

GOVERNMENT AFFAIRS WATCHDOG

PIC DEVELOPS DISASTER RECOVERY WORKBOOK

Printing Industries of California recently developed the *Disaster Recovery Workbook* to help member companies prepare for an unanticipated disaster and to resume normal business operations quickly.

The *Workbook* is designed to provide a template for you to establish your own disaster, management, and recovery plan. It is divided into three sections: the plan components and instructions, interactive fill-in forms, and appendix.

1. **Section One** explains how to complete the written program and how to document the steps you need to take to develop your disaster recovery program.
2. **Section Two** provides key interactive forms which can be used to establish your written program. It provides a system and method for identifying and organizing the components of your disaster recovery program
3. **Section Three** provides formulas for computing computer downtime and property insurance coverage.

In using the *Workbook*, you will be able to identify the components needed to establish an effective program within a reasonable investment of time and resources.

The *Disaster Recovery Workbook* can be found on your association website under the government relations button.

LEGAL PROBLEMS

A couple of months ago we wrote about one of our member companies receiving a citation for not having up-to-date federal and state

MEAL PERIODS

Employer groups have introduced SB 1539 (Ron Calderon, D-Montebello), as solution to meal period breaks that has plagued all industries regardless of size or union status.

California's employers and employees have attempted to comply with Labor Code section 512 since the statute was amended in 1999 (AB 60). The section simply states that a non-exempt employee may not work more than five hours in a workday without being provided with a 30-minute meal period. These provisions have been interpreted in various ways by state enforcement officials and the courts, contributing to significant confusion.

This confusion has led to litigation against several California printers, who have faced or now face costly settlements. Meal period disputes are currently 40 percent of all California class-action lawsuits and approximately half of all employment-related lawsuits filed in California each year.

Current enforcement interpretations include the following:

- The employer must compel the worker to cease work during the meal period which requires the employer to police its workforce, watch the clock to ensure the meal period is taken at the prescribed time, for the entire time and without interruption;
- An employee may not voluntarily skip the meal period;
- An employee may not take the meal period at another time;
- An employee may not return early, leave late or do any work during the meal period;
- The conditions which permit an on-duty meal period are so rigidly interpreted that most workplaces that would permit on-duty meal periods do not qualify;

Prior efforts to develop legislative and regulatory solutions have been unsuccessful. We can only hope this effort will have a different fate.

labor law postings. Well, it's happened again. On both occasions the company was turned in by a recently terminated employee, who also contacted Cal/OSHA about possible safety violations.

Such visits often come as a surprise, and the company may not be ready for an inspection or request to see current postings. The only ones who benefit are the government which collects a fine and the former employee who may gain some sort of retribution.

PIC offers compliance posters in a handsome, laminated two poster set (24"

x 39" each) for all your compliance needs. While our selling the compliance posters and member companies being cited is coincidental, the incident shows that employers must be diligent in complying with various regulations.

Moreover, if more than ten percent of your company's workforce speaks a foreign language, you must have posters in their native tongue.

For more information or to order the 2008 compliance kit, contact Marcos Uribe, Ext. 299.



**Affiliated
Associations:**

Printing Industries of California

Printing Industries of Northern California www.pinc.org

Printing Industries Assn. of Southern California www.piasc.org

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SPLIT ROLL TAX SCHEME

The “split roll” property tax has resurfaced as a point of discussion to help address the state budget crisis.

Legislation has been introduced, AB 2641 (Davis, D-Los Angeles), which directs the Board of Equalization to conduct a study of the amount of revenue that could be generated from imposing a “split roll” tax. The study would then provide the basis for legislation to develop a “split roll” tax.

A “split roll” tax seeks to divide the tax treatment of commercial and residential properties by removing Proposition 13 protections from commercial properties, while leaving those protections intact for residential properties.

When passed, Proposition 13 capped property tax rates at 1 percent of assessed value, and restricted that value from growing more than 2 percent a year. Only when ownership changes or there is new construction may the value of the property be reassessed at more than 2 percent. These protections were extended to both residential and commercial properties under the 1978 landmark proposition.

There have been numerous attempts to erode the protections of Proposition 13 via a “split roll” tax — proposals seeking to tax income-producing properties such as apartment buildings, commercial developments and industrial facilities at a higher rate than residential properties.

GREENHOUSE GAS REPORTING

A federal law passed late last year mandates that facilities in “all sectors of the economy” report greenhouse gas emissions.

Buried in fiscal year 2008 appropriations of the Consolidated Appropriations Act of 2008 is a provision requiring the U.S. Environmental Protection Agency (EPA) to develop and implement rules for nationwide “mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy” by mid-2009.

This provision in the bill reflects what its proponents consider to be a critical first step toward implementing a federal

NEW CITY TAX RATES

On April 1, 2008, the new tax rates go into effect in the following cities.

City of Ceres 7.875%

Voters in the City of Ceres, located in Stanislaus County, approved a 0.50% City of Ceres Public Safety Transactions and Use Tax, which will increase the tax rate within city limits to 7.875% from 7.375%. The tax rates in areas outside the city limits of Ceres will remain the same.

City of Delano 8.25%

Voters in the City of Delano, located in Kern County, approved a 1.00% City of Delano Public Safety Transactions and Use Tax, which will increase the tax rate within city limits to 8.25% from 7.25%. The tax rates in areas outside the city limits of Delano will remain the same.

City of Hollister 8.25%

Voters in the City of Hollister, located in San Benito County approved a 1.00% City of Hollister Transactions and Use Tax, which will increase the tax rate within the city limits to 8.25% from 7.25%. The tax rates in areas outside the city limits of Hollister will remain the same.

City of Selma 8.475%

Voters in the City of Selma, located in Fresno County have approved a 0.50% City of Selma Public Safety Transactions and Use Tax (SLMA/169), which will increase the tax rate within the city limits to 8.475% from 7.975%. The tax rates in areas outside the city limits of Selma will remain the same.

Is your address in the city limits or unincorporated county?

You should verify that your business is located within one of the cities that have a new district tax before collecting the increased tax rate. District boundaries are generally defined by city and county lines.

greenhouse gas reduction program. The phrase “above appropriate thresholds” suggests the EPA will have to determine which facilities will be required to report greenhouse gas emissions.

The new federal law comes while the California Air Resources Board (CARB) is at work developing its own regulations to be released by 2012. Those state rules will cap California’s statewide greenhouse gas emissions and reduce them to 1990 levels (about 25 percent from current levels) by the year 2020.

These regulations will require all significant sources of greenhouse gas emissions in California to report their annual emissions to CARB.

EMPLOYEE MARIJUANA USE

Assembly member Leno (D-San Francisco) has introduced AB 2279 to make it illegal to consider an employee’s use of marijuana outside of the workplace when hiring, terminating, or disciplining an employee.

This legislation came in response to a recent California Supreme Court case, *Ross vs. Ragingwire Telecommunication*, where the court concluded that the employer could terminate an employee because of the use of medical marijuana outside of the workplace. The court decision stated that current California law permits an employer to require pre-employment drug tests and take illegal drug use into consideration in making employment decisions.

Assembly member Leno argued that medical marijuana patients received the right to use marijuana when voters passed the Compassionate Use Act of 1996 (Act) and that the intent of the Act was that the uses of marijuana not affect employment status. Nevertheless, the court found that nothing in the text or history of the Act showed that the intent of the measure was to address the respective rights and duties of both employers and employees.