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Economic Activity Will Continue to Build Momentum into Next Year

The annual revisions to the gross domestic product (GDP) data revealed that the U.S. economy has gained momentum over the last year and now more closely corresponds with the employment data, which showed clear improvement during the first half of this year.

Real GDP has risen 2.4 percent over the past year, which is modestly better than the 2.1 percent pace averaged during the first four years of the recovery. The unemployment rate has fallen to 6.2 percent.

Consumer confidence, small business confidence and job openings have all improved in recent months, while homebuilding and commercial construction continue to slowly come back on track.

United States

The general consensus of the Economic Advisory Council calls for economic activity to improve further during the second half of 2014 and in the coming year. The recovery in housing, commercial real estate and business fixed investment is expected to gain momentum, while improved public finances are expected to reduce the drag from government spending cuts.

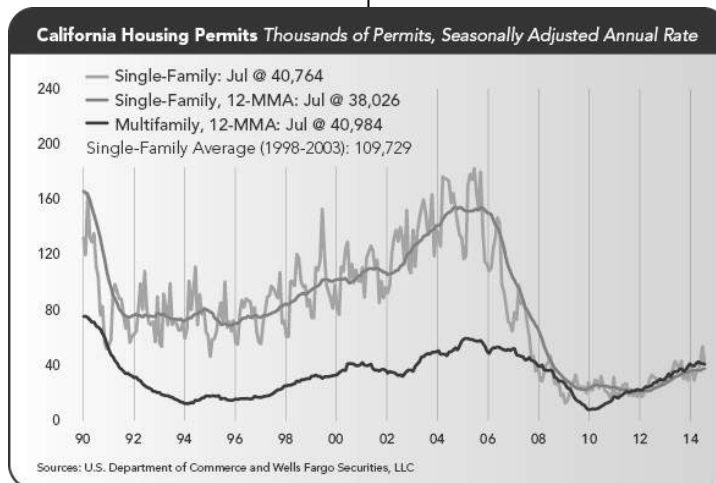
Real GDP is expected to average between a 2.5 percent and 3 percent pace over the next several quarters. Such a pace would be suffi-

cient to further reduce the unemployment rate, but not be so strong as to stoke inflationary pressures.

Interest rates should rise modestly, with the Fed expected to begin to hike the federal funds rate around the middle of next year. The pace of rate hikes is widely expected to lag behind previous tightening cycles, with the Fed moving more cautiously and ultimately less forcefully than it has in the past.

Long-term interest rates will also rise more

modestly than in the past, held back by sluggish economic conditions around the globe, continued low inflation and increased demand for fixed income instruments from an aging population in much of the developed world.



California

California's economy continues to grow at a slightly faster pace than the rest of the nation, but appears to have moderated slightly during the first half of this year.

Growth has been driven primarily by the technology boom, most evident in the Bay Area. The rapid growth of new information technologies, most notably social media, cloud computing and mobile devices, has driven employment growth up at its strongest pace since the

(Economic Activity cont. on page 6)



Chairman's Corner

By: Jay Casey

Well, we've done it; the summer is behind us. But in talking with our members up and down the state, business remains strong. I had an opportunity to visit three chapters in September as well as 12 or so member locations. I can tell you, California movers have a lot in common, and it has nothing to do with the size of a warehouse or how many trucks are on the road. The pride and professionalism I saw at each location was great; no wonder CMSA is the top state moving association in the nation. Our members know what it takes to stay on top and they prove that every day. This fact became evident during my visit to the Twin Counties, San Diego and O.C./Beach Cities Chapters.

I was able to take some time and visit with some members in the Twin Counties Chapter. I was impressed to learn that some members have two-hour drives one-way to get to the

meeting; we have a lot of dedicated members here. Mark Layton, the chapter president, did a great job conducting the meeting and getting the group fired up for their upcoming golf and bocce tournament fundraiser.

After leaving the Twin Counties Chapter, our next stop was San Diego. It was a great turnout with a lot going on in San Diego. This is another energetic group of folks, with RaeDeane VanMeter at the helm. Thank you to the San Diego Chapter for the warm welcome.

Our last stop was the O.C./Beach Cities Chapter. Chapter President Tom Smith was on the ball. It was good to see some old friends at this meeting, such as Larry Stanley of Merit Moving Systems Inc. and Joe Hammer Sr. of California Relocation Services Inc. I look forward to winning their golf tournament on October 20.

I would like to thank all members who attended these meetings, with special recognition to Casey Myers of Paul Hanson Partners and Jeff Nadeau of DEWITT Companies for attending all three meetings. Casey and Jeff, thank you for your support and friendship.

(Chairman's Corner cont. on page 4)

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President's Comments

By: Steve Weitekamp

Advocacy is an important part of CMSA's regular activity and September was busier than usual on that front. We saw the opening of a dialogue with new CPUC senior enforcement with a discussion that will hopefully lead to opportunities for greater un-

derstanding of challenges and issues facing the regulated industry.

After visits with the Chairman Casey to several chapters (see the Chairman's column for a detailed account), I traveled to the AMSA fall board of directors meeting in Washington, D.C., where California issues are of frequent interest. Part of the agenda was a presentation on the current state of the CARB On-Road Diesel Engine program and where CARB is planning to go next. We also had the opportunity with other CMSA members Rick Curry and John Chipman Jr. to spend an afternoon lobbying on the Hill, where we met with the legislative staff of several California legislators and shared our concerns related to interstate transportation and, of course, CARB.

Interstate issues that were reviewed included:

- Combating unscrupulous rogue movers and the lack of impact that the FMCSA household goods consumer protections enforcement programs currently possess;
- Requiring container companies brokering household goods moves to comply with household goods consumer protection rules, involving a discussion of the need to revisit the Limited Service Exclusion (LSE);
- Drafting a multiyear highway bill to address deteriorating highways and bridges; and
- Retaining the federal moving expense tax in any comprehensive tax reform.

The month also included a meeting with Advocacy Inc., CMSA's longtime legislative advocate, with presentations to the CMSA Executive Committee by Chuck Cole and colleagues as well as CPUC legislative staffer Nick Zanjani. Cole reviewed the current political climate in Sacramento, stating that

(President's Comments cont. on page 5)

Johnson & Daly Joins Atlas Van Lines' Agency Network

SAN RAFAEL, August 26, 2014 — Since 1979, Johnson & Daly Moving & Storage has been conducting residential and commercial moves throughout Marin County, California. The county's largest moving company now adds to its legacy by joining leading mover Atlas Van Lines and its expansive agency network. As an Atlas agent, the company will continue to serve the North Bay area with its moving (local, commercial, international and long distance) and storage (mobile containers, warehousing and commercial) services.

"It's an honor to now be part of the revered network Atlas Van Lines has assembled," said Mario Batz, general manager of Johnson & Daly Moving & Storage. "The company's reputation has set a precedent for the entire industry, and we look forward to the growth potential their world-class resources will provide."

Johnson & Daly Moving & Storage is currently experiencing a period of growth that has

resulted in a 15 percent increase in capacity and the hiring of six new employees in the past year. Alongside the improving housing market, they are witnessing a major upswing for full-service packing as well as short- and long-term storage. Operating out of a 150,000 square foot facility, the company's staff currently consists of 45 highly trained employees who have passed rigorous background check and undergone extensive training on packing, loading, driving and unpacking.

"Atlas Van Lines is excited to welcome Johnson & Daly Moving & Storage to our agency family," said Steve Hermann, vice president of agency development at Atlas Van Lines. "Joining our esteemed team of agents will only enhance the personal attention to which Johnson & Daly Moving & Storage's customers are accustomed. The company will retain the ability to act independently while Atlas will continually supply the resources of a major moving van line."

(Chairman's Corner cont. from page 2)

To our CMSA President, Mr. Steve Weitekamp,

special thanks for shepherding me around the state, scheduling visits and getting me home safe and sound.



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(President's Comments cont. from page 3)

California is the bluest of the blue states, noting that California Democrats were in no danger of losing their majorities in both state legislative chambers. The only possible area of concern would be a loss of their two-thirds supermajority, which allows the party in power to exercise their will on budgetary and other matters without minority input.

CMSA has been reviewing and monitoring two bills, both of which the Association opposes, that were recently signed by Governor Brown. The first bill is AB 1897, which requires that businesses share the civil legal responsibility and civil liability of labor contractors for workers supplied by a labor contractor for the payment of wages and the failure to obtain valid workers' compensation coverage. Early this month, CMSA emailed all members an AB 1897 bill analysis, drafted by CMSA Legal Counsel Mark Hegarty, that shows the potential implications of this new law to moving companies in California. The legislation was also a priority of organized labor, and it was one of only two bills given the California Chamber of Commerce's "job killer" label to make it to Brown's desk this year. For a

more detailed look of the new law, you can view the text at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1897.

The other bill that CMSA opposed was the SB 1204 California Clean Truck, Bus and Off-Road Vehicle and Equipment Technology Program legislation. This bill was recently discussed by CMSA members in a meeting with California State Senator Joel Anderson in June. To learn more about the new law, please see its full text at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1204.

We were advised in September that our past engagement with the California Department of General Services (DGS) has had some positive impact on the recently released, Master Services Agreement (MSA) for Office Moving Services. This is a valuable opportunity to work with state and local governments to bring a full range of services to remove free-standing or affixed office and/or lab furniture (including modular furniture), equipment and related supplies from an existing location, transport items to a new location, and place the objects according to the direction of the Ordering Agency. In late September, CMSA sent out a link to solicit all members for bids.



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(Economic Activity cont. from page 1)

dot-com boom.

Rebounding home prices, the resurgence in international trade and strong growth in tourism have also driven gains in recent years, with most of the improvement occurring in California's coastal areas. All three have shown signs of cooling in recent months, however, possibly reflecting the impact of the Fed's tapering of securities purchases as well as slower economic growth in Japan, China and much of Europe.

The winding down of the Fed's asset purchase program is helping cool off some of the more speculative aspects of California's recovery. The rapid rebound in home prices has cooled off in recent months and run-up in equity valuations for technology and life sciences companies has subsided somewhat.

Home sales struggled during the first half of the year, with traditional buyers having more difficulty affording the higher home prices resulting from the influx of investor buyers or qualifying for mortgages under more stringent underwriting and income standards.

The tech sector also appears to be cooling off, with several hardware manufacturers an-

nouncing job cuts in recent months and the IPO market for new technology firms becoming more selective.

Forecasts for California remain generally upbeat. Nonfarm employment estimates have been revised higher in recent years and the latest forecasts from members of the Economic Advisory Council are on balance slightly higher than the most recent year-to-year growth.

California's unemployment rate is expected to drop further over coming months, but the pace of the decline is expected to slow. The jobless rate should end the year at around 7 percent and end 2015 at 6.5 percent or less. Homebuilding is expected to increase further this year, with single-family starts rising 25 percent to 30 percent this year and multi-family starts rising 15 percent to 20 percent.

Home prices have moderated considerably over the past year and are expected to rise even more modestly during the coming year, with the 6.7 percent gain in median home prices reported by the California Association of Realtors over the last year moderating to less than 5 percent a year from now.

(Economic Activity cont. on page 7)

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(Economic Activity cont. from page 6)

Employment Growth Shows Signs of Moderating

Nonfarm employment increased 0.2 percent in July, as California added 27,700 net new jobs. Health care and social assistance, professional and technical services, and the leisure and hospitality sector accounted for the bulk of July's job gains. Most other major categories also added jobs during the month, including manufacturing and local government.

While employment gains remain fairly broad-based across most major industry categories, there are also signs that growth is moderating in some areas. Construction employment fell 1 percent in July, as builders cut 6,400 positions. The drop followed an 8,000-job loss during the prior month. Hiring has also slowed in wholesale trade and in transportation and warehousing.

California's unemployment rate was unchanged in July at 7.4 percent, as both civilian employment and the civilian labor force declined by the same proportion during the month. The California unemployment rate has fallen by 0.9 percentage points since the end of last year

and is down 1.6 percentage points over the last 12 months.

The drop in the unemployment rate over the past year has primarily come from stronger job growth. Civilian employment has risen 1.7 percent over the last year while the labor force has fallen 0.1 percent. The drop in the labor force pulled California's labor force participation rate down to 61.9 percent, which is a full percentage point below the comparable national rate.

The continued slide in California's labor force participation rate reflects the rise in retirements associated with the aging of the state's large baby boom population, stubbornly high long-term unemployment, and a greater hesitance by younger persons to join the workforce.

California faces greater challenges on all three fronts, with the state's larger and slightly older workforce retiring at a faster rate than the nation. Long-term unemployment is also a greater problem in the Golden State, with many longtime major employers and industries restructuring or leaving the state.

Source: California Chamber of Commerce, *Alert*



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Dependable Auto Shippers Inducts Four into 'Haul of Fame'

Award Program Recognizes Drivers with a Million Accident-Free Miles

DALLAS, August 20, 2014 — Dependable Auto Shippers (DAS), one of the largest auto transport companies in the U.S. since 1954, recently inducted four additional drivers into the "Haul of Fame," an award program recognizing outstanding DAS drivers who have accumulated million-mile increments accident-free.

During the second-quarter, Ismail Jenkins, Uili Leatutufu, Juan Luis Martinez and Calvin Ray York each surpassed the one-million-mile mark with an accident-free record. With the induction of these four drivers, the "Haul of Fame" now includes an impressive 36 professional drivers who have logged more than a million miles without a single accident.

"We are so excited to congratulate Ismail, Uili, Juan and Calvin for achieving this significant milestone," said John Roehll, executive vice president and co-owner at DAS. "Each of our drivers takes a tremendous amount of pride

in delivering our customers' vehicles quickly, and most importantly, safely. The Haul of Fame members are a testament to our commitment to safety behind the wheel."

Jenkins, Leatutufu, Martinez and York will receive a personalized award and crest-shaped decal to display on their truck. Additionally, each recipient's name will be added to a plaque hanging in the DAS corporate office, which recognizes all of the Haul of Fame members.

To qualify for the DAS Haul of Fame, drivers must have accumulated at least one million miles of accident-free driving throughout their entire career. DAS references industry standards when classifying accident-free miles as mileage that does not include recordable, preventable collisions.

DAS implemented the program during April 2012.



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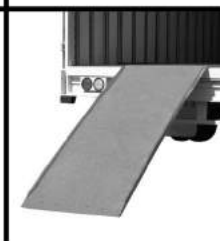
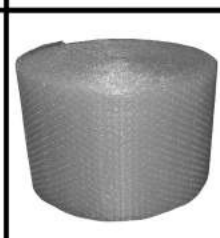
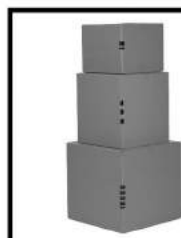
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5 Proven Tips for Sending Emails that Close Sales

By: Marc Wayshak, sales strategist and best-selling author

Sending emails is an integral part of selling in today's world. But at a time when prospects are receiving hundreds of emails every single day, it is easy for yours to get lost in the crowd. What's even more frustrating is since this technique is relatively new in the realm of sales prospecting, there has been very little data to show which prospecting email techniques actually work.

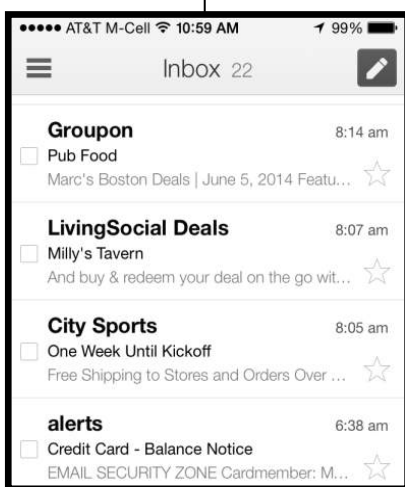
But now, thanks to data pulled from HubSpot Signals email tracking software, we can get a rare glimpse into what actually works most effectively for getting our emails read. HubSpot has produced a brand new report that contains information from 6.4 million one-to-one emails sent from Signals users. Pulling from this user pool allowed HubSpot to identify which individually sent emails were actually being opened and which were being ignored. Here are five tips based on this data that will help you send emails that lead to closed sales.

1. Send emails during off-peak hours: Many salespeople send the majority of their prospecting emails during the middle of the week to give their prospects a break from emails on the weekend. However, open rates for emails sent on Saturday and Sunday are actually higher than those for emails sent during the week. An email sent on Tuesday has a 58 percent chance of being opened, whereas an email sent on Saturday has a 65 percent chance of being opened. This means that you might want to rethink when you are sending your prospecting emails. Try sending them out on the weekends, and see if you find similar increases in your open rates.

2. Choose your words wisely: Typically, the first part of an email you will read is the subject. That's why what goes into your prospecting email's subject will often determine whether the

rest of the message ever gets read. HubSpot found that emails with the words "you," "quick," "meeting," and "fw:" were less likely to be opened by a prospect. On the other hand, emails with the words "free" and "tomorrow" or emails with no subject whatsoever had higher open rates. So test crafting your emails with and without some of these words in order to see which emails have higher open rates.

3. Show you've done your homework: Think about your own process of sorting through emails. After you've looked at the subject of an email, the first sentence of the message will be critical in your decision to continue reading. This hook is even more important when you consider the prevalence of smartphones today: A phone will often display the subject of an email and a preview that includes the first few words of the message. Because of this feature, your first sentence must be highly personalized to show that you know something about your prospect and her company. If the email appears boilerplate, the prospect will immediately delete it.



4. Engage the prospect with an easy question: Oftentimes we forget what the purpose of a prospecting email is in the first place. The goal of an email is not to close a sale, but rather to engage the prospect in a conversation that can lead to a phone conversation or face-to-face meeting. Therefore, be sure that your prospecting emails inspire prospects to respond to you. End every email with an easy-to-answer question. Try something simple and quick like, "Is this a challenge that you face in your business?"; "What's the best address to send this report to?"; or "What's your biggest marketing-related priority right now?" By closing your emails with a question, prospects will be more likely to respond because you've 1) engaged them directly and 2) removed the guesswork surrounding what kind of information you need

(Email Tips cont. on page 12)

New Member Spotlight



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Air Resources Regulatory Experts

*"**CleanFleets.net** provides CARB regulatory compliance services to dozens of CMSA members. Director Sean Edgar has conducted workshops and presented at CMSA's Convention and chapter meetings for more than five years. Log onto www.cleanfleets.net to schedule opacity testing and a CARB checkup."*

Sipe's Tahoe

*"**Sipe's Tahoe** has been in the business of refinishing, restoring and repairing for more than 30 years, and has a vast combined knowledge and appreciation for quality. It offers a better option than replacing costly furnishings, cabinetry and finishings, and provides comfort by assuring the work will be done with superb craftsmanship."*

(Email Tips cont. from page 10)

from them to move forward.

5. Use email tracking software to collect data on when someone opens your email: Until now, salespeople have been left in the dark as to when a prospect actually opens their email. However, thanks to some pretty amazing technological breakthroughs from products, such as HubSpot Signals and Yesware, we can now know exactly when a prospect opens our personal emails. Since both companies offer free trials for these great plugins, be sure to download one and watch your world of email prospecting change forever. Also, now that you know when a prospect has opened your email, you can follow up with a call and increase the likelihood of getting through. Also, now that you have the ability to track which emails get opened, test different combinations of subject lines and first sentences to see which trigger prospects to click through most often.

By applying these five tips to your prospecting emails, you will see a significant increase in open rates, responses and, most importantly, closed sales.

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ShipHawk Welcomes New High-Profile Sales Director

SANTA BARBARA, August 22, 2014 — ShipHawk, the online tech startup dedicated to making shipping easy, announced that Charley Dehoney, former sales director for startup Cargomatic.com, has joined the ShipHawk team. Dehoney comes onboard as ShipHawk's director of sales.

Dehoney was the founder of the first Box Bros. franchise in San Diego and exited that business for 10 times his initial cash investment. He went on to work with another startup poised for success, Cargomatic.com, where he grew

revenues north of \$2 million in less than nine months. His success at Cargomatic, an on-demand freight transportation marketplace, bodes well for ShipHawk as it works to revolutionize shipping.

ShipHawk CEO Jeremy Bodenhamer has high expectations for Dehoney, calling him "an industry veteran with an incredible reputation." He adds, "Under his leadership, we'll improve our carrier network and expose more customers to ShipHawk's revolutionary technology."

AMS Relocation Earns Move for Hunger Award

Move for Hunger is proud to announce CMSA member AMS Relocation as August's Mover of the Month. Its August win is well-deserved, as they collected 5,660 pounds at the close of the month by collecting remaining food from the San Francisco Giants Fun Run.

AMS Relocation, agent of under Bekins Van Lines, has dedicated the year of 2014 to fight against hunger. Since January, they have taken part in eight events, delivering pounds of

food to Second Harvest Food Bank of Santa Clara & San Mateo Counties.

Throughout the entire year, AMS Relocation has collected 7,315 pounds of food to fight hunger in California. That food is equivalent to more than 6,000 meals that will go to help those who are at risk for hunger.

Their outstanding success will hopefully follow them into the future as they take on more food donation endeavors.



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CA Supreme Court Modifies

By: Paul Finkle, *ShareHR.com*

The California Supreme Court ruled in *Peabody v. Time Warner Cable* that commissions must be reconciled within a pay period in order to satisfy California minimum wage requirements for commissioned employees.

Under California's wage orders, employees are generally not eligible for overtime if they earn more than 150 percent of the California minimum wage (\$9.00 effective July 1, 2014) and receive more than half their earnings from commissions.

An issue arose before the Ninth Circuit Court of Appeals regarding how to apply the standards. The Ninth Court remanded the case to the California Supreme Court for an advisory ruling. Most importantly, the California Supreme Court advised that employers may not attribute the commissions paid in one pay period to other pay periods in order to satisfy California's compensation requirements. This means that base

“compensation” must satisfy the fundamental wage order conditions in order for the salesperson to be exempt from overtime, irrespective of the total amounts of commissions paid in a given month. Many employers currently balance commissions earned in a calendar month (this may span up to four pay periods) in order to satisfy the earnings for minimum wage. The Supreme Court’s advice was clear in that a **California employer may not, under any circumstances, use wages paid in one period to cure a shortfall existing in a prior pay period.** The Supreme Court narrowly construed “commissioned employees” against employers by finding that in order to satisfy the wage exemption earnings criteria, a worker must be paid a sufficient minimum and this amount cannot be supplemented by earnings or commissions attributed to that pay period that are actually paid weeks, months (or even the next pay period) later. This ruling will disrupt many traditional commission pay

(Commissioned Workers cont. on page 15)



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Facts in the Peabody v. Time Warner Case

Susan Peabody, the plaintiff, was an account executive for Time Warner who sold advertising for cable television channels. During the period in question, Peabody was paid \$769.23 in base salary (\$9.61 per hour) for a 40-hour week. This amount turned out to be less than 150 percent of the then current minimum wage (\$8.00 per hour). There was no dispute that the company paid Peabody commissions on a monthly basis, under the commission plan. Peabody sued for unpaid minimum and overtime wages. She claimed that many weeks she worked so many hours that \$769.23 did not even meet the minimum wage requirement, let alone overtime. The second part of her claim was that as a commission salesperson she did not receive half of her earnings in commissions during certain wage periods, therefore the salesperson exemption did not apply.

The lower court ruled in favor of the employer, which reviewed compensation records and determined that, over a span of months,

Peabody was more than appropriately compensated to satisfy the exemption. On appeal however, the Ninth Circuit found no controlling California precedent and asked the California Supreme Court to assist.

The Supreme Court ruled that Labor Code Section 204 requires employers to pay wages to most employees on a semi-monthly basis. The Supreme Court ruled that the Labor Code elsewhere defines "wages" as including commissions; therefore, it determined that all commissions must be paid on a semi-monthly or more frequent basis in order to support the overtime exemption.

Significance

On a federal level, the Fair Labor Standards Act does not require employers to pay employees commissions on a semi-monthly basis. This new ruling by the California Supreme Court, however, will have a clear impact on how many employers calculate commissions paid on a monthly or quarterly basis. This new ruling should encourage employers to define more carefully how and when commissions are earned, when commissions are paid. Employers

(Commissioned Workers cont. on page 16)

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Tips for Using Public Wi-Fi Networks

Wi-Fi hotspots in coffee shops, libraries, airports, hotels, universities and other public places are convenient, but often they're not secure. If you connect to a Wi-Fi network and send information through websites or mobile apps, it might be accessed by someone else.

To protect your information when using wireless hotspots, send information only to sites that are fully encrypted and avoid using mobile apps that require personal or financial information.

How Encryption Works

Encryption is the key to keeping your personal information secure online. Encryption scrambles the information you send over the Internet into a code so it's not accessible to others.

When you're using wireless networks, it's best to send personal information only if it's encrypted — either by an encrypted website or a secure Wi-Fi network. An encrypted website protects only the information you send to and from that site. A secure wireless network encrypts all the information you send using that network.

How to Tell If a Website is Encrypted

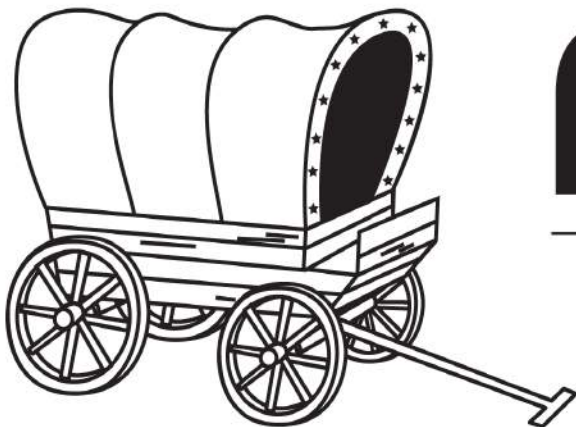
If you send email, share digital photos and videos, use social networks, or bank online, you're sending personal information over the Internet. The information you share is stored on a server — a powerful computer that collects

(Wi-Fi Network Tips cont. on page 17)

(Commissioned Workers cont. from page 15)

may be able to focus pay practices such that certain regular payments need to be considered advances on commissions to be earned in the near future. This ruling also applies to employers that pay on a piece-rate, mileage rate or other form of regular incentive compensation.

Because of the danger of class action lawsuits and private attorneys' general act (PAGA) claims in California, this case should be a clear mandate that employers review their pay practices to make sure they conform to this new ruling for all commissioned, piece-rate, or other non-traditional compensation systems.



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(Wi-Fi Network Tips cont. from page 16)

and delivers content. Many websites, like banking sites, use encryption to protect your information as it travels from your computer to their server.

To determine if a website is encrypted, look for “https” at the start of the web address (the “s” is for secure). Some websites use encryption only on the sign-in page, but if any part of your session isn’t encrypted, your entire account could be vulnerable. Look for “https” on every page you visit, not just when you sign in.

What About Mobile Apps?

Unlike websites, mobile apps don’t have a visible indicator like “https.” Researchers have found that many mobile apps don’t encrypt information properly, so it’s a bad idea to use certain types of mobile apps on unsecured Wi-Fi. If you plan to use a mobile app to conduct sensitive transactions — like filing your taxes, shopping with a credit card or accessing your bank account — use a secure wireless network or your phone’s data network (often referred to as 3G or 4G).

If you must use an unsecured wireless net-

work for transactions, use the company’s mobile website — where you can check for the “https” at the start of the web address — rather than the company’s mobile app.

Don’t Assume a Wi-Fi Hotspot is Secure

Most Wi-Fi hotspots don’t encrypt the information you send over the Internet and aren’t secure. In fact, if a network doesn’t require a WPA or WPA2 password, it’s probably not secure.

If you use an unsecured network to log in to an unencrypted site — or a site that uses encryption only on the sign-in page — other users on the network can see what you see and what you send. They could hijack your session and log in as you. New hacking tools — available for free online — make this easy, even for users with limited technical know-how. Your personal information, private documents, contacts, family photos and even your login credentials could be up for grabs.

An imposter could use your account to impersonate you and scam people in your contact lists. In addition, a hacker could test your username and password to try to gain access to other websites — including sites that store your financial information.



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How to Handle Employee Refusal to Take Lunch at Assigned Time

I have scheduled staggered lunch breaks for all my employees, but one employee refuses to go to lunch at her assigned time because she says she's not hungry that early and would rather take her lunch later in the day. She says as long as she starts her lunch before the fifth hour of the workday, she is being legally compliant and I can't force her to go earlier. What can I do?

As an employer, you are entitled to set your employees' work schedules according to your business needs and in compliance with the law. This includes scheduling start and end times as well as meal and rest period times. Employees do not have the right to refuse to take meal or rest breaks as scheduled.

'Early Lunching'

Although California law does mandate that meal periods for nonexempt employees begin

before the end of the fifth hour of work (meaning no later than 4 hours and 59 minutes into the shift), employers are not required to schedule lunch breaks precisely in the middle of a shift nor at a specific time requested by the employee.

The California Supreme Court in the case of *Brinker Restaurant Corp. v. Superior Court* clarified that the practice of "early lunching" (meaning a meal period that begins early in the shift, well before the end of the fifth hour) is acceptable in certain circumstances. This practice is quite common in restaurants, where servers may be scheduled for meal breaks during the first hour or two of a shift to avoid being gone during a dinner-time rush.

The court noted the general rule that, in a normal eight-hour shift, one rest break should fall on either side of the meal break, but that

(Assigned Lunch Time cont. on page 19)



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(Assigned Lunch Time cont. from page 18)

practical considerations may render this timing infeasible.

Keep in mind, an employee has no more right to refuse to take a meal break as scheduled than she/he would to refuse to come to work on time. As the employer, you may set the work schedule and have every right to enforce that schedule. You may discipline an employee who refuses to comply with the schedule as it is set, just as you would for an employee who does not come to work on time.

Both scenarios are violations of employer's work rules.

Adjusting Meal Periods

Are there any situations where an employer might be legally required to change an employee's meal break schedule?

While an employer has a right to set employees' meal and rest period times, two situations come to mind where an employer might need to

consider adjusting the timing according to an employee's needs:

- First, adjusting a meal period time might be a reasonable accommodation for an employee with a disability, such as where the worker has diabetes and needs to schedule meal times to avoid dangerous blood sugar levels.
- It may also be necessary to consider an accommodation when an employee has a religious need. For example, an employee who must take a break for prayer at a certain time of the day might ask to schedule his/her lunch break at that time.



Please keep in mind that in both these situations, the meal period still would need to begin before the end of the fifth hour of work to stay in compliance with the law.

Source: California Chamber of Commerce, *Alert*

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Wed., October 22	San Diego Chapter Meeting	Tues., December 16	North Bay Chapter Meeting
Wed., October 22	Northern Region Chapter Meeting	Thurs., December 18	Sacramento Chapter Meeting
Thurs., October 23	Sacramento Chapter Meeting	Wed., January 14	Twin Counties Chapter Meeting
Tues., November 11	Mid Valley Chapter Meeting	Wed., January 14	San Diego Chapter Meeting
Tues., November 11	Twin Counties Chapter Meeting	Wed., February 18	Greater Los Angeles Chapter Meeting
Wed., November 12	Monterey Bay Chapter Meeting	Tues., February 24	Northern Region Chapter Meeting
Wed., November 12	San Diego Chapter Meeting	Wed., March 18	San Diego Chapter Golf Tournament
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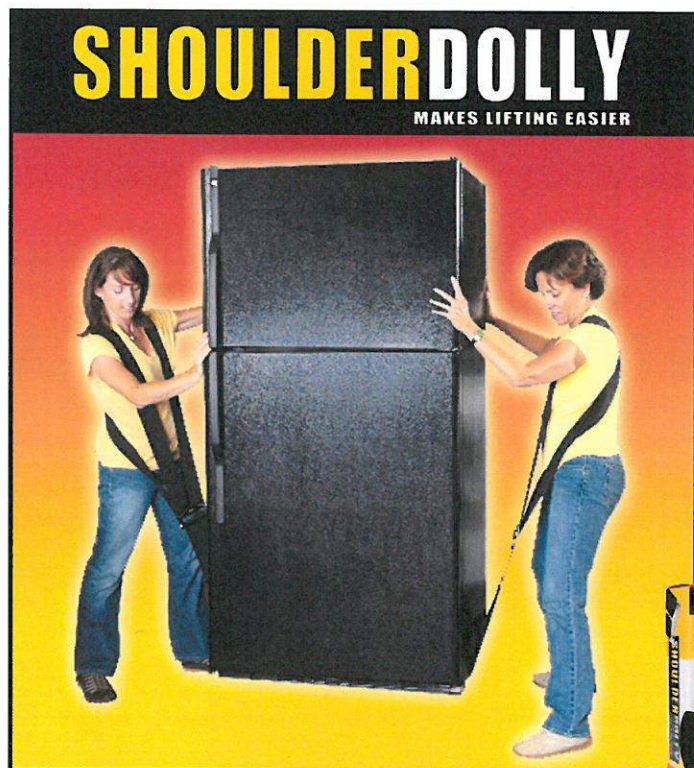
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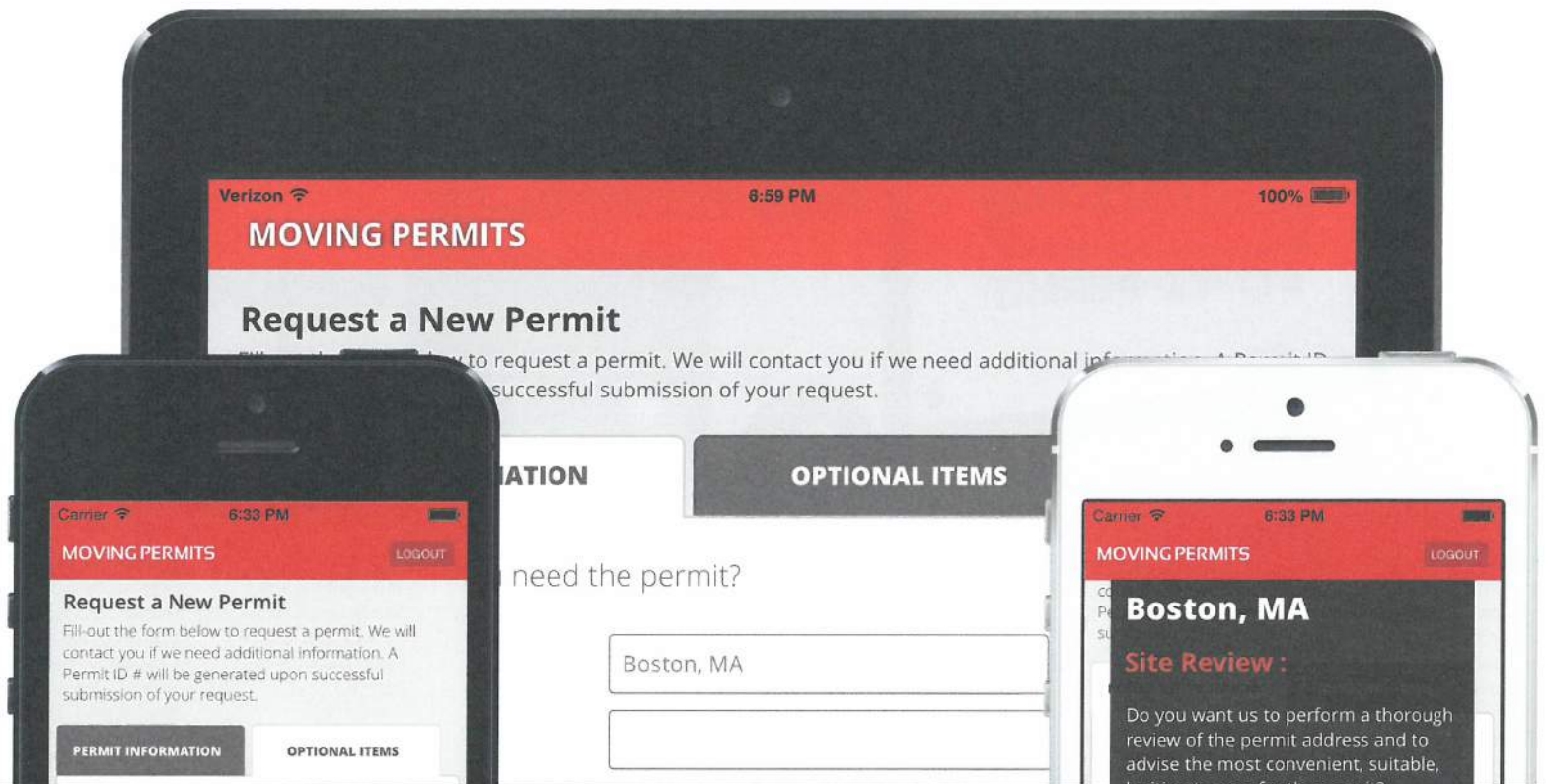


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