

The Advisor

LEGISLATIVE UPDATE • OCTOBER 2006

by

Bruce Matlock, Esq.
EAC-OC Hotline

WHAT'S INSIDE

Page 2 Board Members;
President's Message

Page 4 The Scope of At-Will
Employment in California

Page 6 Hair Today; Gone
Tomorrow

Page 7 The Heat is On;
CalOSHA Adopts New Heat
Illness Regulations

Page 8 .. 2007 Calendar of Events
and Registration Form

Page 10-12 EDD News:
Youth Employment Opportunities
Program (YEOP) Success
Stories; Subject Funds from the
EAC-OC Help Jobseekers Return
to Work, Employers Fill Their Job
Openings; The Changing of the
Guard; Veterans' Career Fair is
BIG Success

Page 13 EDD Offices in
Orange County

This is the final update for the 2006 legislative session. If you want information on any of these bills or copies of the bill language, go to www.leginfo.ca.gov.

January 1, 2007, and another 50 cents to \$8.00 an hour on January 1, 2008. This will also increase the minimum compensation for exempt employees. The new rate on 1/1/07 will be \$31,200 a year and on 1/1/08 33,280. **Signed.**

Bills Going To The Governor: Minimum Wage

As I previously reported the Legislature and the Governor have agreed on minimum wage increases for the next two years. The minimum wage will increase from \$6.75/hr to \$7.50 an hour,

AB 1840, Health Insurance:

Identical to vetoed bill from last year. This bill will require State agencies to notify the legislature of employees who apply for health services such as
> > > 3



EAC-OC Programs

by

Robert Orozco, Esq.
Program Committee Chair

As we approach the last quarter of the year, on behalf of your Employer Advisory Council of Orange County, I would like to thank you for your active participation and support of the programs on our 2006 calendar. Our final seminars focus on critical issues facing California employers such as harassment training, employer criminal & civil liability for holiday parties, and how an employer should respond when confronted with a government investigation.



“Responding to Administrative Claims Effectively and Efficiently.” This seminar will address how an employer should respond when confronted with a claim from an administrative agency, such as the Equal Employment Opportunity Commission, the Department of Fair Labor Standards Enforcement, the Department of Fair Employment & Housing, or even the Department of Labor. Typically, these claims are the first step in the lawsuit process and your response as either an employer or as an individual will

We will start off our last quarter with an October seminar entitled

> > > 5



OFFICERS - 2005-06

Doug Wade – President
McKasson Klein & Holmes LLP
Costa Mesa, California

Stewart Lerner – Vice President
Advisor Editor
Lerner & Associates
Brea, California

Nick Teel – Secretary/Treasurer
Moseys' Production Machinists, Inc.
Anaheim, California

BOARD OF DIRECTORS

Pat Eriksen – Member-at-Large
Long Beach, California

Linda Johnson – Scholarship Committee Chair
Project Independence, Costa Mesa, California

Robert Orozco – Program Committee Chair
Atkinson, Andelson, Loya, Ruud & Romo
Cerritos, California

Walt Storch – Member at Large
Elkins-Jones Insurance Agency, Irvine, California

EACOC OFFICE
EACOC/EDD COORDINATOR

EACOC Office – Jean Gardner, Administrator
2001 East Fourth St., Suite 112
Santa Ana, CA 92705
Phone: 714/543-9916 • Fax: 714/543-9487
email: jgassocgmt@earthlink.net

EACOC/EDD COORDINATOR – Martha Scarbrough
EDD Employer Services Team
2450 E. Lincoln Ave., Anaheim, CA 92806-4272
Phone: 714/518-2355 • Fax: 714/518-2394
Email: mscarbrough@edd.ca.gov



**President's
Message . . .**

Doug Wade, Esq.

Fall is here and your EAC-OC is gearing up for a strong and vibrant new year.

Your EAC-OC is a proud partner with the EDD which brings essential job placement, veteran, and many other employer-related services to Orange County. This past quarter we welcomed our new EDD/EAC Coordinator, Martha Scarbrough. All of us at the EAC-OC look forward to working with her and strongly encourage everyone to get to know Martha and the EDD.

We are very excited to finish the year with three new and innovative workshops:

October is the last of the 2006 Certificate Programs: "Responding to Administrative Claims" presented by Joanna Black and Amber Solano of Atkinson, Andelson, Loya, Ruud & Romo.

In November our very own EAC-OC Vice

. . . we are working hard towards the launch of the new EAC-OC website before the end of the year.

2007 will be an exciting year of growth for the EAC-OC, and we look forward to seeing you at the upcoming workshops!

President, Stu Lerner, brings his considerable experience to our group when he presents our first ever sexual harassment training program. This three-hour program is designed to comply with all of California's bi-annual sexual harassment training requirements and is provided to our members at a considerable discount. Certificates of completion will be provided to all who attend. We **strongly** recommend that all members plan to attend and bring their supervisors for training.

In December we will offer yet another new and exciting program, Mistletoe and Mischief, a look at employer liabilities through various case studies and examples. This program, held early in the month, is designed to help employers avoid liability associated with the season.

> > > 12

Healthy Families because the employer does not provide health insurance to employees. This applies to employers with more than 25 employees. **Vetoed.**

SB1414, Health Insurance: Mandates that employers with more than 10,000 employees allocate at least 8 percent of payroll to employee healthcare. **Vetoed.**

AB 1884, Locked Out Employees: Vetoed last year. Under current law, employees who strike, or are locked out by their employer during a labor dispute, cannot receive unemployment insurance benefits. This bill would allow locked out employees to receive unemployment insurance benefits. **Vetoed.**

SB 840, State Health Insurance Plan: Would set up California Health Insurance System available to all California residents. **Vetoed.**

AB 2209, New Employer Penalties: This bill contains two parts. The first declares that any agreement between an employer and employee prohibiting the employee from pursuing unemployment benefits is void. The second would provide for a penalty, not described, to an employee, if the employer engages in fraud, misconduct, or misrepresentation during a lockout. This would only apply to employers with unionized employees. **Vetoed.**

AB 1883, Workers' Compensation Insurance: Would, among other provisions, set up a web site, where the public could determine if an employer has Worker's Comp insurance. **As of 10/1/06 could not find out if the Governor has signed or vetoed. I'll keep you informed.**

SB 1281, Jury Duty Pay: Would require State contractors to pay five days of jury duty pay. **Vetoed.**

AB2555, Gender Equity: Would provide that if an employer willfully violates California law on equal pay, the penalty shall be four times the amount of the wage discrepancy plus other fines. In addition this bill would require employers with more than 50 employees to give each employee a written notice of job title, wage rate and an "explanation" as to how the wage rate was determined. **Vetoed.**

BILLS THAT DID NOT PASS THE LEGISLATURE AND MUST BE REINTRODUCED NEXT YEAR:

AB 805, Heat Illness: Would require the OSHA Standards Board to develop standards to protect employees from heat illness.

SB 46, Workers' Compensation Rates: Would establish a Commission on Worker's Compensation Rate Regulation. The Commission would be responsible for setting premium rates. Would exempt State Compensation Insurance Fund from the Commission's jurisdiction.

SB 300, California Family Rights Act: Would allow leaves for child of any age, grandparents, siblings, and domestic partners.

AB 1209, Remove Limits on Workers' Comp Care: Current law limits chiropractic, physical therapy and occupational therapy to 24 visits per injury. This bill would eliminate those limits. This bill originally was written to regulate the rental of snowmobiles

SB 538, Medical Provider Networks: Would set up a system for certification of MPNs.

SB 778 and SB 1188, Charges For Cashing Paychecks: Would clarify that a bank may not charge for cashing paychecks of a business that are written on an account at that bank.

AB 2371, Arbitration of FEHA Complaints: Would void existing employee agreements that require arbitration of disputes that fall within the jurisdiction of Fair Employment and Housing Act. Would prohibit employers from requiring employees to enter into future agreements as a condition of employment, after 1/1/08.

AB 2277 Review of Workplace Posters: Would require establishment of a working group composed of labor and management to review and rewrite workplace posters.

AB 2186 Contractors: Would require a penalty up to \$50,000 for knowingly misclassifying an employee as a contractor. In Assembly Labor and Employment.

AB 2217 and SB 1254, Alternative Work Schedules: Would allow individual employees to agree with employers to work up to 4-10 hour days without overtime.

The Scope of “At-Will” Employment in California

by

Neil Klein, Esq. & Doug Wade, Esq.

McKasson Klein & Holmes LLP

Employers often assume that just because employees in California are generally “at-will,” they can be fired at any time for absolutely no reason. This thinking can sometimes get them into trouble, and a quick call to their legal counsel – before terminating an employee – would be advisable.

So, just what does “at-will” employment mean in California?

Generally, employment is presumed to be at-will, meaning that the employment relationship can be terminated at any time by either employer or employee, with or without cause (this presumption is codified under Labor Code, Section 2922). However, there are a **number of exceptions** that limit an employer’s absolute freedom to terminate an employee (which, if ignored, could result in litigation for among others “wrongful termination”):

First, Title VII of the Civil Rights Act (Title VII) and the California Fair Employment and Housing Act (FEHA) forbid employers from terminating employees **because of their race, national origin, sex, age, disability, marital status, sexual orientation, medical condition or religion**.

Second, an employee may not be terminated in violation of a fundamental state or federal public policy; there are 4 specific categories for which an employee’s actions are protected: (1) refusal to violate a statute; (2) performance of a statutory obligation; (3) exercise of a statutory right or obligation; and (4) reporting a statutory right for the public’s benefit).

Third, contractual agreements (oral or written) can limit an employer’s ability to terminate an employee without good cause. An agreement to terminate an employee only for “good cause” does not have to be in writing, and can be established based on an oral assurance by, e.g., a manager, that the employee is entitled to continued employment. They are referred to as implied-in-fact contracts.

The California Supreme Court has defined factors to determine if there is an implied-in-fact contract: (a) the employer’s personnel policies and practices; (b) the employee’s length of service; (c) actions or communications by an employer on assurances to the employee of his or her continued employment (evidenced by raises, bonuses, promotions and general lack of criticism or job evaluations); and (d) the practice in the industry in which the employee is engaged.

To avoid creating an implied-in-fact contract, an employer should adopt policies and procedures that stress the “at-will” nature of its employee employment status (such as by defining the at-will relationship in its job applications, offer letters, employment agreements and employee handbooks).

There has been significant litigation on whether a specific “at-will” provision is ambiguous or creates a doubt on the employment status of an employee. Recently, in *Dore v. Arnold Worldwide Inc.*, 39 Cal.4th 384 (August 3rd 2006), the California Supreme Court concluded that an employee was at-will, even though the employer did not specifically define at-will employment to include the ability to terminate the employment relationship “without cause.”

Dore is a good case for employers.

Nevertheless, while *Dore* confirms an employer’s ability to terminate an “at-will” employee — **provided termination does not-violate the 3 exceptions listed above** — caution should still abound. For example, managers should be instructed by employers not to make affirmative statements to employees (for example, as a method of encouragement) that “you do not have to worry about your job; you won’t be let go like your predecessor because you are doing such a good job,” or similar statements that would provide an expectation of continued employment.

EAC-OC Programs . . . from Page 1

impact your future success in the lawsuit. The seminar will be presented by Joanna L. Blake and Amber M. Solano of Atkinson, Andelson, Loya, Ruud & Romo on October 19th and October 24th.

November's seminar "Sexual harassment Training" is a critical seminar for each and every California employer. The California Legislature passed AB1825 mandating that employers train their supervisors in harassment prevention training. We would encourage all members to send not only their supervisors and managers, but also any individual who may assume a supervisory or managerial role. The attendance of employees who may exert supervisory or managerial responsibilities is especially critical given recent court decisions assigning liability to those employees who may not have the title of supervisor/manager but nevertheless exhibit and use the aura of authority. This seminar complies with the provisions of AB1825 requiring classroom instruction and interactive participation, among others. In addition, attendees who successfully complete the session will be presented with a certificate of completion that is suitable for framing. The EAC-OC is pleased that our own Stu Lerner of Lerner & Associates is presenting this essential seminar to our members at a discounted rate.

For those of you who are not members, we would encourage you to sign-up as an EAC member and receive immediate benefits.

We conclude our 2006 program schedule on December 7th with "Mistletoe and Mischief" which examines employer liability at holiday parties. While we all may be aware of the liabilities associated with holiday party drinking, recent lawsuits demonstrate that assaults are now all too frequent at holiday gatherings. Consequently, employers face the added prospect of not only facing civil liability but possibly criminal prosecution. Former Assistant District Attorney Wade Skolsky will lead a discussion on the criminal aspects facing an employer resulting from holiday party mischief while James Ulwelling and Omar Siddiqui will discuss the civil liabilities an employer will face when confronted with holiday party misdeeds.

2006 featured some of our most ambitious programming and its success is a direct result of your commitment to continued education. We hope to channel the energy and enthusiasm that you have shown into 2007. Our 2007 seminar schedule has been finalized and a summary is included in this issue. We look forward to seeing you at all of our future events.

Please complete this form and fax it to (714) 543-9487 or call the Association office at (714) 543-9916 with your credit card information (EAC-OC accepts cash, check and now Visa, MasterCard and American Express).

<input type="checkbox"/> Please reserve a place for me at the October 19, 2006, workshop.	<h2>2006 Breakfast Workshop Registration Form</h2>
<input type="checkbox"/> Please reserve a place for me at the October 24, 2006, workshop.	
<input type="checkbox"/> Member of EAC-OC (\$60.00) Member No. _____	
<input type="checkbox"/> Non-member (\$80.00)	
Name _____	E-Mail _____
Company Name _____	Phone _____
Amount of check or charge: _____ for number _____ of people attending: _____	
Method of payment (check one): <input type="checkbox"/> Check <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa <input type="checkbox"/> American Express	
Name on Card: _____	Card Number: _____
Expiration date: _____	Last three numbers on back of card _____
Card Billing Address _____	
City _____	State _____ Zip Code _____
Signature: _____	
Please make check payable to EAC-OC and mail to 2001 East Fourth St. #112 • Santa Ana, CA 92705	
Telephone: 714 / 543-9916 • Fax: 714 / 543-9487 • E-Mail: jgassocmgmt@earthlink.net	
Cancellation Policy: No refund(s) unless we receive written notice of cancellation in our office 72 hours prior to the event.	

Hair Today, Gone Tomorrow

Smith V. L'Oreal

Hair Model on One-Day Assignment is Entitled to Immediate Payment

by

Robert Roginson, Esq. and Christopher Milligan, Esq.
Atkinson, Andelson, Loya, Ruud & Romo

On July 10, 2006, the California Supreme Court issued a unanimous decision finding that an employee is “discharged” for purposes of Labor Code § 201 (requiring immediate payment at discharge) and Section 203 (“waiting time” penalties) not just when an employee is *involuntarily* terminated from an ongoing employment relationship, but also when an employee is voluntarily released upon the completion of an agreed-upon period of employment or a specific task.

Factual Background

Amanza Smith was asked by cosmetics giant L’Oreal USA, Inc., to be a model for a hair show featuring L’Oreal products. L’Oreal agreed to pay her \$500 for that day’s work. However, L’Oreal did not pay Smith until more than two months after the show. Smith filed a class-action lawsuit alleging that L’Oreal violated Labor Code § 201 by not paying her or other hair models

“*immediately*” upon discharge, as required by Labor Code § 201. Under Labor Code § 201, if an employer *terminates or discharges* an employee, the wages earned and unpaid at the time of discharge are due and payable “*immediately*.” Smith sought waiting time penalties under Labor Code § 203 on behalf of herself and the other models for thirty (30) days at the applicable daily wage rate (\$500).

Procedural History

Both the trial court and the Court of Appeal held that Smith could not recover waiting time penalties under Labor Code § 203 because the completion of Smith’s fixed one-day hair model assignment did not constitute a “*discharge*” under Labor Code §§ 201 and/or 203. (For purposes of the appeal, L’Oreal conceded that Smith was an employee and not an independent contractor.) According to the appellate court, a “discharge” is an employee’s affirmative dismissal by an employer from *ongoing* employment, and it is generally involuntary for the employee. It does not include an employee’s resignation or quitting, or a passive expiration of a set term or completion of a set task or

project, like Smith’s assignment. However, the Supreme Court reversed the Court of Appeal’s decision.

The Court’s Decision

In reversing the lower court’s decision, the California Supreme Court ruled that Smith had been “discharged” for purposes of Labor Code §§ 201 and 203. The Court reasoned that an absurd result would occur if prompt payment laws applied only to “bad” employees who did not fulfill their obligations and were terminated, but did not also protect employees who fulfilled their terms of employment. The Court also noted that as with the termination of an employee, the completion of a temporary job assignment was expected, and the immediate issuance of a paycheck was something for which the employer could plan (on the other hand, an employer cannot always anticipate when an employee may quit, thus the Legislature enacted a 72-hour period in which to pay these employees). The Court disagreed with the appellate court’s reliance on dictionary definitions of “discharge” and noted that even these definitions limited “discharge” to affirmative termination of an employee by an employer. The Court also noted that the statute did not define “discharge” but purportedly examined the “relevant statutory language and the overall statutory scheme, the legislative history, and the intended purpose of the immediate wage payment legislation to address the economic vulnerability of discharged employees and potential harm to the public.” The Court ruled that failure to do so will subject the employer to waiting time penalties under Labor Code § 203.

Conclusions

The Court’s decision is disquieting for employers that hire employees for designated time periods or set tasks. There could also be unforeseen implications for temporary

>>> 7

and joint employers that assign employees to other businesses for limited work assignments. Employers should therefore carefully review their “time of payment” practices to ensure compliance. The following is an overview of the rules regarding final paychecks following the L’Oreal decision:

- If an employer “discharges” an employee, his/her earned wages are due immediately. This includes vested vacation pay. Following, the L’Oreal decision this also applies to individuals on temporary work assignments or assignments of limited duration. Further, “discharged” employees must be paid at the place of “discharge.”
- If an employee quits or resigns ongoing employment, he/she must be paid all wages and vested vacation within 72 hours. If the employee gives 72 hours or more prior notice of his/her intention to quit, however, the wages are

due at termination. Employees who quit must be paid at an employer location in the county in which the employee worked. However, an employee who quits without providing 72 hours’ notice can agree to payment of the final paycheck by mail. In that case, the date of mailing is considered the payment date for purposes of meeting the 72-hour requirement.

- To calculate the waiting time penalty for violations of the final paycheck rules, an employee’s wages continue to accrue for every day payment is late. Penalties accrue during the employee’s prior regular schedule but also on Saturdays, Sundays, holidays, and other non-workdays, up to a maximum of thirty (30) days.

Again, the L’Oreal decision reiterates the difficulty for California employers in attempting to stay abreast of changing wage and hour laws.



The Heat is On: California Board of Occupational Safety and Health Adopts New Heat Illness Regulations

by

Robert Roginson, Esq. and Christopher Milligan, Esq.

Atkinson, Andelson, Loya, Ruud & Romo

The California Board of Occupational Safety and Health (Cal/OSHA) adopted new heat illness regulations. The new regulations, which were approved by the Office of Administrative Law and became effective July 27, must be included in employers’ Injury and Illness Prevention Programs (IIPPs). Applying exclusively to outdoor workers, the new regulations are a permanent version of the emergency heat illness regulations adopted in August 2005 following an “unusual number of reports of occupational heat illnesses and deaths.” While there is little difference in the practical application of the emergency regulations and the new regulations, Cal/OSHA’s new regulations provide specific instruction on how to deal with heat illness. Therefore, employers should understand what their obligations are under the new regulations.

The new Cal/OSHA regulations include three specific provisions:

Provision of Water

Employers are required to provide employees with potable drinking water. An employer must provide the water at the beginning of the shift and must provide at least one quart of water per hour for each employee for the duration of the employee’s shift. Plumed potable drinking water may be used as a water source.

Access to Shade

If an employee is suffering from heat illness, or believes he or she is in danger of contracting heat illness and feels a preventative recovery period is necessary, the employee must be provided access to a shaded area. The employee shall be allowed to remain in the shaded area for no less than five minutes. Access to shaded areas must be available at all times. Misters or other cooling technology

2007 promises to be an exciting year for the Employer Advisory Council. The 2007 Certificate Program was created to cover several of the most significant points of an employee's tenure – hiring, discipline and firing. In addition, the EAC is presenting five (5) other workshops geared to assist the employer to effectively manage their risks and grow.

All workshops' registration and breakfasts begin at 7:30 a.m. Workshop programs are from 8:00 to 11:00 am.

___ JANUARY 18, 2007 —“Annual New Laws Update”
Hyatt Regency Orange County, Garden Grove



CERTIFICATE PROGRAM 1
FEBRUARY 2007 —“Pre-Hiring, Hiring & Orientation”
Garden Grove: Feb. 15; Laguna Hills: Feb. 20

- ◆ Pre-hire and hiring strategies
- ◆ Review and analysis of forms employees must complete during orientation period

___ MARCH 15, 2007 — “What’s New in Workers’ Compensation”
Hyatt Regency Orange County, Garden Grove



CERTIFICATE PROGRAM 2
APRIL 2007 — “Employee Coaching and Discipline”
Garden Grove: Apr. 19; Laguna Hills: Apr 24

- ◆ Performance reviews and evaluations
- ◆ Action plan for clear-cut and fair disciplinary procedures

___ MAY 2007 — “Seven Deadly Sins of Employee Handbooks”
Garden Grove: May 17; Laguna Hills: May 22




CERTIFICATE PROGRAM 3
JUNE 2007 — “Discrimination/ Harassment and Internal Investigations”
Garden Grove: June 21; Laguna Hills: June 26

- ◆ Review of state and federal statutes and regulations
- ◆ Framework for conducting effective workplace investigations



CERTIFICATE PROGRAM 4
AUGUST 2007 — “Leaves of Absence”
Garden Grove: Aug. 16; Laguna Hills: Aug. 21

- ◆ Review of statutes and regulations and flag common pitfalls
- ◆ Intersection of family/medical leave in relations to workers compensation statutes

 *“These programs have been approved for 2.75 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). For more information about the certification or recertification, please visit the HRCI homepage at www.hrci.org.”*

__ SEPTEMBER 2007 — “Wage and Hour Update”
Garden Grove: Sept. 20; Laguna Hills: Sept. 25



CERTIFICATE PROGRAM 5

OCTOBER 2007 — “Terminating Employees With Safety and Dignity”
Garden Grove: Oct. 18; Laguna Hills: Oct. 23

- ◆ Handling a post-termination claim
- ◆ Proper protocol and policies for disciplining and terminating an employee

__ NOVEMBER 15, 2007 — “Seven Things Employers Did in 2007 to Get Sued”
Hyatt Regency Orange County, Garden Grove

2007 Breakfast Workshops - Registration Form

Complete this form and fax it to 714/543-9487 or call the Association Office 714/543-9916 with credit card information. EAC-OC accepts cash, check and NOW Visa, MasterCard and American Express.

Cost:) \$249 Members \$349 non-members 5 Certificate Programs
 \$60 Members \$80 non-members Each individual workshop

Membership: \$95/year ___ Yes, add \$95 for one-year membership

Name _____ E-Mail _____

Company Name _____ Phone _____

Amount of check or charge: _____ for number _____ of people attending: _____

Method of payment (check one): Check MasterCard Visa American Express

Name on Card: _____ Card Number: _____

Expiration date: _____ Last three numbers on back of card _____

Card Billing Address _____

City _____ State _____ Zip Code _____

Signature: _____

Please make check payable to **EAC-OC** and mail to 2001 East Fourth St. #112 • Santa Ana, CA 92705
Telephone: 714 / 543-9916 • Fax: 714 / 543-9487 • E-Mail: jgassocmgmt@earthlink.net
Cancellation Policy: No refund(s) unless we receive written notice of cancellation in our office 72 hours prior to the event.

YOUTH EMPLOYMENT OPPORTUNITIES PROGRAM (YEOP) SUCCESS STORIES

by

Rob Claudio, Orange County Regional Manager

The purpose of the Employment Development Department's (EDD) Youth Employment Opportunities Program (YEOP) is to assist at risk youth to obtain their educational goals. Their services include an assessment of vocational and educational goals, peer counseling, supportive services referrals, workshops, job referrals and placement assistance. The program provides referrals to training and community outreach efforts through the EDD Mentors and YEOP Specialists. In addition to the counseling and coaching that the YEOP Specialists provide, a key function of YEOP is to assist at-risk youth by removing barriers to employment or training while remaining in school. If a student is considering or has recently dropped out of school, removing these barriers may enable them to continue pursuing their educational goals.

Many barriers to obtaining employment exist including being economically disadvantaged or the possession of a criminal record. An additional challenge is obtaining reliable transportation. The following success stories demonstrate the value of YEOP and community support. Through the support provided by the Orange County Employer Advisory Council (EAC-OC) many students have been able to change their course and overcome obstacles.

One YEOP client had both of these challenges. John had dropped out of school and was economically disadvantaged. Despite having goals of becoming a Physical Therapist and attending Orange Coast College, his earlier transgressions of possessing an illegal substance and assault had left him with a criminal record. He was looking for a part time job where he could support himself and reenroll in school. The client was provided coaching and job referrals by the YEOP Specialist. He received a job offer from Boba Espresso Pho Gourmet. The client was excited but explained that he needed some bus passes to get to the new job. The bus passes were provided and John was able

to continue working. He returned to school and is now doing well and is enjoying his new job. The services provided by EDD's YEOP and the EAC-OC enabled this client to pursue his career goals.

Another client, Dale, enjoyed physical work and wanted to work as a trainer or in a job where the work was fast paced. Although Dale had good computer skills and had some work experience from stocking at Target and McDonalds, his family was economically disadvantaged and he had transportation issues. After coaching by the YEOP

Specialist and receiving bus passes provided by OC-EAC, Dale found work and returned to school.

Andrea was a client who lived with an unemployed mother and four siblings. The family was receiving welfare and food stamps. In addition, Andrea had a misdemeanor offense and her case had

been assigned to a probation officer. Andrea stated she had a goal of becoming a doctor but her reality was she came to the YEOP program as a high school drop out with a police record. After coaching by the YEOP Specialist and referrals to various local employers, she enrolled in an adult education center to obtain her diploma.

All of these clients were issued bus passes provided by the Employer Advisory Council. The clients as well as the community have benefited from the generosity of the OC-EAC and the expertise of the YEOP staff. Tran, one of EDD's Youth Employment Specialists stated, "Without the motivation and guidance from my mentor, the support and leadership of my supervisor, and seeing examples through my clients, I would have dropped out school. I am now a junior at California State University Long Beach and I am looking forward to my graduation. I want to see the Youth Employment Opportunity Program develop and continue to grow so that other youth can have the opportunity that I have had to reach for success!"

The program provides referrals to training and community outreach efforts through the EDD Mentors and YEOP Specialists.

Subject Funds from the EAC-OC Help Jobseekers Return to Work; Employers Fill Their Job Openings

by

Rob Claudio, Orange County Regional Manager

"If you find it in your heart to care for somebody else, you will have succeeded."

— Maya Angelou

Our California Department of Corrections (CDC) specialist, Celia Salas, has consistently exceeded her placement goals with assistance provided by the EAC-OC. This translates into providing parolees with the necessities to become productive members in the community and reduce recidivism. The following items are purchased for parolees with EAC funds: clothing from Goodwill for interviews and work, shoes/work boots, toiletries, and bus passes.

Celia Salas is our CDC specialist from the Anaheim EDD Job Service office. Celia has skills (friendliness, grandmotherly charm, wisdom) that relate to parolees. She refers clients for tattoo removal and to community service organizations as needed. Ms Salas works closely with employers to hire ex-offenders, and parolees with a variety of offenses have gained employment because of her efforts. Here is one example:

"A parolee, John... came in to see me at the Coronado CDC office; he had been in prison 8+ years. He was 18 at the time he went to prison. We (Celia & parolee) had a long conversation. I referred him to a job where he worked for three days, and then called me at the Burton CDC office and told me he had applied for another job that paid more. He said he could start the swing shift on the new job if he had steel toe boots. I asked him his shoe size, which was 9, and I told him I had one pair left size 8. He came to try them on, and I gave him a pair of sox—perfect fit. Monday I did a follow up and he is still employed making \$12.00 an hour and is very grateful. He knows I provided all his clothes, including a backpack! With assistance from the Orange County EAC I was able to provide these items. Thank you, EAC-OC, for helping me to help people go forward."

This example can be repeated numerous times with other parolees under similar circumstances. During the month of August, 30 parolees were hired with Celia's assistance. Ms Salas has found her passion and she is very successful at it.



The Changing of the Guard

by

Stewart Lerner, *Advisor* Editor

Change is inevitable and a major change recently impacted our EAC. Last month, Jayne Golis, our EDD/EAC coordinator for nearly eight years received a well-deserved promotion and moved on to a new assignment. Many of you have come to know Jayne well over the years since she never missed a workshop. Her smiling face was always there at her EDD table where she brought members the latest materials on a variety of EDD programs and waited there to answer your questions. We wish her well but we will miss her.

The good news is that we have another smiling face to take Jayne's place. Martha Scarbrough is a long-time resident of Orange County. Martha interrupted her career with EDD to raise her three sons – now grown. She returned

to be part of the Employers' Services Team at the Anaheim Job Center where she is a trainer, workshop leader and a customer service representative. She recently co-chaired the Careers 2006 Job Fair Committee and has also been part of the Rapid Response Team which assists companies that are closing or experiencing staff reductions. Please come and meet Martha at our upcoming workshops and join us in welcoming her to the EAC-OC family.



Veterans' Career Fair is BIG Success

by

David McHenry

The Veterans Employment Committee of Orange County (VECOC), in partnership with EDD's Veterans Employment Services, hosted the 22nd Annual Veterans Ultimate Career Fair at Anaheim's Angels Stadium.

Ninety employers, along with more than 700 job seekers from throughout Orange County and Southern California, attended the job fair. Of the 700 job seekers, nearly half identified themselves as U.S. military veterans.

Geneva Robinson, Southern Job Service Division Chief, welcomed attendees and spoke about the veterans employment services program and the priority that veterans receive at EDD offices and One-Stop Career Centers throughout California.

VECOC Chairman George Reseter welcomed employers and thanked them for offering employment opportunities to veterans including those recently returning

from overseas deployments in Afghanistan and Iraq.

The featured keynote speaker for the event was Brigadier General James P. Combs, Installation Commander, Joint Forces Training Base in Los Alamitos. He spoke about his commitment to his soldiers and his pride in the service and duty that members of the Armed Forces perform on a daily basis, often in arduous and difficult conditions. He also talked about the type of employees these brave men and women make, their backgrounds, and the special and often extensive training that these veterans bring to their civilian employers.

The EDD and VECOC are committed to serving veterans and have long been partners to ensure that veterans receive employment opportunities and priority of service in their job search and career development activities.



President's Message . . . from Page 2

Your Board has also been working hard to create a dynamic set of educational workshops for 2007. (See Page 8; 2007 Calendar of Events and Registration Form). The new programs include a new Certificate Program for 2007 and five other noteworthy educational programs.

As another first for the EAC-OC, a substantial discount is now available should you purchase all the programs for 2007 (five Certificate Programs, and five additional programs) at once. And, you can now pay for the programs using your MasterCard, Visa or American Express cards. That's right, your EAC-OC now accepts credit cards! We are very excited about these additional payment options and know they will be a benefit to many of you who are in the process of setting your 2007 educational budgets. Please contact Jean Gardner, our Administrator, for more information (Admin@EAC-OC.org).

Last, we are working hard towards the launch of the new EAC-OC website before the end of the year.

2007 will be an exciting year of growth for the EAC-OC, and we look forward to seeing you at the upcoming workshops!

The Heat is On . . . from Page 7

may be employed rather than a shaded area (except in the agricultural industry), so long as it can be proven as effective as shade.

Training

Employees and their supervisors are now required to attend training to deal effectively with heat illness. The regulations mandate that every employee and supervisor be able to identify, treat, and prevent heat illness. In sum, this requires an employee or supervisor be capable of identifying, evaluating, and controlling exposures to environmental and individual risk factors for heat illness. Additionally, the training must educate employees and supervisors on the specific procedures to be followed in the event of heat illness. Employers may train employees about the signs and dangers of heat illness as a part of their existing IPPs and need not create entirely new programs.

Employers should take appropriate measures to conform with Cal/OSHA's new heat illness prevention regulations. This includes updating IPPs to ensure the program addresses heat illness training and prevention.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is provided with the understanding that the publisher is not engaged in rendering legal or other professional service. If legal advice or expert assistance is required, the service of a competent professional person should be sought.

EMPLOYMENT DEVELOPMENT DEPARTMENT (EDD)
Orange County Locations

OFFICE	ADDRESS	PHONE
Anaheim Job Service	2450 E. Lincoln Ave. Anaheim, CA 92806	714-518-2315
Anaheim Workforce Center	50 S. Anaheim Blvd. Anaheim, CA 92805	714-765-4350
Irvine One-Stop Center	125 Technology Drive #200 Irvine, CA 92618	949-341-8000
Westminster One-Stop Center	5405 Garden Grove Blvd. Westminster, CA 92863	714-241-4900
Santa Ana W.O.R.K. Center	1000 E. Santa Ana Blvd., Ste. 220 Santa Ana, CA 92701 (At the train station)	714-565-2610
Orange County Call Center	N/A	714-736-3000
Orange County Adjudication Center	N/A	714-687-4400
Santa Ana Disability Insurance	P.O. Box 1466	800-480-3287
	Santa Ana, CA 92701	
Employment Tax Audit Area Office	2099 So St College Blvd., Ste. 401 Anaheim, CA 92816-6014	714-935-2920
EDD Labor Market Information	South County	949-341-8051
	North County	714-687-4816

The relationship between the California Employment Development Department (EDD) and the Employer Advisory Council (EAC) is defined as a partnership. "The partnership's commitment to both the employer and the worker is to improve EDD services, increase cooperation and communication among EDD and the private sector, and to increase employer's knowledge of EDD programs and services."