

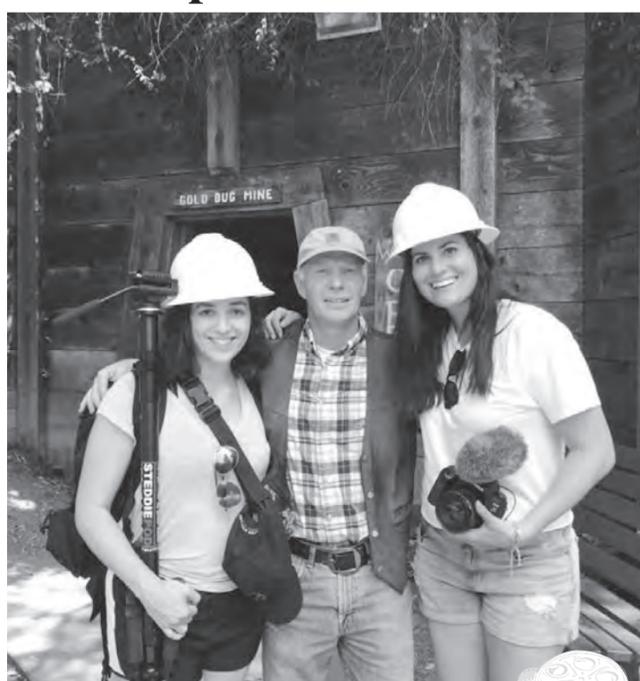


EL DORADO COUNTY CHAMBER OF COMMERCE'S

Voice of Business

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Film Clips



Dyana Carmella and Eleni Roussos from the Mystic Creative team check out Gold Bug Park with Frank Jacobi while filming a promotional video in El Dorado County.

El Dorado County Joint Chamber Commission; Elk Grove Chamber Commerce; Folsom Chamber of Commerce; Rancho Cordova Chamber of Commerce; Roseville Area Chamber of Commerce

UCAN Chambers Bat .640 at the close of 2018 Legislative Session - .700 with Governor Brown

Only one UCAN "oppose" bill signed into law

Summary of actions by Governor Brown on UCAN priority legislation:

Signed – UCAN Support

AB 1547 (Quirk-Silva) establishing a small business local program for ASA fixes

AB 1976 (Limon) requiring lactation accommodation in the workplace – was amended to provide hardship exemption for businesses/employers

AB 2687 (Quirk-Silva) establishing an office of small business within GO-BIZ

AB 2420 (Quirk-Silva) adding "soft

skills" to adult education training

Vetoed - UCAN Oppose

AB 2732 (Gonzalez-Fletcher) establishing an employee bill of rights re: immigration practices

AB 3080 (Gonzalez-Fletcher) eliminating arbitration and settlement agreements in sex harassment cases

SB 937 (Wiener) requiring lactation accommodation in the workplace w/ less flexibility than AB 1976

Vetoed/Returned – UCAN Support

AB 767 (Quirk-Silva) establishing a master business license

AB 2596 (Cooley) authorizing GO-BIZ to commission a statewide economic development strategy

Signed – UCAN Oppose

SB 1300 (Jackson) expands the definition of "standing" in employment related lawsuits

UCAN Support positions included in the 2018-19 state budget:

\$23 million for small business assistance (Cooper)

\$500 million for career technical education (O'Connell)

CA Supreme Court Blows Up Independent Contactor Definition:

Worker Classification is not easy as ABC

By Aaron B. Silva and Scott E. Galbreath
Murphy, Austin, Adams, Schoenfeld, LLP
Labor and Employment Department

The California Supreme Court recently decided an important decision on the issue of when a worker is properly classified as an independent contractor or employee for purposes of California wage orders. On April 30, 2018, the Court decided in *Dynamex Operations West, Inc. v. Superior Court*, that drivers for a delivery service were employees "for purposes of California wage orders, which impose obligations relating to the minimum wages, maximum hours, and a limited number of very basic working conditions (such as minimally required meal and rest breaks) of California employees." This was the first time the California Supreme Court had chimed in about independent contractor status in several decades.

The Court held that when classifying workers for purposes of California wage orders, employers must start with the presumption that the worker is an employee and in order to classify a worker as an independent contractor, the worker must pass a three-pronged "ABC test." Failing any prong means the worker is an employee. Specifically, the Court said to be classified as an independent contractor the employer must show: "(A) that the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact, (B) that the worker performs work that is outside the usual course of the hiring entity's business, and (C) that the worker is customarily engaged in an independently established trade, occupation, or business." Unless all three factors can be met, "the worker should be considered an employee and the hiring business an employer under the suffer or permit to work standard in wage orders."

Clearly this test leans toward employee status. Prongs B and C will likely be the most difficult factors to satisfy. For purposes of example, if a retail store hires an outside plumber to repair a bathroom leak or hires an outside electrician to install a new electrical line, their services are not part of the store's usual course of business and the store would not reasonably be seen as having suffered or permitted the plumber or electrician to provide services to it as an employee. In other words, the plumber and electrician would likely be independent contractors.

But when a clothing manufacturing company hires work-at-home seamstresses to make dresses from cloth and patterns supplied by the company, for later sale by the company, that person would likely be an employee. Similarly, a bakery that hires cake decorators to work on a regular basis on its custom-designed cakes, are also

using employees. In both examples, "the workers are part of the hiring entity's usual business operation and the hiring business can reasonably be viewed as having suffered or permitted the workers to provide services as employees. In the latter settings, the workers' role within the hiring entity's usual business operations is more like that of an employee than that of an independent contractor."

Importantly, this new case is not a "universal" independent contractor test. The Court even says it is possible for someone to be an independent contractor for purposes of one law, like workers' compensation, but not another, like the wage orders. Regardless, businesses need to be cautious when deciding whether to retain someone as an independent contractor rather than an employee, because the consequences can be severe including liability for unpaid taxes and wages. Ultimately though, the California Supreme Court is once again sending the message that deciding whether someone is an independent contractor is much more involved, and complex, than simply signing an agreement.

Entities that use, or intend to use, independent contractors, should evaluate these factors against the tasks completed by the workers to assist in compliance. Seeking a professional opinion may also be advisable, because application of the factors can be difficult, and because the ABC test arguably does not apply in all circumstances.

Businesses transitioning workers to employee status, should be mindful that the workers will now be employees, entitled to all the employee rights afforded by California law. This imposes new responsibilities on entities like maintaining accurate time records, strict deadlines for payroll, properly paying overtime (and double-time), adopting harassment and injury and illness prevention programs (IIPPs), and ensuring that the requisite number of meal and rest breaks are authorized and permitted to be taken. The entities will also need to make proper deductions for taxes. Individuals involved in the transition will need to be prepared for a lot of the autonomy they previously experienced to be reduced, as employer/employee relationships are highly regulated by the state.

Editor's Note: A business coalition, led by the California Chamber of Commerce, that included the UCAN Chambers, lobbied the legislature to introduce a bill that would provide for a two year "stay" of the court's decision. However, the Speaker of the Assembly and the President pro Tem of the Senate, responding to pressure from organized labor, chose not to allow legislation to be introduced. The business coalition will work to introduce legislation in December to allow for a stay but many employers and independent contractors will already be impacted by the Supreme Court's ruling in the Dynamex case.

Ponderosa Ridge B & B



Ponderosa Ridge is a new Bed and Breakfast inn located amongst the Apple Hill Area ranches and wineries of El Dorado County. Nestled on an 11-acre property, it includes three acres of an apple orchard. Enjoy home comfort with a fresh, homemade country breakfast made from scratch each day. If that's not enough, baked goods are cooked fresh every morning. 2360 Union Ridge Rd, Placerville. www.ponderosaridgebnb.com

Welcome New Members



L to r: Eddie Fan, Fan Chiropractic & Reflexology; Jeff Smart and Danika McClean, Coloma Cottages; Shannon Mainwaring, Lake Oaks Mobile Home Community; John Kaufman and Heather Benner, Engie Services; Brigitte and John Young, Let's Poké; David Pimentel, Kinetico Water of Placerville; Cathy Zuber, EDC Chamber.

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NOVEMBER 2018 COMMUNITY CALENDAR

Apple Hill Season – www.applehill.com

Community Observatory

Folsom Lake College-El Dorado Center, Campus Dr. Free. (530) 642-5621 or communityobservatory.com

Lofty Lou's Free Learn to Knit Kit & Lesson

10,000 NEW KNITTERS campaign to introduce "newbies" to the craft. (530) 642-2270 or visit <http://www.knit.us>, 263 Main Street, Placerville

Gold Rush Barbershop Chorus & Quartet

Tuesday Evenings, 7:00 p.m. First Christian Church of Placerville, 2687 Andler Rd. (530) 680-8844 or www.gold-rushchorus.org

Apple Jacks & Jills Square Dance & Line Dance Club

Wednesday Evenings, 6:30 p.m. at Hangtown Grange, 2020 Smith Flat Road, Placerville. (530) 621-1830 or (916) 933-2790.

Main Street Strollers Square Dance Club

Thursday Evenings, 6:30 p.m. at I.O.O.F Hall, 467 Main Street, Placerville. (530) 677-7961. mainstreetstrollers@gmail.com

UCCE/El Dorado County Master Gardener Classes

Nov 3 Landscaping with trees and Shrubs, Government Center, Hearing Room Building C, 2850 Fairlane Court, Placerville. 9 a.m. – Noon. Free

Nov 10 Saturdays with Barry, Sherwood Demonstration Garden, Folsom Lake College, 6699 Campus Dr, Placerville. 9 a.m. – 11 a.m. \$2 Parking

Nov 14 Turning Dirt into Gold – Cameron Park Community Center, 2502 Country Club Dr. 9 a.m - Noon

UCCE Master Gardeners of El Dorado County Office, (530) 621-5512, <http://www.ucanr.edu/edmg>

Farmers Markets

Saturday 8 a.m. - noon - Placerville - Ivy House Parking Lot, Ends November 10th.

(530) 622-1900 or www.eldoradofarmersmarket.com/

American River Conservancy November events

Nov 3 Wakamatsu Open Farm Day, 10 a.m., \$10 per vehicle

Nov 4 Capturing Wakamatsu: A Poetry Walk/Workshop, 10 a.m., \$5/members, \$10/non-members

Nov 10 & 11 Wakamatsu Farm Volunteer Orientation, 10 a.m.,

Nov 17 Wakamatsu Historical Public Tours, 10 a.m., \$5/ members, \$10/non-members,

Nov 17 Wakamatsu Farm Public Tours, 10 a.m. \$10/Adults, \$5/Children 10-17 years old

Nov 18 Fall Bird Walk at Knickerbocker Creek, 8 a.m., \$5/ members, \$10/non-members.

Please call for meeting location & further details. (530) 621-1224, julie@arconservancy.org, <http://arconservancy.org/>

Haunted Hangtown Ghost Tours

Most Friday and Saturday nights, 8:45 – 11 p.m., Ages 16+, \$25 pp

(530) 748-0435 or <https://hauntedhangtownghosttours.com/tours/>

Nov 3, 10, 17 & 24 Family Karaoke Pizza Factory Placerville

6:00 p.m. – 10:00 p.m. 1242 Broadway, Placerville. 530-626-3034

www.facebook.com/placerville.pizza.factory

Nov 3 Book Launch & Signing

"Merlin's Stronghold" by Angelica R Jackson. Noon – 2 p.m. Face in a Book, 4359 Town Center Blvd #113, El Dorado Hills, 916-941-9401, www.getyourfaceinabook.com

Nov 3 Harvest Festival

11 a.m. – 4 p.m. Madroña Vineyards, 2560 High Hill Road, Camino. \$20/pp. (530) 644-5948 madronavineyards.com

Nov 3 Murder at the Flamingo Lounge

4 p.m. – 8:30 p.m. Placerville Shakespeare Club, sponsored by Active 20-30 Club, Gold Rush #1034

goldrush1034@gmail.com or <https://goldrush1034.org/murder-mystery-dinner/>

Nov 3 Casablanca in the Hills

6 p.m.- 11 p.m. Lakehills Covenant Church, 7000 Rosemore Lane, El Dorado Hills. \$95 per person at casaeldorado.org or by calling 530-622-9882

Nov 4 39th Apple Hill Harvest Run

7 a.m. At the Beautiful Lava Cap Winery. (530) 644-7692 or www.applehillrun.com

Nov 4 7th Annual Worship Concert

Noon. Motherlode Lions Club, 4701 Missouri Flat Rd., Placerville. New Beginnings Gold Country, Linda Foss, (530) 303-3710

Nov 4 & 18 El Dorado Depot -El Dorado Western Railroad Rides

11 a.m. Departs from Oriental Street. (530) 409-8473, museum.edc.gov.us/el-dorado-western-railroad

Nov 6, 13, 20 & 27 Bingo

5 p.m. Pollock Pines/Camino Community Center, 2675 Sanders Drive. (530) 647-8005, pollockpines.org

Nov 9 & 10 20th Annual Craft Faire

9 a.m. – 4 p.m. Cold Springs Church, 2600 Cold Springs Road, Placerville. 530-622-2171

Nov 10 6th Annual Christmas Faire

10 a.m. – 4 p.m. Everhart Cellars/Hart 2 Hart Vineyards, 5821 Hwy 49, \$10 (530) 885-9463 <http://hart2hartvineyards.com/>, hart2hartvines@att.net

Nov 10 & 11 Holly's Holiday Cheese & Wine Pairing

Holly's Hill Vineyard, 3680 Leisure Ln, Placerville. (530) 344-0227 or hollyshill.com

Nov 10 & 11 Bottle Your Own at Fenton Herriott Vineyards

Noon – 4 pm. briand@fentonherriott.com, www.fentonherriott.com

Nov 10 Crab and Chowder Gala Fundraiser

6 p.m. El Dorado County Fairgrounds, 100 Placerville Dr. (530) 621-5860. <http://eldoradocountyfair.org/gala.html>

Nov 11 Veterans Day Observance at the

El Dorado County Veterans Monument, 11 a.m. –Noon, 360 Fair Ln, Placerville.

Nov 11 & 25 Shingle Springs Depot -El Dorado Western Railroad Rides

11 a.m. Departs from 4241 Mother Lode Dr. (530) 409-8473, museum.edc.gov.us/el-dorado-western-railroad

Nov 11 6th Annual Night at the Library – El Dorado Hills

4 p.m. – 6:30 p.m. El Dorado Hills Friends of the Library, www.edhlibraryfriends.org/night-at-the-library, library-friendsedh@gmail.com, 916-358-3500

Nov 15 Thanksgiving Paint & Pour Party

6 p.m. – 8 p.m. Fine Arts School in the Pines, 492 Main Street, Placerville. 530.366.5116 or www.fineartsin-thepines.com

Nov 16 – Dec 23 Olde Coloma Theatre Presents

"The True Meaning of Christmas or Presents and Promotions", oldecolomatheatre.org or (530) 626-5282

Nov 17 Empty Bowls Supper

4 p.m. – 8 p.m. El Dorado County Fairgrounds, 100 Placerville Dr, Placerville. gwenyaeger66@gmail.com or (415) 305-7282

Nov 17 Christmas Craft Faire

10 a.m. – 4 p.m. Cameron Park Community Center, 2502 Country Club Dr. cpcsd@cameronpark.org, <http://www.cameronpark.org/>, (530) 677-2231

Nov 17 Stagecoach Rides

Noon Weather permitting. Davey "Doc" Wiser & Crew. Placerville-downtown.org

Nov 17 3rd Saturday Art Walk

5 p.m. – 9 p.m. Historic Downtown Placerville (530) 672-3436, Placerville-downtown.org

Nov 23 Festival of Lights in Historic Placerville

5:30 p.m. Historic Main Street Placerville, (530) 672-3436, Placerville-downtown.org

Nov 23, 24, 25 & 30 Santa Photos

1 p.m. – 5 p.m. El Dorado Hills Town Center - California Welcome Center, 2085 Vine St #105

Nov 25 Community Project EVENT to Benefit Homeless

Project Warmth & Boulevard 41. Come help us fill some backpacks, enjoy amazing wood fired pizza and see/hear some very talented youth! 10 a.m. – 2 p.m. Boulevard 41, 4364 Town Center Blvd, #134, El Dorado Hills. <https://www.facebook.com/Project-Warmth-1566147406933943/> or amygaal@sbcglobal.net

Nov 30 Christmas Tree Lighting in Cameron Park

5 p.m. – 6 p.m. Christa McAuliffe Park, 2400 Merrychase Dr. (530) 677-2231 or www.cameronpark.org/events

For more information on these and other events, visit www.visiteldorado.com

Event date, time, cost or locations are subject to change. Prior to attending an event please confirm the information.

Meetings:

- Nov 1 Chamber Diplomats**, noon, Chamber
- Nov 1 Board of Directors**, 5:00 p.m., EDCOE
- Nov 8 Joint Chambers**, 7:30 a.m., EDCOE
- Nov 8 Visitors Authority**, EDC Chamber, 3:00 p.m.
- Nov 14 Luncheon**, Red Hawk, 11:30 a.m. RSPV req'd
- Nov 15 Mixer Wells Fargo Bank**, 5:30 p.m.- 7:30 p.m.
- Nov 21 Ag Council**, 7:30 a.m., Ag Building

Spotlight on a Gold Member

Sly Park: Celebrating Fifteen Years of Local Control

By Jesse Saich, EID Communications Manager

Fifteen years ago, EID purchased the Sly Park Unit of the Central Valley Project (CVP) from the United States Bureau of Reclamation (Reclamation). The CVP is comprised of 20 dams and reservoirs and associated conveyance infrastructure throughout the state, including Sly Park. With that purchase, EID made a truly lasting investment that has provided a much deeper level of security over our community's water supply.

Ultimately it boils down to two words—local control. Sly Park Project was originally conceived by EID in the 1930s to provide a reliable and stable water supply for agricultural use and consumption by the citizens of Placerville.

The Great Depression and World War II held it up and it was later constructed, not by EID, but by Reclamation as part of the CVP's American River Division.

Groundbreaking was held in the spring of 1953 and the project was completed in 1955.

Gaining control of the Sly Park Unit wasn't easy. It took an act of Congress to make it happen. Former Congressman John Doolittle, who represented this district, agreed to sponsor legislation that led to the transfer. It took several years of negotiations with the government to come to fruition. The transfer bill was signed into law by President Bill Clinton in 2000. It took three more years and additional legislation to finalize the transfer in late 2003.

With the transfer, EID immediately gained ownership of the historic water rights that came with it: an annual firm yield of nearly 21,000 acre-feet of water, a significant portion of our total supply and one that is totally under local control.

"Because EID owns Sly Park, we control it and are not subject to unnecessary federal government regulations and restrictions on its use," said EID General Manager Jim Abercrombie. "Having a robust, locally-controlled water supply is a valuable resource for our customers and community."

Coupled with the acquisition of the Project 184 power and water supply project in 1999, EID now has local control of over 80 percent of its water supply, which means that we have greater control over our destiny.

And last but not least, we have a beautiful recreational facility in our backyard that provides a wonderful experience for generations of visitors to come.

Remember: annual passes make great gifts! Three beautiful lakes (Jenkinson,

Silver, and Caples) for the price of one! www.eid.org/recreation

You Can Submit Your Event Online!

Did you know that the Chamber keeps a community calendar of events? El Dorado County events can be submitted to <http://visiteldorado.mhsoftware.com/EditItem.html>

Once approved, your event will appear on the online calendar at www.visiteldorado.com and also printed in the Voice of Business newsletter as space allows.

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