



April 13, 2021

TO: Members, Senate Committee on Judiciary

FROM: California Chamber of Commerce, Ashley Hoffman, Policy Advocate *AH*

- Acclamation Insurance Management Services
- Allied Managed Care
- California Association for Health Services at Home
- California Food Producers
- California Hospital Association
- California Hotel & Lodging Association
- California Special Districts Association
- Carlsbad Chamber of Commerce
- Chino Valley Chamber of Commerce
- Coalition of Small and Disabled Veteran Businesses
- Family Business Association of California
- Flasher Barricade Association
- Fremont Chamber of Commerce
- Greater Coachella Valley Chamber of Commerce
- Greater High Desert Chamber of Commerce
- Housing Contractors of California
- Lodi Chamber of Commerce
- Long Beach Area Chamber of Commerce
- Murrieta/Wildomar Chamber of Commerce
- National Federation of Independent Business
- North Orange County Chamber

Oceanside Chamber of Commerce
Pleasanton Chamber of Commerce
Rancho Cordova Area Chamber of Commerce
Roseville Area Chamber of Commerce
San Gabriel Valley Economic Partnership
Santa Maria Valley Chamber of Commerce
Simi Valley Chamber of Commerce
Southwest California Legislative Council
Torrance Area Chamber of Commerce
Western Electrical Contractors Association

**SUBJECT: SB 657 (OCHOA BOGH) TELECOMMUTING: EMPLOYEE NOTICES
SUPPORT – AS AMENDED APRIL 12, 2021**

The California Chamber of Commerce and the organizations listed above are pleased to **SUPPORT SB 657 (Ochoa Bogh)**. **SB 657** will make it easier for telecommuting employees to receive required notices from their employer.

During the current COVID-19 crisis, many employers have considered offering employees the opportunity to work from home in the midst of shelter-in-place and stay-at-home orders. Where such telecommuting is possible, it allows employees to remain working and earning income, even during a pandemic or other disruption. With near-record unemployment, we should be doing everything possible to maximize opportunities for employers to allow telecommuting so that workers can continue to be employed and support themselves and their families.

These changes will be necessary even beyond the current pandemic. A recent survey of employers indicated that 52% will be offering telecommuting until the pandemic subsides, and 30% plan to allow employees to work remotely on an ongoing basis.

Unfortunately, current law has not kept pace with the flexibility and technology that allows remote work, and fails to distinguish an employee working remotely from an employee working at the employer's place of business. As a result, employers presently must meet certain requirements that were imposed without consideration of a remote workforce and cause legal uncertainties. Those uncertainties discourage employers from allowing employees to work from home because employers cannot properly assess the risks and potential liabilities associated with allowing employees to work from home. If an employer is unwilling to offer remote work (where appropriate) due to these legal uncertainties, employers are faced with the choice of either (1) instructing the employee to report to the worksite (which may raise concerns about increased exposure), or (2) lay-off the employee, neither of which are good outcomes.

Therefore, **SB 657** seeks to clarify certain issues and remove barriers from employers agreeing to allow telecommuting. It clarifies that workplace notices and posters can be provided electronically to employees working from home.

This modest change will remove legal uncertainty that currently acts as a barrier to more employers offering employees the opportunity to telework where appropriate. Promoting policies that allow employees to continue to be employed and earning income while working from home is needed now more than ever.

For these and other reasons, we are pleased to **SUPPORT SB 657**.

cc: Stuart Thompson, Office of the Governor
Katie Tinney, Office of Senator Ochoa Bogh
Morgan Branch, Senate Republican Caucus

AH:ll