

# ALERT

## Governor Signs Legislation Combating Retail Theft



### SUPPORT

California Chamber of Commerce-supported legislation to improve public safety and reduce retail theft passed the Legislature this week and was

signed by Governor Gavin Newsom on August 16.

“California business owners and operators, and the customers they serve, greatly appreciate the leadership of Governor Gavin Newsom, Assembly Speaker Robert Rivas and Senate President pro Tempore Mike McGuire to address retail theft issues in California,” said CalChamber President and CEO Jennifer Barrera.

“The new laws signed by Governor Newsom provide important tools for law enforcement and prosecutors to crack down on organized crime rings and retail thieves, and also send a strong signal that California is serious about holding criminals accountable. We are grateful that so many groups came together — including business and retail leaders, law enforcement and policy makers — to address the problem with meaningful reforms.”

The CalChamber-backed bills are as follows:

- **AB 2943 (Zbur; D-Hollywood)** creates new crimes for professional retail

thieves and gives law enforcement more tools to combat career thieves.

- **AB 1972 (Alanis; R-Modesto)** expands the scope of the California Highway Patrol’s Organized Retail Crime Task Force to support counties with resources to combat cargo theft. As an urgency measure, it will take effect immediately upon being signed.

- **AB 1779 (Irwin; D-Thousand Oaks)** clarifies that acts of retail theft occurring across multiple jurisdictions can be charged in a single jurisdiction.

- **AB 1802 (Jones-Sawyer; D-South Los Angeles)** removes the sunset date from the organized retail crime statute, keeping it in place indefinitely.

- **AB 3209 (Berman; D-Palo Alto)** creates a new retail theft restraining order that allows a court to prohibit a convicted retail thief from entering a retail location or parking lot.

- **SB 905 (Wiener; D-San Francisco)** closes the “locked door” loophole for thefts from automobiles and allows prosecution of individuals who possess stolen property from vehicles with intent to resell.

- **SB 982 (Wahab; D-Hayward)** removes the sunset date from the organized retail theft criminal statute, keeping it in place permanently.

- **SB 1242 (Min; D-Irvine)** adds sentencing enhancement for arson

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## CalChamber Welcomes New Water Policy Advocate



**Kristopher Anderson**

Kristopher Anderson joined the California Chamber of Commerce this week as a policy advocate specializing in water issues.

Before joining the CalChamber, Anderson worked for six years at the

Association of California Water Agencies (ACWA), which represents more than 460 public water agencies throughout California.

As a senior state relations advocate at ACWA, Anderson worked on issues related to water rights, groundwater, water rates, the California Environmental Quality Act (CEQA), the Endangered Species Act, and more.

“We are thrilled Kris has joined the CalChamber advocacy team and we are fortunate to have him on board,” said Ben Golombek, executive vice president and chief of staff for policy. “Kris’ exceptional advocacy skills and water policy experience will serve our members well as he champions sensible water policies that protect our economy and support California jobs.”

Anderson was instrumental in building large coalitions of public agencies, business, and agricultural interests on water rights and groundwater reform legislation. He also has successfully

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## Labor Law Corner

# Hours Worked, Not ‘Full-Time’ Label Key to Managing Benefits



**Sharon Novak**  
Employment Law  
Expert

*What is the minimum number of hours an employee needs to work to be considered full-time?*

California and federal law generally do not categorize the working hours of employees as either full-time or part-time. Such designations typically are made by the employer for benefits that are within the discretion of the employer to provide.

Although the U.S. Bureau of Labor Statistics classifies anyone who works 35 hours or more a week at a company as a full-time employee, this is solely for data gathering purposes. ([Bureau of Labor Statistics Data \(bls.gov\)](https://www.bls.gov))

It is typically within a company’s discretion to attach the labels “full-time” and “part-time” to its employees. For purposes of employment laws, the key is the number of hours an employee works, not whether the employer calls them full-time or part-time employees.

### Voluntary Fringe Benefits

Certain benefits, such as paid holidays and vacations, are not mandated by law. Because employers are not obligated to provide these types of benefits, they have the sole discretion to define eligibility criteria if they provide such benefits. Employers can limit eligibility to “full-time employees” and define “full-time” as they wish.

For example, an employer can define a full-time employee as someone who works at least 35 hours per week. This is a company decision, not a definition required by law.

### Laws with Hourly Requirements

Under most employment laws, an employee’s designation as full-time or part-time is irrelevant. Application of a law, however, may depend on the number of hours an employee works.

It is not whether the employer classifies an employee as full-time or part-time, but whether the employee works enough hours to be covered by the law. **Wage and Hour Laws**

Wages and hours are regulated in California by the Labor Code and Wage Orders. The federal Fair Labor Standards Act also applies, but California law generally is stricter than federal standards.

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### California Chamber Officers

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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. August 22–23, September 12–13, Online. (800) 331-8877.

Sick Leave, Vacation, PTO: What California Employers Need to Know. CalChamber. September 16, Online. (800) 331-8877.

Supervisor Essentials: Workplace Compliance. CalChamber. September 26, Online. (800) 331-8877.

Supervisor Essentials: Wage and Hour. CalChamber. September 27, Online. (800) 331-8877.

### International Trade

Certified Business Professional: Up Your Global Business Game! National Association of District Export Councils. August 27, Online.

2024 Green Expo: California Pavilion. Governor’s Office of Business and Economic Development (GO-Biz). September 3–5, Mexico City. [Diana.Dominguez@gobiz.ca.gov](mailto:Diana.Dominguez@gobiz.ca.gov).

Complying with U.S. Export Controls. Bureau of Industry and Security, Professional Association of Exporters

and Importers. September 24–25, Milpitas. (408) 532-8234.  
Encryption Controls. Bureau of Industry and Security, Professional Association of Exporters and Importers. September 26, Milpitas. (408) 532-8234.  
2024 California Pavilion @ Industrial Transformation Mexico. GO-Biz. October 8–11, Leon, Guanajuato, Mexico. [Diana.Dominguez@gobiz.ca.gov](mailto:Diana.Dominguez@gobiz.ca.gov).  
Japan International Aerospace Exhibition: California Pavilion. GO-Biz. October 16–18, Tokyo, Japan. [emily.desai@gobiz.ca.gov](mailto:emily.desai@gobiz.ca.gov).  
Africa Health. GO-Biz awarding export  
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## CalChamber Calendar

*Women’s Leadership Council:*

September 12, Anaheim

*ChamberPAC Advisory Committee:*

September 12, Anaheim

*Board of Directors:*

September 12–13, Anaheim

*International Trade Breakfast:*

September 13, Anaheim

## CalChamber Releases Midyear Employment Law Update White Paper



Usually, the busiest time of the year revolves around new laws taking effect on

January 1. But over the last few years, a trend has emerged in which several labor and employment law developments occur throughout the year — and 2024 is no exception.

In fact, this year, not only are laws taking effect mid-year, but there also are new regulations, local ordinance updates and court cases — all of which are keeping employers quite busy.

To help employers, one of CalCham-

ber's employment law experts drafted *Your 2024 Midyear Employment Law Update*, a free white paper that covers employment law developments in 2024 as of July 8, 2024, including:

- Minimum wage updates for the fast food industry, the health care industry and local minimum wage ordinances;
- Details about the recently signed Private Attorneys General Act (PAGA) legislation, which reforms PAGA to now include the possibility for significant reduction in penalties if employers have taken all reasonable steps to be in compliance.
- The significant workplace violence prevention standards for general industry that took effect July 1, 2024;

• The new indoor heat illness prevention standard that was with the California Office of Administrative Law (OAL) for review when the update was published, but has since [been approved and taken effect](#);

- The federal Pregnant Workers Fairness Act that took effect on July 18, 2024; and
- Various court cases and agency decisions.

CalChamber members can download *Your 2024 Midyear Employment Law Update* white paper from the [HR Library](#) on *HRCalifornia*. Nonmembers can download it [here](#).

## Governor Signs CalChamber-Backed Bills Fighting Retail Theft

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charges when the arson is purposefully caused to facilitate organized retail theft.

• **SB 1416 (Newman; D-Fullerton)** creates sentencing enhancements for selling, exchanging, returning for value (or attempting any of the same) property acquired through shoplifting or theft from a retail business.

The Governor's office said he will be signing CalChamber-supported **AB 1960 (R. Rivas; D-Salinas)**, which reinstates sentencing enhancements for taking, damaging, or destroying of property during the commission of a felony.

### Retail Theft

Retail theft has been an increasingly serious problem for businesses in California. The Public Policy Institute of Cali-

fornia (PPIC) reported [earlier this month](#) that recently released crime statistics for 2023 show continued growth in shoplifting statewide with reported incidents being 28% higher than in 2019.

Commercial burglaries dropped by 9% in 2023 but remain about 6% above their pre-pandemic level, the PPIC reported. The PPIC analysis showed that while most large counties saw increases in retail theft (both shoplifting and commercial burglary) from 2019 to 2023, more than 90% of the statewide rise occurred in just four counties: Alameda, Los Angeles, Sacramento, and San Mateo.

Repeated thefts have been cited in store closures across the state, depriving communities of brick-and-mortar options for their shopping needs. Additionally,

increased security measures can hinder the customer experience and increase costs for businesses. Hiring security guards and installing physical theft-prevention tools, while necessary, cost businesses and impede lawful customers from easily accessing items they'd like to buy. Customers who witness thefts are left feeling unsafe in their own communities.

In the [CalChamber People's Voice survey](#) of voters last fall, a majority of voters said crime has increased in their area, a quarter reporting by "a lot." When it comes to the retail experience, 44% of voters said they have "felt the need to change when or where they shop" in the past year.

## CalChamber Welcomes New Water Policy Advocate

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advocated for reforms to permit streamlining for critical water infrastructure improvements and ratemaking processes for public water agencies.

Anderson is admitted to practice law in the state of California. He earned a bachelor's degree in journalism at the University of Oregon, and a J.D. from the University of California, Davis, School of

Law, where he was a senior articles editor for the *Environmental Law and Policy Journal*.



## Report Details How California Can Achieve Climate Goals by 2045

### Unlocking California's Climate Ambition

July 2024

California can achieve economy-wide carbon neutrality by 2045 if it

swiftly changes how it currently plans, executes and funds the energy transition, according to a [recent report](#).

California has made significant progress in its goal of economy-wide carbon neutrality by 2045, reducing emissions by 20% economy-wide. To meet the 2045 goal, however, the state needs to scale-up clean energy technologies and remove the constraints that are limiting the pace of infrastructure development. This includes tripling the build rate of grid-scale solar and wind; increasing by up to four times annually the number of new electric transmission projects; increasing by up to 10 times annually the number of distribution projects; tripling the renewable natural gas (RNG) supply; and scaling up hydrogen production 24 times by 2045, the study states.

### Challenges

The study by Boston Consulting Group, "Unlocking California's Climate Ambition," points out that while today's electric sector planning processes have been sufficient in an era with stable demand, they are increasingly challenged to adapt to the more rapid and uncertain infrastructure developments needed to support statewide decarbonization. This is particularly challenging given the lack of certainty or framework for making grid readiness investments to meet load growth that is outpacing state forecasts.

"This uncertainty can contribute to interconnection delays and extended energization timelines that threaten the pace of the transition," the study states.

There are also challenges to deploying clean fuels (e.g., RNG and hydrogen) as well as carbon management. These areas lack long-term infrastructure plans, despite their critical role in decarbonizing hard-to-abate sectors and in providing resiliency and reliability to the energy sector, according to the study.

Lengthy and complex permitting processes also present a challenge and are hampering the timely deployment of all forms of clean energy and grid infrastructure.

The energy transition will nearly double the state's electricity demand by 2045. If California does not address its challenges to accelerate the buildout of clean energy generation, transmission, and distribution resources, maintaining system reliability will become much more difficult as demand grows faster than supply and grid capacity can keep up, the study authors warn.

The transition should result in reduced household energy costs for electrified customers, driven by savings from electrification and other fuel switching to more efficient technologies, specifically electric vehicles. In the near term, however, rising electric bills driven in part by California legislative mandated programs financed through utility bills disproportionately burden low-income households.

Such mandates include climate resilience (wildfire prevention), clean energy (Renewables Portfolio Standard) and Public Purpose Programs (low-income discount and energy efficiency programs). Mandates also cause some customers to bear more of the costs to operate and maintain the grid through cross subsidies like net energy metering which shifts billions of dollars in costs from solar to non-solar customers.

Additional delays in infrastructure

deployment and a lack of new and innovative funding sources could further increase the cost of the energy transition and the subsequent burden on customers, the study said.

### Solutions

The study presented the following three solutions to the challenges it identified:

- **Planning:** California should develop an integrated statewide plan that spans the energy value chain and leverages existing planning processes to deliver on the transition.

- **Enablers:** Eliminate permitting, investment, and procurement bottlenecks to accelerate clean infrastructure deployment.

- Streamline siting and permitting via scalable environmental permitting approaches.

- Develop an alternative framework for cost recovery on grid investments made by utilities to prepare for anticipated load growth or resource development.

- Support procuring clean firm resources in areas where there is insufficient capacity or if Load-Serving Entities (LSEs) are unable to procure these resources, such as by extending central procurement mechanisms.

- **Funding:** Leverage new sources to equitably fund the clean energy transition.

- Utilize new sources of funding to take costs off customer bills to make rates more affordable and flexible for the needed investments.

- Leverage alternative rate structures and other policy tools to protect against near-term rate impacts and ensure costs are equitably distributed.

To read the report, [click here](#).



## Helping Business In A Global Economy

[www.calchamber.com/international](http://www.calchamber.com/international)



## Hours Worked, Not ‘Full-Time’ Label Key to Managing Benefits

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In California, nonexempt workers must be paid overtime if they work more than 8 hours per day. It is irrelevant if the employee is classified as a part-time worker.

### Family and Medical Leave

The California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) require covered employers to provide eligible employees with up to 12 weeks of unpaid, job-protected leave for covered circumstances, including the employee’s own serious medical condition, the birth or placement of a child, or care for a family member.

To be eligible, an employee must have worked for the employer for at least 12 months and at least 1,250 hours during

the 12 months immediately before the date the protected leave begins.

This 1,250-hour annual requirement is equivalent to 24 hours per week. Many employers might designate someone who averages 24 hours per week as part-time.

Whether the employee is classified as full-time or part-time, the employee is entitled to leave if they meet the 1,250-hour requirement.

### Health Insurance

Under the federal Affordable Care Act (ACA), covered employers are required to offer health insurance to employees who meet the average hourly requirements, no matter how the company defines full-time.

According to the ACA, employees who work for a business that employs 50 or more people and who work an average

of 30 hours a week or 130 hours a month are entitled to participate in an employer-sponsored health care plan.

Keeping track of how many hours your employees work is critical. Designating those workers as full-time or part-time may be important for discretionary company policies, but the focus for compliance purposes should be on the hours worked and not the labels applied to them.

*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).*

## CalChamber-Sponsored Seminars/Trade Shows

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vouchers. October 22–24, Cape Town, South Africa. [Register interest. patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

Cosmoprof Hong Kong. GO-Biz. [Registration of interest required](mailto:patricia.utterback@gobiz.ca.gov). November 12–14, Hong Kong, China. 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).





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