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Headline Summary

- Storm Water Permit Deadline
- SCAQMD Rule 317 Revisited
- Los Angeles City Minimum Wage
- Small Business and Regulation
- OSHA Training Rules
- Off Clock Work and Smart Phones

Minimum Wage Increase

The Los Angeles City Council just voted to raise the minimum wage from \$9 to \$15 per hour by 2020. Under the plan, the minimum wage will increase as follows:

- July 1, 2016 - from \$9 to \$10.50/hr
- July 1, 2017 - from \$10.50 to \$12/hr
- July 1, 2018 - from \$12 to \$13.25/hr
- July 1, 2019 - from \$13.25 to \$14.25
- July 1, 2020 - from \$14.25 to \$15

Increases at businesses with 25 or fewer employees would be delayed by one year at each step.

Berkeley, Mountain View, Oakland, San Francisco, San Jose, Sunnyvale, and Richmond have also raised their rates.. New York City, Washington, and D.C. are also weighing \$15-an-hour minimum.

WatchDog

Guarding the Business of Print

June 2015

Stormwater Permit Deadline

The new National Pollutant Discharge Elimination System (NPDES) for storm water permits becomes effective July 1, 2015. It will replace the current permit. Companies with current permits received letters in December 2014 and January 2015 to re-certify their permits. These companies should now have prepared for submittal their application for the July 1, 2015 deadline. They will re-certify their permits through the program's electronic report found at <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>.

Companies that previously did not have to obtain a storm water permit are NO LONGER EXEMPT from complying with the new Industrial General Permit (IGP). Many printing companies (SIC codes 2711-2796), however, may qualify for a No Exposure Certification (NEC)—the minimum requirement under the program.

To qualify, a company must verify that there is no exposure of industrial activities and materials in eleven (11) major areas. A sample NEC checklist can be found on our website here: <http://bit.ly/Storm-Water>.

Companies will have to electronically apply for the NEC, the software for which will not be available until the beginning of July. Companies will then have until October 1, 2015, to file the NEC application. Finally, all new NECs and NEC re-certifications require a fee that is currently \$200.

For more information, please contact Gerry Bonetto at Ext. 248 or gerry@piasc.org.

SCAQMD Rule 317 Revisited

Last month we wrote about the Ninth Circuit Court of Appeals decision (3-0) involving the South Coast Air Quality Management District's Rule 317 (Clean Air Act-Nonattainment Fees). The court unanimously upheld EPA's approval of Rule 317 which added additional fees to more than 400 facilities (including 40 large printing companies) under section 185 of the Clean Air Act.

We estimate our involvement in this process has saved targeted printing companies between two and a half to three million dollars so far, and millions more in the future since there is no foreseeable attainment date.

In late April, environmental groups filed a petition to the Ninth Circuit for a rehearing before the full court. On May 20 the Ninth Circuit judges denied the petitioner's request for rehearing en blanc (before the whole court).

The likelihood of the petition being successful was slim. Approximately 1000 Petitions for Rehearing en banc are made each year. Of those 1000, approximately 40-50 receive an en banc "call" to vote on whether the case should be reheard en banc, and of those 40-50 only about 15-25 actually receive the simple majority vote of active judges needed to have the case reheard. That's a .25% chance.

Small Business and Regulation

Government needs to be transparent especially for small businesses, which lack the legal resources of big businesses.

AB419, (Young Kim, R-Fullerton) mandates that the Governor's Office of Business and Economic Development "shall create a Web-access point on its Internet Web site" to "include information about the state rulemaking process." The information will "assist a small business in understanding how to effectively find relevant information on pending and current regulations."

This would be accomplished through GO-Biz's Office of Small Business Advocate. According to Assemblywomen Kim, the bill was inspired by her own small-business background, and from local businesses that "find it difficult to keep up with all the regulations," which are a "maze."

AB419 will "put all the rules in one place" online, with the full text of each regulation a click away." Instead of having to hire an in-house attorney, small businesses will just have to find a link from a search on the website."

AB419 involves no added cost to taxpayers, but will be put online based on GO-Biz' current resources. Getting the word out also is important. "When I go back to the community, most small businesses don't even know what GO-Biz is," she said. "We need to let them know this is available." She said the new resource also will be a big help to minority and immigrant small businesses.

AB419 received bipartisan support and passed the Assembly unanimously May 22nd. It's currently before the Senate Rules Committee. Ms. Kim said the bill should pass the Senate, then "should get the governor's support pretty easily."

Source: *The Orange County Register*
May 28, 2015

OSHA Training Rules

OSHA revised the Hazard Communication Standard to conform to the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

The first requirement in implementing the revised standard is employee training (instruction) on the new label elements and safety data sheet format. The training should have been completed by December 1, 2013.

The second trigger date is June 1, 2015, when employers must be in compliance with all modified provisions of this final rule.

Besides training on the new label and safety data sheet format, employers who use hazardous chemicals in the workplace must meet all of the following Hazard Communication Standard requirements:

- Prepare and execute a written hazard communication program
- Keep a written inventory of products that contain hazardous chemicals
- Maintain and make available to employees Safety Data Sheets (formerly Material Safety Data Sheets) for all chemicals on the written inventory
- Make sure all containers are properly labeled
- Conduct employee training on the Hazard Communication Standard

In case you haven't met the December 1, 2013, deadline, PIC has prepared a training module which you can find online at piasd.org under Management Services or piasc.org under Management Tools; from there go to the bottom of the page and click on Graphic Arts Resource Center, then Safety, and finally *New Safety Data Sheet Guidelines*.

You can also find a sample Written Hazardous Communication Program at the following URL: <http://www.pic-gov.org/HCT/index.html>.

Off-The-Clock Work and Smartphones

The rise of smartphones and tablets has created off-the-clock work-liability issues. There is no longer a demarcation between work and end of a work day. Litigation has increased from nonexempt employees claiming that they were using their smartphones or other devices to do off-the-clock work after hours.

If nonexempt employees check their work emails after hours, you are going to need to pay them for that time—overtime pay if they have now exceeded 8 hours in a workday. It's a common occurrence; for example, an exempt vice-president emails their secretary late at night. The nonexempt secretary happens to check their phone before going to bed, responds to the email, and takes care of a couple of action items. You now have an off-the-clock work issue.

In the spring 2015 regulatory agenda, the federal Department of Labor requested the following information regarding hours worked under the Fair Labor Standards Act: "The Department is seeking information from stakeholders on the use of technology, including portable electronic devices, by employees away from the workplace and outside of scheduled work hours...."

This request for information may or may not lead to a proposed rule. Regardless, California employers should implement policies and practices prohibiting off-the-clock work by nonexempt employees without prior approval.

