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APRIL 2019
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VOLUME 1

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CALSHRM GOVERNMENT RELATIONS UPDATE

MULTIPLE EMPLOYMENT BILLS PENDING THE APRIL 26TH DEADLINE

BY MICHAEL S. KALT, CALSHRM GOVERNMENT AFFAIRS DIRECTOR

As the April 26th deadline for bills to pass key committee votes approaches, the 2019-2020 California Legislative Session is beginning to come into clearer focus. There are a number of significant employment bills pending, including bills that would:

- * Prohibit mandatory pre-employment arbitration agreements for Fair Employment and Housing Act (FEHA) and/or Labor Code violations (AB 51);
- * Clarify that employees who received sexual harassment training in 2018 need not be re-trained in 2019 (SB 778);
- * Impose joint liability for harassment upon client employers and labor contractors (AB 170);
- * Amend the Labor Code to preclude discrimination or retaliation against sexual harassment victims and their family members (AB 171 and AB 628);

- * Extend the statute of limitations for FEHA claims from one to three years (AB 9) and for Labor Code claims from six months to three years (AB 403);

- * Preclude discrimination based upon hair texture and hairstyles (SB 188);* Expand CFRA leave to employers with five or more employees and only require 180 days service (rather than 1,250 hours and 12 months of service) (SB 135);

- * Create CFRA leave for part-time employees working 900 hours (AB 1224);

- * Increase California's annual paid sick leave requirements from three to five days (AB 555);

- * Require employers to provide up to thirty days unpaid leave for organ donations (AB 223);

- * Further expand workplace lactation accommodation requirements (SB142);

- * Prohibit so-called "no rehire" provisions in employment-related settlement agreements (AB 749);

- * Address the California Supreme Court's Dynamex ruling regarding independent

contractors (AB 5, AB 71 and SB 238);

- * Encourage employers to assist employees with student loan repayment assistance (AB 152); and Require larger employers to submit annual "pay data reports" (SB 171).

There also are a number of so-called "spot bills" remaining on a wide range of employment subjects, suggesting this list may still expand.

As mentioned, the next major deadlines are the April 26th deadline for bills to pass key policy committee votes and the May 31st deadline for bills to pass the first legislative chamber. Many of these bills will likely undergo significant amendments as these deadlines approach.

Read the full report at calshrm.org.

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THE CHALLENGES OF TEXT MESSAGES IN THE WORKPLACE

PRIVATE COMMUNICATION IS NOT SO PRIVATE

BY FAITH DRISCOLL, SHRM TULARE KINGS, LEGISLATIVE DIRECTOR

Over the past several years, using text messages in the workplace has become mainstream. Many employees, however, are under the misconception that texting is a private method of communication. They think that text messages, in contrast to e-mails, are untraceable and are not archived. A recent National Law Journal article described the situation:

Texting may seem to users as ephemeral — and hard to trace — as a phone conversation. However, the messages leave behind an electronic record, and for lawyers, those records are increasingly being used to bolster a variety of claims, particularly in the workplace. For employers, that means a growing source of liability as business-related texting continues to proliferate. In reality, texts are traceable. Similar to emails, texts may be printed on paper, retrieved from a device, or even obtained from the phone company.

Texts are an informal method of communicating, making it more vulnerable to harassment, jokes, and comments that cross the line, and other unprofessional conduct. Inappropriate text messages have been the basis for claims of discrimination, retaliation and “textual” harassment. Courts have allowed employees to testify about the content of texts and photos exchanged, even when the messages were no longer available as evidence.



As a result, employers should take steps to ensure the use of text messages is limited in the workplace and update company policies to make clear the rules apply all forms of electronic communication.

The most important steps employers can take to meet the challenges of text messaging in the workplace and to help avoid liability are to adopt sound text-messaging policies, provide regular training, and enforce policies diligently. Employer policies should make it clear that any inappropriate conduct will not be tolerated and is unlawful however it is communicated—whether through text message, e-mail, spoken word, or other means.
(cont. pg 6)



WORKPLACE TEXTING (CONT. PG 5)

Training is essential to bring your policies to life. Explain your policies in real word terms and stress that employees must report any concerns they see, overhear, or learn about through the rumor mill. Use scenarios that could happen: after hours flirting between a supervisor and subordinate, sending a meme that contains a racist joke in a team group text, or sending a scandalous text after a few drinks. Educate rank-and-file workers by setting expectations and being clear about the rules. Focus training for managers on issues such as how to deal with harassment complaints, the rules and guidelines for ‘friending’ employees on social web sites, and the duty to be vigilant in looking for transgressions and problems.

Employers must take all complaints seriously and investigate them in accordance with their policies prohibiting harassment, discrimination, and retaliation. Employers generally are not liable for employees' off-duty or off-premises conduct, especially when text messages are completely unconnected to the workplace. However, even if the conduct is completely off-duty and sent with noncompany property, employers should examine whether the conduct or its effects have affected the workplace, similar to an investigation of a complaint of off-duty harassment that interferes with an employee's work environment. Furthermore, even if harassing texts were sent off-duty and off-premises, the victim might have received and viewed the offensive text messages during her work hours or on a company phone.

What This Means for Employers

Take time to review internal policies to determine whether they are relevant and current. Does the company specifically address contemporary communications, such as Tweets, blogs, and texts? Policies should also be clear that employees have no expectation of privacy at work. All messages sent between employees, whether on personal devices or business devices, are subject to the company's policies prohibiting harassment, discrimination, and retaliation, as well as subject to searches while on company property.

The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as nor construed as legal advice or opinion. The reader should consult with their legal counsel for individual responses to questions or concerns regarding any given situation.

Faith Driscoll is an Associate Attorney with Barsamian & Moody. fdriscoll@theemployerslawfirm.com

COLLABORATE, LEAD & SHARPEN YOUR SKILLS

JOIN THE CALIFORNIA STATE COUNCIL OF SHRM BOARD

BY TRISHA ZULICH, CALSHRM STATE DIRECTOR ELECT

Would you like to have the opportunity to make an impact, stimulate discussion and assist in the development of various projects? Would you enjoy being a part of a state-wide professional organization and support the HR profession? Would you like to develop leadership and business skills that can enhance your resume? Then we invite you to connect with a state-wide community and meet new friends by joining the California State Council of SHRM!

Sharpen your leadership and expand your professional skill set by working with teams of like-minded professionals to develop HR events and programs and learn from the experience.

Apply Now!

CalSHRM is recruiting for several roles on the board. We are seeking an engaged, HR professionals whose varied talent and experiences bring value to the human resources profession. CalSHRM provides an ideal opportunity to challenge yourself, grow and give back to the HR profession through volunteer service.

The ideal volunteer will possess exceptional communication, coaching, and leadership skills. Competent in engaging and developing volunteers. To review more information about the role of a volunteer and apply online visit

<https://www.calshrm.org/volunteer.html>



Applications are now being accepted for the following CalSHRM Board positions:

- State Director-Elect
- District Director, Region 2
- CLA - College Relations Director
- CLA - Diversity Director
- Professional Development Director
- CLA - Workforce Readiness Director

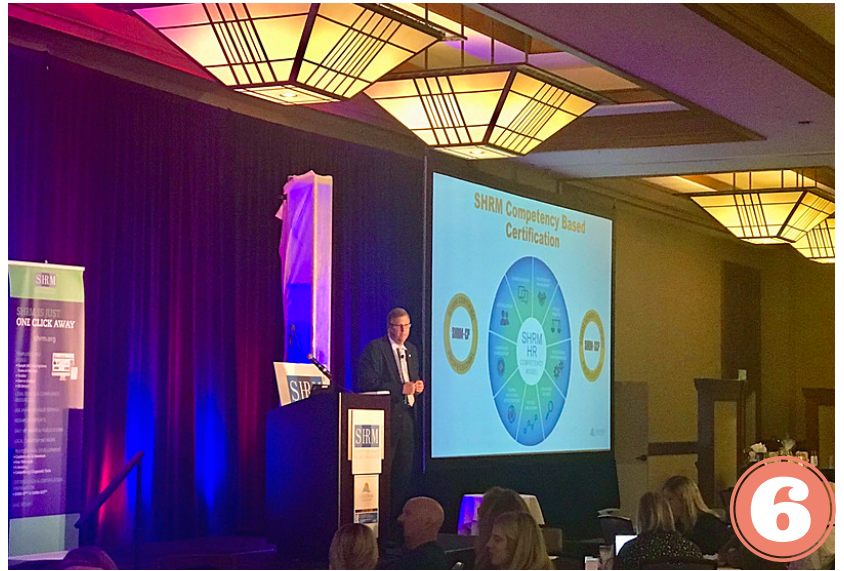
Applications will be accepted through June 25, 2019. These are all volunteer roles, and CalSHRM is a non-profit 501(c)(6) organization. You must be a member of SHRM to serve on the CalSHRM Board of Directors and Board leadership committees.

#CALSHRM19 LEAD, ADVOCATE, IMPACT!

CALIFORNIA HR PROFESSIONALS LEADING THE WAY!

1. SHRM President & CEO, Johnny C. Taylor addressing the attendees 2. Color Guard Ceremony 3. SHRM Foundation Opportunity Drawing 4. CalSHRM Advocacy Day at the capital 5. Meisha Sherman and Emily Dickens, SHRM Chief of Staff 6. Jon Decoteau, Division Director, SHRM 7. Kern County SHRM advocates at the capital 8. Speaker Jerry Balistreri 9. San Diego SHRM advocates at the capital





GIVING BACK TO THE HR COMMUNITY

AN OUTSTANDING EXAMPLE FOR ALL HR PROFESSIONALS

BY MICHELLE DEAN, PH.D., ASSOCIATE PROFESSOR, SAN DIEGO STATE UNIVERSITY



ESPARZA HR RECIPIENTS AT THE 2018 SHRM DINNER (FROM LEFT TO RIGHT): PRISCILLA GALVAN, KAREN ESPARZA, MELANIE CHIN, ANDY ESPARZA, PEGGY FREDERICKSON, AND SHRM FACULTY ADVISOR, DR. MICHELLE DEAN

Andy Esparza is an outstanding example of someone giving back to the HR community by lending his expertise, time, and support to prepare the next generation of HR professionals here in San Diego. Andy is a proud San Diego State University alum and credits the professors there for sparking his interest in pursuing an HR career.

Andy's early HR experiences took him to Bechtel and then to NCR where he served in HR executive roles. Dell recruited him in 1997 where he spent 13 years holding various positions including serving as its Senior Vice President and Chief Human Resources Officer, reporting directly to chairman and CEO, Michael Dell. Andy left Dell in 2010 to focus on management consulting and had some newfound spare time. Luckily for SDSU's HR

students, Andy partnered with his alma mater to explore ways to give back to the place that helped set him on a course to what would become a successful 35-year HR career.

Andy has been involved with the SDSU HR program and the SDSU SHRM chapter since their very early stages, and his participation has played an essential role in helping to build a strong foundation for educating HR students. His commitment to the professional development and success of SDSU HR students has spanned for nearly a decade. Andy generously gives his financial support and his time to students, making multiple trips to SDSU from Austin every semester. Some of his efforts include sponsoring and organizing site visits for students to the corporate headquarters of Dell and Baker Hughes, speaking at SHRM student chapter events, (cont. pg 11)

GIVING BACK (CONT. PG 10)

mentoring student SHRM officers and co-coaching the SDSU HR case competition team.

Additionally, he and his wife, Karen, have generously funded the chapter, enabling students to attend San Diego SHRM events and the SHRM Annual Conference and Exposition. Each semester they sponsor the Andy and Karen Esparza Internship Scholarship which is awarded to a student who is gaining HR experience in an unpaid internship. SDSU will award its 6th Esparza HR Internship Scholarship recipient this spring.

Andy has received multiple honors for his outstanding commitment to SDSU students including the 2014 & 2015 Aztec Achievement Award for Outstanding Alumni from SDSU Associated Students, 2014 Honorary Alumni Award from the SDSU Chapter of Phi Kappa Phi Honor Society, the 2015 SDSU Monty Award, and the 2017 & 2018 Fowler College of Business Council Outstanding Alumni Award. His support of the chapter's efforts have also played a role in the chapter receiving multiple national SHRM awards including receiving the SHRM Outstanding Chapter Awards four times in five years (most recently in 2018). This is a recognition given by SHRM annually to the top twelve SHRM student chapters nationwide. Andy is greatly admired and respected for his involvement in and commitment to HR students' professional development and success. He serves as an excellent role model for how HR professionals can give back to the profession and use their resources and expertise to prepare the next generation of HR professionals.



Share your HR Expertise: Being a mentor

Mentoring is about enhancing an individual career development through a collaborative, knowledge-sharing relationship with another professional. Each mentor relationship is unique but there are a few guide rails that lead to an effective pairing including:

- Dedicate time to the mentoring relationship. Establish a regular cadence and commit to making it a priority.
- Establish clear objectives that both individuals would like to achieve. This could be related to personal growth or career advancement.
- Give selective, sound advice with real world examples. Sharing both successes and failures is important.

SHRM asked four mentoring pairs from the Just-in-Time Mentoring Program at the Austin HR Management Association chapter of SHRM, a mega chapter with 600 members, to share their advice and insights. [Read their story](#)

SHRM + CALSHRM EDUCATIONAL PARTNERSHIP

CALSHRM IS NOW OFFERING CLASSROOM & VIRTUAL SHRM LEARNING EVENTS

BY MIKE LETEZIA, CALSHRM INTERIM STATE DIRECTOR

CalSHRM is extremely excited to announce that it is partnering with SHRM as a new Education Partner in California.

The Council launched the initial SHRM course, California Law HR Specialty Credential, in January 2019 and will be continuing to grow SHRM content offerings in California to supplement the SHRM hosted programs offered that are often at capacity.

Our goal is to increase the location opportunities for in-person courses and add additional virtual course offerings to accommodate the high demand of HR practitioners in the state.

The next offering will be a 2-day, in-person class for the California Law HR Specialty Credential to be held July 17th-July 18th, 2019 in San Jose, CA at the Four Point Sheraton. Classes take place from 8:00 am - 5:00 pm each Day with full breakfast and lunch provided to attendees.

The next virtual class offering will begin September 24, 2019, with classes held each Tuesday & Thursday through October 17th, 2019. Classes will utilize Adobe Connect Virtual Classroom and take place from 6:00 pm - 8:00 pm PST.

Cost for the in-person and virtual class offering is consistent with SHRM pricing at just \$1,655 for SHRM Members and \$1,930 for Non-Members.

To learn more and register for either course visit calshrm.org/professional-development.



About SHRM Specialty Credentials

The SHRM California Law HR Specialty Credential recognizes accomplished competency-based professional development in a focused field of practice. Those completing a SHRM Specialty Credential have demonstrated an expert level of knowledge in a complex and continually-evolving topic area. Once earned, practitioners will receive a certificate of accomplishment along with a digital badge verifying their expertise.

A SHRM Specialty Credential will remain valid for three years from the date of completion. A SHRM Specialty Credential cannot be recertified and can only be re-issued following completion of the updated specialty credential learning program.

If you practice HR or conduct business in California, earning your SHRM California Law HR Specialty Credential will allow you to demonstrate your California HR expertise.

UNCONVENTIONAL LEADERSHIP: A STORY ABOUT CONNECTION, DIVERSITY, AND INCLUSION

CONTRIBUTED BY ROSEY SINGH ~ HR ENTHUSIAST!



We all have moments in our careers that shifted our perspective and profoundly impacted us. I want to share a story of one of those moments for me.

I have always been fascinated with diversity. I love learning about the difference my teams and colleagues bring to the table. Who they are, where they came from, what their beliefs are. I was sitting around the lunchroom discussing the depths of our past, present, and future. Over the years I learned about things that were taboo to speak about in school; such as discovering one's sexuality, varying experiences of being children of immigrant parents, dealing with depression, anxiety, and mental disorder and the list goes on. I uncovered some of my biases and fought hard to address and overcome them.

These conversations helped foster beautiful relationships that have stood the test of time.

While I am confident that most of us are lucky enough to find friends at work; I saw the art of dialogue and connection taken to a whole other level.

This happened when my boss (the Vice-President of a major financial institution) took the time to establish a relationship through meaningful dialogue with all 200 employees that rolled up to him. This simple act changed the way we viewed him, the company and our lofty goals.

(cont. pg 14)

(Leadership Cont. pg 13)

As you can imagine, it took an extraordinary amount of time and effort it took to schedule and coordinate a meeting with each of the 200 employees that worked in 16 different locations; the process took over two months to complete. Each session would last anywhere between 15 – 30 minutes. The conversation would start with setting the pace for the meeting, and the employee taking the dialogue where ever they wanted it to go. His intention was clear; he wanted to know each employee on a personal level. He was patient and listened carefully and found common ground on which to connect.

We all understand that it is the little things that can have a significant impact. When I look back at this moment with my boss I realize the tremendous effect it had on me.

This simple act allowed me to gain a higher understanding of how much groundwork needed to be laid before one can start coaching and managing a team. Establishing this type of connection isn't created in an instant. It took time for us to

build enough trust and be open. These interactions were timely, genuine, and authentic. What my manager was able to discover, was how I wanted to be led. He uncovered some critical pieces of information about my nature and used it to improve my confidence and tailored his approach with me. At that moment, I felt like I was being accepted for who I was and for the diversity I brought to the table.

So, with humility, I propose the following. Find ways to connect with your employees. Plan the interaction to some extent; while allowing it to flow as it needs. Try not to control the situation, allow your employee to be in the driver's seat and steer the conversation. Be open; trust that you have much to learn and take notes if appropriate. If time and resources allow, try using an off-site location such as a coffee shop or a common area with privacy. The idea here would be to create a safe space for your employees to open up. Our boss came to us and sat in our offices; allowing us to have a sense of control.

In these dialogues, you might

find that certain things make you feel uncomfortable. Explore that. I once had an employee that used to be homeless and battled with drug addiction. With his permission, I asked him about his journey and told him what made me uncomfortable about his story. He offered to share his lessons and built a trusting relationship at work.

As Theodore Roosevelt once said, "people don't care how much you know until they know how much you care." I honestly felt that my manager cared, and I adored him for it. So, if there is this deep yearning desire for you to become an impactful leader, embrace your team's diversity by getting to know them. Once you do, it will be easier to create an inclusive environment.

How have you, your leaders, mentors or colleagues worked to create an inclusive environment? We would love to hear from you! Submit your story for consideration by emailing inclusion@calshrm.com

THE FIRST STEP ACT & SHRM

PLEDGE TO EXTEND JOBS TO PEOPLE BASED ON THEIR
MERIT, NOT THEIR MISTAKES.

Every year, nearly 700,000 people leave prison to reintegrate into society, but most quickly run into roadblocks when looking for gainful employment. A year after release, 75 percent of them will remain unemployed.

SHRM has met with Congressional and Administration leadership to offer solutions and engage in thoughtful discourse on how the private, public, and government sectors could work together to provide opportunities for more Americans with records and reduce recidivism rates.

Learn more about the SHRM the Getting Talent Back to Work initiative and toolkit at shrm.org.



LOCAL EDUCATIONAL OPPORTUNITIES



COMPENSATION MATTERS: MAKING THE RIGHT PAY DECISIONS

Shari Dunn, a managing director and national practice leader of the HR and Compensation Consulting Practice (HRCC) within Gallagher, will provide employers of all types a conceptual framework within which the right pay decisions can be made. May 7th in East Bay & May 8 in San Francisco Register at <http://www.shrmnorcal.org/events>



WHAT YOU NEED TO KNOW ABOUT WORKPLACE INVESTIGATIONS

Daniel W. Rowley, Of Counsel, Fike & Boranian, addresses strategies that are responsive to recent workplace dynamics, while providing a foundation for effective internal workplace investigations. For details or to register, visit: www.kcshrm.com



TEAM STRENGTHS TRAINING: IDENTIFY & DEVELOP YOUR STRENGTHS TOGETHER

Jason Hedge will walk attendees through the process of understanding our Strengths and, through his interactive teaching style, you and your team will discover how to apply your Strengths at work. For details or to register visit www.northstateshrm.org.

CALSHRM WORKFORCE READINESS UPDATE



COMMITTEE MEETING

WORKFORCE READINESS COMMITTEE MEETING

CalSHRM Workforce Readiness Director will be hosting a conference call on May 21, 2019, at 3 pm PST for anyone interested in assisting with the 2019 initiatives. The meeting will provide attendees an overview of the key 2019 initiatives SHRM & CalSHRM are supporting. Committee members will then take part in project planning to support these initiatives and as well as assisting the California SHRM affiliate chapters communicate the message to their members. For more information contact Brad Weinstein at workready@calshrm.com

CALSHRM COLLEGE RELATIONS UPDATE



2019 CASE COMPETITION LOCATION ANNOUNCED

NINA WOODARD, CALSHRM COLLEGE RELATIONS DIRECTOR

We are off and running and 2019 is really blowing past so quickly! Here we are already to April! But our committee has accomplished a lot. We have engaged all of the faculty adviser for the Student Chapters across the state and have secured interest in a 2019 Case Competition program for 2019. Tom See at Bakersfield has stepped up and agreed to host and many of the colleges have agreed to participate. We will be hosting only the one site this year. If you are interested in being a volunteer or attending to observe, please watch this space. We will be opening up the registration website soon.

Also, chapter leaders you are welcome to use the program as a tool to discuss support and opportunities with your local universities/colleges. If you are interested in receiving a flyer to share with them, please let me know at collegerelations@calshrm.com and I will send one out to you.

If you are running any programs that involve your local students please share them so we can let other chapter learn of your experience and we can leverage best practices across the state.

2019 Spring **SHRM Education**

SHRM EDUCATIONAL PROGRAMS IN CALIFORNIA

ENJOY INTERACTIVE HR EDUCATION CLOSE TO HOME.

Los Angeles - Use discount code 19SEMLA for additional savings!

Inclusion, Diversity and Equity: Building a Culture of Excellence | May 13-14
People Analytics: Taking Data-Driven Action | May 13-14
SHRM-CP/SHRM-SCP Certification Preparation | May 13-15
California HR: Applying CA Law to Employment Practices | May 15-16
Leading Internal Investigations | May 15

San Francisco- Use discount code 19SEMSF for additional savings!

Talent Acquisition: Creating Your Organization's Strategy | May 13-14
Foundations of Compensation | May 15-16
SHRM-CP/SHRM-SCP Certification Preparation | June 5-7
HR Business Partners: Enhancing Your Strategic Contributions | June 10-11
California HR: Applying CA Law to Employment Practices | June 12-13

REGISTER NOW: shrm.org/seminars/californiapc

