

# The Advisor

## CEAC Legislative Report

by

Bruce Matlock, Esq.

EAC-OC Hotline

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*A Publication of the  
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Council of Orange  
County in partnership  
with the Employment  
Development Department,  
State of California*

The following is the latest Legislative Update for 2007. If you want further information on any of these bills or copies of the bill language, go to [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Of course, you can also give me a call if you have any questions. Legislation may be amended during the year, so please let me know of any bills I may have missed.

As of 2/13/07 over 2,700 bills were introduced in the California Legislature. Of those at least 11 bills dealt with health insurance. Eight bills make no substantive changes to the law, they only declare the Legislature's intent that all California residents should have health care coverage. I have not attempted to list all of those bills.

### Assembly Bills

**Health Savings Accounts:** SB25 and AB84 would allow California tax deductions for HSAs on the same basis as Federal law.

**Health Insurance Provisions:** AB1 contains detailed provisions that would provide health insurance coverage for all California residents.

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## The Brave New World of Electronic Discovery: Is Your Organization Prepared

by

Christopher S. Andre, Esq. and Paul S. Fleck, Esq.

Atkinson, Andelson, Loya, Ruud & Romo

Historically, discovery in litigation has focused primarily on the production of paper documents. With the now practically universal use of personal computers, many paper documents are created and stored on computers. Further, other potentially relevant data, such as e-mail and voice mail files may exist only in

electronic form. The law is now beginning to catch up with the technology and the way it is used.

Effective December 1, 2006, the Federal Rules of Civil Procedure were amended to streamline discovery of electronic information. Those amendments govern, among other things, the

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## ***President's Message . . .***

***by Stewart Lerner***

**I**t is hard to believe that we are already nearly a third of the way through 2007. It has already been a busy year for your EAC-OC with more exciting activities to come. Our programs are in full swing with our chair, Robert Orozco, scheduling more events than ever. Please read his article later in this edition for a program update.

In June, EAC-OC Board members will attend our annual planning offsite. This is an exciting time when we hold our elections and when programs and activities are planned for the balance of this year as well as for 2008. We will report on the offsite results in our next issue of *The Advisor*.

In May, your EAC-OC will be partnering with the California Employer Advisory Council to support Governor Schwarzenegger's "Hire a Hero, Hire a Vet" Job, Career and Resource project by providing raffle prizes for participating veterans.

This project will include ten comprehensive job fairs throughout the state, targeting recently separated veterans. The fairs are designed to connect veterans with jobs and other services and are being co-hosted by the California Employment Development Department (EDD) and other state and federal agencies that provide services to job seekers in general and veterans in particular.

The innovative and added element to this initiative is a concentrated effort to locate and invite recently separated military personnel by way of a direct mail campaign. Our goal is to get the largest level of attendance and participation from veterans. Included in the direct mail package is an "Entrance Ticket." Each of the tickets received by attending veterans will be placed in a raffle box and, at various times during the event, a drawing of tickets will be held to raffle off the donated items.

As many of you already know, your local EAC-OC has a long history of supporting veterans' employment. In the past, we have sponsored job fairs and contributed to a variety of veteran support activities. We believe that veterans constitute a highly trained and qualified pool of potential

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circumstances under which litigants must preserve electronically stored information, disclose to their adversaries the existence of electronically stored information, and produce to their adversaries electronically stored information. Although the amendments to the Federal Rules of Civil Procedure do not apply directly to litigation in California state courts, the amendments will nevertheless lead to a significant increase in the frequency in which state court litigants will be required to disclose and produce electronically stored information.

#### **What does this mean for your business?**

Employers large and small, public and private, should consider the following steps when it comes to preserving electronic information stored within the organization.

- Develop and adhere to a sound document retention and destruction policy.
- Develop the ability to preserve potentially relevant electronically stored information so that such electronically stored information is neither altered nor destroyed. This may require developing the ability to halt the routine deletion, alteration, and/or overwriting of certain computer files.
- Develop and adhere to policies and procedures for ensuring that potentially relevant electronically stored information is not altered or destroyed after the organization can reasonably anticipate that a lawsuit will be filed. This includes preventing alteration and/or destruction of data that that would otherwise occur as a matter of routine.



## ***Don't Let Break Periods Break You***

by

**Fermin H. Llaguno and Ian T. Wade  
of Littler Mendelson**

**W**e are always reminded that break periods are mandatory and benefit both employees *and* employers. In this day of wage/hour, class-action lawsuits, however, one thing is unmistakably clear. When the rules are applied incorrectly or supervision wanes, break periods can break the bank.

Although specific employer obligations vary by industry, the following Q&A is designed to address general duties and exceptions and provides a quick reference guide, particularly regarding waivers and on-duty meal period agreements for overtime non-exempt employees.

So take a short break yourself, and consider how this information might help you reap the benefits we are often reminded of and avoid the price-tag that is not easy to forget.

#### **What's the current law on meal periods?**

Generally, when employees work over five hours, they must receive an unpaid, uninterrupted, duty-free meal period (MP) of at least 30 minutes, which should start before the end of the fifth hour of work. Second MPs are

required when employees work over ten hours and should start before they work ten hours. Rest periods (RP) count as time worked.

Except as provided below, MPs are mandatory. Non-compliance requires payment of a one-hour wage penalty, even if the employee was already paid for time worked in lieu of the MP.

#### **Can MPs be waived?**

Generally yes, when the employee works six hours or less and agrees in writing to waive the meal period (agreement should be signed by both parties), or when the employee works twelve hours or less, took his/her first MP, and agrees in writing to waive the second. Healthcare industry employees entitled to two MPs can also agree to waive one of them provided the agreement is in writing, voluntary, signed by both parties, and allows revocation on one-day's written notice.

#### **Can employers require waivers?**

No. They must be voluntary.

**Mandatory Health Insurance:** SB 48 would require employers to provide health insurance. Non-employees would be required to purchase insurance from the state.

**Healthy Families:** SB32 increases income level as a threshold to qualify for the Healthy Families program.

**Minimum Wage:** AB71 would tie minimum wage increases to Consumer Price Index (CPI).

**Unemployment Insurance:** SB116 allows employees laid off due to the recent freeze and unable to find work to receive Unemployment Insurance Benefits (UIB).

**Domestic Partnership:** Currently couples of the opposite sex may register as domestic partners, only if one is over the age of 62. SB11 would delete the age requirement for heterosexual couples.

**Discrimination:** AB14 expands definitions of unlawful discrimination in providing services under the Unruh Civil Rights Act to the same standards as the FEHA.

**Flexible Schedules:** SB510 would allow an individual employee to request a 4-10 schedule without a secret ballot election.

#### **Labor Update as of 3-13-07**

**Labor Contractors:** AB377 would require that the name and address of the employer who is using contract labor be placed on the paycheck stub.

**Wage Records:** AB435 would require that wage and classification records be kept for 10 years and extends the statute of limitations for filing suit on gender discrimination in wages to five years.

**Family Leave:** AB537 would expand coverage under the Family Rights Act. The changes would allow an employee to take protected leave for the illness of an independent child of any age; would include parents-in-law; and allow leave for the illness of grandparents, grandchildren and domestic partners.

**Plain Language Posters:** AB613 would require that the State review and issue workplace posters written in plain understandable language.

**Firearms in Employee Vehicles:** AB652 would prohibit an employer from firing an employee or refusing to hire an applicant because the individual has a weapon locked in their vehicle out of public view.

**Social Security Numbers:** AB713 would require employers to store and discard records containing social security numbers in a manner that will protect unauthorized access.

**Jurisdiction of Employment Disputes:** AB1043 would make it illegal to require disputes over terms in an employment contract for employees working in California to be heard in other states.

**Indoor Heat Standards:** AB1045 would require Cal-Osha to formulate regulations regarding excessive indoor heat in a work place.

**Non-Smoking Rules:** AB1467 would make several changes in the rules that allow smoking in certain areas.

**Personnel Files:** AB1707 would require that an employer furnish personnel files to a current or past employee or their representative within 21 days of the request and keep such files for four years after termination of employment. Copies of the personnel file must be kept at the employee's workplace and also provides a penalty of \$750 for failure to comply.

**Age Discrimination:** AB1708 would require the Department of Fair Employment and Housing to establish a "targeted enforcement and education program to address age discrimination in employment."

#### **Labor Update as of 3-13-07**

#### **Senate Bills**

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*President's Message . . . from Page 2*

employees. In addition, they have a strong claim on all of us for having put themselves at risk on our behalf. In supporting the "Hire a Hero, Hire a Vet" initiative, we are recognizing this claim by helping to connect veterans with employers and other services to ease their transition into civilian life.

By providing raffle prizes – everything from gift certificates to tickets to sporting events to weekend getaways, the CEAC and your local EAC-OC hope to attract veterans to these events and to give them a token of our appreciation for their services.

The Orange County Job and Resource Fair will be held at Angel Stadium on May 16 from 9:00 a.m. to 1:00 p.m. You can help by (1) listing available jobs and/or (2) by making a monetary or raffle item contribution of any size for the event. Please contact either Jean Gardner in the EAC-OC office or Roberta Masek at EDD (714) 518-2356. Join us in saying "thank you" to the veterans who have given so much. Have a great second quarter of 2007!



*CEAC Legislative Report . . . from Page 4*

**Bereavement Leave:** SB549 would require that an employer grant up to five days of unpaid bereavement leave for the death of spouse, child or parent.

**Paid Family Leave:** SB727 would add "grand-parents, grand-children, parents-in-laws, and siblings" to the list of ill relatives that an employee may take Paid Family Leave to assist.

**Discrimination:** SB836 would add "familial status" to the list of prohibited reasons for discrimination under the Fair Employment and Housing Act.

**Federal Legislation**

Congress is considering legislation that would allow a union to be certified as the representative of employees by a card check and the employer could not demand a secret ballot election. The President has indicated that he will veto such legislation.

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## ***Employer Found Immune From Liability For Employee's Personal Use of Company Computer***

by  
*Murchison & Cumming, LLP*

**I**n *Delfino v. Agilent Technologies, Inc.*, (2006) 145 Cal.App.4<sup>th</sup>790, defendant Agilent's employee sent threatening emails to others, using his computer at work. One recipient sued both the employee and Agilent, which had only learned of its employee's conduct when notified by the FBI as part of its investigation. Agilent's own subsequent investigation resulted in the employee's confession and termination.

On December 14, 2006, the California Court of Appeal, Sixth District, issued its opinion agreeing with Agilent's defense that under the circumstances of this matter, as an employer it could not be held liable for civil liability to recipients of the emails, finding that the Communications Decency Act of 1996 provided Agilent with immunity from liability because (1) Agilent was merely the computer service provider and "enabled computer access by multiple users," and (2) Agilent did not contribute to the content of the emails or know they were being written.

This is an excellent ruling for employers and should provide CEOs and risk managers with some comfort in knowing that there are limits on liability that can be imposed on an employer where an employee misuses electronic forms of communication and/or internet access in the workplace.

However, that said, there are circumstances and situations to which the Communications Decency Act may not be found to provide protection for employers, underscoring the need for businesses to maintain suitable policies and procedure manuals that detail acceptable and unacceptable Internet and email use, including the employer's right to monitor such use and the actions the employer will take in responding to employee misconduct in this regard.

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## *Lerner Lines*

by

**Stewart Lerner**

Lerner & Associates

**L**ots to discuss this month, so let's get to it. There was good news for the U.S. economy, which added 180,000 jobs in March — the biggest increase in three months. In more good news, the jobless rate dropped one-tenth of a point to 4.4%, equaling the recent low of last October.

Also on the national level, a proposal for paid sick leave has resurfaced. Titled the Healthy Families Act, this bill would require private employers with 15 or more employees to provide seven paid sick days annually. Employees could use the leave to recover from illness, attend medical appointments or care for a sick child. Part-time employees working at least 20 hours a week would be entitled to pro-rated leave.

Solid opposition from business owners defeated two previous efforts to pass federal sick leave legislation. However, with Democrats controlling Congress and with the advent of local sick leave ordinances such as the one recently passed in San Francisco, the climate may be more positive for federal action.

The national scene also provided a strong selection for "Lousy Employer of the Month." According to the *Los Angeles Times*, Circuit City Stores has a message for some of its best-paid employees: Work for less or work somewhere else!

The retailer recently laid off 3,400 employees who earned "well above" the local market rate for the types of jobs they held at its stores. The company said that "it had nothing to do with their skills or whether they were a good worker or not. It was a function of their salary relative to the market." The company did make the employees one final offer, however. It will allow them to apply for their old positions in 11 weeks. There is only one condition — they will have to accept LOWER hourly wages.

Warren Bennis, who teaches leadership at the USC Marshall School of Business, called the move by Circuit City "demeaning and counterproductive." We couldn't agree more.

Moving to California, a state Senate committee has launched hearings into reported mismanagement and

alleged financial conflicts of interest at State Fund. As many of you are aware, State Fund is the state's largest insurer and provides workers' compensation insurance for 230,000 California employers.

California Insurance Commissioner Steve Polzner has ordered a "top to bottom" audit of the \$6 billion-a-year fund and Governor Schwarzenegger said he is working with insurance regulators and the Legislature "to straighten out that mess." Clearly, we will hear much more in weeks to come.

In a rare criminal prosecution of an employer in California, two executives of a fence building company were sentenced in federal court in San Diego recently for knowingly hiring illegal immigrants. *The Los Angeles Times* reported that, after pleading guilty, the executives were given 180 days of home confinement and 1,040 hours of community service in lieu of six months of prison time and also received substantial fines. Golden State Fence Co. was also ordered to forfeit \$4.7 million in profits earned with illegal workers.

"This is the first criminal prosecution of an employer for violating hiring laws of illegal aliens in San Diego," said Michael Carney, acting special agent in charge for Immigration and Customs Enforcement in San Diego. "Hopefully, the word will get out after this case, and after a few other cases, that will have a deterrent effect."

Finally, in some chilling news, Jose Mendez, an unhappy employee whose hours had been cut back at a Signal Hill printing company shot and wounded three fellow employees before turning the gun on himself. Interestingly, he walked past the supervisor responsible for scheduling and appeared to target three co-workers who shared printing duties with him. Two of the victims were fortunate to have survived with non-life-threatening injuries while the condition of the third was described as serious but stable. Mendez was found dead, apparently from a self-inflicted wound, when police arrived. This situation is yet another reminder of the need to treat employees in the most empathetic manner possible when dealing with a layoff or termination.

We will be back in May with more news and commentary.

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## 2007 Calendar of Events Theme: “Employee/Employer Relationship - From Hiring to Firing”

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

2006 was a year of transition for your EAC-OC. While we increased the number and participation of members, we also lost the contribution of others. In spite of these ordeals, your EAC-OC remains committed to addressing the needs of its membership. We believe that the seminars offered to our membership are not only the best educational seminars presented in Orange County, but also the most reasonably priced.

For those of you registered in our certificate program, your EAC-OC board has embarked on a theme this year to allow a greater examination of the issues affecting you in your daily operations. In order to increase the educational value and financial rewards that these seminars offer, your EAC-OC has embarked on a theme this year to allow a greater examination of the issues affecting you in your daily operations. This year’s theme is the “Employee/Employer Relationship - From Hiring to Firing.” Traditionally, “hiring and firing” has been discussed in one marathon 3-hour session. However, the critical phases of the employment relationship from hiring-to-firing has been broken down to critical components: pre-offer, performance reviews, and termination. The separation of these aspects into three separate and distinct seminars will permit a greater examination of the issues impacting each phase of the employment relationship. The certificate program, their topics, and speakers are listed below:

### **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

### **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

### **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



“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](http://www.hrci.org).”

In addition, the EAC-OC remains committed to introducing other seminars that are also essential to any employer's success. Our non-certificate program includes old favorites such as "Wage & Hour Update" and "Workers' Compensation Update" as well as new topics such as "How to Properly Conduct an Internal Harassment Investigation." A complete list of the non-certificate program is listed below:

**\_\_\_ MARCH 15, 2007 — "What's New in Workers' Compensation"**  
**Hyatt Regency Orange County, Garden Grove**

**\_\_\_ MAY 2007 — "Seven Deadly Sins of Employee Handbooks"**  
**Garden Grove: May 17; Laguna Hills: May 22**

**\_\_\_ SEPTEMBER 2007 — "Wage and Hour Update"**  
**Garden Grove: Sept. 20; Laguna Hills: Sept. 25**

**\_\_\_ 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](mailto:jgassocmgmt@earthlink.net)

Cancellation Policy: No refund(s) unless we receive written notice of cancellation in our office 72 hours prior to the event.

Finally, the EAC-OC is introducing a new pricing structure for 2007. The costs for attending the seminars are listed within the Registration Form above. If you have any questions on possible discounts, please contact our administrator Jean Gardner at (714) 543-9916 or [jgassocmgmt@earthlink.net](mailto:jgassocmgmt@earthlink.net).

As you can see, with these seminars, this year's calendar of events is the most ambitious program to be undertaken by your EAC-OC. We are confident that the seminars offered this year will address your needs and concerns as employers and business leaders in our great State. We look forward to seeing you at our various events throughout the year!

## Summer Job Fair Success Story

by  
Vickie Sanchez  
EDD / Westminster One-Stop Center

### 2007 Summer Job Fair Set for April 28, 2007, at The Block in Orange.

The management from The Block at Orange (in Orange, CA) invited me to attend a merchant mixer at Dave & Busters on March 1, 2007. I was on the agenda to inform the merchants of our upcoming 12th Annual Summer Youth Job Fair at The Block on April 28, 2007, and to encourage them to participate. There were approximately 35 merchants and managers in attendance from various stores.

During my presentation I asked if any of them had participated in the previous year's event. One merchant, Shayla vanWormer, raised her hand. When I asked her if she thought the event was a good experience for her, she told us that she was a job seeker at last year's job fair and was hired by Jamba Juice. She is now a manager with the company.

The entire room of managers and merchants began clapping for her, and what

a great testimonial it was for the other merchants. She also indicated that Jamba Juice will be participating with us again this year.

I expressed to the merchants why it is so important for them to give our young adults a chance with their first jobs and told them we wanted to have as many Block employers as possible participate. I provided them with a packet which included a job fair flier, invitation/registration form, "Fill Jobs Fast" CalJOBS brochure, and a CalJOBS job order form.

Overall, it was a very successful event and worth EDD's time to be there. I was able to network with other community organizations such as Orangewood Children's Foundation, National Latino Peace Officers Association, and the Orange Police Dept. to share our upcoming Summer Youth Job Fair at all three sites.



### Doris Gohlke: Employee Extraordinaire!

by  
Martha Scarbrough and Rob Claudio  
Orange County Regional Manager Job Services

The Anaheim EDD Job Service office has a wonderful asset in their Senior Aide, Doris Gohlke. Doris is a very young, energetic 77-year-old part-time employee. She has been at the Anaheim office for more than a year, assisting in the operations of our JS programs. Doris always arrives early for work and has not missed a day yet, a true testament of her work ethic. Doris is a great multi-tasker; working in answering the switchboard, processing the daily mail, assembling informational packets for various workshops, job fairs, and employer marketing events. Doris enjoys helping others and she tells wonderful stories about growing up in the Chicago area, about moving west and how she worked at several different jobs through out her life. Among her many achievements, she also owned and operated her own business while raising a family. Doris has three



## ***Entrepreneurial Fair a HUGE Success!***

by

Martha Scarbrough  
Anaheim Job Service Center

### ***Feria Para Empresarios en Español***

***Held on Saturday, January 27, 2007, at Santa Ana College in Santa Ana.***

**T**he first Feria was started in 2001 when Leo Maffey, a former Employment Development Department Tax Auditor, brought together a group of public agencies, including members of the Rancho Community College Board of Trustees, to form a committee for the purpose of providing a free one-day event offering seminars and information resource booths to help small business owners with their questions and needs of their businesses. This one-day event would be conducted in Spanish to assist the Spanish speaking community as several similar fairs are conducted in English each year in the Orange County and Los Angeles areas.

This year the organizing committee decided that because the Feria was growing each year, it was now necessary to acquire sponsors that would help with the costs of putting on a quality event. A committee was formed to find sponsors. It was decided that we would have three levels of sponsorship. Each level would be given different packages for sponsorship. The three sponsor levels were one gold (\$2,500), two silver sponsors (\$1,000) and the rest could be bronze sponsors (\$300) each.

The following were Sponsors:

- The Gold Sponsor was Wells Fargo Bank.
- The Silver Sponsors were Staples and Sam's Club.
- The Bronze Sponsors were Blue Cross, CDC Small Business Finance, California Manufacturing Technology Consulting (CMTC), National Hispanic Business Women's Association (NHBWA), El Taxman and Orange County's Credit Union.

Agencies attending with informational booths:

- Blue Cross of California
- California State Compensation Insurance Fund
- California State Franchise Tax Board
- Center for International Trade Development (CITD)
- City of Santa Ana
- El Taxman

- Employment Development Department (EDD) Job Service
- Employment Development Department (EDD) Tax Branch
- Hispanic Business Consultants/Latinos for Progress
- Institute for Women Entrepreneurs (IWE)
- Internal Revenue Service (IRS)
- Marketplace Education Center
- National Hispanic Business Women's Association (NHBWA)
- Orange County's Credit Union
- Orange County Hispanic Chamber of Commerce
- Orange County Small Business Development Center (OCSBDC)
- Rancho Santiago Community College District (RSCCD)
- Santa Ana College
- Santiago Canyon College
- Santa Ana Empowerment Corporation
- Santa Ana International Student Program
- State Board of Equalization
- Taxpayer Advocate
- Ultimate Gifts
- United States Department of Labor
- United States Postal Service

Publicity on the Feria was reported in the following media outlets:

- Miniondas: Publicity on 11 dates from December 7, 2006 to February 1, 2007
- *Orange County Register*: January 11, and January 25, 2007
- Rumores: January 17, 2007
- Contacto: January 18, 2007
- Union Hispana: January 19, 2007

The event was also highlighted on the following websites:

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*Entrepreneurial Fair . . . from Page 10*

- Orange County Hispanic Chamber of Commerce
- City of Santa Ana
- GetConnectedOC.Com
- United States Small Business Administration
- Internal Revenue Service
- Hoyinternet.com
- Miniondas.com
- Hispanictips.com
- Orangecountyregister.com

Total value for media was \$36,362.28

In 2001 only a handful of people attended, this year 339 people were officially registered. While the majority of registrants were from Orange County the following cities were represented:

Anaheim, Baldwin Park, Beverly Hills, Bloomington, Buena Park, Canoga Park, Canyon Country, Commerce, Corona, Costa Mesa, Downey, Fontana, Fountain Valley, Fullerton, Hacienda heights, Hollywood, Irvine, La Habra, La Puente, Ladera Ranch Laguna Hills Lake Elsinore, Lake Forest, Long Beach, Los Angeles, Maywood, Monrovia, Murrietta, Ontario, Orange, Oxnard, Paramont, Pasadena, Perris, Placentia, Riverside, San Diego, Santa Ana, South Gate, Sylmar, Tarzana, Tustin, Upland Van Nuys, West Covina and Whittier. Inquiries about the event were made from as far away as New Jersey and Peru.

The Feria's welcoming remarks were given by Alfredo Amezcua, President of the Board of Trustees, Rancho Santiago Community College District. Noemi Kanouse, Vice-president of Santa Ana College, welcomed the attendees to the Santa Ana campus and spoke on the importance of education. The Honorable Senator Lou Correa paid a surprise visit and spoke briefly about the value of the information that the attendees would be receiving to help their business grow in our community. Adalberto Quijada, District Director of the Small Business Administration in Santa Ana, spoke on the challenges and opportunities businesses face; he noted statistics,

highlighting the growth of the Hispanic businesses, and expressed that the growth of Hispanic small businesses were very important to our communities and to our economy. He noted that the SBA's first priority is to educate small businesses and to provide resources to help in their success.

The morning's keynote speaker was Maria de Lourdes Sobrino, President and CEO of Lulu's Desserts. Mrs. Sobrino, a very successful small business owner, spoke about the obstacles a small business owner faces. She told her story of how she started her business because she could not find one of her favorite products in the local grocery store. She started with an idea, a lot of determination and hard work. She told the story of how

she sometimes fumbled her way to success. How she learned about resources available to her small business and how she was able to take advantage of opportunities along the way. She advised the attendees to learn from the resources given to them, to ask questions and to be ready when opportunities come to them to assist them in their success.

Loretta Sanchez, U. S. Congresswoman, 47<sup>th</sup> District, addressed the luncheon session and spoke about changes that affect small businesses in California.

Eighteen workshops were conducted. Sixty three individuals manned the resource tables and information booths. Twelve committee members and 18 volunteers worked at posting signs, as greeters manned the registration tables, breakfast and lunch set up, distributed Feria materials and directions to attendees, facilitated some of the workshops and assisted with clean up at closing.

Many weeks and months of planning went into this one day. The evaluations from the attendees and the participants expressed that they enjoyed the day and had received much information and motivation to help them with their business plans. The committee is looking forward to making next year's Feria even better.



*L-R: Mercedes Matthews, Anaheim Job Service Center; Rob Claudio, OC Regional Manager; and Martha Scarbrough, Anaheim Job Service Center.*

## *A Client Success Story*

by  
Rob Claudio

Orange County Regional Manager Job Services

“January 26, 2007

Ms. Judy Haugen  
Experience Unlimited Coordinator  
Employment Development Department  
State of California  
Anaheim, CA

Dear Judy,

As I discussed with you yesterday, January 25, 2007, I did receive my formal offer letter from Aqua-Flo, LLC this morning. My position is Purchasing Manager at the approximate rate of \$80,000 per year with a car allowance, medical, dental, and 401K.

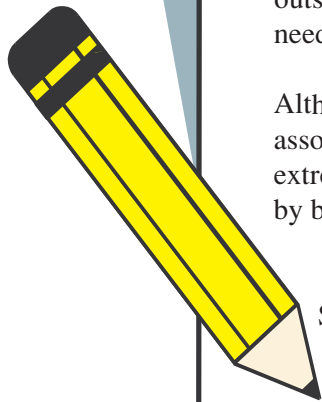
I want to thank you and the other Board members and trainers including Don Kirkwood, Bill LaMarr, Guy Maw, Andrew Samson, et al. The training in resume preparation, interviewing, and networking was extremely valuable. In quality of presentation, it was better than a paid outplacement agency I worked with in years past.

Judy, your hard work and diligence are a key factor to the ongoing outstanding efforts of Experience Unlimited in the providing of much needed services to the members now and in the future.

Although I was a member for longer than I wanted to be, the association and opportunities to network with my peer group was extremely helpful in many ways. I was glad to be of assistance to EU by being its co-statistician with some fine individuals.

Sincerely,

*Kent Norton*



**What are on-duty meal period agreements?**

Unlike waivers, on-duty meal period agreements (ODMPA) are agreements to work during MPs. The employee must sign a written agreement, be paid for time worked, and allowed to eat while working. Signed ODMPAs are effective immediately and, if adequate, should prevent the penalty for the employee not being relieved of all duty.

**Beware!**

ODMPAs are permitted only in very limited circumstances where the nature of the work objectively prevents the employee from being relieved of all duty without risk of serious consequences and no replacement is available to cover the MP.

**Do ODMPAs apply to all MPs?**

Yes. But when possible, employees should be provided off-duty, unpaid MPs.

**What should be done when employees sign ODMPAs?**

Give the employee a copy, place another in his/her personnel file, and keep it for four years after it's no longer in effect.

**Can employers require ODMPAs?**

No. They must be voluntary.

**What's the current law on rest periods?**

Employees must be allowed a 10-minute, uninterrupted,

duty-free, and paid rest period (RP) for each period of four hours worked, or "major fraction thereof" (more than two hours.) Unlike MPs, employers aren't required to make certain that employees take RPs. Instead, employers are only required to "authorize and permit" RPs by informing employees they may and should take them, and making certain that employees actually have opportunities to take RPs, for example arranging a break schedule, assigning break coverage, etc. Where the circumstances allow it, RPs should generally be taken in or around the middle of the employee's work period. RPs cannot be combined, added to meal periods, or deferred to leave work early.

**Can RPs be waived?**

Not formally. However, as long as RPs are "authorized and permitted," an employee may effectively waive one by simply choosing not to take it. In any event, employers should avoid discouraging employees from taking RPs. Instead, employers should document and retain records of the "authorize and permit" communications they have with employees reinforcing the job-related expectation that all appropriate RPs be taken.

In sum, while compliance with break period obligations can be demanding, the alternative can be disastrous. The bottom line - know these general rules, learn your industry's specific rules, and when in doubt, seek assistance. Remember, the more you know about break period requirements, the less likely they are to break you.



daughters, a son and several grandchildren. One of her grandchildren is an Army soldier currently serving in Iraq. Doris just smiles when she talks about her grandson, Michael Beaumont, as any proud grandparent would. Upon learning about Michael's existing service in Iraq, the office staff decided to write to Michael to express their appreciation for him along the other service members protecting our country. In addition, the staff in Anaheim collected cards sending messages of hope and concern for his well being and safety, along with a care package to remind him that people back home care very much for him.

Several staff wrote to Michael, sharing stories on how proud we are of him for his service and how we treasure

his grandmother, Doris. The staff sent him a care package loaded with sundries, snacks and books to help him pass time and simply to make his day when it arrives. Two boxes of goods were sent to Michael along with a picture of Doris with all of the items collected. The office hopes to keep in contact with Michael until he is back safe at home in the near future. This has been a joyous project for the Anaheim EDD JS office and we thank Doris for introducing Michael to us. As our thoughts and prayers are with many of the service members who are serving our country, it brings a special feeling & personal connection to all of us as it relates to our EDD work families.

*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**

<b>OFFICE</b>	<b>ADDRESS</b>	<b>PHONE</b>
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."