

# ALERT

## Job Killer Bills Miss Key Legislative Deadline

*1 Job Killer Amended Down*



Three of the five remaining California Chamber of Commerce **Job Killer** bills missed the May 24 deadline to pass the house in which they were introduced.

Although these bills have the potential to resurface later in the legislative session, the likelihood is low for two of the bills while a vote in the next week or two is possible for a third.

Due to amendments agreed to with the author, the CalChamber is removing the job killer tag on **AB 2499 (Schiavo; D-Chatsworth)**.

### Stalled Bills

The following job killer bills failed to pass before the May 24 deadline:

- **ACA 16 (Bryan; D-Los Angeles)**: Has far-reaching negative consequences that would impair government operations, stunt development for new housing, infrastructure and clean energy project development and the strong potential to destabilize California's economy. This constitutional amendment still is likely to come up for a vote in the next couple of weeks.

- **SB 1327 (Glazer; D-Contra Costa)**: Implements a discriminatory 7.25% tax on the revenue generated from

*See Job Killer Bills: Page 6*

## 72% of Voters Support Reforming California's Lawsuit-First PAGA System

**FixPAGA** Seventy-two percent of California voters

support reforming the Private Attorneys General Act (PAGA) to provide California regulators with increased authority to enforce employee labor complaints, while still allowing workers to bring claims through litigation if regulators cannot resolve them satisfactorily, according to a [new study](#).

The study, released June 3 by the Fix PAGA Coalition, revealed support for reform is bipartisan, with 84% of Democrats, 64% of independents and 56% of Republicans supporting a reform proposal.

Even after hearing both supporter and opponent messaging, 64% of voters continue to support the PAGA reform proposal that is eligible for the California November 2024 ballot.

### Fix PAGA

More than 120 organizations and businesses, including the California Chamber of Commerce, have joined the Fix PAGA coalition to reform PAGA.

"There is near universal consensus that PAGA is broken and not working for workers or employers," said Jennifer Barrera, CalChamber president and CEO. "We need sensible reforms to fix this broken system. Our coalition continues to

*See 72% of Voters: Page 8*

## CalChamber-Supported Bills Still Moving



### SUPPORT

and others with matters such as family leave, permits and skills needed by future workers.

### Support Bill List

Some of the support bills that are still active include:

- **AB 2011 (Bauer-Kahan; D-Orinda)** – CalChamber Sponsored: Makes permanent the Civil Rights Department small employer family leave

mediation program, benefitting both workers and small employers.

- **AB 2876 (Berman; D-Palo Alto)** – CalChamber Sponsored: Allows California to take a step forward in fostering an artificial intelligence-literate population and future workforce by teaching artificial intelligence (AI) literacy in schools. Requires the Instructional Quality Commission (IQC) to consider adding media literacy and AI literacy standards the next time the State Board of Education adopts the instructional materials for the English language arts/English language development curriculum framework.

- **AB 2371 (Juan Carrillo; D-Palmdale)**: Streamlines local permitting processes for electrified security fences, assisting businesses in being able to

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New Electric Vehicle Truck Charging Depot: Page 5

*Labor Law Corner***Meal Break Timing: OK to Provide Early in Work Shift**

**Sharon Novak**  
Employment Law  
Expert

*We have an employee who is scheduled to work an eight-hour shift and routinely clocks out for his meal break after working only two hours. We are fine with this but worry that it may violate the law since it's so early in his shift.*

California law on meal breaks is one area where there is clarity regarding an

employer's obligations. An employer may permit an employee working an eight-hour shift to take a meal break at any time before the end of the fifth hour of work.

**Meal Break Obligations**

An employer's obligations regarding meal breaks are set forth in Labor Code Section 512. Specifically, Section 512(a) provides that an "employer shall not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes...."

There are provisions in Section 512 regarding shifts of six hours or less and shifts of more than 10 hours that are not relevant to this question.

Section 512 was closely analyzed in the key California Supreme Court case of *Brinker Restaurant Corporation v. The Superior Court of San Diego County*, 53 Cal.4th 1004 (2012). The Supreme Court described in detail, based on legislative history and statutory interpretation rules, an employer's duties regarding meal breaks.

For employees working an eight-hour shift, the employer must provide a reasonable opportunity for employees

to take an uninterrupted 30-minute meal break. During this break, the employer must relinquish all control of the employees, the employees must be relieved of all duty, and they must be free to spend the 30 minutes of their break as they wish.

**When Meal Breaks Must Be Taken**

In *Brinker*, the Court held that Section 512 requires a first meal break no later than the end of an employee's fifth hour of work.

There can be confusion regarding the phrase "no later than the fifth hour" of work. The first hour is when the employee has worked between zero minutes and 60 minutes. Then the employee begins the second hour of work. For an employee working eight hours, the meal period must begin sometime *before* s/he has completed working five hours.

The CalChamber recommends that, to ensure compliance, employees clock out for their meal break no later than 4 hours 59 minutes into their shift. See the section on [Meal Break](#) in the HR Library on *HRCalifornia*.

Employees who start working at 8 a.m.  
*See Meal Break: Page 8*

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

**Labor and Employment**

Wage & Hour Essentials: Laws for Non-Exempt Employees. CalChamber. June 13, Online. (800) 331-8877.

Wage & Hour Essentials: Exempt Employee Requirements. CalChamber. June 20, Online. (800) 331-8877.

Leaves of Absence. CalChamber. August 8-9, Online. (800) 331-8877.

HR Boot Camp. CalChamber. August 22-23, Online. (800) 331-8877.

**International Trade**

Building Bridges: Women in Global Trade. U.S. Commercial Service and New Women's Business Center. June 13, Canoga Park. (949) 283-1024.

12th U.S.-Japan Hi-Tech Industrialization Forum. National Institute of Informatics (NII) and Vision X Foundation. June 18, Online and San Jose.

10th SelectUSA Investment Summit.

U.S. Department of Commerce. June 23-26, National Harbor, Maryland. [Apply to attend.](#)

Farnborough International Air Show: California Pavilion. Governor's Office of Business and Economic Development (GO-Biz), July 18-22, Farnborough, United Kingdom. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

2024 Green Expo: California Pavilion. GO-Biz. September 3-5, Mexico City. [Diana.Dominguez@gobiz.ca.gov](mailto:Diana.Dominguez@gobiz.ca.gov).

Africa Health. GO-Biz awarding export vouchers. October 22-24, Cape Town, South Africa. [Register interest. patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

Rebuild Ukraine 2024: Business in Ukraine and Poland. GO-Biz. November 12-15, Warsaw, Poland. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

*The Workplace*

# Key 2024 Court Cases Affecting Employers



In Episode 197 of The Workplace podcast, CalChamber Associate General Counsel Matthew Roberts and Employment

Law Subject Matter Expert Vanessa Greene discuss three recent court cases affecting employers.

## Huerta v. CSI Electrical

In March 2024, the California Supreme Court issued a decision in *Huerta v. CSI Electrical Contractors*. The two main issues in this case pertain to travel time and meal periods, Greene says.

The facts are that electrical contractor employees who were working on a solar project in a remote area near San Luis Obispo would start their shift by going to an employee parking area for the solar project. But getting there was quite the journey.

The employees first had to drive down a designated road where they had to pass a guard shack, then they had to drive several more miles to a security gate. And when they got to the security gate, they had to spend anywhere between five to 30 minutes undergoing a security check. Then they had to drive another 10 to 15 minutes to get to the employee parking lot. During this time, they were not being paid.

Additionally, employees were subject to collective bargaining agreements that provided them with a 30-minute unpaid meal period, but exempted them from the other California-specific meal break requirements. During this unpaid meal period, the employer did not allow employees to leave the worksite and required the employees to stay in a dedicated break area.

The employees filed suit for unpaid wages for the time they spent driving to the employee parking lot and for missed meal period premiums, arguing that the employer had sufficient control over the employees during both this travel time and this meal period time.

The California Supreme Court found that the employees' time for the security procedures counted as hours worked and must be compensated. Even though the employees were in their personal

vehicles, the employees were subject to employer control because they were confined to their vehicles and had to sit between five to 30 minutes and undergo a badge screening and vehicle inspection.

Regarding the issue of travel time for traveling from the parking lot to the gate, the court declined to make a specific decision, Greene says.

"But the court did give us some insight. It said that for travel time like that to be compensable, the employee's presence must be required for a reason other than accessing the worksite. And in this situation, it really appeared there wasn't really any other reason," Greene says.

In other words, it's a commute, Roberts adds.

Although the meal periods were subject to the collective bargaining agreement, the court said, "You can't bargain away an employee's right to be paid for what has essentially turned into an on-duty meal period where the employer is exercising all of this control over the employee," Greene explains.

## Naranjo v. Spectrum Security

In the *Naranjo v. Spectrum Security Services, Inc.* decision issued on May 6, the California Supreme Court held that an employer's good faith dispute can prevent the employee from collecting penalties and attorneys' fees.

In the case, the employee, Naranjo, argued that his employer had failed to include missed meal premium amounts on his wage statement. The real issue, Greene explains, was whether the employer knowingly and intentionally failed to include that information on Naranjo's wage statements.

The court held that if the employer can show that they genuinely believed they were complying with the law, they can overcome the "knowing and intentional" requirement and avoid wage statement violations, even if their understanding was later found to be incorrect, Greene says.

"So in other words, employers can establish what's called a 'good faith' defense to these wage statement violations. And this is a really big win for employers, because penalties for wage statement violations can be substantial and can add up really quickly if you have a lot of employees," Greene tells Roberts.

And how might an employer establish a good faith defense?

Greene says that an employer must be able to show that they did their best to comply with the law. She recommends that employers continue to follow best practices, like auditing their wage statements, making sure the statements are accurate, making sure they have included all the things that are required under the Labor Code, and also auditing their pay practices on a regular basis.

## Muldrow v. City of St. Louis

On April 17, the U.S. Supreme Court issued a ruling in *Muldrow v. City of St. Louis* holding that Title VII of the Civil Rights Act protects against discriminatory job transfers.

In *Muldrow*, Officer Muldrow, who had a good reputation, was transferred into another role by a new commander, who replaced her original role with a male officer.

In her new position, Mudrow kept her same rank and salary, but she lost other benefits related to her previous role, including her FBI credentials. In her previous role, she investigated public corruption and human trafficking, and oversaw the gang unit where she also served as the head of the gun crimes unit. In her new position, Mudrow performed duties like street patrol and administrative work.

"The key question in this case really was whether this job transfer itself — without any change in pay, without any change in rank — whether that constituted enough harm to be actionable under sex discrimination laws," Greene explains.

The Supreme Court said that for the transfer to be considered discriminatory, an employee has to show some disadvantage to their employment, or that they were treated worse because of their protected trait.

A takeaway for employers from this case, Greene says, is that all employment decisions, such as transferring someone to another department or terminating someone, need to be rooted in a legitimate business reason. Additionally, it's a good practice for employment decisions like this to be reviewed by either HR or some kind of top-level manager, not just be made unilaterally by an employee's supervisor or manager.

# New Effort Simplifies Contracting, Boosts Small Biz Procurement Opportunities



The California Chamber of Commerce, in a collaborative effort with the California Hispanic Cham-

bers of Commerce and the Northern California Small Business Development Center, has launched an initiative that aims to bridge the gap in business procurement by offering comprehensive support to help small businesses acquire procurement contracts in both the public and private sectors.

The **ProBiz program**, which will provide virtual trainings, in-person supplier diversity events, and no-cost one-on-one technical advising, is designed to simplify the contracting process and create a more inclusive marketplace for businesses of all sizes.

The program's launch comes at a

crucial time, following the recent passage of **AB 2019 (Petrie-Norris, 2022)**, Equity in State Procurement, highlighting the need for accessible procurement solutions.

## Pilot Program

"ProBiz is a needed and necessary solution for businesses of all sizes. That is why we are proud to partner in this pilot program and hope to see it expand statewide," said CalChamber President and CEO Jennifer Barrera.

The ProBiz program is expected to be particularly beneficial for minority-owned businesses, which often face significant challenges in securing procurement contracts.

"Minority-business owners typically struggle the most in finding and acquiring procurement contracts; ProBiz will be especially helpful for those business owners who want to grow their business,"

California Hispanic Chambers President and CEO Julian Canete said.

The announcement of the ProBiz program during California's Small Business Month underscored the importance of providing procurement access to every business in the state.

This pilot project will begin in Northern California with the goal of expanding to other Small Business Development Center regions across the state later this year.

## More Information

For more information about the ProBiz program and how it can benefit your business, visit [norcalstbdc.org/ProBiz](http://norcalstbdc.org/ProBiz) or contact Scott Rogalski, Northern California Small Business Development Center deputy director, at [scott@norcalstbdc.org](mailto:scott@norcalstbdc.org).

**Staff Contact: Nick Ortiz**

## CalChamber-Supported Bills Still Moving in Legislature

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quickly install devices that protect against loss.

- **AB 2550 (Gabriel; D-Woodland Hills):** Modernizes and streamlines building standards to help small businesses turn outdated locations into working businesses.

- **AB 2179 (Davies; R-Laguna Nigel):** Raises awareness of apprenticeship programs and other job opportunities for Californians who are preparing to graduate from high school.

- **AB 1886 (Alvarez; D-San Diego):** Preserves the Builder's Remedy. The Builder's Remedy is a provision in the Housing Accountability Act, first enacted in 1990, that — when a local jurisdiction is out of compliance with state housing element law — allows housing development project applications to be

submitted that bypass most local land use and zoning as long as the project includes 20% of the units affordable to lower-income households or 100% of the units affordable to moderate-income households.

- **SB 26 (Umberg; D-Santa Ana):** Helps to fund additional mental health professionals as part of the State's efforts to help those Californians dealing with mental health issues and address issues of homelessness and public safety.

- **SB 1152 (Limón; D-Goleta):** Helps to deploy newest technology of backup generators so Californians can remain connected during emergencies.

- **SB 1420 (Caballero; D-Salinas):** Creates a carbon-focused "qualified clean hydrogen" definition, sets a rigorous standard for hydrogen used in transportation, and expands hydrogen production by

including these facilities in the recently reauthorized Environmental Leadership Development Program.

- **SB 1432 (Caballero D-Salinas):** Extends the January 1, 2030 deadline by which hospitals are required to be capable of continued operations following a major earthquake, until January 1, 2038. Gives rural hospitals and critical access hospitals an abeyance from this same seismic compliance deadline until such time that adequate funding is made available to these hospitals.

- **SB 1244 (Newman; D-Fullerton):** Allows more school districts to operate dual enrollment programs with local community colleges, easing the pathway for more students to pursue career technical education or transfer to a four-year college via California's existing community colleges.

# Public-Private Partnership Makes Difference in Launch of EV Truck Charging Depot



A new electric vehicle (EV) truck charging depot launched

in May in Los Angeles is the product of an innovative public-private partnership between Prologis, Inc., Performance Team — A Maersk Company and local utility companies.

The charging depot, Southern California's largest for heavy-duty EVs, is located near the ports of Los Angeles and Long Beach and powered by the nation's largest EV truck microgrid, powered with natural gas from Southern California Gas Co.

Located directly off the Harbor (110) Freeway in Los Angeles on Denker Avenue, and within five miles of Interstate 405 and California State Route 91 (SR91), the 9 megawatt (MW)

Denker charging depot can charge up to 96 EV trucks at the same time.

Prologis and Performance Team built the facility in just five months. Performance Team will be using its fleet of Volvo VNR Electric trucks, which have a range of 240 miles and can charge up to 80% in 90 minutes.

"It is our ambition to drive the industry shift toward decarbonized supply chains," said Charles van der Steene, regional president for Maersk North America. "Expanding the charging infrastructure for commercial electric vehicles is a key part of that. This facility strengthens our ability to offer customers a decarbonized alternative to conventional trucking and brings us closer to our goal of reaching net zero by 2040."

"We're delighted to collaborate with Maersk on this important and innovative new commercial truck charging facil-

ity," said Henrik Holland, global head of Prologis Mobility. "To bring the depot online quickly, we delivered an innovative on-demand charging solution as an interim power connection measure. The transition to zero emissions is a priority for both companies, and we're proud to be on this journey together."

## Innovation Overcomes Energy Supply Hurdles

California requires an end to the sale of diesel trucks and a move to electric drayage trucks by 2035 and electric



heavy-duty trucks by 2045. This project is a key connector in the infrastructure needed to meet the state's goals.

While utilities work to upgrade the electrical grid, companies like Prologis and Maersk are investing heavily in California to find innovative and creative solutions that get EV trucks on the road immediately.

In developing the Denker charging depot, Prologis installed the charging infrastructure to help speed the time the project could get online and trucks could get on the road, rather than waiting up to two years for the grid upgrade.

Prologis developed an innovative charging solution, in conjunction with Mainspring Energy, to build a microgrid, which is any small network of electrical generators and loads that may be grid-connected but is capable of operating independently of the local grid.

The Prologis Denker microgrid uses 2.75 MW of fuel-flexible, hydrogen-ready linear generators paired with 18 MWh of batteries to provide up to 9 MW of charging capacity.

## Public-Private Partnerships Make Difference

"The future of heavy-duty trucking is pollution-free, and companies in California are leading the way," said California Natural Resources Secretary Wade Crowfoot. "This public-private partnership to create California's largest electric truck charging depot will reduce pollution and speed the adoption of electric trucks. In doing so, it helps to build energy independence for our transportation sector. This project is a big step forward and a win-win for our environment and economy."

With 20,000 trucks serving the ports of Los Angeles and Long Beach, it will take continued collaboration between government, regulators and

private industry to build the infrastructure and equipment necessary to support the trucking industry's transition.

Prologis and Performance Team officials said the project delivery was expedited thanks to a strong partnership with the Los Angeles Department of Water and Power, which enabled long-term design and planning, the city of Los Angeles, which permitted the project, and Southern California Gas Co., which powered the microgrid with natural gas.

The Denker charging depot is the third Southern California commercial truck EV charging project Prologis Mobility and Performance Team have opened together. Performance Team facilities in Santa Fe Springs and Commerce, equipped with Prologis Mobility charging infrastructure, provide 4 MW of charging capacity — enough to charge 38 electric trucks.

# Trillion-Dollar Tech and Innovation Sector Key to California Economic Success



Technology and innovation are key drivers of economic development in California, creating well-paid jobs throughout the state and producing an outsized proportion of tax revenues.

*The Role of the Tech Sector in Shaping California's Economy*, released June 5 by the California Foundation for Commerce and Education (CFCE), finds that on its own, the Tech Sector accounts for 19% of California's gross regional product (GRP), contributing \$623.4 billion to the state's economy in 2022.

The full breadth of its impact is even larger when taking into account the activity it drives in other industries via business-to-business interactions and through personal consumption spending by Tech Sector workers. Factoring in these ripple effects, the Tech Sector contributed nearly \$1 trillion to California's GRP,

accounting for 30% of the state's economy. In terms of employment, the Tech Sector supported 4.2 million jobs, or 20% of all jobs statewide.

## Staying Competitive

"For California to sustain its innovation-based economy and to maintain its competitive edge, it will need to offer an environment that encourages business attraction, retention, and growth," said CFCE President Loren Kaye.

## Public Policy Impact

"California has historically been a leader in technology and innovation, but costly public policy decisions that hurt businesses — including those in the technology sector — can sink them," said Kaye.

"Policies that stifle innovation, constrain development of artificial intelligence, or overhaul of antitrust laws, can profoundly harm California's upward economic development trajectory."

The Tech Sector's sizable economic output serves as a critical source of tax revenue for California. The Tech Sector

and its supported activity contributed \$55.9 billion in state tax revenue during fiscal year 2022–23, which accounted for 30% of total state tax revenues.

Most of the sector's fiscal contribution comes from personal income and corporate taxes, which account for 22% and 44% of these taxes' total revenues, respectively. A strong Tech Sector will play the definitive role in uplifting the state from its current — and future — fiscal situation.

## About Study

The study was prepared by CVL Economics, an economic consulting firm that takes a data-driven, human-centric approach to equitable development and sustainable growth.

CFCE is affiliated with the California Chamber of Commerce and serves as a think tank for the California business community. CFCE is a nonprofit corporation organized under Section 501(c)(3) of the Internal Revenue Code.

**Contact: Loren Kaye**

## Job Killer Bills Miss Key Legislative Deadline

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the sale of digital advertising. The bill is likely unconstitutional and will lead to costly litigation for the state.

- **SB 1497 (Menjivar; D-Los Angeles):** Imposes an ill-defined tax on a broad set of entities that will increase costs for goods and services in California.

### Amended to Remove Job Killer Tag

**AB 2499 (Schiavo; D-Chatsworth)** will be amended to remove certain qualifying reasons for leave that are not related to safety, narrow the accommodations provisions, and limit the amount of time off an employee can take for certain reasons. The Appropriations Committee had also amended the threshold of appli-

cability to apply to employers with 25 or more employees, which is consistent with existing law. Before amendments, it significantly expanded the 12-week leave related to crimes and lowered the threshold of applicability to employers with just five employees.

### Opposed Bills Stopped

Additionally, three CalChamber-opposed bills also failed to pass their house of origin. The following bills are dead for the year:

- **AB 2648 (Bennett; D-Ventura):** Prohibits the state from purchasing and all food services inside state facilities from offering any single-use plastic bottled beverages despite this packaging having one of the highest recycling rates

in the country and despite the negative impacts to both the environment and state budget from using less efficient and more expensive packaging.

- **AB 3155 (Friedman; D-Glendale):** Sets disturbing precedent by creating liability without proof for oil well owners/operators if individuals who lived within 3,200 feet of a wellhead develop certain health conditions.

- **SB 1494 (Glazer; D-Contra Costa):** Eliminates an important economic development tool by prohibiting local governments from entering into sales tax sharing agreements with businesses. SB 1494 failed passage on a vote of 17-11 on May 23; reconsideration was granted.

## Wanted: CalChamber Members to Support Small Business Interests



Small businesses are the heartbeat of the California economy, driving innovation and

creating millions of jobs. Recognizing the vital role these businesses play, the California Chamber of Commerce (CalChamber) has established the Small Business Policy Council (SBPC) to champion the interests of this important sector of our state's economy.

The SBPC, a small group of leaders representing local chambers of commerce, CalChamber small business members and CalChamber Board members, has been meeting since last winter to develop programs and partnerships to support small businesses and raise their voices during policy debates.

The SBPC serves as a voice for the small business community within CalChamber, advocating policies that support business growth and economic development. The council's goal is to ensure that small businesses have the tools and policy environment they need to succeed.

### Core Council Functions

- **Advocacy:** One of the primary roles of the SBPC is to influence policymaking processes to favor the development of small businesses. This involves serving as an important pillar of CalChamber's grassroots advocacy initiatives.

- **Education:** The council also focuses on developing business training and educational resources for CalChamber members, including the recently announced [Pro-Biz Partnership](#). Future offerings will include workshops, webinars, and newsletters to keep members informed and prepared.

- **Networking Opportunities:** The SBPC allows members to connect with peers, industry leaders, and experts from across the state who can provide unique insights and opportunities.

### Seeking Recruits

We're continuing to recruit CalChamber member businesses to join the SBPC. If you're a small business owner, executive or manager, and are interested in joining the council, here's what you need to know.

#### *Benefits of Joining*

- **Influence and Impact:** As a

member of the SBPC, you will have direct input into the policies that affect your business. This is a chance to advocate for changes that can make a real difference to the small business community.

- **Resources and Support:** The council connects members with access to a wealth of resources, policy expertise and updates.

- **Community and Collaboration:** Joining the SBPC means becoming part of a community of like-minded individuals who are committed to improving the business landscape for everyone.

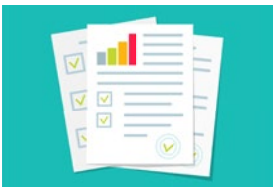
#### *Who We Are Looking For*

We are seeking energized and dedicated CalChamber members who are eager to contribute their time and expertise to the betterment of California's small businesses.

If you are a business leader or entrepreneur who is already a member of CalChamber and are interested in joining the Small Business Policy Council, please fill out the [brief interest form at this link](#).

**Staff Contact: Nick Ortiz**

## White Paper: Workplace Violence Prevention for California Employers



California employers have long been required to provide a healthful and safe

environment for their employees — not just related to workplace injuries and illnesses, but also in reducing the risk of workplace violence. Overall, employers haven't had any specific requirements around workplace violence other than to generally prevent and mitigate it — but that changed when California Senate Bill (SB) 553 was signed into law on September 30, 2023, establishing [new workplace violence prevention standards](#).

Beginning July 1, 2024, nearly all California employers must comply with the state's general industry workplace violence prevention standards — and CalChamber's free [Workplace Violence Prevention for California](#)

[Employers](#) white paper covers what employers should know about these new requirements.

### New Obligations

New obligations under the law include:

- Developing and implementing a workplace violence prevention plan;
- Training employees on the plan;
- Identifying, evaluating and correcting workplace violence hazards;
- Creating workplace violence incident logs; and
- Various recordkeeping requirements.

### Answers to Questions

The [Workplace Violence Prevention for California Employers](#) white paper answers several important questions for employers, including:

- Which employers are covered?
- What qualifies as workplace violence?

- What is a workplace violence prevention plan?

- What type of training is required?

- How do employers identify workplace violence hazards?

- How do employers respond to workplace violence incidents?

- What documentation is required?

Because there is no "one-size-fits-all" solution for employers that must create and implement a workplace violence prevention program that fulfills all obligations under the law — each employer's program must be uniquely tailored to the specific conditions of their worksites and operations — this white paper also lists resources available to help employers better understand and complete these obligations.

[Workplace Violence Prevention for California Employers](#) is available now for nonmembers. CalChamber members can [access the white paper](#) by logging into [HRCalifornia](#).

## 72% of Voters Support Reforming California’s Lawsuit-First PAGA System

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have conversations with key stakeholders to find a better, fairer way for workers and employers.”

The coalition, which includes nonprofits, community and disability advocates, large and small businesses, and others across California, is advocating for an end to the lawsuit-first class-action approach to resolving employee labor claims.

Instead, the coalition supports expanding existing Division of Labor Standards Enforcement (DLSE) processes that are proven to resolve employee claims faster and provide workers with more

money. The DLSE has a dedicated funding source — paid by employers — to expand staff and resources to handle employee claims.

### PAGA Harms

A report this year found that labor claims filed under PAGA take twice as long to resolve and provide workers only one-third of the compensation compared to employment claims reviewed by state regulators.

The report also found that since 2013 there have been nearly \$10 billion in PAGA court case awards, but due to significant attorney commissions, work-

ers receive only a small portion of these awards.

PAGA hurts virtually every industry and employer in California, including nonprofits, local governments, family-run businesses and others.

The coalition is supporting the already-qualified PAGA reform ballot measure, which is eligible for the November 2024 ballot. At the same time, the coalition is open to a legislative solution to avoid the need for a costly ballot campaign.

For more information, visit <https://fxpaga.com/our-supporters/>.

## Meal Break Timing: OK to Provide Early in Work Shift

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should begin their first meal break no later than 12:59 p.m.

This is the extent of the timing requirement for meal breaks for eight-hour shifts. Section 512 does not impose any other timing requirements, nor do any other laws, regulations, or interpretations.

The *Brinker* decision confirmed that Section 512’s timing of meal breaks is strict, but only to the extent that the meal

break must be taken no later than the end of an employee’s fifth hour of work. A meal break cannot be taken too early. It is when the employee working an eight-hour shift requests to take the meal break after completing five hours of work that the law requires the employer to deny the request.

The key obligation for employers is to provide the time to take the meal break and relinquish control of the employees for at least 30 minutes before the end of

the fifth hour. That’s it. If an employee wants to take their meal break during the first hour of work, or the second hour, or the third hour, the law permits this.

*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).*



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