

ALERT

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CalChamber Joins Coalition to Oppose Proposition 92

The California Chamber of Commerce and a growing coalition of education, business, community and taxpayer groups have joined forces to oppose Proposition 92 on the February 5, 2008 California primary election ballot.

The CalChamber Board of Directors voted to oppose Proposition 92, the Community College Governance Funding Stabilization and Student Fee Reduction Act, during its September meeting.

Uniting under "Californians for Fair Education Funding," the organizations are working to inform voters that the community college initiative is not what it seems. The coalition has launched a



**FEBRUARY
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website at www.noprop92.org.

The campaign coalition includes the CalChamber, California Teachers Association, California Faculty Association, California Taxpayers' Association and California Business Roundtable.

Chronic Deficits

"California businesses strongly support our community college system and believe in the value of the education and training community colleges

provide," said CalChamber President Allan Zaremberg.

"Community colleges are an integral part of our state's overall higher educa-

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CalChamber Names New Vice President of Government Relations



Marc Burgat

The California Chamber of Commerce has named Marc Burgat as vice president of government relations.

Burgat will join the CalChamber's executive team on November 26.

As vice president, Burgat will oversee the CalChamber's public policy team and will serve as the CalChamber's chief legislative advocate.

"California businesses are in the midst of challenging times. Marc Burgat has tremendous experience, knowledge and energy," said CalChamber President Allan Zaremberg. "He will be a powerful advocate for improving California's business climate and an effective voice in educating policy makers and the public on the important contributions employers make to our state. His leadership on key issues will be critical to enhancing the economy and protecting California from the negative impacts of dangerous job killing legislation."

Burgat has more than 15 years experience in public policy, government, com-

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New Democratic Health Care Proposal Passes Assembly Committee on Party Lines

A reworked Democratic health care plan that still creates a new expensive entitlement program passed the Assembly Health Committee on November 14 on a party-line vote of 10-5.

Further action by the Legislature on California Chamber of Commerce-**opposed** ABX1 1 (Núñez; D-Los Angeles) will occur the week of November 26.

Assembly Speaker Fabian Núñez said financing for the proposal is proceeding on a separate, but parallel track with a goal of placing it before voters on the November 2008 ballot.

No language on the financing has

been presented yet, but as Speaker Núñez outlined it for the committee, the components will include a sliding scale employer tax (2 percent to 6.5 percent of Social Security wages), a 4 percent tax on hospitals and a \$2 per pack increase in the tobacco tax.

Discussions on financing specifics are ongoing.

The Speaker said his plan will require Californians to purchase coverage unless the cost goes beyond 6.5 percent of family income. The intent of the proposal, he said, is that no one earning below 150

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Labor Law Corner

Defining 'Misconduct' Important in Determining UI Eligibility



Ellen Savage
Senior Helpline
Consultant

I hired a bookkeeper who I thought had the education and experience to do the job. After a month, it became obvious that she was disorganized, inefficient and wasn't doing a good job, so I terminated her. Now the Employment Development Department tells me she can collect un-

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*E-mail: alert@calchamber.com.
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employment insurance. Why?

A terminated employee is eligible for unemployment insurance (UI) unless the employer can prove that the termination was for "misconduct." For UI purposes, misconduct is more than simple negligence or inability to do a good job.

Defining Misconduct

Under the Employment Development Department (EDD) definition of misconduct, the employee must have willfully or wantonly breached a duty to the employer in a substantial way, disregarding or injuring the employer's interests.

Misconduct

The following reasons generally are considered to be misconduct:

- theft of company property or property of other employees;
- willfully or negligently damaging company equipment;
- falsifying expense vouchers;
- drinking alcohol on the job; and
- engaging in altercations with supervisors or other employees.

Not Misconduct

The following reasons generally are not considered to be misconduct:

- inefficiency;
- failure to meet performance standards as the result of inability or incapacity;
- inadvertence or ordinary negligence in isolated instances; and
- good faith errors in judgment or discretion.

Common Examples

Some common reasons for termination that can raise issues of whether misconduct occurred include excessive or unexcused absences, dishonesty and poor performance. Here are some examples, and EDD's rules on these topics:

● **Absence:** An absence without employer approval is considered misconduct unless the employee can show a compelling reason for the absence.

For example, an employee returning from a vacation encounters canceled airline flights due to severe weather. She calls her employer and asks for another day off so she can rent a car and drive home. Because of prior attendance problems and reprimands, the employer refuses and terminates her when she is not at work the following day. The employee has not engaged in misconduct because she had a compelling reason for an unapproved absence, and thus would be eligible for UI.

● **Dishonesty:** Deliberately providing false information on a timecard generally will be considered misconduct, making the employee ineligible for UI.

Falsifying information on an employment application is misconduct if the employer had a right to ask for the information, the information is relevant to the job and the applicant willfully provides false information that would harm the employer.

For example, an applicant for a security system service position responded "no" when asked on a job application if he had ever been arrested. After hiring the applicant, the employer discovered the individual in fact had an arrest record and terminated him.

Despite the employee's dishonest answer, EDD determined no misconduct had occurred and the employee was eligible for UI because the law prohibits employers from asking about arrests on job applications.

On the other hand, if the applicant had been dishonest on the application about criminal convictions, the termination would have been for misconduct since an employer may legally ask about convictions on a job application.

See Defining: Page 4

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

International Luncheon Forum with

Canadian Ambassador Michael Wison:
December 13, Sacramento



Meal/Rest Period Rules Continue to Spawn Employer Questions



California's requirements for providing meal and rest breaks to employees continue to raise numerous employer questions in the California Chamber of Commerce web seminar on the subject.

Questions center around the specifics of the requirement and how it applies to everyday occurrences in the workplace, as well as when exceptions are permissible.

Knowing and complying with the requirements became even more important for employers following an April California Supreme Court ruling that increased employer liability in cases involving an allegation that the employer violated the requirement to provide a meal or rest break.

The court ruled in *Murphy v. Kenneth Cole Productions, Inc.* that the amount an employer pays a worker for failing to provide the worker a meal break is a wage, not a penalty. Consequently, employees now have more time — up to four years — to sue over an alleged violation.

The CalChamber will continue to press for changes to the requirements to provide clarity and flexibility for employers and employees.

In the meantime, employers should take care to limit their liability by complying with the current requirements.

Common Questions

Following is a sampling of some common questions and answers.

● *What is the requirement for providing meal and rest breaks?*

A: Non-exempt employees (employees not exempt from overtime and meal/rest break requirements under the federal Fair Labor Standards Act and the California Wage Orders) must be given an opportunity to take a 10-minute paid rest break for every four hours worked and a 30-minute unpaid meal break for shifts longer than five hours. The meal break must begin no later than 4 hours and 59 minutes into the employee's shift.

● *What happens if an employee starts lunch hour late (for example, 5 hrs 15 minutes after started workday); what do we do? How do we compensate?*

A: The employee is entitled to an additional hour of pay at straight time for failure to provide the meal within the required time, plus wages for any time actually worked.

● *Can an employer grant a longer rest period (15 minutes)? That is our practice.*

A: That is your choice, so long as it is for a minimum of 10 minutes and is taken no later than 3 hours and 59 minutes into the employee's shift.

● *Are employers required to monitor employees to make sure they take their scheduled rest breaks?*

A: You are required to make the rest break available. It is paid time, so you do not have to monitor employees, but you should document all steps you've taken to give employees their breaks.

● *Must employers monitor meal breaks?*

A: Yes. As the law is currently being interpreted, employers are responsible for ensuring that the employee takes the full 30-minute off-duty meal period (subject to limited exceptions).

● *If an employee works more than 10 hours, is the employee required to take the second lunch break or is it at the employee's request?*

A: The second meal period can be waived only by mutual consent of the employer and the employee, if the employee will not work more than 12 hours and only if the first meal period was not waived.

● *Can a meal period be less than the full 30 minutes? For example, can they take a 20- or 25-minute meal period?*

A: No, meal breaks must be at least 30 minutes. If the meal break is less than a full 30 minutes, the one hour of premium pay (or wage) must be paid.

● *Can employees hold their afternoon break until the end of the day and then leave 10 minutes early?*

A: No.

● *If an employee is working a short shift, can the employee waive a meal break?*

A: If the employee's shift can be completed in six hours or less, the employee can waive the meal break. The waiver must be in writing, agreed upon by both the employee and the employer and the employee must be able to revoke the waiver at any time.

● *What are the criteria for having an on-duty break and meal waiver?*

A: An on-duty meal period may be used only when the employee cannot be relieved of all duty because of the nature of the work. An example is a security guard in the bank, alone at night. Consult with legal counsel before using such a waiver. Valid waivers must be in writing. Sample meal break waivers that use the language from the law and regulations are available for CalChamber members under "Forms and Checklists" at HRCalifornia.com.

On-Demand Web Seminar

An on-demand web seminar clarifying meal and rest period requirements is available from CalBizCentral, the source for California business and human resource compliance products, presented by the CalChamber.

Available 24/7 through December 17, this 90-minute web seminar provides an in-depth review of wage-and-hour laws and how they apply to non-exempt employees. It also teaches participants how to effectively communicate the rules

and penalties to employees and enforce applicable law without creating confusion or exposing a company to additional liability.

The web seminar and



Paying Non-Exempt

Employees mini-book may be purchased together at a discount.

For more information or to register, visit www.calbizcentral.com/nonexempt or call (800) 331-8877.

Staff Contact: Jessica Hawthorne

CalChamber Joins Coalition to Oppose Proposition 92

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tion offering. However, California still faces chronic budget deficits — projected to be \$10 billion in 2008. The scheme contained in Proposition 92 would further aggravate the state's budget crisis and threaten California's ability to address other pressing needs, like funding health care, public safety and education. California just can't afford Proposition 92."

Mandate without Revenue

Proposition 92 seeks to lock into California's constitution a huge new spending mandate for community colleges, but includes no way to pay for it. This could mean cuts to K-12 schools and higher education, health care, programs for the disabled or public safety.

The measure also requires no public audits, contains no penalties for misuse of funds, and includes no guarantee that money will be spent on students. Proposition 92 does, however, give an expanded

state board "full power" to set salaries and other benefits for additional bureaucrats and administrators with no independent oversight.

The No on 92 campaign points out that while the initiative mandates new spending — almost a billion dollars in just the first three years, according to the California Legislative Analyst — it does not identify a way to pay for it.

The California Community Colleges are institutions of higher education that serve about 1.5 million students annually. The community college system is comprised of 109 campuses operated by 72 districts that are governed by local elected boards of trustees.

The system offers academic, vocational and recreational programs at lower division levels for recent high school graduates and any other adults who can benefit from instruction. Community colleges also operate programs to promote economic development and provide adult education.

Split Funding Guarantee

Proposition 92 would in effect split the existing Proposition 98 funding guarantee for K-14 schools into one guarantee for K-12 and a separate guarantee for community colleges.

The potential increase in state spending on K-14 education is about \$135 million in 2007-08, \$275 million in 2008-09 and \$470 million in 2009-10, with unknown impact annually thereafter.

Essentially, the California Community Colleges would maintain the benefit of a minimum funding guarantee under Proposition 98 without assuming the risk, like other public institutions of higher education, of being a separately funded public entity.

Other opponents of Proposition 92 include the League of Women Voters of California and the Small Business Action Committee.

Staff Contact: Denise Davis

Defining 'Misconduct' Important in Determining UI Eligibility

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● **Poor performance:** While it is an employer's right to terminate an employee for poor performance, if the poor performance is simply an inability to do better, then there is no misconduct and the employee would be eligible for UI. Similarly, an isolated instance of mistake or good faith error in judgment is not misconduct. However, if the employee previously has demonstrated the ability to perform to standards and then later fails to meet them, misconduct may be found.

For example, a saleswoman who is expected to and does contact 40 potential new customers suddenly "loses enthusiasm" for the job, and a week later makes only 30 per week. Even if she meets her goals in terms of actual sales, deliberate

failure to contact the required number of potential customers per week may be considered misconduct, making her ineligible for UI benefits.

UI Eligibility Resources

For more information about what factors are used to determine UI eligibility, go to EDD's "Benefit Determination Guide" online at www.edd.ca.gov/uibdg/uibdgind.htm. This is an excellent resource when responding to a former employee's UI claim.

Also available on EDD's website is a helpful online publication called "Managing Unemployment Insurance Costs" at www.edd.ca.gov/uirep/de4527.pdf.

For more information about employer

obligations under the UI program, go to the Benefits Library at HRCalifornia.com.

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.

**Next Alert:
November 30**

Mark Your Calendars

**California Business Legislative Summit
May 20-21, 2008**

U.S.-Peru Free Trade Agreement Closer to Implementation Following House Vote



The U.S.-Peru Free Trade Agreement (FTA) is one step closer to being implemented after passing the U.S. House of Representatives.

The House voted 285-132 on November 8 to approve the agreement, which will ensure that the United States

will continue to gain access to world markets, which will result in an improved economy and additional employment of Americans.

The U.S. Senate received the FTA on November 9.

President Bush formally notified the U.S. Congress of his intent to sign the U.S.-Peru FTA in January 2006 in accordance with trade negotiating timelines.

In June 2006 the Peruvian Congress overwhelmingly approved the agreement by a vote of 79-14 with six abstentions.

California is one of the 10 largest economies in the world with a gross state product of approximately \$1.5 trillion. International-related commerce accounts for approximately one-quarter of the state's economy. Export-supported jobs account for more than 10 percent of California's total private sector employment — about one in 10 jobs.

Trade with Peru

Peru is the third largest country in South America and is approximately three times the size of California. Peru is the fifth most populous country in Latin America, and has an annual gross domestic product (GDP) of more than \$67 billion.

Peru's economy is one of the most dynamic in Latin America, showing particularly strong growth over the last three years. Recent economic expansion has been driven by construction, mining, investment, domestic demand and exports.

Total trade in 2006 between Peru and the United States was more than \$8 billion, with the United States exporting \$2.9 billion worth of goods to the nation. About 200,000 U.S. citizens visit Peru annually

U.S. House of Representatives Vote on U.S.-Peru Free Trade Agreement

Ayes (33 of 285)

Xavier Becerra (D-Los Angeles)
Howard L. Berman (D-Van Nuys)
Brian Bilbray (R-Carlsbad)
Mary Bono (R-Palm Springs)
Ken Calvert (R-Corona)
John Campbell (R-Irvine)
Lois Capps (D-Santa Barbara)
Dennis Cardoza (D-Merced)
Jim Costa (D-Fresno)
Susan Davis (D-San Diego)
John T. Doolittle (R-Roseville)
David Dreier (R-San Dimas)
Anna G. Eshoo (D-Palo Alto)
Elton Gallegly (R-Simi Valley)
Jane Harman (D-Venice)
Wally Herger (R-Marysville)
Mike Honda (D-San Jose)
Darrell Issa (R-Vista)
Jerry Lewis (R-Redlands)
Zoe Lofgren (D-San Jose)
Doris O. Matsui (D-Sacramento)
Kevin McCarthy (R-Bakersfield)
Howard "Buck" McKeon (R-Santa Clarita)
Gary G. Miller (R-Diamond Bar)
Devin Nunes (R-Tulare)
Nancy Pelosi (D-San Francisco)
George P. Radanovich (R-Mariposa)
Dana Rohrabacher (R-Huntington Beach)

Ed Royce (R-Fullerton)
Adam Schiff (D-Burbank)
Ellen Tauscher (D-Alamo)
Mike Thompson (D-St. Helena)
Howard Waxman (D-Los Angeles)

Noes (16 of 132)

Joe Baca (D-Rialto)
Bob Filner (D-San Diego)
Barbara Lee (D-Oakland)
Jerry McNerney (D-Pleasanton)
George Miller (D-Martinez)
Grace F. Napolitano (D-Norwalk)
Laura Richardson (D-Long Beach)
Lucille Roybal-Allard (D-Los Angeles)
Linda T. Sánchez (D-Lakewood)
Loretta Sanchez (D-Garden Grove)
Brad Sherman (D-Sherman Oaks)
Hilda Solis (D-El Monte)
Pete Stark (D-Fremont)
Maxine Waters (D-Los Angeles)
Diane Watson (D-Los Angeles)
Lynne C. Woolsey (D-Petaluma)

Not Voting (3 of 16)

Duncan Hunter (R-Alpine)
Tom Lantos (D-San Mateo/San Francisco)
Dan Lungren (R-Gold River)

for business, tourism and study. Nearly 16,000 Americans reside in Peru, and more than 400 companies are represented in the country.

In 2006, California exported \$180 million to Peru, making it one of the state's 50 largest trading partners.

A U.S.-Peru FTA is a critical element of the U.S. strategy to liberalize trade through multilateral, regional and bilateral initiatives.

CalChamber Position

The CalChamber, in keeping with

long-standing policy, enthusiastically 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 U.S.-Peru FTA will increase momentum toward lowering trade barriers and set a positive example for other small economies in the Western Hemisphere.

Staff Contact: Susanne Stirling

New Democratic Health Care Proposal Passes Assembly Committee

From Page 1

percent of the federal poverty level will be required to pay for health care; those between 150 percent and 350 percent of the poverty level will be covered through the existing Healthy Families Program; and remaining individuals up to 450 percent of the federal poverty level will receive a tax subsidy to help purchase health coverage.

Concerns

In testimony to the committee, a representative of the administration voiced concern about the level of the employer fee in ABX1 1, its exemptions to the mandate for individuals to purchase insurance and the 450 percent cap on tax credits individuals may claim for health care expenses.

The CalChamber has pointed out that like the Speaker's previous bill, AB 8, the latest proposal creates an employer mandate that violates the federal ERISA law. Just like AB 8, the new proposal creates the first step to government-run health care.

In addition, the Democratic proposal will establish a growing entitlement

program to be funded by a declining revenue stream — tobacco taxes (rejected by voters during the last election).

The CalChamber reiterated these concerns in testimony to the committee.

Creating a new underfunded health care entitlement program will deepen an already-gaping hole in the state's budget. Earlier the day of the committee hearing, the non-partisan legislative analyst estimated the state will soon be facing a \$10 billion budget deficit (\$2 billion in the current fiscal year and \$8 billion in the following one).

Moreover some preliminary calculations indicate the state subsidy required by ABX1 1 will be huge and could even apply to all but a small percentage of Californians.

Republican Proposal

Rejected by the Assembly committee on a largely party-line vote was ABX1 8 (Villines; R-Clovis). The bill by Assembly Republican Leader Mike Villines emphasizes the use of health savings accounts and tax credits to help employees and businesses save for or provide health care.

Key Votes

ABX1 1

Voting for ABX1 1 were: Dymally (D-Compton), Bass (D-Los Angeles), Berg (D-Eureka), DeSaulnier (D-Concord), Eng (D-Monterey Park), Hayashi (D-Castro Valley), Hernandez (D-La Puente), Jones (D-Sacramento), Ma (D-San Francisco), Salas (D-Chula Vista).

Noes: Nakanishi (R-Lodi), Emmerson (R-Redlands), Gaines (R-Roseville), Huff (R-Diamond Bar), Strickland (R-Moorpark).

Absent/abstaining/not voting: De La Torre (D-South Gate), De León (D-Los Angeles), Lieber (D-Mountain View).

ABX1 8

Voting for ABX1 8 were: Nakanishi (R-Lodi), Emmerson (R-Redlands), Gaines (R-Roseville), Strickland (R-Moorpark).

Noes: Dymally (D-Compton), Berg (D-Eureka), DeSaulnier (D-Concord), Eng (D-Monterey Park), Hayashi (D-Castro Valley), Hernandez (D-La Puente), Jones (D-Sacramento), Ma (D-San Francisco), Salas (D-Chula Vista).

Absent/abstaining/not voting: Bass (D-Los Angeles), De La Torre (D-South Gate), De León (D-Los Angeles), Huff (R-Diamond Bar), Lieber (D-Mountain View).

Staff Contact: Marti Fisher

New Web Resource for Employers

The California Department of Child Support Services has launched a new website to help employers find the easiest ways to manage their obligations related to child support.

Employer tasks that are helping more than 2 million California children become healthy productive adults, according to the department, include reporting new hires, submitting wage withholding payments

and processing medical support orders.

Employers can find the latest information and tips — including combining multiple payments into a single payment, making electronic payments and more — under the employer tab at www.childsup.ca.gov.

For more information, contact Randy Juster, department outreach and education coordinator, at (916) 464-5188.

CalChamber Names New Vice President

From Page 1

munications and advocacy. Most recently, Burgat was director of governmental affairs for the California Cable & Telecommunications Association.

He previously worked as the chief legislative representative for the city of Los Angeles. Burgat worked as a chief of staff and senior consultant in the California State Assembly. He also served as president of Strategic Communications & Advocacy, a firm specializing in public and legislative advocacy, coalition development and issues management.

Burgat earned his bachelor's degree in government from California State University, Sacramento.

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for the latest business
legislative news plus products
and services to help you do
business in California.

CalChamber Members Recognized for Maintaining Fit Businesses



Twenty-nine members of the California Chamber of Commerce were honored with 2007 California Fit Business Awards, a program sponsored by the California Task Force on Youth and Workplace Wellness.

The task force launched the award in 2003 to acknowledge California businesses that are recognizing and promoting workplace wellness through easy-access physical activity and nutrition options. More than 82 businesses applied for this year's award, and honorees were recognized in four categories: Gold, Silver, Bronze and honorable mentions.

Award Winners

Following are the CalChamber members that received the Gold Award for the 2007 California Fit Business Award. Silver, bronze and honorable mention winners will be recognized in upcoming issues of *Alert*.

● **Cisco Systems (San Jose)** — This Internet networking company works to keep all of its 16,000 employees fit and healthy. The company's cafeteria foods are trans-fat free and menu items come complete with clear nutritional information. Bottled water makes up 66 percent of the free beverages consumed by Cisco employees. The water is made available along with foods from organic vending machines, juice and diet sodas. About

1,000 employees visit the on-site fitness center each day. The company also created a "Health Connections" website and quarterly TV show produced on the Cisco campus, both of which provide its employees with easy access to health-related information.

● **Sacramento Municipal Utilities District (Sacramento)** — SMUD was honored by the Fit Business Awards for the second year in a row, earning the recognition in part for a subsidized lunch program four days a week. Through the program, employees can spend \$3.50 and choose salmon, brown rice and salad for their midday meal. Also available are a variety of education programs that teach employees about healthy shopping, food preparation, starting a running program and nutritious eating. SMUD also has introduced a 10,000 steps a day walking forum for employees, and an on-site fitness center includes cardiovascular and strength-training machines, certified trainers and group exercise classes. The utility company also puts on a monthly fun walk/run and an annual fitness festival. Because of the success of these programs, SMUD will not be experiencing any increase in its medical premiums for 2008.

● **Sandia National Labs (Livermore)** — This government-owned, contractor-operated science research facility has just more than 1,000 employees, and works with individuals or small groups to sustain employee health and fitness through free wellness programs and activities. The services, accompanied with

education classes, include health screenings, body fat testing, personal trainers, nutrition counseling, stress assessments, on-site gym facilities, bicycles to ride across campus and aerobics. Educational programs aim to decrease health risks associated with cancer, diabetes and other chronic diseases, and employees have access to a small health library and health-related research. Sandia provides regular assessments to measure the outcomes and success of its programs, which have created a workplace culture of health and wellness.

● **USAA** — A three-time winner of the Fit Business Award, this financial services company provides its employees with access to a variety of healthy foods in its cafeteria, including options such as fresh fruit, salads, salmon and baked chicken. USAA provides moral and educational support for healthy choices, along with opportunities for healthy physical activities. The company encourages participation in an on-site fitness program with group activities, certified trainers, free weights and machines. A walking club, outdoor sports facilities and indoor facilities for break-time activity also promote employee fitness. USAA provides a health education website, an ergonomics and safety program, and an employer-paid annual health risk assessment, with monetary awards for participation.

For more information about the Fit Business Award, visit the task force website at www.wellnesstaskforce.org.

Governor Signs Bill Granting Leave for Military Spouses

California businesses employing 25 or more people must give up to 10 unpaid days off to any employee whose spouse is on leave from military deployment under a new law signed by Governor Arnold Schwarzenegger.

Governor Schwarzenegger signed AB 392 (Lieu; D-Torrance), an urgency measure, on October 9 and the new law took effect immediately.

AB 392 defines a qualified employee as one who works for more than 20 hours per week whose spouse is a member of

the Armed Forces, National Guard or Reserves who has been deployed during a period of military conflict.

The employee must provide the employer with notice that he or she wishes to take leave within at least two business days of receiving official notice that the employee's spouse will be on leave from deployment. The employee also must provide the employer with written documentation certifying the spouse will be on leave from deployment.

The CalChamber has created a

sample form — Military Spouse Request for Leave (25 or More Employees) — for employees to use when requesting this leave. The form is available to CalChamber members now. All 2008 CalBizCentral publications will be updated with these new requirements and additional compliance information.

For additional information, visit the CalChamber website focusing on human resources, www.HRCalifornia.com.

Staff Contact: Jessica Hawthorne

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.

Special Price

Buy *Meal & Rest Periods — Avoiding Penalties On-Demand Web Seminar* and *Paying Non-Exempt Employees* mini-book together at a discount.

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