Top 10 Things Employers Do To Get Sued

California has numerous labor and employment regulations that far exceed those mandated at the federal level. As a result, employers struggle with meeting the overwhelming employment requirements imposed while trying to develop and grow their businesses. Trying to provide some flexibility for an employee, saving money for the company, or just being nice are all ways that an act of kindness can become a business liability.

Below is a list of the top 10 missteps that may lead to employment lawsuits.

1. Classify all employees as exempt, whether they are or not.
2. Be nice to employees — let them work through lunch so they can take off early.
3. Make everyone an “independent contractor” because having employees is too much trouble.
4. Don’t bother providing training about harassment and discrimination to managers and supervisors. They won’t need the information.
5. Let employees decide which hours and how many they want to work each day.
6. Terminate any employee who takes a leave of absence, whatever the reason. It is too much trouble to administer leaves of absence, and who knows if the employee will return.
7. Don’t give employees their final check if they fail to return company property.
8. Provide loans to employees and deduct the money from their paycheck each pay period.
9. Use non-compete agreements to protect confidential information such as business secrets, customer lists and pricing information, and prevent employees from working for the competition.
10. Implement a “use it or lose it” vacation policy and avoid paying out all the money at termination.
Mission Statement:
The purpose of the Claremont Chamber of Commerce is to provide strong leadership in serving the interest of business, promoting the interrelationship between business and community, and encourage business participation with civic and educational organizations and programs within the Claremont area.

Executive Committee
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Andrew Behnke, DoubleTree by Hilton Claremont
Chair-Elect
Linda Sarancha, Fukagawa Stark & Associates NPC
Treasurer
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Past Chair
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Marsha Fox, VNA Hospice & Palliative Care of Southern California
Tim Harrison, Broadview Mortgage
Denise Hayes, PH.D Claremont University Consortium
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Village Marketing Group- Sonja Stump

A Note from the Chair of the Board . . . Andrew Behnke

Action
1. The state or process of acting or doing.
2. Something done or accomplished; a deed.
3. Organized activity to accomplish an objective

What does the word action mean to you and your business?
What would happen to your business if you took no action?
What could happen to your business if you took more action?

The answers to the above questions are pretty obvious. If you took no action, your business would most likely fail. If you took more action in your business, the chances are that you would see a benefit. At worst it would be no worse off than it is today.

With 450+ members, the Claremont Chamber of Commerce has plenty of opportunity for action. Are you utilizing that potential? What you receive in return from your chamber membership dues is immensely greater than what you pay. Just imaging the Chamber’s potential if we all became businesses of action within the Chamber. The return on investment for all of us would be even greater.

There are multitudes of opportunities for you to connect with other business in a way that are relevant to you:
Would your bottom line improve with less fees, insurance costs or regulation? Government Relations.
Would your business improve if you had more customers? Member to Member Discounts, Networking Opportunities, Economic Development.
Would your business improve if you understood more about small business? SCORE Counseling
Would your business improve if it was more visible? Utilizing your page on the Chamber Website, Chamber Map, Chamber Directory.

The Claremont Chamber of Commerce has many opportunities for you to help grow your business. The key is ACTION. If you don't see how anything I mentioned above can assist your business. Ask! That is the first action step you can take.

“Success seems to be connected with action. Successful people keep moving. They make mistakes, but they don't quit.” Conrad Hilton

Andrew Behnke
DoubleTree by Hilton Claremont
Claremont After-School Program, (CLASP) is a non-profit organization focused on helping under-privileged kids of Claremont and Pomona live up to their potential at school by providing volunteer tutors at four sites around Claremont.

At CLASP, you help kids with homework, play educational games, share a good book, or work on a craft project. You help them develop organizational skills, social skills, and a love of learning. You get to know them as they get to know you. You pay attention to them and encourage them. What a gift! Although each of our five programs is unique, children enrolled in CLASP share common traits. By and large, CLASP children struggle in school because:

- They may not catch on to a new concept presented in class that day.
- The parent may not have time/language to help with the homework.
- There may not be a quiet place to study.
- There may be no computer in the home to use for on-line homework support
- Whatever the circumstances, many lack academic self-confidence

Our volunteers have been making a significant positive difference in the lives of these children for more than 16 years. If you are interested in helping us make a difference in children’s lives for one 2 – hour session per week or more, please join us.

Find us on the web at www.clasp4kids.org, or contact Jennifer Hele at office@clasp4kids.org or (909) 624-4432.
By Jaenene Maldonado – PHR Consultant

A VERY important date is looming for ALL employers that will require them to send notices to ALL employees regardless of company size or employee status.

When The Patient Protection and Affordable Care Act (also referred to as the “Affordable Care Act”) passed it included for the creation of state-based health insurance exchanges. The exchanges are intended to offer individuals and small employers a source of “one-stop shopping” for affordable health insurance coverage through a private “Health Insurance Marketplace.”

Open enrollment for health insurance coverage through the exchanges begins October 1, 2013 for coverage that may be effective as early as January 1, 2014.

To ensure that employees are aware of the exchanges, the Affordable Care Act requires virtually all employers (including employers that are not subject to the employer mandate of the Affordable Care Act) to provide a notice to employees that health insurance coverage may be available through an exchange.

Employers Responsibilities

A notice must be provided to each employee, regardless of plan enrollment status (if applicable) or of part-time or full-time status. Employers are not required to provide notices to individuals who are not employees, including dependents, former employees and retirees.

Notices must be provided to current employees by October 1, 2013. Notices must be provided to new employees on their date of hire. (For 2014, a notice will be deemed to have been provided at the time of hire if the notice is provided within 14 days of an employee’s first date of employment.)

Notices may be provided by first-class (regular) mail. Alternatively, for employees who provide affirmative consent or for whom access to the employer’s information system is an integral part of their job, notices can be provided electronically.

The Actual Notices

Earlier this month, the United States Department of Labor (“DOL”) published model language that employers may use to create the required notices. The links are provided below.

One set of model language is designed for employers that do not offer any health insurance coverage to any employees.

http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf (English)
http://www.dol.gov/ebsa/pdf/FLSAwithoutplanssp.pdf (Spanish)

Another set of model language is designed for employers that offer or provide health insurance to at least some employees.

http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf (English)
http://www.dol.gov/ebsa/pdf/FLSAwithplanssp.pdf (Spanish)

For employers with plans, the notice may (but is not required to) contain employee-specific information about his/her coverage.

The DOL also issued a revised model COBRA notice, which now includes language about the health insurance exchanges. The revised model COBRA notice can be found on the DOL’s website at http://www.dol.gov/ebsa/healthreform/

The Technical Notice that details more information can be accessed at http://www.dol.gov/ebsa/newsroom/tr13-02.html

More Important Information and Deadlines in Regard to Affordable Healthcare Act

AB1803 – This is a California specific statute that was passed earlier this year and goes into effect January 1, 2014. This will change the waiting period that an employer MUST have in place at that time.

What is AB1803?

AB 1083 imposes a shorter maximum waiting period not to exceed 60 days, with regard to group health insurance policy or HMO contract years beginning on or after January 1, 2014. California Assembly Bill 1083 (chaptered September 30, 2012) brings California law governing group health insurance products and HMOs, into conformity with insurance market reforms and other provisions of the Affordable Care Act.

AB 1083 varies in some respects from the ACA. Perhaps the most notable difference is in the maximum eligibility waiting period for group health plan participation, which the ACA sets as no more than 90 days after the date on which an individual satisfies all requirements for eligibility (which occur upon hire).

Which Employers does AB1803 apply to?

AB 1083 imposes a shorter maximum waiting period not to exceed 60 days, with regard to group health insurance policy or HMO contract years beginning on or after January 1, 2014. Initially it was believed that this rule applied only to group policies or HMO contracts for small employers, however, after review by several legal analysts and benefits specialists AB 1083 it has been interpreted that the language setting forth the maximum 60-day limit on waiting periods is not confined to the provisions applicable to small group

What Every Employer Should Know?
products and would be applicable to all group coverage.  

Note: A “small” employer is defined as having at least 1 but no more than 50 eligible employees (i.e., 30 or more hours per week) on at least 50% of work days during the preceding calendar quarter or calendar year. (In California this definition of small employer applies for 2014 and 2015, after which the eligible employee limit increases to 100.)

Note: AB 1083 includes the 60-day limit in portions of the bill that amend and replace subsections of Health and Safety Code § 1357.51 and Insurance Code § 10198.7. Neither of those code sections is limited to small group products, and they each currently permit a 60-day waiting period to be imposed under policies and contracts that impose no pre-existing condition exclusions. Given that the ACA prohibits pre-existing condition exclusions for plan years beginning on or after January 1, 2014, the California Departments of Insurance and Managed Health Care appear to have viewed this as an opportunity to make the 60-day maximum limit generally applicable to all group coverage, rather than expand prior California law to permit the longer waiting period that the ACA allows.

Enrollment Requirements

The California 60-day limit is maximum consecutive day limits. This means that employers may not delay enrollment until the “first of month following” as is most common in employer practices and policy handbooks. If employers currently require that the employee meet the attainment of the anniversary of a particular date (i.e.; 60 days from date of hire) on which an individual meets all eligibility requirements this could pose an issue with the way AB1803 is written.

As a consequence, many California employers will need to change their practices and start using first of month following 30 days after hire as the enrollment deadline, as a way to permit timely enrollment for all eligible employees at the beginning of a coverage month.

Please also note that AB 1083’s maximum limit on waiting periods applies to group insurance policies and HMOs that are grandfathered, or non-grandfathered, under the ACA. Self-funded employers are not subject to California’s Insurance or Health and Safety Codes, hence may impose a maximum 90-day waiting period under their plans.

Note: It is not out of the question that the California Departments of Insurance and Managed Health to change their minds and these “rules” prior to the implementation on 1/1/2014 but for now most legal and benefits experts are telling employers to expect this to go into effect. If there are any developments along these lines we will provide updates as soon as we get them.

Jaenene Maldonado, PHR is principal of JR Consulting based in Claremont, California. Jaenene has more than 18 years of experience in HR and Safety Consulting working with all size and type employers. JR Consulting assists employers with all aspects of compliance including; Employee Handbooks, I-9 Audits, HR Audits, Harassment Training and Safety compliance. For more information, please contact Jaenene at jrconsult@verizon.net or 562-972-3817.

The information provided in this newsletter does not constitute legal advice.

Sources used for portions of the Newsletter include: The Department of Labor website, the Department of Homeland Security website, the USCIS website, the California Chamber of Commerce, Moss Adams LLP, Bond Schoeneck & King PLLC, the California Department of Insurance or the Department of Managed Health Care.

State Farms Helps Fund Education

Janet Johnson and Matthew Li from State Farm Insurance presented a check for $1,000 to Chamber CEO Maureen Aldridge for this year’s Best B.E.T Program.

The Best B.E.T (Business and Education Together) program which benefits the students in Claremont Schools provides funds to develop classroom programs which address advancement of educational enterprise and promote student self-esteem, learning and motivation.

Last year Best B.E.T. received 30 applications totaling $15,755 and all applications were granted.

For information on your company contributing funds to Best B.E.T. contact the Claremont Chamber at (909) 624-1681.
USB Security Threats

While computer systems have undoubtedly changed the way we do business, there are downsides to this, with one of the biggest being security. It’s challenging to keep your systems completely secure, especially since new threats are uncovered on a near daily basis. That’s why you need to keep abreast of new potential threats and adopt trusted IT security services too. One of the latest issues to come to light is a device that can infect your computer when connected to a USB port.

While USB threats aren’t anything new - USB thumb drives are well known to be used by some employees to copy and take important files with them when they leave the office - this latest threat is a little different. Hackers have developed a USB stick that can bypass Windows Autorun features and infect your system.

How do these drives work? As you may have noticed, when you connect a device like an external hard drive to your computer via the USB port, Windows will not run, or open the drive. Instead, you will get a window with a number of options, including: Open folder to view files, Download pictures, Play files, etc. The reason for this is because hackers figured out a number of years ago how to put a virus on a USB stick, which when plugged into the computer, would be auto run (started up) by Windows and infect the system.

Hackers have recently figured out how to trick this feature. What they have done is create a flash drive that looks like a USB memory stick. Only, when you plug it into a computer, Windows thinks it’s a plug-and-play peripheral like a keyboard, and will allow it to run. There is memory on the stick, where hackers can write and store a virus or infection, which will then run, infecting the system.

There are four things to be aware of with these drives:

1. **They are cheap (ish)** - These drives can be found on the Internet for less than USD$65, with some being as cheap as USD$40.

2. **They are fast** - Some of these devices are able to run a script and infect a system in 50 seconds, and if they are re-mounted in the same system, could run a script within 30 seconds.

3. **They are multi system compatible** - A few of these devices are advertised as being able to infect almost any system - Windows, Mac and Linux.

4. **They aren't easy to find** - yet. While there are websites online advertising these drives, most users won’t be able to find them. Experienced hackers on the other hand can do. Of course, anyone with enough patience can probably find them.

What does this mean for my company?
Because these devices are nearly indistinguishable from real memory drives, it is nearly impossible to spot and therefore stop them from infecting systems. Because these drives are currently hard to find and infection rates are generally low, many companies probably don’t have to worry too much. However, you can bet that these drives will probably become more popular in the near future.

This doesn’t mean that you don’t have to be aware of this risk and understand that these drives exist. Some companies have started to take action by disabling USB drives, monitoring what employees plug into their drives and even providing employees with tamper-proof USB drives.

One thing you might have to concern yourself with is if you allow employees to bring in their own drives. In general, if you take steps to ensure that the drives being used are legitimate and approved by the company, this shouldn’t be much of a problem. Of course, keeping your security systems and anti-virus scanners up to date and functioning is always a good idea.

If you would like to learn more about this security threat and what you can do to stop it, including how we can help minimize risks, please contact ISN Global Enterprises (www.isnglobal.com) today to see how they can help.
How to participate...

• A FREE new promotion for the Holiday season, be one of the first 20 businesses to obtain a feature spot on a giant coupon card (all other businesses holiday specials will be displayed on the Chamber website)
• Retail and Restaurants preferred
• Non-Chamber Members can participate for a fee of $50
• Contact the Claremont Chamber of Commerce at (909) 624-1681 or email contact@claremontchamber.org

How will it benefit you...

• Your name will be listed on the card and your Holiday special will be listed on the Chamber website under Shop Claremont
• It will reach thousands of customers
• Distributed at Village Venture on Saturday, October 26
• Distributed at all hotels, Chamber events and City facilities and events
• Additional advertising in the City letter that reaches EVERY Claremont home
Join us in our first walk/run through Claremont

5K for OLA
Saturday, Sept. 21
Our Lady of the Assumption School
611 W. Bonita Ave.
$35 includes T-shirt
https://racewire.com/register.php?id=3353

Halloween Spooktacular
Thursday, October 31, 2013
At the Depot and throughout the Village
Trick-or-treat 3-5pm  Games & Entertainment 4-7pm
Sponsored by City of Claremont, Claremont Village Marketing Group, & Local Businesses
SUZANNE H. CHRISTIAN, CFP
LPL BRANCH MANAGER
TRUE WEALTH CONSULTANT

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ACADEMY PEST CONTROL

Eugene Washington
Commercial Specialist
310 N. Indian Hill Blvd. • Claremont, CA 91711
Tel: (877) 398-4072 • (909) 398-4072
Fax: (909) 398-4076
E-mail: academyofpestcontrol@verizon.net
Website: http://academyofpc.com
Membership Recognition

July/August New Members

Top row: Kathy Hatcher, LA Times Digital Media Group, Maria Brandt, Sekai Black Belt Academy, Sherri Fernandez, Complete Marketing Solutions, Andrew Behnke, Chair, Alexandra Haley, Claremont Healing House, Kim Peeples, Vom Fass, Mohammed Daylak, Al Amir Bakery.

July Renewing Members

Top row: Floy Biggs, Community Senior Services, Sue Profit, LA/Ontario International Airport, Janice Berkenheger, Claremont Sanctuary Pilates, Andrew Behnke, Chair, Christina Cavourides, Plum Ridge Bottle Shop.
Bottom row: Bill Cunitz, Pilgrim Place, Suzanne Snijder van Wissenkerke, Claremont Wellness Professionals and Bridget Healy, Inland Valley Repertory Theatre, Inc.

Another Member Benefit – Spotlight on YOUR Business

Zoom Room Dog Training

The Zoom Room offers positive dog training in group or private classes, featuring: dog agility, obedience, puppy preschool, puppy agility, tricks training, therapy dog training, scent class and more. We also carry a full line of hand-picked, eco-friendly, solution-oriented training gear for your dog: raw and organic dog food, all-natural treats and chews, dog toys and puzzles, collars and leashes, bedding and much more. Additional amenities include our Hound Lounge with free direct trade coffee, as well as free WiFi. If you would like to celebrate the social aspect of dog ownership in Claremont, meeting other great dog owners, and deepening the bonds of communication with your dog, the Zoom Room is the perfect place for you... and your dog.

405 W Foothill Blvd., Claremont, CA 91711 • (909) 333-6171 • http://zoomroom.me/claremont

New Member Spotlight

Two Generations Realty

Two Generations Realty is a top-producing mother-daughter real estate sales team partnered with Keller Williams Realty. Karen Fricke and Lisa Ferreras have more than 30 years combined industry experience. They proudly serve the foothill communities from Upland to Pasadena with professionalism and integrity.

317 E. Foothill Blvd #205
Arcadia, CA 91006
(626) 698-2612

New Member Spotlight

Vom Fass

VOM FASS is a retail concept offering Culinary Oils, Fruit Vinegars, Exclusive Spirits and Select Wines. Every delicious product is ready for sampling “from the cask”, (the English translation of VOM FASS). If you like good food and drink, you will love VOM FASS.

101 N. Indian Hill Blvd.
C2-100
Claremont, CA 91711
Opening in October
**Renewing Members**

**July 2013**

- **80+ Years**
  - Southern California Edison

- **40+ Years**
  - Dr. Richard S. Kirkendall

- **25+ Years**
  - Citrus Community College
  - Rancho Santa Ana Botanic Garden
  - Pomona Valley Trans. Authority
  - Claremont United Church Of Christ

- **20+ Years**
  - Crossroads, Inc.
  - Rotary Club Of Claremont, The

- **15+ Years**
  - Claremont Educational Foundation
  - Escape Salon
  - The Village Grille
  - Casa Colina Centers for Rehabilitation
  - Children’s Fund Clmr./West End Auxiliary
  - Wair & Colfer Attorneys at Law
  - Three Valleys Municipal Water District

- **10+ Years**
  - Masonic Lodge #436
  - Claremont Wellness Professionals
  - Money Breeders Tax & Accounting
  - Smith and Bellows Dental Practice

- **5+ Years**
  - LMA Consulting Group, Inc.
  - Wisteria Grove
  - Packing House Wines
  - Laemmle’s Claremont
  - Hotel Casa 425 + Lounge
  - Community Senior Services
  - Inland Valley Repertory Theatre, Inc.
  - James R. Bostwick, Jr.
  - McLay Plumbing & Heating, Inc.
  - Claremont Photo and Video
  - La Parolaccia osteria Italiana

**New Members**

**June 2013**

- **Claremont Museum of Art**
  - Museum
  - Claremont
  - (909) 621-3200

- **Ophelia’s Jump Productions**
  - Performing Arts
  - 1058 Cascade Pl.
  - Claremont, CA 91711
  - (909) 621-1058

**July 2013**

- **American Museum of Ceramic Art**
  - Museum
  - 399 N. Garey Ave.
  - Pomona, CA 91767
  - (909) 865-3146

- **Al Amir Bakery**
  - Bakery
  - 426 Auto Center Dr.
  - Claremont, CA 91711
  - (909) 625-0500

**August 2013**

- **Pacific Juniors Volleyball**
  - Health and Wellness
  - 1599 Monte Vista Ave.
  - Claremont, CA 91711
  - (909) 399-4092

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**Your generous donations make our events more of a success and give you the opportunity to mention your name EVERY time you give.**

- Inland Valley Repertory Theatre • Zoom Room • Life Bliss Foundation • 21 Choices
- E. Mark Waterman DC/ Claremont Chiropractic • Sylvan

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The Chamber receives many requests for us to send blast e-mails regarding events. Our policy is only to send e-blast information on Chamber events and crime alerts. The Chamber will gladly advertise your event for free, by putting a poster in the public window and displaying flyers/brochures in the office. However, if you would like to add your event to the web, head to www.claremontcalendar.com where you can advertise all information for free.
September 14
Vintage Village Wine Walk
4:00 – 8:00 pm

September 17
Ribbon Cutting
5:30 – 7:00 pm
Beer Belly Deli
590 W. First St.
Claremont, CA 91711

September 18
Ladies Luncheon
11:30 am – 1:00 pm
Orchard Restaurant
DoubleTree Hotel by Hilton Claremont

September 19
Multi-Chamber Mixer
5:30 – 7:00 pm
Arthur Murray Dance Studio
8660 Central Ave.
Montclair, CA 91763

September 2
Labor Day
Chamber Office Closed

September 10
Networking Breakfast and General Meeting
7:30 – 9:00 am
Presentation by:
Shamrock Cleaning and Restoration

DoubleTree Hotel by Hilton Claremont
555 W. Foothill Blvd.
Claremont, 91711

Members: $15
(pre-registration required)
Non-members: $20
(by reservation only)
RSVP by September 6th

September 19
CYP
5:30 – 7:00 pm
Hotel Casa 425
425 W. First St. Claremont

September 25
“Chit Chat” at the Chamber
8:00 – 9:00 am
Chamber Office
205 Yale Ave., Claremont
Sponsored by: SportsPros

October 26
32nd Annual Village Venture Arts & Craft Faire
9:00 am – 5:00 pm
Rain or Shine

RSVP to all events by calling
(909) 624-1681 or emailing
marlene@claremontchamber.org

Return Service Requested

A reservation made is a reservation paid for ALL events. We appreciate check/cash on the day of the event. Please check in at registration even if you have pre-paid.