

ALERT

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CalChamber Identifies 2011 'Job Killer' Bills



The California Chamber of Commerce this week released its annual list of proposed legislation that threatens to hurt California's job climate and hamper

economic recovery.

"The first step in an economic recovery program is to do no more harm to the economy," said CalChamber President and CEO Allan Zarembeg. "Proponents of anti-business legislation who think California's economy can withstand additional pressure from new regulatory and legislative burdens are simply unwilling to accept the unfortunate reality that California has the

second highest unemployment rate in the country."

This year's list of "job killers" includes 28 proposed laws that threaten California employers with new costly workplace and employee benefit mandates, economic development barriers, regulatory burdens and inflated liability costs.

"More regulations will lead to more litigation, worsening California's reputation throughout the world," said Zarembeg. "We simply cannot allow California to continue to be ranked as having one of the worst business climates in the country."

The 2011 "job killer" bill list appears on Page 3. The list, with links to updates, is available at www.calchamber.com/jobkillers.

Staff Contact: Marc Burgat

Commentary

First, Do No Harm



Allan Zarembeg

This week, the California Chamber of Commerce released our 2011 list of "job killer" legislation. This year's list features 28 bills that, if signed into law, would increase costs

for employers, lead to more regulations and litigation, and create further barriers to investment for companies hoping to do business here and to hire California workers.

First Step to Recovery

It is important to note that the first step in an economic recovery program is to do no more harm to the economy. Yet, proponents of anti-business legislation are ignoring California's obvious and painful economic situation.

Apparently, they think California's economy can withstand additional pressure from new regulatory and legislative burdens. They are simply unwilling to accept the unfortunate reality that California has the second highest unemployment rate in the country (even higher than Detroit's!) and is currently ranked near the bottom when it comes to business climate.

In recent days, there have been stepped up efforts by front groups for labor and trial attorneys to discredit the

See Commentary: Page 4

CalChamber-Supported Job Creator Bill Moving



A California Chamber of Commerce-supported job creator bill that expands options

for local governments to build and invest in infrastructure projects, as well as other alternative project delivery methods, is moving in the Legislature.

SB 475 (Wright; D-Inglewood/Emmerson; D-Hemet) creates private sector construction-related jobs and investment in infrastructure by providing local governments more flexibility and authority to use public-private partnerships.

Speeding Projects, Saving Costs

The CalChamber supports the expanded use of public-private partnerships in building and investing in infrastructure projects. Use of public-private partnerships can potentially get projects completed more quickly and at a lower cost, while buttressing the public's cost with private investment.

In addition, public-private partnerships can make more construction and engineering jobs available faster, which is integral to stimulating the state's economy, job creation and rehabilitating California's infrastructure network.

See CalChamber-Supported: Page 6

Inside

U.S.-Korea Free Trade Agreement: Page 7

Labor Law Corner

Hiring Minors Entails Keeping Up-to-Date on Specific Requirements



Barbara Wilber
HR Adviser

Our business is thinking about hiring high school students this summer. Are there restrictions or unique requirements we should be aware of?

The California Labor Code, the Fair Labor Standards Act, and the California Education Code regulate employment of minors in California. The interaction of

all three will govern any decision you make. There are several issues to think about, including: hours of work, minimum age for employment, occupational restrictions, and health and safety rules.

Online Tools

When summer approaches, high school students looking for work are a willing and eager workforce. With a little preparation, employers can benefit from this labor pool and make it a positive experience for the teen worker. May is Safe Jobs for Youth month in California and information about hiring youth is just a click away on several websites:

- Learn the basics at the California Chamber of Commerce website, www.hrcalifornia.com, and take the child labor quiz.

- Visit www.youngworkers.org for guidance about health and safety issues, and ideas to enhance the working relationship with your teen employees. Download fact sheets, resource kits, and more.

- Visit the Division of Occupational Safety and Health (Cal/OSHA) website at www.dir.ca.gov/DOSH/ for more information about health and safety regulations.

Work Permits

May is also a good time to start the hiring process so that all required paperwork is completed and on file before the teens begin work. With certain limited exceptions, California requires that minors under 18 years of age, who have not graduated from high school or obtained a "Certificate of Proficiency," must have a valid work permit, which is issued through the school the student attends. Application for the work permit is initiated by the student.

Work permits are required year-round, even when school is not in session. Obtaining a work permit helps assure that the duties performed comply with child labor laws and hour restrictions.

Be sure to carefully review the work permit for the exact hour restrictions, as the school may, at its discretion, issue a permit for fewer hours than the law allows.

Age Restrictions

The age of the minor determines the hours of work, occupation and duties permitted for that age group. As a result of federal and state occupational restrictions, a minor usually must be at least 14 years old before beginning work.

Separate rules and regulations cover younger minors working in the entertainment industry. The occupational restrictions and exceptions are complicated and lengthy.

The Division of Labor Standards Enforcement, www.dir.ca.gov/dlse, provides a comprehensive child labor booklet that includes a summary of age groups and occupations permitted for that age group.

Federal child labor laws were updated in 2010 and added new prohibitions for youths under the age of 18. However, they also allowed additional job opportunities for 14- and 15 year-olds. Be sure to review the most current information at www.dol.gov.

There is no sub-minimum wage rate for minors in California. The California minimum wage of \$8 per hour applies to minors. A limited learner's exemption, however, allows payment at 85 percent of the minimum wage only during the first 160 hours of employment in occupations in which the employee has no previous similar or related experience.

Avoid penalties by training your supervisors to understand and comply with all child labor and safety laws. Form a partnership with your young workers to enjoy a positive summer work experience.

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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Next Alert: June 10



‘Job Killers’ Threat to Jobs, Economy



Costly Workplace Mandates

- **AB 10 (Alejo; D-Watsonville) Automatic Minimum Wage Increase.** Creates

uncertainty by imposing an automatic indexing of the minimum wage based on inflation whether or not California is in a recession and increases the minimum wage while California struggles to recover from the recession.

- **AB 22 (Mendoza; D-Artesia) Hampers Employment Decisions.**

Unfairly limits private employers' ability to use consumer credit reports for legitimate employment purposes, unless the information in the report is "substantially job-related" and for a "managerial position."

- **AB 375 (Skinner; D-Berkeley) Expands Costly Presumptions.**

Increases workers' compensation costs for public and private hospitals by presuming certain diseases and injuries are caused by the workplace.

- **AB 1155 (Alejo; D-Watsonville) Erodes Workers' Comp Reforms.**

Increases costs and lawsuits in the workers' compensation system by eroding the apportionment provision that protects an employer from paying for disability that did not arise from work.

- **SB 104 (Steinberg; D-Sacramento) Increased Agricultural Costs.**

Attempts to limit employees' ability to independently and privately vote for unionization in the workplace, by essentially eliminating a secret ballot election and replacing it with the submission of representation cards signed by over 50% of the employees, which leaves employees susceptible to coercion and manipulation by labor organizations.

- **SB 129 (Leno; D-San Francisco) Employee Safety Risk.**

Undermines employers' ability to provide a safe and drug-free workplace by establishing a protected classification for employees who utilize medical marijuana.

- **SB 829 (DeSaulnier; D-Concord) Undermines Employer Rights.**

Undermines employer rights in California Division of Occupational Safety and

Health (Cal/OSHA) citations by allowing private parties to interfere with the appeals process which could impose significant costs on employers, the Cal/OSHA Appeals Board and on Cal/OSHA.

Economic Development Barriers

- **AB 350 (Solorio; D-Anaheim) Costly Employee Retention Mandate.**

Inappropriately alters the employment relationship by requiring any successor contractor for "property services," defined as licensed security, landscape, window cleaning or food cafeteria services, to retain employees of the former contractor for 90 days and thereafter offer continued employment unless the employees' performance during the 90-day period was unsatisfactory.

- **AB 448 (Ammiano; D-San Francisco) Split Roll Property Tax.** Undermines the protections of Proposition 13 by redefining the term "change of ownership" for legal entities so that reassessment of such property occurs when, cumulatively, there is a transfer of 100% of the ownership interests in a rolling three-year period.

- **AB 832 (Ammiano; D-San Francisco) Back Door Tax Increase.** Imposes a back door tax on software with a majority vote bill by making it virtually impossible for the owner to show that the software is eligible for a property tax exemption.

- **AB 1130 (Skinner; D-Berkeley) Small Business Tax Increase.** Targeted tax increase on higher income brackets, which will have a detrimental impact on small start-up businesses and discourage growth of such companies in California.

- **AB 1239 (Furutani; D-South Los Angeles County) Small Business Tax Increase.** Targeted tax increase on higher income brackets, which will have a detrimental impact on small start-up businesses and discourage growth of such companies in California.

- **SB 237 (Wolk; D-Davis) Climate Change Tax Increase.** Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system.

- **SB 246 (De León; D-Los Angeles) Discourages Emission Reductions.** Prohibits finding the most cost effective ways to reduce emissions, creates

uncertainty and significantly increases business costs by imposing new and excessively burdensome requirements on the development and use of compliance offsets in a cap-and-trade program under AB 32.

- **SB 508 (Wolk; D-Davis)**

Discourages Investment. Creates uncertainty for California employers making long-term investment decisions by requiring all future tax credits to sunset after seven years.

- **SB 535 (De León; D-Los Angeles) Climate Change Tax Increase.** Increases costs and discourages job growth by implementing unlimited fees and taxes under a cap-and-trade system.

- **SB 653 (Steinberg; D-Sacramento) Multiple Tax Increases.** Creates uncertainty by providing 58 counties and over 1,000 school districts, subject to voter approval, the authority to impose and/or increase a tax on all products and services.

Employee Benefit Mandates

- **AB 59 (Swanson; D-Alameda) Family and Medical Leave Expansion.** Creates an increased burden on employers and makes a California-only mandated benefit different than the federal family leave act by significantly expanding the category of individuals with serious health conditions for whom an employee can take a leave of absence.

- **AB 325 (B. Lowenthal; D-Long Beach) Unpaid Bereavement Leave.** Adds to California's reputation of being an overly litigious state by creating a private right of action and mandating an employer to provide an employee with up to four days of unpaid bereavement leave.

- **AB 400 (Ma; D-San Francisco) Paid Sick Leave Mandate.**

Unreasonably expands both public and private employers' costs and liability by mandating employers to provide paid sick leave for employees.

Expensive, Unnecessary Regulatory Burdens

- **AB 52 (Feuer; D-Los Angeles) Rate Regulation.** Imposes implementation fees on health insurers to support additional bureaucracy and to regulate rates without addressing the

'Job Killers' Threat to Jobs, Economy

From Page 3

costs that drive the rates.

● **AB 638 (Skinner; D-Berkeley)**
Increased Transportation Costs.

Increases costs on consumers and business by mandating an unrealistic reduction of petroleum fuel consumption with an unrealistic increase in alternative fuel consumption to 15% below 2003 levels by 2020.

● **SB 568 (Lowenthal; D-Long Beach)**
Polystyrene Food Container Ban. Threatens thousands of manufacturing jobs within the state by inappropriately banning all food vendors from using polystyrene foam food service containers, ignoring the numerous environmental benefits associated with polystyrene products.

● **SB 761 (Lowenthal; D-Long Beach)**
Regulatory Burden. Creates an unnecessary, unenforceable and unconstitutional regulatory burden on Internet commerce by indirectly regulating virtually all businesses that collect, use or store information from a website.

Inflated Liability Costs

● **AB 559 (Swanson; D-Oakland)**
Undermines Judicial Discretion. Unreasonably increases business litigation costs by limiting judicial discretion to reduce or deny exorbitant attorneys fees in fair employment and housing claims that should have been

Cumulative Job Killer Vetoes

- 2010: 43 "job killer" bills identified, 12 sent to Governor, 10 vetoed;
- 2009: 33 "job killer" bills identified, 6 sent to Governor, 6 vetoed;
- 2008: 39 "job killer" bills identified, 10 sent to Governor, 9 vetoed;
- 2007: 30 "job killer" bills identified, 12 sent to Governor, 12 vetoed;
- 2006: 40 "job killer" bills identified, 11 sent to Governor, 9 vetoed;
- 2005: 45 "job killer" bills identified, 8 sent to Governor, 7 vetoed;
- 2004: 23 "job killer" bills identified, 10 sent to Governor, 10 vetoed;
- 2003: 53 "job killer" bills identified, 13 sent to Governor, 2 vetoed;
- 2002: 35 "job killer" bills identified, 17 sent to Governor, 5 vetoed
- 2001: 12 "job killer" bills identified, 5 sent to Governor, 2 vetoed;
- 2000: No job killers identified. Of 4 bad bills identified at end of session, Governor Davis signs 2 and vetoes 2.
- 1999: 30 "job killer" bills identified, 9 sent to Governor, 3 vetoed;
- 1998: 64 "job killer" bills identified, 11 sent to Governor, 11 vetoed.
- 1997: 57 "job killer" bills identified, 9 sent to Governor, 9 vetoed.

raised in a limited civil proceeding.

● **AB 1062 (Dickinson; D-Sacramento)**
Undermines Efficient Dispute Resolution. Dramatically increases litigation costs for employers by eliminating the right to appeal a court order denying or dismissing a petition to compel arbitration, driving more cases into the courts.

● **AB 1208 (C. Calderon; D-Montebello)**
Court Inefficiency. Creates uncertainty, inefficiency and

unpredictability for litigants, further aggravating California's reputation as a bad place to do business, by decentralizing control of trial court funds.

● **SB 242 (Corbett; D-San Leandro)**
Technology Sector Liability. Worsens California's reputation as a highly litigious state by exposing tech-sector employers to unlimited civil liability, and creates an unworkable regulatory scheme with which Internet companies must comply.

Commentary: First, Do No Harm

From Page 1

"job killer" designation. It shouldn't be any wonder that advocates of pending anti-business legislation are trying to divert attention away from the language of these potential job-killing regulations and focus instead on the CalChamber because we are willing to stand up for jobs and the economy.

Cumulative Impact

Whatever argument is used to try to

undermine the job killer label, the facts remain. Employers are under tremendous stress in this uncertain economy and the cumulative impact of all the California-only mandates and costs are killing investment here.

That should be clear from the recent *CEO Magazine* report placing California at the bottom of the list of business-friendly states.

It is imperative that policy makers understand that efforts to dismiss the

impact of onerous laws and regulations will only keep more Californians from getting back to work.

The 2011 "job killer" list with links to ongoing updates is available at www.calchamber.com/jobkillers.

Allan Zaremborg is president and chief executive officer of the CalChamber.

CalChamber, Coalition Opposing Elimination of Cal/OSHA Board

Standards Board Provides Forum for Balancing Employer, Employee Concerns



The California Chamber of Commerce and a coalition of more than 15 industry groups are **opposing** a proposal to eliminate the Occupational Safety and Health

(Cal/OSHA) Standards Board.

The CalChamber and coalition argue that the board is an effective rulemaking body providing a forum for balanced consideration, technical expertise and public input in developing safety standards that balance employer and employee concerns.

Bringing Balance

Workplace safety rules should be as fair and balanced as possible,

carefully considering the policy with the perspective of employees and employers.

Cal/OSHA Standards Board members are appointed for staggered terms and include members of labor, management, health and safety, reflecting the diversity critical to the rulemaking process. A balanced board considering rules vetted through a consensus process delivers a standard balanced with employer and employee concerns.

The board brings value to the rulemaking process through its success in bringing labor and management to the table to find common ground. When all parties buy in and contribute to the regulation, compliance is higher and litigation becomes almost non-existent against the board, which leads to a safer workplace for employees.

Regulations adopted without significant stakeholder involvement can result in litigation at a cost that far outweighs the cost of the board.

No Cost Savings

Pointing out that the Cal/OSHA Standards Board is funded by an employer assessment with no General Fund money, the coalition said its members support the continued cost to fund the board.

Board members are paid \$100 per meeting plus travel expenses, "working essentially as volunteers," the coalition stated in a letter.

Monetary savings identified by Governor Jerry Brown's budget proposal are small, the coalition said.

The Cal/OSHA Standards Board has been successful in balanced rulemaking and since its elimination would not produce General Fund savings, the significant value the board brings to the employers and employees of California should be retained.

Staff Contact: Marti Fisher

Workers' Compensation Coalition to Present Legislative/Education Forum

Updates on workers' compensation issues, both political and practical, that affect companies' bottom line will be provided at the 9th annual conference of the California Coalition on Workers' Compensation.

The July 20-22 gathering at the Grand Californian Hotel & Spa in Anaheim will include:

- more than 15 educational sessions led by industry experts, covering everything from controlling pharmacy costs to fighting liens;
- seminars and presentations from cutting-edge administrative agency leaders;
- two interactive roundtable discussions featuring conference panelists and expanding on seminar topics;
- a legislative and political update;
- networking opportunities with industry professionals, service providers and vendors;
- an expo featuring the latest industry-

related products and services.

Attendees have the opportunity to earn continuing education credits and purchase discounted tickets to Disneyland parks.

The conference registration fee of \$345 includes all scheduled meals,

educational sessions and speaker handout materials.

More information and online registration is available at www.ccwcworkcomp.org.



"CalChamber has been an invaluable partner in helping OUTSOURCE provide excellent resources and tools to help our clients navigate the complexities of staying up-to-date and in compliance with state and federal employment laws."

SANDRA FLOYD
PRESIDENT AND CHIEF EXECUTIVE OFFICER
OUTSOURCE CONSULTING SERVICES, INC.
OAKLAND

CalChamber-Supported Job Creator Bill Moving

From Page 1

SB 475 clarifies existing statute and facilitates its use by local governments. This includes loosening some of the overbearing requirements that local governments must consider in a public-private partnership contractor before awarding the contract; clarifying that public funds can be used in conjunction with private funds to construct publicly owned, fee-producing infrastructure; and adding sanitary sewer systems to the types of fee-producing infrastructure that may be constructed under these provisions.

These improvements in public-private partnership laws would make the use of public-private partnership contracting more viable for public entities and provide greater incentives for private

entities to invest in such projects.

SB 475 is in the Assembly Local Government Committee; no hearing date has been set.

Key Vote

SB 475 passed the Senate on May 9, 26-4.

Ayes: Anderson (R-El Cajon), Berryhill (R-Modesto), Blakeslee (R-San Luis Obispo), Calderon (D-Montebello), Cannella (R-Ceres), Correa (D-Santa Ana), Dutton (R-Rancho Cucamonga), Emmerson (R-Hemet), Fuller (R-Bakersfield), Gaines (R-Roseville), Harman (R-Huntington Beach), Huff (R-Diamond Bar), Kehoe (D-San Diego), LaMalfa (R-Richvale), Lieu (D-Torrance), Liu (D-La Cañada

Flintridge), Padilla (D-Pacoima), Rubio (D-E. Bakersfield), Runner (R-Antelope Valley), Steinberg (D-Sacramento), Strickland (R-Thousand Oaks), Vargas (D-Golden Hill), Walters (R-Laguna Niguel), Wolk (D-Davis), Wright (D-Inglewood), Wyland (R-Escondido).

Noes: DeSaulnier (D-Concord), Hancock (D-Berkeley), Leno (D-San Francisco), Yee (D-San Francisco).

No vote recorded: Alquist (D-Santa Clara), Corbett (D-San Leandro), De León (D-Los Angeles), Evans (D-Santa Rosa), Hernandez (D-West Covina), Lowenthal (D-Long Beach), Negrete McLeod (D-Chino), Pavley (D-Agoura Hills), Price (D-Los Angeles), Simitian (D-Palo Alto).

Staff Contact: Thomas Vu

CalChamber-Sponsored Seminars/Trade Shows

More information at

www.calchamber.com/events.

Business Resources

9th Annual Workers' Compensation Conference. California Coalition on Workers' Compensation. July 20–22, Anaheim. (916) 441-4111.

International Trade

Executive Trade Mission to Qatar and Oman. National U.S. Arab Chamber of Commerce. June 1–8, Doha, Qatar and Muscat, Oman. (202) 289-5920.

Business Opportunities for America and Azerbaijan. U.S.-Azerbaijan Chamber of Commerce. June 3, Baku, Azerbaijan. (203) 333-8702.

Clean-Tech Trade Mission to China. Monterey Bay International Trade Association (MBITA). June 4–11, Jiaxing and Wuxi, China. (831) 335-4780.

Chile: Investment Opportunities in the Food Industry. Chilean Economic Development Agency (CORFO). June 6–9, Santiago, Chile.

ASEAN and the National Export Initiative. California Asia Business Council and CalChamber. June 7, Palo Alto. (415) 986-8808.

Emerging Africa 2011. Exhibition Management Services. June 7–9,

Johannesburg, South Africa.

7th World Chambers Congress.

International Chamber of Commerce World Chambers Federation. June 8–10, Mexico City. (212) 703-5065.

International Trade Finance. Sacramento Regional Center for International Trade Development (CITD). June 9, Sacramento. (916) 563-3200.

Start Your Own Export/Import Business. Sacramento Regional CITD. June 10, Sacramento. (916) 563-3200.

Business Future of the Americas Conference. AmCham Colombia and the Association of American Chambers of Commerce in Latin America. June 12–14, Colombia.

Export 101. Northern California District Export Council. June 15, Oakland.

Doing Business in Korea. Women in International Trade. June 16, Torrance. (800) 514-6407.

Business Delegation to Iraq. U.S. Chamber of Commerce. June 17–24, Iraq. (202) 463-5628.

Advanced Management of an Export/Import Business. Sacramento Regional CITD. June 17, Sacramento. (916) 563-3200.

India Trade Conference. Port of Los Angeles, Network of Indian Professionals, U.S. Commercial

Service, Quanta Consulting, Inc.

June 23, Los Angeles. (949) 480-9466. Global California Conference. MBITA.

June 23, Los Angeles. (831) 335-4780. Russian American Pacific Partnership. July 13–14, Kamchatskiy Territory, Russia. Food/Beverage Show. Exhibition Management Services. July 17–19, Johannesburg, South Africa.

Labor Law

How to Conduct Effective Performance Evaluations. CalChamber. June 9, Webinar; June 20, On Demand. (800) 331-8877.

How to Conduct Workplace Investigations. CalChamber. July 14, Webinar; July 25, On Demand. (800) 331-8877.

Determining Independent Contractor Status. CalChamber. September 8, Webinar; September 19, On Demand. (800) 331-8877.

Exempt—When You've Properly Classified. CalChamber. On Demand. (800) 331-8877.

How to Hire Employees and Reduce Liability. CalChamber. On Demand. (800) 331-8877.

Workplace Safety

Heat Illness Prevention—How to Comply with New Rules. CalChamber. On Demand. (800) 331-8877.

U.S.-Korea Free Trade Agreement Gets Consideration in U.S. Senate



The U.S.-Korea Free Trade Agreement (FTA), which will greatly expand market access in Korea for U.S. farmers, manufacturers, service providers and financial services firms, was

considered May 26 by the U.S. Senate Finance Committee.

California Chamber of Commerce President and CEO Allan Zaremborg urged congressional approval of the pending FTA with Korea in a recent letter to the committee chairman.

Job-Creating Agreement

“Congressional leaders of both parties have indicated their intent to bring this agreement up for a vote in the months ahead, and it is critical to companies, workers, farmers, and ranchers in our state that you support this job-creating trade agreement,” Zaremborg wrote.

The United States concluded the trade agreement with South Korea on June 30,

2007. On December 3, 2010, the two nations agreed to a supplemental autos agreement that will foster greater market access for U.S. automakers.

In January, the U.S. House Ways and Means Committee held its first hearing on the FTA with Korea, along with the pending FTAs with Colombia and Panama.

The South Korea trade agreement also was discussed at the U.S. House Ways and Means hearing with Ambassador Ron Kirk on February 9.

On March 7, Ways and Means Chairman Dave Camp (R-MI) agreed to Ambassador Kirk’s written request to begin technical discussions on the draft implementing bill.

South Korea

Passage of the FTA will eliminate tariffs and other barriers to trade in goods and services, promote economic growth, and enhance trade between the United States and Korea, California’s fifth largest exporting partner. In 2010, California exported \$8.1 billion to Korea.

Korea is a significant market for U.S. small and medium-sized companies, which make up a majority of U.S. businesses exporting to Korea.

Korea is a \$1 trillion economy and is the United States’ seventh largest goods trading partner. Korea’s commercial relationship with the United States is largely complementary.

In 2010, two-way trade between the two countries topped \$87.7 billion. In 2010, U.S. goods exports to Korea were \$38.8 billion, a significant increase over the previous year, at \$28.6 billion.

Computer and electronic products accounted for \$2 billion of California’s merchandise exports to Korea in 2010, according to the International Trade Administration in the U.S. Department of Commerce.

Machinery manufactures accounted for \$1.9 billion of the state’s merchandise exports to Korea in 2010. With immediate removal of many of these tariffs, exports will become more competitive and affordable to Koreans.

More Information

More information on the FTA can be found at www.calchamber.com/korea.

Staff Contact: Susanne Stirling

U.S. Legislation Aims to Encourage Accessibility Improvements

The California Chamber of Commerce is **supporting** federal legislation to curb frivolous and exploitative litigation against businesses over Americans with Disabilities Act (ADA) access questions.

H.R. 881 (Hunter; R-Alpine) amends Title III of the ADA to require a plaintiff to provide a defendant with an opportunity to correct an ADA violation voluntarily before the plaintiff may file an ADA/accessibility lawsuit.

The requirement will help accelerate accessibility improvements for people with disabilities while reducing the potential for unfair and abusive claims.

Accessibility Improvements

Under current law, improvements are rarely made while ADA/accessibility lawsuits are pending because it could

destroy evidence or support a claim for legal fees. Some cases may take up to two years or more to litigate, meaning that changes or improvements often will not be made during this time, said David Peters, CEO and general counsel for Lawyers Against Lawsuit Abuse, APC.

After the lawsuit, oftentimes accessibility improvements are not made for a number of reasons:

- After paying court, settlement and lawyers’ costs, defendants are left without the money to make improvements.

- Many plaintiffs use an “easy out” agreement whereby if defendants agree to make a substantial payment, they are required to make only a very minimal commitment, which might not require them to make any changes at all.

- Litigation focuses on legal issues

(such as deadlines, sufficiency of pleadings, etc.), so the defendant never gets accurate information about the sort of changes that should be made.

H.R. 881 will encourage business owners to make the necessary accessibility improvements by providing a brief period in which to make the changes. If the owner does not do so, a lawsuit will almost certainly be filed. This process allows business owners to take money they will likely spend on litigation and avoid a lawsuit by quickly making changes.

Action Needed

The CalChamber, along with Lawyers Against Lawsuit Abuse, urges businesses to contact their representatives in Congress to urge **support for H.R. 881**.
Staff Contact: Jennifer Barrera



Learn How to Conduct Effective Performance Evaluations on June 9

A common mistake is not designing tools to ensure consistent and objective evaluations. Performance evaluations inform you, your supervisors and employees how well employees are meeting expectations. In this 90-minute webinar, our employment law experts also will discuss the difference between informal and formal evaluations.

Our employment law experts will cover:

- How to help employees recognize the performance level necessary to meet job requirements;
- How to constructively identify performance areas needing improvement;
- How to design an evaluation process;
- Informal evaluations vs. formal evaluations;
- How to follow up the meeting with documentation and provide continuous performance feedback.

Thursday, June 9, 10 a.m.–11:30 a.m. PST | \$189*

*CalChamber Preferred and Executive Members will receive their 20% discount.

REGISTER ONLINE at www.calchamberstore.com or call (800) 331-8877.



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