



Member Associations of

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### Headline Summary

- Top OSHA Violations
- Partial Sales Tax Exemption
- Postal Reform -2017
- Restroom Signage
- New Cell Phone Law
- Public Pensions
- Regulation Review

### Partial Sales Tax Exemption

There was a partial exemption from sales and use taxes at the rate of 4.1875% from July 1, 2014 to December 31, 2016. With the reduced state tax rate, from 7.5% to 7.25%, from January 1, 2017 to June 30, 2022, the exemption rate from sales and use tax dropped to 3.9375% (7.25% minus 3.3125% of state tax rate) plus any applicable district taxes.

This partial exemption also applies to lease periods occurring on or after July 1, 2014 and before July 1, 2022, for leases of qualified tangible personal property even if the lease agreement was entered into prior to July 1, 2014.

For more information, contact Gerry Bonetto at (323) 728-9500, ext. 248.

# WatchDog

Guarding the Business of Print

April 2017

## Top OSHA Violations

OSHA recently released a list of the 2016 top 10 safety and health violations that employers need to work harder to prevent.

1. Fall protection
2. Hazard communication
3. Scaffolds
4. Respiratory protection
5. Lockout/tagout
6. Powered industrial trucks
7. Ladders
8. Machine guarding
9. Electrical wiring
10. Electrical, general requirements

Employers should have an ongoing campaign to inform employees about these potential hazards. For example, lockout/tagout and machine guarding violations are a major concern in the printing industry. Proper lockout/tagout procedures ensure that machines are powered off properly and can't be turned on while someone is working on them.

PIC is now offering members, free of charge, review of their environmental and safety compliance programs and includes training of personnel in accident prevention, accident response, emergency preparedness, and use of protective clothing and equipment. We also do a walkthrough of the facility verbally pointing out areas of concern.

For more information or to schedule the review, please contact Gerry Bonetto at (323) 728-9500, ext. 248.

## Postal Reform - 2017

Three weeks ago, the House Oversight and Government Reform Committee "marked-up" and approved the Postal Reform Act of 2017 (H.R. 756). A mark-up is a formal process where a congressional committee can consider and amend a bill before advancing it to the full House of Representatives or Senate.

The favorable vote to move the bill out of the Oversight Committee is one of several key steps in a still lengthy legislative process.

Much of what the bill would do deals with the health benefits for employees and retirees, pensions, governance and contracting. Postmaster General Megan J. Brennan said the provision requiring postal retirees to fully participate in Medicare is key because that "would essentially eliminate our unfunded liability for retiree health benefits."

For customers, the legislation would allow a one-cent increase in the price of a first-class stamp. Centralized, or cluster box, delivery would be used for homes where 40 percent of residents agree, with a waiver for the physically disabled. Before postal officials could close a local post office, they would have to consider the distance to the next one, the availability of broadband Internet service and local conditions, including weather and terrain. Finally, the bill would not end Saturday mail delivery.

## Restroom Signage

The recent White House action to rollback restroom protections is unrelated to the restroom signage requirement for California businesses. Starting March 1, 2017, in California, each single-occupancy bathroom is required to be open and available for all persons regardless of gender or gender-identity.

The new law only applies to single-occupancy bathrooms. By definition, a single-occupancy bathroom is "a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user." The law does not apply to bathrooms that facilitate more than one occupant at a time. Therefore, bathrooms containing more than one toilet, or more than one toilet and urinal combined, without a locking mechanism controlled by the entrant, are outside the scope of the law. To the extent that a business has two single-occupancy bathrooms, both will need to be re-branded as "all-gender" bathrooms.

There are two signs required:

- A sign with the geometric symbol on the restroom door that identifies the restroom as male, female or unisex — the circle for women, the triangle for men, or the triangle superimposed on the circle for unisex. The unisex symbol of the triangle superimposed onto a circle is the only specific indicator required by the California Building Code.
- A wall sign may be required only in business where there the "public congregates to meet the needs of the public at peak hours." The sign must be mounted next to the restroom and must be tactile (can be read by touch-- raised Grade 2 tactile braille) and indicate that the facility is a restroom and whether the restroom is for men, women or unisex. While not required in non-public restroom, there have been lawsuits filed that claimed lack of such signs.

You can find required signs at [https://www.compliancesigns.com/Restroom\\_Door-Wall\\_L2.shtml](https://www.compliancesigns.com/Restroom_Door-Wall_L2.shtml).

## New Cellphone Law

Several years ago California made it illegal for drivers to call or text without a hands-free device while driving. The law didn't address the issue when a driver is simply holding the phone or checking an app, such as the navigation app for directions.

In 2016, the legislature addressed this very issue. The bill, which went into effect January 1, 2017, prohibits drivers "from holding and operating" their phones for any reason, with the exception of a function that requires only "the motion of a single swipe or tap of the driver's finger." Even then the phone must be mounted on the vehicle's windshield or dashboard. Violations will result in a traffic citation.

An employer wouldn't likely be liable for an employee's traffic citation for improper use of the cell phone, but the employer could be liable if the employee is involved in an accident because of the improper use of the cell phone.

You should tell or remind your employees about California's law regarding cell phone use while driving.

## Public Pensions

California's retired government workers earn 26 percent more in retirement than private-sector workers earn while still on the job.

That's the finding of an in-depth analysis recently released by the California Policy Center. "This is an absolutely upside-down system," said California Policy Center CEO Mark Bucher.

The new study found that the average pension for a retired public employee in California was \$68,673 in 2015, before benefits. By contrast, active private-sector workers earned on average just \$54,326.

That same year, the maximum Social Security benefit for a high-wage earner retiring at age 66 was just \$32,244 – less than half the benefit of a retired government worker.

You can find the complete study at <http://californiapolicycenter.org/what-is-the-average-pension-for-a-retired-government-worker-in-california/>.

## Regulation Review

AB 12 (Ken Cooley, D-Rancho Cordova) passed by bipartisan vote the California Assembly's Accountability and Administrative Review Committee. The bill will implement a 'look back mechanism' for the state's regulatory agencies to review their regulations and amend or repeal any that are duplicative, overlapping, inconsistent, or outmoded.

Opponents were concerned that the bill was a companion of President Trump's deregulation efforts at the Federal level. The bill's author addressed their concerns, noting that this legislation originated with California Democrats in 2011 and does not require or encourage any state agency to repeal regulations that have proven effective and necessary.

AB 12 will next move to the Assembly Appropriations Committee, but has yet to be scheduled for hearing.

