



September 7, 2021

**The Honorable Nancy Skinner, Chair**  
Senate Committee on Budget & Fiscal Review  
State Capitol, Room 5094  
Sacramento, CA 95814

**The Honorable Phil Ting, Chair**  
Assembly Committee on Budget  
State Capitol, Room 6026  
Sacramento, CA 95814

**The Honorable Jim Nielsen, Vice Chair**  
Senate Committee on Budget & Fiscal Review  
State Capitol, Room 5064  
Sacramento, CA 95814

**The Honorable Vince Fong, Vice Chair**  
Assembly Committee on Budget  
State Capitol, Room 2002  
Sacramento, CA 95814

**RE: COVID Liability Relief/Supplemental Paid Sick Leave (RN 21 18960): OPPOSE**

The organizations above are in strong opposition to the proposed last-minute legislation tying critically important efforts to increase employee vaccination rates with yet another series of expensive and onerous mandates on employers. The language in RN 21 18960 will only increase financial burdens on the business community, still trying to recover from government-imposed shutdowns and interfere with businesses' ongoing attempts to increase vaccination rates and recover the millions of jobs lost during the pandemic.

We previously raised our concerns about this concept (letter attached), including imposing a dual cost burden on businesses of all sizes, forcing them to pay for COVID-19 tests for unvaccinated employees, while increasing supplemental COVID paid sick leave for employers with more than 25 employees.

The Cal/OSHA Emergency Temporary Standard already includes unlimited paid sick leave for employees who test positive for COVID-19 and there are further existing mandates for sick leave in current law. This language adds an additional 40 hours (or five eight-hour workdays) beyond those existing protections. At a time when there is already a significant hiring shortage, and when establishments are hiring for the

upcoming holiday season, the proposed language is a significant burden on employers and barrier to economic recovery.

While we support the attempt to clarify existing law by providing businesses needed liability protection, we do not support forcing businesses to accept this protection at such a high cost. With or without liability protection, businesses will continue to do the right thing and encourage their employees to be fully vaccinated and provide a safe workplace for all workers.

There are now fewer than 96 hours left in legislative session. This proposed language is being rushed at the last possible minute. We oppose using the controversial gut-and-amend tactic to impose a costly and onerous mandate on business and we strongly oppose the language in RN 21 18960.

Thank you,

ROB LAPSLEY  
President, California Business Roundtable

RACHEL MICHELIN  
President and CEO, California Retailers Association

JOHN KABATECK  
State Director, National Federation of Independent Business, California

JOT CONDIE  
President and CEO, California Restaurant Association

LUCY DUNN  
President and CEO, Orange County Business Council

REX HIME  
President and CEO, California Business Properties Association

LYNN MOHRFELD  
President and CEO, California Hotel and Lodging Association

TRACY HERNANDEZ  
President and CEO, BizFed Los Angeles

cc: Governor Gavin Newsom  
Members, California Legislature  
Dee Dee Myers, Senior Advisor to the Governor and Director of the Governor's Office of Business and Economic Development (GO-Biz)



September 3, 2021

**The Honorable Nancy Skinner, Chair**  
Senate Committee on Budget & Fiscal Review  
State Capitol, Room 5094  
Sacramento, CA 95814

**The Honorable Phil Ting, Chair**  
Assembly Committee on Budget  
State Capitol, Room 6026  
Sacramento, CA 95814

**The Honorable Jim Nielsen, Vice Chair**  
Senate Committee on Budget & Fiscal Review  
State Capitol, Room 5064  
Sacramento, CA 95814

**The Honorable Vince Fong, Vice Chair**  
Assembly Committee on Budget  
State Capitol, Room 2002  
Sacramento, CA 95814

**RE: PROPOSED EFFORTS TO TIE PAID SICK LEAVE EXTENSION TO CRITICAL LIABILITY PROTECTION**

The organizations listed above are in strong opposition to any attempt to introduce last-minute budget language that attempts to tie critically important efforts to increase employee vaccination rates with yet another series of expensive and onerous mandates on employers. Such a bill will only increase financial burdens on the business community and interfere with the state's and business community's ongoing attempts to increase vaccination rates among all eligible Californians.

As you know, many in the business community, including our organizations, supported draft bill language providing needed liability protections for employers looking to increase vaccination rates among their employees. In an unusual step, and to show you and your colleagues the vital need for such protections in good faith, we made our position public prior to the amendments being introduced.

Businesses of all sizes have collectively spent hundreds and hundreds of millions of dollars during the pandemic to keep customers and employees safe. It is also the business community that developed, manufactured, delivered and, in many cases, administered live-saving COVID-19 vaccines. We have been a partner with the state since the beginning, working to donate PPE when it was scarce, shutting down entire sectors of the economy to slow the spread of the virus, and helping to expedite vaccine distribution when state efforts stalled.

Some businesses are already requiring employee vaccination, despite the legal uncertainty. But for many businesses, especially small businesses, the state's worst-in-the-nation litigation environment makes imposing further vaccine requirements extremely risky. The assurances provided to employers that they are shielded from frivolous lawsuits would have paved the way for even more businesses to take action to increase vaccination rates among their employees and undoubtedly save lives – without further financial burden on businesses still struggling to recover.

Now, we understand that there are last-minute budget discussions tying liability protections to extending paid sick leave beyond the requirements imposed by existing law and the Cal/OSHA Emergency Temporary Standard. We oppose attempts to make a measure simply to clarify existing law— but one that could increase vaccination rates—contingent on businesses agreeing to yet another expensive mandate. These are two separate and distinct issues that should be debated separately.

The business community is once again asking for a simple and clear legal liability bill that does not impose further financial burden on businesses. Employers should not be financially responsible for providing tests to employees who refuse to get vaccinated and request testing as a reasonable accommodation. Such a cost burden will deter more businesses from enacting new vaccine requirements and hamper efforts to increase vaccination rates.

Thank you,

ROB LAPSLEY  
President, California Business Roundtable

RACHEL MICHELIN  
President and CEO, California Retailers Association

JOHN KABATECK  
State Director, National Federation of Independent Business, California

LUCY DUNN  
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