

ALERT

SB 553 Impact Touches Every Industry in California

CalChamber Joins Coalition Supporting Resilient Tourism Economy in LA Area



OPPOSE

(Cortese; D-San Jose), a California Chamber of Commerce-opposed bill that has been getting national attention for its potential implications on retail theft.

This article briefly summarizes what the bill does, what the amendments changed, and which employers (hint: all of them) should remain very concerned going forward.

What Is SB 553?

SB 553 creates a new workplace violence regulation for every public or private employer in California, regardless of their size.

With this week's amendments and the upcoming hearing in the Assembly Labor and Employment Committee, it's worth taking another look at **SB 553**

Its provisions include requiring employers to:

- Perform annual detailed assessments of their workplace for potential violence risks;
- Potentially re-organize their workplace, including installing new security equipment, lighting, and alarm systems;
- Assess access to employees by members of the public and visibility for employees across the workplace;
- Consider hiring additional staff, including security personnel.

Based on Hospital Rule

Most of these provisions were copied directly from Cal/OSHA's hospital-focused workplace violence regulation, and were never intended to be applied to non-healthcare employers.

However, SB 553 would do just that, applying these hospital-level provisions to all employers in California.

Interestingly, Cal/OSHA staff specifically
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The California Chamber of Commerce has joined a broad, diverse

coalition supporting a resilient tourism economy in the Los Angeles Area.

The Alliance for Economic Fairness coalition, led by the Los Angeles Area Chamber of Commerce, opposes a Los Angeles city proposal to increase the minimum wage for hospitality workers to \$30 per hour by 2028.

The proposed increase would add to the city's ongoing cost-of-living crisis affecting all workers, small business, families and the community. The increase also targets the tourism industry, which still is recovering from the pandemic.

Statewide Implications

The proposed Los Angeles city minimum wage increase continues the patchwork of minimum wage and other local requirements.

The state minimum wage went to \$15.50/hour on January 1. Some Los Angeles area minimum wages, however, are set to increase starting July 1 to levels ranging from \$16.78/hour (Los Angeles city) to \$19.08/hour (West Hollywood).

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Recover COVID paid sick leave costs thru state of CA grants available at caspsl.com.

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Labor Law Corner

Bereavement Leave for Complex Family Relationships



Ellen S. Savage
Employment Law
Expert

My employee wants to use California's new bereavement leave after the death of the father of her child — with whom she lived but never married. Another requested it for her ex-father-in-law, whom she remained close to after her divorce. One more request came in to use the new leave for a "designated person." Exactly who is considered a covered family member under the new law?

Employees with 30 days of service may take up to 5 days of job-protected bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law.

The new law uses the definitions of those terms from the California Family Rights Act (CFRA) regulations.

Complex family relationships can make it quite a challenge to figure out exactly for whom an employee may legally take bereavement leave.

Spouse or Domestic Partner

A spouse is someone to whom your employee is currently married. It does not include a former spouse.

A domestic partner is not merely an individual with whom your employee lives; the couple must be registered as a domestic partnership with the California Secretary of State.

California does not recognize common-law marriages, even for couples who have lived together for many years.

Therefore, your employee is not entitled to bereavement leave for the father of her child because they were neither married nor registered as domestic partners.

In-Laws, Stepparents, Stepchildren

An employee may use bereavement leave for current parents-in-law, stepchildren or stepparents, as well as the parents and children of their current registered domestic partner.

An employee's divorce or dissolution of a registered domestic partnership would by law end the other linked relationships, so your employee would not be entitled to use bereavement leave for her former father-in-law.

Similarly, if your employee is widowed, they would not be entitled to use bereavement leave for the individuals whom they still may consider to be their in-laws and stepchildren. This is because they are not legally related to those individuals after the death of their spouse or domestic partner.

Note that if your employee stood "in loco parentis" to a child while that child was growing up, protected bereavement leave could apply despite the end of a legal relationship as a stepchild. "In loco parentis" means a person who stands in

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Labor and Employment

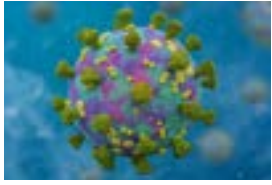
HR Boot Camp 2 Half-Day Virtual Seminar. CalChamber. August 10–11; September 7–8, Online. (800) 331-8877.
Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. August 24–25, September 21–22, Online. (800) 331-8877.

International Trade

2023 Taiwan Trade Shows. Taiwan Trade Center, San Francisco. March 6–November 8, Taiwan and Online. (408) 988-5018.
Access Africa Now Webinar Series. U.S. Commercial Service. April 11–September 27. (512) 936-0039.
2023 Canada Specialty Food & Beverage Outbound to Canada. Western U.S. Agricultural Association. June 25–30, Toronto and Vancouver, Canada. (360) 693-3373.
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Program. GlobalSF and QB3. June 30, Berkeley. info@globalsf.biz.
Trade Mission to Africa. Global Diversity Export Initiative. August 6–15, South Africa, Ghana and Nigeria (optional stop). eve.lerman@trade.gov.
The Green Expo 2023. The Green Expo and International Environmental Congress of the Consejo Nacional de Industriales Ecologistas (CONIECO). September 5–7, Mexico City. 55-1087-1650.
EXIM 2023 Annual Conference. Export-Import Bank of the U.S. October 19–20, Washington, D.C. (800) 565-3946.
Smart City Expo World Congress (SCEWC). Smart City Expo World Congress. November 7–9, Barcelona, Spain. (704) 248-6875.
APEC CEO Summit 2023. National Center for APEC (Asia-Pacific Economic Cooperation). November 15–16, San Francisco. (206) 441-9022.

End of Federal COVID-19 Emergency Spawns Guidance Updates



On May 15, 2023, following the end of the national COVID-19 Public Health Emergency

Declaration, the Equal Employment Opportunity Commission (EEOC) updated its long-running COVID-19 technical assistance resources — *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and other EEOC Laws*.

As reported throughout the pandemic ([here](#), [here](#), [here](#) and [here](#)), the EEOC regularly updated this resource. With the official end of the federal COVID-19 public health emergency, this appears to be the final update for this resource.

“This installment is the capstone to our comprehensive resource of questions and answers on COVID-19 and the anti-discrimination laws enforced by the EEOC,” said EEOC Chair Charlotte A. Burrows in a [press release](#).

The EEOC revised several questions throughout the resource — nothing groundbreaking (which is a good thing), but a few key updates are worth noting.

Reasonable Accommodations

First, the EEOC reminds employers that the end of the public health emergency doesn’t mean they can automatically terminate any reasonable accommodations that were provided due to pandemic-related circumstances.

Employers must evaluate the circumstances of each case and engage in the interactive process with the employee to determine if the accommodation is still necessary and effective or whether a change should be made.

Long COVID

Second, the guidance revises several Long COVID questions, reminding employers that Long COVID can be a disability under the Americans with Disabilities Act (ADA) but that determination depends on the circumstances of each case.

If Long COVID does constitute a disability, the guidance provides numerous examples of potential reasonable accommodations for those individuals, including:

- A quiet workspace, use of noise cancelling or white noise devices, and uninterrupted worktime to address brain fog;
- Alternative lighting and reducing glare to address headaches;
- Rest breaks to address joint pain or shortness of breath;
- A flexible schedule or telework to address fatigue; and
- Removal of “marginal functions” that involve physical exertion to address shortness of breath.

For additional resources on Long COVID accommodations, employers can review the federal [Job Accommodation Network \(JAN\)](#).

Training

Lastly, the EEOC suggests that when providing harassment prevention training, employers should provide illustrations of pandemic-related harassment that might violate Equal Employment Opportunity laws.

For example, a supervisor or coworker could harass an employee who has a disability-related need to wear a mask or take other COVID-19-related precautions. Another example could show

someone harassing an employee who is receiving a religious accommodation to forgo mandatory vaccination.

California Obligations

While this EEOC guidance can be useful, California employers also must be mindful of their obligations under state laws and regulations regarding COVID-19, which generally are more protective than federal laws.

This includes both the California Division of Occupational Safety and Health (Cal/OSHA) [non-emergency COVID-19 regulations](#), which require employers to address COVID-19 in the workplace through their injury and illness prevention programs; and the California Fair Employment and Housing Act (FEHA), which prohibits discrimination, harassment and retaliation and requires employers to provide reasonable accommodations to employees.

The non-emergency COVID-19 regulations remain in effect through 2024. Cal/OSHA continues to maintain their own helpful [COVID-19 guidance and resources](#) for employers. Because the regulations’ requirements may be affected by California Department of Public Health guidance and/or public health orders, employers should continue to periodically review Cal/OSHA’s resources for the latest information.

A CalChamber white paper — [Cal/OSHA’s Nonemergency COVID-19 Prevention Standard: What Employers Need to Know](#) — is available for nonmembers to download.

CalChamber members can access this white paper on [HRCalifornia](#). Not a member? Learn how to power your business with a [CalChamber membership](#).

Staff Contact: James W. Ward



CalChamber Member Feedback

“CalChamber’s clout in Sacramento makes them a go-to advocate to effectively represent California’s diverse and hardworking job creators.”

Rudy B. Medina
President, Southern California Market
U.S. Bank

CalChamber, Japan Business Leaders Discuss Importance of Continued Relationship as Key Trade/Investment Partners



The continuing interdependence of California and Japan was highlighted last week at the 22nd annual meeting

between the California Chamber of Commerce and Japan business leaders.

The June 15 meeting underscored the importance of the state's continued partnership with Japan, a key trade and investment partner, and destination for the trade mission led by California's Lieutenant Governor in March.

Leading the Japanese business delegation were Masahiko Yamamoto, president of the Japan Business Association of Southern California (JBA) and general manager of Mitsubishi Corporation (Americas) Los Angeles branch; as well as Nobuyuki Baba, president of the Japanese Chamber of Commerce of Northern California (JCCNC) and general manager of Mitsubishi Corporation (Americas) Silicon Valley branch.

Representing the CalChamber at the luncheon were Jennifer Barrera, president and CEO, and Susanne T. Stirling, vice president, international affairs.

The JCCNC was established as a nonprofit corporation in 1951 to promote business, mutual understanding and good will between Japan and the United States.

JBA, founded in 1961, is a nonprofit organization consisting of nearly 500 Japanese corporations doing business across Southern California.

Discussion Themes

The JBA and JCCNC meeting covered a variety of themes, including the recent

California trade mission to Japan, economy, homelessness, the supply chain, labor laws, the semiconductor market, and the tight labor market that both California and Japan continue to experience.

Environmental and trade policies also were on the agenda, on a state and federal level. The Japanese business delegation also discussed any incentives that may exist for small and medium-sized Japanese companies that are investing in California.



(Seated, from left) Kazuhiro Gomi, Government Relations Committee chair, Japanese Chamber of Commerce of Northern California (JCCNC)/ NTT Research Inc.; Nobuyuki Baba, president, JCCNC/ Mitsubishi Corporation (Americas); Jennifer Barrera, president and CEO, CalChamber; Masahiko Yamamoto, president, Japan Business Association of Southern California (JBA)/ Mitsubishi Corporation (Americas); and Nori Sakai, JBA/ Premier Kaikei LLP. (Standing from left) Keijiro Hora, executive director, JCCNC; Akemi Koda, JCCNC/ USAsia Venture Partners Inc.; Koki Sato, JCCNC/ ITC Ventures XI, Inc. and ITOCHU International Inc; Wataru Kuribayashi, JCCNC/ Presidio Ventures and Sumitomo Corporation of Americas; Hironori Kobayashi, JBA/ All Nippon Airways Co., Ltd.; Susanne T. Stirling, vice president, international affairs, CalChamber; Koji Shinohara, JBA/ Takenaka Partners LLC; and Fumio Yasue, executive director, JBA.

The group also discussed this year's trade mission to Japan led by California Lieutenant Governor Eleni Kounalakis and Dee Dee Myers, director of the Governor's Office of Business and Economic Development (GO-Biz).

The CalChamber was among 100 participants in the March trade mission that included businesses from the energy, agriculture, tourism, and airline industries, among others.

The group touted the success of the mission and the many business connections that were developed and strengthened as a result, touching on the importance of Japanese contributions to

the California economy, as Japan is the top foreign direct investor in California.

Trade Statistics

The United States is a large supplier of chemicals, transportation equipment, and computer and electronic products to Japan. Japan is also one of the largest U.S. foreign markets for agricultural products.

U.S. exports to Japan were \$80.317 billion in 2022, making it the fourth largest export destination for the United States. Imports from Japan to the United States were \$148.33 billion, with transportation equipment accounting for 33%.

According to the most recent figures, U.S. direct investment to Japan totaled \$118.746 billion in 2021, largely in financial, software and internet services. Foreign direct investment (FDI) from Japan into the United States was \$721.03 billion in 2021, making it the largest source of FDI in the United States that year.

In 2020, Japanese FDI in the United States supported 931,900 jobs and contributed \$12 billion to research and development, as well as another \$75.3 billion to expanding U.S. exports. The top industry sectors for Japanese FDI are auto components, industrial

equipment, software and information technology services, plastics, automotive OEM and metals. (Select USA)

California continues to be the top exporting state to Japan, accounting for more than 14.4% of total U.S. exports. Japan has remained California's fourth largest export market since 2010, after Mexico, Canada and China.

California exports to Japan, the world's third largest economy, totaled \$11.607 billion in 2022. Computers and electronic products accounted for 18% of total exports. Imports into California from Japan were \$29.367 billion, with

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Community College Baccalaureate Programs Feed Regional Workforce



The Baccalaureate Degree Programs at California Community Colleges

have been a catalyst of economic and regional development since their inception in 2014.

The focused baccalaureate programs at 21 of California’s community colleges offer career-specific bachelor’s degrees to help answer the persistent call from our state’s workforce for trained, skilled workers.

These tailored workforce programs and training degrees help educate the next generation of California’s workforce, including programs in biomanufacturing, health care, applied fire management

and cutting-edge automotive technology. The degrees are nonduplicative of those at the California State University system and are tailored to meet specific regional workforce needs.

Key student statistics from after graduating include:

- Graduates of these programs **earned twice as much** as they did before obtaining a degree.
- **98% of students** are employed in the field in which they earned their degree.
- **56% of graduates** stated they would not have pursued a bachelor’s degree had it not been offered at their community college.
- **72% of students** reported taking out no student loan debt to finance their education.

These programs are proving to be

transformative for students who otherwise would not consider pursuing a bachelor’s degree. Providing alternatives to predatory for-profit institutions that take advantage of the lack of access to workforce training programs and often put these students into overwhelming debt is critical to stimulate our state and regional economies.

Many community college students also are adult learners and working parents that do not have the ability to uproot their lives and move to attend a university across the state.

Baccalaureate degrees offered at community colleges address access, equity and economic mobility for all Californians and help meet our state’s degree attainment and workforce goals.

Learn more about these invaluable programs [here](#).

CalChamber Joins Coalition Supporting Resilient LA Area Tourism

From Page 1

Proposed LA City Ordinance

If passed, the Los Angeles city ordinance would increase the minimum wage for hotel workers and workers at Los Angeles International Airport (LAX) to \$25 per hour in 2023, with yearly increases of \$1 until the minimum wage reaches \$30 per hour in 2028.

Projected losses of nearly 15,000 jobs will extend far beyond the hospitality industry and risk \$55 million in local tax revenue that funds key priorities like homelessness services.

Coalition Efforts

The coalition is urging Los Angeles city policy leaders to engage in constructive dialogue with stakeholders to find a solution that strikes a strategic yet effective balance.

The Alliance for Economic Fairness aims to foster this dialogue and work toward an equitable approach that supports workers, protects jobs, and maintains the economic vitality of Los Angeles.

Economic Impact

According to a [new study by Oxford Economics](#), released June 8 by the Los Angeles Area Chamber, the \$30 Wage

Ordinance would lead to the loss of approximately 14,870 jobs across the Los Angeles economy and a \$1.1 billion decrease in visitor spending.

- The construction sector, which historically has been an important source of jobs for union workers, would be particularly hard-hit, with more than 2,000 jobs at risk due to reduced hotel construction spending.

- Furthermore, the study estimates a \$169 million decrease in state and local tax revenue, including \$55 million in local tax revenue, which directly funds essential public services like fighting homelessness, public safety, education, and other social safety net initiatives — just as the city is facing future budget deficits.

Bereavement Leave for Complex Family Relationships

From Page 1

place of a parent by having day-to-day responsibilities to care for and financially support a child even without a biological or legal relationship.

Designated Person

It’s important to note that although the CFRA was expanded recently to allow a leave of up to 12 weeks to care for a *designated person* (any individual “related by blood or whose association

with the employee is the equivalent of a family relationship”) with a serious health condition, the bereavement leave law does *not* provide employees time off after the death of a designated person.

Employer Policies May Be More Generous

Given the many complex family relationships that can arise, an employer certainly could choose to extend bereavement leave beyond what is required by law.

Seek legal counsel if you wish to extend your bereavement policy beyond the relationships covered by the new law.

Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred members and above. 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.

SB 553 Impact Touches Every Industry in California

From Page 1

ically considered applying the hospital regulation to all employers, and rejected that text.

Instead, Cal/OSHA has been working since 2017 to prepare a workplace violence regulation that is feasible for all employers ... but SB 553 does not use that proposed text.

What Did Amendments Do?

The recent amendments to SB 553 were aimed at one of the more bizarre provisions of the bill, which specifically prohibited employers from having a policy of having employees “confront” suspected shoplifters or active shooters.

This provision generated national news because it was widely viewed as further encouraging retail theft in California. In effect, this provision ensured that *no one* could speak to or interfere with suspected shoplifters.

Recent amendments in Assembly Labor and Employment attempted to address this issue by exempting “dedicated safety personnel.” Although the exemption theoretically would permit loss prevention personnel to speak to shoplifters, it notably does not help small employers who do not have “dedicated safety personnel” on staff.

For example: if a small retail boutique employee sees a customer stealing merchandise, normal employees would be unable to “confront” that shoplifter, because they would not specifically be designated “dedicated safety personnel.”

Concern for All

Who should still be concerned about SB 553? Everyone.

Because of the bill’s broad reach, the coalition opposing SB 553 touches every industry in the state, from tech and manufacturing to agriculture and from restaur-

rants to public sector employers.

The amendments removed none of that opposition because the amendments failed to address the core problem with SB 553: that not even Cal/OSHA thinks this language is feasible for every employer in the state.

And, as frequent readers of CalChamber articles will know, Cal/OSHA’s drafting team generally are not friends of the business community ... so when even Cal/OSHA staff think something isn’t feasible for employers, it probably isn’t.

The bill will be heard next week in Assembly Labor and Employment, then heads to the Assembly Judiciary Committee, and then to the Assembly Appropriations Committee.

The CalChamber expects to continue opposing SB 553 unless amendments make it feasible for the majority of California’s employers.

Staff Contact: Robert Moutrie

Japan Business Leaders Discuss Importance of Continued Relationship

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transportation equipment accounting for more than 34% of total imports. California is currently the top importing state in the United States for products from Japan.

In 2022, Japan was the largest source of FDI in California through foreign-owned enterprises (FOEs). Japanese FOEs in California provided 101,169 jobs through 3,471 firms, amounting to \$11.685 billion in wages. The top jobs

by sector are manufacturing, wholesale trade, retail trade, professional/business services, and information. (World Trade Center Los Angeles FDI Report, April 2023)

Staff Contact: Susanne T. Stirling



TWO HALF-DAYS | 9 AM - 12:30 PM PT

HR Boot Camp Virtual Seminar

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You’ll learn about key employment topics like hiring and paying employees, providing meal and rest breaks, and much more.



Earn HRCI CA recertification credits, SHRM PDCs, and MCLE credits.

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