

ALERT

US Judge Grants Chamber Request to Block SB 399

Law Imposed Limits on Employer Communications



A federal judge has issued a preliminary injunction requested by the California Chamber of Commerce, the California Restaurant Association, and the Western Growers Association, to block enforcement of a 2024 state law placing limits on employer communications with workers on a variety of issues, including possible union representation.

A copy of the ruling, issued on Sept. 30 by U.S. District Judge Daniel J. Calabretta, can be found [here](#).

The group of plaintiffs filed legal action last December over the enactment of last year's Senate Bill 399, arguing that it violates the rights of employers under the First Amendment and that the state law is preempted by the National Labor Relations Act.

"We are pleased the court agreed with the key issues in this case," said CalChamber President and CEO Jennifer Barrera. "SB 399 sought to wrongly limit the speech of employers across California while also exposing companies of all sizes to new legal liabilities if their lead-

ers communicate important political and legal updates that impact the workplace."

CalChamber's co-plaintiffs also issued statements on the ruling.

"The Eastern District Court ruling is encouraging, because it recognizes the overstep of SB 399," said Jot Condie, president and CEO of the California Restaurant Association. "This law would put employers in the impossible position of deciding what is 'political' and what is not and goes beyond regulating the so called 'captive audience' meetings already regulated at the Federal level."

"This decision affirms what we have said from the beginning: SB 399 tramples on federal labor law and the First Amendment," said Dave Puglia, president and CEO of the Western Growers Association. "By enjoining this unconstitutional law, the court has preserved the right of agricultural and all California employers to communicate openly with their employees without the State tipping the scales in union organizing campaigns. We are proud to stand with our coalition partners in defending these fundamental rights."

CalChamber identified SB 399 as a 'Job Killer' during the 2024 legislative session, the only proposal on the organization's list of problematic bills that was signed into law.

Governor Acts on CalChamber Priority Bills



California Chamber of Commerce-supported bills on a variety of subjects have

been signed by the Governor in recent weeks and will go into effect next year.

The Governor also vetoed a workers' compensation bill that CalChamber opposed unless amended.

Among the supported bills signed are the following:

- **AB 417 (Carrillo; D-Palmdale) Cost Cutter. Enhanced Infrastructure Financing Districts.** Improves the ability for local governments to build critical infrastructure and provide financing for economic development in targeted districts within their jurisdiction. It will allow economic development projects to receive additional financing, which incentivizes businesses to invest and create more jobs.

- **AB 221 (Ramos; D-Highland) Tribal Nation Grant Funds.** Streamlines the existing Tribal Grant Fund process to provide annual equal distribution grants to specified federally recognized tribes.

- **AB 323 (Fong; D-Alhambra) Strong Workforce Program.** Revises workforce programs to improve paid work-based learning opportunities.

- **AB 531 (Rogers; D-Santa Rosa) Geothermal Generation.** Makes geothermal powerplants of all sizes eligible for

See Governor Acts: Page 6

Follow @CalChamber on 

Inside

[Employees' Speech in the Workplace: Page 3](#)

Labor Law Corner

Use Caution When Contacting Employee on Family Leave about Work



Lisa Guzman
Employment Law
Expert

One of our employees is on family medical leave. The employee's manager has a question he wants to ask the employee about a work-related matter. Is it permissible under the law for a manager to contact an employee on family medical leave to ask a work-related question?

The short answer is: it depends. Employers must be careful when contacting an employee on family medical leave

because of the risk of interfering with an employee's protected leave rights.

Unfortunately, there is no bright line test about contact between employers and employees during federal or state family medical leave.

Leave 'Interference'

The federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees with 12 weeks of job-protected leave in a 12-month period for qualifying reasons. The FMLA covers employers with 50 or more employees and the CFRA covers employers with five or more employees.

Both the FMLA and the CFRA make it unlawful for an employer to "interfere with, restrain, or deny the exercise of or the attempt to exercise" an employee's leave rights. (29 U.S.C. Section 2615(a)(1); Government Code Section 12945.2 (q)).

Contacting an employee on FMLA/CFRA leave with work-related questions potentially risks interfering with the employee's protected leave rights. However, employees on leave are not

completely off-limits to all employer contacts about work-related matters.

Court Cases

The courts generally have found that a few brief work-related communications, such as calling an employee on leave to locate a file, a password, client information or obtain a status update will not rise to the level of FMLA/CFRA interference.

In *Reilly v. Revlon, Inc.* (620 F. Supp. 2d 524 (S.D.N.Y. 2009)), the court found that "Fielding occasional calls about one's job while on leave is a professional courtesy that does not abrogate or interfere with the exercise of the employee's FMLA rights."

But if an employer requires an employee to perform job duties or time-consuming tasks while on FMLA/CFRA leave, these actions will cross the line into interfering with an employee's leave rights.

A U.S. appeals court highlighted "...a distinction between, on the one hand, receiving nondisruptive communications, such as short phone calls requesting the employee to pass on institutional

See Use Caution: Page 3

California Chamber Officers

Maryam S. Brown
Chair

John A. Stowell
First Vice Chair

Frank Washington
Second Vice Chair

Fiona Hutton
Third Vice 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.*

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

An Employer's Playbook for ICE Audits & Workplace Raids. CalChamber.

October 14, [Free Member Webinar](#).

Contact your account manager for registration details. (800) 331-8877.

Simplifying Local Ordinances: Helpful Resources for California Employers. CalChamber.

December 4, [Free Webinar](#). (800) 331-8877.

2026 Employment Law Updates.

CalChamber. January 8–22, 2026, [Virtual Seminar](#). (800) 331-8877.

2026 Employment Law Updates.

CalChamber. January 29, 2026, [Webinar](#). (800) 331-8877.

California Employers' Guide to AI Decision Making. CalChamber. February 19, 2026, [Webinar](#). (800) 331-8877.

HR Boot Camp. CalChamber. February 26–27, April 23–24, June 4–5, September 10–11, 2026, [Virtual Seminar](#). (800) 331-8877.

Navigating Paid Sick Leave & Time Off

Requests in California. CalChamber.

March 5, 2026, [Webinar](#). (800) 331-8877.

Leaves of Absence. CalChamber. March 26–27, May 7–8, August 6–7, 2026,

[Virtual Seminar](#). (800) 331-8877.

Workplace Violence Prevention Program Tips for 2026. CalChamber. April 16,

2026, [Webinar](#). (800) 331-8877.

Wage & Hour 101: Nonexempt/Hourly Employees. CalChamber. May 21,

2026, [Webinar](#). (800) 331-8877.

Wage & Hour 101: Exempt Employees. CalChamber. June 18, 2026, [Webinar](#).

(800) 331-8877.

Supervisor Essentials. CalChamber. July 16, 2026, [Virtual Seminar On-Demand](#). (800) 331-8877.

International Trade

California State Trade Expansion Program (STEP) Export Training Series. Governor's Office of Business and Economic Development (GO-Biz). Through March 31, 2026. [Event website](#).

40th Annual American-Turkish Confer-

See CalChamber-Sponsored: Page 5

The Workplace

Addressing Employees' Speech in the Workplace



In **Episode 233** of The Workplace podcast, CalChamber General Counsel, Labor and Employment Bianca Saad, CalChamber

Associate General Counsel Matthew Roberts and CalChamber Employment Law Subject Matter Expert Vanessa Greene discuss employers' best practices to address employees' speech in the workplace.

More than ever, world, national and local affairs are creeping into the workplace with employees increasingly speaking out publicly about them.

Employers may be struggling with understanding when and how to address employees' public statements or comments that may cross the line in the workplace.

First Amendment Questions

Often employees and employers may be confused about whether the U.S. Constitution's First Amendment's right to free speech applies to the workplace. However, the First Amendment only protects individuals from the government, so it does not apply to private employers.

Does this mean employers are free to discipline an employee for any speech the employer doesn't like? Not necessarily. Under both federal and California law, employee speech may be protected depending on the content of that speech.

What Episode Covers

To help employers understand what they can and can't do, this episode of The Workplace podcast covers:

- How the National Labor Relations Act (NLRA) protects certain employee speech topics — whether a workplace is unionized or not.
- How California law prohibits

employers from coercing employee political viewpoints.

- What speech and expressions employers can and can't restrict in workplace policies and employee handbooks — including policies like codes of conduct and even non-solicitation policies.

- How to address a tricky situation where a political disagreement becomes a conflict in the workplace between employees.

- Whether an employer can regulate employee conduct or speech that occurs after hours, away from the workplace or even on a personal device.

- Practical tips for navigating these issues.

Employers should help employees understand that these policies are designed to create a respectful work environment. Employers should regularly review and update their policies and related training to ensure they evolve as laws, technology and social dynamics change.

Use Caution When Contacting Employee on Family Leave about Work

From Page 2

knowledge or property as a professional courtesy, and, on the other, requiring the employee to complete work-related tasks or produce work product.” (*Massey-Diez v. Univ. of Iowa Cmty. Med. Servs., Inc.* (826 F.3d 1149 (8th Cir. 2016))).

Be Cautious

Employers, like the one here, may have legitimate work-related questions that come up when an employee is out on leave.

Employers must be cautious that communications with the employee do not expose the employer to an interference claim. To reduce potential risk, an employer should not contact an employee on leave with work-related questions, unless necessary.

If a manager has a crucial question that cannot wait until an employee returns from leave, communication with the employee should be kept brief and to the point. A manager's short call or email to ask an employee a general administrative question, or to wrap up a project will likely not interfere with an employee's leave rights.

A good guideline for employers to keep in mind is that the more time it takes for an employee to respond to an employer's work-related question, the more likely that such contact will amount to FMLA/CFRA interference.

Provide Proper Training

Proper training of managers and supervisors is key to ensuring compli-

ance with the FMLA and the CFRA.

Employers should make sure that managers and supervisors understand the strong employee leave protections provided by the family medical leave laws.

Managers and supervisors should receive training on what kinds of work-related communications are appropriate when an employee is on leave and what actions may constitute interference with an employee's leave rights.

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.

CalChamber Launches Advocacy Academy to Build Strong Local Chamber Network



More than two dozen local chamber of commerce leaders from up and down the state gathered in Sacramento recently for a new program designed to strengthen their advocacy efforts.

The participants in the inaugural class

of the California Business Advocacy Academy met at the California Chamber of Commerce offices. The half-day meeting on September 25 gave participants a chance to hear from legislators, CalChamber policy experts, and chamber colleagues.

Virtual sessions over the next few months will cover building chamber advocacy infrastructure; California's

political landscape and policy priorities; grassroots mobilization and member activation; and strategic communication and media relations.

Class members will reconvene at the CalChamber offices in the new year for a session on coalition building, candidate engagement and their civic leadership graduation.



Members of the first class of the California Business Advocacy Academy pause at the end of their information-packed first session focusing on the power of chambers and the California business policy landscape. The six-month professional development program will include four virtual sessions and conclude with another in-person session.



Rana Ghadban, CalChamber vice president of small business advocacy, welcomes local chamber of commerce leaders to the California Business Advocacy Academy.



Assemblymembers Josh Hoover (R-Folsom) and Joe Patterson (R-Rocklin) emphasize the importance of hearing from business constituents.



CalChamber Launches Advocacy Academy to Strengthen Chamber Network



CalChamber President and CEO Jennifer Barrera explains how the CalChamber Affordability Agenda grew out of the 'job killer' list and identifies Cost Cutters or Cost Drivers, depending on whether the legislation reduces costs or increases costs for California businesses and consumers.



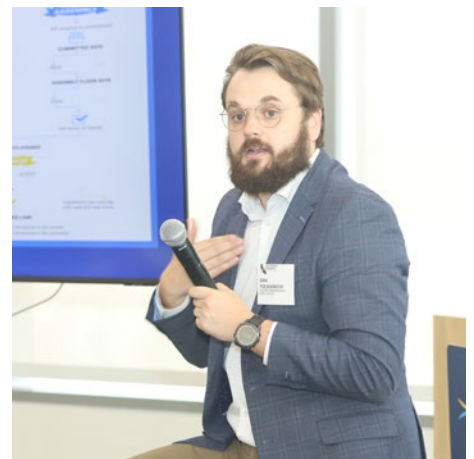
Ben Golombek, CalChamber executive vice president and chief of staff for policy, recaps the 2025 legislative session, reporting that the Legislature sent only one of 29 Cost Driver bills to the Governor.



Bob Linscheid, president and CEO of the Walnut Creek Chamber of Commerce and Visitors Bureau, gives attendees a run-through on the role of chambers in advocacy and tips on being effective.



CalChamber Senior Policy Advocate Robert Moutrie and Dan Folwarkow, chief of staff to Assembly-member Blanca Rubio (D-Baldwin Park), provide attendees an overview of how legislation becomes law.



CalChamber-Sponsored Seminars/Trade Shows

From Page 2

ence. Türkiye-U.S. Business Council, American Turkish Business Roundtable, U.S. Chamber of Commerce. October 22–23, Washington, D.C. [Event website](#). U.S.-China Clean Tech Trade Mission. GO-Biz will support up to eight Cali-

fornia small businesses. November 3–7, China. [See flyer for application details](#). California Trade Mission: Poland and Ukraine (spotlight on energy and construction sectors). GO-Biz. November 11–14, Warsaw, Poland. tricia.utterback@gobiz.ca.gov [Application portal](#).

California Trade Mission: India – Health Tech. GO-Biz. January 27–January 31, 2026. Mumbai & New Delhi, India. [Event website](#). EXIM Annual Conference. Export-Import Bank of the United States. April 29–30, 2026, Washington, D.C. [Registration will open later this year](#).

Governor Acts on CalChamber Priority Bills

From Page 1

the California Energy Commission's opt-in certification framework, a process designed to reduce permitting timelines while maintaining robust environmental protections.

• **AB 732 (Macedo; R-Tulare)**

Civil Penalties for Abandoned Lands.

Grants county agricultural commissioners authority to issue civil penalties to landholders who abandon or neglect their property to the point that it becomes pest-infested and a nuisance.

• **AB 1293 (Wallis; R-Bermuda Dunes) Qualified Medical Examiner Report Quality.**

Requires the Division of Workers' Compensation (DWC) to implement mechanisms to improve the qualified medical examiner (QME) report quality in the workers' compensation system.

• **SB 72 (Caballero; D-Merced)**

California Water Plan. Directs the state Department of Water Resources to modernize the state water plan and develop a target water supply goal for 2050 and beyond, thus helping California keep up with the impacts of climate change on the state's water supply and ensuring a sustainable water future.

In his signing statement, the Governor

described SB 72 as "a welcome opportunity" to ensure the next update of the California Water Plan "recognizes the impacts of climate change, ensures safe drinking water for all Californians, and reflects statewide, regional, and local planning efforts that include critical infrastructure for California's future — including the Delta Conveyance Project."

• **SB 302 (Padilla; D-Chula Vista)**

Environmental Tax Credits. Removes roadblocks to the state's energy transition and aligns California's tax treatment of environmental credits with the federal government and that of a majority of other states.

• **SB 415 (Reyes; D-San Bernardino)**

Warehouse Siting. Follow-up makes clarifying changes to clean up state law established by last year's AB 98, a compromise that avoided the negative economic and environmental impacts that would have arisen from much more stringent and unworkable legislation while still addressing community concerns about the placement of new warehouses.

• **SB 439 (Weber Pierson; D-San Diego) Extends California Health Benefits Review Program.** Extends the University of California-administered California Health Benefits Review

Program and its fund through July 1, 2033. The program provides independent, objective analysis to the California Legislature on the medical, financial, and public health impacts of proposed health insurance benefit mandates and the repeal of any benefit mandates.

Vetoed

In other action, the Governor vetoed **AB 1329 (Ortega; D-San Leandro)**, dealing with the workers' compensation Subsequent Injury Benefit Trust Fund (SIBTF). The bill, which CalChamber **opposed unless amended**, would have made changes to the fund that were insufficient to adequately address the scope of the problems with the fund and the impact the fund will have both on employers and the state.

In his veto message, the Governor agreed the bill did not contain "the comprehensive reforms necessary to save SIBTF." He directed the Department of Industrial Relations and its Division of Workers' Compensation to develop a proposal for comprehensive reform to include in January's 2026–2027 budget proposal.



Experience HRCalifornia.

Book a quick walkthrough.

Get a \$10 Starbucks gift card when you attend.

REQUEST DEMO