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Headline Summary

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Paid Sick Leave Posting—Jan. 1

Although employers must begin providing the paid sick leave benefit beginning July 1, 2015, they must comply with the posting requirement effective January 1, 2015.

The legislation (AB 1522) specifically required the Labor Commissioner to create the mandatory poster for employers to use. Employers are required by law to display the poster in a conspicuous location.

The Labor Commissioner recently released the new paid sick leave poster which California employers should be prepared to post on January 1, 2015. The posting is included in the All-In-One poster that you can purchase from your association (see *Labor Law Posters* at right).

WatchDog

Guarding the Business of Print

January 2015

Post OSHA Form 300A

OSHA requires that employers post February 1 to April 30, 2015 a summary of the job-related injuries and illnesses that occurred last year. Employers are only required to post the Summary (OSHA Form 300A), not the OSHA 300 Log. Those employers with 10 or fewer employees are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements.

The summary must list the total numbers of job-related injuries and illnesses that occurred in 2014 and were logged on the OSHA 300 form. Employment information about annual average number of employees and total hours worked during the calendar year is also required. Companies with no recordable injuries or illnesses in 2014 must post the form with zeros on the total line. All establishment summaries must be certified by a company executive.

The form should be displayed in a common area wherever notices to employees are usually posted. A copy of the summary must be made available to employees who move between work sites, such as construction workers, and employees who do not report to any one location on a regular basis.

You can download the forms from the Management Tools website at pic-gov.org under the Safety section. Click on *Form 300*.

Labor Law Posters

All California businesses must display up-to-date labor and safety notices, where all employees can see them to be in compliance with federal and state laws.

The 2014 all-in-one poster does not meet the federal and state 2015 requirements. Some poster updates include the following:

- California Cal / OSHA - (8 / 27 / 2014)
- Whistle blower protection act - (8 / 27 / 2014)
- California Minimum Wage - (7 / 2014)
- California Notice to Employees - (11 / 2013)

There have been no revisions to the 2014 Industrial Welfare Commission poster so last year's meets 2015 legal requirements.

The posters are

- Laminated on both sides and printed in high-quality full color
- Combo measures 27" x 39"
- Posters are guaranteed to be the most up to date versions available

The cost for the 2013 all-in-one poster is the same as last year, \$24.50, which includes postage and sales tax. A credit card is required for purchase.

To order your posters, contact Rose Dorado at rosed@piasc.org (323-728-9500, Ext. 299) or you can order online at piasc.org.

NLRD Email Decision

The National Labor Relations Board (NLRB) in a split decision recently held that employees can use employer email systems during non-working time to communicate about wages, working conditions, and other concerted activities, including union organizing.

The decision applies only if an employer has granted employees access to email for their job. (*Purple Communications*, 361 NLRB No 126 (2014)).

According to NLRB's 3-2 decision:

"We will presume that employees who have rightful access to their employers email system in the course of their work have a right to use the email system to engage in Section 7—protected communication on nonworking time."

The decision departs from previous NLRB decisions which held that employees can have no statutory rights to use their employer's email system for Section 7 purposes.

It is likely *Purple Communications* will be challenged in federal courts.

Management Tools— Graphic Arts Resource Center

PIASC launched a new website titled "Management Tools, Graphic Arts Industry Resource Center" which brings together, in one place, tools and information to help members comply with regulatory, technical and legal issues. These materials are grouped into five categories for easy access: Business/ Technical, Environmental, Human Resources, Safety & Sales Tax.

Each category is further divided by subject matter (e.g., under Human Resources there are twelve sub-categories, such as pre-employment, employment, sample employee handbook, required postings and brochures, and terminations).

The website can be accessed at pic-gov.org. Check the website out. We think you'll be impressed.

2015 Mileage Rates

The Internal Revenue Service has issued the 2015 optional standard mileage rates used to calculate the deductible costs of operating a vehicle for business, charitable, medical, or moving purposes.

Beginning January 1, 2015, the standard rates will be:

- 57.5 cents per mile for business miles driven (up from 56 cents in 2014)
- 23 cents per mile driven for medical or moving purposes (down from 23.5 cents in 2014)
- 14 cents per mile driven in service of charitable organizations

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile, including depreciation, insurance, repairs, tires, maintenance, gas, and oil. The medical and moving rates are based on the variable costs, such as gas and oil. The charitable rate is set by law.

The Division of Labor Standards Enforcement states that using the IRS mileage rate will generally satisfy an employer's obligation to reimburse for business related vehicle expenses.

Cellphone Reimbursement Ruling

The California Supreme Court recently denied a request to review *Cochran v. Schwan's Home Service, Inc.*, a case in which an appellate court held that employers must reimburse employees who are required to use a personal cell phone to make work-related calls. The lower court's ruling will now stand.

The appellate court ruled that "reimbursement is always require," and the employer must pay "some reasonable percentage" of the employees' cell phone bill to comply with the Labor Code; this is true even when the employees don't incur any extra expenses by making the work-related calls because they have an unlimited data plan.

The Supreme Court also rejected a request to have the case de-published so that it would not hold precedent value.

Abusive Conduct Training

With the passage of AB 2053, employers subject to California's mandatory AB 1825 sexual harassment training for supervisors will now have to include an abusive conduct component.

AB 1825 requires employers with at least 50 employees to provide two hours of effective interactive training regarding sexual harassment prevention to supervisory employees every two years (the first training deadline was December 31, 2005).

"Abusive conduct" includes repeated verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

Employers have to track compliance with AB 1825 by keeping training records indicating the date and type of training provided and the supervisor-trainee's name, as well as the name of the instructor.

