

SB 358 Signed by Governor Newsom

On October 8, 2019, Governor Newsom signed SB 358 an omnibus transportation bill which included an act to amend Section 2810.3 of the Labor Code. Portions of the amendments relevant to Household Movers are presented below.

(a) As used in this section:

(1)(A) "Client employer" means a business entity, regardless of its form, that obtains or is provided workers to perform labor within its usual course of business from a labor contractor.

(3) "Labor contractor" means an individual or entity that supplies, either with or without a contract, a client employer with workers to perform labor within the client employer's usual course of business. "Labor contractor" does not include any of the following:

(b) A client employer shall share with a labor contractor all civil legal responsibility and civil liability for all workers supplied by that labor contractor for both of the following:

- (1) The payment of wages.
- (2) Failure to secure valid workers' compensation coverage as required by Section 3700.

(c) A client employer shall not shift to the labor contractor any legal duties or liabilities under Division 5 (commencing with Section 6300) with respect to workers supplied by the labor contractor.

(d) At least 30 days prior to filing a civil action against a client employer for violations covered by this section, a worker or the worker's representative shall notify the client employer of violations under subdivision (b).

(SB 358 continued on page 8)



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CHAIRMAN'S CORNER

by Thomas McCarthy

I come to you once again from 30,000 feet flying home from what very well could be the last or at least my last Personal Property Forum (PPF). The tone set by the military from the beginning

was adversarial. We came into a room where we were divided; tables reserved in the front for the military representatives and all of us service providers in the back with no tables to work from.

But let me take a step back; the day prior, many of us arrived early to attend an industry pre-meeting. One of the things discussed was the fact that the Associations were excluded from both the new Executive Working Group (EWG), a new initiative that started at this PPF as a CEO-to-CEO level meeting, as well as the hotwash that follows the PPF. Historically, the associations have been invited to participate to be a voice of the whole industry at the hotwash.

As representatives arrived from the EWG, they told us about what they had discussed in their meeting and gave us an idea of what we might be discussing the following day. One point of contention about the EWG was if you were not invited, and many of us were not, do those that were invited, now have a competitive advantage? I think many of those there would do a great job representing all of us, but still it gives you pause.

Back to the PPF...now we make our way to the back of the room and the meeting begins with the military representatives telling us that they cannot and will not discuss the Global Household Goods Contract. Everything related to that is "pre-decisional" and therefore please do not ask any questions about it.

They then proceeded to talk about the past peak season as we normally do at this time of year. Industry was saying how having refusals allowed us more capacity. The JPPSOs all said they got nothing out of it, and they all had to work overtime because of it and saw no additional capacity from their point of view. Well, they are operating

(CHAIRMAN'S CORNER continued on page 4)





PRESIDENT'S COMMENTS

By Steve Weitekamp

Disruption continues to be a driving force in our industry and one of the core elements of the work the Association does on a daily basis. The 2019 peak season has come and gone, but

there are several large issues on the horizon that have and continue to occupy our energies and resources. Chairman McCarthy's column goes into some detail on his perceptions and opinions of the Global Household Goods Contract, US TransCom's initiative to outsource the entire DOD program to a single entity. In partnership with the International Association of Movers (IAM) and the American Moving and Storage Association (AMSA), we continue to address this issue with both the Military and Congress. Our concerns are for the Agents and Drivers, what General Lyon's would call the "boots at the curb." The General repeat-

edly states that a new program will be better for those who actually do the work, it is difficult to have any confidence in this statement when no one in government seems to have a firm grasp on how to support agents in the current program. One thing is clear, US TransCom has not engaged with Agents without authority since at least the beginning of DP3. As I have said on several occasions, local agents play no part in the current program, other than survey, pack, load, move, and store the military member's goods.

The other issue is AB 5 and the California Legislature's desire to eliminate the independent contractor model from the state. In September, Governor Gavin Newsom signed AB 5 into law and it is scheduled to become law effective January 1, 2020. The new law will make it far more challenging for independent contractors to operate in California. The impetus for the bill was the Gig economy and what the author and other like-minded legislators saw as employers taking advantage of workers and avoiding taxes. Stories circulated about Uber drivers having

(PRESIDENT'S COMMENTS continued on page 6)



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(CHAIRMAN'S CORNER continued from page 2)

with a false understanding of what industry capacity is and how their "capacity" continues to erode. They had, in my opinion, less capacity this summer than last summer, and we warned them about that at the last PPF in the spring before summer hit. They do not seem to realize the holding pattern they put many agents in with the outsourcing initiative that they refuse to talk about.

So then I ask you, what is the point of talking about the pros and cons of refusals and whether the overtime is worth the capacity? Why talk about system enhancements and new initiatives for a program that in less than two years may not exist?

Steve Weitekamp, Jeanette Homan, Alan Freese and I each made our way up to the microphone to let them know what this is doing to agents and TSPs, and I don't know if anything we said made a difference, which I find very disheartening. They have their marching orders and if their marching orders say to drive the bus off a cliff with everyone onboard, then so be it.

If this wasn't enough, Governor Newsom signed AB5 into law effective January 1, 2020. This codified the Dynamex ruling that in order to use a contractor, they cannot be engaged in the same business the unclarified question is how does this impact our industry?. Some may feel that there is an argument for using independent contractors that are righteous, by that they have their own CAL-T authority, own equipment, own employees, and several other items that meet the Borello standards that define a small independent business. Then there is a possible argument for a business-to-business relationship. But again, you have to be on the right side of the line.

While this rule was meant to target companies like Lyft and Uber, both said they do not think that this rule applies to them and will fight this in the courts when the time comes, and it surely will. Steve brought this issue up at the PPF when he was up on the industry panel and basically said if you think that labor is hard to get now...Crickets...

In my opinion, the only thing that was of benefit was the opportunity to talk to other

(CHAIRMAN'S CORNER continued on page 5)



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(CHAIRMAN'S CORNER continued from page 4)

companies about the GHC. We were talking about the different companies that are requesting information for submitting a bid. Companies like JB Hunt, who is a freight hauler but is looking to bid on this program. Let's say they get the award, so does that mean everything is crate and freight on their trailers? Does the traditional van line driver have a place in their program? But again, since this is all pre-decisional, we can't discuss these concerns.

The conversation was strictly kept to the last peak season and looking ahead to next season. The Navy & Marine Service representative scolded all the TSPs in the room that they needed to find agents to serve some of their harder-to-service areas; for example, China Lake.

I am not certain how they expect us to provide service and increase capacity in those hard to reach areas like China Lake when the financial incentives to go there are gone. In fact, with this program they have put the local agents that serviced China Lake out of business. I think my favorite person who

got up to speak from industry was a gentleman who services the southeast and Fort Moody. He told them over the summer he had a million pounds of capacity, but missed the minimum performance score by 0.035% and nothing could be done. On top of that, the two agents that service that base are about to close as they are ready to retire and their kids want nothing to do with moving. That means yet another military base will lose its local service providers.

I think my column this month was more of a rant than anything, but you know I am passionate about what we do. I am also about 400 words over budget, so I leave you with this, in vino veritas.



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to sleep in their cars in San Francisco while the "Tech Bro" founders and upper management swigged French champagne at lavish parties. While I have little doubt that this is true, it has no connection to the type of long-standing relationships that exist in our industry. Unfortunately, once the legislative process began, it was a juggernaut that gobbled up good and bad with the support of organized labor who had been waiting for the opportunity. Our industry's engagement with independent contracts shares almost no similarities to the freshly minted Gig

economy freelancers. We continue to lobby for relief for an industry model we call the "righteous contractor," a model that CMSA has long proposed and shared with our members in several independent contractor workshops over the last 15 years.

Page 7 of this issue includes an updated MAX 4 Tariff Item 465 form (in a slightly smaller than full-page form). This required form includes the Bureau of Household Goods and Services (BHGS) toll-free number. Please feel free to copy this form or contact CMSA.

Submit Your 2020 Roster Update Form Today!! Deadline: Nov. 30, 2019 (See Insert)

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Item 465

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"If you request additional or different services at the time of the move, you may be asked to complete a Change Order which will set forth your agreement to pay for additional fees for those newly requested services. If you agree to the additional charges on that Change Order, those charges may be added to the "NOT TO EXCEED" amount set forth above. If you do not agree to the amounts listed in the Change Order, you should not sign it and may refuse the mover's services.

"A mover cannot refuse to release your goods once you have paid the "NOT TO EXCEED" amount for the transportation of your goods and personal effects and any additional services that you have agreed to in writing. The "NOT TO EXCEED" amount must be reasonable.

"A mover cannot, under any circumstances, withhold food, medicine, medical devices, items to treat or assist a disabled person, or items used for care of a minor child. A mover without a valid permit has no right to withhold your goods for any reason, including claims that you have not adequately paid for services rendered.

"For additional information or to confirm whether a mover has a valid permit issued by the Division of Household Movers of the Bureau of Household Goods and Services, please call the Bureau toll free at: **1-833-488-2327**.

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(e) Neither the client employer nor the labor contractor may take any adverse action against any worker for providing notification of violations or filing a claim or civil action.

(f) The provisions of subdivisions (b) and (c) are in addition to, and shall be supplemental of, any other theories of liability or requirement established by statute or common law.

(p) This section does not impose liability on the following:

(4) A client employer that is a household mover permitted by the Bureau of Household Goods and Services pursuant to Chapter 3.1 (commencing with Section 19225) of Division 8 of the Business and Professions Code subcontracting with, or otherwise engaging, another permitted household mover to provide transportation of household goods using its own employees and motor vehicles, as defined in former Section 5108 of the Public Utilities Code.

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How Deadline Extension Affects Timing of Harassment Training

For many years, employers with 50 or more employees were required to provide supervisors with two hours of sexual harassment prevention training every two years. Last year, SB 1343 was signed into law that required all employers with five or more employees to provide the same training to supervisors and one hour of training to employees. This training had to be completed by January 1, 2020, giving employers little time to meet the new mandate.

However, on August 30 of this year, Governor Gavin Newsom signed into law SB 778, which extends this training deadline from January 1, 2020 to January 1, 2021.

Those businesses that were providing training long before SB 1343 was made law must continue to follow their two-year training cycles. So, if you trained your supervisors in 2017, then those supervisors must be retrained before January 1, 2020.

As for employees newly hired or employees newly promoted to a supervisory position, they must be trained within six months of hire or promotion, regardless of whether you fell under the old or newly enacted law.

The deadline was not extended for employers of seasonal and temporary employees, who are hired to work for less than six months. Starting January 1, 2020, these employees must be trained within 30 calendar days after their hire date or within 100 hours worked, whichever occurs first.

Employer Training Deadlines

The chart provides a quick breakdown of training deadlines for employers who have trained employees this year or in previous years.

By David Leporiere, Cal Chamber Alert, September 27, 2019

Year you last trained	Next required training year	Explanation
2019	2021	SB 778 clarifies that employers who train their employees in 2019 aren't required to provide refresher training until two years from the time the employee was trained.
2018	2020	SB 778 allows those employers who trained employees in 2018 to maintain their two-year cycle and still comply with the new January 1, 2021, deadline.
2017	2019	Employers who trained supervisors in 2017 under prior law, known as AB 1825, should still train those employees this year in order to maintain their two-year cycle.



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United States Transportation Command's 2019 Peak Season Summary

Pie chart depicts Weeks 20-35

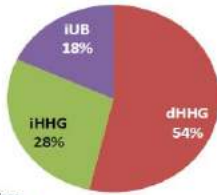


Table depicts Weeks 20-35 pickups

Market	Total	COS	Shipments	Percent
dHHG	78,297	2	7,332	9.4%
		D	70,965	90.6%
		4	40,162	97.5%
iHHG	41,179	5	0	0.0%
		6	174	0.4%
		T	843	2.0%
iUB	26,403	7	647	2.5%
		8	3,229	12.2%
		I	22,527	85.3%
Total			145,879	
			3-Yr Historical Average	149,670

Table depicts Weeks 35-38

Process Segment	3-Yr Avg	Current Yr
Members Counseled	27,570	26,730
Shipments Awarded	23,003	20,864
Shipments Picked Up	24,658	25,134

Hist. Avg. Past Year
362,113 353,029 DPS Annual Shipments

Pickups and Booking Queue



DPS Peak Season Shipments Hist. Avg. This Year
149,452 145,879

DoD volumes remain consistent. Evaluation of peak season initiatives ongoing.



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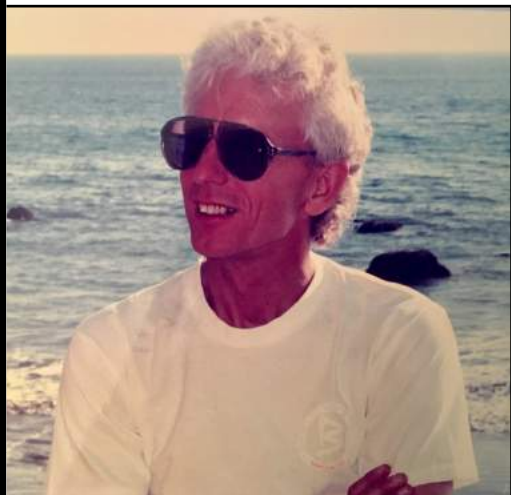
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MEMORIAL BULLETIN

John McCann 1942—2019



John McCann passed away on Monday, September 16th from a brief respiratory illness compounded by pulmonary fibrosis.

John was born at Fort Meade, MD on June 28, 1942 to Peg and Jack McCann. He was the oldest of seven siblings.

John grew up in Los Angeles, served in the U.S. Coast Guard, and eventually moved

to Santa Barbara with his wife, Janet. In 1972, he purchased Hazelwood Allied Moving & Storage and successfully ran the company until his passing. He was an early pioneer of self-storage, owning several facilities in Santa Barbara and Ventura, including McCann Mini Storage which he built in 1989. Janet and John's son, Casey, continues to operate the moving and storage business.

John loved the ocean, taking a dip each afternoon to clear his head. He also enjoyed music and was a strong supporter of numerous non-profit organizations. His positive energy and ever-present sense of humor will be missed.

He is survived by his wife Janet, son Casey, daughter-in-law Melissa, grandchildren Charlie and Grace, brothers Austin (Roxanne), Michael (Anita), and Richard (Cindy), sisters Molly (Chris) and Maureen (Bob), and many nieces, nephews, and cousins.

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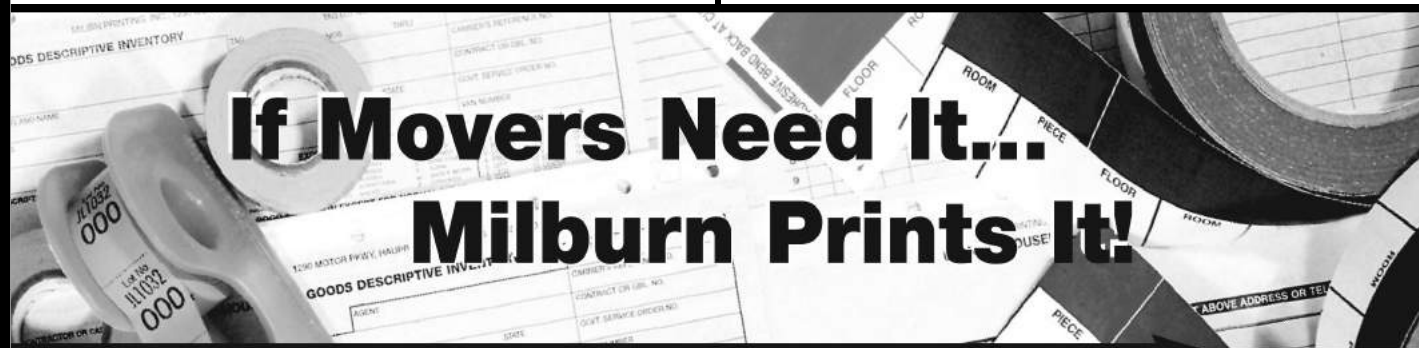


970-256-1616



Association Leaderboard Report

Association			Enrolled Movers	Association		Total Lbs.	
1	California (CMSA)		68	1	Illinois (IMAWA)		1,880,641
2	Southwest Movers (SMA)		50	2	Pennsylvania (PMSA)		1,352,085
3	Illinois (IMAWA)		40	3	California (CMSA)		1,275,703
CMSA Report Food Collected and Delivered				4	Southwest Movers (SMA)		1,218,572
				5	Florida (FMWA)		1,007,228
Monthly	Year to Date	All Time		Top Agents of the Month			
913 lbs.	261,921 lbs.	1,275,885 lbs.		1.	Dewitt Moving & Storage—Guam		
761 meals	218,268 meals	1,062,238 meals		2.	AMS Relocation, Inc.		
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CALENDAR OF EVENTS

Tues., Oct. 8 Ventura/Santa Barbara Chapter Meeting

Wed., Oct 9 Greater Los Angeles Chapter Meeting

Wed., Oct. 9 San Diego Chapter Meeting

Fri., Oct. 11 Monterey Chapter Golf/Bocce Tournament Monterey, CA

Tues. Oct. 15 Central Valley Chapter Meeting

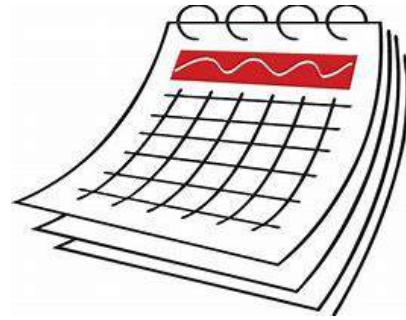
Tues. Oct. 22 North Bay Chapter Meeting

Wed. Oct. 23 Northern Region Chapter Meeting

Thur. Oct. 24 Sacramento Chapter Meeting

Thur. Nov. 7 Orange County/Beach Cities Chapter Golf Tournament

**April 14-19, 2020 102nd CMSA Convention
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CMSA members attending the International Association of Movers 57th Annual Meeting & Expo, Chicago Illinois. L to R: Chairman Thomas McCarthy, Ayme McCarthy, Board Member Jeanette Homan, President Steve Weitekamp, Former Chairman Alan Freese and Vanessa Guinn



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Complete form and sign below. Corrections needed: Yes ☐ No ☐

CMSA ROSTER & WEBSITE UPDATE - 2020

Company Name:			
Main Office Street Address:			
City:	State:	ZIP:	
Published Mailing Address:			
City:	State:	ZIP:	
Phone #:	Toll-Free #:		
FAX #:	Published Website Address:		
Published Email Address:			
Name of Principal Company Officers / Position Title:			
(Check (✓) one person to receive postal mailing. All names listed with email addresses will receive emails regarding chapter notices, link to online Communicator and announcements. Use additional sheet if needed.)			
<input type="checkbox"/> Name:	/ Title:	Email Address:	
<input type="checkbox"/> Name:	/ Title:	Email Address:	
<input type="checkbox"/> Name:	/ Title:	Email Address:	
Branch Offices: (\$10 additional fee per month for each branch listed. <u>DO NOT</u> include main office.)			
Address:		Phone #:	
City:	State:	ZIP:	FAX #:
Manager Name:		Email:	
Address:		Phone #:	
City:	State:	ZIP:	FAX #:
Manager Name:		Email:	
(Use additional sheet if needed.)			
IF YOU ARE A HOUSEHOLD GOODS MOVER, PLEASE ANSWER THE FOLLOWING:			
	<u>Main Office</u>	<u>Branch #1</u>	<u>Branch #2</u>
1. Name of van line affiliation if any.			
2. Do you have a warehouse?			
3. If yes, give square footage.			
4. Do you have a public scale?			
5. If yes, state capacity in pounds.			
(Note corrections or additions in <u>any</u> public scale listing in current ROSTER on page 2.)			
Did you check your Roster? Yes <input type="checkbox"/> No <input type="checkbox"/>		Did you check the CMSA website? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Signature:	Position:	Date:	
Please return to: CMSA, 10900 E. 183 rd St., Suite 300, Cerritos, CA 90703, or FAX to: (562) 865-2944			
Email: information@thecmsa.org Phone #: (562) 865-2900			
RETURN BY NOVEMBER 30, 2019			
(TURN PAGE OVER)			

NOTE ANY CORRECTIONS OR DELETIONS IN PUBLIC SCALE LISTING (IN BACK OF ROSTER) BELOW:

Company Name:		
Address:	City:	State:
County:	ZIP:	Phone #:
Company Name:		
Address:	City:	State:
County:	ZIP:	Phone #:

IF YOU ARE AN ASSOCIATE MEMBER - Please mark the appropriate box(es) below.

One category listing is free. Additional category listings cost \$20 per category per year.

- | | |
|--|--|
| <input type="checkbox"/> Association | <input type="checkbox"/> Leasing - Employee Equipment |
| <input type="checkbox"/> Attorneys | <input type="checkbox"/> Local Search Directory |
| <input type="checkbox"/> Auctioneers | <input type="checkbox"/> Manufacturer-Commercial Vans / Trucks |
| <input type="checkbox"/> Auto & Boat Relocation | <input type="checkbox"/> Mobile Storage |
| <input type="checkbox"/> Commercial Mover | <input type="checkbox"/> Moving Company Marketing |
| <input type="checkbox"/> Computer Services | <input type="checkbox"/> Moving Equipment / Rentals |
| <input type="checkbox"/> Consultants | <input type="checkbox"/> Nevada Movers |
| <input type="checkbox"/> Crates / Containers | <input type="checkbox"/> Ocean Carrier |
| <input type="checkbox"/> Crating, Packing & Shipping | <input type="checkbox"/> Organizing, Packing and Resettling Svcs |
| <input type="checkbox"/> Credit Card Processing | <input type="checkbox"/> Pack & Ship |
| <input type="checkbox"/> Custom Trailer Manufacturer | <input type="checkbox"/> Paper Products / Packing Materials |
| <input type="checkbox"/> Diesel Testing & Services | <input type="checkbox"/> Payment Technology |
| <input type="checkbox"/> Drug & Alcohol Testing | <input type="checkbox"/> Port Agent |
| <input type="checkbox"/> Fleet Fueling Solutions | <input type="checkbox"/> Printing Services |
| <input type="checkbox"/> Freight Forwarders | <input type="checkbox"/> Repairs, Sales, Truck, Trailers |
| <input type="checkbox"/> Furniture Dealer Corp. Move Mgmt Svcs | <input type="checkbox"/> Ocean Carrier |
| <input type="checkbox"/> Furniture Delivery | <input type="checkbox"/> Roofing & Waterproofing |
| <input type="checkbox"/> Furniture Installation | <input type="checkbox"/> Search Engine Optimization |
| <input type="checkbox"/> Hawaii Movers | <input type="checkbox"/> Software |
| <input type="checkbox"/> HHG Trucker | <input type="checkbox"/> Third Party Specialty Services |
| <input type="checkbox"/> Hydraulic Liftgate Mfg | <input type="checkbox"/> Truck Sales / Rentals |
| <input type="checkbox"/> Independent Contractor | <input type="checkbox"/> Uniforms / Apparel / Design |
| <input type="checkbox"/> Insurance / Financial Services | <input type="checkbox"/> Van Line Companies |
| <input type="checkbox"/> Laborer Sourcing | <input type="checkbox"/> Warehouse Racking / Rental Equipment |
| <input type="checkbox"/> Leads / Marketing | <input type="checkbox"/> Other: _____ |

Check (✓) "ALL CHAPTERS" or check specific chapters that you would like to receive emails from about upcoming chapter meetings.

() ALL CHAPTERS

- | | | |
|-------------------------|---------------------|---------------------------|
| () Central Coast | () Monterey Bay | () Sacramento |
| () Central Valley | () North Bay | () San Diego |
| () Greater Los Angeles | () Northern Region | () Twin Counties |
| () Mid Valley | () OC/Beach Cities | () Ventura/Santa Barbara |