



# Downey Business

OFFICIAL PUBLICATION OF THE DOWNEY CHAMBER OF COMMERCE

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www.DOWNEYCHAMBER.org • info@downeychamber.com | NOVEMBER 2020 • VOL 48 • NO. 9

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## Christmas Comes Early to the Downey Chamber of Commerce



Accepting FPCU generous donation for this year's Christmas can be Virtual Parade from President and CEO of Financial Partners Credit Union (second from right) are Chamber Director Michael Calvert, Chamber Board President, Maria Fernandez of Sunrise Real Estate, and far right, Sheila Tetangco-Bartolone, Chamber President-Elect.

The Chamber knows that the Downey Christmas Parade is one of the City's most time-honored traditions. One of the Chamber's favorite Holiday Traditions is getting together with the great staff at Financial Partners Credit Union and receiving our very BIG check as FPCU becomes our TITLE SPONSOR for the 2020 Christmas Parade!! Even though the Chamber (due to COVID19), is unable to put on our traditional Christmas Parade, we will be doing a virtual event featuring many of the most popular entries from years gone by.

Even with this new format, Financial Partners Credit Union was happy to step up and help the Chamber maintain this very important tradition. Thank you to President and CEO Nader Moghaddam, SVP and Chief Marketing Officer Lori Reeves along with Sheila Tetangco-Bartolone, Senior Director of Marketing who are always putting the Downey Community first!!

Please follow our Website, Facebook, and Social Media accounts for details of the Premier Event and on viewing this year's parade streaming all over Downey!

## 99 Cent Store Ribbon Cutting



Enjoying the Produce Section at the 99 Cent Store are Chamber Executive Director, Michael Calvert; Chamber Board Member Rain Ng of Tech Builders; and Chamber Board President, Maria Fernandez of Sunrise Realty.

Welcome back 99 Cent Store!! On October 22nd, the Mayor, City Council, Downey's Board of Education and the Chamber of Commerce came together to celebrate the Grand Re-Opening of the 99 Cent Store located on the corner of Paramount and Stewart and Gray. The store has been completely redone and has a very fresh and modern look. On our tour of the "new" location you see how they have expanded their inventory to include seasonal items, fresh produce, and a complete stationery department. Go to store, be amazed at the prices and be sure to say "hello" to the greeter!! He's a really great guy.



Commenting on the positive changes of the 99 Cent Store is City Councilman Rick Rodriguez along with Mayor Pro Tem Claudia Frometa and Mayor Blanca Pacheco.

## Downey Business

-STAFF-

Michael Calvert, Executive Director  
Sarah Sellers, Administrative Assistant

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

## New Members

### 99 Cents Only Services

www.99only.com  
Seyedali Alavi, Store Manager  
11916 Paramount Blvd  
Downey, CA 90241  
(562) 923-9882

### Bella Body Treatments

www.bellabodytreatments.com  
Alejandra Nunez, Owner  
11124 Marbel  
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## Congratulations and Thank You!

**Golden West Pipe & Sup. Co., Inc.**, 58 years

**State Farm-John Taormina**, 46 years

**Keep Downey Beautiful**, 38 years

**Crystal Properties**, 27 years

**Association of Los Angeles County School  
Administrators**, 14 years

**Keller William Realty**, 6 years

## Lifetime Members

Steve Allen • Diane Boggs  
Dominick DiMario • Maria Larkin  
Susan Nordin • Meredith Perkins  
Jim Reynolds • Mary Stauffer

## Message from the President



We are not done with the Fun!!

Everyone had a fabulous time at our Annual Golf Tournament held on October 12th. It was a great way to reconnect in person, and a huge "thank you" to everyone who helped plan, coordinate, sponsor this event, to our directors Ron Long and Larry Garces who chaired this event and

Congratulations to the winners of the 50/50 raffle, Steven Larrinaga, Ronald Bustamante, and Ermete Vestri.

Balance and flexibility are key in getting through these challenging times. Making room for both work and play is important. Keeping your social life intact is part of what can help you stay motivated in difficult times.

As the year winds down, and with it my presidency of the Chamber, I have spent a few moments reflecting. I would never have imagined that I would go up to a bank teller wearing a mask and ask for money during my presidential year! While in 2019, one of my goals was to stay away from negative people, who knew in 2020, I would be staying away from positive people (thanks, COVID19!)

Having survived a global pandemic thus far this year, I am determined to end the year with fun and friendship. I hope you will join me, the Chamber staff and other members at our first virtual Christmas Parade. It is going to be one for the history books!

Stay safe and well.

Sincerely,

*Maria Fernandez,  
Downey Chamber President*

## Message from the Executive Director



2020! Is this a year that any of us can be thankful for?

At our family Thanksgiving table, we go around and ask everyone to list one thing that they are most thankful for. To be honest, I was thinking that it will be a stretch to come up with a lot of blessings for this year. But as I thought about it, I began to think about the renewed closeness, focus on your home and family, checking on friends and neighbors and generally a shift to a simpler time. True this was pandemic-induced, but I do enjoy this move to taking care of community and just being thoughtful.

The same can be said for the Downey Business Community as well. There has been an increase of outreach from many of the local non-profits in the area. Since the "demand" of my time as Director has been somewhat reduced, I have been delivering meals to seniors a couple of days a week. These neighbors have come to count on the meals program overseen by Parks and Recreation and were picking up their food at the Barbara Riley Center. However, when Covid19 hit, and as older members of the community, they have been forced to quarantine at home to protect their health. Along with other volunteers, I deliver meals and now I have developed a relationship with my "clients". What has started out as just something to do to fill time, has now become a very enjoyable task!! The best part of meeting these special diners, is when I hand them their bags of prepared meals along with milk and fruit, so many of them say "God Bless You". It is said with such sincerity that just really touches my heart and is something that I am truly thankful for.

These are some of the many examples of Downey Businesses reaching out to other companies to help. Early in the pandemic a local company that had acquired a large supply of masks were able to donate to our local hospitals that were running low. A large grocery store was having to reduce hours and services because they were unable to provide gloves to their employees. Again, another local company stepped up and made sure there were no interruption in needed services.

I am thankful that I live in City where we all look to help each other and make sure that we are all safe. We wear our masks, proudly, because we want people to know that we care about the grocery cashier, the waiter, co-workers, and even the Chamber Director. Sure, we have a choice, but the choice is to make sure that everyone is safe.

Thank you Downey, for being a wonderful place to live and work and the Chamber wishes everyone a safe and happy Thanksgiving!!

-- Michael Calvert, Executive Director  
Downey Chamber of Commerce

Legal Corner

**Proposition 22: An Overview of the Potential Impact the App-Based Drivers as Contractors and Labor Policies Initiative Will Have on Labor and Employment Law**

**Introduction** With election day right around the corner, California voters are faced with several propositions to vote on, covering a wide range of topics from criminal justice reform measures to school and college funding issues. Perhaps no proposition, however, will have a greater impact on California labor and employment law than Proposition 22, also known as the App-Based Drivers as Contractors and Labor Policies Initiative. At the heart of the proposition, voters will ultimately decide whether app-based transportation (rideshare) and delivery drivers will be categorized as employees of their respective applications or retain their current status as independent contractors.

**The Difference Between Employees and Independent Contractors** For many, the difference between employees and independent contractors has always been an elusive and ambiguous distinction but the deciding factor separating the two ultimately comes down to control. Put simply, the greater control the employer applies over the worker performance, the greater the chance the worker is an employee of the employer rather than an independent contractor. In contrast, when an employer is more concerned with the quality of the result rather than the manner in which the work is done, the relationship evinces more of an independent contractor type relationship. When the employer has no control over the day-to-day operations and only has the right to dictate the end result of the worker's activities, an independent contractor relationship exists.

**How Proposition 22 Will Impact App-Based Drivers** Over the past decade, companies like Uber and Lyft have revolutionized the way we approach personal transportation, making things like getting to the airport and arriving home safely after a night out with friends cheaper and easier than ever before. Similarly, companies like DoorDash and Uber Eats, an Uber subsidiary, have opened the world of food delivery far beyond the previously dominant local pizza establishment, allowing app-based customers the opportunity to order food from their favorite local eateries, most of which previously were unable to independently support a food delivery system. In the process of providing consumers with these options, app-based transportation and delivery companies have made fortunes. One of the reasons high profit margins are possible is due to categorizing their drivers as independent contractors rather than employees. By doing so, these companies are not required to provide their drivers with the same safeguards as they would if they been considered employees, like minimum wage protections and unemployment insurance.

Proposition 22, if passed, would ultimately keep app-based drivers for companies like Uber, Lyft, and DoorDash in their current position as independent contractors. With its successful passing, the ballot initiative would redefine app-based drivers as workers who (a) provide on-demand delivery services through a business' online application or (b) provide on-demand transportation services through a business' online application using a personal vehicle. By redefining app-based drivers, Proposition 22 would overturn California Assembly Bill 5's three-factor test for determining a worker's independent contractor status as applied to app-based drivers. Under Assembly Bill 5, which was signed into law in September 2019, "a worker must be considered an employee rather than an independent contractor unless the hiring entity demonstrates that all of the following conditions are satisfied:

- 1) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
- 2) The person performs work that is outside the usual course of the hiring entity's business.
- 3) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed."

**The Pros and Cons of Proposition 22**

According to the California Secretary of State's office, Proposition 22's supporters and opponents have raised a collective \$204 million in support of their respective opinions regarding the proposition. This is partially the result of immense campaigns waged in favor of its passing by the tech-giants most likely to be affected by it, like Uber, Lyft, and DoorDash, but also because of the potentially broad implications Proposition 22 will have on the national stage.

Supporters of Proposition 22 claim its passing would allow app-based drivers to maintain the scheduling flexibility which makes signing up with these applications as a driver so enticing as an opportunity for earning extra income. And while it might not provide drivers with the rights they would receive as official employees, it would require these companies to implement a series of policies addressing a wide range of topics which unfortunately are not strangers to the app-based driving world, from developing anti-discrimination and sexual harassment policies to driver training programs and newly required criminal background checks for drivers.

Opponents of Proposition 22 continue to emphasize the disparity between the profit margins of these companies and the benefits, or lack thereof, earned by the drivers who fuel those profits. In the wake of Proposition 22's failure to pass, app-based drivers would likely realize the benefits and safeguards received by all other California employees: earning minimum wage for all hours worked; social security benefits; reimbursements for their driving costs; overtime pay; and the right to organize unions.

Regardless of Proposition 22's outcome, the App-Based Drivers as Contractors and Labor Policies Initiative is likely just the beginning of what will soon be a national discussion regarding the future rights of app-based workers in the gig economy.

**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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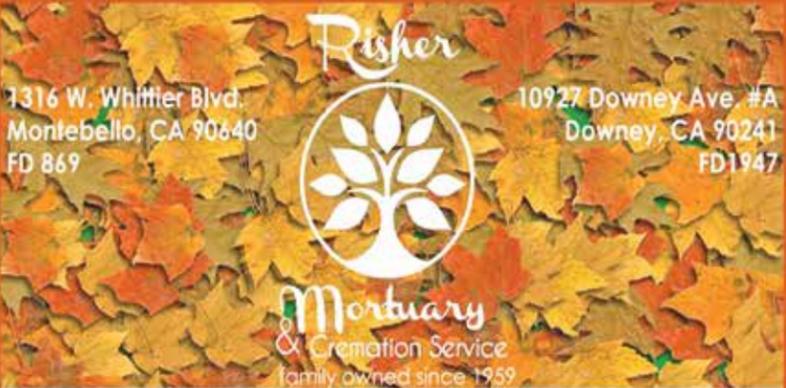
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