

ALERT

Workplace Violence Rule: CalChamber Urges Changes

Draft Regulation Broader than Legislation



Cal/OSHA held the first open discussion of its workplace violence safety regula-

tion for general industry at an all-day advisory committee meeting on January 24.

A California Chamber of Commerce-led coalition of employers presented comments and concerns about the proposed draft rule.

Most California employers will already be aware of workplace safety obligations because of 2023's SB 553 (Cortese; D-San Jose), which created vast new obligations across nearly all sectors in Labor Code Section 6401.9.

This legislation created new obligations for training, and additional obligations whenever a workplace violence event — defined loosely as any event involving verbal threats or physical violence — occurs in the workplace.

Changes in Draft Rule

Now, Cal/OSHA is creating regulations based on that legislation, and is looking at some significant changes to broaden present workplace violence prevention obligations.

Employers' representatives, union representatives, regulators, and members of the public discussed the range of changes from present law that Cal/OSHA is proposing. Although there were a vari-

See CalChamber: Page 5

Naseem Moeel Joins CalChamber as VP of Corporate Relations



Naseem Moeel

Naseem Moeel joined the California Chamber of Commerce in January 2025 as vice president of corporate relations, dedicated to working with CalChamber members to continue their

engagement and opportunities for growth.

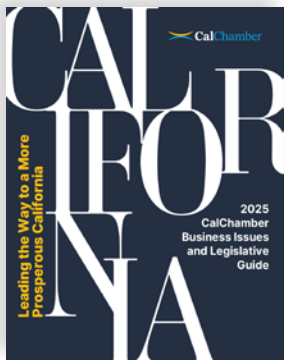
Moeel joins the CalChamber from Pacaso, a real estate brokerage, where she served as public affairs manager. Before her three years at Pacaso, Moeel spent a decade as a business leader in California's wine industry, particularly in the Napa and Sonoma valleys.

With a strong commitment to local economic growth, she led initiatives to expand wine projects with HALL Family Wines and Casey Flat Ranch, as well as managed business operations, hospitality teams, and events with Treasury Wine Estates.

In these roles, she prioritized building strong community relationships to support economic recovery and tourism, especially during the COVID-19 pandemic, Northern California wildfires, and the 2014 Napa earthquake. She developed collaborative partnerships with organizations like the Napa Valley

See Naseem Moeel: Page 6

2025 CalChamber Issues Guide Posted on Web



The California Chamber of Commerce **2025 Business Issues and Legislative Guide** is available now on the CalChamber website at www.calchamber.com/businessissues.

www.calchamber.com/businessissues.

The issues guide highlights how policy makers can be part of **Leading the Way to a More Prosperous California**. The easy-to-reference online publication offers sensible, workable ideas to move

the state forward on the affordability issues that threaten progress on any prosperity agenda.

Those issues include the high costs of essentials, from housing to energy, as well as hidden taxes that penalize employers for investing, hiring or producing in California.

An e-book edition of the **Guide**, compatible with smartphones, tablets and desktop computers with an e-book reader installed can be downloaded free at www.calchamber.com/businessissues. A PDF file also is available.

In addition, issue articles can be viewed as web pages and downloaded as individual PDF files. All electronic files include clickable links to many of the sources cited in the issue articles.

Inside

Workplace Raids and I-9 Audits: Page 3

Labor Law Corner

Factors to Consider When Employee Asks to Extend Family Leave



Dana Leisinger
Employment Law
Expert

We have more than one employee who have requested extensions of their family leave (for various reasons). Do we have to grant these extensions, or can we terminate their employment?

This question comes up frequently, and the Labor Law Corner has addressed it a couple of times. The answer is — it depends.

The issues involved are very serious, and employers should work hard to

accommodate the requests. It is much easier to accommodate an employee's request for more time versus defending a lawsuit based on denial of such a request.

'Reasonable Accommodation'

The Equal Employment Opportunity Commission (EEOC) has in recent years issued guidelines stating that an extension of federal Family and Medical Leave Act (FMLA) is one of the "reasonable accommodations" contemplated under the Americans with Disabilities Act (ADA).

The next question Helpline callers ask is "how much time?" This is not an easy one to answer because the ADA does not define precisely what is a reasonable accommodation.

The various government entities that address questions such as this don't want employers to have a "knee jerk" reaction to deadlines, severing the employment relationship the moment an extension is requested.

Time Requested

So what are employers supposed to do? Several factors should be considered when making this determination, and key is what the medical provider certifies as a necessary extension of time.

How much more time is being requested? Most companies with 50 or

more employees (the minimum size for the FMLA to apply) likely can accommodate a few days, or even a week or two.

But the California Family Rights Act (CFRA) was expanded in 2021 to apply to employers with five or more employees. If an employee is taking leave for their own serious health condition, and the employer is smaller, an extension of time can be more difficult to accommodate.

If an employee is requesting several more months, matters get even more complicated. What's reasonable for an employer with 800 employees might not be reasonable for a company of 52 employees, much less for a business with eight employees. Therefore, the size of the company is yet another factor, and human resource departments struggle with how to proceed.

Other Considerations

Another consideration is how sensitive the employee's job is. Is it easy to shuffle her/his job duties to others or are the responsibilities such that a prolonged absence is causing strain on the company?

In addition, some companies are seasonal in nature, and an employee's absence during a busy time of the year

See Factors to: Page 5

California Chamber Officers

Maryam S. Brown
Chair

John A. Stowell
First Vice Chair

Frank Washington
Second Vice Chair

Fiona Hutton
Third Vice Chair

Janet A. Liang
Immediate Past Chair

Jennifer Barrera
President and Chief Executive Officer

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

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

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

*Email: alert@calchamber.com.
Home page: www.calchamber.com.*

CalChamber-Sponsored Seminars/Trade Shows

More information at www.calchamber.com.

Human Resources

Employee Handbooks and Policies.
CalChamber. February 20, Online.
(800) 331-8877.

HR Boot Camp. CalChamber. February 27–28, April 24–25, June 5–6, September 11–12, Online. (800) 331-8877.

Leaves of Absence. CalChamber. March 6–7, May 8–9, August 7–8, Online.
(800) 331-8877.

International Trade

TIMTOS Show — A Global Leading Smart Manufacturing & Machine Tool Expo. Taiwan External Trade Development Council and Taiwan Association of Machinery Industry. March 3–8, Taipei City, Taiwan. (415) 362-7680 #500.

2025 California International Arbitration Week. California Lawyers Association. March 10–13, West Los Angeles. (916) 516-1757.

2025 Sports and Fitness Taiwan (TaiSPO)
See CalChamber-Sponsored: Page 6

CalChamber Calendar

Women's Leadership Council:

March 6, Palm Desert

ChamberPAC Advisory Committee:

March 6, Palm Desert

Board of Directors:

March 6–7, Palm Desert

International Trade Breakfast:

March 7, Palm Desert

*The Workplace***Workplace Raids and I-9 Audits: What Employers Need to Know**

In **Episode 214** of The Workplace podcast, CalChamber Associate General Counsel Matthew Roberts and

immigration law experts Greg Berk and Andrew Desposito discuss employer obligations during federal immigration raids and audits.

As the new U.S. presidential administration takes hold, employers are facing a ramp up in immigration enforcement, including raids and I-9 audits.

The Role of ICE in Workplace Immigration

Berk, partner at Sheppard Mullin, explains that Immigration and Customs Enforcement (ICE) is the primary federal agency responsible for enforcing workplace immigration laws.

Within ICE, there are two key divisions involved in enforcement: Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO). HSI handles I-9 audits and broader investigations, including human trafficking, while ERO focuses on identifying, detaining, and removing individuals deemed removable due to immigration violations.

Workplace enforcement actions are often triggered when ICE conducts I-9 audits, which typically involve reviewing employee documentation for work authorization, Berk says. These audits can be initiated by a visit from an ICE agent, who will ask the employer to provide I-9 forms and related documents for their review.

Employers are required to comply with these requests, but they can ask for additional time to gather the necessary information.

California's Special Requirements for I-9 Audits

California employers face additional legal considerations when dealing with federal I-9 audits, Desposito, special counsel at Sheppard Mullin, says. During the first Trump administration, California enacted laws designed to counter federal immigration policies.

One such law mandates that employers must notify employees within 72 hours of receiving an audit notice. Additionally, California businesses are prohibited from voluntarily allowing ICE agents to enter non-public areas of their premises unless the agents have a warrant or other legal authority.

"It's going to be on a fact-by-fact basis, on whether or not the officer will go any farther, but the employer should still be complying with the request to try and comply with the request," Desposito says.

Desposito explains that if ICE finds discrepancies in an employer's I-9 records, the agency may issue a notice of suspect documents, meaning that they believe these individuals do not have proper documents for work authorization and those individuals will need to be let go.

ICE may also choose to levy fines for non-compliance. Employers must respond to these notices by either paying the fine or appealing the decision.

Raids: How Employers Should Respond

While I-9 audits are a routine part of immigration enforcement, workplace raids have made headlines in recent months, leaving employers concerned about how to respond.

Berk explains that recent raids are typically triggered by the presence of non-citizens with criminal convictions, and ICE agents may arrive at a business with a civil administrative warrant to arrest the targeted individual. Employers are not obligated to cooperate with a civil warrant, but Berk recommends that employers cooperate.

"If an employer is not going to cooperate, they're probably going to bring on more trouble on themselves, because ICE has a lot of tools in their toolbox, including launching an I-9 audit and so on," he says.

Berk notes that his office has recently heard that ICE is under pressure to make more arrests, which means they may start trying to arrest bystanders.

In rare cases, an agent may have a criminal warrant signed by a judge, and the employer must cooperate with the ICE agent.

Berk advises employers to have a clear protocol in place. This includes designating a point of contact to manage the situation and potentially consult with legal counsel to ensure compliance. Employers should be cautious not to inadvertently hinder law enforcement while also protecting their business operations.

Mitigating Fear, Confusion

Amid heightened immigration enforcement actions, many employers may receive inquiries from immigrant employees who are authorized to work in the United States legally and are concerned about their immigration status.

Desposito encourages employers to be proactive in addressing these concerns. By reminding employees to stay on top of their work authorization documentation and encouraging timely renewals, businesses can help prevent lapses that might result in legal issues.

Anti-Discrimination Laws

As employers navigate immigration enforcement, they also must be mindful of anti-discrimination laws.

The Department of Justice (DOJ) has an aggressive unit called Immigrant and Employee Rights (IER), and their mission is to go after employers who accidentally, unlawfully deny employment, even if they had the best intentions, Berk says.

Employers are barred from asking about immigration status until a job offer is made, and even then, employers should not ask about immigration status, he says. The first time the employer is able to find out about immigration status is when the job candidate fills out the I-9 form.

The only question that employers may currently ask is if the applicant will need a visa sponsorship to work for them today or in the future. That is the only question an employer may ask, Berk stresses.

If a prospective employee fills out an I-9 and they have temporary work authorization, Berk recommends that employers consult with legal counsel.

"If you got it wrong, DOJ will make your life very difficult. They'll start an audit and paper you to death," Berk warns.

Trump Tariffs: Some Put on Hold, Others Take Effect This Week



After a flurry of activity over last weekend and into Monday, President Donald

Trump put on hold for 30 days the 25% tariffs on Canada and Mexico (except a 10% tariff for Canadian oil). His 10% tariffs on China went into effect at 12:01 a.m. on Tuesday.

On Monday morning, February 3, President Trump confirmed he had reached an agreement with Mexico President Sheinbaum to delay tariffs until March 1 following her willingness to send 10,000 troops to the U.S.-Mexico border.

In the same afternoon, President Trump reached a similar agreement with Canada, which promised to send new helicopters, technology and personnel to the border in return for a 30-day hold on tariffs.

“The California Chamber of Commerce is committed to supporting a free trade agenda that fosters economic growth and job creation,” said CalChamber President and CEO Jennifer Barrera. “We strongly oppose protectionist measures, including tariffs, which disrupt global supply chains, raise consumer prices, and hinder the competitiveness of California businesses. A focus on trade agreements instead will ultimately lower both tariff and non-tariff barriers and help create long-term, sustainable economic growth.”

From the White House

The White House released a [fact sheet on February 1](#), stating the executive orders for the tariffs were due to the “extraordinary threat posed by illegal aliens and drugs, including deadly fentanyl,” constituting “a national emergency under the International Emergency Economic Powers Act (IEEPA).”

Tariffs can be country specific, product specific, or universal / global citing a national economic emergency to provide legal justification for implementing them under the International Economic Emergency Powers Act of 1977 — although

this has never been used. Historically IEEPA has been used for foreign sanctions.

The Executive Orders below follow on [President Trump’s America First Trade Policy released on January 20](#), directed to nine government entities.

It states: “Americans benefit from and deserve an America First trade policy. Therefore, I am establishing a robust and reinvigorated trade policy that promotes investment and productivity, enhances our Nation’s industrial and technological advantages, defends our economic and national security, and — above all — benefits American workers, manufacturers, farmers, ranchers, entrepreneurs, and businesses.”

- [Imposing Duties to Address the Flow of Illicit Drugs Across Our Northern Border](#) — The White House, February 1, 2025

- [Imposing Duties to Address the Situation at Our Southern Border](#) — The White House, February 1, 2025

- [Imposing Duties to Address the Synthetic Opioid Supply Chain in the People’s Republic of China](#) — The White House, February 1, 2025

Mexico, Canada and China are the top three trading partners for both the United States and California.

Mexico

Mexico continues to be California’s top export market. California exports totaled \$33.26 billion in 2023. Exports increased by 8.03% compared to 2022. Mexico purchases 18.6% of all California exports. California’s exports to Mexico are driven by computers and electronic products, which account for 17.5% of all California exports to Mexico. Other top categories included transportation equipment, chemicals and non-electrical machinery.

Mexico is California’s second largest import partner, with total imports in 2023 being \$61.5 billion. Top products include: transportation equipment at \$14.7 billion; computer and electronic products at \$13.48 billion; agricultural products at \$7.04 billion; and electrical equipment and appliances at \$5.07 billion.

Canada

Canada is California’s second largest export market, purchasing 10.7% of all California exports. In 2023, California exported more than \$19.07 billion to Canada. Exports to Canada decreased by 7.35% in 2023 compared to 2022. Computers and electronic products remained California’s largest exports, accounting for 26.4% of all California exports to Canada.

California imported more than \$15.6 billion from Canada in 2023, ranking it seventh among California import partners. Top products imported from Canada in 2023 included: processed foods at almost \$3.6 billion; transportation equipment at \$2.6 billion; chemicals at \$1.12 billion; and oil and gas at almost \$1.1 billion.

China

California exports to China totaled \$16.87 billion in 2023, a 7.05% decrease from the year before. Computers and electronic products were the largest export to China, accounting for 22% of exports.

China is California’s top import partner with California demand for Chinese goods totaling \$120.5 billion in 2023. The top products imported from China to California included: computer and electronic products, totaling almost \$40.1 billion; electronic equipment and appliances at \$18.8 billion; miscellaneous manufactures at \$14.3 billion; and apparel accessories at almost \$7.2 billion.

CalChamber Position

The CalChamber supports free trade worldwide, expansion of international trade and investment, fair and equitable market access for California products abroad, and elimination of disincentives that impede the international competitiveness of California business.

The CalChamber will continue to focus on lowering tariff and non-tariff barriers to support the expansion of American exports. While strategic use of tariffs or the threat of tariffs may be a meaningful negotiation tool, the CalChamber

See Trump Tariffs: Page 6

CalChamber Urges Changes to Draft Workplace Violence Rule

From Page 1

ety of changes proposed, they can be broadly summarized as:

- Adding specific lists of compliance obligations, hazards, and engineering controls where present law allows more flexibility; and

- Adding new requirements for what employees can and can't be asked to do.

Employer representatives pushed for no new obligations, given that many employers just finished training their staff on SB 553's obligations, and it is too soon to see the net effect of those new obligations. Labor advocates pushed for broader obligations, including obligations for more staffing and more protection from any potential dangers.

Removed from Legislation

Notably, many of the changes that Cal/OSHA proposed in the new regulatory text had been considered during the legislative debate around SB 553 in 2023 but were removed after discussions with Cal/OSHA staff and the administration.

For example: SB 553 had proposed banning any employer from "require[ing] or encourage[ing] employees to confront persons suspected of committing a criminal act or persons suspected of engaging in workplace violence."

This provision had been of great concern to employers — particularly in the retail sector — because of how broadly the word "confront" could be interpreted. Labor advocates had urged that "confront" be read as prohibiting even verbal comments — making even a policy of asking an angry individual or suspected shoplifter to leave the store potentially a violation as "confronting" the individual.

Trauma Counseling

Another troubling suggestion for employers was the draft rule's addition of a new requirement to provide "individual trauma counseling" after any workplace violence event.

The CalChamber and others objected vigorously on numerous grounds, noting

that: trauma counseling is already covered under workers' compensation; counselors are in short supply in California; and small businesses cannot absorb the obligation to provide individual counseling for an undefined length of time.

Although Cal/OSHA staff appeared to acknowledge these concerns, it remains unclear whether the proposal will be removed in the next draft of the proposed regulation.

What's Next

Looking forward, employers should not expect any changes to their workplace violence obligations this year. Cal/OSHA will discuss and adjust their proposed draft through 2025, and is expected to vote to adopt any potential changes in late 2026.

The CalChamber will continue to advocate in the coming months to make sure that, to the extent any changes are made from present law, they are feasible and affordable for California employers to implement.

Staff Contact: Robert Moutrie

Factors to Consider When Employee Asks to Extend Family Leave

From Page 2

might be difficult to accommodate. For example, think of an accounting business during tax season.

What is critical for an employer is not to have that knee-jerk reaction to a request for extending a leave.

Interactive Dialogue

The employer should enter into an

interactive dialogue with the employee when responding to a request for an extension of time. A good faith effort to accommodate employees, even if ultimately unsuccessful, can be a critical defense to a claim of discrimination.

When in doubt, it is always advisable to seek an opinion from legal counsel. If the employer has worked with the employee at resolving these problems

but is unsuccessful, it might be time for termination.

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.



Over \$3,000 in Savings Await You!

Membership at CalChamber brings immense value—over \$3,000 in savings per member! Don't miss out on discounts for everyday business necessities. Join CalChamber.

Claim Your Savings!



Naseem Moeel Joins CalChamber as VP of Corporate Relations

From Page 1

Hospitality Forum and local chambers of commerce to increase brand engagement and visits to the area.

A passionate advocate for community service, Moeel is engaged with a number

of local nonprofits, including serving as an ambassador for the Napa Chamber of Commerce in 2024 and working with Auction Napa Valley, Napa Valley Film Festival, Napa County Voting Centers, St. Helena Catholic Church, and Davis

Community Meals and Housing.

She holds a B.A. in communications from the University of California, Davis.

Contact Moeel at naseem.moeel@calchamber.com or (916) 879-7904.

CalChamber-Sponsored Seminars/Trade Shows

From Page 2

Exhibition. Taiwan External Trade Development Council. March 26–29, Taipei City, Taiwan.

WCF Africa Summit 2025: Africa's Global Future. ICC World Chambers Federation and Kenya National Chamber of Commerce and Industry. April

9–11, Nairobi, Kenya. ana.bernal@iccwbo.org.

Health Engineering and Minerals Show (HEMS) 2025 – Pakistan. Trade Development Authority of Pakistan (TDAP). April 17–19. 92-345-465-8469, omer.bajwa@tdap.gov.pk.
Exim 2025 Annual Conference.

Export-Import Bank of the United States. April 29–30, Washington, D.C.

In-person only. [Registration now open.](#)

14th World Chambers Congress. World Chambers Congress. September 2–September 4, Melbourne, Australia.

<https://wcc.iccwbo.org/>

Trump Tariffs: Some Put on Hold, Others Take Effect This Week

From Page 4

supports efforts to reduce taxation and regulatory burden as a means to create jobs and economic growth.

The CalChamber seeks commercially meaningful outcomes in negotiations with regions around the world and supports bilateral, regional and multilateral trade agreements which are critical to consumers, workers, businesses, farmers and ranchers, and would allow the United States to compete with other countries

that are negotiating agreements with each other.

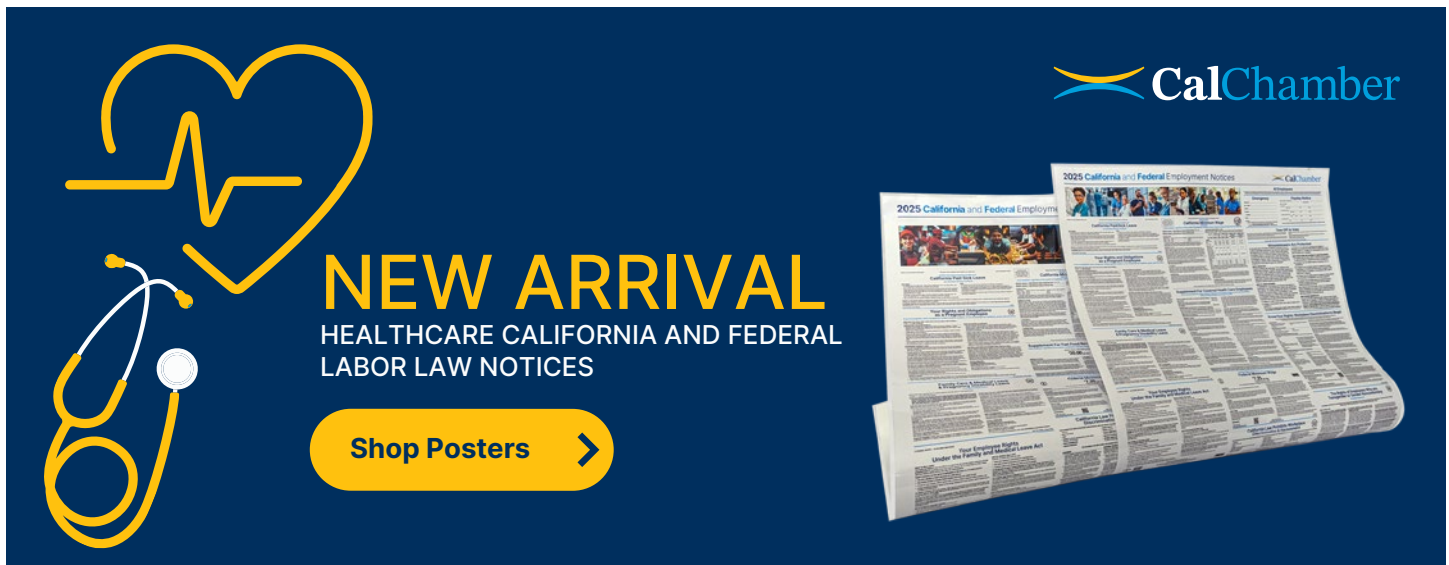
The Biden administration was not proactive in any form of trade agreements. It is hoped that the Trump administration will focus on the promotion of trade agreements versus a heavy tariff policy. During the first Trump administration, negotiations were started with both the United Kingdom and Kenya to establish free trade agreements.

What the Trump administration trade

policy will do is to highlight the importance of promoting subnational diplomacy, as it builds more layers and durability into the fabric of U.S. international partnerships and adds to the country's global diplomacy by building lasting relationships among leaders at many levels.

The CalChamber assures our international trade and investment partners that California continues to value international trade and investment.

Staff Contact: Susanne T. Stirling



NEW ARRIVAL
HEALTHCARE CALIFORNIA AND FEDERAL
LABOR LAW NOTICES

[Shop Posters](#) ➔

CalChamber

2025 California and Federal Employment Notices

2025 California and Federal Employment Notices