

April 4, 2024

The Honorable Matt Haney
California State Assembly
Suite 5740, State Capitol
1021 O Street
Sacramento, CA 95814

RE: AB 2751 (Haney) — Letter of Opposition

Dear Assemblymember Haney:

On behalf of SHRM and the California State Council of SHRM (CalSHRM), I would like to express our opposition to AB 2751, which would prohibit employers from contacting employees outside working hours.

We recognize the need for clear expectations regarding when and how work gets done, but our experience shows that blanket solutions to challenges in the workplace do not deliver expected results and often harm those they are designed to help. Instead, it is SHRM's firm belief that, together, we can find a mutually beneficial solution and stand ready to work collaboratively with you and the California Legislature to develop policies that prioritize employee well-being while ensuring business continuity and success.

As the trusted authority on all things work, SHRM is the foremost expert, researcher, advocate and thought leader on issues and innovations impacting today's evolving workplaces. With nearly 340,000 members in 180 countries, SHRM touches the lives of more than 362 million workers and their families globally. CalSHRM is the liaison and support organization that links all 16 of California's local SHRM chapters with SHRM's regional and national organizations and is dedicated to uniting and supporting California's nearly 30,000 SHRM members.

SHRM and CalSHRM are deeply concerned about the negative impact AB 2751 would have on California businesses and workers alike. The bill's one-size-fits-all approach limits the autonomy employers and HR professionals need to establish effective workplace cultures. An effective solution to this issue requires a collaborative approach that promotes a focus on clear communication and encourages employers to set transparent expectations for after-hours work at the outset of employment and for specific projects. Instead of overly broad government mandates that penalize routine, legitimate business practices, we call for solutions that prioritize culture and empower workers.

We believe there are better ways to improve the lives of workers and employees while allowing businesses to function efficiently, such as flexible work and compensation policies that reflect all the ways work can be done.

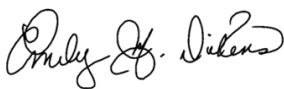
SHRM and CalSHRM oppose AB 2751 for the following reasons:

- **Compliance Uncertainty:** The bill lacks clear definitions for key terms like “emergency” and “scheduling matters.” This ambiguity could lead to inconsistent enforcement and numerous legal challenges.
- **Sector and Role Sensitivity:** This legislation does not adequately recognize the different realities of various industries and roles. For example, what constitutes an emergency can vary greatly between a tech startup and a healthcare provider — making a blanket approach even more unworkable.
- **Operational Agility:** Restricting all after-hours communication could hinder critical work processes and delay critical business decisions. This could negatively impact businesses’ ability to serve their customers and respond to changing conditions.
- **Work Hours Flexibility:** This legislation unreasonably restricts occasional overtime necessitated by the natural flow of work. Employers should be allowed to manage work hours in response to operational demands.
- **Administrative Considerations:** AB 2751 could create a significant administrative burden for HR professionals and employers, diverting resources from strategic functions to compliance tasks and reducing overall business efficiency and economic competitiveness.
- **International Competitiveness:** In today’s global market, the ability to communicate across time zones is crucial for many businesses. AB 2751 would place U.S. companies at a disadvantage compared to competitors in markets without such restrictions.

While SHRM and CalSHRM oppose this legislation, we believe our expertise can be a valuable resource to finding common ground. SHRM has dedicated channels and resources to educate businesses on the power of flexibility in recruitment and retention of top talent. We recognize the desire and share in the goal of improving work-life integration for California employees.

If you have questions regarding SHRM’s position on AB 2751 or other policies impacting the workplace, please contact Steven Perrotta (Steven.Perrotta@shrm.org) or Sean McIntosh (Sean.McIntosh@shrm.org).

Sincerely,



Emily M. Dickens, J.D.,
Chief of Staff, Head of Public Affairs, and
Corporate Secretary



Michael S. Kalt
Government Affairs Director for CalSHRM