

## California Trucking Association's Battle Over Clean Fleet Regulations: What's Next?

Let's talk about the ongoing legal tussle between the California Trucking Association (CTA) and California's Air Resources Board (CARB). If you've been keeping an eye on the regulatory landscape for trucking, you know this fight has been brewing for a while. Now, we've hit a major turning point.

### A Quick Recap

Back in October 2023, CTA filed a lawsuit challenging parts of CARB's Advanced Clean Fleets regulation. CARB had set strict zero-emission standards for trucking fleets, something that CTA argued would be financially and operationally burdensome for its members.

Fast forward to 2025, and we see CARB making a surprising move. Earlier this year, CARB withdrew its request for a waiver from the U.S. Environmental Protection Agency (EPA). Without that waiver, enforcement of some of these fleet mandates became shaky. Naturally, that opened the door for some serious discussions between CTA and CARB.

### What's Happening Now?

CTA and CARB have now reached a temporary agreement. The lawsuit is essentially being put on hold because CARB has agreed to present a proposal to repeal key fleet requirements. These include the rules around High-Priority Fleets and Drayage Fleet Requirements, some of the most con-

tested portions of the regulation.

### Here's the timeline:

- By October 31, 2025, CARB will hold a public hearing to discuss rolling back these fleet mandates.

- If approved, the repeal will head to California's Office of Administrative Law (OAL) for final approval.

But that's not all—CARB is also holding off on its 100% zero-emission vehicle requirement for heavy-duty trucks (which was supposed to take effect in 2036). That rule won't be enforced until CARB gets an official waiver from the



EPA.

### What's Next?

With this agreement in place, the lawsuit stays in limbo, at least until CARB completes its rulemaking process. If the regulations are officially repealed and approved by OAL, CTA will voluntarily drop the lawsuit. However, if things stall and OAL hasn't approved the repeal by October 15, 2026, then both sides will need to check in with the court and figure out how to proceed.

So, for now, trucking businesses can breathe a little easier, knowing that enforcement is paused. But make no mistake, this fight isn't over yet. What happens next will depend on how CARB and state regulators navigate the next steps.

Stay tuned, this battle over fleet regulations is far from finished.



## CHAIRMAN'S CORNER

By: Vince Cardinale

Wow, this has been a really quick year! Later this month, at our 107th annual convention in Lake Tahoe, I will be passing the CMSA chairman's gavel to my good friend and colleague,

Jeanette Homan. Jeanette is the President of Lambert Enterprises in Lemoore, CA.

Jeanette brings with her many years of experience in our industry and has served our association in various capacities. She is passionate and very knowledgeable about our industry. I am confident that Jeanette will be an outstanding leader and Chairman of our Association in 2025/2026.

As my term as Chairman of the CMSA comes to a close, I can say that I have truly enjoyed this year, and I am humbled for the privilege & opportunity to serve as chairman for the 2nd time.

Traveling the state with CMSA President

Steve Weitekamp has been one of the highlights of my year as Chairman. Visiting mover members around the state was both interesting and fulfilling.

Thank you, Steve. It has really been great to work with you over this past year. Your enthusiasm and passion for our industry is quite evident. We, as an Association, are fortunate to have you serve as our President and as an advocate for the legitimate movers in the State of California.

As my tenure as Chairman draws to a close, I find myself reflecting on the incredible journey we have shared over the past year. It has been a privilege to serve this remarkable organization and to work alongside so many of you who are committed to excellence in our industry.

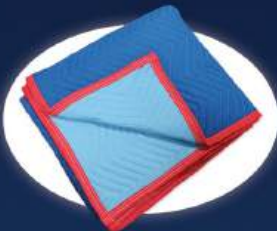
When I first assumed the role of Chairman, I was filled with a sense of purpose and responsibility. Our industry faced numerous challenges, from regulatory changes to evolving customer expectations. What I quickly discovered was the resilience and innovation that define our members.

One of the most significant achieve-

(CHAIRMAN'S CORNER continued on page 4)



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## PRESIDENT'S COMMENTS

By Steve Weitekamp

As we go to print, another successful CMSA Convention is in the books. Our next issue will include a detailed recap and many photos. This is the last issue with Chairman, now Senior

Chair Vince Cardinale, writing the Chairman's Column, and I cannot let the opportunity pass to thank him once again for his exemplary service to our organization. Vince's long-term support and leadership of our association is a touchstone for others looking to lead our organization in the future. In our 107 years, Vince is the first Chairman to serve two nonconsecutive terms. During that time, he wrote twenty-two chairman's columns, visited 24 chapter meetings and over 80 moving companies. I know that he will continue to stay engaged well into the future.

I know that you will agree with me that

our Association remains in very capable hands. We are excited to welcome Chairwoman Jeanette Homan to her role leading the CMSA Board of Directors for the 2025 – 2026 year. Uniquely, Chair Homan will be followed by Vice Chair Griselda Gonzales and Secretary Treasurer Andria Skiff. This is the first time in our 107-year history that three of the four officers of the Association are women!

Chair Homan is uniquely qualified to lead the CMSA in what continues to be a time of significant turmoil for military movers. She has been extremely successful in transitioning from the TOPs (Transportation Operational Personal Property Standard System) era to the DP3 (Defense Personal Property Program) era and continues to thrive as both a service provider and a move manager. Her professional philosophy has been to "Embrace the change, continue to evolve or become extinct!"

This in no way means that she is not willing and able to strongly advocate for what she believes to be right for her business, her team, her customers, and the CMSA!

*(PRESIDENT'S COMMENTS continued on page 5)*

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(CHAIRMAN'S CORNER continued from page 2)

ments of our Association, and with the leadership of President Weitekamp, has been the enhancement of our advocacy efforts. We have made big strides in representing the interests of our members at both the state and national levels. By engaging with lawmakers and regulators, we have ensured that your voices are heard and that the CMSA is well-represented in discussions that shape our future.

Moreover, we have prioritized education and training, recognizing that our industry's success hinges on the skills and knowledge of our workforce. Through workshops, seminars, and online resources, we have empowered our members to stay ahead of industry trends and best practices.

Community involvement has also been a cornerstone of our CMSA mission. Together, we have launched initiatives that give back to the communities we serve, through charitable donations, from our CMSA scholarship fund, the Special Olympics and our Chairman's Choice, this year my Chairman's Choice is the St Jude's Children's Hospital,

and our Association will be donating \$5000.00 to St Jude's.

We are able to do this through our volunteer and Chapter fundraising efforts. Our CMSA members also stepped in with disaster relief support this year. Donating their time, storage space and equipment during the recent fires in Los Angeles. Our industry is not just about moving boxes; it's about moving lives and making a positive impact. I am inspired by the generosity and spirit of service shown by our members.

As I prepare to pass the gavel to Jeanette, I do so with a sense of optimism for the future of the CMSA. Our organization is in a strong position to continue its growth and adapt to the ever-changing landscape of our industry. I have complete confidence in our leadership team and the dedicated professionals who will carry our mission forward.

To my fellow members, thank you for your support, your friendship, and your commitment to excellence. As some of you have heard me say, the CMSA is like "family" to me, and I do mean that.

(CHAIRMAN'S CORNER continued on page 5)

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(CHAIRMAN'S CORNER continued from page 4)

It has been an honor to serve as your Chairman. Let us continue to uphold the values that make the CMSA great and continue to work to elevate the standards of the moving and storage industry in California.

In closing, I invite you all to remain engaged, passionate, and proactive as we

navigate the challenges and opportunities that lie ahead.

Thank you again for allowing me the opportunity to serve as your Chairman. It has truly been a privilege and an honor. I hope to see many of you very soon in beautiful Lake Tahoe for our 107th Annual convention April 22-27.

(PRESIDENT'S COMMENTS continued from page 3)

The board and CMSA staff look forward to another quality leader taking the mantle of leadership in the year ahead.

Included in this issue (see pages 12 and 13) is a B-to-B Exemption Chart developed by the California Labor Commissioner's Office, also known as the Division of Labor Standards Enforcement (DLSE). Its mission is to ensure a just day's pay in every work-

place in the state and to promote economic justice through robust enforcement of labor laws. Thanks to the California Trucking Association (CTA) for making the request. This document is the best available authority on this issue. Be aware that a court could make a different decision, but based on the need for certainty, it would most likely give deference to the DLSE.

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# 'Misconduct' Not Automatic Cause for Denying Unemployment Benefits

*We terminated an employee, and she has filed a claim for unemployment benefits. We want to fight her claim because she was fired for falsifying accounting records, a violation of company policy. Can you please explain the type of "misconduct" that will result in a denial of unemployment benefits?*

Responding to unemployment insurance (UI) benefit claims can be a complex process for employers. It is important that an employer understands the legal definition of misconduct before deciding whether to challenge a terminated employee's claim for unemployment benefits.

## Unemployment Insurance Code

Under California Unemployment Insurance Code Section 1256, certain factors can disqualify an employee from receiving unemployment insurance benefits, such as voluntarily quitting a job without good cause. If an employer fires an employee, unemployment benefits will be denied only if the employer can show that the employee was discharged for misconduct connected with his or her most recent work.

## Definition of Misconduct

"Misconduct," as used in the code, is defined as willful or wanton disregard of an employer's interests, or such carelessness or negligence as to manifest equal culpability. (Amador v. Unemployment Insurance Appeals Board, 35 Cal. 3d 671 (1984); UI Code, Section 1256)).

It is important to note that this is a narrow definition of misconduct. Terminations for mere inefficiency, un-



satisfactory conduct, poor job performance, inadvertent errors or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion will not rise to the level of misconduct.

On the other hand, the following are examples of misconduct that typically will result in denial of unemployment benefits: theft, fraud, intoxication, deliberate violation of safety rules, workplace violence, deliber-



ately falsifying a timecard and harassment. The California Employment Development Department (EDD) has a Benefit Determination Guide available on its website that pro-

vides some helpful guidance on what constitutes misconduct.

State of California  
Unemployment Insurance Appeals Board



(MISCONDUCT continued on page 8)

## Examine Actual Misconduct

Employers should understand that terminating an employee for misconduct or violating company policy will not automatically disqualify the employee from receiving unemployment benefits.

A California Supreme Court case established that an employee's discharge for misconduct will not necessarily bar the employee from receiving unemployment benefits; the employee's actual misconduct will need to be examined to determine if it meets the criteria established by law. (*Paratransit, Inc. v. Unemployment Insurance Appeals Board*, 59 Cal. 4th 551 (2014)).

In *Paratransit*, an employee refused to sign a disciplinary notice, was terminated for insubordination and then filed for unemployment benefits. The court acknowledged that the employee's refusal to sign the disciplinary notice may have justified his termination, but the sole issue was whether the employee's refusal rose to the level of misconduct.

The court found that based on the specific circumstances, the employee's refusal to sign a disciplinary notice was not misconduct but, at most, a mistake in judgment that did not disqualify him from an award of unemployment benefits.

In the case of the employer who fired the employee for falsifying accounting records, the EDD will examine the employee's specific conduct and make an independent determination of whether the employee's actions rise to the level of misconduct that would bar her from receiving unemployment benefits.



## Employer Has Burden Of Proof

Employers also must keep in mind that the law presumes an employee was not fired for misconduct (UI Code, Section 1256). The burden of proving misconduct falls on the employer and it is up to the employer to submit evidence relating to the misconduct.

The employer who fired the employee for falsifying accounting records will need to submit clear evidence of the employee's misconduct, such as copies of the falsified accounting records, company policies, disciplinary notices, witness statements or any other supporting information or records. The EDD will require an employer to provide strong proof of misconduct before it disqualifies an employee from receiving unemployment benefits.

## Recommended Action

Because of the narrow definition of misconduct under the law, it may prove difficult for an employer to successfully challenge a terminated employee's unemployment insurance claim.

Before investing the time and money to fight a former employee's claim for benefits, an employer, in consultation with legal counsel, should evaluate carefully the reason for an employee's termination and whether the employer can provide evidence of misconduct.



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Lisa Guzman  
CalChamber

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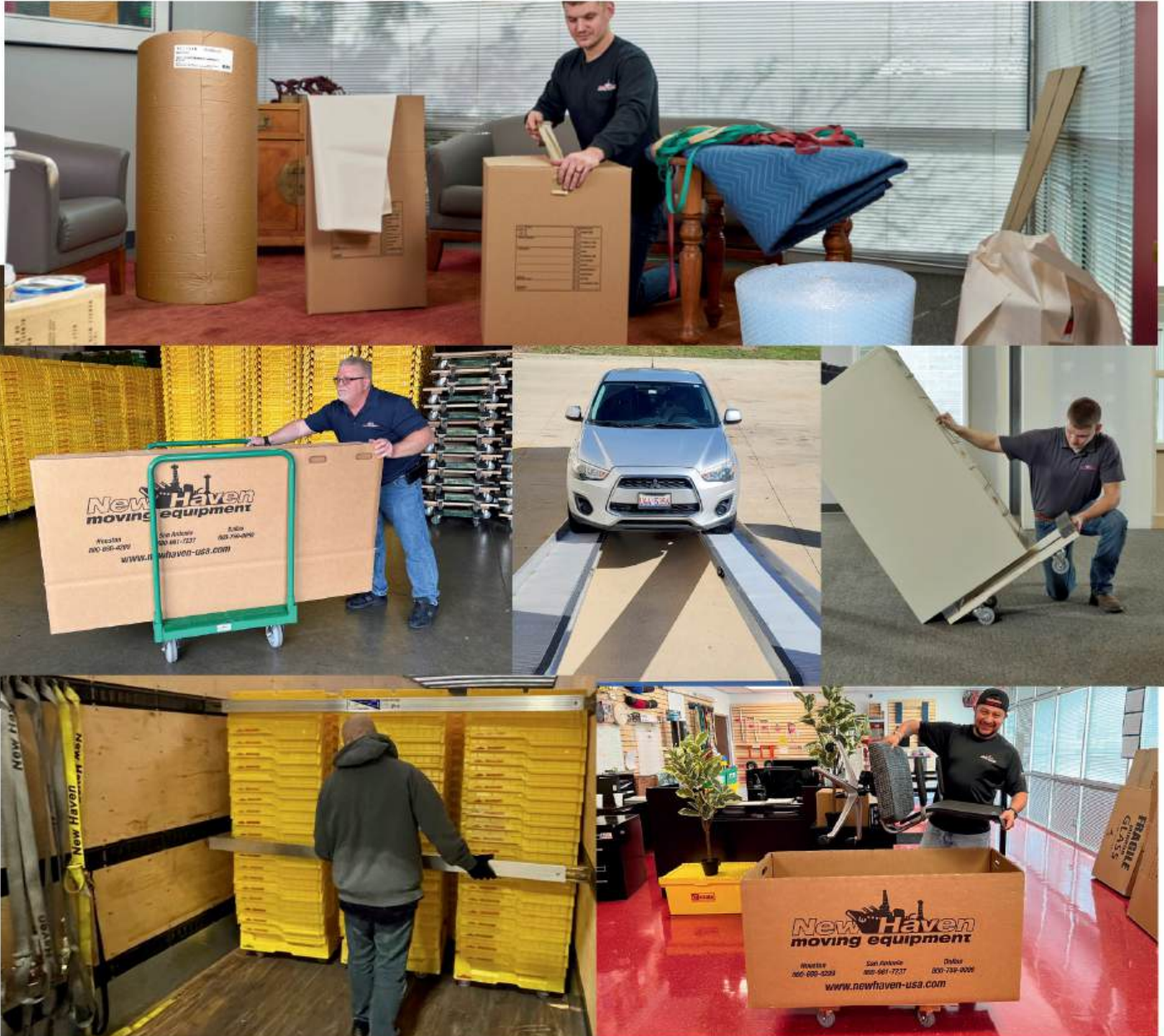
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# BUSINESS TO BUSINESS EXEMPTION MOTOR CARRIER INDUSTRY

*This chart provides general information on the business to business exemption. It does not constitute legal advice regarding your particular circumstance. This is a fact-intensive inquiry and the hiring entity bears the burden in proving that it meets all 12 criteria.*

*If the hiring entity meets its burden in establishing that the business to business exemption applies, then Borello is the controlling test for the determination of whether the business service provider ("service provider"), i.e., the driver, is an independent contractor. If the hiring entity fails to meet its burden in establishing that the business to business exemption applies, then the controlling test is the ABC test.*

*The service provider must be a "sole proprietor, or a business entity formed as a partnership, limited liability company, limited liability partnership, or corporation."*

B2B Requirement	How Requirement Can Be Satisfied	Authority
Free from control and direction.	If the hiring entity is able to satisfy the control-related element of Borello, they necessarily satisfy the identical element under the B2B exemption.	Lab. Code § 2776(a)(1)
Services are provided directly to the contracting business This does not apply if the service provider's employees are solely performing services under the contract under the name of the service provider and the service provider regularly contracts with other businesses.	The hiring entity, (and not the hiring entity's customers) contracts with the service providers, directs their actions, and pays them.	Lab. Code § 2776(a)(2); People v. Superior Ct. (2020) 57 Cal. App. 5th 619, 634 (Cal Cartage)
Contract is in writing.	Specify in writing the payment amount, applicable rate of pay, services to be performed, and pay date.	Lab. Code § 2776(a)(3)
Has required business license or business tax registration in jurisdiction that requires it.	Service providers need not have "a federal motor carrier operating license" to satisfy this criteria. "[T]he phrase refers to the licenses issued by local governments for health and safety regulation and tax purposes."	Lab. Code § 2776(a)(4); Cal Cartage, 57 Cal. App. 5th at 633

(BUSINESS EXEMPTION continued on page 13)

B2B Requirement	How Requirement Can Be Satisfied	Authority
Service provider maintains a business location separate from contracting business' location.	A service provider can comply even by operating the driving business from their own "residence."	Lab. Code § 2776(a)(5)
Is customarily engaged in an independently established business of the same nature.	Service provider runs their own independent business providing the same services to others.	Lab. Code § 2776(a)(6)
Can contract with other businesses without restrictions from the hiring entity.	Service provider has the ability to work with multiple motor carriers in carrying out their independent driving business.	Lab. Code § 2776(a)(7)
Advertises and holds itself out to the public as available to provide the same or similar services.	Service provider communicates with customers through independent channels or advertise their services, e.g. creating a logo; putting logo on t-shirts, vans; passing out business cards; advertising on trade websites or load boards. It is not merely enough to show that the service provider worked for others.	Lab. Code § 2776(a)(8); Lawson v. Grubhub, Inc. (N.D. Cal. 2023) 665 F. Supp. 3d 1108, 1116
Provides its own tools, vehicles, and equipment to perform the services.	Consistent with the nature of the work, service providers use their own trucks, and other equipment as needed.	Lab. Code § 2776(a)(9)
Can negotiate own rates.	Must show that the service provider actually negotiated their own rates or that they could do so. The ability to negotiate rates is a hallmark of true independent contractor status. Turning down work is not enough.	Lab. Code § 2776(a)(10)
Can set own hours and location of work.	Can choose which loads to accept (which dictates their hours and location)	Lab. Code § 2776(a)(11)
Not performing work which requires a license from the Contractors' State License Board.	No license from the Contractors' State License Board is required to operate a driving business in California.	Lab. Code § 2776(a)(12); Bus. & Prof. Code, §§ 7055-7509.1 (listing classifications)

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*(NEW MEMBER SPOTLIGHT continued on page 18)*

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Fri., May 16	Central Valley Chapter May Meeting Lemoore, CA
Thurs.- Fri., July 31 - Aug 1	Women on the Move Winters, CA
Fri., Oct 3	Monterey Bay Chapter's Cardinale Classic Golf/Bocce Ball Tourn. Monterey, CA
Fri. - Sat., Oct 10-11	CMSA Fall Board Meeting Reno, NV

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# NEW MEMBER SPOTLIGHTS

(NEW MEMBER SPOTLIGHT continued from page 14)

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## FUN FACTS

Moving on May 1 in Montreal, Canada, is quite significant due to the city's unique rental cycle. May 1 marks the traditional moving day in Montreal, where many leases begin and end. This date is deeply ingrained in the city's culture, and it results in a bustling atmosphere with numerous people relocating simultaneously. The streets are often filled with moving trucks, and the demand for moving services, rental trucks, and storage facilities peaks during this time.



New York City used to also have a tradition known as **Moving Day** on May 1, which dates back to colonial times and lasted until after World War II. On February 1, landlords would give notice to their tenants about the new rent, and tenants would spend the early spring searching for new homes. All leases in the city expired simultaneously at 9:00 am on May 1, causing thousands of people to change their residences at the same time.

The tradition likely originated from the Dutch practice of **verhuisdag**, where contracts in the Netherlands generally ended on May 1. The streets would be filled with moving vans and wagons, creating complete pandemonium. Even schools were closed on May 1, as it was estimated that a million people moved simultaneously at the height of Moving Day. The tradition began to lose steam during World War II, and once rent control went into effect shortly after, the custom was erased completely.



## Association Leaderboard Report

### CA Leaders for the month of March

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2	Blue Chip Moving & Storage	80 lbs.
3	S & M Moving Systems of Fremont	44 lbs.

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