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### Headline Summary

- Patent Suits Update
- Post OSHA Form 300A
- Prop 13 Fix
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- Double Pay Holiday Bill
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### Prop 13 Fix

Senate Bill 259 would correct an interpretation of property change of ownership that has been the subject of multiple instances of tax evasion.

A prime example is the 2006 purchase of a hotel in Santa Monica where the purchaser realized he could structure the deal without any one individual owning a 50 percent majority share in the property. Despite 100 percent of the ownership changing hands, the property was not reassessed, resulting in a tax loss to Los Angeles County of over a million dollars annually.

SB 259 defines a change in ownership when 90 percent of a legal entity's ownership interests transfer in a single transaction.

# WatchDog

Guarding the Business of Print February 2016

## Patent Suit Update

In last month's *Watchdog*, we wrote about a new wave of patent violation suits. The non-practicing entity (aka a "patent troll") is High Quality Printing Inventions, which owns patent US 6,012,070 "Digital Design Station Procedure." The patent covers customized business forms or brochures having high resolution color graphic may be created by an end user without layout experience at a computer terminal.

The patent was originally owned by Moore Business Forms. Last month we reported that High Quality Printing Inventions filed suit against about 10 printing companies that have eCommerce storefronts in California, Florida, Illinois, Texas, Ohio, and Montana.

This number has now grown to over 50 companies and likely will continue to grow as some of those companies have decided to settle rather than fight the threatened suit. You can review the patent at <http://www.google.com/patents/US6012070>.

## Post OSHA Form 300A

It's not too late to post OSHA Form 300A.

OSHA requires employers to keep Form 300 to identify work-related injuries and illnesses and to note the severity of each case. Then from February 1st to April 30th, they must post a summary of the job-related injuries and illnesses that occurred during the 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 2015 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 2015 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 and employees who do not report to any one location on a regular basis. You can download the forms from at [www.pic-gov.org](http://www.pic-gov.org) under the Safety section at Form 300.

## 2016 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 2015 all-in-one posters do not meet the federal and state 2016 requirements.

Many companies have not updated their Industrial Welfare Commission Wage Order since 2013. If you haven't, your wage order is no longer current and you should post the new version (2014) immediately to be in compliance.

You can pre-order posters from PIASC at a special rate for members. For example, the cost for the 2016 all-in-one poster is \$24.50, which includes postage and sales tax.

To order your 2016 posters, contact Emily Holguin at (323-728-9500, ext. 262) or email at [emilyholguin@piasc.org](mailto:emilyholguin@piasc.org).

### Court Reviews Union Dues

In a case brought by 10 California teachers, the Supreme Court is considering whether making public workers support unions they have declined to join violates the First Amendment.

A ruling in the teachers' favor would affect millions of government workers and culminate a political and legal aimed at weakening public-sector unions. Those unions stand to lose fees from both workers who object to the positions the unions take and those who simply choose not to join while benefiting from the unions' efforts on their behalf.

Under California law, public employees who choose not to join unions must pay a "fair share service fee," also known as an "agency fee," typically equivalent to members' dues. The fees, the law says, are meant to pay for collective bargaining activities, including "the cost of lobbying activities."

## Double Pay Holiday Bill

A double pay on holiday bill just passed the State Assembly and will now be considered for approval in the Senate. Amendments significantly narrowed the scope of the bill and allowed it to gain support from those who earlier objected to its passage.

As amended, AB 67 (Lorena Gonzalez, D-San Diego) now only applies to large-scale retailers and grocers (those with 500 or more employees) instead of all employers, including manufacturers such as printers.

The intent of the bill remains the same in requiring these businesses to pay their employees twice the regular rate of pay when working on holidays and excluding exempt employees and those covered under a valid collective bargaining agreement, as defined by the bill.

We still have concern since once this initial step is taken, its measures could likely be incrementally expanded to all California businesses, including printers, which is a common practice of the State Legislature.

## Required Pamphlets

State and federal regulatory agencies require that businesses provide new hires with several pamphlets explaining their rights in a number of important areas of employment law:

- **Rights to Workers' Compensation Benefits Pamphlet** - Effective July 1, 2014, the pamphlet includes two new forms for pre-designating a personal physician or a personal chiropractor (<https://www.dir.ca.gov/dwc/DWCPamphlets/TimeOfHirePamphlet.pdf>).
- **State Disability Insurance Provisions** - This pamphlet notifies employees of their right to disability insurance benefits if they sustain a non-work related injury ([http://www.edd.ca.gov/pdf\\_pub\\_ctr/de2515.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de2515.pdf)).
- **Paid Family Leave Pamphlet** - This pamphlet must be given to all new employees and employees taking a leave of absence that may entitle them to paid family leave wage replacement benefits ([http://www.edd.ca.gov/pdf\\_pub\\_ctr/de2511.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de2511.pdf)).
- **Unemployment Insurance Pamphlet** - Notifies employees of their right to unemployment insurance benefits when they are terminated, laid off, or granted a leave of absence ([http://www.edd.ca.gov/pdf\\_pub\\_ctr/de1275b.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de1275b.pdf)).
- **Sexual Harassment Prevention Pamphlet** - Informs employees of their rights to an harassment-free workplace and provides a harassment complaint procedure (<http://www.dfeh.ca.gov/res/docs/publications/DFEH-185.pdf>).
- **Wage and Employment Notice to Employees** - Requires employer to provide nonexempt employees with specific wage information to employees at the time of hire ([https://www.dir.ca.gov/dlse/LC\\_2810.5\\_Notice.pdf](https://www.dir.ca.gov/dlse/LC_2810.5_Notice.pdf)).

You will need both the English and Spanish versions of the pamphlets if you have Spanish-speaking employees.

If you do not provide the pamphlets at the designated time, you can face fines or even lawsuits.

