



"Right to Recall"

P.5



PPP Forgiveness

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Salinas Welcomes New Gateway Arch

Gateway Arch Creates a Downtown Salinas Meeting Place

Seven years of planning, fundraising, design, engineering and fabrication culminated on April 16 when a landmark arch was installed over the 200 block of Main Street in Downtown Salinas. The City of Salinas and the Salinas Downtown Rotary Club were funding and planning partners in this project, with leadership from Teri Belli, Peter Kasavan, Catherine Kobrinsky Evans, and Larry Bussard.

This arch is meant to serve as a meeting place (#MeetMeAtTheArch) and a natural spot for individual or group photos that identify Salinas as the location. The design deliberately evokes the old Salinas sign that hung over Main Street in the vibrant art deco/art moderne era of Downtown Salinas in the 1920s through the 1940s.

For at least twenty years, Salinas community leaders have recognized the potential benefit of a "gateway" that would establish identity for the city's historic downtown. The 2015 City of Salinas Downtown Vibrancy Plan asserted that "throughout downtown Salinas there is a need to update infrastructure and services to create a sense of place and encourage the gathering of residents and visitors..." This need was addressed in the 2017 City of Salinas Main Street Master Plan, which explains the Main Street Gateway Concept: ➡



Salinas's New Arch

PHOTO CREDIT: project architect Peter Kasavan

Expanding Speedy Broadband in the City of Salinas

On March 11, 2021, President Joe Biden signed into law a massive coronavirus relief and recovery bill (Public Law 117-2) called the "American Rescue Plan Act of 2021." Part of that bill includes federal funding for local governments to spend on programs and projects intended for specific purposes. The City of Salinas anticipates getting about \$50 million from American taxpayers through this law.

Some California local governments are moving quickly to determine how to spend their federal funding allocations. Ideas for expenditures frequently include housing assistance, improvements to transportation corridors, and improving broadband access to disadvantaged neighborhoods.



Green line shows current Broadband "Backbone fiber," which runs by Hartnell and to the new Police Station.

How do the people of Salinas want to see the City spend that money? To find out, the City of Salinas held a community forum and initiated an electronic survey. Two proposals often mentioned were improving the condition of transportation corridors and improving public access to the Internet.

Your Chamber Stays Alert for Economic Development

On March 30, 2021, after consultation with its Government Relations Committee, your Salinas Valley Chamber of Commerce submitted a letter to the Salinas City Council indicating that it "does not have any specific requests related to expenditures or revenue" but asked for the city council "to consider your Fiscal Year 2021-2022 budget in the context of some important principles." (Please contact the Chamber if you'd like to see the letter). ➡

ARCH - Continued on page 6

BROADBAND - Continued on page 6

A Safe, Welcome Re-Opening Plan for California

by Allan Zaremborg, CalChamber CEO



I'm sure many readers know someone who postponed a wedding or reunion in 2020 due to the inability to gather or travel under COVID-19 restrictions. Thankfully, the good news has come that we can, once again, begin making plans. California is on the right trajectory. If vaccination rates stay up and hospitalization rates stay low, Governor Gavin Newsom promises that, beginning June 15th, Californians can once again gather together or travel to California's world class tourist destinations.

Californians are to be congratulated for helping conquer COVID-19 in the state. By sacrificing time together, paying attention to safety protocols and getting vaccinated as soon as possible, we have positioned our economy for re-opening. If trends continue in this direction, life will soon look a lot more normal. We'll soon see remote workers return to the office, more diners served restaurant meals indoors and sporting events played in front of loyal fans.

Looking back a year ago, CalChamber's Labor Law Helpline was flooded with calls from businesses desperate for solutions in the midst of massive shut-downs. Revenues were drying up and workers had to be let go. Those were sad days, full of uncertainty. California's tourism, hospitality, entertainment and restaurant sectors were in the beginning of what would become a historic beating. At that time, we had no idea that some businesses would go more than a year with no income. We are grateful for the many small business loans, grants and other forbearance that kept lots of these operations afloat.

As we turn the corner on the worst of the pandemic, however, it is critical that we remember the contributions made by so many—those who followed protocols, essential businesses and their workers, and frontline health care heroes. The sacrifices of all have positioned California for a much-anticipated re-opening. It is imperative that we now work together to do everything we can to support those who provide the jobs Californians need

to support their families and drive our economy.

While California's history has changed, we all have a responsibility to continue our forward momentum. What does that mean? Get vaccinated and wear a mask. We can look no farther than Europe to see how important vaccines are. Many countries are back in lockdown while California is opening for business, thanks in large part to effective distribution of vaccines. Vaccines have been crucial to our success and will be critical to getting the job done. The Governor's re-opening plan depends on people continuing to be vaccinated at a fast pace. On the brink of re-opening, we simply cannot afford to let down our guard and the necessity, safety and efficacy of vaccines cannot be emphasized enough.

A few weeks after COVID-19 shutdowns began, Governor Newsom asked me to be on his Economic Recovery Task Force. This diverse group of business and community leaders collaborated on numerous recommendations to an evolving crisis that contributed to a robust policy response from state and local leaders. We worked hard to provide solutions but we did not have the benefit of vaccines in 2020. They have been a game changer. As of today, California's COVID-19 numbers tell an optimistic story—we have the lowest positivity rate in the country.

There is no question that the pandemic brought grief to thousands of families, dislocation to a generation of school children, and economic insecurity to millions of workers. But the willingness of Californians to adapt to the safety protocols and embrace the new vaccines has turned the tide. Everyone needs to be vaccinated and continue to follow protocols. Let's keep doing the right things and get California open for business. ■

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Equitable Recovery for All in Monterey County

by Kristy Santiago, Board Chair



Over the past year, the Chamber has sent out dozens of emails on loans that were available to small and large businesses in Monterey County. Recently Anna Caballero gave our Chamber members a presentation on the application process and funding details for small businesses under SB 87.

SB 87 will establish the California Small Business COVID-19 Relief Grant Program within CalOSBA to assist qualified small businesses affected by COVID-19 through administration of grants. The bill would require CalOSBA to provide grants to qualified small businesses as defined and in accordance with specified criteria, including geographic distribution based on COVID-19 restrictions, industry sectors most impacted by the pandemic, and underserved small businesses. The bill would repeal these provisions on January 1, 2024.

This bill would appropriate \$2.075 billion dollars from the General Fund to the Golden State Stimulus Emergency Fund to be transferred to the Office of Small Business Advocate for the program. It would allocate \$50 million dollars of those funds for eligible nonprofit cultural institutions.

I wondered how many of our businesses are taking advantage of Covid Relief Funding. Data posted by the SBA shows that businesses in Monterey County were granted 6927 Paycheck Protection loans. 130 of those loans were over 1 million dollars each. One company in Monterey County received \$9.65 million dollars in loans. I then pulled the loans by zip code and was

very happy to see that they were distributed throughout Monterey County. Salinas was the top city for loans with 2354 loans granted, followed by Monterey at 1633, Carmel with 1132, Sand City-Seaside with 435 and South County with 424. The top cities for receiving loans over 1 million dollars were Del Rey Oaks-Monterey 25 (zip code 93940), South County 21 (zip codes 93926, 93927, 93930, 93960) Corral De Tierra-Salinas 20 (zip code 93908), Salinas-Prunedale 13 (zip code 93907), Salinas 16 (zip codes 93901, 93905, 93906).



Spreading the money
countywide will help everyone
recover together.

The Salinas Valley Chamber will continue to keep you informed on loans and resources available to your business in 2021. You can call the Chamber staff for help or check out some of the resources below.

Kristy Santiago

www.sba.gov/funding-programs/loans/covid-19-relief-options and <https://bit.ly/3th67T7>

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Safely Returning Employees to the Workplace

by Bianca Saad, CalChamber

What COVID-19 safety measures do employers need to have in place before bringing employees back to the worksite from remote work?

Employers who are bringing their employees back to the workplace have several steps and considerations to make.

Written Prevention Program

One major safety component is developing a written COVID-19 Prevention Program, as required under the California Division of Occupational Safety and Health (Cal/OSHA) Emergency Temporary Standards (ETS) that took effect on November 30, 2020.

In creating your written COVID-19 Prevention Program, you will need to address several topics, including but not limited to how you will: communicate your COVID-19 prevention procedures to your employees; identify, evaluate and correct COVID-19 hazards; implement physical distancing and face covering requirements; investigate and respond to COVID-19 cases in the workplace; provide testing to employees who may have been exposed to COVID-19 in the workplace; and exclude COVID-19 cases and exposed employees from the workplace.

Cal/OSHA has made a Model COVID-19 Prevention Program available for employers to use.

COVID-19 Testing

Aside from addressing the topic of testing in the written COVID-19 Prevention Program, employers are

required to provide COVID-19 testing for employees who were exposed to COVID-19 at work (additional testing requirements are triggered by "major" or "multiple" outbreaks as defined by the ETS), exclude COVID-19 cases and exposed employees from the workplace (including maintaining pay and benefits), and ensuring specific criteria are met before COVID-19 cases and exposed employees may safely return to work.

Notifications/Reporting

Employers should also be familiar and ready to comply with your various notification and reporting requirements related to COVID-19.

Under AB 685, and under the Cal/OSHA ETS, employers must notify all employees within one business day of learning of a positive case in the workplace. Additionally, employers have obligations to report all positive cases to their workers' compensation carrier under SB 1159.

Sick Leave

Lastly, part of maintaining a safe and healthy workplace includes allowing employees who are sick or experiencing any COVID-19 symptoms to stay home.

Available leave may include California mandated paid sick leave, leave under the federal Families First Coronavirus Response Act for those employers voluntarily providing it, local paid sick leave or supplemental paid sick leave ordinances, and most recently, California's newly enacted supplemental paid sick leave law.

Industry-Specific Standards

Keep in mind this is a general overview of some of the highlighted safety measures to have in place. Employers should also check for any industry-specific standards, along with any requirements of their particular local health department. ■



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Chamber Works to Defeat Local “Right to Recall”

by Paul Farmer, Chamber CEO

In defending the interests of business with government, your Salinas Valley Chamber helped lead the opposition to proposed legislation for “Right to Recall” employees in Monterey County. Just before the County Board of Supervisors was to vote, Governor Newsom signed similar legislation at the State level. We did not give up the fight, because Labor Union interests in Monterey County continued to push for even more stringent regulations locally. As the Business Journal went to press, this issue was unresolved locally. Please watch your emails from the Chamber for the latest updates.

Here is the text of the letter the Monterey County Business Alliance (of which the Salinas Valley Chamber is a founding member) submitted to the County Board of Supervisors on April 16, 2021:

Dear Supervisors:

We are a group of business associations and businesses, many associated with the Monterey County Business Alliance. We thank you for your support for businesses and commerce during the coronavirus public health orders and your assistance in helping businesses protect their employees from COVID-19 infection.

In that context, we regret that businesses now must get involved in a contentious policy issue that now distracts the attention of business associations, business owners, government officials, news media, and the public. Supervisor Luis Alejo has introduced a “Right-to-Recall” ordinance previously enacted by a few of the state’s urban governments (San Francisco, Oakland, San Jose, Santa Clara, County of Los Angeles). The California legislature also passed a version of this policy, but Governor Gavin Newsom vetoed it. There is litigation challenging this policy as enacted in the City of San Diego.

We oppose the policy for reasons that include the following:

- Principled opposition to the concept that the county has the constitutional right to determine for employers which employees they should hire. This proposal is a dangerous precedent that invites corruption, as individuals or organizations can turn to the government to manipulate private hiring practices and decisions in their favor.
- The policy subverts existing collective bargaining agreements negotiated between employers and employee representatives. Businesses are put at a disadvantage in contract negotiations if one negotiating party has the power to turn to elected government officials to impose provisions they sought but didn’t win in a negotiated agreement.
- As Monterey County recovers from stringent restrictions on commerce, this policy creates a legal vulnerability for businesses as they seek to rebuild their workforces. We suspect this law will be used as economic leverage against employers through the use of class action lawsuits and other actions. Any business subject to this policy that does not hire back every worker laid off because of the coronavirus public health orders (or any other reason) is vulnerable to a lawsuit that will impose litigation costs on the company and undermine its reputation. Based on public comments at hearings concerning this issue, some people even believe this law can compel businesses to reopen or expand reopening. We expect former employees may move back to the region after jobs are filled and declare their right to get their old jobs back under this law. In addition, workers may sue claiming they weren’t hired back when in actuality they declined the opportunity to be hired back, perhaps because they didn’t want to be assigned to a different operation or would only accept their old positions under revised working terms and conditions. The policy is full of traps.
- We have not found or heard any documented evidence that any businesses in Monterey County are engaging in the practice of hiring inexperienced new workers instead of veteran workers. In fact, there is a significant shortage of workers for the hospitality industry’s needs at this time and experienced

workers are in high demand. Business owners and managers say openly that they want to locate and bring back their former employees to their former positions - it’s in their economic interest as well as moral interest to do so. The policy does not reflect the reality of the current job market, which suggests there are perhaps ulterior motives for this policy other than ensuring veteran employees get back to their jobs.

While you deliberate on your position, here are two items that we believe the County of Monterey needs to research even before a vote on this policy is taken:

- an analysis of litigation or formal complaints to date related to the “Right to Recall” ordinances enacted at California local governments and elsewhere. What sort of circumstances are leading to exercise of this policy, and what do defendants say about the validity of those allegations?
- an analysis of “Right to Recall” provisions in the labor agreements to which the County of Monterey is a party and an analysis of all grievances or litigation related to those provisions. What is the County’s experience as an employer with this particular policy?

We look forward to the end of this controversy and a return to community cooperation instead of divisiveness as we seek economic recovery and job creation for all residents.

Sincerely,
Monterey County
Business Alliance



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GATEWAY AND IDENTITY

Currently, there is no distinguishable gateway into the Main Street corridor and downtown Salinas as a whole. It is recommended to install a landmark sign that reflects the historic Salinas sign that hung above Main Street many years ago. Figure 17 displays the landmark sign concept. Installation of a landmark sign will foster the future vision and capture the unique past of Main Street and downtown Salinas.

The creation of an identifiable gateway and other supporting identity elements will reinforce the Main Street corridor with a contemporary take on the rich history of Salinas and the surrounding region... These signs will either be installed as part of the City's Main Street improvements or through a privately funded effort by the Rotary Club. The Rotary Club is presently evaluating potential designs and soliciting private funding for gateway signage.

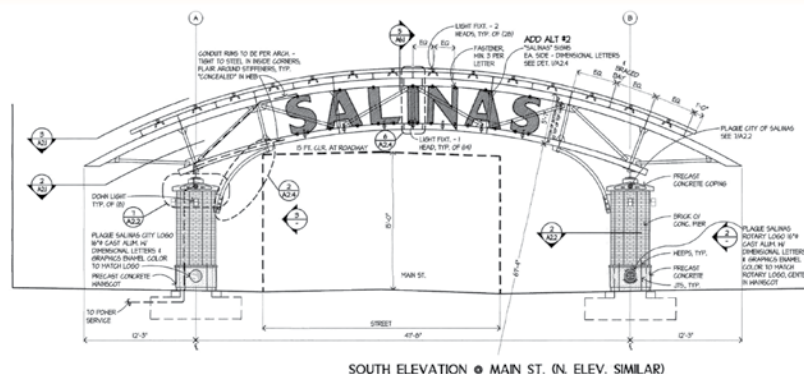
With the installation of the Downtown Salinas Gateway Arch, yet another element of the City of Salinas Downtown Vibrancy Plan is achieved. ■



The old Salinas arch that hung over downtown from the 1920s to the 1940s.



Some people have asked about the danger of a truck striking the arch. At its lowest point on the sides, the arch has 15 feet clearance over the surface of Main Street. California law (California Vehicle Code Section 35250) sets 14 feet as the maximum height for vehicles (except double decker buses get an additional 3 inches).



Subsequent to sending that letter, your Chamber endorsed two ideas for City expenditure of federal American Rescue Plan funding allocations.

Senior citizen advocacy groups are asking for city acquisition and operation of a municipal Senior Center to improve the quality of life for older residents. Your Chamber supports this idea because our members report that some employees are challenged in finding activities and community support for older generations of family members who live in the city, often in their households. (Again, contact the Chamber if you'd like to see the letter).

The City's Small Business Economic Task Force Inspires An Achievable Idea

Your chamber's support for the second idea was inspired by discussion at the April 1 meeting of the City of Salinas Small Business Economic Task Force. This is a group of business owners and community leaders (including the Chamber CEO) appointed by the city council to provide input and advice on relief and recovery strategies for businesses affected by coronavirus public health orders. On February 23, the city council voted to authorize the mayor to appoint additional members to the Task Force, and your Chamber's Government Affairs Liaison was subsequently appointed.

During the meeting of the Task Force, the executive director of SUBA (Salinas United Business Association) brought up an idea to get fiber optic conduit access to Silicon Valley extended into the sometimes-overlooked East Salinas/Alisal commercial districts, including the area covered by the Alisal Vibrancy Plan.

As it turns out, your Chamber's Government Affairs Liaison was quite familiar with the status and planning for fiber conduit in the City of Salinas through his work as Government Affairs Director of the Salinas City Center Improvement Association (which is also a Chamber member). Before the meeting was over, a strategy was underway at the Task Force toward asking the mayor and city council to support this vision with some of the \$50 million in American Rescue Funds.

Background on Local Fiber Optic Conduit Installation

Fiber optic cables provide governments, businesses, and residents with very fast electronic communications, even with many users. Their performance is superior to traditional copper cable networks.

In the mid-2010s, a group of various Monterey Bay local governments and organizations worked to get a major fiber optic cable installed between Santa Cruz and Soledad. This cable then connects from Santa Cruz to Silicon Valley and the powerful data and technology centers there. The Monterey County Business Council (MCBC) helped lead this effort. It was installed with two junctions in the City of Salinas, located adjacent to Hartnell College and to Salinas Regional Airport.

Meanwhile, the City of Salinas Economic Development Manager was working on a plan to connect that Santa Cruz-Soledad major fiber cable with other conduit through Downtown Salinas (as part of the Downtown Vibrancy Plan) and to the new Police Station. In keeping with a strategy to "Dig Once"

and avoid repeatedly ripping out the streets and disrupting traffic, this fiber conduit was installed underground during recent construction of the West Alisal/Lincoln Avenue Downtown Complete Streets Project and the Main Street Streetscape Project.

At the same time, a private company is now installing aerial fiber within various neighborhoods in the City of Salinas, including East Salinas/Alisal. But this network does not connect to the outside.

And even more is going on related to fiber. The City of Salinas has issued a Request for Proposals (RFP) for Municipal Broadband Network Services. A consultant is working with the city to maximize the number of qualified entities that submit proposals to fulfill this objective. The deadline for bid submissions was April 30, 2021.

There are many moving pieces, but this plan would conform to the intent of the American Relief Plan in several ways. Federal regulations now under development will clarify that conformity.

The Missing Piece

The key is setting up a fiber connection between East Salinas/Alisal and the Santa Cruz-Soledad major fiber cable. And one way to do it may be to extend the fiber conduit from the Police Station along East Alisal Street under Highway 101 and into the Alisal, perhaps in conjunction with street and sidewalk improvements on that commuter corridor.

In fact, Monterey-Salinas Transit (MST), with the support of the Transportation Agency for Monterey County (TAMC) is now seeking state

funding for a planning study analyzing an improved transit corridor between Downtown Salinas and East Salinas/Alisal. That analysis would consider and identify key locations for technology and infrastructure to facilitate an express bus service and centrally-located transit hub, perhaps the Salinas Intermodal Transportation Center.

There may also be an opportunity for the City to install fiber conduit into East Salinas/Alisal from the city's second junction with the Santa Cruz-Soledad major fiber cable at the airport.

Your Chamber, Helping Where and When Appropriate

While recognizing that East Salinas/Alisal business and community groups must be the leaders in advocating for this fiber conduit connection, your Salinas Valley Chamber of Commerce is a part of the coalition to make it happen. We have been collecting and distributing information to various interested parties and organizing coordination meetings that involve key staff. SUBA is taking the lead on a formal joint letter to the Salinas mayor and city council about the proposal, although the idea is already circulating in verbal form informally and widely.

This article itself is directed at influential local leaders, business owners, and interested residents. We hope they will recognize the potential of this idea as a long-term strategy to fulfill the Chamber's vision for "a thriving, welcoming Salinas Valley where people, families, and businesses succeed via economic opportunity & growth." ■

ARCpoint Labs Offers Many Testing Options

by Spenser Smith, Lab Manager, ARCpoint Labs of Monterey Bay

ARCpoint Labs of Monterey Bay Offers Wide Array of Testing Options in Monterey & Salinas

In early 2020, our laboratory was quietly operating as the foremost lab in Monterey County for drug and alcohol testing, DNA testing and wellness testing, mostly for employers for their employees and companies required by the government to test its employees, such as delivery and long-haul drivers.

Then a few months into 2020, COVID-19 hit the world like a viral whirlwind. Almost overnight we became the foremost lab in the county conducting COVID-19 testing. Now ARCpoint Labs has the most comprehensive testing menu available for COVID-19 in the county.

But while we became known for our COVID testing, we didn't curtail or eliminate all the other testing we had become known for. As part of the leading and fastest-growing third-party providers in the drug testing industry, we not only continued to provide all the services we had before, but we've kept abreast of the latest technological trends and improvements in the lab testing industry to ensure that the community has the results it needs.

Even though some of our procedures have changed because of the pandemic, we still conduct on-site testing for a whole host of options, including drug testing, alcohol screening, DNA and clinical lab testing, corporate wellness programs, employment/background screening, pre-employment, random, post-accident and reasonable suspicion drug testing. In addition to our workplace and wellness testing capabilities, we serve many judicial, athletic, and medical clients across the United States.

While some employers and companies like the convenience of off-site testing at their facilities or offices, many prefer the security, comfort and privacy on-site testing our labs provide.

We've been in the drug and alcohol testing business for over 18 years, and our staff has more than 60 years of combined industry experience.

All ARCpoint Labs technicians at our Monterey Bay location are certified and trained in accordance with 49CFR Part 40 (Part 40), Procedures for Transportation Workplace Drug and Alcohol Testing Programs. The federal requirements of Part 40 ensure best practices and establish standards for training both urine collection and breath alcohol technicians within the industry.

ARCpoint Labs corporate staff includes credentialed professionals, bringing the highest standards of training to ARCpoint Labs and its client base.



Spenser Smith, Lab Director,
ARCpoint Labs of Monterey Bay

In addition, ARCpoint Labs of Monterey Bay is affiliated with numerous labs throughout the U.S., helping us establish a network of over 10,000 collection sites across the country. Our comprehensive services are built around a passion for reducing drug abuse as well as empowering individuals and companies to manage their health and wellness through affordable lab screening.

"ARCPoint Labs has been a huge help to Graniterock during the pandemic. We were deemed to be an essential industry and ARCPoint's help with testing was invaluable to us keeping our employees safe and working throughout the pandemic. They constantly adapted and adjusted to match our needs and keep on top of the evolving testing protocols. I feel that ARCPoint Labs is our testing partner, not just a vendor. We are not all done with COVID-19 just yet. I know we will get there and ARCPoint will have been a big part of that for Graniterock and our community."

Matthew Reade,

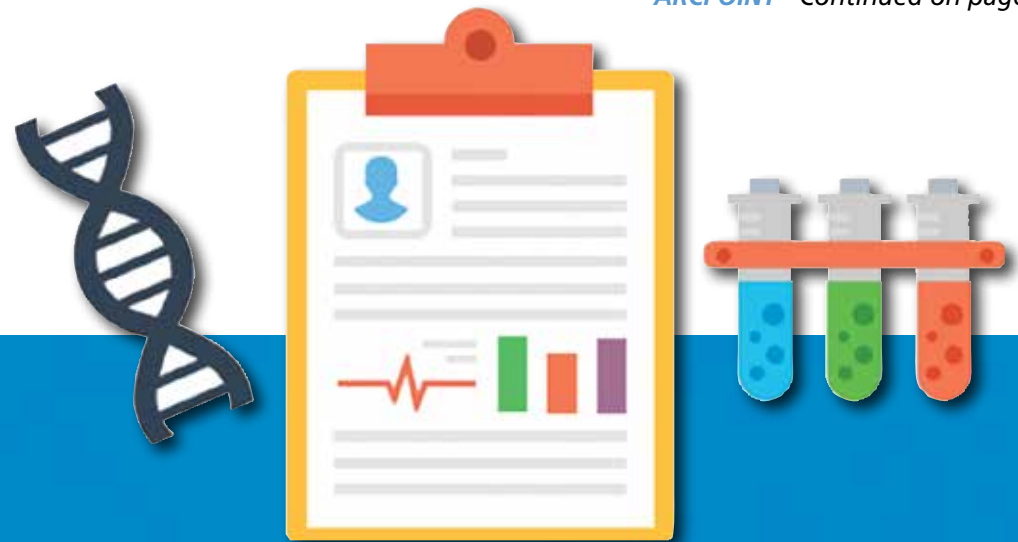
Director of Risk Management, Graniterock

Here's a brief outline of some of our services, including Employer Solutions, Physician Solutions, Individual Solutions, Legal and Judicial Solutions, and Department of Transportation Solutions. And, of course, we continue to offer the most comprehensive testing currently available for COVID-19 in Monterey County.

Employer Solutions

Drug testing and background screening can be complicated, but they shouldn't be overwhelming. As your local industry experts, we take pride in providing the information you need to feel comfortable with how you are leveraging ARCpoint Labs services to effectively serve your employees' and candidates' needs. Our network of experts to help ensure you are staying compliant with federal and state drug testing regulations. ➡

ARCPOINT - Continued on page 14



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New COVID-19 Paid Sick Leave Law

by Bradley J. Levang



Recently enacted SB 95 added new Labor Code section 248.2 which provides COVID-19 supplemental paid sick leave benefits for covered employees. The supplemental paid sick leave law covers employees working for companies with 25 or more employees. The new law provides supplemental paid sick leave, from January 1, 2021 through September 30, 2021, for employees who are unable to work or telework for certain reasons relating to COVID-19.

In general, employees caring for themselves, a family member, or with reasons related to the COVID-19 vaccine are eligible for this supplemental paid sick leave. Specifically, employees are eligible for this new supplement paid sick leave whenever they are unable to work or telework for COVID-19 related reasons because they are:

- Subject to a quarantine or isolation period;
- Advised by a health care provider to self-quarantine;
- Scheduled to receive a COVID-19 vaccine;
- Experiencing symptoms related to a COVID-19 vaccine and cannot work or telework;
- Seeking a medical diagnosis regarding COVID-19 symptoms;
- Caring for a family member subject to quarantine, self-quarantine, or an isolation order;
- Caring for a child whose school or place of care is closed or otherwise unavailable for

An employer must make supplemental paid sick available immediately upon the oral or written request of any eligible employee. Full-time employees and employees scheduled to work an average of 40 hours per week in the two weeks before requesting supplemental paid sick leave are entitled to 80 hours of supplemental paid sick leave. Part-time employees are generally entitled to an amount of supplemental paid sick leave equivalent to the average number of hours. For non-exempt employees, the

compensation rate is the highest of 1) the regular rate of pay for the workweek in which the leave is taken; 2) a rate calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment; 3) state minimum wage; or 4) local minimum wage. For exempt employees, compensation is calculated in the same manner as wages for other forms of paid leave time. An employer is not required to pay more than \$511 per day and \$5,110 in the aggregate for supplemental paid sick leave taken by an eligible employee. Employers must provide itemized wage statements that indicate the available supplemental paid sick leave, set forth separately from regular paid sick days.

The new law is retroactive to January 1, 2021. Employees are eligible for retroactive compensation if an employer did not compensate employees for absences covered by the new law. The employer must issue retroactive payments to eligible employees who request such payments verbally or in writing. Under certain circumstances, an employer may be eligible to receive a credit or offset toward the retroactive amount. Employers must pay the retroactive supplemental paid sick leave by the payday of the next full pay period after the request.

Employers must provide employees with notice of the supplemental paid sick leave law by posting the notice from the Labor Commissioner (<https://www.dir.ca.gov/dlse/2021-COVID-19-Supplemental-Paid-Sick-Leave.pdf>) and by providing the notice to remote workers using electronic means. The full text of the law can be seen at Bill Text - SB-95 Employment: COVID-19: supplemental paid sick leave. (ca.gov). ■

Bradley J. Levang is a lawyer with the Fenton & Keller law firm in Monterey. This article is intended to address topics of general interest and should not be construed as legal advice. For more information, please visit www.fentonkeller.com.



“Good things are brewing at Pinnacle Bank.”

John Tilley and Tom Pesce at Pinnacle Bank provided the commercial loans we needed to expand our brewery operations to locations in Monterey and Salinas. We'll drink to that!

- John Hill and J.C. Hill,
Alvarado Street Brewery

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What is a Fiduciary?

by Bill Hastie, MBA

It seems as though on a daily basis we see the term "fiduciary" in financial services commercials without a real explanation of what that means. We are told we should only hire a fiduciary but are not quite sure how that may benefit us. Let's take a longer look at what a fiduciary is and how hiring one can benefit the consumer of financial services – and how it can have slightly different ramifications for two different types of clients.

In its simplest form, being a fiduciary implies a commitment to a standard of care for the client being served.

That standard requires the financial services advisor to put the interest of the client ahead of any other interest, especially their own. What does this apply to? Everything. In the world of investment management, being a fiduciary requires the advisor to thoroughly examine

the client's total financial situation, life and financial goals, risk tolerance and time horizon. Once examined, the advisor must prudently design a portfolio that seeks to achieve the client's goals within their risk tolerance. The standard of care continues with the advisor regularly monitoring that portfolio and making necessary adjustments as needed, again, solely for the benefit of the client. Consideration of the advisor's compensation should never enter the equation.

In the world of financial and retirement income planning, after the same thorough examination of the client's financial situation, the fiduciary advisor should only make recommendations seeking to achieve the stated life and financial goals. And as with investment management, regular monitoring is essential in order to keep the client on track should their goals change, and in the midst of a rapidly changing economic and market

environment.

When it comes to being a fiduciary advisor to qualified retirement plans (governed by ERISA – the Employee Retirement Income Security Act), there is a much higher level of care required. For any advisor who, in writing, states they are a fiduciary advisor under ERISA §3(21) or §3(38), the Exclusive Benefit Rule applies. The difference here is that standard of care noted above for the investment

advisor/financial planner is based on the advisor's commitment to adhere to a fiduciary standard, under ERISA that standard is a matter of law. The

Exclusive Benefit Rule states that everything the fiduciary advisor recommends to, and does for, the retirement plan must be solely for the benefit of the plan, its participants and their beneficiaries.

This standard further requires that an advisor must fully disclose any actual or perceived conflicts of interest and demonstrate that they have taken all possible steps to eliminate or at least minimize those conflicts. One issue that often arises here is that of the fiduciary advisor's compensation. In a nutshell, the fiduciary advisor must not be compensated more for some plan investments than others, known as levelized compensation. This ensures that the investment guidance given to a plan participant is solely for their benefit and explicitly not for increasing compensation paid to the advisor. ■

Bill Hastie, MBA is the Founder of locally-owned Hastie Financial Group. If you would like to discuss your personal or company's investment needs, please contact Bill at william.hastie@hastiefg.com



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Consumers Resort to 'Shoptimism'

Shoptimism is a term being used to describe purchases made from home during the pandemic. You are stuck at home and suddenly begin to see every flaw, paint chip and cluttered closet. So, you buy things to fix the situation — or you buy things to make you feel better about it.

When consumers buy things they don't need, such as luxury items, in the middle of a public health crisis, it's called "shoptimism." This term was coined by Lee Eisenberg in his 2009 book of the same title.

Why Do We Buy Things?

According to Eisenberg, people buy things to provide emotional relief from the anxiety of living in a pandemic and economically uncertain times. He describes two kinds of buyers. The classic buyer compares prices, deliberates on whether they need a product and then makes a purchase. The romantic buyer shops emotionally, purchasing trendy or "cool" items that boost their emotional state. In general, the romantic buyer cares about the emotional satisfaction of the purchase rather than the utility of the product.

E-commerce and M-commerce

Consumers are used to the convenience of online shopping (e-commerce), especially via their mobile devices (m-commerce). The click-and-collect culture isn't going anywhere soon. Not only is it safer but the convenience and faster delivery times make it easier than shopping in

stores. Generous return policies sealed the deal.

The rise of in-store pickup makes it easy to order online, drive up for contactless service and refuse any items that do not meet your expectations. This frictionless experience has risen due to the global pandemic, but consumers are likely to demand it for long afterwards.

Savvy brands will continue to capitalize on this moving into 2021. Even shoppers who do visit traditional stores now pre-research products and services online. Vendors who cannot meet consumers in cyberspace may find themselves pushed aside by competitors with a strong digital presence.

Contactless Shopping

Contactless shopping and payment provide a safe way for consumers to purchase online and pick up at participating stores. Consumers can also use the technology to shop or pay for items at retail stores.

Using biometrics and Amazon One technology, consumers scan one palm to make purchases at participating stores. Privacy advocates are watching the new technology as closely as facial-recognition software, which raised concerns with the ACLU and other advocate groups.

The technology does not require physical contact and palm images are encrypted in the cloud rather than on local devices. Users can delete their Amazon one account if security becomes a concern.



Younger Generations Are Exhibiting Shoptimism

Generation Z has been hit hard by the pandemic employment situation. The youngest generation in the workforce is often the first let go in a downturn and those graduating from college may have a harder time finding employment in their field.

Research from Smart Company, an Australian publication, showed a rise in purchases among Gen Z shoppers from shopping platforms offering payment plans. These shoppers appreciated the safety, anonymity and speed of online transactions. Perhaps that's why usage of e-commerce and m-commerce is increasingly popular among demographically younger shoppers.

Shoptimism goes beyond the recent tendency of homebound consumers to make frivolous purchases online. New technology and changing consumer expectations make it imperative that businesses take their brands to the internet if they want to attract consumers away from competitors. ■



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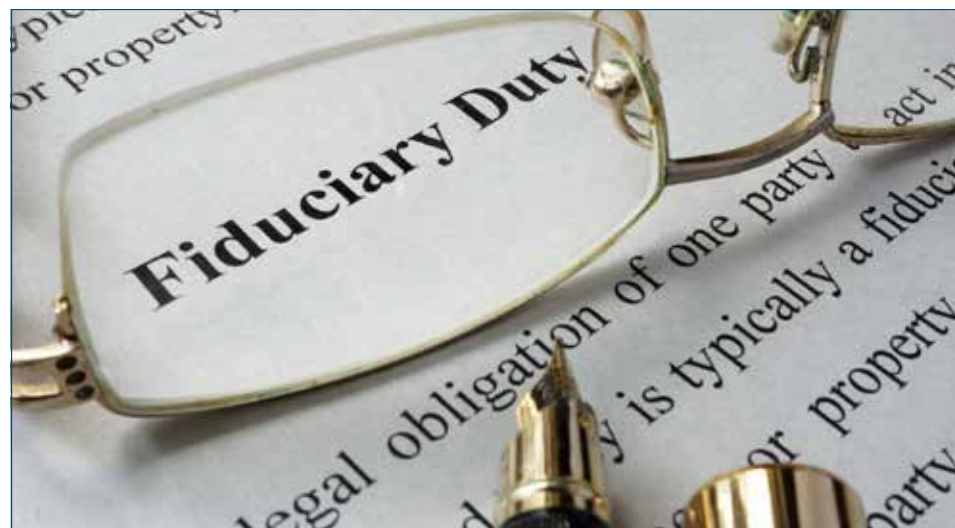
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Forgiveness Application for PPP Loans

SBA Approves Simple 1-Page PPP Forgiveness Application for Loans of \$50,000 or Less

If your business has fewer than 500 employees and meets other eligibility requirements from the Small Business Administration (SBA), you may have qualified for the Paycheck Protection Program (PPP) loans issued to businesses. Even better, if you received the PPP loans, you may be eligible for the forgiveness application. The SBA has approved a simple one-page PPP forgiveness application for businesses that received loans of \$50,000 or less. Here's a quick overview of the PPP forgiveness application Form 3508S instruction for borrowers.

No More Calculations Required

The forgiveness application form doesn't include any calculations. All you need to do is prove that you used the loan towards eligible expenses. This includes providing evidence that you spent 60% of the loan on the payroll to pay salaries and wages. Businesses must provide statements and documents to indicate the amount spent on the payroll, all of which is expected to be forgiven. If you spent the entire loan to pay employees, you might have it all forgiven. However, businesses are allowed to use up to 40% of the loan towards other eligible costs, including rent, mortgage payments and utilities.

Extended Timeframe for Using PPP Loans

Initially, SBA required businesses to spend the loan within 8 weeks. However, the new requirement extended the period to 24 weeks, which is expected to create a significant shift in who can qualify for loan forgiveness. Most businesses that closed and reopened business could primarily be eligible for total PPP loan forgiveness considering the loan is determined and given based on 10 weeks (2.5 months) of pay slips. If they can prove the loan was spent on payroll costs, the PPP loan will surely be forgiven. However, there are other requirements to fulfill.

Simplified Documentation Requirements

Businesses applying for PPP loan

forgiveness won't be expected to submit any complicated documents. Although you can submit quarterly tax form 941 that documents paid payrolls, it isn't a requirement. The SBA only expects businesses to show the money coming from the business to the employees and business owner. This includes bank statements and canceled checks indicating payments from the company to the employee. Eligible payroll payments to the business owner are capped at \$20,833. If you received an EIDL advance, SBA will deduct that amount from the total eligible forgiveness amount.

Things to Note

The PPP loan forgiveness application heavily relies on employee gross pay, which is the evidence needed to prove the loan was spent on payroll costs. As such, businesses should make sure they gather evidence for the gross payroll costs eligible for forgiveness. Employee checks usually contain amounts from which FICA and federal withholding taxes have been subtracted, which doesn't represent the gross pay. As such, it is vital to keep this in mind when gathering bank statements and employee checks.

Qualifying Businesses

If you spent 60% of the loan towards payroll cost and the other remaining 40% towards eligible expenses, you could apply for full loan forgiveness. However, you must also meet other requirements as follows:

- You did not reduce total employee headcount by more than 25%
- You did not reduce employee payments and rates by more than 25%
- Your loan amount did not exceed \$50,000

Those applying for PPP loan forgiveness should send the one-page application to the bank that originated the loan. The bank will have 60 days to review and approve the application then send it to the SBA. The SBA will take another 90 days to approve the application and send the amount to the bank paying off your loan. Stay in touch with the Chamber for more valuable information about SBA PPP loans and programs. ■

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Valley Fabrication	1989
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Hastie Financial Group	2012
Embassy Suites, Monterey Bay-Seaside	2013
Central Coast Community Energy (3CE)	2018
Reyes Coca Cola Bottling Co	2018
MidPen Housing Corporation	2019
Driscoll's Inc	1990
Mapleton/Radio Monterey Bay	2013
Hampton Inn & Suites	2014
Madonna Gardens Assisted Living	2016
Condor Security of America Inc	2018
Howard Johnson Inn, Salinas	2019
RE/MAX Property Experts	2019
Tee Lambert Photography	2019

Carlton's Fire Extinguisher Sales	1967
Monterey County Herald	1978
Sun Street Centers	1979
Sammut Brothers	1980
Shaw Development	1980
All Safe Mini Storage	1998
Steinbeck Lodge	2000
American Cancer Society	2005
Jacob's Heart Children's Cancer Support Services	2005
Maureen Wruck Planning Consultants	2006
The Yanks Air Museum Foundation	2007
Monterey County Bank	2008
Monterey Bay GI Consultants Medical	2010
Salinas Senior Center	2010
A & O Specialty Pharmacy	2011
BookKeeping Central	2011
California Welcome Center—Salinas	2011
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Central Coast Human Resource Association	2019
Elkhorn Slough Foundation	2020

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For physicians in Monterey Bay looking for new and better ways to support their patients' health, ARCpoint Labs of Monterey Bay is the natural partner. We will be glad to answer all your questions and help you integrate any of our testing services into your current patient care protocols.

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- Comprehensive women's and men's health panels
- Chemistry and metabolic profile
- Diabetes testing
- Thyroid panel
- Vitamin & mineral deficiency testing

Convenience helps your patients follow your advice and ultimately improve their health outcomes. With ARCpoint Labs of Monterey Bay, it's easy for patients to get necessary testing done, access their results and get a better understanding of what they need to do. In short, we help patients take control of their health and wellness with a robust focus on tools for prevention. Our tests allow patients to monitor chronic and lifestyle diseases and make the changes they need to maintain peak wellness.

Individual Solutions

Traditionally, people think that the only way to get well or get answers about their health is through a regular, in-person visit to the doctor. With advancements in technology, this is no longer the case. At ARCpoint Labs, we empower you to prioritize your health on your own schedule. For example, with our allergy and sensitivity testing, you can take charge of your health by ordering your own lab work — no appointment, insurance, or doctor's orders necessary!

If you want answers regarding paternity, maternity, immigration, infidelity, distant lineage or diet and weight loss, our DNA testing will help answer your questions. We also offer health and wellness services and screening, STD testing, drug and alcohol abuse testing, nicotine testing and date rape drug testing.

Legal and Judicial Solutions

At ARCpoint Labs, we stand for accurate, reliable, and confidential legal testing. We deliver this level of service in many key ways:

- Accuracy in legal testing
- The reliability of our court-admissible tests
- Confidential results
- Legal drug, alcohol, and DNA testing



When it comes to legal matters like divorce proceedings, child custody determinations, DUI charges, or pretrial diversion / intervention, the accuracy of drug, alcohol, DNA, and lab testing results is of paramount importance. Whether you are an attorney, a judge, a social worker, or a Pretrial Diversion / Intervention Officer, ARCpoint Labs can serve as a trusted partner for legal testing. We offer a variety of court-admissible tests to meet any need for legal and judicial evidence.

When partnering with you or your organization for legal drug and alcohol testing, ARCpoint Labs seeks to become an extension of your program. We can be an extra pair of eyes and ears, noting issues with the program and any changes in personality or behavior in participants.

Department of Transportation Solutions

ARCpoint Labs has been an expert in DOT and federally mandated testing for more than 20 years, whether you are an owner-operator or an employer. The biggest challenges most DOT companies face are understanding the regulations of DOT rule 49 CFR Part 40 and making sure they comply with all of them. You need a partner who can help you manage your program so that you and your employees are always in compliance.

We can help manage your DOT program, including:

- Random drug testing management and consortiums.
- Program management DOT drug and alcohol testing.
- Drug testing records.
- Driver qualification records.
- Hours of service and IFTA management.
- Vehicle records.
- DOT Consortium management.
- Post-accident testing solutions.
- FMCSA query management.
- Physicals for DOT, FRA, FAA, and Coast Guard.

COVID-19 Testing

Getting COVID-19 test results back quickly can help you understand your risk of spreading the virus before seeing friends and family or returning to work. With a variety of testing options available, we can help determine which test is right for your situation and get your results back to you fast.

Testing for COVID is simple and quick and takes only five steps:

1. Schedule an appointment
2. Fill out your intake forms before your appointment
3. Receive your appointment confirmation and unique QR code via text and email
4. Use your QR code to check into your appointment
5. Get your results via a secure email and text message in a timely manner

The COVID tests we currently offer include:

- >Same-day viral testing (antigen)
- >Rapid viral testing (PCR)
- >Traditional lab-based viral testing (PCR)
- >Tru-Immune Testing
- >COVID-19 IgG/IgM antibody testing

We can answer any of your questions about COVID-19 and our testing, including a page of Frequently Asked Questions at <https://www.arcpointlabs.com/covid19-faqs/>. Contact us at (831) 324-0772 if you have any questions or would like to make an appointment for testing.

We are located at 24560 Silver Cloud Court, #103 in Monterey.

Business Hours: Mon.-Fri. 8:00 a.m. - 4:30 p.m.
Saturday by appointment only, Closed Sunday

For a comprehensive listing of our services, more information and how to contact us, go to www.arcpointlabs.com/monterey-bay. ■

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Unemployment Insurance Claims

During the week of March 27, a rise in initial claims under the regular program outweighed drops in PUA claims by the self-employed.

In California, initial claims processed in the regular program were up 10.0% compared to the prior week, while PUA (Pandemic Unemployment Assistance) claims were down by 19.9%. In the national totals, regular claims rose 9.7%, while PUA claims were down by 1.7% due to large increases in Ohio. Combined, total claims processed were up 4.7% in California and 6.6% in the US numbers. ■

Week of	3/13/21 - 3/13/20	3/20/21	3/27/21	Total
UI Initial Claims				
CA (NSA)	12,340,782	95,996	105,624	12,542,402
US (NSA)	77,712,728	651,151	714,433	79,078,312
US (SA)	81,923,000	658,000	719,000	83,300,000
PUA Initial Claims				
CA (NSA)	4,524,832	20,780	16,635	4,562,247
US (NSA)	26,787,997	241,137	237,025	27,266,159
Total				
CA (NSA)	16,865,614	116,776	122,259	17,104,649
US (NSA)	104,500,725	892,288	951,458	106,344,471



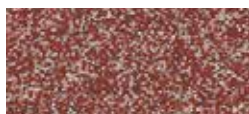
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Office Space Available at Chamber

With the ever-changing business conditions brought about by COVID-19, many non-profits and employers have had to reassess their needs for office space. The Chamber is pleased to announce that we have a separate, attached space available within the Chamber building located at 119 E. Alisal Street in Salinas.

The space measures 364 square feet and includes use of a professional conference table and chairs (pictured). There is enough room for workstations for up to 4 employees to work comfortably. At \$750 per month (with duration of lease term negotiable), this is a full service lease that includes electricity, WiFi, and access to bathrooms, parking, and the Chamber's kitchen area. An agreement can be discussed for occasional use of our large Board conference room (capacity: 35).

If you are interested in seeing the space or discussing further, please contact Chamber CEO Paul Farmer at President@SalinasChamber.com or (831) 751-7725.

Don't delay because the late bird misses out on the worm! ■



NON PROFIT EVENTS CALENDAR

Virtual Jeep Drawing by Rancho Cielo

Sunday, May 16th, 5:00 PM

In place of the Culinary Round Up and South County Casino Night, Rancho Cielo will be holding a Virtual Jeep Drawing. Proceeds go towards supporting the students at Rancho Cielo.

Register for the event and purchase drawing tickets at rancho-cielo.org/jeep

Hospice Giving Foundation 2021 Symposium: Psychedelic Medicine in End-of-Life Care

Friday May 21st and Saturday, May 22nd, 8:30 AM—1:00 PM

Two half-day sessions of thought leaders, researchers, and clinicians discussing the use of psychedelic medicine in treatment of suffering at the end of life.

For more information and registration, visit hospicegiving.org/symposium2021/.

Champion of the Arts Gala

Thursday, May 6th, 6:00 PM

The Arts Council for Monterey County cordially invites you to the Champion of the Arts Gala, a virtual fundraiser for the arts.

Register today at www.Arts4MC.org/Champions

Online MBPAPA Art Exhibition: Nature's Gifts

February—July 2021

30% of sales support spiritual care at Natividad.

Visit www.natividadfoundation.org for more information

Meals on Wheels of the Salinas Valley – Annual Wine Lovers Drawing

Thursday, May 20th at 3:00 PM

Visit the Meals on Wheels Facebook page for up-to-date news on the items included in this wonderful barrel!

Purchase tickets online: www.mowsalinas.org thru noon May 20, 2021

Chamber Events



Welcome Kleinfeldt Family BBQ, which now operates at the site of the former T&A Cafe

UI Fund

In the most recent data from EDD, California paid out a total of \$132.2 billion in benefits under all the UI programs over the year beginning through the week of March 7, 2020, and continuing through the week of March 20, 2021. The reporting will face fewer delays than previously anticipated, as EDD recently announced workers with exhausted PUA claims now will be able to begin certification under the recent federal extension two weeks earlier than announced previously.

The most current estimate is that up to \$31 billion of unemployment benefits was paid out to fraudulent claims, consisting of \$11 billion in known fraud and up to \$20 billion in suspected fraud.

The most recent data from the US Department of Labor indicates California's outstanding loans from the Federal Unemployment Account were \$21.5 billion, or 40% of the total amount owed by 19 states and 1 territory.

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Four Documents Needed for a Cohesive Estate Plan

by Ashley N. Garvey, Attorney Noland, Hamerly, Etienne & Hoss

What is an estate plan and why do you need one? An estate plan is more than a simple will that provides for the distribution of your assets at your death—it is a collection of documents that work together to ensure you and your assets are well-managed in the event you die or lose capacity. It is comprised mainly of four documents: (1) the living trust; (2) the pour-over will; (3) the durable power of attorney; and (4) the advance health care directive/power of attorney for health care decisions, each of which serves a distinct, yet interrelated purpose.

1. The Living Trust

The living trust is the centerpiece of an estate plan. It contains provisions covering the administration and management of your assets while you are alive, along with provisions for the disposition of your assets on your death (for assets placed in the trust). While you are alive and competent, the living trust remains completely revocable. It can be amended at any time, so while you are alive and competent, you retain complete control over your living trust and the assets inside it.

The living trust provides four main benefits:

- (1) it creates a succession plan for who will manage your assets in the event you die or become incapacitated;
- (2) it governs how your assets will be distributed at your

death; (3) it provides, if necessary, for the creation of separate trusts for minors or other young beneficiaries who may not be able to handle a large inheritance; and (4) it allows you to avoid the time and expense of probate, so long as your assets are properly titled.

2. The "Pour-Over" Will

The will used in a complete estate plan is a special kind of will known as a "pour-over" will. A "pour-over" will operates to transfer, or "pour over," into the trust any assets that are not titled in your living trust when you die. Once the assets are in the trust, the trustee then distributes them according to the distributive provisions of your living trust.

3. The Durable Power of Attorney for Management of Property and Personal Affairs

Your Durable General Power of Attorney is another essential part of your estate plan. It is particularly useful in that it allows your attorneys-in-fact to deal with the property outside of the living trust. Your attorneys-in-fact can use your Durable General Power of Attorney to fund your living trust and ensure your property is placed in the trust. This is extremely important because without it, avoiding probate may be impossible.

4. The Advance Health Care Directive/Power

of Attorney for Health Care Decisions

The living trust, "pour-over" will, and durable power of attorney ensure your financial assets are taken care of, but what about your health care decisions? The Advance Health Care Directive/Power of Attorney for Health Care Decisions ("AHCD/PAHC") allows you to appoint an agent to make health care-related decisions for you in the event you are incapacitated. It also allows you to specify your desires for treatment or withdrawal of care if you are in a terminal condition, and to choose if you would like to donate your organs or body at your death.

Creating a cohesive estate plan is one of the most important steps you can take to ensure you and your assets are taken care of, not only when you die, but during your life as well, and these four documents are the perfect place to start. ■

This article is intended to address topics of general interest and should not be construed as legal advice. © 2021 Noland, Hamerly, Etienne & Hoss Ms. Garvey's practice focuses on estate planning, probate, trust and estate administration, and conservatorships. She is licensed in both California and Texas. For more information, contact agarvey@neh.com.



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A Presentation by Creator & Chief Content Director of *From Farms to Incubators*, Amy Wu

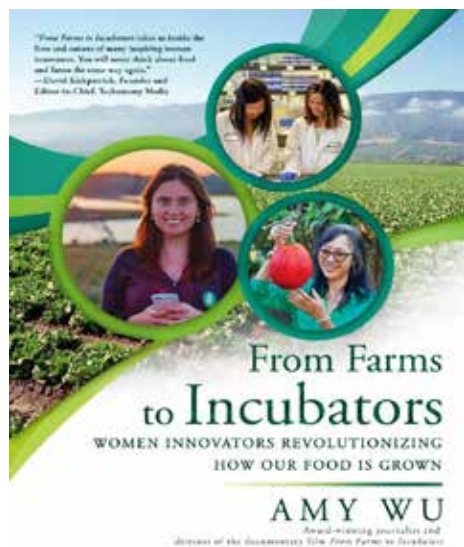
Join us virtually on

June 9th from 2pm-3pm for a conversation about women entrepreneurs in the agricultural industry who are at the forefront of the agtech revolution.



Interested in attending?

Email memberservices@salinaschamber.com



Salinas Valley Chamber of Commerce Government Relations Committee Meeting With Guest Speaker Kelly DeWolfe

When: Wednesday, May 12th
11:30AM-1:00 PM

Where: Zoom Presentation

Email operations@salinaschamber.com to register

More Information: The Government Relations Committee meets once a month to discuss and weigh in on matters affecting local businesses, focusing on policies at the city and County level. Kelly DeWolfe with United Way Monterey County will be speaking on ADUs (Accessory Dwelling Units). All Salinas Valley Chamber members are welcome to attend.



Join the Salinas Valley Chamber's new Affinity Group for Minority Business Owners/Managers

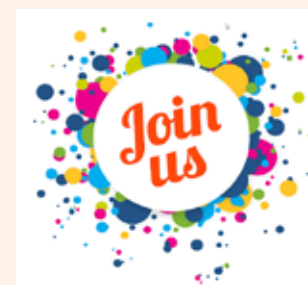
Are you a business owner or manager and identify as one of the following?

BIPOC, AAPI, LGBT+, Female, Differently-Abled.

Are you seeking networking, peer-support, and business resources?



May 13th
4:30-5:30 pm
on Zoom



This FREE event features a presentation from Mission Community Services Corp about no-cost services they offer minority-run businesses, followed by a chance to network with other members of the group.

More information at www.SalinasChamber.com, Chamber Events Calendar
Email membership@SalinasChamber.com with questions or to get the link

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