



Downey Business

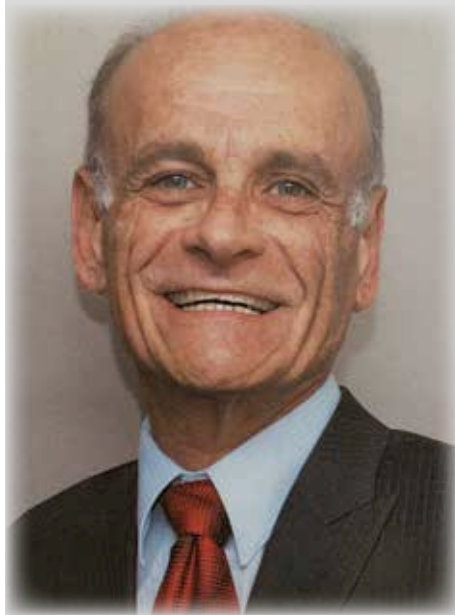
OFFICIAL PUBLICATION OF THE DOWNEY CHAMBER OF COMMERCE

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Remembering David Gafin



It is with great sadness that we report the passing of our dear friend David Gafin.

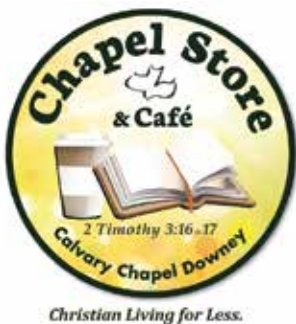
Dave has been a great asset to our Board of Directors for numerous terms as well as being a past President and our Treasurer for the last six years. In the many days and weeks to follow you will hear about the numerous accomplishments of David's. His time on the City Council, being our Mayor, his work with Kiwanis, the Downey Cemetery Board, Gangs Out of Downey and many more examples of his leadership and volunteerism. But I would like to talk about Dave and his work here with the Downey Chamber.

As a new Executive Director, David took me aside and offered to help me navigate relationships with our Board, the people in City Hall, our School Board and District Officials, along with other important Non-Profit Organizations. He took me under his wing, made me a more effective director and truly molded the recent success of the Chamber. I cannot thank him enough. David's last term as a Director on our Board concluded on June 24th, he passed away on the 25th. As always, Dave made sure his job was done before stepping away.

As the news of Dave's passing became widely known, people have responded overwhelmingly with two comments. One, "You will be greatly missed"! Dave I will miss your smile, your humor, your ability to keep me on the straight and narrow, and the expression you made when my idea was a little too "off base." The other comment, "Rest in Peace." Dave you worked continually to make Downey a better place, so relax buddy, you deserve it!!



The Downey Chamber is very happy that so many of our members have opened after the recent Pandemic. I am proud to feature the logos of companies up and running and doing their best for the citizen of Downey!!



Downey Business

--STAFF--

Michael Calvert, Executive Director
Sarah Sellers, Administrative Assistant
Blake Calvert, Interim Events Coordinator

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The board of directors meets at the chamber office on the third Monday of each month at 12:00 noon.

Message from the President



Not Business as Usual - It's Business Unusual!

It is my honor to serve as Chamber president for the coming year, and it is a responsibility that I do not take lightly, especially given the current state of affairs.

I am a long-term resident of Downey; it is where I've raised my family, and where my business is located. I have always appreciated Downey for the city's great sense of community. I know that local business owners, and chamber members also feel that same sense of community too.

Our community is facing significant challenges, not only economically, but to the very fabric of what makes Downey such a great place to live and do business. By the time you are reading this, our Board Members will have met for a 'State of the Union' meeting to determine how we can help chamber members get through this pandemic, and how we can best help you survive for the long-term.

As a self-made businesswoman, I believe my tenacity, and will to succeed is what has given me success. As your Chamber president this year, you have my promise that I will use that tenacity to help chamber members and local businesses to survive and move ahead.

We cannot pretend it's business as usual, it's 'business unusual.' We all need to look at our businesses with a fresh eye to appraise and be open to new ideas. Ideas that could open doors to opportunities that we may have never explored before. While we should not rely on past successes, we do not want to lose the quality and value that we've provided to you as chamber members, and that you as business owners also provide to your customers.

COVID-19 is a daunting crisis that affects everyone. By focusing on collaboration and sharing best practices, I believe we will all come through this situation stronger than before. I urge you to support your fellow chamber members. Business owners need support now more than ever, and we will always be stronger together.

Sometimes support can be as simple as a few words of empathy and understanding. Reach out to each other even if it's using old-time technology like a telephone. Ask "How are you doing?" "Is there anything I can do to help you?". Sometimes just having a shoulder to cry on, a place to vent, or to know there's someone who cares, can make a world of difference in someone's day.

I know there is a lot to be done. I am confident that our Board and Chamber staff are up to the challenge, especially knowing we have Downey's great community behind us.

If you are having a tough day, feeling lost or alone, please reach out to us, we'd love to hear your voice. Just know that mask or not, there's always a smile and caring welcome for all our chamber members. We are here to serve you - Virus be damned!

Sincerely,
Maria Fernandez,
Downey Chamber President

Message from the Past President



Greetings to Downey Business Owners and Downey Residents,

It is hard to believe that my year as Chamber President has come to an end. It has been a pleasure to serve as your

chamber President. I enjoyed every moment of the past year, the ribbon cutting ceremonies, ambassador meetings, city affair meetings, 5K Elf Run, Christmas Parade, and mixers. Although the Corona Virus Pandemic cut my year short we still accomplished many great things during my term, added many new businesses as members, had some great speakers at our City Affairs meetings and held a very successful Christmas Parade for the Downey residents.

I would like to thank Maria Fernandez, Dave Gafin, Jesse Gallardo, Larry Garces, John Casillas, Michael Chirco, Carmen Gonzalez, Joanna Peterson, Mariana Pacheco, Ron Long, Sheila Tetangco-Bartolone, Rain Neg, Joe Cervantes & Greg Welch who served on the

Board of Directors this past year. Thank you for your service, and dedication during the year. You are an amazing group of people and it was a joy to work with each and every one of you.

Next I would like to thank the Chamber staff, Michael Calvert our Executive Director and Sarah Sellers for an amazing job you both do to keep our chamber going. Special thanks to the Ambassadors for all of their hard work during the past year. A million thanks to all of my chairpersons Joanna Peterson & Cindy Kovach for the Christmas Parade, Rain Neg and Paula Mejia Ambassador Committee, Ron Long and Larry Garces Golf Tournament, John Casillas City Affairs, Jorge Del Toro, Street Faire, Michael Chirco Membership Committee and Sheila Tetangco-Bartolone Events Committee. All of your hard work and dedication to the chamber is greatly appreciated.

I would also like to thank our City Council & City Staff for all of the assistance they have given the Chamber during the past year. We are so lucky in Downey to have such a great

working relationship with our City officials and City staff. Not many chambers can say this, and I truly thank you for all that you do for the Downey chamber.

I would like to Congratulate Maria Fernandez who will take over as Chamber President on June 24, 2020. I wish Maria the best of luck and know that she will do a great job as President.

Lastly, I hope and pray that everyone stays safe, continues to wear facial masks, wash your hands often and follow social distancing guidelines so that we can overcome COVID 19 which has changed all of our lives. I encourage Downey residents to shop, eat and support Downey businesses. We are all in this together and need to support each other during these difficult times.

Take care and most importantly STAY SAFE.

-- Carrie Uva,
Downey Chamber Past President

Message from the Executive Director



The Chamber is BACK!! Working with our members, creating virtual networking events, maybe even a Golf Tournament and a Christmas Parade!?!?

But the most important

thing is that we are here for Downey Business. Please let us know what you need to get your business started again. It does not matter if you are a current member or not. What is important is that we all want to put this Pandemic behind us. By moving forward, we are making Downey a better place to work and live.

One of the amazing things surrounding this "negative" episode has been the response of the City of Downey. Whether it was Public Works, Park and Recreation, Community Development, or the City Council and their staff their response

and work has been beyond expectations. Like all of us, their office was closed, they worked with mitigation rules, masks, and an incredible demand for their time and without exception the City Staff was there for everyone. I want to THANK all of them!! Not only for the tasks they worked on for the Chamber but everything they did for our City.

So, what does the future look like for the Downey Chamber? We are working with Rio Hondo to put together a couple of popular annual events along with hoping to stage the annual Christmas Parade. The plan is to have some great moments that will truly bring the audience to their feet. We are in the process of updating the membership files to get information out to potential clients and hopefully increase your sales and get the word out about just how great your business is!!

I would like to end this column with a BIG Thank You to our retiring President Carrie Uva!! To say Carrie had a difficult year as President would be a vast understatement. Carrie, you truly showed how a caring and inspired person can step up and help the Chamber accomplish some truly necessary goals. Thank you for your enthusiasm with new members and your hard work on last year's parade. You have been the best, and I have enjoyed working with you this last year!!

So, again...Please contact us!! We want to help you and thank you all for hanging in with us for the last couple months.

-- Michael Calvert, Executive Director
Downey Chamber of Commerce

Legal Corner

Employer Liability for Sexual Harassment in the Workplace

Introduction & Background

Sexual harassment in the workplace, particularly in the age of the “Me Too” movement of the last couple of years, has become an ever more prevalent point of discussion. Employers need to be aware of their potential liability for sexual harassment, as well as how best to avoid or mitigate the risks. An employer, if found liable, could be required to compensate the victim for lost wages and benefits (back pay), future wages and benefits (front pay), emotional distress, and on occasion punitive damages.

While no employer wants to face significant monetary liability for sexual harassment, the damage these actions and allegations can do to morale and overall work-environment cannot be measured.

Employer Liability

Under California law, an employer is held strictly liable for the inappropriate conduct of a supervisor or manager acting within the scope of their employment. California law defines “supervisor” as an employee who has the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, etc. Thus, even an employee without a supervisory-title could be considered a supervisor under California law if they meet this definition, making their employer liable for their actions. A policy against unlawful harassment, as well as state-mandated sexual harassment trainings for supervisors and employees, will not alone shield an employer from this type of liability.

In addition, an employer can be liable for the inappropriate conduct of non-supervisor/non-manager employees where the employer knew, or should have known, of the inappropriate conduct and failed to take immediate and appropriate corrective action. Further, an employer can even be liable for the inappropriate conduct of non-employees (such as customers, vendors, etc.) again where the employer knew, or should have known, of the inappropriate conduct and failed to take immediate and appropriate corrective action.

How to Limit and Avoid Liability

There are various ways an employer can avoid or limit liability for workplace sexual harassment. The most common defense is that the employer exercised reasonable care to prevent or correct the inappropriate conduct, and that the alleged victim unreasonably failed to take advantage of the employer’s preventive or corrective action.

To ensure reasonable care has been exercised, an employer must incorporate state-mandated trainings, explicit written policies against unlawful harassment in the workplace, and procedures to follow such policies and conduct investigations. A common trap employer’s fall into is implementing an explicit anti-harassment policy, without incorporating trainings and procedures.

It is imperative to show the company exercised reasonable care to limit liability. An employer must show that their well-written and explicit policy was put into practice and that employees knew of and understood the policies and procedures. The following outlines key things to include in your anti-harassment policy, as well as investigation standards to follow.

An Anti-Harassment Policy

1. Define harassment – Sexual harassment should be explicitly defined within the policy, and the policy should also include examples in order for employees to better understand the definition.
2. Establish multiple methods of reporting sexual harassment – In general, you should want employees to report perceived sexual harassment internally before exploring external options with government agencies and the court system. However, if these internal processes are not well-established, it will discourage employees from using internal processes. Consider including an anonymous reporting method, such as a hotline number, for employees who do not feel comfortable coming forward with such complaints.
3. Communicate a “zero-tolerance” stance on sexual harassment – The policy should outline that all employees, including supervisors and managers, must strictly abide by this policy, otherwise disciplinary action will result. The scope of this zero-tolerance policy also should be extended to third-parties, such as customers and vendors.
4. Outline the reporting obligations – The policy should provide various means by which an employee can make a complaint of sexual harassment. Keep in mind that these “various means” such as via telephone & email, must in fact be monitored in order for this policy to be effective.
5. Encourage employees to make complaints through the internal processes outlined in the policy.
6. Assure that no retaliation will occur for making a good faith complaint.
7. Require employees to acknowledge receipt of the policy as well as their agreement to abide by its’ terms – Note that this policy is worthy of a separate and standalone acknowledgement.

Investigations

All complaints of sexual harassment need to be investigated. Individual employees responsible for monitoring and responding to the various means by which an employee can make a complaint, need to be trained in how to investigate and respond. A thorough and complete investigation, with a subsequent appropriate response by the company, can make all the difference in sexual harassment liability and litigation.

To ensure a thorough investigation: (a) the complaint needs to be received timely (this hinges on consistent monitoring of the various means by which employees make complaints); (b) the alleged offender should be interviewed; (c) witnesses should be interviewed; and (d) the company then takes appropriate action.

A common mistake in harassment investigations is a failure by the company to interview the alleged harasser. That employee has a right to be heard and interviewed in an unbiased manner. When interviewing the alleged harasser, and good practice for all interviews, is to have a second unbiased person in the room to witness the interview.

Once the investigation is complete, the company should take appropriate action. What constitutes appropriate action will be determined on a case by case basis.

Colin P. Calvert is a partner in the Irvine, California office of the labor and employment law firm Fisher & Phillips LLP. Please do not hesitate to contact him if you have any questions or seek additional information. Mr. Calvert may be reached at (949) 798-2160.

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