaces the worker, that could be construed as an adverse action or retaliation. So, the bill gives the employer absolutely no flexibility to be able to respond to the situation if they are short on workers, Hoffman says.

### **Economic Impact, Unintended Consequences**

A recent economic analysis estimates that more than 20,000 jobs will likely be lost as a result of SB 1044. The state would also lose an estimated \$117 million in state taxes. The industries that will be particularly hard hit are health care, social assistance, food services, and scientific and technical services, Hoffman says.

Roberts replies that we should highlight some of these key industries.

"If there's people who are injured in the area, and the hospitals have to take in patients...and the whole expectation from the public is that someone will be there to care for us — there's nothing in this bill that prevents nurses and doctors from just walking off, right?" Roberts asks Hoffman.

Correct, she says. Nothing in the bill exempts them.

### **Bill Status**

SB 1044 is presently on the suspense file in the Senate Appropriations Committee, Hoffman tells listeners. This means the fiscal impacts to the state exceed a certain amount and so the Appropriations Committee has put a hold on it until about the end of May, when the committee will decide whether the bill should move forward or move forward with amendments.

Although the bill is on hold until the end of May, people concerned about the bill should reach out to their legislator now, she said.



## California Celebrates National Small Business Week



As the country observed [National Small Business Week](#), the California Chamber of Commerce joined in honoring the state's small businesses, many of which are CalChamber members.

The U.S. Small Business Administration has celebrated Small Business Week for more than 50 years to recognize the critical contributions of America's entrepreneurs and small business owners. This year, Small Business Week applauds the resiliency and tenacity of America's entrepreneurs, who are doing their part to power the nation's historic economic comeback.

CalChamber members include 14,000 firms of all kinds and sizes, representing 3 million jobs — one-quarter of the state's private sector workforce — as well as 250 affiliated local chambers of commerce and 200 trade associations. More than two-thirds of CalChamber members are small employers with 100 or fewer employees.

### Variety of Industries

California is a unique landscape for small businesses due to the size of the state and the variety of industries within it. In fact, there is no sector of the California economy where small businesses are not present. Even the utility sector, which normally is thought of as exclusively for big business, has more than 2,000 active small businesses in Cal-

ifornia. The largest number of small businesses are within the professional, scientific, and technical services sectors.

The industry that is most dominated by small businesses, however, is construction, in which small businesses account for 84% of the sector, employing more than half a million employees.

California is also exceptional in that 95.7% of the more than 73,500 businesses that export are classified as small businesses. These small exporters bring in 43.2% of California's total \$152.1 billion in yearly export revenue.

In California, 4.1 million small businesses represent 99.8% of all businesses in the state and employ 7.2 million people, or 48.5% of the private workforce. Businesses with fewer than 100 employees represent 97% of all businesses and employ nearly 36% of all workers, while businesses with fewer than 20 employees comprise more than 88% of all businesses, employing approximately 18.2% of all workers.

A study by the U.S. Census Bureau found that net job growth was strongest among businesses with fewer than 20 employees. This represents almost 200,000 net new jobs created every year by small businesses in California.

### Diversity

Small businesses also support California's diverse population. Very small businesses in the state are more likely to be owned by women and nonwhite Californians than larger businesses. Women run 22% of very small businesses in California.

A January survey of CalChamber members showed that 20% are owned/co-owned by women and 35% are owned/

co-owned by ethnic minorities or persons of mixed ethnicity. Moreover, 29% do business internationally.

In keeping with the Small Business Administration's theme for Small Business Week 2022, small businesses in California and the United States have been put to the test the last two years during the COVID-19 pandemic. Small business owners have had to endure unprecedented trials and tribulations. In fact, 44% of small businesses in California were at risk of shutting down due to the pandemic. The California Infrastructure and Economic Development Bank helped to keep some of these small businesses operating during the pandemic with the help of the Disaster Relief Small Business Loan Guarantee Program. As a result of the program, small business owners reported creating or retaining more than 15,400 jobs.

The U.S. Small Business Administration kicked off National Small Business Week with a national bus tour that began in San Francisco on May 2. In conjunction with the bus tour, the Small Business Administration hosted a [four-day virtual summit](#) starting each day at 11 a.m. (Eastern) that offered free access to federal resources and the chance to talk with industry experts.

California small business were encouraged to participate as they play a vital role in the state and national economies. One in 10 U.S. residents lives in California, which means almost 1 in 20 people in the country are employed by a small business in California. California small businesses truly help to power the nation's economy.

More information is available at [this link](#).

JUNE 1-2, 2022

CAPITOL SUMMIT &  
SACRAMENTO HOST BREAKFAST

# CalChamber-Hosted Mexico Advocacy Day Lunch Focuses on Future Bilateral Relations



The future of the bilateral relationship between California and Mexico was the focus this week at a luncheon hosted by the California Chamber of Commerce in conjunction with the Consulate General of Mexico in Sacramento for the 13th Annual California Mexico Advocacy Day.

regulatory and technical barriers, customs, agriculture and regional supply chains. Cooperation in these strategic areas and others, along with California's competitive advantages, will enable bilateral trade between Mexico and California to continue growing, the Ambassador said.

## Promoting Economic Growth

Planter pointed out that with the North American Free Trade Agreement (NAFTA) and now the USMCA, the U.S., Mexico

## Bilateral Cooperation

The third speaker was Richard Kiy, president and CEO of the Institute of the Americas. He too emphasized the shared interdependence of California and Mexico.

But the relationship goes beyond trade and commerce, Kiy said, noting there are so many issues today that require bilateral cooperation.

He pointed out that the San Diego-Baja region is one of the most dynamic



Jennifer Barrera



Ambassador Liliana Ferrer



Cristina Planter Riebeling



Richard Kiy

As the bilateral partners emerge from the global COVID-19 pandemic, the California-Mexico relationship has remained strong; Mexico continued to be California's No. 1 export market in 2021.

CalChamber President and CEO Jennifer Barrera welcomed attendees to the May 3 luncheon, then turned the podium over to Ambassador Liliana Ferrer, Consul General of Mexico in Sacramento, who spoke about the importance of the bilateral relationship and the long-standing friendship between California and Mexico.

## Important Agreement

Ambassador Ferrer and speaker Cristina Planter Riebeling, director general of North American affairs with the Mexican Ministry of Foreign Affairs, highlighted the importance of the U.S.-Mexico-Canada Agreement (USMCA) to the economies and relationship between both the U.S. and Mexico, and California and Mexico.

Ambassador Ferrer noted that key provisions of the USMCA relate to the digital economy, intellectual property,

and Canada have been finding ways to promote economic growth. It is noteworthy that the estimated regional gross domestic product (GDP) is around \$23.6 million, and has contributed to raising the standards of living of the 493 million people living in the three nations, she said.

During the COVID 19 pandemic, the strong ties between the three countries and the depth of their integration were demonstrated, as well as the will to chart a new path for the region, Planter commented.

The upcoming North American Leaders Summit, she said, represents a new stage for the relationship between the USMCA nations. From Mexico's perspective, she explained, the summit meetings are key not only to advance in the construction of a North American vision in a post-pandemic context, but also to make commitments on priority issues for the governments.

She thanked California for sharing common principles and for being a partner in advancing projects to benefit the region.

border regions with more than 120,000 passenger vehicles and 63,000 pedestrians crossing the border daily.

Many San Diegans today live in Tijuana because they can't afford to buy a house in San Diego, Kiy said. Citing a newspaper headline reporting the median price of a house in San Diego exceeding \$1 million, Kiy said the reality is that for San Diego businesses to be competitive, Tijuana provides an important outlet for affordable housing.

Kiy said more should be done to take advantage of the close proximity of Mexico and California. Going forward, he said, companies are going to have to really rethink their site relocation decisions. Given the supply chain disruptions faced by many California companies with operations in China, some are looking to bring back facilities closer to home.

## Export Statistics

Mexico purchased 15.5% of all California exports in 2021. California exports to Mexico amounted to \$27.23

*See Mexico Advocacy Day: Page 8*



## Californians Deserve Better Data Privacy Laws, Not More



“As California goes, so too does the rest of the nation.”

It is true that this state has long

sought to lead the way and set the “strongest law in the nation” in any number of categories. More and more, though, it seems that the broadest possible law gets passed, and then the next year legislation is brought to pass an even broader law on the same topic.

For those entities that must comply with those laws, and want to comply with those laws, this is problematic for obvious reasons.

Take California’s approach to data privacy rights over the last several years, starting with the California Consumer Privacy Act of 2018 (CCPA). The ink on the Governor’s signature hardly had a chance to dry on that landmark comprehensive data privacy law before an influx of bills were introduced.

From overhauling and changing heavily negotiated elements of the act to adding separate protections for specific

types of information, industries, or technologies in the piecemeal approach to public policy that the CCPA moved away from, they just keep coming.

### 2022 Legislation

This year has been no exception. To provide just two examples:

- **SB 1172 (Pan; D-Sacramento)** would, for the first time, amend the voter-approved California Privacy Rights Act (CPRA) to address a single industry (businesses providing proctoring services in educational settings) and add a new private right of action.

- **SB 1189 (Wieckowski; D-Fremont)** would create additional restrictions separate from the CPRA around the collection and use of a single type of personal information (biometric information) and add a sweeping private right of action that guarantees statutory damages even for technical violations, where no actual harm is shown.

### Premature Proposals

It is an understatement to say these bills are unnecessary, if not premature given existing and forthcoming privacy

rights under the CCPA and the CPRA.

Premised on the idea that broader protections and stronger enforcement is needed given the unique sensitivity of the information involved, they ignore the fact that additional protections for sensitive personal information take effect under the CPRA on January 1, 2023, and enforcement does not begin until six months later. This means it is too soon to identify any gaps in the law justifying the need for these bills.

In contrast, there is no question that, if approved, they would create more confusion and complications for businesses that must effectuate the laws. And more opportunities to sue them for good faith errors.

All of this is to say: rights that cannot be properly implemented are of little benefit to anyone. At some point, this state may wish to seriously consider whether Californians and California businesses would all be better served by ensuring we have the strongest laws in practice, and not just the strongest laws “on the books.”

**Staff Contact: Ronak Daylami**

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imported from out of state to meet consumer demand.

- **AB 2932 (Low; D-Campbell)**

### Increased Overtime Requirement.

Significantly increases labor costs by imposing an overtime pay requirement after 32 hours and other requirements that are impossible to comply with, exposing employers to litigation under the Private Attorneys General Act (PAGA).

### Amended Bill

Job killer bill **SB 1301 (Becker; D-Menlo Park)** has been amended to remove all of its contents and replaced

with new provisions to provide tax credits for clean energy. Before it was amended, SB 1301 would have arbitrarily raised taxes on companies that invest in fossil fuel businesses based upon the financing amount. This would have added another layer of expenses onto the fossil fuel industry that would have significantly increased the cost of doing business, thereby increasing prices paid by consumers for goods and services in California.

### Stalled Bill

Job killer bill **AB 1771 (Ward; D-San Diego)** does not currently have

a policy hearing date scheduled and does not appear to be moving this year, although it may be brought up at any time as tax increases are not subject to the normal legislative deadlines. The proposal seeks to impose a tax — in addition to the capital gains tax — of 25% on the profits from a home resold within three years after it is purchased. The tax rate is reduced on a sliding scale for seven years thereafter. This will worsen housing unaffordability and constrain the already-limited housing supply.

For more information about the job killer bills, visit [www.calchamber.com/jobkillers](http://www.calchamber.com/jobkillers).

## CalChamber-Sponsored Seminars/Trade Shows

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Game-Changing Technology. Israel Export Institute. May 30–June 1, Tel Aviv, Israel. +972-3-5142907.

Maritime Transportation Data Summit.

Federal Maritime Commission. June 1,

Washington D.C. (202) 523-5725.

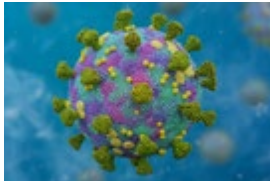
Enlit Africa 2022. U.S. Commercial Service, Governor’s Office of Business and Economic Development (GO-Biz), Power Africa, U.S. Small Business Administration. June 7–9,

Cape Town, South Africa. (279) 666-8635

Concrete Show South East Asia 2022.

MEREBO GmbH Messe International. September 14–17, Jakarta, Indonesia. 49-40-399 99 05-15.

# Cal/OSHA Revises COVID-19 Emergency Temporary Standards (ETS) for Third Time



On April 21, 2022, the Occupational Safety and Health Standards Board (OSHSB)

approved a [third readoption](#) of the California Division of Occupational Safety and Health (Cal/OSHA) Emergency Temporary Standards (ETS) to replace the current version, which was set to expire on May 6, 2022.

Many of the revisions updated or removed definitions, as well as provided for more flexibility within the ETS to address changing circumstances around COVID-19's spread.

The third readoption will take effect immediately upon the Office of Administrative Law approving and filing the regulations with the Secretary of State. This is expected to occur within the first week of May.

Although these rules may feel familiar, it's important to pay close attention to this ETS version as cases continue to slowly climb and our workplaces may see more cases than we've experienced in the last few months. This ETS revision is expected to remain in effect through December 31, 2022.

## Updated Definitions

Many new changes include updates to the ETS's included definitions, which, in large part, drive some of the protocols that employers must follow. The significant definitional changes include:

- **“COVID-19 Hazard”** is updated to eliminate any references to objects or surfaces that may be contaminated with

COVID-19, meaning those areas are no longer considered COVID-19 hazards for ETS purposes. Along with this change, no longer do any cleaning and disinfecting requirements exist under the ETS.

- **“COVID-19 Test”** is updated to allow the use of a self-administered, self-read COVID-19 test as long as the result includes additional independent verification, such as a time-stamped photograph. This broadens the use of at-home tests for ETS purposes, as previously these had to either create digital records verifying the results or the tests had to be proctored by an employer or telehealth provider.

- **“Face Covering”** is updated to remove the much-maligned “light test” requirement for compliant cloth masks. In the current ETS, cloth masks can't allow light to pass through when held up to a light source. While the new ETS revision omits this requirement, it does state that cloth masks must still be made of a tightly woven fabric or non-woven material of at least two layers.

- **“Returned case”** is a new definition that describes an employee who contracted COVID-19 but recovered. For these purposes, a returned case is someone who has returned to work from an infection and is still within 90 days from either the onset of symptoms or the positive test if no symptoms developed. Because this returned case concept previously has been in the ETS, however, no changes to employers' policies should be necessary.

Also noteworthy is that the ETS eliminates the definition of “fully vaccinated” employees because ETS rules no longer hinge on their own definition of fully vaccinated employees.

## Return to Work Protocols

The second readopted ETS had a complex return to work protocol that was almost never used because, as [previously reported](#), the California Department of Public Health (CDPH) created a completely different set of [isolation and quarantine rules](#) that applied to the ETS through Governor Gavin Newsom's [Executive Order N-84-20](#).

In this new revision, Cal/OSHA essentially codified the CDPH isolation and quarantine rules.

As a reminder, all positive cases — regardless of vaccination status or prior infection — cannot return to work until:

- At least five days have passed since the onset of symptoms or positive test if no symptoms;
- 24 hours have passed since fever resolved; and
- A negative COVID-19 test specimen is taken on the fifth day or later.

Otherwise, the employee remains out for 10 days from onset of symptoms or positive test if asymptomatic.

## Face Coverings

Face coverings have been among the most confounding workplace rules for employers — but the revised ETS simplifies them by deferring to the CDPH.

CDPH orders dictate who must wear face masks and when to wear them. Currently, CDPH [does not mandate](#) any employee wear face coverings; however, as we have seen throughout the pandemic, this can change at any moment. Further, local public health orders can override the ETS in that jurisdiction. For these reasons, employers should keep an

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# CalChamber-Supported Bill Provides Tax Credit for Clean Energy Costs

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Office (LAO) reported that based on tax collections through April 20, the budget could end up \$33 billion to \$39 billion higher than the Governor's budget assumes. As California's surplus continues

to grow, General Fund dollars can be allocated in a multitude of directions. This includes investment in needed infrastructure, restoring economy-driving tax incentives for California's businesses, and historic Proposition 98 spending for schools.

Given the state's current ability to spend on nearly any desired cause, this tax credit can be utilized to assist California in its goal of becoming net zero.

**Staff Contact: Preston Young**

## Cal/OSHA Revises COVID-19 Emergency Temporary Standards (ETS)

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eye on these resources.

The newly revised ETS also has made additional face covering rule changes:

- Now, any employee — regardless of vaccination status — may request their employer provide them with respirators (e.g., N95 respirators). If an employer provides an N95 respirator for voluntary use by employees, they must ensure that it's the correct size and fits according to the manufacturer's instructions.

- Exposed employees working at an indoor location who experience an outbreak (three cases within a 14-day period) or major outbreak (20 cases within a 30-day period) — or outdoors who cannot maintain six feet of distancing — must wear face coverings during the outbreak period.

- As for the long-standing face covering exemptions due to medical conditions

or because the nature of the work makes wearing a mask unsafe, the previous ETS required employees to physically distance while not wearing face coverings; the new ETS omits this requirement.

### Testing

Most testing rules remain the same, and employers must make testing available during paid time to the following employees under the following circumstances:

- Symptomatic employees regardless of vaccination status;
- All employees who are close contacts with a known COVID-19 case, except to those “returned cases;”
- Employees who cannot wear face coverings under a valid exception must be tested once a week; and
- All employees weekly during an outbreak or major outbreak until the

employer no longer has any cases in a 14-day period.

### Exclusion Periods and Exclusion Pay

A hallmark of the ETS is determining when an employer must exclude an employee from work and when the employer must pay the employee for that exclusion.

In general, these rules will remain the same, and the revised ETS codifies the [CDPH table](#) referenced above. Exclusion pay remains unchanged, as employers are also expected to continue an employee's wages and benefits during the periods that employers must exclude them due to a work-related COVID-19 case, unless workers' compensation covers it, or due to a work-related close contact exposure with a known COVID-19 case.

**Staff Contact: Matthew Roberts**

## Mexico Advocacy Day Lunch Focuses on Future Bilateral Relations

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billion in 2021, an increase of 13.22% from 2020. Computers and electronic products remained California's largest exports, accounting for 17.9% of all California exports to Mexico.

In 2021, California was the second largest exporting state to Mexico and the state with the largest amount of imported goods from Mexico; imports totaled \$57.66 billion. Mexico is the 13th largest source of foreign direct investment

(FDI) through foreign-owned enterprises (FOEs) in California. In 2020, Mexican FOEs in California provided 13,400 jobs through 472 firms amounting to \$1.256 billion in wages.

**Staff Contact: Susanne T. Stirling**

## Save Now on Training

Whether for in-office or remote workers, **save 20% now through May 31 on mandatory California Harassment Prevention Training** they can take in English or Spanish.

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