

Hot Issues at the Capitol

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Who We Are

The California Chamber of Commerce (CalChamber) is the largest broad-based business advocate to government in California. Membership represents one-quarter of the private sector jobs in California and includes firms of all sizes and companies from every industry within the state. Leveraging our front-line knowledge of laws and regulations, we provide products and services to help businesses comply with both federal and state law. CalChamber, a not-for-profit organization with roots dating to 1890, promotes international trade and investment in order to stimulate California's economy and create jobs

Political Environment

- Two open seats in the Assembly/one open seat in the Senate
- Election year for members
- Last year of Governor Brown administration
- New Senate ProTem – Senator Atkins

Sexual Harassment

- #MeToo and #WeSaidEnough
- Legislators Resigned/Leaves of Absence
- Potentially more complaints/investigations
- Informational Hearings
- Legislation

Sexual Harassment Cont.

- Sexual Harassment Training Bills – Expanding the mandate on who must be trained
- Record retention – 10 years
- Statute of Limitations – 3 years
- Expansion of liability – (1) expands who can sue; (2) expands the type of conduct that is actionable; (3) creates individual action for failure to prevent harassment
- Non-Disclosure/Non-Disparagement – prohibits/limits use of confidentiality clauses

Arbitration

- AB 465 (Hernandez) – prohibited mandatory arbitration agreements for Labor Code violations as a condition of employment. Vetoed
- Federal Arbitration Act (FAA) – *DirecTV v. Imburgia*; *Kindred Nursing Centers L.P. V. Clark*
- PAGA claims - *Iskanian v. CLS Transportation Los Angeles LLC*
- **AB 3080** – bans arbitration agreements made as a condition of employment for Labor Code violations and Fair Employment and Housing Act claims.

Lead Paint Clean-Up

- Litigation – 10 cities and counties filed litigation against paint manufacturers under public nuisance theory. 18 years of litigation
- Pending Initiative – June 28th
- 6 bills pending in the legislature – expansion of liability for personal injury, property damage, public nuisance, inspections, counter-claims, and tax

Wildfire Liability

- Inverse Condemnation/Existing liability structure for utilities
- Public Utilities Commission decision re: liability and ratepayers
- Insurance companies/ homeowners' policies/subrogation
- Retroactive liability/Prospective liability
- Trial Attorneys

Data Breach/Consumer Privacy

- **SB 1121** (Dodd) – class action litigation for consumer data breaches. Statutory damages of \$200/person impacted
- Equifax data breach – 143 million consumers; data compromised includes names, SSNs, birth dates, addresses, driver's license numbers, credit card numbers, pass port numbers
- Trial attorney sponsored

Independent Contractor

- **AB 2751 (Low)** – gig economy and portable benefits
- **GrubHub Litigation** – Federal court district decision that determined drivers classified as independent contractor was valid
- **Dynamex decision** – California Supreme Court decision that determined a driver was misclassified as an independent contractor and adopted a new test for independent contractor status

Job Killer and Job Creator List

- CalChamber Job Killers:
<http://advocacy.calchamber.com/policy/bill-tracking/job-killers/2018-job-killers/>
- CalChamber Job Creators:
<http://advocacy.calchamber.com/policy/bill-tracking/job-creators/2018-job-creators/>

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