

ALERT

Agencies Grant More Time to Review Fire Hazard Zones

CalChamber-Led Request Prompts Extension



At the urging of a California Chamber of Commerce-led coalition, state agencies

have extended the time they will take comments on a recently released map of fire hazard zones in the state.

The updated fire hazard severity zone designations affect approximately 31 million acres of California and determine, among other things, planning decisions, building code applications and the availability and cost of residential home insurance for millions of Californians.

Request Granted

Last week, the Department of Forestry and Fire Protection (CAL FIRE) and the Office of the State Fire Marshal [granted](#) the CalChamber coalition's request for an additional 60 days to provide comment on the recently released [draft Fire Hazard Severity Zones \(FHSZ\) map](#) for the State Responsibility Areas (SRA).

Although CAL FIRE spent the better half of a decade internally developing a new model to update the 2007 FHSZ map, the public was given notice on December 14, 2022 of a 45-day comment period.

The CalChamber-led coalition of more than 50 organizations included local governments and submitted a [letter](#) requesting an additional 60 days of public comment.

More Thorough Review

The coalition noted that the additional time provided to stakeholders would allow for a more thorough review and comments to better inform the regulatory outcome that CAL FIRE and the public hopes to achieve. Recognizing the breadth of affected stakeholders seeking additional time, CAL FIRE granted the 60-day extension request.

The comment period is now extended from February 3, 2023 to April 4, 2023.

Staff Contact: Adam Regele

Budget: CalChamber Backs COVID Sick Leave Grants



The California Chamber of Commerce is supporting the Governor's budget proposal

to allocate \$250 million for relief grants to help small businesses and nonprofits offset the costs of providing COVID-19 supplemental paid sick leave.

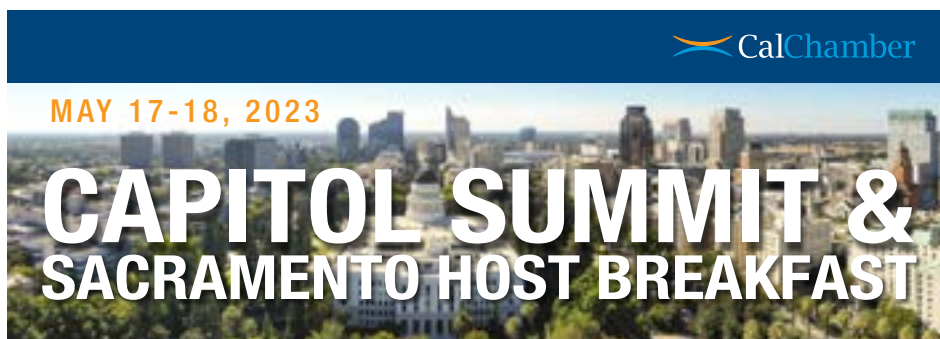
Since early 2020, California businesses have been shouldering a tremendous amount of the costs of COVID-19 and have spent billions of dollars to ensure their employees are safe during the pandemic.


Employers have subsidized additional paid time off for employees who contracted COVID-19, required vaccination, or needed to care for a family member due to COVID-19. The costs have included:

- three rounds of COVID-19 supplemental paid sick leave;
- the Cal/OSHA Emergency Temporary Standard's exclusion pay (which amounted to unlimited paid sick leave related to COVID-19 throughout the pandemic for employees who tested positive or were excluded from work due to an exposure);
- mandated closures;
- purchasing of personal protective equipment (PPE), and other requirements.

Although the federal government offered some tax credits to help offset the costs of COVID-19 supplemental paid

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MAY 17-18, 2023

CAPITOL SUMMIT & SACRAMENTO HOST BREAKFAST

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Labor Law Corner

Private Employers Can Choose Whether to Observe/Pay for State Holidays



Sharon Novak
HR Adviser

California will have three new state holidays in 2023: Juneteenth, the Lunar New Year, and Genocide Remembrance Day. Are we required to give employees days off and pay them for these holidays?

Several new state holidays were created by the California Legislature in 2022 and approved by Governor Gavin Newsom. For example, the State Assembly and Senate passed a resolution declaring April 24 a “statewide holiday” known as Genocide Awareness Day.

But the designation of these new holidays in California is largely symbolic. They are not paid days off for state employees.

Regarding California state holidays, there are two significant things to know:

- California state holidays are regulated by statute and apply to public offices and public employees.
- Private employers in California are not required to close on any of the holidays designated as state holidays or to provide special treatment to their employees.

Federal holidays work the same way. They apply to government offices and employees.

Public Employers

In California, there are 11 state holidays on which state offices/schools are closed and state/school employees are paid.

The observed state holidays for 2023 are:

- Monday, January 2: New Year’s Day (observed);
- Monday, January 16: Martin Luther King Jr. Day;

- Monday, February 20: Presidents’ Day;
- Friday, March 31: Cesar Chavez Day;
- Monday, May 29: Memorial Day;
- Tuesday, July 4: Independence Day;
- Monday, September 4: Labor Day;
- Friday, November 10: Veterans Day (observed);
- Thursday, November 23: Thanksgiving Day;
- Friday, November 24: Day after Thanksgiving;
- Monday, December 25: Christmas Day.

State Holidays: Public Offices Open

For 2023, there are four recognized state holidays that do not include closures of public offices or paid days off for public employees:

- Sunday, January 22: Lunar New Year;
- Monday, April 24: Genocide Remembrance Day;
- Monday, June 19: Juneteenth;
- Friday, September 22: Native American Day.

Public employees may take one of these new state holidays off in lieu of receiving a personal holiday.

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CalChamber-Sponsored Seminars/Trade Shows

More at www.calchamber.com/events.

Labor and Employment

Finding the Right Fit: Tips for Recruiting and Hiring. CalChamber. February 16, Online. (800) 331-8877.

Leaves of Absence: Making Sense of It All Virtual Seminar, February 23–24, April 13–14, Online. (800) 331-8877.

HR Boot Camp Virtual Seminar. CalChamber. March 9–10, May 4–5, Online. (800) 331-8877.

International Trade

China Clean Beauty Trade Mission. U.S. Commercial Service. February 21–22, Online. Cindy.Ma@trade.gov.

Canada Advocacy Day Luncheon: Green Investing in the Golden State. Consulate General of Canada in San Francisco, California Chamber of Commerce, Governor’s Office of Business and Economic Development. February 22, Sacramento. intlevents@calchamber.com.
Exporting 101: Pathways to Developing International Markets. California

Centers for International Trade Development. February 22, Online. (559) 243-7280.

2023 Taiwan Trade Shows. Taiwan Trade Center, San Francisco. March 6–November 8, Taiwan and Online. (408) 988-5018.

Trade Winds Southeast Asia. U.S. Commercial Service. March 9–16, Bangkok, Thailand. TradeWinds@trade.gov.

Panama and CAFTA-DR Trade Mission. Foreign Agricultural Service, U.S. Department of Agriculture. March 19–23, Panama City, Panama. trade-missions@fas.usda.gov.

11th Annual Pan African Global Trade and Investment Conference. Center for African Peace and Conflict Resolution. April 26–30, 2023, Sacramento. info@panafricanglobaltradeconference.com.

Annual Export Conference. National Association of District Export Councils (NADEC). May 9–10, Washington, D.C. aburkett@naita.org.

The Workplace

Untangling Confusion on California's Pay Scale Disclosure Requirements



In Episode 169 of The Workplace podcast, CalChamber employment law expert Matthew Roberts sits down with CalChamber

Policy Advocate Ashley Hoffman to discuss the [pay scale disclosure](#) component of SB 1162, a law passed in 2022 that also amended California's existing [pay data reporting](#) laws. SB 1162's pay scale disclosure component affects employers with any number of employees in California.

Two Distinct Problems: Technical and Practical

Whatever the reasoning, expanding requirements for employers with respect to pay scale disclosure presents two distinct problems, Roberts says.

"First, there's the technical compliance with this law," he says. "But then there's also just this overriding practical compensation considerations."

Hoffman says it's important to remember that some of this law has been in effect for a couple of years; specifically, employers already couldn't ask about a candidate's salary history, and if that information was disclosed voluntarily, the employer couldn't rely on it when setting that person's salary.

"What we're adding to that is that a current California employee may ask for the pay scale for the position that they are in," she says. "And then also, an applicant for a position that will be filled by a California employee, or at least where the work can be performed in California,

can ask for the pay scale for the position where they are applying."

Previously, Hoffman says, applicants could ask only after a first interview.

Technical: How to Handle Internal Openings

Many employers question how to handle posting positions internally. "They want to give existing employees first crack at a promotional opportunity or change of profession within the organization," Roberts says. "So, do you have to provide that pay scale to applicants that are internal candidates?"

The answer, Hoffman says, is no — the law's definitions specify that employers do not have to provide the pay scale to internal candidates.

Technical: 'Pay Scale' Definition, Nuances

Pay scale is defined in the statute as the reasonable hourly or salary range that the employer "expects to pay for the position." And Hoffman noted that recent Division of Labor Standards Enforcement (DLSE) guidance says commissions and piece rate do need to be included if either of them forms the hourly or salary range.

"If it's really forming the core of what you're receiving, like the core rate, then you have to include that," she says. "But something like a bonus, tips, fringe benefits — they don't have to be included."

As for professions where everyone is hired at a certain rate because it's largely a tip-based profession, Hoffman notes that the employer can share the set rate. "You don't have to make up a range of what someone may receive in tips," she added. "It is permissible if you really just

have one set rate for everyone to just put what that rate is."

Technical: Responding to Pay Scale Requests

The law doesn't specify the timeframe in which an employer must provide this information, but Hoffman says a best practice is to do so as soon as possible — and to provide it in a form that can easily demonstrate compliance if that were ever to be challenged.

"For example, in a written format, if you want to have a different protocol for responding, obviously, you're permitted to do that," she says. "But we recommend you probably run that by counsel. Again, if there was ever a challenge as to whether or not you actually provided this information, you want to make sure you're keeping a record of that."

Technical: Job Postings

As for actually including pay scale on the recruitment copy itself — the job posting you see on LinkedIn, or Indeed, Roberts says, what requirements exist around this aspect of the law?

Employers with 15 or more employees must include the pay scale on all of their job postings, Hoffman says, whether they're posting the job directly or a third party posts it.

"If you do use some of these other websites, like LinkedIn or something, you can't just kind of throw up your hands and say, 'Well, LinkedIn didn't put it on there,'" she added. "You have to make sure that third party is being provided the information and that the third party is accurately posting it, because you don't want to end

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CalChamber Member Feedback

"CalChamber shares our vision of a more inclusive and equitable California, making the state a better place to live and work."

Kevin Tilden
President
California American Water

Untangling Confusion on California's Pay Scale Disclosure Requirements

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up liable or getting sued ... just because the entity you're using didn't post it."

Practicality: What's a Reasonable Pay Scale?

Because California isn't the first state to do this, Robert notes, we do have some examples as far as what is a scale you would reasonably expect to pay for certain positions — and some organizations and businesses here have started listing pay scales as well.

"And you start to see some news-making ranges where some positions are seeing ranges from like \$90,000 to \$900,000 for the same position," he says. "So, what practical things should employers consider when they're trying to create the actual scales for their positions?"

This, Hoffman says, is a difficult question that the guidance doesn't really address.

"The way I think of it, though, is, when you are thinking of hiring for this position, truly, what is the range?" she says, adding that if some people who've been there for 40 years are making a certain amount — but you would never pay that to a new hire — then your listed range really doesn't need to go up that high, because that's not what you're reasonably expecting to pay.

"But," she continues, "if ... you're hiring for a position where it's really more dependent on how much experience

that person has, and maybe you would go up to \$100,000, and ... that truly is the range you would be willing to pay, I think that is a fair range to put on there."

Practicality: Offering Higher Salaries, Pay Scales to New Employees

As employers begin including pay scales on postings for their open positions, Roberts says we're starting to see two situations: One is that some listed ranges are higher than what current employees in the same positions make, and the second is that the employers are putting their current employees at the very, very bottom of the scale. And the reason, he says, is because their preference is to pay more given the difficulty in recruiting people.

So, how should employers handle these issues?

In Hoffman's mind, this circles us back to the idea of equal pay.

"This new law is going to push employers, and it should, to really evaluate their staff as a whole and make considerations," she says. "Does this mean, then, you are going to raise compensation for the rest of your staff? If you don't, are you at risk for an equal pay claim?"

Another aspect Hoffman notes is that this piece of the law is making employers look internally and assess whether hiring someone with a certain amount of experience at a higher rate will cause a dip in

morale, especially if employees can now ask what they're making, what the range is, and if they can see on a job posting for their position what their employer might be willing to pay.

"I think it's going to force a lot of employers to have to raise the wages of other workers to make sure, again, that you're not risking any sort of claim or litigation over that," she says, "but then also to make sure that morale is staying high and that your current workers aren't feeling undervalued."

Updated Recordkeeping Components

As Robert notes, we wouldn't be talking about an employment law if we weren't talking about documentation — and this law includes some updated recordkeeping components.

Employers, Hoffman says, must make sure they keep track of employee job titles and wage rates throughout employment plus three years after their employment ends. Because employers already are required under Labor Code 226 to keep certain records about employee wages, she says that hopefully, this addition won't be too much of a change for employers and their recordkeeping.

In fact, Hoffman says the original bill included a piece that would have required job descriptions, but CalChamber was successful in amending that out.

Private Employers Can Choose Whether to Observe/Pay for State Holidays

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Private Employers

Non-governmental private employers are not required to provide holidays to employees. An employer has the discretion to be open or closed on holidays, to pay or not pay its employees if closed, or to pay or not pay special premium wages if open.

According to the state Department of Industrial Relations, "Hours worked on holidays, Saturdays, and Sundays are treated like hours worked on any other day of the week. California law does not require that an employer provide its employees with paid holidays, that it close its business on any holiday, or that employees be given the day off for any particular holiday."

(www.dir.ca.gov/dlse/FAQ_Holidays.htm)

In practice, many employers provide holidays as an employee benefit. This is done by closing on identified holidays, such as Thanksgiving and Christmas, and paying the employees their full wages as holiday pay. Employers also may remain open on certain holidays, but pay employees premium wages, such as 1.5 or 2 times their regular rate. These decisions are left to the discretion of the employer.

It is important to note, however, that employers must reasonably accommodate employees' religious beliefs, which may include leave for religious reasons or holidays. Employers do not have to provide leave for a religious reason if they can show it creates an undue hardship on the business.

Time off and pay for holidays, like

paid vacations, have long been ways for employers to compete for employees and attract workers who value their personal time. Employers are free to completely ignore the California list of holidays or to design a policy that fits within their business needs and company culture.

See the discussion of [holidays in the HR Library at HRCalifornia](#).

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.

California Works

Verizon: Working Together to Close California's Digital Divide



This article is part of a series of profiles of CalChamber member companies that are contributing to the state's economic strength and ability to stay competitive in a global economy. Visit [California Works](#) to learn more about this series and read past and future profiles.



More than ever, Californians increasingly depend on broadband for vital services such as health care, education, workforce, government services and more.

As the need for digital connectivity skyrocketed during the pandemic, many were left without reliable broadband access, widening society's digital divide. The large gaps in broadband service and accessibility spurred Governor Gavin Newsom's goal of [Broadband for All](#).

Verizon, aligning with this goal, is committed to helping to close the digital divide and ensuring all Californians have access to reliable broadband service.

With more than 5,000 employees, 370 locations, and nearly 4.5 million accounts in California, Verizon prioritizes its customers in the state through various programs. In California alone, Verizon has invested more than \$2.4 billion in plant and equipment and more than \$31 million (estimated market value) in charitable contributions and programs in 2021.

Rudolph (Rudy) M. Reyes, Verizon West Region vice president and associate general counsel, is a member of the California Chamber of Commerce Board of Directors.

Affordability, Adoption and Access

Broadband connectivity has become a vital tool for engaging with the world. It allows us to work remotely and learn virtually. We turn to the internet to find jobs, connect with loved ones, and learn new things. But today, many Californians still lack access to broadband. That needs to change.



Verizon's commitment to Broadband for All addresses affordability, adoption, and access. This comprehensive approach, which builds on prior efforts to close the digital divide and supplements existing programs, will help empower all

Californians to thrive in the digital age and ensure no one is left behind.

Since barriers to connectivity have intensified the digital divide, Verizon supported California Senate Bill 717 (Dodd; D-Napa), which was signed by Governor Newsom in October 2022. SB 717, also supported by the CalChamber, creates a blueprint for accelerating broadband deployment, including expanded

wireless access, for all Californians, especially low-income people and the underserved.

The next step is for the California Department of Technology to conduct a study to help legislators understand and address the roadblocks to broadband deployment.

Verizon is pioneering the next frontier in wireless connectivity, connecting thousands of Californians every day through the launch of 5G Ultra-Wideband across the nation. With every antenna that goes up, Verizon is bringing reliable, high-speed broadband to new households and closing the digital divide.

To further this effort, Verizon launched the [Verizon Forward Program](#) — which provides a discount for 5G Home and LTE Home Internet access

to customers enrolled in the Affordable Connectivity Program (ACP). Verizon also is supporting affordable wireless service through its acquisition of Tracfone Wireless, the leading pre-paid and value mobile provider in the United

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Verizon: Working Together to Close California's Digital Divide

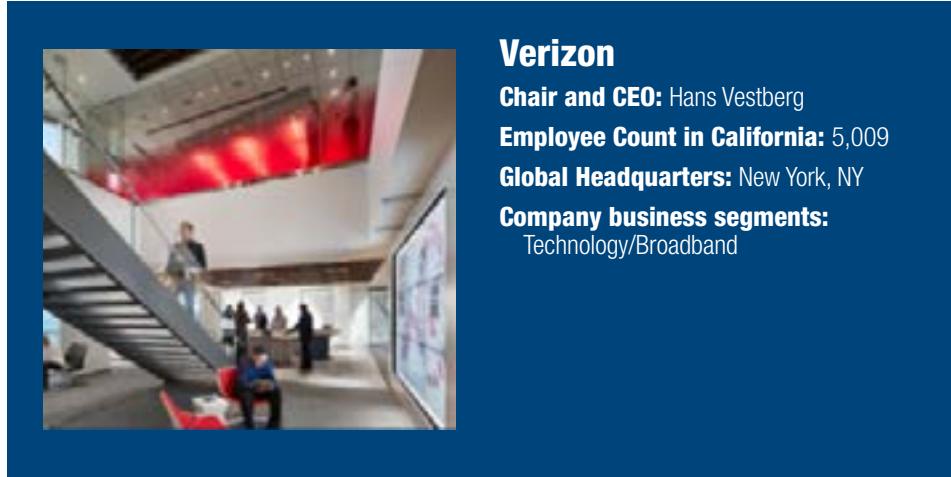
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States. Verizon is committed to serving TracFone's customers and to providing a range of prepaid plans so customers can enjoy mobile access at price points that work for them.

Supporting Innovation & Leaders of Tomorrow

To help build the next generation of innovators, [Verizon's Innovative Learning program](#) educates low-income students. With [more than 40 participating schools in Southern California](#) and [more than 15 schools in Northern California](#), Verizon Innovative Learning has provided thousands of students at Title I middle schools across the nation with advanced technology, next-generation curriculum and devices, and data access that they can use to explore STEM (science, technology, engineering and mathematics) at school and at home. The goal of this program, which also inspires teachers with new learning tools, is to train over 10 million youth in digital skills by 2030.

In partnership with the National Association for Community College Entrepreneurship (NACCE), Verizon provides more than 4,000 students from under-resourced middle schools nationwide with a free, STEM-enriched learning experience during summer months through the Verizon Innovative Learning STEM Achievers program. In California, Verizon partners



Verizon

Chair and CEO: Hans Vestberg

Employee Count in California: 5,009

Global Headquarters: New York, NY

Company business segments:
Technology/Broadband

with California State University (CSU), Los Angeles, CSU San Bernardino and San Joaquin Delta College.

Along with direct involvement in education, Verizon's Innovation Centers highlight ideas to push technology forward in this increasingly digital society. San Francisco is home to one of two Innovation Centers in the country, which showcase visionary ideas and commercial products from Verizon and its partners. This provides a stage for entrepreneurs, inventors and Verizon business teams to share their visions for the future and bring new wireless-enabled services to market.

Giving Back to Our Communities

During California's wildfires, Veri-

zon crews worked around the clock making sure that customers were able to stay connected. Verizon's response teams provided equipment and service to first responders, the Governor's Office of Emergency Services (Cal OES), and relief organizations and evacuation shelters throughout the state. The team also provided mission-critical communications support to public safety agencies and worked to keep customers connected during the severe winter storms earlier this year.

Verizon continues to lead by prioritizing California communities and digital equity through a wide range of investments and programs throughout the state.

Budget: CalChamber Backs COVID Sick Leave Grants

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sick leave in 2020 and 2021, no credits were available in 2022.

Due to the aforementioned costs of COVID-19, many small businesses shut-

tered permanently or reduced hours to survive. For those fortunate enough to still be in operation, these grants will help offset some of the costs that small businesses were required to absorb in 2022.

Small businesses are essential to our communities. It is crucial that California support them after three years of financial difficulty.

Staff Contact: Ashley Hoffman

EDD Updates Work Sharing Program Website, Resources



The California Employment Development Department (EDD) has updated its

[Work Sharing Program](#) website, offering additional resources for employers interested in applying for the program as a temporary alternative to layoffs.

As [previously reported](#), the Unemployment Insurance Work Sharing program has for decades allowed employers to temporarily reduce employee work schedules and help affected employees collect partial unemployment benefits for the time their work was reduced. During the COVID-19-related economic shutdown, the EDD streamlined its Unemployment Insurance Work Sharing program and moved the application process online, which Governor Gavin Newsom made permanent in September 2020.

If a business' production or services have been reduced, then employers can apply to the Work Sharing program — which is a win for both employers and employees! Not only are employers able to keep their trained employees and recover quickly when business conditions improve, but employees whose hours have been reduced also can receive unemployment benefits, keep their current jobs and minimize their financial hardships.

“The Work Sharing program really helped us out during a period that construction had slowed down considerably,” one employer shared on EDD's Work Sharing website. “It worked out great for all of us — we kept a great crew and they still worked during a very slow period. It really is a good program.”

Employers whose businesses meet all the requirements can apply or renew their Work Sharing plans online. All

approved plans are active for one year. The new Work Sharing program website includes a new [fact sheet](#), explaining how the program works and how to apply, as well as FAQs for both [employers](#) and [employees](#).

Employers also can register for a Work Sharing Program [online seminar](#) to learn more about the program and how to apply — the next one is March 9, from 10 a.m. to 11 a.m.

If employers need any additional information on the Work Sharing program, they can contact the EDD Special Claims Office at (916) 464-3343.

CalChamber members can read more about the [Work Sharing Program](#) in the HR Library on *HRCalifornia*. Not a member? See [how CalChamber can help you](#).

Staff Contact: Katie Culliton



LIVE WEBINAR | FEBRUARY 16, 2023 | 10 AM - 11:30 AM PT

Finding the Right Fit: Tips for Recruiting and Hiring

Are you complying with California laws when recruiting and hiring?

It can be challenging to navigate the rules — from drafting compliant job postings and asking appropriate interview questions to conducting lawful pre-employment background checks, drug tests and medical exams.

Preferred Members and above receive their 20% member discount.



Best practices for a compliant recruitment and hiring process

LEARN MORE at calchamber.com/febweb