

Labor Law Corner

Tips for Navigating the Newly Released Form I-9



Ellen S. Savage
Employment Law
Expert

I know there's a new Form I-9 to verify eligibility to work in the United States. When do I need to start using it and what specific changes should I be paying attention to?

The new Form I-9 was released by the U.S. Citizenship and Immigration Services agency (USCIS) on August 1, 2023, and employers must begin using the new version no later than November 1, 2023. Note that there is no need to

complete new forms for current employees simply because an updated form has been issued.

Important Changes

While there were more than a dozen changes made to the form and instructions, employers should pay particular attention to the following:

• Some Fields Have Been Moved to Standalone Supplement Pages:

The latest version of Form I-9 has been condensed down to one fillable page, with the lists of acceptable documents on a second page. The Preparer/Translator Certification section on the previous version was moved to a separate standalone "Supplement A" that employers can use when necessary, and the Reverification section (formerly Section 3) was moved to a separate standalone "Supplement B" that can be used for rehires and reverification of documents. Employers can simply attach these supplements when needed to the Form I-9 that was completed at the time of hire.

• **Fillable on Mobile Devices:** Form I-9 can now be filled out on tablets and mobile devices by downloading it onto

the device and opening it in the free Adobe Acrobat Reader app.

• No More "N/A" in Blank Fields:

In the past, employers were required to write "N/A" in most fields that were left blank, even those that were optional to complete such as an employee's email address and phone number. Instructions for the new Form I-9 say that "employees must provide their current legal name, complete address, and date of birth" but that "if other fields do not apply, leave them blank." Thus, employers should no longer put "N/A" in blank fields.

• **Remote Inspection Checkbox:** A checkbox was added so that employers who use E-Verify can indicate whether they have remotely examined Form I-9 documents. Note that remote inspection is now permitted *only for employers who use E-Verify*. For more information about the new remote inspection rules, see our HR Watchdog blog "E-Verify Users Allowed to Electronically Inspect Form I-9 Documents" at <https://hrwatchdog.calchamber.com/2023/07/e-verify-users-allowed-to-electronically-inspect-form-i-9-documents/>.

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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 Proffitt.

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CalChamber-Sponsored Seminars/Trade Shows

More information at www.calchamber.com/events.

International Trade

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

2023 ASEAN Outbound Mission to Thailand. Western U.S. Agricultural Trade Association and U.S. Department of Agriculture Foreign Agricultural Service. October 2–6. michelle.silva@isda.idaho.gov.

7th U.S.-UK Small and Medium Enterprise (SME) Dialogue. Office of the U.S. Trade Representative, U.S. Department of Commerce, U.S. Small Business Administration with UK Department for Business and Trade. October 5, Indio, CA. eduard.roytberg@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.

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CalChamber Calendar

Public Affairs Conference:
October 24–25, Laguna Niguel

Next Alert: September 29

Contract Between Dockworkers, Employers Safeguards Economic Gains for All



Susanne T. Stirling

Finally... and just in time for Labor Day... dockworkers on the U.S. West Coast voted on Thursday, August 31 to ratify a tentative contract agreement with port employers. The business community welcomes the new six-year contract, which covers workers at all 29 West Coast ports and is retroactive from July 1, 2022, expiring on July 1, 2028.

The agreement from June 15 — following assistance from Acting U.S. Secretary of Labor Julie Su — is between port employers represented by the Pacific Maritime Association (PMA) and the International Longshore and Warehouse Union (ILWU).

It ends more than a year of uncertainty that has had a major impact on the U.S. container shipping market as the two sides failed to reach an agreement after the previous contract expired. The June contract has already been approved by PMA members.

Negotiations for a collective bargaining agreement began in May 2022 at the height of the pandemic-driven shipping boom. The California Chamber of Commerce urged a timely and satisfactory resolution that advanced the needs of both the workers and ports as imperative to avoiding further backups, delays and higher costs.

Cargo volumes have retreated to more normal levels from the COVID-era height, but still remain above pre-pandemic volumes in 2019.

Major Gateways

Here in California, more than 40% of the nation's imports and 30% of the nation's exports come through the state's major ports at Los Angeles, Long Beach and Oakland, along with California small port systems up and down the coast.

Commentary

By Susanne T. Stirling

For the global supply chain, which relies on a just-in-time delivery model, there was a strong correlation between the port delays and the wait times and shortages that consumers were experiencing in their day-to-day lives, affecting the ability of the world's economies to avoid price shocks and increasing the cost of living in California.

The ILWU indicates the new agreement protects jobs, maintains health benefits, and improves wages, pensions, and safety protections for approximately 20,000 workers. The ports indicate the contract ensures stability and success for the future in keeping the nation's cargo and the nation's economy moving.

"The negotiations for this contract were protracted and challenging," said ILWU International President Willie Adams. "I am grateful to our rank and file for their strength, to our Negotiating Committee for

their vision and tenacity, and to those that supported giving the ILWU and PMA the space that we needed to get to this result."

"This contract provides an important framework for the hard work ahead to overcome new competitive challenges and to continue to position the West Coast ports as destinations of choice for shippers worldwide," said PMA President and CEO Jim McKenna. "From San Diego to Bellingham, these ports have long been the primary gateways for cargo coming into and leaving the United States, and our interests are aligned in ensuring they can effectively, and efficiently, handle the capacity growth that drives economies and jobs."

Trade/Investment Engine

California is the fifth largest economy in the world with a gross state product of \$3.7 trillion. International trade and investment are major parts of our economic engine that broadly benefit businesses, communities, consumers and state government.

The strength of our trade and investment ties is also one of the state's key competitive advantages. California's economy is diverse, and the state's prosperity is tied to exports and imports of both goods and services by California-based companies, to exports and imports through California's transportation gateways, and to the movement of human and capital resources.

Although trade is a nationally determined policy issue, its impact on California is immense, as we export to 227

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CalChamber Member Feedback

"CalChamber's strategic thinking and leadership drive policy outcomes beyond what we could achieve alone."

Julie Kreger King
Greater Northern California Operations Leader
Antea Group

Homelessness Crisis: Discussion Underscores Multiple Challenges



Janet Liang, first vice chair of the CalChamber Board and executive vice president of Kaiser Foundation Health Plan, Inc., moderates a discussion on the homelessness crisis at the CalChamber Board meeting on September 8. Panelists are (from left) Jed Leano, second term member of the Claremont City Council; Ben Metcalf, managing director, Turner Center for Housing Innovation at the University of California, Berkeley; and Graham Knaus, CEO, California State Association of Counties. Panelists agree that collaboration among the different government entities assigned to deal with homelessness will be a key to making progress on solving the crisis and that a one-size-fits-all approach to finding housing for the homeless hasn't worked. Although individuals camped along streets and sidewalks (including persons with mental and health challenges) are the most visible members of the homeless population, panelists say, data that is starting to be collected show that a sizable segment of the homeless are less obvious but equally in need of assistance. Factors contributing to the homelessness problem include the high cost of and shortage of housing and a disconnect between what agencies are assigned to do and the power they actually have to implement policy goals, according to panelists.

Politics of Hollywood, Nation Get Airing at CalChamber Board Dinner



Matthew Belloni (left) and Peter Hamby, founding partners of the next-generation digital media company Puck, entertain and inform listeners at the CalChamber Board of Directors dinner on September 7 with insights on the issues behind the writers and actors strikes, and commentary on the national political scene. Concerns of the strikers include the role of artificial intelligence (AI) in writing scripts, the transparency of statistics from content streaming services (and the resulting impact on compensation for writers and actors), and the number of writers on the teams assigned to write show scripts. The challenge for the industry is how to secure revenue from streaming services. Variables in the fluid status of presidential politics include the nation's economic outlook, health of the candidates, and which candidate the "persuadable" voters think can help them the most.

CalChamber-Sponsored Seminars/Trade Shows

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Build Expo Greece. Rota Exhibitions Greece. October 19–22, Athens, Greece. (415) 775-2102.
Canada Hot Sauce Mission and Trade Show. Western U.S. Agricultural Trade Association. October 22–26, Toronto, Canada. export@wusata.org.
Smart City Expo World Congress (SCEWC). Smart City Expo World Congress. November 7–9, Barcelona, Spain. (704) 248-6875.
Cambodia Business Expo. Cambodian Chamber in California. November 9,

Long Beach. normarikawa@gmail.com.
MEDICA CEO Program. Governor's Office of Business and Economic Development (GO-Biz). November 13–16, Düsseldorf. patricia.utterback@gobiz.ca.gov.
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.

Arab Health. Governor's Office of Business and Economic Development (GO-Biz). January 9–February 1, 2024. patricia.utterback@gobiz.ca.gov.
California Pavilion at the Singapore Airshow. Governor's Office of Business and Economic Development (GO-Biz). February 20–25, 2024, Singapore. (916) 447-7946.
Hannover Messe: California Pavilion. Governor's Office of Business and Economic Development (GO-Biz). April 22–26, 2024, Hannover, Germany. patricia.utterback@gobiz.ca.gov.

Panelists Offer Thoughts on Upcoming Asia-Pacific Leaders Summit



Representatives from three of the 21 member economies of the Asia-Pacific Economic Cooperation (APEC) described for a California Chamber of Commerce audience on September 8 what's at stake for their economies when APEC leaders meet in San Francisco the week of November 12.

The consular corps panel members were:

- Anil Fahriza Adenan, Consul General of Malaysia;
- Carlos González Gutiérrez, Consul General of Mexico; and
- Kenko Sone, Consul General of Japan.

The theme of this year's summit focuses on creating economic opportunity for all through trade and investment, innovation, sustainable and inclusive growth.

Malaysia

Consul General Adenan commented that the theme of the summit is timely and important as all the APEC economies are facing challenges of climate change, supply chain disruptions, connectivity, inclusive growth, agricultural issues, and recovery from the COVID-19 pandemic.

The United States is Malaysia's third largest trading partner and California is an important part of that relationship. A growing middle class in Malaysia has been a factor in an increased demand for U.S. and California goods.

Malaysia, a founding member of the Association of Southeast Asian Nations (ASEAN), is a gateway to the markets in the region. Collectively, ASEAN is

projected to be the fourth largest economy by 2050.

The seven-year industrial policy launched by Malaysia's prime minister in late August aims to transform the country into a high-income, innovation driven economy and leading industrial nation in the region.

The policy will support investing in research and development, developing skills and talents promoting innovation, and attracting foreign investment.



At the international breakfast meeting of the CalChamber Council for International Trade on September 8 are (from left) Susanne T. Stirring, CalChamber vice president of international affairs; Kenko Sone, consul general of Japan; Anil Fahriza Adenan, consul general of Malaysia; council Chair Jennifer Haley, president and CEO of Kern Energy; and Ambassador Carlos González Gutiérrez, consul general of Mexico.



Consul General of Japan
Kenko Sone



Consul General of Malaysia
Anil Fahriza Adenan



Consul General of Mexico
Carlos González Gutiérrez

Malaysia sees APEC as an essential platform for promoting economic growth and prosperity. The country is taking actions to make itself a regional hub for producing and exporting renewable energy, investing heavily in solar and wind power projects.

Mexico

Reminding listeners that California is Mexico's No. 1 trading partner, Ambassador González said the APEC Leaders Summit is an opportunity to reinforce

Mexico's position as a strong trade and investment partner along with the Asia-Pacific countries.

He commented that although there is not yet a trade agreement between Malaysia and Mexico, both are members of the original Trans-Pacific Partnership, and Mexico trades more with Malaysia than any Latin American country, the United Kingdom and France.

Of the 20 priorities identified for the APEC Leaders Summit, he said, three are most relevant to U.S./California-Mexico relations:

- Enhancing infrastructure and transportation;
- Noncommercial border crossings; and
- Strengthening supply chains.

Reducing waiting times at ports of entry between the United States and Mexico will save costs on both sides of the border, as well as reduce emissions, the Ambassador commented.

He cited the importance of trusted traveler programs for facilitating cross-border crossings.

A key to strengthening supply chains, the Ambassador said, is protecting and investing in the relationship between Southern California and Baja California. The auto market already is important to the prosperity of the relationship. Becoming more important are the medical supply and services industries.

Japan

Consul General Sone commented that a significant portion of his diplomatic career has involved dealing with APEC, first as an observer and then a meeting participant (for example, he was in charge of the APEC Osaka Summit in 1995).

The APEC vision is to achieve a free, dynamic, resilient and peaceful Asia-Pacific community by 2040. Three pillars to reach that goal involve working on trade and investment, the digital economy and

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Strength, Resiliency in Some Sectors Offset by Small or Negative Gains in Others

S&P 500 Off to Strong Start

Following a steep sell-off in the first half of 2022, the Standards & Poor 500 started 2023 with an impressive +15.9% first half return, ranking as the second strongest first half return since 2000, behind only 2019 and ahead of 2021.

Contrary to the market's forecast, the U.S. economy has remained surprisingly resilient. The economic data and growth rates aren't necessarily as strong as 2021 and 2022, but they are coming in above forecast.

Return Drivers in S&P 500

The S&P 500 is market cap weighted, which means its return can be driven by the biggest stocks. Tracking the median stock lets us know if the gains are top heavy (i.e., only the biggest stocks) or more widespread.

The gap indicates that while the S&P 500 recorded a strong first half gain, the median stock produced a significantly lower return.

There is a similar story with year-to-date returns at the sector level. The top three performing S&P 500 sectors — Technology, Consumer Discretionary, and Communication Services — have gained around 30% to 40% year to date, while the remaining eight sectors have either produced single-digit positive returns or negative returns.

Handful of Stocks Driving Gains

A factor contributing to the S&P 500's exciting start is centered around AI (artificial intelligence). AI has the potential to revolutionize the economy. The spotlight started in November 2022 when OpenAI released its text-generating AI chatbot called ChatGPT. The company offered a

to-earnings (P/E) multiple, an indication the group trades at a premium versus history.

What accounts for the valuation premium? Growth stocks account for a significant portion of the S&P 500 and currently trade above their 80th percentile and at 27x P/E multiple.

To summarize, Large Caps are expensive because Growth is expensive.

The takeaway: Large Cap and Growth stock valuations appear stretched near-term, but valuations across other equity factors may be more reasonable. The risk for those other factors is their earnings may decline if the economy slows, while Growth earnings may be more resilient given technology's outsized role in the economy.

Is the Fed Having Any Impact?

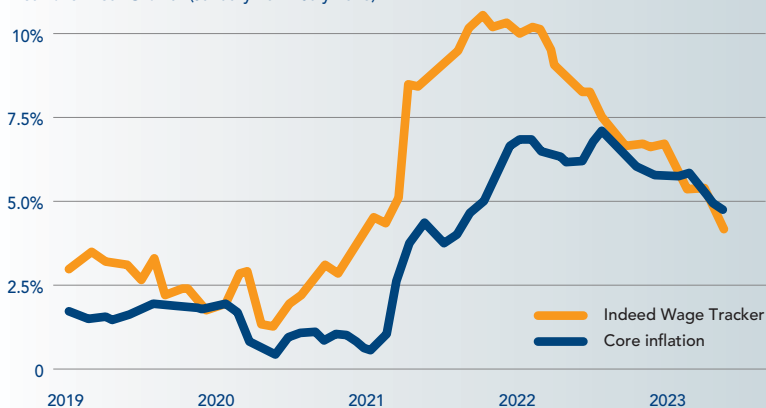
The leading economic index (LEI) declined -8% during the last 12 months, an indication the U.S. economy is slowing and potentially near a turning point. This is to be expected as the Federal Reserve raises interest rates and the economy returns to its pre-pandemic trend after a period of strong economic activity.

At the same time, the composite economic index (CEI) rose +2% during the last 12 months, an indication the current state of the economy remains

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Posted Wages Slowing More Quickly than Prices

Year-over-Year Growth (January 2019–July 2023)



Sources: Indeed Wage Tracker, Consumer Price Index, Goldstone Wealth Management, LLC.

free version, and less than 2 months later, OpenAI reported there were 100 million active ChatGPT users.

For comparison, it took Facebook 4.5 years to reach the 100 million user milestone, while Twitter took five years and Netflix took 10 years.

Is Market Cheap or Expensive?

There is a significant amount of valuation dispersion in the equity market. Large Caps trade above their 80th percentile and near a 19x next 12-month price-

Strength in Some Sectors Offset by Small or Negative Gains in Others

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strong. The rising CEI doesn't mean the economy has avoided a recession, but it indicates that as of today the overall economy remains resilient despite the Fed's 5% worth of rate hikes.

Since 1960, the U.S. economy has been near a recession each time the LEI declined by more than -5% in 12 months. The Fed knows it's making an impact and that higher interest rates affect the economy with a lag, but it also knows there was a large amount of stimulus dumped into the economy via low interest rates and government spending.

U.S. Bankruptcies Rising

The number of bankruptcy filings in March 2023 crossed above the median for the first time since December 2020, bringing the number of filings back in line with the pre-pandemic trend.

What's driving the increase? Higher interest rates, tighter bank lending standards, and easing inflation.

To summarize, higher interest rates and tighter bank lending standards are increasing companies' financing costs at the same time inflation is easing and companies are losing pricing power.

For context, bonds rated CCC and lower are perceived to be significantly riskier with higher rates of default and highly leveraged balance sheets.

Examples include Norwegian Cruise Lines, which is still repairing its balance sheet from the drop in travel during the pandemic, and Community Health Systems, an operator of hospitals dealing with too much debt after it was bought by a private equity firm.

TSA Checkpoint Travel Reaches New High

Data from the Transportation Security Administration (TSA) shows the number of travelers passing through checkpoints has already surpassed 2019 levels multiple times this year.

In the stock market, airlines continue to report strong travel demand and raise their financial outlooks, citing the consumers' willingness to keep spending.

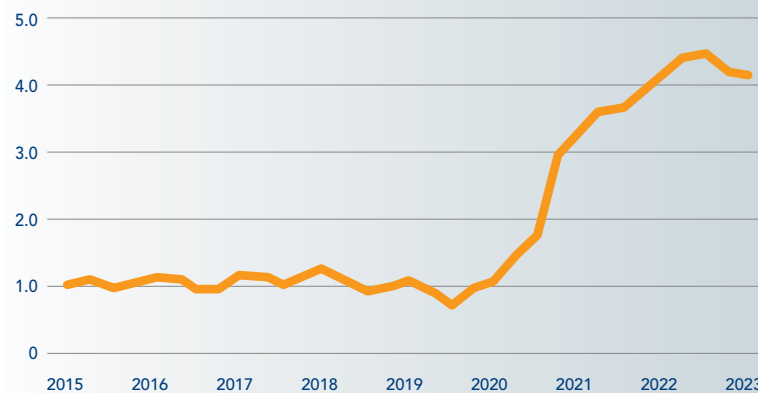
Increased travel is encouraging and another indication the economy is returning to normal, but it also complicates the Fed's efforts to tackle inflation. The central bank knows higher interest rates slow the economy, which eventually reaches the U.S. consumer and slows spending.

Consumer spending remains strong, however, and could prevent inflation from easing. The Fed faces a very difficult balancing act between doing too much and not doing enough.

Staff Contact: Nicole Wasylkiw

Healthy Consumer: High U.S. Household Liquidity

Cash and Checkable Deposits, US\$ trillions



Sources: Scotiabank Economics, Federal Reserve, Goldstone Wealth Management, LLC.

While more companies are filing for bankruptcy, the lowest-rated and riskiest bonds are outperforming.

What's driving the outperformance? Higher yield.

An index of corporate investment grade bonds yields 5.59%, while an index of CCC bonds yields 14%, almost 2.5x higher. High yield offers more income, but that income is tied to credit risk, which may mean more defaults and capital losses.



This economic outlook report is adapted from the special report presented to the CalChamber Board of Directors by Dr. Sanjay Varshney, Ph.D., CFA, principal, founder and chief economist, Goldstone Wealth Management, LLC.

Congresswoman Katie Porter Meets with CalChamber Board



Congresswoman Katie Porter (D-Irvine), elected in 2018 to represent the Orange County-centered 47th Congressional District, appears at the CalChamber Board of Directors meeting on September 8 to give a quick overview of her background and approach to governing. She is the first of several announced U.S. Senate candidates to address the CalChamber Board. Others will be invited to speak.

Tips for Navigating the Newly Released Form I-9

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• **Expired Documents May Not Actually Be Expired:** It has always been the case that some employment authorization documents that appear on their face to be expired may actually have been extended by the issuing authority — even though no new card is issued to the individual. For example, the government may issue an automatic extension and provide notice of extensions via publication in the *Federal Register*. USCIS has printed a reminder of this on the new Form I-9, noting: “All documents containing an expiration date must be unexpired” followed by “Documents extended by the issuing authority are considered

unexpired.” Employers can learn more about these extensions on the I-9 Central website at <https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents/employment-authorization-extensions>.

• **“Acceptable Receipts” List:** New to the Form I-9 is a helpful reminder of the “receipt rule” which allows employers to take certain receipts as acceptable stand-ins for a short time in place of lost or damaged documents. Acceptable receipts are now listed at the bottom of each column of documents.

More Information

USCIS has published a list of all changes to the Form I-9 and instructions

at [Form I-9 Summary of Changes Fact Sheet \(uscis.gov\)](https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf).

The new form and instructions are at <https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf> and <https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf>.

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.

Panelists Offer Thoughts on Upcoming Asia-Pacific Leaders Summit

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promoting innovation, and working for strong, balanced, secure, sustainable and inclusive growth.

Japan has been promoting the idea of “digital data free flow with trust,” Consul General Sone said.

Innovations being pursued by start-ups in Japan, he said, include operations focusing on liberalizing the environment of goods, as well as operations promoting hydrogen technologies in the United

States. Many Japanese companies also are working on solar power projects.

APEC

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

Staff Contact: Susanne T. Stirling

Legislature Sends Job Killer, Bad Business Bills to Governor

From Page 1

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.

Former Job Killers

- **SB 525 (Durazo; D-Los Angeles) Minimum Wage for Health Care Workers.** Increases minimum wage for health care workers to \$25 in stages. *Job killer tag and opposition removed due to September 11, 2023, amendments. CalChamber neutral.*

- **SB 723 (Durazo; D-Los Angeles) Onerous Return to Work Mandate.** Continues an onerous and stringent recall process for specific employers to return former employees to the workforce for specified industries, including hotels and restaurants that have been disproportionately impacted by this pandemic, by extending the current law past the previously imposed sunset date. *Job killer status removed due to September 7, 2023, amendments. CalChamber still opposes.*

CalChamber-Opposed

Also sent to the Governor were the following:

- **SB 253 (Wiener; D-San Francisco) Corporate Climate Accountability Act.** Imposes a mandatory climate tracking, and auditing on climate emissions that will fall heavily on all California businesses, impacting competitiveness and increasing costs.

- **SB 261 (Stern; D-Canoga Park) Climate-Related Financial Risk.** Requires any business with revenues over \$500 million annually to prepare a climate financial risk assessment on its holdings including any supply chain assets.

Headed for 2024 Ballot

Two proposed constitutional amendments that make it easier to raise taxes on Californians will go before voters on the 2024 ballot. The CalChamber opposes:

- **ACA 1 (Aguiar-Curry; D-Winters) Lowers Voter Threshold to Increase Property Taxes.** 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.

- **ACA 13 (Ward; D-San Diego) Increases Voter Threshold for Taxpayer Protections.** Aims to amend the California Constitution to require a higher voter approval requirement for citizen-proposed ballot initiatives that seek to increase protections for adoption of new taxes but does not impose that same voting threshold burden for tax increases placed on the ballot by the Legislature or local governments.

CalChamber-Supported

- **SB 326 (Eggman; D-Stockton)** Restructures California's behavioral health services programs to provide services for substance use disorders and move homeless individuals to shelter for treatment.

- **AB 531 (Irwin; D-Thousand Oaks)** Provides \$6.38 billion to fund critically needed behavioral health treatment beds and supportive housing through a general obligation bond measure.

- **SB 621 (Caballero; D-Merced) Pharmaceutical Cost Containment.** 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.

Contract Between Dockworkers, Employers Safeguards Economic Gains

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foreign markets. Trade offers the opportunity to expand the role of California's exports. In its broadest terms, trade can literally feed the world and raise the living standards of those around us.

Adjustments

Even before the negotiations, uncertainty was affecting port operations. Some cargo owners, wary of further disruption, shifted their volumes to the East and Gulf coasts to avoid or mitigate potential problems. These adjustments continue to influence both volume and market share.

To ensure U.S. ports are in a position

to compete globally, targeted investment and support for modernizing and automating infrastructure with skilled workers prepared for these advanced jobs are still of critical importance.

Future Needs

The CalChamber recognizes the crucial role port workers have played in supporting supply chain and logistic needs during the most challenging of times; however, in light of the highly competitive international shipping sector, we must continue to address systemic operational challenges by enabling transparency and data sharing in the future.

The CalChamber is pleased our state can move forward with a new contract between the dockworkers and port employers, thereby supporting continued economic growth and mitigating potential disruptions. These efforts will benefit California importers and exporters, the millions of workers they employ, and the millions of consumers they serve. There is nothing like *certainty* to safeguard our shared economic gains.

Susanne T. Stirling is vice president of international affairs for the California Chamber of Commerce.

Quick COVID-19 Refresher for Employers

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When Can Previously Excluded Employees Come Back to Work?

Employees may return to work after the fifth day if their symptoms are not present or are mild and resolving AND the employee is fever-free for 24 hours without using fever-reducing medication.

Employees with a fever cannot return to work until 24 hours after the fever resolves. If their non-fever symptoms aren't improving, they cannot return to work until their symptoms resolve or after the 10th day from when they tested positive. (And remember, a COVID-19 case who returns to work must wear a face covering until 10 days have passed since the date of symptoms or first positive test.)

What Do I Do When Employees Have "Close Contact" with COVID-19?

Employers don't have to exclude employees who have [close contacts](#) with positive COVID-19 cases, but employers still have to maintain effective policies to prevent COVID-19 transmission by individuals who had close contacts and review current CDPH close contact guidance.

Using the current CDPH definition,

close contact means the following:

- In indoor spaces of 400,000 or fewer cubic feet per floor (such as homes, clinic waiting rooms, airplanes, etc.), close contact is defined as sharing the same indoor airspace for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual five-minute exposures for a total of 15 minutes) during an infected person's infectious period, regardless of the use of face coverings.

- In large indoor spaces greater than 400,000 cubic feet per floor (such as open-floor-plan offices, warehouses, large retail stores, manufacturing or food processing facilities), close contact is defined as being within 6 feet of the infected person for a cumulative total of 15 minutes or more over a 24-hour period during the infected person's infectious period, regardless of the use of face coverings.

Offices, suites, rooms, waiting areas, break or eating areas, bathrooms, or other spaces separated by floor-to-ceiling walls shall be considered distinct indoor spaces.

Close contacts should wear a well-fitting mask around others for a total of 10 days, especially in indoor settings

and when near those at higher risk for severe COVID-19 disease. They should also test within three to five days of their last exposure, and if symptoms start to develop, they should test and stay home.

If the CDPH changes the definition of "close contact," the most recent CDPH definition would apply.

Additional California guidance is available on the CDPH [COVID-19 and the Workplace](#) website, Cal/OSHA's [COVID-19 Guidance and Resources](#) website and California's [COVID-19 Safety in the Workplace](#) website.

More Information

CalChamber members can read more in HRCalifornia's [School's Back, COVID's Rising ... Here's a Quick Refresher for Employers](#), which includes HRCalifornia's [COVID-19 Resources](#), such as [COVID-19 and Workplace Injuries](#), [Workers' Compensation Written Notice of COVID-19 Exposure](#), [Injury and Illness Prevention Program \(IIPP\)](#), [COVID Q&As](#) and more.

Not a member? Learn how to power your business with a [CalChamber membership](#).

Staff Contact: Katie Culliton



In-Person Harassment Prevention Training at Your Location

Give your employees the ultimate experience by scheduling in-person California harassment prevention training at your location. It's ideal if you want to train all your employees at the same time or if you have employees without computer access.

Preferred Members and higher receive their 20% member discount.



Meet training requirements and foster a safe, respectful workplace.

LEARN MORE at calchamber.com/in-person