



Member Associations of
PRINTING INDUSTRIES OF CALIFORNIA

Printing Industries Association of Southern California
Phone: (323) 728-9500 Web: www.piasc.org

Printing Industries Association of San Diego
Phone: (858) 800-6900 Web: www.piasd.org

(formerly Printing Industries of Northern California) Visual Media Alliance
Phone: (415) 495-8242 Web: www.visualmediaalliance.org

Headline Summary

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Wage Orders Updated

The California Department of Industrial Relations (DIR) recently updated most of the Wage Orders to reflect the 2017 and 2018 increases in the state minimum wage. The updated Wage Orders include Wage Orders 1 through 13, 15 and 16. Wage Orders 14 and 17 have not been updated at this time. Employers must post the proper and updated Wage Order in their workplaces.

The correct industry Wage Order bears a revision date of "12/2016," which is found on the bottom of the cover page for each Wage Order. Although the revision date has changed, the Wage Orders will still be called Wage Order 1-2001, 2-2001, etc. (Although the Wage Orders are dated 12/2016, they were just released by the DIR.)

WatchDog

Guarding the Business of Print

May 2017

SCAQMD Permitting Rule

The South Coast Air Quality Management District (SCAQMD) is proposing changes to Rule 219 (Equipment Not Requiring a Written Permit). The changes primarily address flexographic printing facilities that use materials that emit small amounts of air contaminants (VOCs).

It exempts from permit operations using coating, including UV/EB/LED coating, whose volatile organic compound (VOC) is < 50 grams per liter and clean-up solvents is < 25 grams per liter and total VOC emissions is < 1 ton per year.

The facility must demonstrate that it meets these requirements. They must now register under Rule 222 (Filing Requirements for Specific Emission Sources Not Requiring a Written Permit)—this is new—or annual submittal of records already required to be kept under Rule 109 that demonstrate facility is using <50 g/l materials, 25 g/l cleanup solvents and meet mass emission limit of <1 ton/year VOC emissions. Moreover, the facility-wide emissions must be < 4 tons per year.

Under the staff proposal, facilities are allowed to register and remain in the registration program, or instead opt out of the registration program and maintain records that are already required to be kept. Without registration or maintaining records, the printing operation will be considered in violation and subject to fine.

California Universal Health Care

The California Senate Health Committee voted 5-2 taking the state one step closer toward enacting universal health coverage with an affirmative vote for the Healthy California Act, a sweeping proposal to introduce legislation to replace private medical insurance with a government health care system covering all 38 million Californians—including its undocumented residents.

The measure (SB 562), co-authored by Senators Ricardo Lara (D-Bell Gardens) and Toni Atkins (D-San Diego), doesn't yet provide many specifics other than the lawmakers' intent: to create a so-called single-payer system that would pay for coverage for everyone. Medicare, the federally funded health coverage for the elderly, is held up as a model of what a single-payer system might look like.

Supporters further argue that single-payer systems make health care more affordable and efficient because they eliminate the need for reams of paperwork; however, opponents say they raise taxpayer costs and give government too much power.

The idea has periodically gained traction in California and elsewhere in the country. Vermont Sen. Bernie Sanders—who nearly toppled Democrat Hillary Clinton during last year's presidential primary—widened its popular appeal. The California Nurses Association is backing SB 562.

Employee's Personnel File

The most important document in EVERY employee's personnel file is one you probably don't give much thought to until the employee has left the job. It is the Acknowledgement page from your employee handbook.

Generally placed in the back of the handbook, the Acknowledgement page states that the employee has received a copy of the employer's policies and has had the opportunity to read them. If you update your employee handbook, you need to have new acknowledgement pages signed by all employees and kept on file as well.

If you don't have your employees sign this page and then keep it on file, your business is at risk. This can lead to an award of unemployment compensation and it can be used against you in a discrimination claim. All of this can be avoided if you simply make a regular practice of ensuring that ALL employees—from the CEO to the janitor—have signed their employee handbook's Acknowledgement page and returned it so it can be placed in their personnel file.

Source: Norris, McLaughlin & Marcus, P.A.

Safety Checkup

We are now offering members, free of charge, throughout May, review of their environmental and safety compliance programs. The safety component involves review of necessary written safety programs, assessment of efforts and procedures for identifying workplace hazards and reducing accidents and exposure to harmful situations and substances. It also includes training of personnel in accident prevention, accident response, emergency preparedness, and use of protective clothing and equipment. The environmental component involves a review of a company's approach to complying with environmental regulations, such as managing hazardous waste to air emissions.

Call Gerry Bonetto at 323.728.9500 for more information.

LA County Sales Tax Increase

On January 1st, the statewide sales tax decreased one-quarter percent with the expiration of Proposition 30, the Schools and Local Public Safety Protection Act approved by voters in 2012. With the decrease, L.A. County's sales tax dropped from 9 to 8.75 percent.

A retailer who continues to charge and collect the higher quarter-cent tax after January 1st must either refund the excess to the customer or pay the overage to the state Board of Equalization. If the excess tax collected has been paid to the board, the retailer may request a refund on behalf of their customer by filing a claim with the state.

In last November's election, however, L.A. County voters, including those in Calabasas, Agoura Hills and Westlake Village, approved Measure M, which mandates a half-cent sales tax increase for transportation improvements in the area.

When the Measure M tax goes into effect on July 1, 2017, the county's total sales tax will settle in at 9.25 percent, still one of the highest rates in the nation.

Criminal Background Checks

California's Department of Fair Employment and Housing (DFEH) recently enacted regulations that impose additional burdens on employers' use of criminal background checks in employment decisions. The new regulations go into effect on July 1, 2017.

Specifically, the regulations require that, for any criminal background check policy, an employer must justify use of such a policy by demonstrating that its policy or practice bears "a demonstrable relationship to successful performance on the job and in the workplace and measure[s] the person's fitness for the specific position(s), not merely to evaluate the person in the abstract," and that the policy or practice is "appropriately tailored" to the job.

The regulations provide two ways for an employer to meet these requirements: (1) conduct an individualized assessment of the applicant or employee; or (2) demonstrate that any "bright-line" disqualification policy properly distinguishes those who do and do not pose an unacceptable level of risk. Either method requires the employer to provide the impacted applicant/employee with notice and a reasonable opportunity to present evidence that the information is factually inaccurate prior to moving forward with the employment decision. We suggest that any employer who maintains a no-hire policy for persons with criminal convictions have their policies evaluated for compliance.

Water Conservation

Last week the State Water Resources Control Board (SWRCB) rescinded the water supply "stress test" requirements and remaining mandatory conservation standards for urban water suppliers. The action was in direct response to the Governor's announcement earlier this month claiming the drought emergency was over.

A framework involves a number of components. Included among these components is the development of performance standards for the commercial, industrial and institutional (CII) sectors to help address long-term drought preparedness. We will continue to monitor this development.



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