

ONE VOICE



QUARTERLY NEWS FROM THE CALIFORNIA STATE COUNCIL OF SHRM
SEPTEMBER 2018



When the whole world is silent,
even one voice becomes powerful.

Malala Yousafza

2019 CALIFORNIA STATE LEGISLATIVE & HR CONFERENCE

APRIL 3 – 5, 2019 | SHERATON GRAND SACRAMENTO
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SEPTEMBER 2018
ISSUE 1
VOLUME 3

WHAT'S INSIDE THIS ISSUE



04

LEGISLATIVE UPDATE



05

SIGNIFICANT
EMPLOYMENT
RELATED BILLS



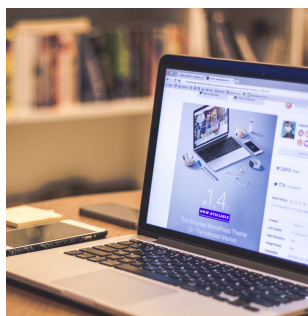
06

PLEDGE TO TRAIN US
WORKERS



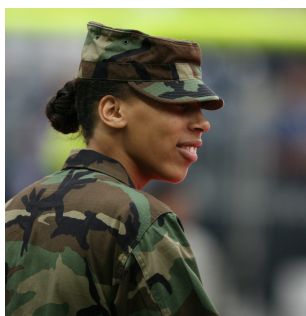
08

COMMUNICATION: A
WORTHY INVESTMENT



09

INVEST IN YOUR
DEVELOPMENT



10

SDSHRM TO PARTNER
WITH VETCTAP



11

OPPORTUNITIES FOR
HRCI & SHRM CREDIT



13

EVENTS

GET SOCIAL WITH CALSHRM:



CALSHRM GOVERNMENT RELATIONS UPDATE

THE DEADLINE HAS PASSED, ANOTHER LEGISLATIVE SEASON COMES TO A CLOSE

BY MICHAEL S. KALT, CALSHRM GOVERNMENT AFFAIRS DIRECTOR

The deadline for the California legislature to pass any bills expired on August 31st bringing another legislative season to a close. And not surprisingly, several significant employment bills passed this hurdle and were sent to Governor Jerry Brown for signature or veto, with #MeToo-related bills continuing to dominate the legislative agenda.

For example, Governor Brown is presently considering #MeToo-related bills that would dramatically expand the current sexual harassment training requirements (SB 1343), limit confidentiality and non-disparagement provisions in settlement agreements (SB 820 and SB 1300), preclude arbitration agreements for FEHA and Labor Code violations (SB 1300 and AB 3080), extend the statute of limitations for FEHA-related claims (AB 1870) and require larger employers retain sexual harassment complaints for five years (AB 1867). There are also a number of harassment-related bills that are industry specific on Governor Brown's desk.

The Governor is also considering two bills (SB 937 and AB 1976) that would expand California's workplace lactation accommodation requirements, and bills that would further tighten background checks involving criminal convictions (SB 1412) and require California employers to have a certain number of female directors.

In addition to those the Governor is still considering, he has already signed several new laws, including that would provide new defamation protections related to sexual harassment allegations/investigations (AB 2770) and that clarify various aspects of California's new limits on inquiries about prior salary history (AB 2282).

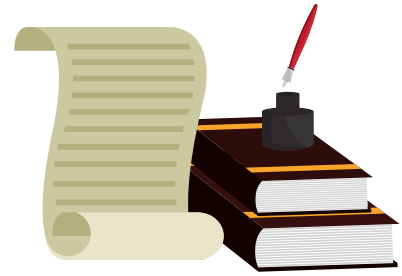
There were also some bills that failed passage including those requiring larger employers to submit annual pay reports (SB 1284), authorizing individual liability for FEHA retaliation (SB 1038), requiring employers to accommodate medical marijuana usage (AB 2069) and increasing the usage and accrual

requirements under California's paid sick leave law (AB 2841). Whether these bills return in the next legislative session remains to be seen.

Looking ahead, Governor Jerry Brown has until September 30th to sign or veto these bills, and CalSHRM will issue a final Legislative Report summarizing all of the new laws for Human Resources Professionals to consider when preparing for a new year. In the interim, an overview of the new statewide laws that have already been signed by Governor Brown, as well as those he is still considering is available on the CalSHRM website [Click here](#).

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SIGNIFICANT EMPLOYMENT-RELATED BILLS EFFECTIVE JANUARY 1, 2019



- **New Defamation Protections for Sexual Harassment Complaints, Investigations and References (AB 2770)**
- This bill attempts to address concerns that a fear of potential defamation liability dissuades harassment complaints from being made or from being investigated, or dissuades former employers from advising prospective employers about a former employer's sexually harassing behavior. Accordingly, it amends Civil Code section 47(c) to provide conditional protections against defamation claims for sexual harassment allegations and investigations.
- Perhaps most significantly for employers, it amends Civil Code section 47(c) to provide a so-called "safe harbor" to allow employers to provide information during reference checks involving employees who previously engaged in sexually harassing behavior.
- **Clarifications Regarding Ban on Prior Salary History Inquiries (AB 2282)**
- This bill is intended in part to clarify several of the provisions and terms used in AB 168. Specifically, it amends Labor Code section 432.3 to define "pay scale" as a "salary or hourly wage range." It also defines "reasonable request" as a "request after an applicant has completed an initial interview with the employer," and would further define "applicant" and "applicant for employment" as "an individual who is seeking employment with the employer and is not currently employed with that employer in any capacity or position." And it adds new subsection (i) specifying that section 432.3 does not prohibit an employer from asking an applicant about his or her salary expectation for the position being applied for.
- **Later Meal Periods Proposed for Certain Commercial Drivers (AB 2610)**
- Labor Code section 512 generally prohibits an employer from requiring an employee to work more than five hours per day without providing a thirty minute meal period, and also authorizes the Industrial Welfare Commission to adopt orders permitting meal periods to commence after six hours of work if consistent with the health and welfare of affected employees. This bill amends section 512 to specifically allow commercial drivers employed by a motor carrier transporting nutrients and byproducts from a commercial feed manufacturer under certain specified conditions (e.g., in rural areas), to commence a meal period after six hours of work provided the driver's regular rate of pay is at least one-and-a-half times the minimum wage and the driver receives overtime compensation under Labor Code section 510. The bill's author states this flexibility will enable drivers to find a safe place to stop rather than pulling over in unsafe areas.

SHRM JOINS WHITE HOUSE IN PLEDGING TO TRAIN U.S. WORKERS

COMMITTS TO EDUCATE MORE THAN 127,000 HR PROFESSIONALS DURING THE NEXT FIVE YEARS

BY ROY MAURER



The Society for Human Resource Management (SHRM) has joined a White House national initiative to expand workforce training by committing to educate and prepare more than 127,000 HR professionals through the SHRM-CP and SHRM-SCP certification programs over the next five years.

SHRM President and Chief Executive Officer Johnny C. Taylor, Jr., SHRM-SCP, signed the new Pledge to the American Worker today on behalf of SHRM and its members.

"Business succeeds when its people succeed," he said. "That means people joining the workforce must be prepared for work and have opportunities to advance their skills as work evolves and their careers progress. With HR playing the critical role of leading industry's recruiting and retention efforts, SHRM enthusiastically pledges its support for an investment in lifelong education and workforce training."

President Donald Trump is asking U.S. companies and trade associations to give students and workers more job training and skills development opportunities as automation changes the workplace.

He signed an executive order today to bolster vocational training through apprenticeships, continuing education, work-based learning, on-the-job training and re-skilling opportunities. The White House said it expected the initiative to lead to 4 million new career opportunities for students and workers. In addition to SHRM, executives with FedEx, Home Depot, Lockheed Martin, Raytheon, Northrop Grumman, Associated Builders and Contractors, the Aerospace Industries Association and the American Trucking Associations, among others, attended the event and signed the pledge. Walmart committed to 1 million new career opportunities.

"In the days and months ahead, we hope that companies and organizations will join us in this effort," Trump said.

The executive order also creates The National Council for the American Worker, composed of senior administration officials, to develop a national strategy for training and retraining workers for high-demand industries, and a workforce policy (cont. pg 7)

advisory board that will generate recommendations on the development and implementation of that strategy.

The president's order aims to increase the number of skilled workers in the U.S. workforce at a time when many companies are struggling to find qualified employees. The Trump administration has supported expanding apprenticeships, increasing access to STEM education for K-12 students, and passing an updated career and technical education bill in Congress. Labor market data shows that there is a growing gap between the number of job openings and the number of workers equipped to fill them.

"There simply aren't enough unemployed workers in the current pool of those looking for work to match the growth in demand for new workers," the White House Council of Economic Advisors concluded in a recent report.

One problem is that many need more education or skills to do the jobs that are being created, and employers have been reluctant to provide that training ever since the Great Recession.

"There should be significant increases in the investment of corporations in the area of learning and development and a requirement for every single employee to invest daily in ongoing learning and skill development," said Heide Abelli, senior vice president of corporate

learning content at Skillsoft, "It may be true that the only sustainable source of competitive advantage for companies in the future will be the ability to train, untrain and retrain the organization's human capital better than the competition. This requires creating a culture of continuous learning and providing the kinds of incentives and support for ongoing skill growth and development that organizations in the U.S. historically have not provided."

The Pledge to the American Worker is meant to address those issues by persuading employers to make new investments in training current and future workers, and allowing workers to learn in-demand skills and competencies.

"The assembly line, energy plant and retail store have changed dramatically in the past 25 years—and the jobs have, too," senior White House adviser Ivanka Trump wrote in *The Wall Street Journal*. "Nearly 1 in 5 working Americans has a job that didn't exist in 1980, many in technology, the fastest-growing segment across all industries. Such rapid change is one reason 6.6 million U.S. jobs are currently unfilled."

She added that many of today's in-demand jobs require specific skills training, not a college degree.

"Yet for too long, both the public and the private sectors have failed to develop innovative and effective training programs."

The White House is hoping to change that. "Our vision is to create a workforce culture that fosters and prioritizes life-long learning," she wrote.

Taylor has made skills-based hiring and workforce development a key focus of the organization.

As an organization, SHRM believes that both government and employers play a role in providing training to employees to help them become more productive and better qualified for high- and middle-skill jobs.

In the HR industry, SHRM serves as the leading provider of resources for career development. More than 100,000 HR professionals hold its competency-based certifications, which validate proficiency in core areas such as leadership, business acumen and interpersonal skills and technical knowledge in more than 15 operational areas like talent acquisition, employee engagement and organizational development. SHRM also supports better alignment between education and employment. The organization offers competency-based content to keep practitioners up to date on their skills and hosts continuing-education conferences each year. In 2017, SHRM developed SHRM University, an extensive continuing education program for its own employees.

Originally published as "SHRM Joins White House in Pledging to Train U.S. Workers" by Roy Maurer. C 2018, Society for Human Resource Management, Alexandria, VA. Used with permission. All rights reserved.

COMMUNICATION - A WORTHY INVESTMENT

ENSURE THOUGHTFUL, MEANINGFUL COMMUNICATION DURING ANNUAL REWARDS CONVERSATION

BY DAVID CONMY, CALSHRM DISTRICT DIRECTOR, REGION #1



It is the time of year where most HR professionals begin the process of budgeting for the company's annual rewards for 2019.

Good considerations that HR professionals need to consider when determining your annual rewards budgets are; external market trends, internal equity, unique pay considerations and the company's ability to pay.

But the one area that is frequently overlooked...communication!

That's correct, the most overlooked area of most company's compensation programs is effective and meaningful communication with your employees.

In a recent survey by PayScale, of employees earning at or above market salaries, it was discovered that over 90% of these employees believe they are underpaid. That is a shocking statistic but a direct indication that employers and their managers are not taking the time to discuss the basic components of compensation and reward.

When discussing compensation with your employees the basics should include:

- A message or email from your CEO or CHRO discussing the success or failure of the business over the last year and how this relates to pay.
- A "total rewards" statement that includes a summary of all pay components, employer federal and state contributions and employer provided benefits.
- A summary of your company's "compensation philosophy."

Additional considerations should include basic compensation and rewards training for managers and review of pay structures and job families (think career advancement and opportunity).

So, if you are looking for a quick way to aid retention and improve engagement take the time to consider discussing pay...it is a worthy investment.



Visit www.SHRM.org for Resources & Tools related to Compensation

INVEST IN YOUR PROFESSIONAL DEVELOPMENT

CALSHRM IS NOW OFFERING TWO 8-WEEK VIRTUAL SHRM CERTIFICATION EXAM PREPARATION COURSES

BY MIKE GARCIA, CALSHRM CERTIFICATION DIRECTOR



CalSHRM is now offering two 8-week virtual SHRM Certification Exam Preparation Courses, beginning in October and ending early December just in time for the Winter Exam window. Led by qualified SHRM certified instructors, the 16 online interactive sessions (2-hours each week), combined with the SHRM Learning System, will provide a comprehensive and detailed review of the current SHRM Body of Competency & Knowledge™ (SHRM BoCK™). Instructors will guide participant study plans and provide practice with interactive discussions, sample test questions, and periodic progress checks.

It is important to note that while these courses should not be considered the only preparation an individual should take for certification, they do serve as a very valuable component to help individuals focus their study efforts and maximize results.

The SHRM Certification Exam Preparation Courses are not a substitute for certification examination. Individuals who wish to take the SHRM-CP or SHRM-SCP examination, must complete the application form at shrmcertification.org/apply.

Invest in your professional development by enrolling today at <https://www.calshrmeducation.org/shrm-cp-shrm-scp-certification-preparation.html>



Your Registration Fee Includes:

- The 2018 SHRM Learning System (an \$895 Value)
- Access to SHRM's Online Study Resources containing pre and post assessments as well as practice questions to test knowledge comprehension, flash cards, a study app planner to help prepare for success at exam time, and electronic access to learning system materials for when you are on the go!
- Sixteen 2-hour sessions (2 per week M/W or T/Th) for a total of 32 hours of instruction, taught by qualified SHRM certified instructors.
- Virtual Adobe Connect classroom environment provides networking, discussion and collaboration opportunities.
- All virtual sessions are recorded in their entirety for viewing at your convenience through the end of the certification exam window. Great for review and reinforcement!

Note: To ensure that you receive your copy of the SHRM Learning System before attending the first seminar, CalSHRM must receive your registration at least two (2) weeks in advance of your seminar date. You will receive the materials within 7 days prior to the course.

SAN DIEGO SHRM AWARDED THE INNOVATION GRANT

SDSHRM TO PARTNER WITH VETCTAP

BY BRAD WEINSTEIN, SDSHRM VP OF WORKFORCE READINESS

Veteran Career Transition Assistance Program (VetCTAP) of JBS Transition Experts is a 501(c) 3 non-profit corporation. We offer a free 8-module job search workshop series provided to members of the military who are entering the civilian job market. Most of our participants are within one year of separation from the military with 10 or more years of service. Spouses who are looking for a professional career also participate. This population is a uniquely underserved in San Diego.

These innovative workshops include 27+ hours of information-rich, interactive training and coaching. Continued one-on-one virtual coaching is also provided to graduates until they obtain their new career. We have a 90%+ success rate over six years, meaning our graduates obtain a new career where they can comfortably provide for their family. More than 30 volunteer business and Human Resources professionals facilitate the workshops and give practical, insightful advice and up-to-date information to help participants navigate through the challenges of the civilian job search.

Recently, SHRM National has provided JBS Transition Experts funds to provide a workshop to introduce military members to HR careers. In our workshop series (VetCTAP) we have had many military members express interest in going into an HR career, yet they are not fully aware of all of the options and intricacies of the profession. This new 4-hour workshop will provide an overview of the many paths of HR and the skills and knowledge needed to succeed. After the workshop, we will provide HR mentors to ten of the participants to further help them navigate the world of HR.



CALLING MEMBERS TO SUPPORT THE INNOVATION GRANT & VETCTAP!

We need your help and expertise. In the next few months, we will be asking for your support in the following areas. We need:

- Experienced HR professionals who are willing to mentor a veteran/military member who is interesting in pursuing an HR career.
- People to coach veterans/military members/spouse who need help with the job search process in general. This is through our on-going VetCTAP workshop series.
- Virtual coaches for VetCTAP graduates.
- HR professionals to provide informational interviews or mock interviews or job shadowing experiences.
- Facilitators to teach job search techniques (using current curriculum).

Please contact our VetCTAP Program Manager:

Betsy Sheets at Betsy@vetctap.org

Please see our website:

www.vetctap.org

NEWS FROM AROUND THE STATE

DON'T MISS THE SBHRA 1ST ANNUAL SOLUTIONS FAIR

The Santa Barbara Human Resources Association proudly presents the 1st Annual Solutions Fair featuring guest speaker David Swanson, SPHR/SHRM-SCP, the co-Author of *The Data Driven Leader*. Explore new ideas to enhance your business, meet partners who can help you accomplish your goals, and network with other members of the Santa Barbara business community—all in a fun, low-pressure setting. All attendees will receive a free copy of *The Data Driven Leader* and have the opportunity to win fantastic raffle prizes.

The event takes place on THURSDAY, SEPTEMBER 20TH, 3:30PM-7:30PM at the HILTON SANTA BARBARA BEACHFRONT RESORT. For details or to register visit: www.sbhra.org



OPPORTUNITIES FOR HRCI & SHRM CREDIT



SAHRA CONFERENCE

Over 350 HR professionals and industry partners have signed up to attend the Sacramento area's signature HR event: The Annual SAHRA Conference on Sept. 18 & 19, 2018. Don't miss this opportunity to earn over 13 SHRM and HRCI credits, make connections, and get up to speed on the hottest topics in the HR industry. For details or to register, visit www.SAHRA.org/Conference



KCSHRM SYMPOSIUM

The 2018 Kern County SHRM Symposium & Exposition taking place Wednesday, October 10, 2018 at the Bakersfield Marriott at the Convention Center. This one-day event is the premier conference for Kern County human resource professionals and business leaders who have HR responsibilities. For details or to register, visit: www.kcshrm.com



NORTH STATE HR SUMMIT

Taking place October 9, 2019 this is the premier regional training in the Northstate area to help you build your business and develop your staff. Each speaker and every break is an opportunity to learn, either from the expert trainers or from other peers. This event sold out last year, so don't delay. For details or to register visit www.northstateshrm.org.

CALSHRM INSIGHTS TO PRESENT LEGISLATIVE UPDATE WEBCAST

LEARN HOW KEY NEW LAWS MAY IMPACT YOUR WORKPLACE

BY TOM SABA, PRESIDENT SABA AGENCY

"CalSHRM Insights," a new quarterly webcast hosted by CalSHRM, will take place Tuesday, October 23, 2018 from 2pm – 3:20pm.

The October webcast will feature Jay Rosenlieb, a Partner with Klein DeNatale Goldner, Attorneys at Law. Mr. Rosenlieb chairs the firm's employment law group, representing management in employment litigation and counseling, with a practice focus on wage and hour law, discrimination and harassment, wrongful termination, and workforce downsizing, as well as representation of management under the National Labor Relations Act.

During this interactive webinar, participants will have the opportunity to learn and explore several key new laws and recently decided cases that impact the California workplace.

Register to watch the webcast live at calshrmawards.com/store/insights.

The live webcast has been submitted for 1 hour SHRM Professional Development Credit and 1 hour HRCI California Recertification Credit. The CalSHRM Insights webcast is produced and directed by CalSHRM Awards on behalf of the California State Council of SHRM.

CalSHRM
AWARDS
INSIGHTS



Jay L. Rosenlieb, Partner
Klein DeNatale Golder,
Attorneys at Law

FROM SHRM



THE DEATH OF THE PAY RAISE

Wages for many workers have remained relatively stagnant despite a strong economy and low unemployment. Read SHRM's four-part series on wage stagnation in the U.S
[Read more](#)



SCHOOL RELATED LEAVE

California has several state and local laws that allow working parents can take school-related leave. Read through the details regarding eligibility as it does vary based on employer size and location.
[Read more](#)



CA AG: AVOID THESE MISTAKES

Read this great article that provides 5 tips for California agricultural employer which will allow you to avoid common workplace compliance mistakes
[Read more](#)



DISASTERS & LEAVE LAWS

Understand some of the key leave laws that California employers must comply with during a natural disaster such as wildfires.
[Read more](#)

EVENTS



Event:

The Data Driven Leader: A Powerful Approach to Delivering Measurable Business Impact Through People Analytics

Wed Sep 19th 11:30am - 1:30pm

Sponsored by: San Diego SHRM



Event:

The Talent Imperative 2018 - Talent Strategies Solving Business Problems

Wed Sep 19th 5:30pm - 8:00pm

Sponsored By: Bay Area HR Executives Council



Event:

Increase Your Momentum for Effective Leadership

Thu Sep 20th 11:30am - 1:00pm

Sponsored By: Inland Empire SHRM



Event:

AB1825 Workshop and Train the Trainer

Thu Sep 20th 11:30am - 4:00pm

Sponsored By: San Joaquin SHRM



Event:

SERVICE ANIMALS: COMING SOON TO A CUBICLE NEAR YOU?

Wed Sep 26th 11:30am - 1:00pm

Sponsored by: North State SHRM



Event:

Employee or Independent Contractor - The Stakes are Higher Now

Thu Oct 4th 7:00am - 9:30am

Sponsored by: Southern CA Wine County SHRM



Conference:

Inland Empire Annual HR Conference - RESHAPING HR

October 18, 2018 7:30 AM-4:30 PM

Sponsored By: Inland Empire SHRM

FOR MORE INFORMATION ABOUT THESE EVENTS VISIT

www.calshrm.com/events