

# ALERT

## CalChamber Sponsors Bill to Protect Small Businesses

*Makes Family Leave Mediation Program Permanent*



### SUPPORT

California Assembly.

**AB 2011 (Bauer-Kahan; D-Orinda)** makes permanent the Civil Rights Department small employer family leave mediation program, benefitting both workers and small employers.

### Background

In 2020, SB 1383 (Jackson; D-Santa Barbara) expanded the family leave

Legislation **sponsored** by the California Chamber of Commerce to ease the regulatory burden on small businesses is moving in the

requirements under the California Family Rights Act (CFRA). Beginning January 1, 2021, CFRA went from applying to employers with 50 or more employees to small employers with just five or more employees. SB 1383 also expanded the family members for which an employee could take leave under CFRA to provide care.

The regulations governing CFRA are lengthy and complex. Small employers do not have the means to hire human resources professionals or counsel to advise them on the details. The private right of action in CFRA means any mistake exposes small businesses to lawsuits that could quickly put them out of business.

*See Bill Makes: Page 4*

## CalChamber President Underscores Support for Equal Pay Pledge



**CalChamber President and CEO Jennifer Barrera** recaps the organization's history of support for the Equal Pay Pledge on March 12.

On National Equal Pay Day last week, CalChamber President and CEO Jennifer Barrera joined California First Partner Jennifer Siebel Newsom and others at an event highlighting strategies for companies to create more equitable workplaces by identifying and eliminating internal wage gaps.

More than 200 California-based companies, organizations and municipalities — including the California Chamber of Commerce — have signed the [California Equal Pay Pledge](#). That number is more than double the number of Pledge signatories on Equal Pay Day in 2023, First Partner Siebel Newsom announced at this year's March 12 gathering.

First Partner Siebel Newsom, in partnership with the California Partners Project, also released the [Equal Pay Playbook](#), which outlines six steps employers can follow to achieve equitable pay. The steps include conducting an internal pay

*See CalChamber President: Page 7*

## Registration Opens for Capitol Summit



Registration is open now for the California Chamber of Commerce Capitol Summit, set for May 8 in Sacramento.

CalChamber President and CEO Jennifer Barrera will kick off the Summit, set for 9:30 a.m.–2:15 p.m. at the SAFE Credit Union Convention Center.

The agenda will give attendees the opportunity to delve into the issues affecting the state's business community. Session topics include artificial intelligence (AI) governance, empowering small business, legislative frameworks for tack-

ling retail theft, and exploring California's political climate behind the headlines.

The CalChamber also will celebrate the achievements of its local chamber partners, recognizing their outstanding advocacy efforts and commitment to helping their members with labor law compliance.

### Other Events

After the Summit, attendees will have the option to stop by the CalChamber International Forum (a separate RSVP is required). The forum focuses on trade issues with the California trade/business community, including the consular corps.

Scheduled for the evening of May 8 is the Sacramento Host Reception. This event is co-sponsored by the CalChamber and

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### Inside

[Preview of Employment Law Proposals: Page 3](#)

*Labor Law Corner***CFRA/FMLA Leave for Elective Surgeries**

**Sharon Novak**  
Employment Law  
Expert

*My employee is requesting CFRA/FMLA leave to have elective surgery. He is potentially eligible for leave because he has worked full-time for us for more than three years. Does elective surgery qualify for CFRA/FMLA leave?*

The answer is “yes” if the procedure is related to a medical condition that otherwise qualifies as a “serious health condition” under the CFRA/FMLA. Protected leave cannot be denied simply on the basis that the employee is having an elective procedure.

**CFRA/FMLA Leave for Serious Health Conditions**

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) entitle eligible employees to take up to 12 weeks of unpaid leave per 12-month period for an employee’s own “serious health condition.”

The FMLA covers employers with 50 or more employees within a 75-mile radius; the CFRA covers employers with five or more employees.

A serious health condition is an illness, injury, impairment, or physical or mental condition involving either inpatient care in a hospital, hospice, or residential health care facility or continuing treatment or supervision by a health care provider.

The employer must continue the employee’s health benefits during the leave and return the employee to their same or comparable position at the end of the leave.

**Elective Procedures**

Elective surgery refers to surgery that is not considered an emergency or medically necessary. It typically is scheduled in advance and performed based on a

patient’s request and their doctor’s recommendation. Examples of elective surgeries include weight loss surgery, hip and knee replacements, and LASIK eye surgery.

For a medical procedure to be covered under the CFRA/FMLA, the key issue is whether the employee has a serious health condition, not whether they are electing to have a procedure performed for a medical condition.

For example, if you have an employee who needs time off for a hip replacement that requires an overnight stay in a health care facility or continued treatment, the absence will likely qualify for CFRA/FMLA protections.

Neither the CFRA nor the FMLA reference “elective” procedures. The FMLA provides in its regulations that “conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not ‘serious health conditions’ unless inpatient hospital care is required or unless complications develop.” (Code of Federal Regulations, Title 29, Section 825.113(d)).

The regulation makes clear, however, that a hospitalization or complications would make the procedure covered.

*See CFRA/FMLA Leave: Page 8*

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**CalChamber-Sponsored Seminars/Trade Shows**

More information at [www.calchamber.com/events](http://www.calchamber.com/events).

**Labor and Employment**

HR Boot Camp. CalChamber. March 28–29, May 2–3, Online. (800) 331-8877.

Leaves of Absence. CalChamber. April 11–12, May 30–31, Online. (800) 331-8877.

Navigating Reasonable Accommodations. CalChamber. April 18, Online. (800) 331-8877.

**International Trade**

Journey to Panama. San Diego Diplomacy Council. April 1–5, Panama. (619) 291-8105.

The Madrid Energy Conference 2024. Institute of the Americas and IPD Latin America. April 9–11, Madrid, Spain. (858) 453-5560.

Partnering for Prosperity: Canada-U.S. Economic Security. Consulate General of Canada, San Francisco, and

CalChamber. April 17, Sacramento. [xochitl.bartolome@calchamber.com](mailto:xochitl.bartolome@calchamber.com).

California Pavilion at Hannover Messe.

Governor’s Office of Business and Economic Development (GO-Biz).

April 22–26, Hannover, Germany. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

World Trade Week Southern California. Los Angeles Area Chamber of Commerce. May 1, Long Beach.

[cluna@lachamber.com](mailto:cluna@lachamber.com)

WCF Americas Summit. International Chamber of Commerce (ICC) World Chambers Federation. May 8–10, Bogotá, Colombia.

Annual Export Conference. National

*See CalChamber-Sponsored: Page 3*

**Next Alert: April 5**

## The Workplace

# Preview of 2024 California Employment Law Legislative Proposals



In Episode 192 of The Workplace podcast, CalChamber Associate General Counsel Matthew Roberts is joined by

CalChamber Senior Policy Advocate Ashley Hoffman and Chris Micheli, partner at Snodgrass & Micheli, LLC, to review some of the key employment law-related bills being discussed this legislative session.

### Key Bills

#### **Criminal Background Checks: SB 1345**

As the legislative session heats up in California, employers and policymakers are gearing up for potential changes in the employment landscape.

The first bill discussed on the podcast is **SB 1345 (Smallwood-Cuevas; D-Los Angeles)**, which aims to restrict the use of criminal background checks by employers. This bill seeks to impose stringent requirements on when employers can request a background check, limiting it to instances of “business necessity,” such as compliance with current law or if the employer wants to protect against incidents of workplace harassment, violence or theft.

Hoffman points out that the narrowness of the “business necessity” definition means that, if passed, very few employers will be able to pull a background check on prospective employees.

#### **Freelance Worker Protection: SB 988**

Last year, a Los Angeles local ordinance took effect that provided certain financial and legal protections for “freelance workers,” Roberts says. The ordinance seems to have attracted enough attention at the state level and a similar bill has been introduced in the legislature.

**SB 988 (Wiener; D-San Francisco)**, Micheli explains, would establish The Freelance Worker Protection Act, which would provide protections for independent contractors who are hired to provide certain professional services for at least \$250 or more. State and federal government are exempted from the bill, which means anyone working in the private sector would be affected by this law.

#### **Expansion of Leave Rights: AB 2499**

The third bill discussed is **AB 2499 (Schiavo; D-Chatsworth)**. This bill proposes an expansion of leave rights for employees, particularly related to jury duty service and crime victim leave.

Hoffman explains that the bill lowers the threshold for leave eligibility from 25 employees to just one and broadens the scope of covered situations. For example, under this bill, an employee with a family member who has been a victim may take time off to care for that family member or take time off to assist them with seeking civil, legal or criminal legal services.

#### **COVID-19 Regulations: AB 3106**

The next bill discussed is **AB 3106 (Schiavo; D-Chatsworth)**. The bill reintroduces exclusion periods for employees diagnosed with COVID-19, Micheli says.

Under the bill, three conditions must be met before an employee with COVID-19 may return to work:

- At least 24 hours have passed since a fever of 100.4 degrees or higher, without the use of fever-reducing medication;
- Symptoms have improved; and
- At least 10 days have passed since the COVID-19 symptoms first appeared.

Additionally, the bill states that the California Division of Occupational Safety and Health (Cal/OSHA) Standards Board is required to adopt a new standard that extends protections in the bill to diseases that are covered by any permanent disease standards that have been adopted by the Cal/OSHA Standards Board.

#### **Regulation of Temporary Workers: AB 2741**

The use of temporary or contracted labor has received attention over the last couple of years, including a recent expansion to California pay data reporting rules for employers with 100 or more contracted workers, Roberts says. Now legislators have introduced **AB 2741 (Haney; D-San Francisco)**, which seeks to place even more rules on employers and staffing agencies that place contracted workers.

Hoffman says that the bill contains many provisions and it broadly defines what a “labor contractor” is. Under the bill, a labor contractor would include anyone who supplies workers to a client, such as a staffing agency, but also someone like a farm labor contractor who is employing workers who are working at different sites, because the needs of agricultural work fluctuate.

The labor contractor will need to disclose how much they are being paid by the client, as compared to how much the worker is earning. The client must offer temporary workers direct employment when they have worked for a “long-term and continuous basis,” which is not defined in the bill.

Moreover, a labor contractor cannot place a worker where there is a strike or lockout, or other “labor trouble,” without providing certain notice.

#### **Protecting Tips for Restaurant Employees: AB 3143**

Lastly, **AB 3143 (Lowenthal; D-Long Beach)** focuses on protecting gratuities for restaurant employees, prohibiting employers from withholding tips left for employees.

While there are a lot of industries where workers may receive gratuities, AB 3143 is limited specifically to restaurants. However, the bill does not define what a “restaurant” is, so the bill could benefit from additional clarity, Micheli says.

## CalChamber-Sponsored Seminars/Trade Shows

### From Page 2

Association of District Export Councils. May 13–14, Washington, D.C.  
Trade Winds – Europe. GO-Biz and U.S. Commercial Service. May 13–15, Istanbul, Turkey. Optional: May 9–10,

Denmark or Romania; May 16–17, Poland or Italy. Register interest. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).  
Indo-Pacific Business Forum. U.S. Trade and Development Agency and Government of the Philippines. May

20, Livestream and Manila, Philippines. (703) 875-4357.  
EXIM 2024 Annual Conference. Export-Import Bank of the United States. June 6–7, Washington, D.C. [registrar@cmpinc.net](mailto:registrar@cmpinc.net).

## US Agency Releases Final Rule on Reporting Climate Risk, Emissions



The U.S. Securities and Exchange Commission (SEC) has released its long-awaited

**final rule** on reporting requirements for certain climate risks and greenhouse gas emissions for publicly traded companies.

The final rule released on March 6 was significantly different from what the SEC initially contemplated when the rule was first introduced in 2022. The SEC's rule excludes reporting requirements for emissions stemming from the supply chain (Scope 3) and linking Scope 1 (direct) and Scope 2 (indirect) emissions to information that publicly traded companies deem material.

### California Requirements

Similarly, the SEC rule is a significant departure from disclosure requirements in California.

**SB 253 (Wiener; D-San Francisco)** and **SB 261 (Stern; D-Canoga Park)**, both passed and signed in 2023, will impose reporting requirements related to Scope 3 emissions and climate-related risks for companies that do business in California, using specific revenue thresh-

olds (\$500 million for SB 261 and \$1 billion for SB 253).

Due to budgetary constraints, however, there is no funding to implement the bills. Governor Gavin Newsom's proposed budget issued on January 10, 2024 did not include funding needed for implementing either measure.

Moreover, signing statements for both **SB 253** and **SB 261** make clear that the Newsom administration has concerns with the bills' financial impacts and has directed the California Air Resources Board (CARB) to offer recommendations on streamlining these programs.

While California assesses what the final product will look like for both measures, it will be important to keep in mind that emissions disclosures and climate-related risk reporting here in California will be significantly different than anywhere else in the United States.

A measure similar to SB 253 was introduced in Washington state (**SB 6092**) and failed to pass. Here in California, companies will be required to report on all **15 categories of Scope 3 emissions factors**, regardless of whether that information is material or not. Clearly, this is a stark contrast to what was ultimately proposed by the SEC.

California's historic budget deficit

has been challenging, but perhaps it has created an opportunity for CARB to refine its recommendations based on what others are doing — or not doing. The State now has a better understanding of what will be required at the federal level through the SEC's final rule, and outcomes from efforts in other states, such as Washington.

Ultimately, some realignment will be necessary to meet the guidance Governor Newsom included in the SB 253 signing statement and streamline the programs based on financial impacts to the business community.

### Pending Litigation

The California Chamber of Commerce and a coalition of business groups are **challenging** SB 253 and SB 261 in a lawsuit in the U.S. District Court for the Central District of California.

The lawsuit, filed on January 30, asserts that both SB 253 and SB 261 unconstitutionally compel speech in violation of the First Amendment and conflict with existing federal law and the Constitution's delegation to Congress of the power to regulate interstate commerce.

**Staff Contact: Brady Van Engelen**

## Bill Makes Small Employer Family Leave Mediation Program Permanent

*From Page 1*

To alleviate SB 1383's threat of litigation for small businesses, budget trailer bill AB 1867 of 2020 required the Department of Fair Employment and Housing (DFEH) to establish a small employer mediation pilot program. All family leave claims brought against small employers with five to 19 employees could be sent to mediation, instead of directly to court.

In 2021, AB 1033 (Bauer-Kahan; D-Orinda) improved the processes within the program and AB 1949 (Low; D-Sili-

con Valley) added bereavement leave to the scope of the program. The program is set to sunset on January 1, 2025.

### Successful Program

Since its inception, the program has been successful. More than half of the mediated cases have resulted in settlement with hundreds of thousands of dollars going directly to workers.

In a letter urging the Legislature to make the mediation program permanent, the CalChamber and the many employer associations supporting AB 2011 say the

mediation option has been an important way to protect small businesses while maintaining labor rights.

The AB 2011 supporters also ask the Legislature to expand the scope of the mediation program to include reproductive loss leave, which is a new leave requirement that also applies to small businesses.

AB 2011 won unanimous approval from both the Assembly Labor and Employment Committee and the Assembly Judiciary Committee and will be considered next by the full Assembly.

**Staff Contact: Ashley Hoffman**

# US-Ireland Business Report Marks 100 Years of Diplomatic Relations



Shortly before St. Patrick's Day, the American Chamber of Commerce

released its annual [US-Ireland Business Report](#); the 2024 theme is "Building Ireland's Transatlantic Impact."

In the report, U.S. Ambassador to Ireland Claire D. Cronin states, "This year, the United States and Ireland celebrate 100 years of diplomatic relations. It is a significant milestone in a relationship that is bound by our close ancestral, cultural, and commercial ties, and one to be celebrated." The trade and investment relationship, worth \$1 trillion today, she continues, "is not just defined by dollars and euros, but by people. Our people-to-people ties fortify this connection in so many ways."

Tánaiste Micheál Martin TD (deputy prime minister) from the Department of Foreign Affairs and Minister for Defense, explains that 100 years ago, in 1924, newly independent Ireland began its first formal diplomatic relationship when Timothy Smiddy presented his credentials to President Calvin Coolidge.

"Smiddy's appointment as the diplomatic representative in the United States of America of what was then the Irish Free State was an important demonstration of the new state's existence," Martin writes. A century later, Ireland has more than 100 diplomatic missions worldwide.

"That the US was the first place to which Ireland appointed a career diplomat was an expression of the key role the US plays in the Irish imagination. We are two countries intertwined by family, history and affection, united by the Atlantic. That relationship is today one of shared values on the international stage, deep cultural appreciation and mutually reinforcing economic benefits," Martin says.

Ireland is a trade-dependent economy and one of the first 12 European Union nations to begin circulating the euro in 2002. The nation has become an important European hub for key sectors such as biotech, technology, med-tech, and financial services. Ireland has a gross domestic product (GDP) exceeding US\$600 billion and a population of more than 5 million.

Ireland is home to a burgeoning business community, which includes the software, pharmaceutical, finance, and medical technology industries.

## Digital, R&D and Apprenticeships

Paul Sweetman, the new AmCham CEO (following Mark Redmond, who held the position for more than a decade) points out that now more than 970 U.S. companies operate in Ireland. They directly employ 210,000 people, indirectly support another 168,000 jobs, and spend more than €41 billion in the Irish economy annually, Sweetman reports.

Ireland is home to the top five software companies globally, the top five industrial automation companies, 14 of the top 15 med-tech companies, and eight of the top 10 global financial services companies.

Ireland's attractiveness as a location for foreign direct investment (FDI) is underpinned by a myriad of factors. Ireland is ranked first globally for attracting and retaining talent, as the second most competitive country in the world, and the seventh most innovative country globally. Ireland produces 4 out of 5 medical stents, 50% of all hospital ventilators, and 1 in 3 contact lenses used around the world. The country makes up only 0.06% of the world's population.

## US Multinationals Helping Ireland's Economy

AmCham President Elaine Murphy says U.S. multinationals (MNCs) in Ireland "are playing a crucial role in

supporting Ireland's economy, creating jobs, and promoting greater diversity and inclusion."

In 2022, U.S. MNCs spent €41 billion in the Irish economy across capital expenditure, payroll, goods and services. This was an increase of 34% on the already-significant spend of €30.7 billion in 2021.

Mary Lou McDonald TD, president of Sinn Féin, notes that the friendship between Ireland and the United States "has proven to be critically important" and was "pivotal in the success of the peace process and the achievement of the historic Good Friday Agreement. It was crucial during the Brexit negotiations in ensuring there was no hard border on the island of Ireland. It was crucial too in the economic transformation of our country."

## Irish-California Trade Relations

Irish companies employ approximately 100,000 Americans in the United States. About 10% or 10,000 jobs are in California. Approximately 140 Irish companies now are established in the Western United States, primarily in California.

California-Irish ties run deep, with 10% of San Francisco Bay Area residents identifying as Irish Americans. More than 2 million Californians are of Irish descent.

In 2023, California exported nearly \$1.8 billion to Ireland, providing approximately 10% of total U.S. exports to Ireland, and making California one of the top exporting states to Ireland. Top exported products included chemicals, computers/electronics, non-electrical machinery, and process foods. Imports to California from Ireland in 2023 totaled \$2.3 billion and were made up of \$964 million in reimports. (*U.S. Department of Commerce*)

**Staff Contact: Susanne T. Stirling**



# Draft Privacy Rules Spark Concerns from CalChamber, Business Groups



Proposed privacy regulations being developed by the California Privacy Protection Agency

(CPPA) Board are overly burdensome, insufficiently risk-based, and out of sync with requirements of other states and the law passed by voters (Proposition 24), the California Chamber of Commerce and other groups told the board earlier this month.

In fact, the draft rules go beyond common understanding of privacy regulations and veer into rewriting the law, CalChamber Policy Advocate Ronak Daylami said in testimony to the CPPA Board on March 8.

Much of the discussion centered on whether the proposed regulations dealing with automated decision-making tools (ADMT) should be moved along to the next stage of the rulemaking process. Ultimately, the CPPA Board voted 3-2 to advance the regulations to the formal rulemaking stage.

## Overly Broad

One way in which the draft regulations are overly broad is by including “profiling a consumer for behavioral advertising,” Daylami noted.

As written, the draft captures even ads where businesses are advertising to their own customers, whereas California voters charged the CPPA with developing rules on “cross-context behavioral advertising” specifically. The latter focuses on sharing personal information for ads based on customer activities across multiple websites and services.

Another way the proposed definitions of artificial intelligence (AI) and ADMT remain so overly broad is that they encompass simple algorithms and commonplace tools such as spreadsheet software.

Including profiling and behavioral advertising in the regulations will have far-reaching, negative effects, creating opt-out requirements for situations in

which AI isn’t making decisions, Daylami said. Besides hurting innovation, the rules will lead to a more frustrating customer experience by limiting personalization, she said.

By including requirements of detailed disclosure and assessments related to model testing, model logic, outputs, testing for fairness and validity, and alternative technologies that a business considered, the draft rules enter the realm of general regulations of ADMT as opposed to *privacy* regulations, Daylami stated.

## Employment Concerns

Reiterating concerns raised at the board’s December meeting, Daylami pointed out that the use of ADMT in employment raises unique considerations, given that existing laws already protect against the use of AI tools that directly or indirectly discriminate against job applicants and employees. Problems include:

- Requiring employees to provide an opt-out of ADMT where it is unrelated to a significant employment decision or where the use is shown to be job-related and consistent with business necessity.
- Regulating the personal information used for training of ADMT, which isn’t a high-risk activity. Allowing an opt-out of training will result in inferior models and increase the risk of bias, to the detriment of consumers and innovation.
- Requiring an opt-out for training doesn’t protect consumers’ privacy and actually would require additional processing of their data because developers typically don’t identify individuals during the training process. Consumer data used in developing models is generic; developers rely on trends and patterns, not individualized data.
- Requiring businesses to provide risk assessments to the CPPA annually, as opposed to only where they are relevant to an investigation.

Daylami commented that the draft rules result in the disclosure of substantial amounts of confidential or proprietary information, if not trade secrets, yet fail to include protections from public disclo-

sure or ensure that all applicable legal privileges are retained — which is available under other state privacy laws. At a minimum, such protections should be added to the California rules, she said.

## Board Divided

Comments by CPPA Board members at the hearing indicated the divergence of opinions about the latest draft ADMT regulations. For example, board member Alastair Mactaggart, proponent of the privacy initiative passed in 2020, described the definitions in the regulations as being “extraordinarily broad.”

He said, “I think we’re getting very far afield from privacy...No one’s going to argue that we need to have a more just and equitable society, but we’re talking about privacy.”

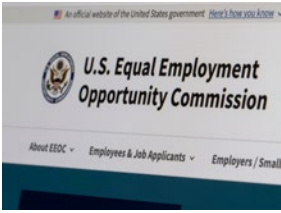
Board member Lydia de la Torre said she would find it very hard to back any finding about the regulation’s scope that wasn’t supported by Mactaggart because he “literally wrote the law...that we’re now trying to interpret.” She noted the board could face litigation that would be very challenging to defend against if board members disagree on whether the rules are within the scope of their assignment, and cited the many comments the board has received saying the draft rules are out of scope.

Other board members (Vinhcent Le and chair Jennifer Urban) characterized the draft as a reasonable balance with the proposed exceptions and the potential opt-out if a human was involved in reviewing company assessments being helpful for covered companies implementing the regulations. Le theorized that issuing a broader draft could result in the board receiving comments that would help narrow the scope of the regulation before it is finalized.

Jeffrey Worthe, the newest member of the board, said he thought it was time to move the discussion on the draft “to a wider audience” and ask for “feedback from stakeholders...in a very formal process.”

**Staff Contact: Ronak Daylami**

## 2023 EEO-1 Reporting to Open on April 30



It's been only a **few short months** since the Equal Employment Opportunity Commission

(EEOC) finished collecting employers' 2022 EEO-1 Component 1 reports, but it's already time for employers to start preparing for the next round.

The **2023 EEO-1 Component 1 data collection** will open on **Tuesday, April 30, 2024**, and the deadline to file is **Tuesday, June 4, 2024**.

The EEO-1 Component 1 report is required for all private sector employers with 100 or more employees, as well as federal contractors with 50 or more

employees meeting certain criteria. These employers must submit workforce demographic data that includes information on the racial/ethnic and gender composition of their workforce by specific job categories.

The EEO-1 Component 1 online Filer Support Message Center — their version of a filer help desk — will also be available on Tuesday, April 30, 2024, to assist filers with any questions they may have regarding the 2023 collection.

Employers can find 2023 EEO-1 Component 1 data collection updates as they become available on the [EEO-1 website](#). The EEOC *2023 Instruction Booklet* is available now and the *2023 EEO-1 Component 1 Data File Upload Specifications* were expected to be available shortly.

The instruction booklet consolidates FAQs, fact sheets, and additional eligibility and reporting requirements information for employers to use as they prepare their reports.

Employers must file their information through the [EEO-1 Component 1 Online Filing System](#) (OFS), either through manual data entry or data file upload. The *2023 EEO-1 Component 1 Data File Upload Specifications* will have the information for employers to ensure their 2023 data file is accurately processed by the online filing system.

Remember, once the data collection period opens, employers have until **Tuesday, June 4, 2024**, to submit their reports!

**Staff Contact: Katie Culliton**

## CalChamber President Underscores Support for Equal Pay Pledge

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equity audit and updating job descriptions and pay structure.

Also available are case studies and ways to tailor steps to match budgets.

“Women are the backbone of their communities and the economy and the breadwinner or co-breadwinner in most households in the U.S., yet the gender wage gap continues to deliver the

message that our work and our contributions have less value than men's,” said First Partner Siebel Newsom, co-founder of the California Partners Project.

“While data on the wage gap may differ, it all tells the same story of inequality and a gap in pay that worsens for women of color, mothers, immigrant women, and LGBTQ+ women, ultimately deepening generational poverty and slow-

ing economic mobility. The Equal Pay Playbook is one element of our gender equity strategy, giving companies the tools to close the gap and normalize equal pay in the workplace,” she said.

CalChamber pay equity resources include a [white paper](#) on *HRCalifornia* and [podcast](#) on employer best practices.



### Navigating California Business Just Got Easier!

Running a business in California is demanding. CalChamber understands and offers ways to ease your burden. Join us to save and optimize your operations.

**Join CalChamber**



## CFRA/FMLA Leave for Elective Surgeries

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### Leave Certification Procedure

Employers should have clear procedures in place when an employee requests a leave of absence that may qualify for CFRA/FMLA protection. Under all circumstances, it is the employer's responsibility to designate leave as CFRA/FMLA based on information provided by the employee. The employee need not expressly refer to the CFRA/FMLA. (California Code of Regulations, Title 2, Section 11091(a)).

When an employee requests CFRA/FMLA leave or when an employer learns that requested leave may be for a CFRA/FMLA-qualifying reason, the employer must respond within five business days

and provide the employee with notice of their rights and the correct designation forms. The forms for [5–49 employees](#) and [50 or more employees](#) are available on [HRCalifornia](#).

As a condition of granting leave, the employer may require certification of the serious health condition. See the [Certification of Health Care Provider — Employee's or Family Member's Serious Health Condition](#) form on [HRCalifornia](#).

Employers also may require employees to provide them with at least 30 days' advance notice of planned medical care unless such notice is impractical. The fact that advance notice can be required itself demonstrates that elective procedures are covered.

It is critical that employers not auto-

matically deny requests for CFRA/FMLA leave because the employee is having an elective procedure. The fact that it is elective does not disqualify it from protected leave consideration.

As situations surrounding CFRA/FMLA leave can be quite complicated, it is always recommended that employers consult with their employment law attorney to determine the most appropriate course of action.

*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](http://www.hrcalifornia.com).*

## Registration Opens for CalChamber Capitol Summit

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the Sacramento Host Committee to provide networking opportunities for business leaders from industries throughout the state.

The reception also gives attendees the opportunity to discuss key issues facing the state with other business leaders and elected officials. The evening event is a prelude to the 98th Annual Sacramento

Host Breakfast the next morning, May 9.

Featured speakers at the breakfast traditionally have been the Governor of California and the chair of the CalChamber Board of Directors.

### Registration

The fee to register for the Capitol Summit is \$100 per person. Once regis-

tered, registrants have the option to RSVP at no additional cost for the International Forum, the Host Reception, and Host Breakfast. The deadline to register is Wednesday, April 17, or until sold out. Space is limited.

To register for the Summit, visit <https://event.me/Bo3kgm>. Lunch is included in the registration fee.



### TWO HALF-DAY HR BOOT CAMP VIRTUAL SEMINAR

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