

# CalChamber Tags UI Bill SB 799 as a Job Killer



The California Chamber of Commerce has tagged **SB 799** (Portantino; D-Burbank) as a job killer, citing the proposal's requirement for employ-

ers to subsidize striking workers through additional taxes paid to the Unemployment Insurance (UI) fund.

"By forcing employers to pay unemployment insurance payments to striking workers, SB 799 would raise taxes on employers across California and overturn more than 70 years of precedent," said CalChamber Policy Advocate Robert Moutrie.

"Being unemployed is fundamentally different than being on strike," said Moutrie. "SB 799 fundamentally alters the nature of UI by providing unemployment benefits to workers who still have a job and have chosen to temporarily refuse to work as a negotiating tactic. Simply put, going on strike is not the same as being laid off."

CalChamber was joined by more than 50 organizations in expressing opposition to the measure.

Chief among the concerns of the CalChamber and members of the opposition coalition is that SB 799 will worsen California's ongoing UI fund crisis. Currently, California's UI fund is in historic debt of \$18 billion due to the COVID-19 pandemic and government mandated shutdowns.

To address the insolvency, California employers are already paying increased UI taxes pursuant to federal law and are likely to face ongoing tax increases until approximately 2032. According to coalition members, SB 799 would worsen California's UI fund crisis and increase the state's interest payments.

A copy of the coalition's letter of opposition can be found here. **Staff Contact: Robert Moutrie** 

### Study Shows Employers Paying Price for Strain on Unemployment Insurance System

CFCE California Foundation for Commerce & Education

Improving the Safety Net: Reforming an Unemployment Insurance Program to Serve the Jobless and Preserve Job Creation California's vast unemployment insurance system has been under enormous

strain since 2020, and employers are paying the price.

A study in consultation with two eminent practitioners of state employment policies finds that California has among the most generous and "claimant-friendly" laws regarding eligibility and claims processing, and that the state's unemployment insurance (UI) program has among the most forgiving exceptions for misconduct or fraud in the nation.

They further note the pressure these policies place on the state's UI trust fund, which is nearly \$18 billion in debt.

Finally, the authors point to improvements in state efforts to help re-employ idle workers that will not only help them find remunerative work but reduce the strain on the insolvent UI Fund.

Michael Bernick, former director of See Study Shows: Page 6

### CalChamber Opposes Ill-Advised Bill Changing Referendum Question



The California Chamber of Commerce continues to **oppose** legislation proposing to alter how referendums on state laws are presented to voters.

The bill, **AB 421 (Bryan; D-Los Angeles)**, makes a major change in the role of voters in the referendum process.

Currently, a referendum that qualifies for the statewide ballot asks voters to step in the shoes of the Legislature to consider a proposed law. Voters vote "yes" on the referendum measure to approve the proposal, and "no" to reject it.

AB 421 instead asks voters to secondguess the Legislature and vote about the Legislature's action, not about the proposed law itself. This is a profound difference from the historic intent and function of the referendum.

Together with the initiative and the recall, the referendum, is one of the three direct democracy processes created by Governor Hiram Johnson and Progressive leaders more than 100 years ago to allow the people of California to hold elected representatives accountable for their actions.

AB 421 originally would have taken away Californians' ability to vote on their legislators' actions by making it impossible to ever qualify a referendum for the *See CalChamber Opposes: Page 4* 

### -Inside-

Concerns of Labor Law Helpline Callers: Page 3



### Labor Law Corner Medical Certification Important for Workers' Comp Claim Absences



Matthew J. Roberts Labor Law Helpline Manager

We have an employee with an active workers' compensation claim. We agreed with the employee that he would work a normal 40-hour-per-week schedule with exceptions for doctor's appointments or therapy related to his injury. Instead, the employee's absences have increased over time without medical certification. What recourse do we have?

Workers' compensation claims can create complex employee management

### **California Chamber Officers**

**Gregory S. Bielli** Chair

Janet A. Liang First Vice Chair

Maryam S. Brown Second Vice Chair

John A. Stowell Third Vice Chair

Kailesh Karavadra Immediate Past Chair

Jennifer Barrera President and Chief Executive Officer

Alert (ISSN 0882-0929) is published weekly during legislative session with exceptions by California Chamber of Commerce, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Subscription price is \$50 paid through membership dues.

Send email address changes to alert@ calchamber.com. Publisher: Jennifer Barrera. Executive Editor: Ann Amioka. Art Director: Neil Ishikawa. Capitol Correspondent: Sara Proffit.

Permission granted to reprint articles if credit is given to the California Chamber of Commerce Alert, citing original publication date of article, and reprint is emailed to Alert at address above.

Email: alert@calchamber.com. Home page: www.calchamber.com. issues, but with a complete understanding of what workers' compensation is and is not, employers can navigate these claims with a clear path.

### Wage Replacement

Despite a lot of employer confusion around the protections of workers' compensation claims, workers' compensation does not provide job-protected leaves of absences. Instead, workers' compensation functions very similarly to the State Disability Insurance (SDI) wage replacement program run by the Employment Development Department.

In both cases, SDI and workers' comp are designed to provide wage replacement when an employee misses work due to a medical condition.

The difference between the two is that workers' compensation is designed to handle medical conditions that occurred in the course of work and that it will also provide medical care for those injuries.

In both cases, SDI and workers' compensation do not provide for any job-protected leaves of absence and the fact that an employee is receiving wage replacement and medical care benefits from workers' compensation does not give the employee the ability to take leave. Other laws may provide that right.

### Leave of Absence After Workplace Injury

Oftentimes, employees will need time related to a workplace injury. Sometimes it will be intermittent leave to attend doctor's appointments and treatment sessions like in this case, or sometimes they will need whole blocks of time that may extend months to years.

In all cases of leave requests, whether the injury was work-related or not, the employer's approach should be the same. The employer should evaluate whether the employee is eligible for California Family Rights Act (CFRA) and/or federal Family and Medical Leave Act (FMLA) leave and designate time off taken under those job-protected leaves.

If the employee is not eligible or has exhausted their leave allotment under CFRA and/or FMLA, then the employer engages in the interactive process and provides leave if it is a reasonable accommodation under the disability protections in federal and California law.

In the situation described in the question, the only time off that has been certified by the employee's medical care provider is time for appointments and therapy. If the employee is eligible for

See Medical Certification: Page 5

### CalChamber-Sponsored Seminars/Trade Shows

More information at www.calchamber. com/events.

#### Labor and Employment

- HR Boot Camp 2 Half-Day Virtual Seminar. CalChamber. September 7-8, Online. (800) 331-8877.
- Effective Strategies for Handling Discipline and Termination in the Workplace. CalChamber. September 14, Online. (800) 331-8877.

Leaves of Absence: Making Sense of It All Virtual Seminar. CalChamber. September 21-22: SOLD OUT, 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.

The Green Expo 2023. The Green Expo and International Environmental Congress of the Consejo Nacional de Industriales Ecologistas (CONIECO). See CalChamber-Sponsored: Page 6

### CalChamber Calendar

Water Committee:

September 7, Laguna Niguel ChamberPAC Advisory Committee: September 7, Laguna Niguel Board of Directors:

September 7-8, Laguna Niguel

International Trade Breakfast:

September 8, Laguna Niguel ChamberPAC Legislative Roundtable:

September 8, Laguna Niguel Public Affairs Conference:

October 24-25, Laguna Niguel



### <u>The Workplace</u> Helpline Top Concerns: Remote Workers Moving, School-Related Leaves



In Episode 182 of The Workplace podcast, CalChamber employment law experts Matthew Roberts and Ellen Savage

discuss some of the latest labor and employment issues of concern to California employers, including: remote workers moving out of state; termination and layoff best practices; working minors; and school-related leaves of absence.

# Remote Workers Moving Out of State

The issue of remote employees moving out of state continues to be a top concern for employers who call the CalChamber Labor Law Helpline, Roberts says. Often, employers want to know if the remote employee was obligated to notify the employer of their move and if there is anything to be concerned about.

Oftentimes, the remote employee will move to another state without even telling the employer, and there are even remote employees who move out of the country, Savage says.

The big question is, which labor laws apply?

The answer, Savage says, is that even if the company is based in California, an employee's physical location determines the labor laws that apply to that specific employee. In short, it doesn't matter where the employer is, it matters where the employee is.

If an employee moves to a city or county with a local ordinance, the employer has to review the applicable ordinance as it may have a higher minimum wage or mandate more sick leave, Savage explains. Another complication is the Family Medical Leave Act and its rule of 50 or more employees within 75 miles of the workplace. Since an employee's home is not the workplace, employers have to look at the employee's physical location.

"That's a lot to keep track of," she says.

This is why it's important that employers have good remote work policies and written telecommuting agreements. Savage says these policies can address questions like can employees work only in California or only from their current home? Or the policies can specify that employees must report plans to move to another area.

While employers do have a right to require that employees return to the company's worksite, Savage recommends that employers first look at their remote work agreement. Was there wording about the employer's right to recall the employee 100% back to the office?

Roberts asks whether an employer can terminate an employee who moved without notifying their employer.

Savage replies that in this case, the employer should talk to legal counsel before terminating the employee. It's a smarter move for the employer to at least try to work with the employee to find a way to return. But if the employee refuses to return to the worksite after the employer says the return to the office date is September 1, then the employer can terminate them or may even consider it job abandonment if the employee fails to return to the office. Still, the employer should check with legal counsel first.

### Termination, Layoffs Best Practices

More and more questions on the Helpline have to do with terminations and how these decisions should be evaluated, Roberts says.

Employment in California is "at-will" and an employer can lay off an employee at any time, for any reason or even for no reason at all, Savage explains. An employer cannot, however, terminate an employee for an illegal reason.

And this is why documentation is so important.

Performance issues, policy violations, attendance issues (protected and unprotected)—everything should be documented, Savage stresses.

Employers should particularly be careful about terminating an employee who recently engaged in protected activities like harassment complaints or protected family leave, she says. Employers need to clearly document that the termination was not related to the protected activity, and that it was related to a Code of Conduct violation.

When reviewing Code of Conduct violations, employers should not treat everyone the same; rather, they should treat similarly situated employees similarly.

"For example, you're not going to fire your chief financial officer that's worked for you for 20 years, who comes in late sometimes, but maybe you're going to fire the new receptionist for it, because the phones aren't getting answered for the first hour of the day. And those two employees are clearly not similarly situated," Savage points out.

See Helpline Top Concerns: Page 4



# **CalChamber Member Feedback**

"No one brings together industries and geographic regions like CalChamber. It's a powerful convenor of perspectives with a statewide impact. The CalChamber effectively provides a cohesive voice and powerful representation to a broadbased business community in both regulatory and legislative arenas."

Kerry Hattevik Vice President National Policy Development NextEra Energy Resources



### CalChamber Opposes Ill-Advised Bill Changing Referendum Question

#### From Page 1

ballot and would have dismantled the state's direct democracy system.

### **Amended Bill**

The CalChamber appreciates the work of the Senate Elections and Constitutional Amendments Committee, particularly its chair, to improve AB 421 from the original proposal.

Now removed from the bill are provisions that would have constrained the public's role in the ballot process; truncated the time frame to collect signatures for some types of initiatives; and set up arbitrary bureaucratic deadlines for updating paperwork.

At the July 5 Senate Elections hearing, the author of AB 421 agreed to defer to the Secretary of State — as California's foremost elections expert — to determine the appropriate language for presenting the "vote question" to voters.

In a July 5 letter, Secretary of State Shirley Weber wrote that the ballot question should be phrased as "Yes, keep the law" and "No, overturn the law."

The August 14 amendments to AB 421, however, do not reflect that language.

This is troubling both as a matter of public policy and as a matter of legislative process. If a legislator agrees to amendments to reach a compromise and achieve a committee's support for a proposal and then submits conflicting amendments without consequences, then a very dangerous precedent has been set.

### Solution in Search of a Problem

The change proposed in the current version of AB 421 is misleading and in any case could likely only be made with a constitutional amendment.

In any case, there is no evidence that the long-standing approach has confused voters, who have approved 16 (48%) of the 33 laws subject to the referendum over the last 100 years and rejected 17 (52%) of the referended statutes.

Compared with the initiative, the

referendum is used lightly. According to the Secretary of State, only 33 state referenda have qualified and gone before the voters in the last 100 years. In the same period, tens of thousands of pieces of legislation have been enacted.

Despite suggestions otherwise, there is no evidence that the referenda process is controlled or manipulated by any interest. In fact, in the last 70 years, of the 17 referenda that have qualified, 10 have dealt with redistricting or Indian gaming compacts, the CalChamber and coalition opposing AB 421 have pointed out repeatedly.

The CalChamber and coalition opposing AB 421 think the current referendum system works well. But the language from the Secretary of State, publicly agreed to by all parties at the July 5 committee hearing, provides more clarity to voters than the language in the August 14 version of the bill.

For these reasons, the CalChamber and coalition continue to **oppose AB 421**. **Staff Contact: Ben Golombek** 

### Helpline Top Concerns: Remote Workers Moving, School-Related Leaves

From Page 3

#### Layoffs

Savage explains that a layoff is a termination, so calling a termination a "layoff" will not save an employer from a wrongful termination suit.

If an employer is looking to lay off a group of people, the employer will need to consider whether the layoff meets the legal standards of the federal and state WARN Act. If so, employers will need to provide 60-day notice, and other things will need to happen, depending on the size of the layoff.

If a layoff triggers WARN Act requirements, Savage advises that the employer meet with their legal counsel as it can get very complicated.

Even if a layoff doesn't trigger WARN Act requirements, Savage says that employers should ask themselves some of the same questions, like what's the legitimate reason that this particular group of employees was selected for the layoff versus some other employees?

To help with this process, the CalChamber *HR California* website has a termination decision checklist that may be very helpful for employers.

### **School-Related Leaves of Absence**

Now that the summer is winding down and children are returning to school, it is a good time to refresh employers on their obligations to employees with schoolaged children, Roberts says.

There are two main kinds of school-related leave, Savage explains.

• The first is called school appearance leave. This is for employees who have to take time off to appear at their children's school in connection with a suspension. Sometimes a parent will show up for a suspension meeting or sit in class with their kid after they're allowed back in school.

• The second leave is school activities leave and it applies to employers of 25 or more employees. The leave allows employees up to 40 hours off a year generally (no more than eight in any month) for things like school field trips or chaperoning, helping with a school play or to enroll a child in school or licensed childcare.

It is also available without the eight hour a month limit for school and licensed childcare emergencies, such as a flood or unexpected school closures.

While neither of these school leaves are paid time off by the employer, employees can choose to use paid leave available for them. Employers may require a note from the teacher.

Other than these two leaves, working parents may apply sick leave to care for a sick child, or, in extreme cases, take family leave for a child who is hospitalized or needs ongoing care.

#### **Employing Minors**

Many minors like to keep their summer jobs into the school year or find new ones. How does the start of school change the rules around child labor laws here in California, Roberts asks Savage?

The first and most important thing employers need to do is to verify that the minor has a valid work permit. Work permits expire five days after the end of each school year, so the work permit may need to be reissued, Savage points out.

The school year also reduces the total number of hours a minor may work each day and the spread of hours allowed.

Lastly, even if a minor has a valid driver license, minors cannot drive as part of their employment.

"So don't hire someone who is a minor as a delivery driver or even send them to the post office or to pick up doughnuts for the company meeting. They can't drive on public roads for work," Savage says.



### State-Backed Program Offers Low Interest Rates for Energy Upgrades

gogreen FINANCING

For a limited time, GoGreen Financing, an energy efficiency initiative in the California State Treasurer's Office, is offering small and medium-sized businesses a deal on energy upgrades such as efficient HVACs, insulation, cool roofs, windows and appliances.

Through the program's business arm, GoGreen Business Energy Financing, business owners across the state can access interest rates as low as 0% on qualifying loans, leases, and finance agreements as part of the special *Go Low Rates* promotion. Plus, up to 30% of the financed amount can go toward nonenergy upgrades, such as landscaping and remodeling.

Totaling \$65 million across 3,500 energy efficiency projects, GoGreen Financing is helping businesses boost productivity, curb energy costs, and support California's energy savings goals. Unlike traditional financing, GoGreen Financing offers flexibility, lower interest rates, extended terms and broader eligibility requirements.

### **Steps to Get Started**

Getting started is easy for qualifying businesses that want to take advantage of this opportunity. Eligible businesses can explore possible projects, select a contractor, and discover participating



#### lenders at GoGreen Financing.

• First, you'll need an estimate from a contractor or project developer. Whether you're replacing specific equipment or completing a large-scale project, a contractor can offer guidance and recommendations. A project developer can assist if you require comprehensive solutions and expert advice. To find participating contractors and project developers in your area, click here.

• After finding the right contractor for your project, it's time to explore financing options. GoGreen Business collaborates with private lenders and enables them to offer extended terms and efficient approvals to trim a business's energy costs and operational expenses. When connecting with a participating lender, look for the *Go Low Rates* badge. To evaluate financing options, conveniently apply online, or speak with a lender representative click here.

Readers interested in kick-starting their energy efficiency journey can learn more about program eligibility and requirements at GoGreen Financing.

### Medical Certification Important for Workers' Comp Claim Absences

#### From Page 2

CFRA/FMLA, then the employer should designate each of those appointments and therapy sessions as intermittent leave.

Additional absences that the employee is taking need to be certified as needed by the medical provider. The employer in this case should inform the employee that these additional days off are unexcused and are not protected time, which means the employee is subject to any attendance control policy discipline the employer wishes to impose, up to and including termination — even though the employee has a workers' compensation claim. Of course, before termination, the employer should make multiple attempts to obtain the medical certifications and warn the employee of the consequences for failing to provide the medical certification.

### Terminating Employee with Workers' Comp Claim

The workers' compensation law provides for retaliation protections. That is, an employer cannot be motivated to terminate the employee because the employee has filed a claim, or threatened to file a claim, or otherwise exercised their rights under the workers' compensation law. But that does not mean the employer cannot fire an employee with a workers' compensation claim at all. The employer just must show that it is motivated by a legitimate business reason — in this case, the employee's excessive unexcused absences.

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.



# Study Shows Employers Paying Price for Strain on UI System

#### From Page 3

the Employment Development Department, and Douglas J. Holmes, president of the National Foundation for Unemployment Compensation and Workers' Compensation, consulted on the study, "Improving the Safety Net: Reforming an Unemployment Insurance Program to Serve the Jobless and Preserve Job Creation."

The study was sponsored by the California Foundation for Commerce and Education, a think tank affiliated with CalChamber.

### Worker/Employer Interest

California workers and employers have a joint interest in a responsive, efficient, and accurate unemployment insurance (UI) program that pays legitimate claims rapidly without time-consuming, multi-layered appeals to resolve disputes. California's elected leaders, program administrators and stakeholders should drive toward this goal, but must also recognize the fundamental federal requirements that underlie the UI system regarding eligibility, fraud prevention, fund solvency, and re-employment of unemployed workers.

Since the onset of the pandemic in 2020 and the volatile employment picture for many industries, elected leaders and stakeholders have expressed urgent concern about the UI program's speed and accessibility for claimants.

To this day, legislators and advocates propose changes in how California shapes the eligibility and management of the state's UI program, but any improvements to the system must be informed and guided by the fundamental requirements within a federal-state program, as well as how a program financed by employer taxes can provide an adequate safety net for unemployed workers without undermining the employer's competitiveness and business health. Improving the system must also draw on an understanding of how California's current practices on eligibility and claims administration compare with the practices in other states.

### **UI System Dynamics**

The study provides background and context to consider further reforms of the unemployment insurance system in California, and clarifies the federal requirements and economic dynamics of four main areas of the UI system:

• Generous eligibility and appeals processes.

California is a claimant-friendly state. Its law and practice provide among the most generous and least restrictive eligibility requirements in the nation, and it is more forgiving of fraud by claimants. The complexity of California law also creates difficulty complying with federal requirements on rapid distribution of benefits, and likely generates excessive inaccurate eligibility determinations. Policy makers must carefully consider compliance and tax consequences of further loosening eligibility for UI, and consider where eligibility, appeals and fraud rules can be rationalized and brought closer to national norms.

• Relatively low penalties for fraud.

### CalChamber-Sponsored Seminars/Trade Shows

#### From Page 2

September 5–7, Mexico City. 55-1087-1650.

Discover Global Markets: Europe/ Eurasia. U.S. Department of Commerce. September 7, San Bruno. *douglas.wallace@trade.gov.* 

Discover the Taste of Future: B2B Agrifood Matchmaking Event. Enterprise Greece and Enterprise Europe Network Hellas. October 8–10, Cologne, Germany. (415) 775-2102.

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. 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.

California law has a narrow definition of fraud compared with other states, is relatively forgiving toward individuals who have committed fraud, and program enforcers have struggled to recover incorrectly distributed funds efficiently and effectively. California policy makers must recognize the struggles of the existing anti-fraud efforts when considering legislation to expand eligibility, speed benefits distribution, or ease verification requirements.

#### • UI fund solvency.

The unprecedented pandemic-fueled unemployment shock in 2020 created a massive debt in the state's UI fund. The fund's insolvency (hovering near \$18 billion as of August 2023) and mandate on taxing employers to restore its health, underscore the need to ensure that benefits for workers are balanced by prudent and fair eligibility rules and fraud enforcement, as well as effective re-employment efforts. Long-term fund insolvency and related steep payroll taxes will have a dampening effect on hiring and maintaining employment.

# • The UI system's role in rapid re-employment of workers.

Discussion of the UI system is inseparable from its re-employment elements. With increased federal money related to re-employment services, California has an opportunity to improve these critical services. The study recommends expanding UI recipient identification, connection and uptake, as well as better enforce participation in these re-employment programs. **Contact: Loren Kaye** 

- APEC CEO Summit 2023. National Center for APEC (Asia-Pacific Economic Cooperation). November 15–16, San Francisco. (206) 441-9022.
- 2023 Cosmoprof Asia. Governor's Office of Business and Economic Development (GO-Biz). November 15–17, Hong Kong. (916) 447-7946.
- California Pavilion at the Singapore Airshow. Governor's Office of Business and Economic Development (GO-Biz). February 20–25, 2024, Singapore. (916) 447-7946.



# CalChamber-Led Opposition Stops Bill Banning Employer Speech



Effective opposition led by the California Chamber of Commerce has stopped SB 399, a **job killer** bill that stifles employer speech, from

advancing this year.

CalChamber efforts also have helped stall several other job killer bills that will increase business costs and expose employers to costly litigation. These bills have been placed on the suspense file in the Assembly or Senate Appropriations committees and will need to pass these fiscal committees by September 1 to continue moving this year.

### Stopped

#### SB 399 (Wahab; D-Hayward) is

now a two-year bill — meaning that legislators may bring it up for consideration again next year.

SB 399 chills employer speech regarding religious and political matters, including unionization. The bill is likely unconstitutional under the First Amendment and preempted by the National Labor Relations Act (NLRA).

SB 399 effectively prohibits discussions regarding political matters in the workplace, specifically preventing employees from requiring employees to attend "an employer-sponsored meeting" or "participate in, receive, or listen to any communications with the employer" where the purpose is to communicate the employer's opinion "about" political matters.

In an opposition letter, the CalChamber pointed out that the intent of SB 399 is to effectively chill any communications by the employer or in the workplace about political matters.

Because SB 399 creates a new section of the Labor Code, any good faith error in interpreting the bill or its exceptions creates liability under the Private Attorneys General Act (PAGA), which carries significant penalties of \$100 to \$200 per employee per pay period.

Moreover, California and federal law already protect against employer coercion related to political matters. For example, the NLRA prohibits employers from making any threats to employees, interfering with or restraining exercise of their rights, coercing employees, or promising benefits to employees for voting a certain way in a union election, the CalChamber explained.

### Stalled

Among the job killer bills currently stalled are the following:

• 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. *Job Killer. In Assembly Appropriations Suspense File.* 

• 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. Job Killer. In Assembly Appropriations Suspense File.

• **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 *de facto* accommodation requirement that will burden small businesses. *Job Killer. In Senate Appropriations Suspense File.* 



### LIVE WEBINAR | SEPTEMBER 14, 2023 | 10 AM - 11:30 AM PT

# **Effective Strategies for Handling Discipline and Termination**

Addressing employee performance or behavioral issues can be difficult and uncomfortable. Our California experts will cover how discipline and termination can become unlawful, offering practical guidance on making strategic and well-reasoned personnel decisions.





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