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Headline Summary

- Do Not Mail Activity
- Cal/OSHA Target Inspection Fund
- Employee Rights Posting
- Split Roll Property Tax
- Personal Protective Equipment
- Private Sector Pension System

Employee Rights Posting

As of April 30, 2012, you must post a notice advising employees of their rights under the National Labor Relations Act. The notice should be posted in a conspicuous place, where other notifications of workplace rights and employer rules are posted.

For further information, including a detailed discussion of which employers are covered by the NLRA, see the Frequently Asked Questions at nlrb.gov/faq/poster.

You can find the poster at piasc.org. Click on the Human Relations icon (along the top) and scroll to the bottom of the Employee Relations Posters dropdown menu.

WatchDog

Guarding the Business of Print

March 2012

Do Not Mail Activity

In 2011 direct mail advertising contributed more than \$48 billion to the US economy.

Do Not Mail organizers initially worked state legislatures, pressing for the creation of an active government run Do Not Mail registry. In 2008, 12 state legislatures had 15 Do Not Mail bills under consideration; in 2009 two state legislatures entertained the idea.

In 2010 there was a shift in strategy—get resolutions passed at the local level, thus creating a grassroots movement to force the local government to take action. The San Francisco Board of Supervisors passed a non-binding Do Not Mail resolution and Cities of Oakland and Berkeley considered such resolutions.

In early 2012, the City of Richmond and County of Contra Costa entertained Do Not Mail programs. Rather than lobby for a city ordinance, however, city bureaucrats have entered into an agreement with Catalog Choice to stop direct mail of catalogs, coupons, and weekly circulars—all under the guise of reducing waste sent to landfills.

In the Southland, four cities have partnered, for a fee, in this administrative effort: Pasadena, Costa Mesa, Santa Monica, and Redlands.

Cal/OSHA Targeted Inspection Fund

The Cal/OSHA Targeted Inspection and Consultation (TICF) is part of workers' compensation insurance legislation passed by the California legislature in 1993. The program targets employers with a workers' compensation experience modification rating (ExMOD) of 125% or higher.

TICF assessments are mailed in February or March of every year. Once an employer's ExMod drops below 125%, it is no longer subject to TICF assessment.

The ExMod is based on three years of worker's compensation loss history as reported to the Workers compensation Insurance Rating Bureau by your workers' compensation carrier. For the 2012 TICF Assessment, the 2011 policy year ExMOD is used.

The 2011 policy year started on the date in 2011 when your workers' compensation policy was renewed (any date from January 1, 2011 through December 31, 2011). For the 2011 ExMod rating calculation, workers' compensation data from the 2007, 2008 and 2009 policy years.

The amount of assessment is based on the employer's total payroll as reported to his workers' compensation carrier. The more payroll the employer has, the more the assessment the employer will pay up to a maximum of \$10,000 on a payroll \$20 million or more.

Personal Protective Equipment

Cal/OSHA adopted revisions to Title 8 Section 3380, personal protective equipment (PPE). The revisions became effective April 13, 2011 and include the following requirements:

- Employers must assess their workplace to determine if there are hazards or likely hazards that require PPE.
- If there are, or likely to be, such hazards, the employer must select the needed PPE for affected employees.
- Employers must communicate the selected decisions to employees and make sure the PPE fits the affected employee properly.
- The revision also requires the employer to document the hazardous assessment through a "written certification"—a written program that identifies the following elements:
 - the workplace evaluation has been performed,
 - the person certifying the performance of the evaluation, and
 - the date(s) of the evaluation,
- The rule also requires that employees required to use PPE are trained to know the following rules:
 - when PPE is necessary,
 - what PPE is necessary,
 - how to correctly wear and adjust the PPE,
 - the limitations of the PPE, and
 - the correct care, maintenance, useful life and disposal of the PPE.

Each employee must demonstrate an understanding of the specified training and the ability to use the PPE properly. When there are changes in the workplace (e.g., equipment), which require new PPE, the previous training is obsolete.

Since California employers already assess their workplace through the state's Injury and Illness Prevention Program (SB 198), the PPE requirement can be easily incorporated into this existing health and safety program. To ensure full compliance, however, employers should review the new requirements and their current PPE program.

Split Roll Property Tax

A property tax initiative has been filed that would "split" Proposition 13 protection on property tax increases between residential and commercial properties. While residential properties would continue to enjoy protection, commercial properties would not. The measure is titled the "Protect Homeowners and Close Corporate Tax Loopholes Act." The initiative includes a doubling of the homeowners' exemption to attract votes, along with a split roll that would undo Proposition 13 protections for business properties, dramatically increase property taxes for businesses.

The initiative's stated purpose and intent:

1. Reduce property taxes for homeowners on the dwelling they occupy by doubling the homeowners' exemption from \$7,000 to \$14,000.
2. Ensure that commercial property is taxed at its fair market value.
3. Provide for periodic reassessment of non-residential, non-agricultural real property to market value.
4. Provide for the exclusion of \$1,000,000 in personal property tax for businesses, in order to give small businesses immediate tax relief.
5. Additional revenues are to provide additional money for local school districts that will increase the minimum funding guaranteed by Proposition 98.
6. The State Legislature, the county assessors, and State Board of Equalization shall work together to develop an efficient and equitable process to reassess nonresidential commercial real property to its current fair market value.

Split Roll is opposed by several significant business interests including CalTax who will lead the coalition effort under, "Californians Against Higher Property Taxes," which will become the campaign and financing arm of the opposition.

Private Sector Pension System

Senator Kevin De Leon (D-Los Angeles) has introduced a measure requiring employers with more than five employees to provide their workers with retirement or pension plan options. Business owners would be required to provide employer-sponsored retirement and pension-type plans to employees, or allow workers to opt-out and enroll in a private pension plan managed by the state.

The bill, SB 1234, would create the new private system by establishing the Golden State Retirement Savings Trust. Overseeing the trust would be a new state bureaucracy, the Golden State Retirement Savings Investment Board.

The new system would require participating employees to contribute at least three percent of their wages to the fund; employers would be allowed to make voluntary contributions.

According to reports, an estimated \$6.6 billion would be generated by employee contributions during the Fund's first year if all employees, currently without a retirement or pension plan in place, participate. Investments would be managed either by CalPERS—the agency currently managing public employee pensions—or by an independent company.

