



Member Associations of

**PRINTING INDUSTRIES OF CALIFORNIA**

Printing Industries Association of **Southern California**  
Phone: (323) 728-9500 Web: [www.piasc.org](http://www.piasc.org)

Printing Industries Association of **San Diego**  
Phone: (858) 800-6900 Web: [www.piasd.org](http://www.piasd.org)

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

### Headline Summary

- Patent Reform
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- 2016 Labor Law Posters

### Why Employers Get Sued

Recently the California Chamber of Commerce published a list—and who doesn't like lists—of the top ten employment law violations:

- Exempt and nonexempt employee classification
- Meal breaks
- Independent contractor status
- Harassment and discrimination
- Hours of work
- Wrongful termination
- Violation of leaves of absence
- Final paycheck
- Deduction from wages
- Vacation policy

Material on these topics can be found on the PIC Graphic Arts Industry Resource Center ([www.pic-gov.org](http://www.pic-gov.org)) under the Human Resources.

# WatchDog

Guarding the Business of Print

March 2016

## Patent Reform

Last year bi-partisan committees in the House and Senate passed bills endorsed by the United for Patent Reform Coalition (UPR), of which Printing Industries of America (PIA) is an active member. Floor votes, however, did not take place in either chamber, primarily due to opposition by research universities and a divide amongst lawmakers between supporting UPR's proposal and a proposal by the pharmaceutical industry.

In the meantime, the annual Unified Patents report on patent disputes that showed this year saw the 2nd highest number of patent litigations in history (up 14 percent over 2014) and that "non-practicing entities" (by and large, the patent trolls) comprised two-thirds of that litigation (67 percent, up from 61 percent in 2014).

Additionally, late in the year printers began reporting a new spate of demand letters related to web-to-print technology. Clearly, the problem continues to worsen; therefore, the effort to bring patent reform bills to a floor vote is even more urgent this year.

The UPR website ([www.unitedforpatentreform.com](http://www.unitedforpatentreform.com)) provides the best resource for policy information and breaking news

## Private Sector Retirement Program

California continues to move closer to creating a government-run private sector retirement program. The California Secure Choice Retirement Savings Investment Board, the entity statutorily formed to consider the feasibility of such a program, is reviewing recommendations prepared by Overture Financial of New York on how to implement the program.

For example, employers with five or more California employees that do not offer some type of retirement plan would automatically enroll their workers into a state-sponsored Roth IRA, unless employees opted out. Contributions would come directly from workers' paychecks at a default rate of five percent of pay, escalating by one percentage point each year until reaching ten percent. Employers would not be required to provide a matching contribution. Suggestions for a default investment vehicle, pre-retirement withdrawals and participant fees were also provided.

Public hearings on the plan will be held on March 1<sup>st</sup> in Los Angeles and March 3<sup>rd</sup> in Oakland from 2 pm to 5 pm. The Board will discuss and vote on the recommendations at its March 28<sup>th</sup> meeting in Sacramento.

A copy of the Overture report can be found here: [www.treasurer.ca.gov/scib/report.pdf](http://www.treasurer.ca.gov/scib/report.pdf).

## "Time Off to Vote" Notice

California's primary and general election are just around the corner (June 7<sup>th</sup>, Presidential Primary Election; November 8<sup>th</sup>, General Election) which means employers must post a "Time off to Vote" notice. The notice has to be posted at least 10 days before the first election date.

The intent of the law is to provide an opportunity to vote to workers who would not be able to do so because of their jobs. The notice contains the following statements:

- Polls are open from 7:00 a.m. to 8:00 p.m.
- Employees are eligible for paid time off for the purpose of voting only if they do not have sufficient time outside of working hours to vote.
- Employees can be given as much time as they need in order to vote, but only a maximum of two hours is paid.
- Employers may require employees to give advance notice that they will need additional time off for voting.
- Employers may require time off to be taken only at the beginning or end of the employee's shift.

The sample notice can be found online in multiple languages at the following link: [www.sos.ca.gov/elections/time-vote-notices/](http://www.sos.ca.gov/elections/time-vote-notices/).

### Packing Material

We're often asked whether containers and packaging materials taxable or not.

Generally, non-returnable containers (e.g., boxes, cartons, pallets) and packaging material (e.g., bubble pack, styrofoam pellets, formed in place styrofoam sponges, tape to close and other devices to close containers) may be purchased for resale if sold to persons who are also the sellers of the property shipped (e.g., printed material) because the printed material becomes part of nonreturnable container which is resold with the property shipped.

## Forklift Training Manual

As of July 15, 2000, all employees who operate a forklift must be certified. Moreover, an evaluation—and verification—of each operator's performance shall be conducted at least once every three years.

You don't have to hire an outside consultant or a certified trainer to conduct the training; however, if you choose someone from within your company to do the training, you must make sure that individual has not only extensive knowledge and experience with forklifts, but also the skill to conduct the training.

PIC has produced a comprehensive forklift operator's training course. The price for members is \$21.50. To order your copy, please contact Emily Holguin at (323) 728-9500, ext. 262 or email [emilyholguin@piasc.org](mailto:emilyholguin@piasc.org).

## Pregnancy Leave Notices

Amendments to California's Fair Employment and Housing Act (FEHA) regulations have been approved and will take effect on April 1, 2016.

The amended regulations include clarifications regarding pregnancy disability leave, as well as changes to the mandatory pregnancy disability leave poster requirement — "Your Rights and Obligations as a Pregnant Employee."

California's pregnancy disability leave laws apply to any employer with five or more full or part-time employees and to all California public sector employers.

Covered employers are required to post a specific notice to employees explaining their rights and obligations regarding pregnancy, childbirth or related medical conditions. The notice includes information about the following items:

- An employee's right to request reasonable accommodation, transfer or pregnancy disability leave.
- An employee's obligations to provide adequate advance notice.
- The employer's requirement, if any, that the employee provide medical certification of the need for pregnancy disability leave, reasonable accommodation or transfer.

The revised notice has yet to be published; however, as soon as it is published, we will inform members of the availability of the notice so that they can comply with the April 1, 2016 deadline.

## 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 set does not meet the federal and state 2016 requirements. Updated posters include the following important revisions:

- 6/15 CA Healthy Families Act of 2015/Paid Sick Leave
- 6/15 CA Family and Medical Leave/CFRA/Pregnancy Notice B
- 1/16 CA Minimum Wage

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.

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

