

Agreement Reached to Reform Private Attorneys General Act

The California Chamber of Commerce and the **Fix PAGA coalition**, representing non-profits, social justice advocates, family farmers, health care providers and businesses, are supporting legislation to reform California's broken Private Attorneys General Act (PAGA).

The **agreement was announced** this week by Governor Gavin Newsom, Senate President pro Tempore Mike McGuire and Assembly Speaker Robert Rivas after months of discussions between labor advocates and the coalition.

"We came to the table and hammered out a deal that works for both businesses and workers, and it will bring needed improvements to this system. This proposal maintains strong protections for workers, provides incentives for businesses to comply with labor laws and reduces litigation," Governor Newsom said.

If passed by the Legislature, the legisla-

tion would reform PAGA to ensure workers retain a strong tool to resolve labor claims and receive fair compensation, while limiting the shakedown lawsuits that hurt employers and employees.

"This package provides meaningful reforms that ensure workers continue to have a strong vehicle to get labor claims resolved, while also limiting the frivolous litigation that has cost employers

billions without benefiting workers," Cal-Chamber President and CEO Jennifer Barera said. "We thank Governor Newsom, Senate President pro Tempore McGuire and Assembly Speaker Rivas for navigating this agreement, and we encourage the Legislature to pass this package quickly."

Legislation Details

The core elements of the reform package are:

- **Employee Share of Penalty**
 - Increases share employees receive

(PAGA continued on page 5)



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CHAIRMAN'S CORNER

by Vince Cardinale

Well, it finally seems that business has picked up a bit. The summer moving season has arrived, although June was not the typical off-the-hook crazy

month for us. It seems to have been a little bit better month for our business, and I hope many of you also enjoyed a bit of a bump in June. It certainly wasn't the typical month of June. But on a positive note, it looks like July is building up to be a busier month for our Agency than June was.

The beginning of this year started slowly for many of us, and now that business has picked up, a reminder that we need to pay attention to managing our workload. Avoiding service failures should be a top priority.

Pay attention to our schedules and do not overbook. As this seems to be the num-

ber one reason for a service failure. Also, be sure your seasonal help is trained and ready. Do not sacrifice quality because we are busy.

Separate and distinguish us, the CMSA members, licensed movers from the unlicensed rogue movers. We do this by providing a high-quality moving service with value. When we have the opportunity to provide our services to our customers, and we fail or provide poor service and we do not meet or exceed our customers' expectations, the result is a very unhappy customer. We all know that a dissatisfied customer will be sure and get the word out, on every platform, about their bad experience.

As we concentrate on operational issues during this busy moving Season, please know that our CMSA staff and Board of Directors are working hard on your behalf. CA AB 2751 Right to Disconnect. CMSA is in opposition to this bill and it has now died in committee.

(CHAIRMAN'S CORNER continued on page 4)





PRESIDENT'S COMMENTS

By Steve Weitekamp

One of the more interesting parts of my work is the opportunity to visit with movers and tour their operations. Last month, while I was in Denver, Colorado, I visited CMSA member John-

son Storage and Moving and its president, Don Hindman. Johnson has amazing operations, and in my 44 years in our industry, it was the first time I encountered a warehouse with vaults stacked five high! And not just in a corner with a couple of rows but throughout an entire one-hundred-thousand-foot warehouse! I almost couldn't believe it when Don explained that they moved the five high stacks around with a pallet jack—a heavy-duty specially designed pallet jack, but a pallet jack, nonetheless. Anyone who has spent any time moving more conven-

tional three stacks can appreciate the potential challenges. Don and his team continue to adapt to an ever-changing environment and thrive. They embrace change but are anchored in several core values. Things in our industry get ever more complex, and the demands of internal and external customers continue to grow, but Don holds on to the anchor tenant that is true for any business; it all begins with the sale.

The purpose of my trip to Denver was the National Council of Moving Associations (NCMA) meeting, an informal group of moving association staff that gathers annually to discuss industry issues and share association innovations and best practices. Leadership from ATA MSC, IAM, the Canadian Association of Movers, and state associations from New York to California meet to improve our programs for professional movers and their customers. We discuss engagement with regulators and ways to protect

(PRESIDENT'S COMMENTS continued on page 4)

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(CHAIRMAN'S CORNER continued from page 2)

We are watching closely the pending implementation of the Global Household Goods Contract or the GHC. This will affect many of our CMSA members who do business with the US military and DOD. CMSA is currently lobbying for and in favor of a GAO review.

We are also working on navigating and understanding the new CA law effective 1 July 2024, CA SB 553 requiring CA employ-

ers to have a Workplace Violence Prevention Program in place.

As we work hard and make our way through this summer season, I believe it's important to remember that we are a Service Industry. Our main purpose is to serve our customers, helping to make their journeys easier. By providing a high-quality moving service and representing our Industry with pride, together we can make this peak season a positive and prosperous one.

(PRESIDENT'S COMMENTS continued from page 3)

and enhance the image of the professional mover. One of the items in our Big Issues discussion was disruptors in our industry. We all agree that our industry, not unique, is based on change. Simply put, without change, there is no need for a move. However, within an ever-changing landscape, there is a group of operators who consider themselves disruptors. They believe incor-

rectly that what they are doing is so unique that the current regulations of an industry, like moving, do not apply. CMSA and the Bureau of Household Goods and Services (BHGS) agree that any entity that transports used household goods on a public road as part of a for-a-fee venture is a mover, regardless of what they consider themselves, and required to comply with all applicable rules and regulations.



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(PAGA continued from page 1)

from any penalty from 25% to 35%.

- **Standing**

- Requires the employee (plaintiff) to personally experience the alleged violations brought in a claim.
- Alleged violations must have occurred within the last year (presently, there is no time limitation).

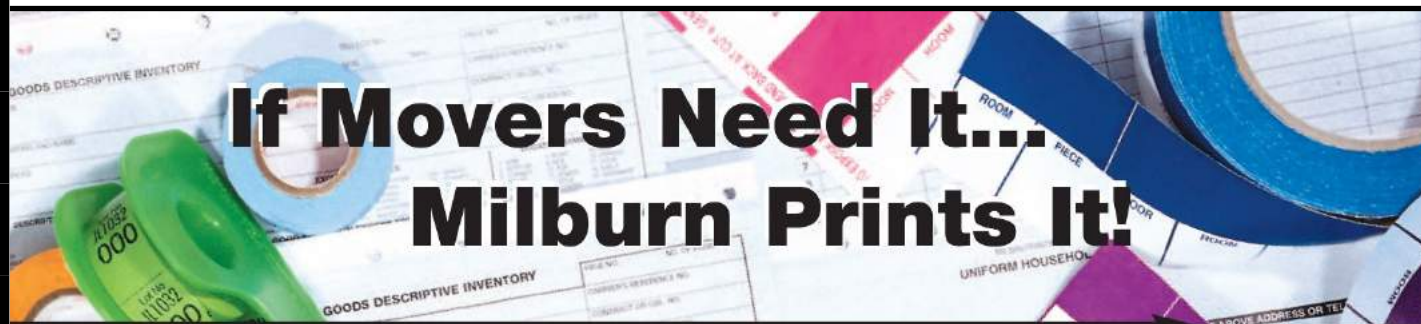
- **Penalty**

- Caps Penalties: For employers who proactively take steps to comply with the Labor Code before receiving a notice, the maximum penalty that can be awarded is 15% of the applicable penalty amount.
- Caps Penalties: For employers who take steps to fix policies and practices after receiving a PAGA notice, the maximum penalty that can be awarded is 30% of the applicable penalty amount.
- Reduces the maximum penalty where the alleged violation was brief or where it is a wage statement violation that did not cause confusion or

economic harm to the employee (i.e. misspelling of company name or forgetting to add "Inc." on the pay statement).

- Levels the playing field for employers who pay weekly by ensuring a penalty is adjusted. Presently, such employers are penalized at twice the amount because penalties accrue on a per pay period basis.
- Addresses derivative claims.
- Creates a new penalty (\$200 per pay period) if an employer acted maliciously, fraudulently, or oppressively.
- **Employer Right to Cure**
 - Expands which Labor Code sections can be cured, so employees are made whole quickly.
 - Protects small employers by providing a more robust right to cure process through the state labor department (Labor and Workforce Development Agency) to reduce litigation and costs.

(PAGA continued on page 6)



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- **Judicial Discretion (Manageability)**
 - Codifies that a court may limit both the scope of claims and evidence presented at trial.
- **Injunctive Relief**
 - Allows for injunctive relief.

PAGA Awards Split

A **recent report** found that since 2013 there have been nearly \$10 billion in PAGA court case awards, but due to significant attorney fees, workers receive only a small portion of these awards. PAGA hurts virtually every industry and employer in California, including non-profits, local governments, family-run businesses and others.

Legislative Leaders Comment

"This agreement is important because it protects working people, who are the real engine behind California's economic strength," said Assembly Speaker Robert

Rivas (D-Salinas). "It also recognizes companies that follow labor laws, and it puts more muscle into enforcement. I grew up watching farmworkers and employers find common ground, so it means a lot to me that so many groups came together and found consensus. This is a hard-earned agreement, and that makes the positive outcomes we'll see for businesses and workers even better."

"Today's agreement is critical to the long-term success of workers and businesses here in the Golden State," said Senate President pro Tempore Mike McGuire (D-North Coast) on June 18. "Commonsense reform of PAGA has been discussed for years, and thanks to the collaboration of all sides, including the work of the Governor, this agreement will continue to provide strong worker protections and implement long talked-about reforms. Next steps include working with Speaker Rivas to move legislation forward in the days to come."

The Legislature will consider the PAGA reform legislation soon. The deadline for measures to be withdrawn from the November 2024 ballot is June 27, 2024.

If the PAGA compromise measure is passed and signed by the Governor before June 27, the Fix PAGA coalition will remove its November 2024 PAGA reform measure from the ballot.

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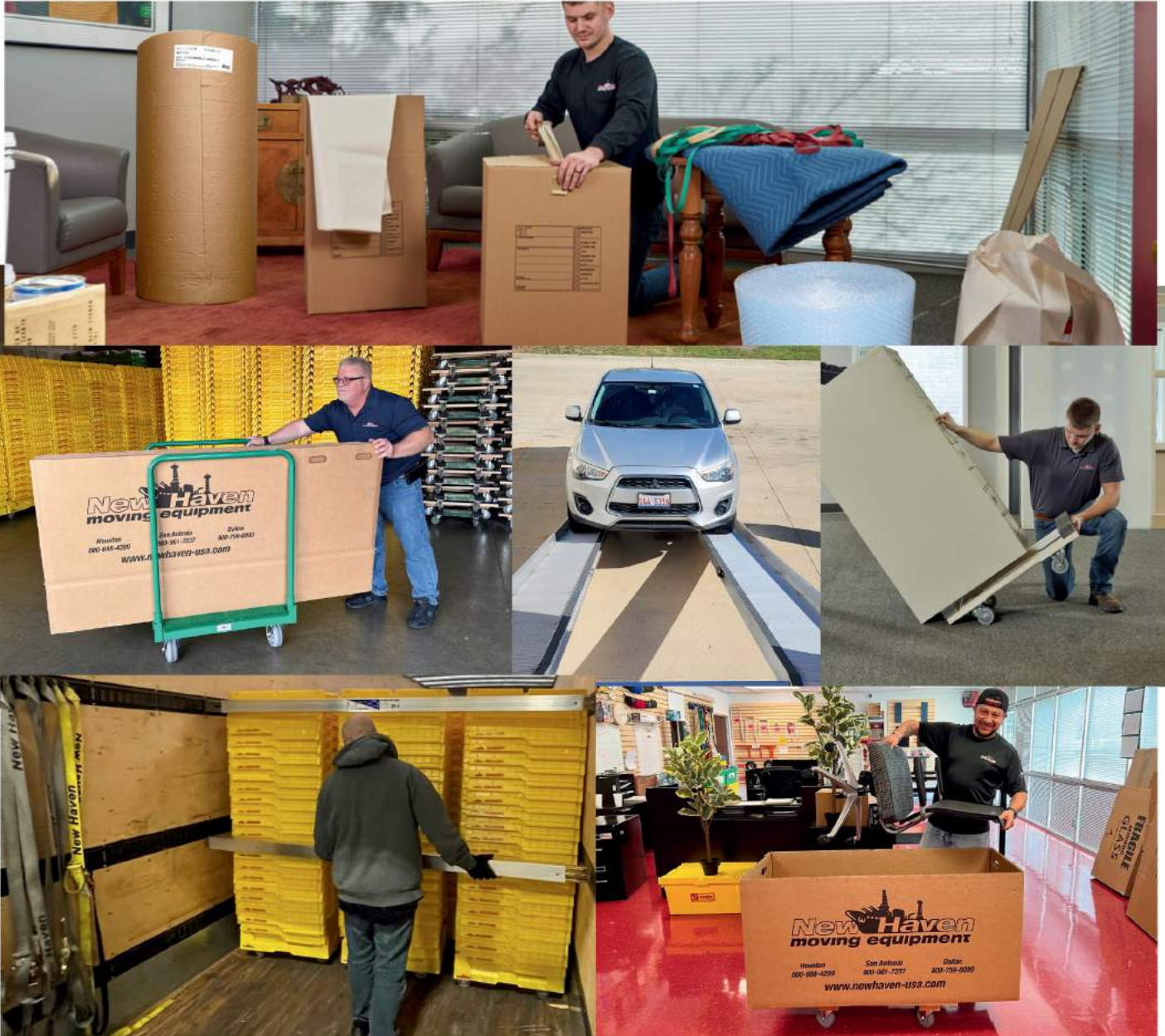
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(SCHOLARSHIP WINNERS continued on page 13)



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(CONVENTION GOLF TOURNAMENT continued on page 18)



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MEMORIAL BULLETIN

David J. Higdon Sept 25, 1954 - June 8, 2024

It is with profound sadness that the family of David J. Higdon announces his passing on June 8th, 2024, following a brief battle with cancer. He was just 69 years old and passed away peacefully in his beloved Graeagle, CA, with Kathy, his wife of 46 years, by his side.

David was born on September 25, 1954, in Sacramento, California, to Jack F. Higdon and Diane Thorne Higdon. He lived his entire life in the city where he was born and raised, graduating from Rio Americano High School in 1972 and furthering his education at Sacramento State College (CSUS). He later became a co-owner of California Moving Systems.

He is survived by his beloved wife, Kathrine Brooks Higdon; his sons, David Jeremy Higdon and Justin R. Higdon; daughter-in-law, Chelsey Higdon; grandchildren, Jones and Baylor Higdon; brothers, Tim Higdon (Susan) of Bend, Oregon, and Chris Higdon (Maria) of Sacramento; and sister, Stacey Higdon Macek (Edward) of Laconia, New Hampshire. He also leaves behind his father-in-law, Robert Brooks (Gloria) of Hudson, FL; mother-in-law, Amelia Kirk Lolli of Sacramento; brother-in-law, Larry Brooks (Mary) of Sequim, WA; sisters-in-law, Cynthia Brooks Foxworth (Robert) of Taos, NM, and Lisa Brooks Grimes (Sam) of Gig Harbor, WA. David was a cherished uncle to Jackson, Whitney, Jordyn, and Nikko Higdon; Alexander Macek; Brandon and Holden Foxworth; and Kris and Nicole Brooks.



David's commitment to community service began early with his involvement in his college fraternity, TKE, where he dedicated time to community fundraising events and served as Preakness (President). After college, he continued his passion for community support by joining Active 20-30 Club No. 1 at the age of 21, focusing on improving the lives of underprivileged youth in Sacramento. Over the years, he held various roles within the club, including board member and co-chair of fundraising projects, eventually becoming a Silver Bullet member. He continued his community involvement by joining the Sacramento Downtown Rotary Club, where he became a lifetime member in 1998. David was a recipient of the Paul Harris Fellow award and a member of the Eddy Mulligan

Society. He was also an avid Boy Scout Adventurer and sang in a rock 'n roll band in high school.

David brought his strong work ethic and community spirit into the family business, playing an active role in California Moving Systems. He and his brother purchased the company and continued the traditions that were started. He was deeply involved in the California Moving and Storage Association (CMSA), serving as a board member, officer, and Chairman from 1992-1993.

Beyond his professional and community commitments, David was known for his kindness, selflessness, and infectious sense of humor. He had a zest for life, quick wit, and jokes a plenty. He always had a joke ready and a self-deprecating style that put others at ease. He deeply loved his family and shared that love warmly. Beyond his com-

(DAVE HIGDON continued on page 20)

MEMORIAL BULLETIN (continued)

(DAVE HIGDON continued from page 19)

munity affiliations, David always found time for his family. He coached his sons in Little League, sharing a passion he had enjoyed as a youngster. He loved his grandchildren and took great pleasure in spoiling them.

David and Kathy formed lifelong friendships through their community involvement and shared passions, including travel, golf, and riding his beloved Harley Davidson motorcycle. His favorite retreat was Graeagle and his ranch, where he spent countless joyful hours over his lifetime. The ranch was a place of peace and connection, where they hosted gatherings in the barn, enjoyed roaring fires, and gazed at the stars. There, the famous "Higgy Hug" and the annual "Graeagle Shootout" became cherished traditions.

David's mantra in life was to "live, laugh, love, care, and help every day." His legacy of kindness and generosity will continue to

inspire all who knew him.

A Celebration of David's life will be held in Sacramento on his birthday in September. Further details will follow.

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