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Headline Summary

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Minimum Wage Increase

Effective January 1, 2016, the minimum wage in California increases to \$10.00 per hour. Most employers in California are subject to federal and state wage laws. The effect of this multiple coverage is that when there are conflicting requirements in the laws, the employer must follow the stricter that is more beneficial to the employee.

Since California's current law requires a higher minimum wage rate (\$10.00 per hour) than does the federal law (\$7.25 per hour), all employers in California who are subject to both laws must pay the state minimum wage rate unless their employees are exempt under California Law.

WatchDog

Guarding the Business of Print

January 2016

Post OSHA Form 300A

OSHA requires that employers post from February 1st to April 30th 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 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 construction workers, and employees who do not report to any one location on a regular basis.

You can download the forms from at pic-gov.org under the Safety section at Form 300.

New Laws for Drivers

SB 491, an omnibus transportation bill, contains provisions that effect all drivers and businesses. Current law requires the driver of a motor vehicle who is involved in an accident that results in property damage of more than \$750, or in bodily injury, reports the accident, either personally or through an insurance agent, broker, or legal representative, to the Department of Motor Vehicles by filing the appropriate SR-1 form within 10 days after the accident.

Beginning January 1, 2017, this law increases the minimum property damage that is required to be reported to \$1,000. All other provision will remain in effect. SB 491 also addresses the issue of earphones.

Previous law prohibits a person operating a motor vehicle or a bicycle from wearing a headset covering both ears, or from wearing earplugs in both ears, subject to certain exceptions.

SB 491 extends this provision to cover earphones resting on, or inserted in, both ears. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program. This provision is effective January 1, 2016.

Mileage Rates

The Internal Revenue Service recently issued the 2016 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2016, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 54 cents per mile for business miles driven, down from 57.5 cents for 2015
- 19 cents per mile driven for medical or moving purposes, down from 23 cents for 2015
- 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.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

IIPP Review

Employers should review and update their Injury and Illness Prevention Program (IIPP) annually. This will ensure your program is compliant with Cal/OSHA requirements and that it addresses the safety needs of your company.

The most frequent citations issued to businesses in California by Cal/OSHA are lack of an IIPP. Your IIPP is considered so important that it's the first item Cal/OSHA asks to see when they conduct an inspection. They carry out a thorough review of the IIPP and expect to see evidence that it addresses the specific safety needs of the employer.

When management demonstrates a strong commitment to workplace safety and a successful IIPP, your employees will embrace the organization's dedication to safety. You will begin to foster a Safety Culture.

If you'd like help in bringing your Injury and Illness Prevention Program up-to-date, contact Gerry Bonetto at (323) 728-9500, ext. 248 or email gerry@piasc.org.

More Patent Troll

A new patent troll has decided to go after the printing industry for infringing on a 1996 patent involving template design-to-print. The troll (aka a "non-practicing entity") is High Quality Printing Inventions, which owns patent 6,012,070 "Digital Design Station Procedure." The patent covers customized business forms or brochures having high resolution color graphics that may be created by an end user without layout experience at a computer terminal.

The patent was originally owned by Moore Business Forms. High Quality Printing Inventions has filed suit against more than 40 printing companies that have eCommerce storefronts in California, Florida, Illinois, Texas, Ohio, and Montana. You can review the patent at <http://www.google.com/patents/US6012070>.

On another front, the Patent Trial and Appeal Board (PTAB) handed down its final rulings on the inter partes reviews involving the patents owned by CTP Innovations. It was a partial win, in that claims 1-9 of patent 6,738 were found unpatentable.

Unfortunately, the trial judges rejected the Kodak/Esko/Heidelberg/Agfa group's arguments that the other claims (155 patent claims 10-14 and 349 patent claims 1-3 and 10-14), should also be found unpatentable. Thus, those claims remain valid.

The group is planning to ask the PTAB for a rehearing based on what the group believes are errors in the PTAB's decision rationale. The due date for the rehearing request is around December 25th and a decision would be expected one to three months later.

It's not clear how the rehearing request will impact the scheduling and planning of the pending cases in US District Court in Maryland. A request has been made by the attorneys for a further delay of several months while the PTAB considers the rehearing request.

There is another inter partes petition request in front of the PTAB, this time from a group of printers, seeking to institute a trial on the patentability of 349 patent claims 4-9. Those claims were not part of the just concluded PTAB decisions. It will be several months before we know if that petition is granted and a trial instituted.

Source: *Printing Industries of America*

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.

There are pending revisions in a couple of the notices so the posters will not be available for shipment until the second week of January.

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.

