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Headline Summary

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Paper Facts

Here are interesting facts about paper recovery from the American Forest & Paper Association.

Paper recovery in the United States continues to increase from 33.5 percent in 1990 to 46 percent in 2000, 63.5 percent in 2010, and 66.8 percent in 2011.

In 2011, by weight, 52.8 tons of paper was recovered and 18.4 tons went to the landfill.

Every ton of paper recovered fills more than 3.3 cubic yards of landfill space.

In 2011 the amount of paper recovered for recycling averaged 338 pounds for each man, woman and child in the United States.

WatchDog

Guarding the Business of Print

May 2012

NLRB Posting Delayed

The United States Court of Appeals for the District of Columbia has granted an injunction blocking the National Labor Relations Board ("NLRB") from forcing millions of U.S. employers to post notice of employee rights by April 30, 2012. The Court of Appeals' injunction is in response to two contradictory decisions at the U.S. District Court level on whether the NLRB has authority to require such a posting under the NLRA. The Board will instruct its regional offices not to enforce the posting requirement pending appeal.

On March 2, 2012, the U.S. District Court for the District of Columbia upheld the NLRB's right to enact regulations requiring covered employers to post notice of employee rights under the National Labor Relations Act (NLRA). The Court, however, struck it down rejecting the provision that provided for an automatic finding of an unfair labor practice for failure to post the notice.

One month after the D.C. District Court's decision, the U.S. District Court for the District of South Carolina issued a decision that completely contradicts the D.C. Court. The South Carolina District Court ruled that the Board simply does not have the statutory authority to require employers to post the notice. The Court reasoned that the Board had "confuse[d] a 'necessary' rule with one that is simply useful" in carrying out the provisions of the NLRA. The Court further found that "by promulgating a rule that proactively imposes an obligation on employers prior to the filing of a [unfair labor practice] charge or representation petition, in the absence of express statutory authority," the Board had "contravened the statutory scheme established by Congress."

Employers should not post the notice. If the U.S. Court of Appeals for D.C. ultimately determines that the NLRB has not exceeded its authority, employers may have to post it at a later date.

AB 32 Support Declines

Support for AB 32 (Global Warming Solutions Act), which establishes first-in-the-world comprehensive program of regulatory and market mechanisms to reduce greenhouse gases, has declined by double digits over the past three years although a slim majority of California voters are still supportive of the program, according to a new EMC Research poll released this week.

By contrast, a stronger percentage of voters are unwilling to pay more for energy, goods and services to achieve AB 32's greenhouse gas emissions reduction goals. Voters are also strongly opposed to the California Air Resources Board's plan to implement a cap-and-trade auction.

Results of the current poll confirm that while a majority of Californians generally support AB 32, that support has steadily declined from 63 percent in 2008, to 58 percent in 2009, to 54 percent today.

Group Backs Producer Responsibility

An alliance of more than 30 public interest groups and other supporting organizations have formed a new coalition—CRADLE²—to push for public policy changes that would make manufacturers responsible for collecting and recycling the products and packaging they produce—a concept known as extended producer responsibility (EPR). Several California groups, including the Sierra Club of California, have joined the coalition.

The name of the CRADLE² coalition comes from the groups' vision to build—largely through EPR programs—a cradle-to-cradle economy in the United States where products and packaging are managed from “cradle-to-cradle” instead of “cradle to grave.”

CRADLE² pointed to a recent study by the Tellus Institute which said that boosting the nationwide recycling rate of municipal solid waste from the current level of 34 percent to 75 percent would result in 1.5 million new jobs and reduce greenhouse gas and pollution.

The announcement comes just one week after the Product Stewardship Institute and the California Product Stewardship Council announced that 48 organizations across the U.S. have agreed on a single definition for both product stewardship and extended producer responsibility to help guide further public discussions on those two issues.

Under EPR, manufacturers finance collection programs to ensure that every consumer product and its packaging are reused or recycled. In the United States, many EPR laws have focused on electronic goods—25 states now have some type of e-waste take-back program.

The next step is to expand the program to all products and packaging in the waste stream.

Court Rules on Meal and Rest Periods

On April 12th, in a unanimous opinion, the California Supreme Court explained that neither state statutes nor the orders of the Industrial Welfare Commission (IWC) compel an employer to ensure employees cease all work during meal periods. Instead, under state law an employer must provide its employees an uninterrupted 30-minute duty-free period during which the employee is at liberty to come and go as he or she pleases. Absent a statutorily permissible waiver, a meal break must be afforded after no more than five hours of work, and a second meal period provided after no more than 10 hours of work. On the question of rest periods, the court explained that under the IWC's orders, employees are entitled to 10 minutes of rest on the clock for shifts from three and one-half to six hours in length, and to another 10 minutes rest for shifts from six hours to 10 hours in length. Rest periods need not be timed to fall specifically before or after any meal period.

Advice to Employers. Make sure employees are well informed that they are authorized and permitted to take meal and rest periods every day by (1) maintaining a well-written meal and rest period policy in the Employee Handbook, and (2) prominently displaying that policy along with all other employment-related posters on the company bulletin board.

Acknowledgement. Require all new employees to sign a document at the time of hire that informs the employee of his or her right to take meal and rest periods. Also require all hourly employees to complete a form any time the employee states that a meal period is missed (e.g., require a written report to document whether the meal was missed voluntarily, or whether the employee was dissuaded or prevented from taking the meal.)

Postal Reform Moves

The U.S. Senate passed a postal reform bill intended to restructure the United States Postal Service. The printing industry supports this bipartisan bill as a key step in preventing full-scale economic calamity for the nation's mail system. The Senate voted 62-37 to pass S. 1789, the *21st Century Postal Service Act of 2012*.

Co-sponsored by Senators Brown (R-MA), Carper (D-DE), Collins (R-ME), and Lieberman (I-CT), S.1789 is designed to preserve the USPS financially and sustain its operations moving forward. Specifically, the bill refunds the USPS billions of dollars in overpayments to the Federal Employees Retirement System, streamlines its structure and operations, adjusts an onerous retiree pre-funding requirement, and seeks compromise solutions on controversial issues like facility closures and Saturday mail delivery.

The USPS is running deficits because of the weak economy and an outdated structure. Without timely legislation addressing these problems, the USPS, according to the Postmaster General, could come to a “grinding halt.”

Printing Industries of America pushed for postal reform without rate increases and with limited amendments and is pleased with the results.

Action on the issue now moves to the U.S. House of Representatives, where a separate bill is pending. Printing Industries of America urges swift action by the House on this issue to ensure a viable mail delivery system and the growth and success of the allied mailing industry.

