

ALERT

VOLUME 33, NUMBER 31 • NOVEMBER 2, 2007



U.S. Solicitor General Supports CalChamber Appeal

Affects Employer Speech on Union Organizing

An ongoing court challenge of a state law infringing on employer free speech rights gained a new ally in late October when the U.S. solicitor general urged the U.S. Supreme Court to consider the case.

The California Chamber of Commerce joined the U.S. Chamber of Commerce and other business groups in urging the U.S. high court to review the case questioning the state law, which restricts employer actions and communications regarding union organizing.

The restriction is part of AB 1889 (Cedillo; D-Los Angeles), signed into law in 2000 by former Governor Gray Davis.

AB 1889 forbids private employers who receive state funds in excess of \$10,000 from engaging in any activity or communications to assist, promote or deter union organizing, unless the employer can prove that the money used for such activity did not come from the state.

The CalChamber and others argued

See CalChamber: Page 10

Sexual Harassment Training Deadline Approaching

The California Chamber of Commerce is encouraging employers throughout the state to comply with California law requiring all organizations with 50 or more employees to put all managers through sexual harassment training every two years.

AB 1825, signed in 2004, requires California employers with 50 or more employees (including temporary service employees, independent contractors and employees outside the state) to provide newly hired or promoted supervisors with two hours of classroom or other interactive sexual harassment training within six months of assuming a supervisor position.

Therefore, all managers initially trained in 2005 must be retrained by December 31, 2007. Employers must provide training to all employees who have "supervisory authority," which generally includes anyone who has independent authority to:

- hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees;
- direct the work of other employees; and/or
- resolve employee conflicts.

Employees who make recommendations to managers about such matters also must receive training if their recommendations are likely to be acted upon.

According to the state regulations

See Sexual Harassment: Page 10

CalChamber Comments on AB 32 Regulations



CalChamber policy advocate Amisha Patel emphasizes the importance of recognizing voluntary efforts by business to reduce greenhouse gas emissions in an interview with Capitol News Service outside the October 25 public meeting of the state Air Resources Board. See story on Page 9.

Inside

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Labor Law Corner

Southern California Fires Raise Questions on Pay for Absences



Dana Leisinger
Senior Helpline
Consultant

We have a few employees who did not report in to work due to the fires; are we obligated to pay them anyway?

If an employee does not report to work, there is no obligation to pay them for that

day. Even if the reason is extraordinary circumstances, for example, the recent fires ravaging Southern California, there is no obligation to pay that employee.

However, exempt employees might not report in to work, but still be working from home (checking e-mails, making phone calls, etc.), and thus must be paid for that day, even if they did not physically report to the office.

Reporting Time Pay

Under the law regarding reporting time pay, if an employee does report to work and is not put to work or given less than half the usual or scheduled day's work, he/she must be paid for at least half of the hours he/she was scheduled to work, but never fewer than two hours of pay.

Reporting time pay is not due when work is interrupted by an "act of God" or other causes not within the employer's control. Current issues may arise regarding the safety of keeping the office open due to smoke inhalation and/or spreading fires — if it is not safe to keep the office open, this would fall within the "act of God" exception for reporting time pay.

Non-Exempt v. Exempt

If a non-exempt employee takes time

off for personal reasons, the non-exempt employee need not be paid for the time missed. If an exempt employee takes off a complete day for personal reasons, the exempt employee need not be paid. If the exempt employee wishes to take vacation or personal time off for a partial day of absence, the time off must be four or more hours.

If you do not have a current policy about company shutdowns/closures and any requirement to use vacation or other paid time off, you may wish to implement one.

The Labor Law Helpline is a service to California Chamber of Commerce preferred and executive members. 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.

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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. Periodicals Postage Paid at Sacramento, CA.

POSTMASTER: Send address changes to Alert, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Publisher: Allan Zaremborg. Executive Editor: Ann Amioka. Associate: Sarah Schaale. Art Director: Andrew Larsen. Graphics Assistant: Jason Untalan. Capitol Correspondent: Christine Haddon.

Permission granted to reprint articles if credit is given to the California Chamber of Commerce Alert, and reprint is mailed to Alert at address above.

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Home page: www.calchamber.com.*

CalChamber Calendar

Fundraising Committee:

December 6, San Francisco

Board of Directors:

December 6-7, San Francisco

International Breakfast Roundtable:

December 7, San Francisco

Annual Meeting:

December 7, San Francisco

Ad Hoc Climate Change Policy

Committee: December 7, San Francisco

**Next Alert:
November 16**

Annual Meeting

In compliance with Article VII of the bylaws, notice is hereby given that the annual meeting of the members of the California Chamber of Commerce, a non-profit corporation operating under the laws of the State of California, will be held on Friday, December 7, 2007 at 9 a.m. in Veranda Ballroom B at the Four Seasons Hotel, 757 Market Street, San Francisco, California, for the transaction of whatever business may be necessary.

**Mark Your
Calendars**

California Business Legislative Summit
May 20-21, 2008



California Chamber Vote Record on Major Business Legislation for 2007

This report for the first year of the 2007-08 legislative session focuses on California legislators' floor votes on bills of priority to the California Chamber of Commerce.

This is the 32nd vote record the CalChamber has compiled. The CalChamber publishes this report in response to numerous requests by member firms and local chambers of commerce that would like a gauge by which to measure their legislator's performance.

To help readers assess legislators' vote records, the charts group bills in five areas: employment law, environmental regulation, excessive litigation, health care and taxes.

Partial Picture

No vote record can tell the entire story of a legislator's attitude and actions on issues important to business. Each year, legislators cast thousands of votes on thousands of proposed laws. To fully evaluate your legislative representative, consult the legislative journals and examine your legislator's votes in committee and on floor issues. You can view these via links at www.calchambervotes.com.

A number of anti-business bills were rejected by legislators in policy or fiscal committees, thus stopping proposals before they reached the floor for a vote. The vote record does not capture these votes.

Most bills in this report cover major business issues that are of great concern to both small and large companies.

The CalChamber recognizes that there are many bills supported or opposed by business that are not included in this vote record and analysis.

Factors Considered

The CalChamber considered the following factors in selecting vote record bills:

- The bills and votes reflect legislators' attitudes toward private enterprise, fiscal responsibility and the business climate.

- Each bill was a priority for the CalChamber in a particular field. Priority

bills have appeared in the "Status Report" sections of *Alert*.

- The bills were voted upon by either the full Senate or Assembly. This year the vote record covers 14 votes in the Senate and 14 votes in the Assembly.

- Unless otherwise noted, final floor



votes are shown. Concurrence votes and conference report votes are considered final votes.

When 'Not Voting' Helps

Sometimes a legislator is unwilling to vote against a colleague, but is willing to support the CalChamber's opposition to a bill. In such cases, a legislator may abstain from voting, which will hinder passage of a bill, just as a "no" vote does.

To recognize that not voting can aid the CalChamber's opposition to a bill, the vote record includes the number of times legislators did not vote "aye" on a CalChamber-opposed bill in the total for the column listing actions "in accord with" the CalChamber's position, if the legislator was not absent for the day.

Priority Bills

Employment Law

- **AB 338 (Coto; D-San Jose) Roll-back of Cost-Saving Workers' Com-**

pensation Reforms. As amended to bring CalChamber in support, resolves a problem in current law in a way that maintains the cost savings created by the 2004 reforms (SB 899 - Poochigian; R-Fresno) by maintaining the current 104-week cap on temporary disability benefits, while allowing injured workers to receive those benefits within five years from the date of injury. Passed Senate September 10, 37-3. Assembly concurred in Senate amendments September 11, 77-0. Signed by Governor - Chapter 595, Statutes of 2007. CalChamber supported/former job killer.

- **AB 504 (Swanson; D-Oakland) Mandatory Payments**

for Striking Employees. Forces employers to pay striking employees by creating a new definition of lockout that requires an employer to pay restitution to employees. Passed Senate August 30, 22-15. Assembly concurred in Senate amendments September 4, 45-30. Vetoes. CalChamber opposed/job killer.

- **SB 180 (Migden; D-San Francisco) Increased Agricultural Costs.** Hurts competitiveness of

California agriculture producers, driving businesses out of state, killing jobs and increasing loss of farmland, by artificially increasing labor costs for California producers who must compete in a global market with lower-than-average operating costs; removes secret ballot election requirement for union representation and prohibits employer communication with employees. Passed Assembly July 12, 46-33. Senate concurred in Assembly amendments August 27, 23-14. Vetoes. CalChamber opposed/job killer.

- **SB 936 (Perata; D-Oakland) Roll-back of Cost-Saving Workers' Compensation Reforms.** Increases the cost of hiring and keeping employees by rolling back historic reforms and doubling permanent disability costs in California's workers' compensation system. Passed Senate June 4, 24-14. Passed Assembly September 10, 76-31. Vetoes. CalChamber opposed/job killer.

See Next Page

California Chamber Vote Record on Major Business Legislation for 2007

From Previous Page

Environmental Regulation

● **AB 706 (Leno; D-San Francisco) Fire Retardants: Toxic Effects.** Increases fire risk to consumers by prohibiting the use of brominated or chlorinated fire retardants in seating, bedding and furniture products. Passed Assembly June 6, 46-31. Failed passage in Senate September 12, 19-20. CalChamber opposed.

● **AB 888 (Lieu; D-Torrance) Increased Construction Costs.** Makes it extremely difficult for small businesses to compete by establishing an arbitrary definition of "commercial." The bill also creates conflicts and confusion with existing and proposed building codes and establishes an isolated process by which a minimum level of "green building" standards are set by a private entity, thereby excluding any public review or input. Passed Senate September 11, 21-18. Assembly concurred in Senate amendments September 12, 45-32. Vetoed. CalChamber opposed/job killer.

● **SB 210 (Kehoe; D-San Diego) Restrictive Fuel Standard.** Interferes with the development of a competitive alternative fuels market and threatens job creation in California by creating a costly Low Carbon Fuel Standard that conflicts with the existing standard created by Governor's Executive Order S-7-04. Passed Assembly September 10, 44-32. Senate concurred in Assembly amendments September 12, 23-15. Vetoed. CalChamber opposed/job killer.

Excessive Litigation

● **AB 70 (Jones; D-Sacramento) Housing Development Restrictions.** Slows development of housing by imposing joint liability on cities and counties for any flood damage, if they unreasonably permit housing in undeveloped areas that are protected by a state flood control project. Passed Senate September 11, 23-14. Assembly concurred in Senate amendments September 12, 45-32. Signed by Governor – Chapter 367, Statutes of 2007. CalChamber opposed/former job killer.

● **AB 448 (Arambula; D-Fresno) Compensation Recovery Actions: Liquidated Damages.** Harms small employers by allowing a new form of damages to be awarded against them in administrative minimum wage claims, above and

beyond significant penalties in current law. Passed Assembly May 21, 46-32. Passed Senate September 4, 23-16. Vetoed. CalChamber opposed.

● **SB 93 (Corbett; D-San Leandro) Inflated Liability Costs.** Artificially inflates medical damage awards in third party liability cases by not allowing judges to consider the actual cost of medical expenses as evidence, ultimately increasing, not only legal costs, but also rates for auto and general liability insurance. Passed Assembly September 10, 43-31. Senate concurred in Assembly amendments September 11, 21-17. Vetoed. CalChamber opposed/job killer.

● **SB 622 (Padilla; D-Pacoima) Independent Contractors.** Creates a new excuse to sue employers and exposes them to excessive new penalties for "willful misclassification" of independent contractors without providing a clear roadmap for employers to comply. Passed Assembly September 10, 42-33. Senate concurred in Assembly amendments September 12, 22-16. Vetoed. CalChamber opposed/job killer.

Health Care

● **AB 8 (Núñez; D-Los Angeles) Health Care Tax on Employers.** Imposes a tax on small employers who can't afford to provide health care coverage, to fund health care coverage for those who don't currently purchase it. Passed Senate September 10, 22-17. Assembly concurred in Senate amendments September 10, 46-31. Vetoed. CalChamber opposed/job killer.

● **AB 1554 (Jones; D-Sacramento) New Government Bureaucracy for Rate Regulation.** Reduces health care choice, access and quality by creating additional bureaucracy to impose price controls on health insurance policies, while failing to address the major cost drivers of rising medical care costs. Passed Assembly June

Key to Using This Section

Y means voted for bill.
N means voted against bill.
● means not voting "aye" on a California Chamber-opposed bill.
— means not voting or absent.

Boldface type indicates votes in accord with CalChamber position.

The last three columns are a tabulation of votes in accord with the CalChamber position, not in accord with the CalChamber and not voting or absent.

7, 42-33. Failed passage in Senate Health Committee July 11. CalChamber opposed/job killer.

Tax

● **AB 1618 (Feuer; D-Los Angeles) Corporation Taxes: Deductions: Interest Expense.** Increases taxes by making overly broad revisions to the rules for interest expense deductions. Passed Assembly May 21, 45-33. Passed Senate September 7, 22-14. Vetoed. CalChamber opposed.

● **SB 974 (Lowenthal; D-Long Beach) Tax on Freight Movement.** Increases the cost of shipping goods and makes California less competitive by imposing an illegal per-container tax in the ports of Long Beach, Los Angeles and Oakland. Passed Senate June 6, 22-12. Placed on Assembly inactive file September 10. CalChamber opposed/job killer.

How did your legislator vote?
See for yourself.

calchambervotes.com

2007 Senate Vote Record

| | Employment Law AB 338 - Temporary Disability AB 504 - Pay for Strikers SB 180 - Union Vote SB 936 - Permanent Disability | | | | Environmental Regulation AB 706 - Fire Retardants AB 888 - 'Green Building' SB 210 - Fuel Standard | | | Excessive Litigation AB 70 - Flood Liability AB 448 - Liquidated Damages SB 93 - Inflated Liability SB 622 - Independent Contractors | | | | Health Care AB 8 - Health Care Tax AB 1554 - Price Controls | | Taxes AB 1618 - Interest Deductions SB 974 - Tax on Freight | | Total In Accord with Chamber | Not in Accord with Chamber | Not Voting or Absent |
|----------------------------|---|---|---|---|--|---|---|---|---|---|---|--|---|--|---|-------------------------------------|-----------------------------------|-----------------------------|
| Aanestad, Samuel (R) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | • | 13 | 1 | 0 |
| Ackerman, Dick (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Alquist, Elaine (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Ashburn, Roy (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Battin, Jim (R) | Y | N | N | * | N | N | N | N | N | N | N | N | N | • | • | 13 | 0 | 1 |
| Calderon, Ron (D) | Y | Y | Y | Y | Y | N | Y | Y | Y | N | N | Y | Y | Y | N | 5 | 9 | 0 |
| Cedillo, Gilbert (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Cogdill, Dave (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Corbett, Ellen (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Correa, Lou (D) | Y | Y | Y | Y | N | N | N | N | Y | Y | Y | N | N | N | N | 8 | 6 | 0 |
| Cox, Dave (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Denham, Jeff (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Ducheny, Denise Moreno (D) | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | Y | • | • | 4 | 10 | 0 |
| Dutton, Bob (R) | Y | N | • | N | N | N | N | N | N | N | N | N | N | • | • | 14 | 0 | 0 |
| Florez, Dean (D) | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Harman, Tom (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Hollingsworth, Dennis (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | • | N | 14 | 0 | 0 |
| Kehoe, Christine (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Kuehl, Sheila James (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | • | Y | • | 3 | 11 | 0 |
| Lowenthal, Alan (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Machado, Mike (D) | N | • | Y | Y | N | N | Y | Y | N | Y | Y | Y | Y | Y | • | 5 | 9 | 0 |
| Maldonado, Abel (R) | Y | N | N | N | N | • | • | Y | N | N | N | N | N | N | N | 13 | 1 | 0 |
| Margett, Bob (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | Y | 13 | 1 | 0 |
| McClintock, Tom (R) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 13 | 1 | 0 |
| Migden, Carole (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Negrete McLeod, Gloria (D) | Y | Y | Y | • | • | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | 4 | 10 | 0 |
| Oropeza, Jenny (D) | Y | Y | • | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Padilla, Alex (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Perata, Don (D) | Y | • | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | Y | Y | 3 | 11 | 0 |
| Ridley-Thomas, Mark (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Romero, Gloria (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Runner, George C. (R) | Y | N | N | N | N | N | N | • | N | N | N | N | N | N | • | 14 | 0 | 0 |
| Scott, Jack (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Simitian, Joe (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | • | • | Y | • | 3 | 11 | 0 |
| Steinberg, Darrell (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Torlakson, Tom (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Vincent, Edward (D) | Y | * | * | Y | N | Y | • | Y | * | Y | • | Y | Y | Y | Y | 4 | 7 | 3 |
| Wiggins, Patricia (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Wyland, Mark (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Yee, Leland (D) | Y | Y | Y | Y | Y | Y | Y | • | Y | N | Y | Y | Y | Y | Y | 3 | 11 | 0 |

*Absent due to illness.

2007 Assembly Vote Record

| | Employment Law AB 338 - Temporary Disability AB 504 - Pay for Strikers SB 180 - Union Vote SB 936 - Permanent Disability | | | | Environmental Regulation AB 706 - Fire Retardants AB 888 - 'Green Building' SB 210 - Fuel Standard | | | Excessive Litigation AB 70 - Flood Liability AB 448 - Liquidated Damages SB 93 - Inflated Liability SB 622 - Independent Contractors | | | | Health Care AB 8 - Health Care Tax AB 1554 - Price Controls | | Taxes AB 1618 - Interest Deductions SB 974 - Tax on Freight | | Total In Accord with Chamber | Not in Accord with Chamber | Not Voting or Absent |
|---------------------------|---|---|---|---|--|---|---|---|---|---|---|--|---|--|---|-------------------------------------|-----------------------------------|-----------------------------|
| Adams, Anthony (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Aghazarian, Greg (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Anderson, Joel (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Arambula, Juan (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Bass, Karen (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Beall, Jim (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Benoit, John J. (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Berg, Patty (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Berryhill, Tom (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Blakeslee, Sam (R) | Y | N | N | N | N | N | ● | Y | N | N | N | N | N | N | N | 13 | 1 | 0 |
| Brownley, Julia (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Caballero, Anna Marie (D) | Y | Y | Y | Y | Y | Y | ● | N | Y | Y | Y | Y | ● | Y | Y | 4 | 10 | 0 |
| Calderon, Charles (D) | Y | Y | Y | Y | ● | Y | Y | Y | Y | Y | Y | Y | ● | Y | Y | 3 | 11 | 0 |
| Carter, Wilmer Amina (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Cook, Paul (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Coto, Joe (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Davis, Mike (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| De La Torre, Hector (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| De León, Kevin (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| DeSaulnier, Mark (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| DeVore, Chuck (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Duvall, Mike (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Dymally, Mervyn (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Emmerson, Bill (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Eng, Mike (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Evans, Noreen (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Feuer, Mike (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Fuentes, Felipe (D)† | Y | Y | Y | Y | Y | Y | Y | Y | † | Y | ● | Y | Y | † | Y | 2 | 10 | 2 |
| Fuller, Jean (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Gaines, Ted (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Galgiani, Cathleen (D) | Y | ● | ● | Y | Y | N | N | N | Y | ● | ● | Y | ● | Y | Y | 9 | 5 | 0 |
| Garcia, Bonnie (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Garrick, Martin (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Hancock, Loni (D) | Y | Y | Y | ● | Y | Y | Y | Y | Y | Y | Y | ● | Y | Y | Y | 3 | 11 | 0 |
| Hayashi, Mary (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | ● | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Hernandez, Ed (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Horton, Shirley (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Houston, Guy (R) | Y | N | N | N | N | N | N | N | N | ● | N | N | N | N | N | 14 | 0 | 0 |
| Huff, Bob (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Huffman, Jared (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |

† Sworn into office May 25, 2007.

2007 Assembly Vote Record

| | Employment Law | | | | Environmental Regulation | | | Excessive Litigation | | | | Health Care | | Taxes | | Total In Accord with Chamber | | |
|-------------------------|-------------------------------|---------------------------|---------------------|-------------------------------|---------------------------------|---------------------------|------------------------|-----------------------------|-----------------------------|----------------------------|----------------------------------|------------------------|--------------------------|-------------------------------|-----------------------------------|-------------------------------------|----|---|
| | AB 338 - Temporary Disability | AB 504 - Pay for Strikers | SB 180 - Union Vote | SB 936 - Permanent Disability | AB 706 - Fire Retardants | AB 888 - 'Green Building' | SB 210 - Fuel Standard | AB 70 - Flood Liability | AB 448 - Liquidated Damages | SB 93 - Inflated Liability | SB 622 - Independent Contractors | AB 8 - Health Care Tax | AB 1554 - Price Controls | AB 1618 - Interest Deductions | SB 974 - Tax on Freight | Not in Accord with Chamber | | |
| Jeffries, Kevin (R) | Y | N | N | N | • | N | N | N | N | N | N | N | N | N | Placed on Assembly inactive file. | 14 | 0 | 0 |
| Jones, Dave (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Karnette, Betty (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Keene, Rick (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Krekorian, Paul (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| La Malfa, Doug (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Laird, John (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Leno, Mark (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Levine, Lloyd (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Lieber, Sally (D) | Y | • | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Lieu, Ted (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Placed on Assembly inactive file. | 2 | 12 | 0 |
| Ma, Fiona (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Maze, Bill (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Mendoza, Tony (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Mullin, Gene (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Nakanishi, Alan (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Nava, Pedro (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Niello, Roger (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Núñez, Fabian (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Parra, Nicole (D) | Y | Y | N | Y | Y | N | N | N | Y | N | N | Y | N | Y | Y | 8 | 6 | 0 |
| Plescia, George (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Portantino, Anthony (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Price, Curren (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | 2 | 12 | 0 |
| Runner, Sharon (R) | — | N | N | N | N | • | N | • | N | N | N | N | N | N | N | 13 | 0 | 1 |
| Ruskin, Ira (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Salas, Mary (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | 2 | 12 | 0 |
| Saldaña, Lori (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Silva, Jim (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Smyth, Cameron (R) | Y | * | N | N | N | N | N | N | N | N | N | N | N | N | N | 13 | 0 | 1 |
| Solorio, Jose (D) | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Soto, Nell (D) | Y | Y | Y | Y | * | Y | Y | Y | * | Y | Y | Y | * | * | * | 1 | 9 | 4 |
| Spitzer, Todd (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Strickland, Audra (R) | * | * | N | * | N | * | * | * | N | * | * | * | N | N | N | 5 | 0 | 9 |
| Swanson, Sandré (D) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | 1 | 13 | 0 |
| Torrico, Alberto (D) | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |
| Tran, Van (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Villines, Michael (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Walters, Mimi (R) | Y | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 14 | 0 | 0 |
| Wolk, Lois (D) | Y | Y | Y | Y | Y | Y | Y | Y | • | Y | Y | Y | Y | Y | Y | 2 | 12 | 0 |

* Absent due to illness.

Note: Vacancy created by the election of Laura Richardson to Congress on August 21, 2007.

CalChamber Best Business Votes

Legislators are listed in descending order according to how often they voted in accord with the California Chamber of Commerce position (first number) versus how often their votes were not in accord with the CalChamber's position (second number) in 2007. Total votes may not match the vote record because the tally for not voting or absent is not included in this list.

| | | | |
|-----------------------------|-------------------------|-------------------------|-------------------------------|
| 80% or more with CalChamber | 60%-79% with CalChamber | 40%-59% with CalChamber | Less than 40% with CalChamber |
|-----------------------------|-------------------------|-------------------------|-------------------------------|

Senate

| | |
|----------------------------|------|
| Ackerman, Dick (R) | 14-0 |
| Ashburn, Roy (R) | 14-0 |
| Cogdill, Dave (R) | 14-0 |
| Cox, Dave (R) | 14-0 |
| Denham, Jeff (R) | 14-0 |
| Dutton, Bob (R) | 14-0 |
| Harman, Tom (R) | 14-0 |
| Hollingsworth, Dennis (R) | 14-0 |
| Runner, George (R) | 14-0 |
| Wyland, Mark (R) | 14-0 |
| Battin, Jim (R)* | 13-0 |
| Aanestad, Samuel (R) | 13-1 |
| Maldonado, Abel (R) | 13-1 |
| Margett, Bob (R) | 13-1 |
| McClintock, Tom (R) | 13-1 |
| Correa, Lou (D) | 8-6 |
| Calderon, Ronald (D) | 5-9 |
| Machado, Mike (D) | 5-9 |
| Vincent, Edward (D)* | 4-7 |
| Ducheny, Denise Moreno (D) | 4-10 |
| Negrete McLeod, Gloria (D) | 4-10 |
| Kuehl, Sheila James (D) | 3-11 |
| Perata, Don (D) | 3-11 |
| Simitian, Joe (D) | 3-11 |
| Yee, Leland (D) | 3-11 |
| Florez, Dean (D) | 2-12 |
| Oropeza, Jenny (D) | 2-12 |
| Scott, Jack (D) | 2-12 |
| Wiggins, Patricia (D) | 2-12 |
| Alquist, Elaine (D) | 1-13 |
| Cedillo, Gilbert (D) | 1-13 |
| Corbett, Ellen (D) | 1-13 |
| Kehoe, Christine (D) | 1-13 |
| Lowenthal, Alan (D) | 1-13 |
| Migden, Carole (D) | 1-13 |
| Padilla, Alex (D) | 1-13 |
| Ridley-Thomas, Mark (D) | 1-13 |
| Romero, Gloria (D) | 1-13 |
| Steinberg, Darrell (D) | 1-13 |
| Torlakson, Tom (D) | 1-13 |

Assembly

| | |
|---------------------------|------|
| Adams, Anthony (R) | 14-0 |
| Aghazarian, Greg (R) | 14-0 |
| Anderson, Joel (R) | 14-0 |
| Benoit, John J. (R) | 14-0 |
| Berryhill, Tom (R) | 14-0 |
| Cook, Paul (R) | 14-0 |
| DeVore, Chuck (R) | 14-0 |
| Duvall, Mike (R) | 14-0 |
| Emmerson, Bill (R) | 14-0 |
| Fuller, Jean (R) | 14-0 |
| Gaines, Ted (R) | 14-0 |
| Garcia, Bonnie (R) | 14-0 |
| Garrick, Martin (R) | 14-0 |
| Horton, Shirley (R) | 14-0 |
| Houston, Guy (R) | 14-0 |
| Huff, Bob (R) | 14-0 |
| Jeffries, Kevin (R) | 14-0 |
| Keene, Rick (R) | 14-0 |
| La Malfa, Doug (R) | 14-0 |
| Maze, Bill (R) | 14-0 |
| Nakanishi, Alan (R) | 14-0 |
| Niello, Roger (R) | 14-0 |
| Plescia, George (R) | 14-0 |
| Silva, Jim (R) | 14-0 |
| Spitzer, Todd (R) | 14-0 |
| Tran, Van (R) | 14-0 |
| Villines, Michael (R) | 14-0 |
| Walters, Mimi (R) | 14-0 |
| Runner, Sharon (R) | 13-0 |
| Smyth, Cameron (R)* | 13-0 |
| Blakeslee, Sam (R) | 13-1 |
| Galgiani, Cathleen (D) | 9-5 |
| Parra, Nicole (D) | 8-6 |
| Strickland, Audra (R)* | 5-0 |
| Caballero, Anna Marie (D) | 4-10 |
| Calderon, Charles (D) | 3-11 |
| Hancock, Loni (D) | 3-11 |
| Fuentes, Felipe (D)† | 2-10 |

| | |
|--------------------------|------|
| Arambula, Juan (D) | 2-12 |
| Hayashi, Mary (D) | 2-12 |
| Lieber, Sally (D) | 2-12 |
| Lieu, Ted (D) | 2-12 |
| Price, Curren (D) | 2-12 |
| Salas, Mary (D) | 2-12 |
| Solorio, Jose (D) | 2-12 |
| Torrico, Alberto (D) | 2-12 |
| Wolk, Lois (D) | 2-12 |
| Soto, Nell (D)* | 1-9 |
| Bass, Karen (D) | 1-13 |
| Beall, Jim (D) | 1-13 |
| Berg, Patty (D) | 1-13 |
| Brownley, Julia (D) | 1-13 |
| Carter, Wilmer Amina (D) | 1-13 |
| Coto, Joe (D) | 1-13 |
| Davis, Mike (D) | 1-13 |
| De La Torre, Hector (D) | 1-13 |
| De León, Kevin (D) | 1-13 |
| DeSaulnier, Mark (D) | 1-13 |
| Dymally, Mervyn (D) | 1-13 |
| Eng, Mike (D) | 1-13 |
| Evans, Noreen (D) | 1-13 |
| Feuer, Mike (D) | 1-13 |
| Hernandez, Ed (D) | 1-13 |
| Huffman, Jared (D) | 1-13 |
| Jones, Dave (D) | 1-13 |
| Karnette, Betty (D) | 1-13 |
| Krekorian, Paul (D) | 1-13 |
| Laird, John (D) | 1-13 |
| Leno, Mark (D) | 1-13 |
| Levine, Lloyd (D) | 1-13 |
| Ma, Fiona (D) | 1-13 |
| Mendoza, Tony (D) | 1-13 |
| Mullin, Gene (D) | 1-13 |
| Nava, Pedro (D) | 1-13 |
| Núñez, Fabian (D) | 1-13 |
| Portantino, Anthony (D) | 1-13 |
| Ruskin, Ira (D) | 1-13 |
| Saldaña, Lori (D) | 1-13 |
| Swanson, Sandré (D) | 1-13 |

*Absent due to illness on one or more votes.

† Assemblyman Felipe Fuentes (D) sworn into office May 25, 2007.

CalChamber Urges State Board to Develop Voluntary Early Action Reduction Policy



State regulators should thoroughly analyze the economic impact of proposed rules to reduce greenhouse gas emissions before putting those requirements into effect, the California

Chamber of Commerce has told the California Air Resources Board (ARB).

The majority of California businesses will be affected, directly or indirectly, by the proposed early action measures for implementing the state's landmark climate change law, the CalChamber told the ARB.

The CalChamber presented its comments at an October 25 ARB public meeting focusing on the proposed requirements for the first group of industries to be regulated under AB 32 (Núñez; D-Los Angeles).

Recognizing Voluntary Efforts

The CalChamber highlighted the importance of recognizing voluntary efforts by business to reduce emissions while the regulations are being developed. The CalChamber appreciates the attention given to voluntary early emission reductions in the most recent staff

report and hopes to help craft a strong mechanism for ensuring industries are not punished for their voluntary early efforts.

By providing regulatory certainty, the CalChamber noted, the ARB can encourage businesses to begin reducing emissions as quickly as possible. The earlier reductions made possible by regulatory certainty will help make California's 2020 greenhouse gas reductions goals more achievable and will reduce the severity of mandatory reductions implemented later in the AB 32 timeline.

The CalChamber said the state should give California businesses credit for taking the initiative to reduce their greenhouse gas emissions, recognizing that those firms are true leaders and are setting an example for industries that have yet to begin reducing their greenhouse gas emissions. It is vital that California continue to encourage voluntary actions so the state can continue to pioneer new technologies and much-needed investment for the future. Such a mechanism can be a great tool to bring businesses to the table to help create solutions to this global problem.

Cost-Effective

It is vital that the "discrete early

actions" meet AB 32's requirement to be "cost-effective," the CalChamber emphasized. The cost-effective requirement helps to ensure that implementation of AB 32 will not increase costs for consumers, threaten jobs or make California companies uncompetitive.

The CalChamber urged the ARB to be as forthcoming as possible with interested parties and the public about the methods used to develop its proposed requirements, commenting that it is unclear how the ARB staff reached its recommendations.

Forestry Protocols

Also among the early actions is the proposed adoption of the California Climate Action Registry (CCAR) forestry protocols.

The CalChamber is concerned about the premature adoption of the proposed CCAR forestry protocols before the merits of alternative protocols have been fully examined. Forestry protocols designed in too strict a manner will act as a barrier to landowner participation and will jeopardize the benefits that could be gained by utilizing the natural forest processes of CO₂ absorption and storage.

The CalChamber recommends that the ARB conduct a comprehensive review of alternative protocols and work with stakeholders to determine which proposals are best suited to encourage landowner participation while also ensuring careful carbon accounting. The CalChamber believes that California's forests can serve as a powerful ally in efforts to reduce greenhouse gas emissions.

Working Together

Due to the global nature of climate change concerns, other states and nations are watching California as it embarks on this regulatory program. The CalChamber said it is important that the state works hard to build a model system. A key component to building such a system is understanding the full-cycle effects of each recommended regulation.

The CalChamber will continue to help the ARB craft the best solutions to reduce California's greenhouse gas emissions.

Staff Contact: Amisha Patel

Resources Offered for SoCal Wildfire Recovery

The California Chamber of Commerce is encouraging businesses to be aware of state assistance programs dedicated to helping businesses recover from the Southern California wildfires.

Governor Arnold Schwarzenegger has directed the Employment Development Department (EDD) to extend payroll tax deadlines by up to 60 days for small businesses hardest hit by the wildfires. The Governor also has directed the Small Business Disaster Assistance Loan Guarantee Program to be activated to guarantee \$7 million in loans for farms and businesses in communities that suffered damage or significant economic loss.

For assistance related to economic

damage caused by the Southern California wildfires, a small business or farm enterprise should contact the nearest Financial Development Corporation:

- California Southern: (619) 232-7771
- Orange County: (714) 571-1900
- Pacific Coast Regional: (213) 739-2999
- Inland Empire: (909) 391-6787
- Hancock: (213) 382-4300
- San Fernando Valley: (818) 205-1770

In addition, the state has a dedicated telephone line for businesses to call to make large donations of needed supplies, including blankets, food, clothing, bottled water, baby food, diapers and toothbrushes: (800) 750-2858.

CalChamber Appeal Gets Support from U.S. Solicitor General

From Page 1

that federal law pre-empts AB 1889. A three-judge appeals court panel agreed with the business position.

In September 2006, however, the full Ninth U.S. Circuit Court of Appeals overruled the earlier decision and upheld the state law.

U.S. Solicitor General

In its brief, the U.S. solicitor general argues that AB 1889 is contrary to two decisions that the federal National Labor Relations Act (NLRA) pre-empts state law.

The first found that federal law forbids states from regulating activity the NLRA explicitly or arguably protects or prohibits. The second case prevents states from regulating activity Congress intended to leave



subject to the natural result of economic forces.

The solicitor general argues that AB 1889 conflicts with both a longstanding congressional intent to permit "robust debate" during union organizing drives, as well as the generally exclusive authority of the National Labor Relations Board to regulate employer speech during such campaigns.

Resolving Conflict

The solicitor general also points out that there is a conflict between the Ninth Circuit ruling and a recent decision of the Second U.S. Circuit Court of Appeals, which struck down portions of a New York law that is similar to AB 1889.

In addition, eight states have enacted laws prohibiting use of state funds to affect organizing campaigns, and five states are considering legislation based on the California provision, according to the solicitor general.

It is likely the high court will decide whether to take the case within the next several weeks. If it grants review, it will hear the case next year.

Staff Contact: Erika Frank

Sexual Harassment Training Deadline Approaching

From Page 1

implementing AB 1825, the state of California or a political subdivision thereof (local agencies, counties, public school districts, etc.) also is an employer.

Employers subject to the training requirement are those with 50 or more employees, temporary workers or contractors for each working day in any 20 consecutive weeks in the current or preceding calendar year. The 50 individuals do not need to work at the same location or within California.

New Businesses

Businesses created after January 1, 2006 having more than 50 employees as defined above must provide sexual harassment supervisor training within six months of their establishment and every two years thereafter.

Businesses created before January 1, 2006 that expand beyond 50 employees must provide sexual harassment supervisor training within six months after they become eligible under these regulations and every two years thereafter.

Documentation

Businesses must maintain documentation of a supervisor's training completion for a minimum of two years. The documentation must include the name of the supervisory employee trained, the date of

the training and the name of the training provider.

The training must take the supervisor no less than two hours to complete. The training need not be for two consecutive hours; the minimum duration of a training segment is no less than one-half hour for classroom training or webinars. E-learning courses may include features allowing the supervisor to pause the training so long as the e-learning program cannot be completed in less than two hours.

Training Must Be Interactive

California law also requires that the training be "interactive." This means that video training alone is likely insufficient without discussion, role-playing, a question-and-answer session, or other similar techniques led by a qualified trainer.

Employers using a webinar for training must document that each supervisor who was not physically present in the same room as the trainer actually attended the training and actively participated in it.

Businesses whose supervisors do not complete the training are subject to a corrective order from the Department of Fair Employment and Housing as well as increased exposure to harassment claims.

Easy Compliance Solution

CalBizCentral, the source for California business and human resource compliance products, presented by the CalChamber, is providing businesses with a fully compliant, cost-effective training program.

The self-paced, Web-based training course helps supervisors understand what

sexual harassment is and how to practically and effectively avoid conduct that could lead to sexual harassment situations. Developed by legal and HR training experts, "Preventing Harassment" covers both federal and California state sexual harassment laws, and contains interactive features to engage supervisors and verify their understanding of the material.

Employers often select online training for employees because it is the least intrusive on daily workloads and is much less expensive than classroom training. A supervisor can take the training on his or her own schedule and pace, as the online course can be paused when work demands attention and picked up where left off hours or even days later.

To purchase the "Preventing Harassment" materials, visit www.CalBizCentral.com/harassment.

Preventing Harassment

www.CalBizCentral.com/harassment

CalChamber in Court

State Supreme Court to Settle Issue of Liability for Retaliation

The California Chamber of Commerce recently filed a "friend of the court" brief in a case that involves an issue that has split the state's appellate courts over whether supervisors should be held personally liable for retaliation under the Fair Employment and Housing Act.

The CalChamber is urging the state Supreme Court to rule that just as individual managers and supervisors are immune from lawsuits for personnel actions alleged to be motivated by race, sex and discriminatory intent, they are equally protected against lawsuits claiming that the very same personnel actions were motivated by a desire to retaliate against the employee.

The issue raised by this case rep-



resents another split in decisional law affecting California's employers and employees. The CalChamber believes that California employers need a final determination on the extent to which they, as well as their supervisors, could be held liable for specific workplace conduct.

The conflict among the courts on

whether supervisors can be held individually liable for retaliation has created uncertainty in the law and in its application. The CalChamber believes that in light of this conflict, it is important for the state Supreme Court to provide a final decision on the matter.

California's intricate and complex state laws present countless challenges to businesses seeking to comply. Accordingly, compliance is made easier when employers have bright lines and clear rulings rather than conflicting and confusing legal precedent, the CalChamber argued in its brief.

The case is scheduled to be argued on December 4 in Los Angeles.

Staff Contact: Erika Frank

CalChamber Announces Launch of International Trade E-Newsletter

The California Chamber of Commerce Council for International Trade last month announced the launch of a new e-newsletter, which will feature news articles, policy updates and grassroots efforts on international trade.

The CalChamber Council for International Trade was created October 1 when the California Council for International Trade (CCIT) merged with the CalChamber International Trade Committee.

The Council is focused on sound policy and will continue to work with state and federal administrations and lawmakers to influence international business policies that support California's global success, job creation and sustainability.

Leadership on these issues is more important than ever. With free trade agreements pending before Congress, it is a historic time to take action. California business and trade leadership on domestic and global issues remains a key in fostering California competitiveness.

The CalChamber recognizes that throughout its long history, CCIT has been a dedicated statewide coalition of California's leading voices supporting free and open international trade policy. For more than a half century, the CCIT has been the only statewide organization

solely dedicated to advocating sound U.S. trade policy to open foreign markets for the benefit of West Coast producers of goods and services that need those markets to fuel jobs and economic growth.

International trade is vital to California's economy. In fact, international-related commerce accounts for one-quarter of the state's economy, and exports from California accounted for 12 percent of total U.S. exports in 2006. California trade and exports translate into high-paying jobs for more than one million Californians.

For more information, see the International

Trade page in the *Business Issues and Legislative Guide* or log onto the website, www.calchamber.com/international.

To sign up for the newsletter, please

COUNCIL FOR INTERNATIONAL TRADE

CALIFORNIA CHAMBER OF COMMERCE

Trade Update

Tuesday, October 30, 2007

Action Needed!
House Vote Expected Next Week on U.S.-Peru Agreement
 Act now to support the U.S.-Peru Free Trade Agreement, a bilateral FTA that will lower tariffs and foster increased trade between both countries. This agreement is a critical element of a possible U.S.-Andean Free Trade Agreement and of the U.S. strategy to liberalize trade through bilateral, regional and multilateral initiatives.
 CalChamber Position: Support
 Status: Pending Congressional Action

Act now! Click here to send a letter to your representative

Coming Events

11/06/07 - 11/07/07
 AFAA - Port Tour and Conference

11/08/07
 Social Networking & Web 2.0

11/14/07
 Bay Area International Trade Summit

11/14/07 - 11/16/07
 Royal New Zealand Ag Show

11/16/07
 Export Financing: a Powerful Tool for Expanding your International Sales

11/17/07
 Export/Import Documentation & Procedures

11/29/07 - 12/02/07
 Mutumanikam Nusantara Exhibition 2007

Featured Headlines

China Beats Germany to Take World Trade Crown
 China has surged ahead of Germany for the first time to become the world's top exporter, prompting ever louder demands from the United States and Europe to revalue the yuan. Data from the World Trade Organization show that the country vaulted past the US at the beginning of this year and has since moved at lightning speed to eclipse Germany's once indomitable export machine. It shipped \$111bn (£54bn) worth of goods in August, up 55pc from a year earlier. *Telegraph UK, October 25, 2007*

United States and Rwanda Deepen Trade and Investment Partnership

e-mail cheryl.oneal@calchamber.com and type "Subscribe Trade Update" in the subject line.

Staff Contact: Susanne Stirling

If you manage non-exempt employees, you probably need...meal and rest period clarification!

This 90-minute on-demand web seminar provides you with an in-depth review of the requirements of wage-and-hour laws and how they apply to your non-exempt employees. You will also learn ways to effectively communicate the rules and penalties to your employees and enforce the regulations without creating confusion or exposing your company to additional liability.

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