

ALERT

State Court Ruling Keeps Employers Open to Lawsuits



The California Supreme Court ruled last week that employees may take nonindividual claims to court even if a valid arbitration agreement requires their own claims to be arbitrated.

The state high court's ruling in *Adolph v. Uber Technologies, Inc.* (No. S274671 (July 17, 2023)) keeps the door open for plaintiffs whose individual claims must be arbitrated to pursue nonindividual (representative) claims in court under the 2004 Private Attorneys General Act (PAGA).

PAGA authorizes “an aggrieved employee” to bring a civil action against an employer on behalf of themselves and other current or former employees, acting as a proxy or agent of the state.

More Litigation Costs

“The ruling means employers may face more litigation costs because employees still can pursue PAGA claims in court, even if a valid arbitration agreement is in place,” said Bianca Saad, CalChamber vice president of labor and employment. “It highlights the need for PAGA reform.”

The California Supreme Court decision in *Adolph* is a departure from last year's U.S. Supreme Court decision in *Viking River Cruises v. Morian* and severely limits the impact of the latter.

The U.S. high court said in *Viking*

that the Federal Arbitration Act (FAA) preempts California Supreme Court case law that precluded dividing PAGA actions into individual and nonindividual claims through an arbitration agreement.

That meant an employee who entered into a valid arbitration agreement, under which the employee agreed to forgo a PAGA action in favor of arbitration, could be compelled to arbitrate their individual PAGA claims instead of taking their PAGA claims straight to court as they have done over the past several years.

While it's still true that a plaintiff can have their individual claims compelled to arbitration, the California Supreme Court disagreed with *Viking's* conclusion that such a plaintiff couldn't pursue their representative claims.

Practical Impact

The practical effect of the *Adolph* decision is that the FAA and the *Viking* decision have no bearing on PAGA nonindividual claims. The plaintiff's ability to now pursue civil litigation in courts will add to the time and expense of the process.

The California Chamber of Commerce and a coalition of employers are supporting a [PAGA reform initiative](#) on the 2024 ballot that will put decisions on workers' labor claims back in the hands of the independent regulator.

For more detailed coverage of the *Adolph* decision, see the [HRWatchdog blog post](#) and a [previous blog post](#) about the decision's significance.

Staff Contact: Bianca Saad

Status Update on Major Business Bills



Inside this edition of *Alert* is a list summarizing the status of top priority bills for the

California Chamber of Commerce and the business community as of the start of the Legislature's summer recess.

Although strong business opposition led to a number of bills being placed on hold for the remainder of this legislative year, many CalChamber-opposed proposals will remain in play for the closing weeks of the session.

Many CalChamber-supported bills were among those sidelined for the rest of the year, but a number remain alive and two have already been signed into law.

The surviving job killer bills all are in the labor and employment category. Six of those remained active at the start of the summer recess. Two job killer bills had already been placed on the Assembly Appropriations Committee Suspense file pending a review of their fiscal impacts to the state.

CalChamber policy advocates succeeded in negotiating amendments to remove troublesome aspects on a number of bills, resulting in a neutral position.

[Review the list inside](#) for more information.

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Labor Law Corner

Intermittent Family Leave May Include Transfer to Different Position



Lisa Guzman
Employment Law
Expert

Can we transfer an employee to a different position if the employee needs to take intermittent FMLA/CFRA leave for his medical treatments?

Yes, as discussed below, an employer can transfer an employee to an alternative position during intermittent leave for medical treatments.

Intermittent Leave

Under the federal Family and Medical Act (FMLA) and the California Family Rights Act (CFRA), eligible employees are entitled to take up to 12 weeks of qualifying leave in a 12-month period.

Time off under the FMLA/CFRA does not have to be taken all at once or in a block of time. Leave under the FMLA/CFRA can be taken “intermittently” or on a “reduced work schedule” with some restrictions.

Intermittent leave is used commonly for an employee’s or qualifying family member’s serious health condition and a health care provider may certify leave of weeks, days (or even hours) for therapy or medical treatments.

Transfer to Alternative Position

If an employee anticipates the need for intermittent leave or leave on a reduced work schedule based on planned medical treatment for the employee or a family member, an employer can require the employee to transfer temporarily to an available alternative position. The position must better accommodate recurring periods of leave than the employee’s regular job.

The employee must be qualified for the alternative position, but the job duties can be different than the employee’s regular position. (Code of Federal Regulations, Title 29, Section 825.204 (a)(c); California Code of Regulations, Title 2, Section 11090(e)).

Transfer to an alternative position may include altering an existing job to better accommodate the employee’s need for intermittent leave or a reduced work schedule and must comply with any applicable collective bargaining agreement or employer leave policy, the Fair Employment and Housing Act, or any other applicable state or federal law. (29 CFR sec. 825.204(b); 2 CCR sec. 11090(e)).

Equivalent Pay/Benefits Required

If an employer transfers an employee to an alternative position to better accommodate recurring periods of leave, the position must offer the equivalent rate of pay and benefits as the employee’s regular position.

An employer may increase the rate of pay and benefits of an alternative position to make them equivalent to the pay and benefits of the employee’s regular job. (29 CFR sec. 825.204(c); 2 CCR sec. 11090(e)).

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CalChamber-Sponsored Seminars/Trade Shows

More information at www.calchamber.com/events.

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, Online. (512) 936-0039.

Trade Mission to Africa. Global Diversity Export Initiative. August 6–15, South Africa, Ghana and Nigeria (optional stop). eve.berman@trade.gov.

India-USA Food and Beverages Buyer-

Seller Meet in SF. Trade Promotion Council of India. August 25, San Francisco. intrelations1@tpci.in.

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.

2023 Taiwan Innotech Expo. Taiwan External Trade Development Council (TAITRA) and Industrial Technology Research Institute (ITRI). October 12–14, Taiwan. (415) 362-7680.

EXIM 2023 Annual Conference.

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The Workplace

Podcast Examines Trending Topics on the Labor Law Helpline



In **Episode 181** of The Workplace podcast, CalChamber employment law experts Matthew Roberts and Ellen Savage discuss some

of the latest labor and employment issues concerning California employers, including: remote work expense reimbursements; religious accommodation requests; lactation accommodations; and pet bereavement leave.

Remote Work Expense Reimbursements

In kicking off the podcast, Savage talks about a recent appellate court case, *Thai v. International Business Machines Corp.* In this case, a group of IBM employees sought to be reimbursed for expenses, such as computers, headsets and phone service, after the company requested employees work from home due to stay-at-home orders mandated by the government during the COVID-19 pandemic.

The California Court of Appeals sided with the workers, stating that businesses can't pass business expenses on to their employees. The court held that the employees were working at home because their employer told them to, even though the government told IBM to do it, Savage says.

The decision is a slippery slope and leaves many questions unanswered. How far do these expenses go, Savage asks? What about expenses such as air conditioning bills, mortgage payments, toilet paper, or coffee? Or what about home

expenses incurred by an employee who has an office space available but chooses to work from home?

Roberts replies that unfortunately, the courts are still mulling over many of these issues and employers may get a decision on these down the road.

Religious Accommodations

The next issue Savage and Roberts discuss is religious accommodations.

In a recent U.S. Supreme Court case, *Groff v. DeJoy*, the court ruled on what level of undue hardship is necessary in order for an employer to refuse to provide reasonable accommodation under federal religious protection rules.

The high court ruled that the employer has to demonstrate that there are substantial increased costs in relation to the conduct of the particular business, Savage says.

This court case, however, does not have a huge impact in California. In California, and now in the rest of the country, employers should look at what religious accommodation is being requested and consider whether it will be unduly costly or burdensome.

Savage suggests that employers consider factors such as the company's overall size, number of employees, budget, and the types of facilities involved, and then compare it to the nature and cost of the accommodation requested.

Regarding the question of cost, an employer recently called the CalChamber Labor Law Helpline and asked whether the cost factor pertains to the worker's department or the company as a whole. Savage explains that the cost pertains to the whole company's bottom line.

Another employer called the Helpline concerning the authenticity of a stated religious belief. And here is where employers should tread very carefully, Savage warns.

"In the eyes of the law, religion is kind of a personal thing. So questioning someone's religion is really, really risky. I tell people, if someone says their religion is to go out into the forest and pray to the squirrel gods, I'm going to say, 'OK,' unless I talk to my legal counsel first," she says. "One of the questions that I got this week dealt with somebody who said that their religious belief prevented them from putting their children in child care, so they wanted an adjustment to their schedule. I don't know of any religion that does that. But again, like the praying to the squirrels, we typically aren't going to question it, and [instead] we're going to talk about whether we can accommodate."

Lactation Accommodation

Now that many workers are back in the office, lactation accommodation is something that is top of mind for employers.

All employers, no matter how small, need to have a policy in place and provide a time and place for lactation, Savage explains.

The break time provided can be in addition to an employee's paid break time, and if the worker needs additional time, that time does not have to be paid.

Employers must also provide a private place that's near the employee's work area to pump, and the location cannot be a bathroom. The place has to be safe,

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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

San Francisco Preparing to Host Asia-Pacific Leaders This Fall



San Francisco Mayor London Breed is preparing the city to host the Asia-Pacific Economic Cooperation (APEC) Leaders Meeting this November and has [announced](#) honorary APEC Committee members, including California Lieutenant Governor Eleni Kounalakis, who will serve as APEC Host Committee finance chair.

Leading up to November, Mayor Breed and the Office of Protocol will host events for civic and business leaders to support the city's sponsorship goal, providing the necessary support for APEC 2023 that is expected to draw approximately 500 global CEOs, 1,000 media representatives, and nearly 30,000 delegates from across APEC's member economies.

Lt. Governor Kounalakis has noted the importance of APEC being held in San Francisco, not only for the city, but for the state and country as well. Leaders from around the Asia-Pacific region will be in attendance alongside U.S. President Joe Biden and Vice President Kamala Harris.

The November APEC meeting will be the largest convening of world leaders in San Francisco since the United Nations Charter was signed in 1945 during the UN Conference on International Organization.

The APEC 2023 theme is "Creating a Resilient and Sustainable Future for All," which the forum plans to achieve through three drivers of economic growth: trade and investment; innovation and digitalization; and strong, balanced, secure, sustainable, and inclusive growth.

For more information about the APEC 2023 Leaders' Week, visit www.APEC2023SF.org.

Sponsorship Opportunities

For information regarding sponsorship opportunities, please reach out to the San Francisco Mayor's Office of Protocol: [Maryam Muduroglu](#) and [Meron Foster](#).

Or fill out the form at <https://www.apec2023sf.org/get-involved>.

Business Advisory Council Chair

In July 2022, Dominic Ng, Chairman and CEO of East West Bank, was appointed by President Joe Biden to [chair the APEC Business Advisory Council \(ABAC\)](#) during the United States' APEC host year in 2023. In this role, Mr. Ng has been working closely with other ABAC members on recommendations reflecting the perspectives of key APEC stakeholders that they will present to APEC Leaders during APEC Economic Leaders' Week in November.

East West Bank is represented on the California Chamber of Commerce Board of Directors.

Created in 1995, ABAC consists of up to three business representatives from each APEC economy and is a key component of APEC's multi-stakeholder approach to trade and economic policies. ABAC members are appointed by their respective Presidents or Prime Ministers. Throughout the year, ABAC meets to discuss policy recommendations and undertakes activities to promote trade and investment as well as sustainable and inclusive growth.

APEC CEO Summit

The APEC CEO Summit will take place in San Francisco, November 15–17, overlapping with the Leaders Summit. The Summit will bring approximately 1,200 CEOs, thought leaders, and other stakeholders together with political leaders from the Asia-Pacific for three days of robust dialogue and engagement on global challenges, including climate change, equitable growth, global health, and supply chain resilience that are shaping economic, environmental, and societal trends in the region.

More information on the CEO Summit can be found at <https://apecceosummit2023.com/>.

APEC Facts

Formed in 1989, APEC serves as a multilateral forum in which Asian and Pacific economies can solve economic

problems and cooperate in developing key economic sectors. The APEC economies are: Australia, Brunei Darussalam, Canada, Chile, People's Republic of China, Hong Kong, Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, Republic of the Philippines, Russia, Singapore, Chinese Taipei, Thailand, United States and Vietnam.

The 21 APEC economies represent approximately 60% of world gross domestic product (GDP), nearly 50% of world trade and 40% of the global population.

APEC commitments to promoting regional economic integration and trade, making trade and business easier across borders, supply chain connectivity, energy efficiency and renewables, and making sure growth is inclusive for everyone have seen great benefits for the region thus far as regional trade has increased multifold, with tariffs falling dramatically.

According to APEC, growth has soared in the region with real GDP and per capita income increasing, lifting millions out of poverty and creating a flourishing middle class.

California-APEC Trade

In 2022, California exported \$129.89 billion to APEC, 10.4% of the national total. Of total California exports to APEC, 22.8% consisted of computer and electronics (\$29.66 billion). Other top exports included non-electrical machinery, transportation equipment, processed foods and chemicals. California imported \$406.13 billion from APEC in 2022, 30.8% of which was made up of computers and electronic products.

Other top imports included transportation equipment, electrical equipment, miscellaneous manufactured goods, and non-electrical machinery. In 2022, California was the top importing state from APEC and the second largest exporting state to the region.

CalChamber Position

The CalChamber, in keeping with longstanding policy, enthusiastically supports free trade worldwide, expansion

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CalChamber Status Update Report on Major Legislation for Business

The following list summarizes top priority bills for the California Chamber of Commerce and their status as of July 14, when the Legislature began its summer recess.

Within each subject area, the list presents bills in order of priority with the highest priorities at the top.

The CalChamber will publish a second status report in September, showing

the status of priority legislation when the Legislature begins its interim recess on September 14.

October 14 is the last day for the Governor to sign or veto bills passed by the Legislature on or before September 14 and in his possession after September 14.

Bills signed by the Governor will become law on January 1, 2024. Urgency, tax and budget-related measures go into

effect immediately upon being signed. In those cases, the date the Governor signed the bill is noted.

Each fall, the CalChamber publishes a record of legislators' votes on key bills affecting the California business climate. Generally, the bills selected for the vote record have appeared in one of the status reports. This year's vote record is scheduled to be published on November 3.

Status of legislative action on bills as of July 14, 2023. Dates listed are the date the bill was assigned to a committee, the latest date of committee action, the next hearing date or when the bill reached the Senate or Assembly floor, unless action is stated.

Subject—CalChamber Position	Status
Agriculture, Food and Natural Resources	
Investment Ban. SB 224 (Hurtado; D-Sanger) Prohibits foreign governments from owning or leasing agricultural land, limiting ability for farmers to get mortgages and invest in their operations. Oppose Unless Amended.	Senate Appropriations Suspense File 5/1/23
Smoke Exposure Study. AB 54 (Aguilar-Curry; D-Winters) Creates an advisory committee to study impacts of wildfire smoke on grapes and wine and investigate ways to prevent or minimize smoke damage. Support.	Assembly Appropriations Suspense File 4/19/23; Failed Deadline
Product Regulation. AB 363 (Bauer-Kahan; D-Orinda) Presupposes outcomes of Department of Pesticide Regulation review of neonicotinoid insecticides and dictates regulation of those products. Oppose.	Senate Appropriations 7/6/23
Product Regulation. AB 652 (Lee; D-San Jose) Increases regulatory red tape through creating a duplicative advisory committee. Oppose.	Senate Appropriations 7/5/23
Air Quality	
Emission Reduction Credit System. AB 985 (Arambula; D-Fresno) Arbitrarily dismantles a program established by a local air district to allow for the voluntary reduction of emissions beyond current requirements. Oppose.	Senate Appropriations 7/6/23
Banking and Finance	
Fraudulent Financial Transactions. SB 278 (Dodd; D-Napa) Makes it easier for consumer attorneys to sue banks and financial institutions for fraud on elder customers when banks do not have actual knowledge of fraud. Oppose.	Senate Banking and Financial Institutions 6/1/23; Failed Deadline

Subject—CalChamber Position	Status
Budget	
State Budget Bill, v.2. AB 102 (Ting; D-San Francisco) Updates the state budget and appropriates money to re-start the Industrial Welfare Commission, but limits its authority to change regulations that will unduly burden employers. Oppose.	Signed—Chapter 38 7/10/23
State Budget Bill, v.2. SB 102 (Skinner; D-Berkeley) Updates the state budget and appropriates money to re-start the Industrial Welfare Commission, but limits its authority to change regulations that will unduly burden employers. Oppose.	Assembly Budget 6/29/23
Corporate Tax Hike. SB 220 (Committee on Budget and Fiscal Review) Increases the corporate tax rate to 10.99% for many California employers which will drive them out of the state and decrease the revenue they contribute to the General Fund. Oppose/ Job Killer 2023.	Senate Budget and Fiscal Review 5/25/23
California Environmental Quality Act (CEQA)	
Streamlines Critical Infrastructure from CEQA. AB 914 (Friedman; D-Glendale) Supports timely permitting of critically needed clean energy infrastructure by exempting from the requirements of the California Environmental Quality Act (CEQA) any expansion, upgrade or modification to an electrical infrastructure project or the construction of new, expanded or upgraded electrical substations or line facilities in California. In doing so, the bill will protect these clean energy projects from delays and frivolous litigation. Support.	Senate Appropriations 7/13/23
Streamlines Housing. AB 356 (Mathis; R-Porterville) Extends the sunset contained in AB 2341 (Mathis) that provides aesthetic impacts are not a CEQA impact for any project involving the refurbishment, conversion, repurposing or replacement of an existing building into housing. Support.	To Governor 7/13/23
Climate Change	
Corporate Climate Accountability Act. SB 253 (Wiener; D-San Francisco) Imposes a mandatory climate tracking, and auditing on climate emissions that will fall heavily on all California businesses, impacting competitiveness and increasing costs. Oppose.	Assembly Appropriations 7/12/23
Greenhouse Gases. AB 9 (Muratsuchi; D-Torrance) Imposes additional evaluation criteria on California's cap-and-trade program that will lead to market instability and increased costs for consumers. Job Killer status removed due to April 17, 2023 amendments, but CalChamber remains opposed. Oppose/ Former Job Killer 2023.	Assembly Inactive File 6/1/23
Arbitrary Greenhouse Gas Target. SB 12 (Stern; D-Canoga Park) Arbitrarily changes the State's greenhouse gas reduction goal from 40% of 1990 levels by 2030 to 55%. By the State's own estimate this proposal will force 17 million gas-powered cars off the road in the next 10 years. Oppose/ Job Killer 2023.	Senate Appropriations Suspense File 5/15/23; Failed Deadline
Voluntary Carbon Emissions Offsets. AB 1305 (Gabriel; D-Woodland Hills) Imposes duplicative reporting requirements on buyers and sellers of carbon offsets participating in the voluntary carbon offset market. Oppose.	Senate Appropriations 7/11/23
Climate-Related Financial Risk. SB 261 (Stern; D-Canoga Park) Requires any business with revenues over \$500 million annually to prepare a climate financial risk assessment on its holdings including any supply chain assets. Oppose.	Assembly Appropriations 7/12/23

Subject—CalChamber Position	Status
Carbon Dioxide Removal. SB 308 (Becker; D-Menlo Park) Duplicates existing programs to create an added layer of compliance obligations.	Assembly Natural Resources 6/8/23; Failed Deadline
Low Carbon Fuel Standard. SB 709 (Allen; D-Santa Monica) Establishes arbitrary standards for the Low Carbon Fuel Standard which would strand hundreds of millions of dollars in investments toward a key methane emissions reduction program. Oppose.	Senate Appropriations Suspense File 5/1/23; Failed Deadline
Low-Methane Natural Gas. SB 781 (Stern; D-Canoga Park) Originally included procurement requirements of certified low-methane natural gas on state entities. Opposition removed after clarification that those requirements would not lead to added costs for ratepayers. Neutral.	Assembly Appropriations 7/12/23

Crime

Organized Cargo Theft. AB 523 (Vince Fong; R-Bakersfield) Expands definition of organized retail theft to include thefts that occur from cargo containers. Support.	Assembly Public Safety 2/17/23; Failed Deadline
Combatting Retail Theft. AB 1708 (Muratsuchi; D-Torrance) Increases criminal penalties for repeat retail theft offenders. Support.	Assembly Public Safety 4/17/23; Failed Deadline

Education

Community College Districts Student Housing. AB 358 (Addis; D-Morro Bay) Eases construction of student housing by easing compliance with Field Act. Support.	Signed—Chapter 83
Truck Driver Shortage Through Student Financial Aid. AB 376 (Villapudua; D-Stockton) Adjusts Cal Grant C award to increase training for truck drivers and helps address existing supply chain issues. Support.	Senate Appropriations 7/12/23
Report on Cybersecurity Regional Alliances Pilot Program. AB 569 (Garcia; D-Coachella) Requires reporting to legislature on existing Cybersecurity Regional Alliances and Multistakeholder Partnerships Pilot Program. Support.	To Governor 7/13/23
Workplace Law Education and Work Permits. AB 800 (Ortega; D-San Leandro) Adjusts educational curriculum to add emphasis to labor movement history and its positive contributions, as well as suggesting a labor-sponsored think tank prepare a form for distribution to all students seeking work permits. Oppose.	Senate Appropriations 7/12/23
Vocational Training Information for Inmates. AB 857 (Ortega; D-San Leandro) Requires the Department of Corrections and Rehabilitation, upon the release of an individual from prison, to provide a form to sign up for the vocational rehabilitation and independent living services provided by the Department of Rehabilitation. Support.	Senate Appropriations 7/3/23
Personal Finance Education. AB 984 (McCarty; D-Sacramento) Requires high school students complete a one-semester course in economics, including personal finance, as part of their history-social science curriculum. Support.	Assembly Inactive File 5/31/23; Failed Deadline

Subject—CalChamber Position	Status
Computer Science Education for All Students. AB 1054 (Berman; D-Palo Alto) Requires each school district or charter school offering high school coursework to adopt a plan to provide at least one course in computer science education by the 2025–2026 school year. Support.	Senate Appropriations 7/12/23
Computer Science Teaching Workgroup. AB 1251 (Luz Rivas; D-San Fernando Valley) Convenes a workgroup to examine which teaching credentials should additionally authorize computer science teaching, with the eventual goal of increasing computer science classes by increasing teacher availability. Support.	Senate Appropriations Suspense File 6/26/23
Improvements to the Community College System’s Economic and Workforce Development Program. AB 1370 (Ta; R-Westminster) Extends the existing Economic and Workforce Development Program indefinitely, as well as modernizing various portions. Support.	Senate Appropriations Suspense File 7/3/23
Student Achievement Data. SB 293 (Grove; R-Bakersfield) Requires information from the annual California Assessment of Student Performance and Progress (CASPP) be posted online annually by a specified date. Support.	Assembly Appropriations 6/28/23
Middle Class Scholarship Program at Community Colleges. SB 307 (Ashby; D-Sacramento) Expands existing scholarship programs to also cover current or former foster youth pursuing transfer to a 4-year college or technical education certificate. Support.	Assembly Higher Education 6/1/23; Failed Deadline
Financial Literacy for California Students. SB 342 (Seyarto; R-Murrieta) Requires the commission on history-social science to add age-appropriate financial education for students in grades 1–12 as part of the next curriculum revision. Support.	Senate Education 2/15/23; Failed Deadline

Elections and Fair Political Practices

Dismantles Referendum Process. AB 421 (Bryan; D-Los Angeles) Dramatically changes state’s direct democracy process to essentially eliminate the ability for anyone to qualify a referendum. Oppose.	Senate Appropriations 7/10/23
Bans Political Contributions. AB 83 (Lee; D-San Jose) This unconstitutional proposal bans corporations with 50% or more of foreign investment from contributing to campaigns or independent expenditures. Oppose.	Assembly Inactive File 6/1/23
Burdens on Political Speech. AB 868 (Wilson; D-Suisun City) Requires State’s Fair Political Practices Commission (FPPC) to set up massive new database and bureaucracy to manage and compile most digital advertisements, which can already be tracked via Secretary of State. Oppose.	Senate Appropriations 7/11/23
Signature Verification. AB 1004 (Ta; R-Westminster) Streamlines the ability for Californians to ensure that their voice is heard in the initiative and referendum process. Support.	Assembly Appropriations Suspense File 5/10/23; Failed Deadline
Clarifying Local Bond Measures. SB 798 (Glazer; D-Contra Costa) Makes local bond measures easier to understand for voters by simplifying the ballot description of the amount of new taxes a property owner would pay. Support.	Assembly Floor 6/15/23
Ballot Measure Transparency. SB 858 (Niello; R-Sacramento) Removes the politics from the ballot measure process by ensuring the Legislative Analyst’s Office completes title and summary rather than Attorney General. Support.	Senate Appropriations Suspense File 5/1/23; Failed Deadline

Subject—CalChamber Position	Status
Ballot Measure Transparency. SCA 3 (Niello; R-Sacramento) Removes the politics from the ballot measure process by ensuring the Legislative Analyst’s Office completes title and summary rather than Attorney General. Support.	Senate Appropriations 5/8/23

Energy

Windfall Profits Tax. SBX1 2 (Skinner; D-Berkeley) Sets an arbitrary cap on the amount of profits that a refiner operating in the state of California can earn over a quarterly basis. This measure would further diminish supply, discourages operational efficiencies, and would limit the amount of capital a refiner could reinvest into their infrastructure to support California’s long-term climate goals. Oppose/ Job Killer 2023 .	Signed—Chapter 1, First Extraordinary Session 3/28/23
Multistate Regional Transmission Organization. AB 538 (Holden; D-Pasadena) Defines a process by which the California Independent System Operator can join a multistate regional transmission organization that will further enhance reliability and generate savings for electricity customers. Support.	Assembly Appropriations 4/27/23; Failed Deadline
Public Purpose Program Costs. AB 982 (Villapudua; D-Stockton) Lessens impact to all ratepayers by offsetting costs associated with the Public Purpose Program with General Fund dollars. Support.	Assembly Appropriations Suspense File 4/26/23; Failed Deadline
Electricity Bill Stability. AB 1513 (Calderon; D-Whittier) Creates a financing mechanism to better manage costs associated with infrastructure improvements for the purpose of resiliency, reliability, and safety. Support.	Assembly Appropriations Suspense File 5/17/23; Failed Deadline
Electrical Transmission Facility Projects. SB 420 (Becker; Menlo Park) Reduces approvals required for upgrades to existing projects and new projects at the sub-transmission and distribution level located in designated areas. Support.	Assembly Appropriations 7/12/23
Transportation Network Companies: Participating Drivers: Vehicle Inspections. SB 429 (Bradford; D-Gardena) Streamlines vehicle inspections process for rideshare drivers by allowing for remote or virtual inspections. Support.	Assembly Appropriations 7/12/23

Environmental Regulation

Oil and Gas Wells: Civil Liability. SB 556 (Gonzalez; D-Long Beach) Sets disturbing precedent by creating liability without proof for oil well owners/operators if individuals who lived within 3,200 feet of a wellhead develop certain health conditions. Oppose.	Senate Appropriations Suspense File 5/15/23; Failed Deadline
EPR Program Textiles and Apparel. SB 707 (Newman; D-Fullerton) Establishes the first extended producer responsibility (EPR) program in California for almost all textiles and many household apparel items under an untested concept that could overwhelm CalRecycle and the businesses tasked with implementing such a program. Failure could constrain supply chains and increase costs on everyday items Californians rely on, from shirts, pants and undergarments to diapers and bibs. Oppose.	Assembly Natural Resources 6/15/23; Failed Deadline

Subject—CalChamber Position	Status
Gaming/Alcohol	
Food and Beverage Service. AB 1217 (Gabriel; D-Woodland Hills) Extends existing regulatory modifications that allow neighborhood restaurants to continue to serve the public in expanded, outdoor dining areas. Support.	Senate Appropriations; 7/12/23
Hazardous Waste	
Allows Proprietary Information to be Shared Publicly. SB 244 (Eggman; D-Stockton) Forces manufacturers of devices and equipment to treat any alleged repair attempt the same as the manufacturer or authorized retailer and allows proprietary equipment and trade secrets to be shared with the public. Oppose.	Assembly Appropriations 7/5/23
Health Care	
Distressed Hospital Loan Program. AB 412 (Soria; D-Fresno) Creates a state loan program for non-profit and public hospitals that are either experiencing dire financial distress and in danger of closing or attempting to reopen. Support.	Senate Health 6/14/23
Health Care Cost Driver. AB 874 (Weber; D-San Diego) Increases premiums for California's employers by requiring health plans, insurers, and pharmacy benefit managers (PBM) take any amounts paid for an enrollee or insured's out-of-pocket expenses using a discount, repayment, product voucher, or other reduction and count them toward their health plan or policy's cost-sharing requirement. Oppose.	Assembly Health 2/23/23; Failed Deadline
Pharmacy Network Disruption. AB 913 (Petrie-Norris; D-Irvine) Limits the use of preferred pharmacy networks and financial incentives which will lead to increased drug costs for patients. Oppose Unless Amended.	Assembly Business and Professions 3/16/23; Failed Deadline
Dental Benefit Cost Driver. AB 1048 (Wicks; D-Oakland) Increases premiums for California's employers and employees by prohibiting plans and insurers that cover dental services from imposing dental waiting periods or preexisting condition provisions. Oppose.	Senate Appropriations Suspense File 7/10/23
Durable Medical Equipment Mandate. AB 1157 (Ortega; D-San Leandro) Increases premiums for California's employers and employees by requiring health plans and insurers to cover rehabilitative and habilitative services including durable medical equipment (DME), services, and repairs. Oppose.	Senate Appropriations 7/12/23
Prohibits STI Cost Sharing. AB 1645 (Zbur; D-West Hollywood) Increases premiums for California's employers and employees by prohibiting health plans and insurers from imposing cost sharing requirements for coverage of recommended sexually transmitted infection (STI) screening. Oppose.	Senate Appropriations 7/12/23
Prescription Drug Cost Driver. SB 70 (Wiener; D-San Francisco) Increases premiums for California's employers and employees because it would prohibit limiting or excluding coverage of a drug, dose of a drug, or dosage form of a drug that is prescribed for off-label use if the drug has been previously covered for a chronic condition or cancer, regardless of whether the drug, dose, or dosage form is on the plan's or insurer's formulary. Oppose.	Assembly Appropriations 6/29/23
Increases Health Care Costs. SB 90 (Wiener; D-San Francisco) Increases health care costs by capping cost sharing for insulin prescriptions at \$35 for 30-day supply. Oppose.	Assembly Appropriations 6/20/23

Subject—CalChamber Position	Status
Expensive Diagnostic Imaging Mandate. SB 257 (Portantino; D-La Cañada Flintridge) Increases premiums for employers and employees by mandating plans and insurers provide coverage without imposing cost sharing for follow up screening mammography and medically necessary diagnostic breast imaging. Oppose.	Assembly Appropriations 6/27/23
Costly Coverage Mandate. SB 427 (Portantino; D-La Cañada Flintridge) Increases premiums for employers and employees by mandating health plans and insurers cover all U.S. Food and Drug Administration (FDA)-approved or Centers for Disease Control and Prevention (CDC)-recommended antiretroviral drugs, products, and devices (ARVs) for HIV/AIDS with no cost sharing or utilization review requirements. Oppose.	Assembly Appropriations 7/11/23
Expensive Gold Card Program. SB 598 (Skinner; D-Berkeley) Prevents health plans and insurers from requiring certain contracted health care providers obtain a prior authorization (PA) for any health care services if those providers meet certain PA approval thresholds. Increases health care costs by eradicating an effective cost control measure, leading to higher premiums for California's employers. Oppose.	Assembly Appropriations 7/11/23
Pharmaceutical Cost Containment. SB 621 (Caballero; D-Merced) Reduces pharmaceutical costs and premiums for employers by allowing plans and insurers to utilize less expensive but equally as effective biosimilar drugs prior to administering a reference biologic. Support.	Assembly Appropriations 6/20/23
Health Care Cost Driver. SB 729 (Menjivar; D-Los Angeles) Increases health care costs by mandating plans and insurers provide coverage for fertility services to diagnose and treat infertility, including in vitro fertilization. Oppose.	Assembly Appropriations 7/11/23
Government-Run Health Care. SB 770 (Wiener; D-San Francisco) Directs the state to create a workgroup to petition the federal government to redirect hundreds of billions of dollars in Medicare and Medi-Cal funding to a costly new, untested state-run health care system. Oppose.	Assembly Appropriations Suspense File 7/12/23
Increases Health Care Premiums. SB 873 (Bradford; D-Gardena) Increases health care premiums by requiring an enrollee or insured's prescription drug cost sharing be calculated at the point of sale (POS) based on a price that is reduced by an amount equal to 90% of all rebates received, or to be received, in connection with the dispensing or administration of the drug. Oppose.	Assembly Appropriations 7/11/23

Housing and Land Use

De Facto Ban of Warehouses. AB 1000 (Reyes; D-San Bernardino) Mandates a statewide setback of 1,000 feet from sensitive receptors for all new or expanded logistics use facilities, regardless of environmental impacts, establishing a <i>de facto</i> ban. Also creates a new private right of action in California. Oppose/ Job Killer 2023 .	Failed passage in Assembly Local Government, 4/26/23; Reconsideration granted; Failed Deadline
Quashes Housing. AB 68 (Ward; D-San Diego) Worsens California's existing housing crisis by preventing local governments from permitting new housing units in most of their jurisdictions. Oppose/ Job Killer 2023 .	Assembly Housing and Community Development 3/16/23; Failed Deadline
Costly Housing Mandate. AB 919 (Kalra; D-San Jose) Creates a cumbersome new process and invites costly lawsuits by forcing owners of residential property to offer tenants first right to buy the rental property before placing their property on the open marketplace. The process is convoluted and sets up a costly, unrealistic extended timeline that creates a back-and-forth between the landlord and tenant that forces landlords to respond to any and every demand from the tenant or risk lawsuits, thereby stalling the sale of a property for months. Oppose.	Assembly Judiciary 2/23/23; Failed Deadline

Subject—CalChamber Position	Status
Better Housing Data. SB 405 (Cortese; D-San Jose) Requires local governments to effectively ensure that land they count as available for housing for purposes of regional housing needs allocation (RHNA) number compliance in their housing element is actually going to be available for housing. Such a policy will provide better data to decisionmakers who rely on data provided by locals to craft and make land use policies and decisions. Support.	Senate Appropriations Suspense File 5/15/23; Failed Deadline
Ban on Criminal Background Checks: Residential. SB 460 (Wahab; D-Hayward) Prohibits some, but not all, landlords from being able to run criminal background checks before renting to prospective tenants, thereby jeopardizing the owners' ability to choose whom to safely rent their property to. Oppose.	Senate Judiciary 2/22/23; Failed Deadline
Labor and Employment	
Special Benefits for Workers. SCA 7 (Umberg; D-Santa Ana) This bill enshrines in the California Constitution unnecessary and unprecedented special benefits that will damage government operations and performance, destabilize the California economy, and is rife with unintended consequences. Oppose.	Senate Elections and Constitutional Amendments 6/26/23
Costly Sick Leave Expansion on All Employers. SB 616 (Gonzalez; D-Long Beach) Imposes new costs and leave requirements on employers of all sizes, by more than doubling existing sick leave mandate, which is in addition to all other enacted leave mandates that small employers throughout the state are already struggling with to implement and comply. Oppose/ Job Killer 2023.	Assembly Appropriations 6/28/23
Prohibits Consideration of Conviction History in Employment. SB 809 (Smallwood-Cuevas; D-Los Angeles) Prohibits nearly every employer from considering conviction history of an applicant or existing employee in employment decisions and imposes cumbersome process on employers that are legally not allowed to hire individuals with certain convictions. Oppose/ Job Killer 2023.	Senate Appropriations Suspense File 5/8/23; Failed Deadline
Bans Employer Speech. SB 399 (Wahab; D-Hayward) Chills employer speech regarding religious and political matters, including unionization. Is likely unconstitutional under the First Amendment and preempted by the National Labor Relations Act. Oppose/ Job Killer 2023.	Assembly Appropriations 7/11/23
Onerous Return to Work Mandate. SB 627 (Smallwood-Cuevas; D-Los Angeles) Imposes an onerous and stringent process to hire employees based on seniority alone for nearly every industry, including hospitals, retail, restaurants, and movie theaters, which will delay hiring and eliminates contracts for at-will employment. Oppose/ Job Killer 2023.	Assembly Appropriations 7/12/23
Public Prosecutor Enforcement. AB 594 (Maienschein; D-San Diego) Allows all public prosecutors to enforce significant portion of the Labor Code, risking inconsistent enforcement and with no protection against additional recovery under a subsequent Private Attorneys General Act (PAGA) lawsuit. Oppose.	Senate Appropriations 7/11/23
Expansion of Litigation Under FEHA. AB 524 (Wicks; D-Oakland) Exposes employers to costly litigation under the Fair Employment and Housing Act by asserting that any adverse employment action was in relation to the employee's family caregiver status, which is broadly defined to include any employee who contributes to the care of any person of their choosing, and creates a <i>de facto</i> accommodation requirement that will burden small businesses. Oppose/ Job Killer 2023.	Senate Appropriations 7/12/23
Grocery Workers. AB 647 (Holden; D-Pasadena) Significantly expands statute related to successor grocery employers, including disrupting ability for independent small stores to join together, expands number of workers covered under the law, and creates a significant new private right of action. Oppose/ Job Killer 2023.	Senate Appropriations 7/13/23

Subject—CalChamber Position	Status
Onerous Return to Work Mandate. SB 723 (Durazo; D-Los Angeles) Imposes an onerous and stringent process for specific employers to return employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, and removes guardrails on existing law by making mandate permanent and significantly broadening the applicability of the law. Oppose/ Job Killer 2023 .	Assembly Appropriations Suspense File 7/12/23
Costly Minimum Wage Increase. SB 525 (Durazo; D-Los Angeles) Imposes significant cost on health care facilities and any employer who works with health care facilities by mandating increase in minimum wage to \$25. Oppose/ Job Killer 2023 .	Assembly Appropriations 7/12/23
Franchise Joint Liability. AB 1228 (Holden; D-Pasadena) Creates joint liability between franchisee and franchisor, destroying franchise model in California. Oppose.	Assembly Judiciary 6/28/23; Failed Deadline
WARN Act Expansion. AB 1356 (Haney; D-San Francisco) Significantly expands WARN Act by increasing notice period, changing definition of covered establishment, and expanding applicability to workers under overly broad definition of “employee of a labor contractor.” Oppose.	Senate Appropriations; 7/11/23
Improved Labor Law Compliance. SB 592 (Newman; D-Fullerton) Requires labor law guidance to be translated into commonly spoken languages in California and protects business owners from being penalized if they relied in good faith on guidance issued by the Division of Labor Standards Enforcement (DLSE). Sponsor/Co-Sponsor/ Job Creator 2023 .	Senate Labor, Public Employment and Retirement 2/22/23; Failed Deadline
Flexible Workweek. SB 703 (Niello; R-Sacramento) Allows for an employee-selected flexible work schedule and relieves employers of the administrative cost and burden of adopting an alternative workweek schedule per division, which accommodates employees, helps retain employees, and allows the employer to invest these savings into growing its workforce. Support/ Job Creator 2023 .	Senate Labor, Public Employment and Retirement 3/1/23; Failed Deadline
Sick Leave Reform. SB 881 (Alvarado-Gil; D-Jackson) Significantly improves employers’ ability to implement California mandatory paid sick leave and curb attempts to take leave for impermissible purposes. Support.	Senate Labor, Public Employment and Retirement 3/29/23; Failed Deadline
Non-Compete Agreements. AB 747 (McCarty; D-Sacramento) Jeopardizes benefits programs by prohibiting employers from offering certain bonuses or tuition payments and imposes steep, mandatory \$5,000 per employee penalty on business of any size if it is determined that their program or policy qualifies as a non-compete. Oppose.	Assembly Inactive File 6/1/23; Failed Deadline
Grocery Stores. AB 853 (Maienschein; D-San Diego) Requires grocery stores, including independent stores, to send unnecessary notice to Attorney General that includes proprietary information. Oppose.	Senate Appropriations 7/13/23
Website Accessibility. AB 950 (Maienschein; D-San Diego) Outlines requirements for filing civil action based on website accessibility; creates presumption of compliance. Support If Amended.	Assembly Appropriations Suspense File 5/10/23; Failed Deadline
Rest Periods for Direct Support Workers. AB 1031 (Blanca Rubio; D-Baldwin Park) Appropriately modifies existing rest period laws to meet needs of direct support workers who must supervise individuals with disabilities who are under their care. Support.	Assembly Labor and Employment 3/23/23; Failed Deadline

Subject—CalChamber Position	Status
Electronic Notices. AB 1355 (Valencia; D-Anaheim) Allows workers to request certain employment notices to be delivered electronically rather than in paper, benefiting both workers and the environment. Support.	Senate Floor 6/29/23
Call Centers. AB 1381 (Weber; D-San Diego) Increases costs of state contracts by requiring call center operations to be located in California where contract is unrelated to call center services. Oppose.	Assembly Governmental Organization 6/14/23; Failed Deadline
Minimum Wage Working Group. AB 1516 (Kalra; D-San Jose) Requires convening of working group regarding minimum wage increase that does not include employer representatives, which undermines purpose and objectivity of the proposed working group. Oppose Unless Amended.	Assembly Inactive File 5/31/23; Failed Deadline
Airline Worker Benefits. SB 41 (Cortese; D-San Jose) Creates exception to California's overly rigid meal and rest break rules for flight crew employees who are covered under collective bargaining agreement. Support.	Signed—Chapter 2 3/23/23
Veterans Hiring Preference. SB 73 (Seyarto; R-Murrieta) Allows employers to take advantage of federal tax credit by clarifying that establishing a veterans hiring preference policy does not violate the Fair Employment and Housing Act. Support.	Assembly Judiciary 6/21/23; Failed Deadline
PAGA Notices. SB 330 (Niello; R-Sacramento) Makes common-sense reforms to required content of Private Attorneys General Act (PAGA) notices to provide employers with additional information about alleged Labor Code violations. Support.	Senate Labor, Public Employment and Retirement 3/29/23; Failed Deadline
90-Day Retaliation Presumption. SB 497 (Smallwood-Cuevas; D-Los Angeles) Implements 90-day retaliation presumption for certain claims, which is unnecessary in light of existing case law and will waste judicial resources by allowing claims to continue regardless of their merit. Oppose.	Assembly Appropriations 7/12/23
Mandatory Severance. SB 725 (Smallwood-Cuevas; D-Los Angeles) Unnecessarily requires grocery stores to pay mandatory severance, which should be left to the discretion of the employer. Oppose.	Assembly Labor and Employment 7/12/23
Reproductive-Related Bereavement Leave. SB 848 (Susan Rubio; D-Baldwin Park) Requires employers to provide five days of bereavement leave for various reasons related to fertility, adoption, and surrogacy with no cap on total time that may be taken. Oppose Unless Amended.	Assembly Appropriations Suspense File 7/12/23

Legal Reform

Undermines Arbitration. SB 365 (Wiener; D-San Francisco) Discriminates against use of arbitration agreements by requiring trial courts to continue trial proceedings during any appeal regarding the denial of a motion to compel, undermining arbitration and divesting courts of their inherent right to stay proceedings. Oppose/ Job Killer 2023.	Assembly Appropriations Suspense File; 7/12/23
Consumer Protection around Ticket Sales. AB 8 (Friedman; D-Glendale) Originally included language that would have protected ticket scalping techniques, hurting fans and artists. Opposition removed after June 19, 2023 amendments removed these provisions. Neutral.	Senate Appropriations 7/11/23
Hotel/Rental Pricing. AB 537 (Berman; D-Palo Alto) Requires hotels and short-term rentals include all taxes and fees in initially displayed price, making California look less competitive than other states where such listings do not include similar taxes and fees. Oppose.	Senate Appropriations 6/29/23

Subject—CalChamber Position	Status
Requiring Additional Proof to Collect Debts in Court. AB 1414 (Kalra; D-San Jose) Disallows a longtime practice of using so-called “book accounts” or “common counts” to prove a debt, and instead requires original contracts and/or documents. Particularly problematic for collection of long-term debts, such as credit cards. Oppose.	Senate Floor 7/10/23
Limited and Small Claims Jurisdiction. SB 71 (Umberg; D-Santa Ana) Expands jurisdiction of small claims and limited case courts to higher monetary thresholds without expanding discovery proportionately. Oppose.	Assembly Appropriations 7/11/23
Stakeholder Input in Regulatory Economic Analysis. SB 279 (Niello; R-Sacramento) Allows stakeholders to provide public comment on the Standardized Regulatory Impact Assessment (SRIA), including commenting on whether a proposed regulation should qualify for SRIA analysis and whether such analysis is accurate. Support.	Senate Appropriations Suspense File 5/8/23; Failed Deadline
New Duplicative Enforcement Authority for the Attorney General. SB 478 (Dodd; D-Napa) Allows the Attorney General and other public attorneys to pursue any potential false advertising under the Consumer Legal Remedies Act, which would allow a private right of action. Notably, the Attorney General can already pursue false advertisers under the existing False Advertising Law. Oppose.	Assembly Privacy and Consumer Protection 7/11/23
Right to Cure. SB 585 (Niello; R-Sacramento) Provides businesses with time to cure an alleged Americans with Disabilities Act (ADA) violation to curb frivolous litigation. Support.	Assembly Judiciary 6/8/23; Failed Deadline

Low/Zero-Emission Vehicles

Bi-Directional Charging. SB 233 (Skinner; D-Berkeley) Imposes a cost on auto manufacturers to include bi-directional charging capabilities by an arbitrarily established date. Oppose Unless Amended.	Assembly Appropriations 7/12/23
Conversion to Zero-Emission Vehicles. SB 301 (Portantino; D-La Cañada Flintridge) Incentivizes production of zero-emission vehicle parts in the state, increasing manufacturing and jobs, by offering a rebate for zero-emissions vehicle conversions. Support/ Job Creator .	Assembly Appropriations 6/26/23

Other

Flavored Tobacco Ban Enforcement. AB 935 (Connolly; D-San Rafael) Originally banned sales of all tobacco products to individuals born in or after 2007. Opposition removed after gut and amend on April 13, 2023 to allow flavored tobacco ban to be enforced in the same manner as law governing the sale of tobacco to underage persons. Neutral.	Senate Appropriations 7/10/23
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Public Employment Retirement System (PERS)

Increased Fiscal Analysis for Pension Legislation. SB 300 (Seyarto; R-Murrieta) Increases information for elected officials considering divestment legislation affecting the public employees’ retirement fund by requiring the Legislative Analyst’s Office to prepare an economic analysis on each piece of proposed legislation. Support.	Senate Appropriations Suspense File 5/15/23; Failed Deadline
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Subject—CalChamber Position	Status
Privacy and Cybersecurity	
<p>Bias and Discrimination Through Automated Decision Tools. AB 331 (Bauer-Kahan; D-Orinda) Regulates all uses of automated decision tools (ADT) making consequential decisions with overly broad prescriptive mandates on how ADT developers/deployers assess and deploy the tools, including by conducting non-confidential impact assessments and requiring notice and opportunity to opt-out to be provided to individuals subject to an ADT. Makes “algorithmic discrimination” violations subject to a private right of action or civil enforcement action. Sets penalties up to \$10,000 for each failure to submit the mandated ADT assessment to the Civil Rights Department and allows CRD to share these assessments for any purpose with other state agencies. Oppose.</p>	<p>Assembly Appropriations Suspense File 5/17/23; Failed Deadline</p>
<p>Timeline for Enforcing Privacy Act. AB 1546 (Gabriel; D-Woodland Hills) Extends the time within which the Attorney General (AG) may begin civil enforcement actions under the California Consumer Privacy Act (CCPA) from one year to 5 years from the date that a cause of action accrued to seemingly provide parity with administrative actions begun by the California Privacy Protection Agency (CPPA). However, unlike CPPA administrative actions, provides no opportunity to cure before the civil action is begun. Does not toll damages if the AG could have begun enforcement within the first year, thereby allowing damages to accrue for the time before the enforcement action made the violation known to the alleged violator. Oppose.</p>	<p>Senate Appropriations 6/20/23</p>
<p>Civil Penalty for Features that Harm Children on Social Media. SB 287 (Skinner; D-Berkeley) Prohibits a social media platform from using a design, algorithm, or feature that it knows, or by exercise of reasonable care should have known, can result in any of the following for children, including (1) to receive content or messages that either facilitate the purchase of fentanyl; facilitate suicide by offering information on how to die by suicide; or offer diet pills or products, or ways to reduce eating, purge food that has been eaten, or lose weight; (2) to inflict harm on themselves or others; (3) develop an eating disorder; or (4) experience addiction to the social media platform. Provides that a platform is not in violation of the bill if it both instituted and maintained a program of at least quarterly audits, as specified, of its designs, algorithms, and features to detect such issues and corrected, within 30 days of the audit, any design, algorithm or feature discovered to present a more than <i>de minimis</i> risk of violating the bill. Any platform that knowingly and willingly violates these provisions is subject to a civil penalty not to exceed \$250,000 per violation, an injunction, and an award of litigation costs and attorney’s fees. Oppose.</p>	<p>Senate Inactive File 6/1/23</p>
<p>Declaring Social Media Platforms a “Traditional First Amendment Forum.” AB 836 (Essayli; R-Corona) Declares any social media platform “located in California” to be a traditional First Amendment forum, as set forth in <i>PruneYard Shopping Center v. Robbins</i> (1980) 447 U.S. 74, and requires them to develop a policy or mechanism to address content or communications that constitute unprotected speech. Ultimately impedes companies’ ability to moderate illegal content on their platforms and exposes users to many forms of harmful speech (both running afoul of the First Amendment and the Section 230 preemption clause of the Communications Decency Act and wasting judicial resources to litigate the issue) and conflicts with recent social media laws passed by the California Legislature. For purposes of this bill, any platform with a user located in California would be considered to be “located in California” even if the person operating the platform does not operate a business in California. Oppose.</p>	<p>Assembly Judiciary 2/23/23; Failed Deadline</p>
<p>Fees for Content Clicks. AB 886 (Wicks; D-Oakland) Requires internet platforms to pay usage fee to any “eligible digital journalism provider” for the platforms’ website links to the provider’s content. Violates the First Amendment and forces social media to fund potentially misleading or otherwise problematic content; favors large conglomerates over small and independent outlets by basing fees on the number of “clicks” or views that they attract, rather than the quality of reporting or number of journalists employed; and also undermines the open internet and conflicts with copyright law, giving content creators unprecedented rights when others merely link to their work. Oppose.</p>	<p>Senate Judiciary 6/14/23; Failed Deadline</p>

Subject—CalChamber Position	Status
<p>Controlled Substances Online. AB 1027 (Petrie-Norris; D-Irvine) Originally sought to require a social media platform to not only maintain a record of all communications, including private messages, between users, but also made the content of those messages subject to significant liability, raising serious privacy concerns around content retention requirements as well as First Amendment and federal preemption issues. Opposition removed after April 27 amendments removed the liability provisions and addressed privacy concerns, to instead provide law enforcement greater clarity about what information is retained and how long they have to file preservation requests and warrants for electronic communication information. Neutral.</p>	<p>Senate Appropriations 7/10/23</p>
<p>Social Media Platform Liability for User-Generated Content. AB 1394 (Wicks; D-Oakland) Seeks to impose liability on platforms that are actively combatting harmful content. Requires platforms to “permanently block” specific photographs or videos, or versions or reproductions that is “child sexual abuse material” from being viewable on their platforms. Imposes statutory damages of up to \$250,000 per violation for failure to meet this standard, which cannot be met technologically. Also imposes civil damages of \$5 million for any platform that knowingly or recklessly deploys “a system, design, feature, or affordance” that is a “substantial factor” in causing minors to be victims of commercial sexual exploitation. Negligent violations are subject to damages of no less than \$1 million, and up to \$4 million. Raises First Amendment issues by being overly vague and by creating incentives for platforms to overly-censor content to avoid liability and is federally preempted under Section 230. Oppose.</p>	<p>Senate Appropriations 7/13/23</p>
<p>In-Vehicle Cameras. SB 296 (Dodd; D-Napa) Originally placed overly restrictive limitations on any sharing of images and recordings collected from in-vehicle cameras, making it impossible for industry to comply due to conflicts between consent requirements and anti-discrimination requirements. Opposition removed after amendments that provide clarity and expansion of necessary exceptions to the general prohibition against sharing data with third parties. Neutral.</p>	<p>Assembly Appropriations 7/11/23</p>
<p>Privacy Registration. SB 362 (Becker; D-Menlo Park) Requires a duplicative public registry and payment for companies that manage data that is already covered by the California Privacy Protection Agency. Oppose.</p>	<p>Assembly Appropriations 7/10/23</p>
<p>Liability for Creating/ Distributing Illicit Pictures. SB 646 (Cortese; D-San Jose) Frustrates companies’ ongoing efforts to identify and remove child sexual abuse material (CSAM) as is required by federal law and informed by industry best practices, actually making it more challenging to address CSAM and exploitative content by mandating an unworkable system. Imposes a two-day window to remove, destroy, or return actionable material, which creates unintended consequences. While designed to inspire quick action, special handling requirements divert staff from other detection and reporting activities, slowing down the process of addressing illegal content. Exposes platforms to costly litigation with a private right of action. Oppose.</p>	<p>Assembly Appropriations 6/21/23</p>
<p>Civil Penalty for Features that Harm Children on Social Media. SB 680 (Skinner; D-Berkeley) Subject to significant liability, prohibits a social media platform from using a design, algorithm, or feature that it knows, or by exercise of reasonable care should have known, can result in any of the following for children, including (1) to inflict harm on themselves or others; (2) develop an eating disorder; or (3) experience “addiction” to the social media platform. Provides that a platform is not in violation if it instituted and maintained a program of at least quarterly audits of its designs, algorithms, and features to detect such issues and it, within 30 days of the audit, corrected any design, algorithm or feature discovered to present a more than <i>de minimis</i> risk of violation. Any platform that knowingly and willingly violates these provisions is subject to a civil penalty of up to \$250,000 per violation, an injunction, and an award of litigation costs and attorney’s fees in an action brought by the Attorney General or other public attorneys. Oppose.</p>	<p>Assembly Appropriations 7/13/23</p>
<p>Social Media App Requirement. SB 845 (Stern; D-Canoga Park) Requires social media companies to create an app for third party providers, but prohibits them from setting any requirements or limitations on how the third party providers would be able to interface with the company. Oppose.</p>	<p>Senate Judiciary 3/1/23; Failed Deadline</p>

Subject—CalChamber Position	Status
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Product Regulation

Chemical Ban. AB 418 (Gabriel; D-Woodland Hills) Circumvents existing processes that already assess the safety of food additives, including programs of the federal Food and Drug Administration, California Department of Public Health (which already is analyzing synthetic food dyes), and Proposition 65, arguably the most risk-averse chemical law in the world. The current regulatory environment provides significant scientific oversight where qualified regulators review hazards and risks. Oppose Unless Amended.	Senate Appropriations 7/12/23
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Recycling

Bans Critical Packaging. AB 1290 (Luz Rivas; D-San Fernando Valley) Circumvents the Circular Economy framework outlined in SB 54 (Allen-2022) by banning critically needed packaging used for products like over-the-counter medicines and to extend the shelf life of food products. Oppose.	Assembly Inactive File 5/31/23; Failed Deadline
Paper Receipt Ban. AB 1347 (Ting; D-San Francisco) Prohibits any person or entity from printing a paper receipt in California unless expressly asked for by the consumer regardless of whether that entity has that technological capability or uses paper receipt to prevent retail theft. Further, bans BPA/BPS thermal paper by 2024. Oppose Unless Amended.	Senate Appropriations 7/13/23
Unnecessary Regulations on Hotels. AB 1590 (Friedman; D-Glendale) Duplicates and conflicts with existing auditing and reporting requirements with the California Coastal Commission, County Agricultural Commission, California Department of Food and Agriculture that hotels and resorts are already subject to; creates a new whistleblower protection for any disgruntled employee to go to the media with; and conflicts with CRV and SB 54 (Allen) laws that already address single-use plastics and single-serve items. Oppose.	Assembly Natural Resources 4/11/23; Failed Deadline
Bans Plastic Gift Cards. SB 728 (Limón; D-Goleta) Prohibits the sale of plastic gift cards starting January 1, 2026, despite the fact that not every consumer is able to accommodate digital gift cards only, nor the fact that paper gift cards are less durable and more prone to being damaged or destroyed. Oppose.	Assembly Floor 7/13/23

Regulatory Reform

Non-Profits. AB 590 (Hart; D-Santa Barbara) Removes barriers to nonprofits timely receiving funds from grants and state contracts. Support.	Senate Appropriations 7/11/23
Improving CPUC Communications. AB 1068 (Valencia; D-Anaheim) Provides for greater transparency and accountability to the California Public Utilities Commission's (CPUC's) decision making process, and ensures that all interested stakeholders can participate. Support.	Senate Appropriations 7/13/23

Taxation

Wealth Tax. AB 259 (Lee; D-San Jose) Seeks to impose a massive tax increase upon all forms of personal property or wealth, whether tangible or intangible, despite California already having the highest income tax in the country. This tax increase will drive high-income earners out of the State as well as the revenue they contribute to the General Fund. Oppose/ Job Killer 2023.	Assembly Revenue and Taxation 3/30/23
Wealth Tax. ACA 3 (Lee; D-San Jose) Seeks to impose a massive tax increase upon all forms of personal property or wealth, whether tangible or intangible, despite California already having the highest income tax in the country. This tax increase will drive high-income earners out of the State as well as the revenue they contribute to the General Fund. Oppose/ Job Killer 2023.	Assembly Revenue and Taxation 3/30/23

Subject—CalChamber Position	Status
Manufacturing Tax Credit Expansion. AB 52 (Grayson; D-Concord) Expands investment and production in California by expanding the sales and use tax exemption for the purchase of manufacturing and research and development (R&D) equipment. Support/ Job Creator 2023 .	Senate Appropriations Suspense File 6/26/23
Student Loan Repayment Tax Relief. AB 509 (Vince Fong; R-Bakersfield) Exempts \$5,250 of loan repayments from an employee's gross state income when those payments are made by an employer. Support.	Assembly Appropriations Suspense File 5/18/23
Targeted Tax. AB 657 (Jackson; D-Moreno Valley) Targeted tax on candy distributors designed to fund a mental health servicing fund. Oppose	Assembly Health 3/23/23
Minimum Franchise Tax Exemption. AB 778 (Ta; R-Westminster) Provides new and struggling employers with some financial relief by exempting them from paying the \$800 minimum franchise tax until their business has earned gross receipts of at least \$20,000. Support.	Assembly Appropriations Suspense File 3/21/23
Hotel Tax Credit. AB 877 (Addis; D-Morro Bay) Establishes a tax credit for hotels, inns, or other temporary lodging that provide accommodations free of charge to a displaced person during a declared state of emergency. Support.	Assembly Appropriations Suspense File 5/17/23
Expanding Use of Net Operating Loss. AB 1105 (Petrie-Norris; D-Irvine) Permits small businesses operating in science, technology, engineering, and math (STEM) fields to sell their unused NOL carryover for at least 80% of its value. Support.	Assembly Appropriations Suspense File 4/24/23
Lowens Voter Threshold to Increase Property Taxes. ACA 1 (Aguilar-Curry; D-Winters) Overbroad constitutional amendment lowers voter approval threshold from two-thirds to 55% for affordable housing and public infrastructure, thereby providing increased tax authority for every government agency in California — not just cities and counties, but thousands of potentially overlapping special districts. Oppose.	Assembly Appropriations 7/13/23
Board of Equalization Elimination. ACA 11 (Ting; D-San Francisco) Eliminates important checks and balances between taxpayers and tax administrators by abolishing the elected State Board of Equalization (BOE). Oppose.	Assembly Revenue and Taxation 6/27/23
COVID-19 Regulatory Compliance Tax Credit. SB 375 (Alvarado-Gil; D-Jackson) Allows an employer to claim a COVID-19 regulatory compliance credit for expenses incurred as a result of following the state's stringent and expensive COVID-19 regulations. Support.	Senate Appropriations Suspense File 5/8/23; Failed Deadline
Childcare Tax Credit for Employers. SB 533 (Limón; D-Goleta) Provides California's businesses with a tax credit for startup and construction expenses associated with a childcare facility as well as costs paid for qualified care plan for their employees. Support.	Senate Appropriations 5/3/23
Targeted Tax on Short-Term Rentals. SB 584 (Limón; D-Goleta) Harms California's tourism economy by implementing a 15% tax on short-term rental stays in order to fund the Laborforce Housing Fund. Oppose.	Assembly Housing and Community Development 6/15/23

Telecommunications

Undoes Statewide Video Agreements. AB 41 (Holden; D-Pasadena) Undoes statewide video franchise agreements and creates complex and duplicative local government oversight. Oppose.	Senate Appropriations 7/13/23
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Subject—CalChamber Position	Status
Digital Equity. AB 414 (Reyes; D-San Bernardino) Originally required state agencies to deploy broadband prescriptively. Opposition removed after March 9 amendments encouraging equal access to broadband. Neutral.	Senate Floor 6/22/23
Deploys Broadband Faster. AB 965 (Juan Carrillo; D-Palmdale) Streamlines deployment of broadband infrastructure and will allow for higher speed internet to be provided to more Californians. Support.	Senate Appropriations 7/12/23
Reduces Broadband Access. AB 1714 (Wood; D-Santa Rosa) Places broadband service under the Public Utilities Commission, which is already overburdened with their current responsibilities. Will slow the deployment of broadband and lead to less investment in California. Oppose.	Assembly Communications and Conveyance 3/9/23; Failed Deadline

Tourism

Refundability of All Hotels and Short-Term Rentals for 24 Hours After Purchase. SB 644 (Glazer; D-Contra Costa) Requires all rentals be refundable for 24 hours after initial purchase. Opposition removed after June 22, 2023 amendments to ensure a minimum cutoff of refundability prior to check-in and other clean-up. Neutral.	Assembly Appropriations Suspense File 7/12/23
Hotel/Rental Pricing. SB 683 (Glazer; D-Contra Costa) Requires hotels and short-term rentals include all taxes and fees in initially displayed price, making California look less competitive than other states where such listings do not include similar taxes and fees. Oppose.	Assembly Appropriations 6/28/23

Transportation

Autonomous Vehicles. AB 316 (Aguiar-Curry; D-Winters) Sets prohibition on the deployment of Heavy Duty Autonomous Vehicles with arbitrary timelines that circumvent current regulatory process at the Department of Motor Vehicles. Oppose.	Senate Appropriations 7/11/23
Electric Vehicle Service Equipment. AB 591 (Gabriel; D-Woodland Hills) Creates a standard that conflicts with federal guidelines for electric vehicle (EV) charging equipment. Oppose.	Senate Transportation 5/10/23; Failed Deadline
Transit Operators: Street Harassment Survey. SB 434 (Min; D-Irvine) Requires California's 10 largest transit districts to collect and publish data on street harassment that occurs on public transit systems with the intent of improving the safety of ridership on public transit systems. Support.	Assembly Appropriations 7/5/23

Water Supply and Quality

Water Rights. AB 1337 (Wicks; D-Oakland) Gives broad authority to State Water Board to curtail water rights of any seniority or claim of right. Allows curtailments to issue without a hearing, depriving water rights holders of due process. Oppose.	Senate Natural Resources and Wildlife 6/7/23; Failed Deadline
Water Rights. AB 460 (Bauer-Kahan; D-Orinda) Gives State Water Board broad authority to issue interim relief orders for a wide variety of alleged water use violations, with little or no opportunity to be heard. Prevents judicial review of an interim relief order. Oppose.	Senate Natural Resources and Wildlife 6/7/23; Failed Deadline

Subject—CalChamber Position	Status
Water Rights. SB 389 (Allen; D-Santa Monica) Originally would have empowered State Water Board to investigate claimed water rights with little process and more easily strip water rights holders of rights. Opposition removed after July 6, 2023 amendments focused the bill on the Board’s information-gathering abilities and removed provisions relating to forfeiture of rights. Neutral.	Assembly Appropriations 7/11/23
Groundwater Restriction. AB 1563; Bennett; D-Ventura) Adds new regulatory layer to groundwater well permitting processes. Increases costs and liability risks associated with well permitting. Oppose.	Assembly Governance and Finance 6/22/23; Failed Deadline
Investments in Water Rights. AB 1205 (Bauer-Kahan; D-Orinda) Originally would have banned the sale or transfer of water rights from agricultural land by an investment fund for profit as an illegal waste and unreasonable use of water. Opposition removed after July 13, 2023 amendments removed the ban component. Neutral.	Senate Floor 7/13/23
Improved Reservoir Operations. AB 30 (Ward; D-San Diego) Integrates forecast-informed reservoir operations into water supply operations to better store water during storm events and to reduce flood risk. Support.	Passed Senate 7/13/23
Groundwater Restriction. AB 429 (Bennett; D-Ventura) Adds new regulatory layer to groundwater well permitting processes with unclear triggers for applicability. Increases costs and liability risks associated with well permitting. Oppose.	Assembly Water, Parks and Wildlife 3/2/23; Failed Deadline
Groundwater Adjudication Proceedings. AB 560 (Bennett; D-Ventura) Imposes new requirements for courts to consult with State Water Board prior to entering a final judgment in a groundwater adjudication, raising questions about role of executive in the judiciary. Oppose.	Senate Appropriations 7/11/23
Water Use Definitions. AB 676 (Bennett; D-Ventura) Originally would have vaguely defined “domestic use” of water, creating confusion and possible litigation. Opposition removed after June 12, 2023 amendments aligned the definition with existing law. Neutral.	Senate Floor 7/12/23
Groundwater Adjudications. AB 779 (Wilson; D-Suisun City) Originally would have imposed burdensome and duplicative requirements on parties in comprehensive groundwater adjudications. Opposition removed after July 3, 2023 amendments reduced burdens on litigants and avoided separation of powers concerns. Neutral.	Senate Appropriations 7/11/23
Permit Streamlining for Groundwater Recharge. AB 830 (Soria; D-Fresno) Exempts groundwater recharge projects using flood flows from needing to obtain duplicative and burdensome California Department of Fish and Wildlife authorizations. Support.	Senate Appropriations 7/10/23
Turf Ban. AB 1572 (Friedman; D-Glendale) Prohibits the use of potable water for irrigating non-functional turf on commercial and institutional properties. Opposition removed after April 20, 2023 amendments reduced burdens on private water providers and consolidated enforcement powers. Neutral.	Senate Appropriations 7/10/23
Cross-Border Rivers. AB 1597 (Alvarez; D-San Diego) Funds cleanup efforts for highly polluted rivers that flow from Mexico into California. Support.	Senate Environmental Quality 6/14/23; Failed Deadline

Subject—CalChamber Position	Status
Water Project Streamlining. SB 23 (Caballero; D-Merced) Keeps permitting processing on track for water supply and flood control projects by setting deadlines for agency action. Incentivizes use of regional programs to guide mitigation for project impacts. Support.	Senate Appropriations Suspense File 5/15/23; Failed Deadline
California Water Plan Update. SB 366 (Caballero; D-Merced) Requires California Water Plan to be updated to include water supply targets and outlines meaningful steps toward achieving supply goals. Support.	Assembly Water, Parks and Wildlife 6/8/23; Failed Deadline
CEQA Streamlining. SB 651 (Grove; R-Bakersfield) Makes groundwater recharge and other Sustainable Groundwater Management Act (SGMA)-related water supply projects eligible for quicker judicial resolution under CEQA, saving time and money on important projects. Support.	Assembly Natural Resources 6/20/23; Failed Deadline
Groundwater Recharge. SB 659 (Ashby; D-Sacramento) Requires state to plan for creating 10 million acre-feet of new groundwater recharge storage by 2035. Support.	Assembly Appropriations 7/12/23
Delta Conveyance. SB 687 (Eggman; D-Stockton) Stops progress on the Delta Conveyance Project until Bay-Delta Water Quality Control Plan is updated and fully implemented. Holds infrastructure project to modernize California's water system hostage until a lengthy planning process is both complete and "fully implemented." Oppose.	Senate Appropriations Suspense File 5/8/23; Failed Deadline

Workers' Compensation

Expands Costly Presumption of Injury. AB 1156 (Bonta; D-Alameda) Significantly increases workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace and establishes an extremely concerning precedent for expanding presumptions into the private sector. Oppose/ Job Killer 2023 .	Assembly Insurance 3/2/23; Failed Deadline
Workers' Compensation Presumption. AB 597 (Rodriguez; D-Pomona) Costly expansion of workers' compensation presumption for post-traumatic stress disorder (PTSD) to private employees that is not supported by data. Oppose.	Assembly Insurance 2/17/23; Failed Deadline
Tolling Temporary Disability Payments. AB 1213 (Ortega; D-San Leandro) Requires tolling of temporary disability payments if utilization review decision is overturned during Independent Medical Review, which will drastically increase the number of unnecessary Independent Medical Review requests and is unnecessary in light of data supporting accuracy of utilization review decisions. Oppose.	Senate Appropriations Suspense File 7/3/23
Physician Licensing. SB 636 (Cortese; D-San Jose) Unnecessarily requires physicians in utilization review process to be licensed in California, which will reduce number of physicians available to review claims. Oppose.	Assembly Appropriations 6/28/23

Workplace Safety

New One-Size-Fits-All Workplace Violence Regulation. SB 553 (Cortese; D-San Jose) Takes a regulation written for hospitals related to workplace violence and applies it to all workplaces, regardless of size and resources. Will require changes to workplace setup, equipment, and staffing across all industries. Oppose.	Assembly Appropriations 7/10/23
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Intermittent Family Leave May Include Transfer to Different Position

From Page 2

Prohibited Employer Practices

An employer must not transfer an employee to a different position to discourage the employee from taking leave or to otherwise work a hardship on the employee. (29 CFR sec. 825.204(d); 2 CCR sec. 11090(e)).

Some examples of prohibited practices include (29 CFR sec. 825.204(d)):

- Assigning a white-collar employee

to perform a laborer's work;

- Reassigning a day shift employee to work the graveyard shift;

- Assigning an employee who works at a headquarters facility to work at a facility that is a significant distance away from the employee's normal job location.

Reinstatement of Employee

Once an employee who has been transferred temporarily to an alternative position no longer needs intermittent

leave, the employee must be returned to the same or equivalent job as the job he or she held when the leave started. (29 CFR sec. 825.204(e).)

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.

San Francisco Preparing to Host Asia-Pacific Leaders This Fall

From Page 4

of international trade and investment, fair and equitable market access for California products abroad and elimination of disincentives that impede the international competitiveness of California business. New multilateral, sectoral and

regional trade agreements ensure that the United States may continue to gain access to world markets, resulting in an improved economy and additional employment of Americans.

The APEC is important as a vehicle for all Asia-Pacific economic integration.

This regional group sets a high standard that will enhance the competitiveness of the countries that are part of it and help facilitate trade and promote investment among them, increasing their economic growth and development.

Staff Contact: Susanne T. Stirling

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

Export-Import Bank of the U.S. October 19–20, Washington, D.C. (800) 565-3946.

Build Expo Greece. Rota Exhibitions

Greece. October 19–22, Athens,

Greece. (415) 775-2102.

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

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Podcast Examines Trending Topics on the Labor Law Helpline

From Page 3

clean, and free of toxic or hazardous materials. This means that the location cannot be a cleaning supply closet, Savage says. Moreover, the place has to have a surface to put the breast pump and other personal items, have seating, and must have access to power for the breast pump, whether it's a plug or some type of adapter. Additionally, the employee should have access to a nearby sink with running water and a refrigerator, but these two items do not necessarily have to be in the lactation room. If an employer can't provide a refrigerator (for example, the worksite is out in the artichoke fields), then the employer should supply a cooler for their employees.

Employers must also include their lactation accommodation policy either in the employee handbook or some other kind of policy manual. This lactation accommodation policy must be given to all employees, regardless of gender, upon hire and again if an employee asks about parental leave.

A recent Helpline caller inquired about wearable, hands-free breast pumps. Savage says that even though a wearable breast pump can be worn while working, employers must still make a private lactation space available, and all the above rules around lactation accommodation still apply.

Another caller asked what to do if an employee is using a wearable pump while working, Savage says. The employer was concerned that other employees would feel uncomfortable with the idea of their co-worker sitting at the next desk using a wearable breast pump. Could the employer ask the employee to use a lactation room instead of pumping at her desk?

Savage told the employer that while lactation laws don't address this question, it's not a good idea for an employer to require the employee to pump in the lactation room. Savage adds that airlines are allowing flight attendants to use wearable pumps while they're working so that they can breastfeed their babies

despite long hours and few private places to pump on most airplanes.

Pet Bereavement Leave

In closing the podcast, Roberts says that a recent Labor Law Helpline caller asked what their obligation was to provide pet bereavement leave.

Savage says that California's new mandatory bereavement leave law is available for certain employees for the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or a parent-in-law.

"The new law definitely does not include a pet," Savage stresses.

In Emeryville, however, the local sick leave ordinance allows the use of sick leave for certain pets, such as for the aid or care for a guide dog, a signal dog or a service dog that is for the employee or even one of the employee's covered family members, she says.



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

Leaves of Absence Virtual Seminar

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