

20th Annual Paper & Substrate Show in Irvine

Are you one of those people that get the chills when touching beautiful paper? And you can't help analyzing all the invitations you receive in the mail to determine if the right stock was used or if you would have chosen something different?

You are not alone. Most people love paper! We are tactile creatures and love to feel the different textures of paper before deciding on the one we are going to use for that special project.

Exciting news: Coming this September is the most dramatic paper show yet! There will be twists and turns, well really, just paper and emotions. Come to make new friends, reconnect with peers you haven't seen since last year, indulge in Andrei's artichoke parm rolls and beef focaccia bread, and walk away with the coolest and latest samples in the industry. You'll have exhibitors fighting for your love. Present your best self, and maybe you'll get some one-on-one alone time. Wear your emotions on your sleeve and share your love of paper.

WHEN:

Tuesday, September 18, 2018
5:30 PM - 9:00 PM

WHERE:

Andrei's Conscious Cuisine Event Center
2607 Main Street, Irvine

Members \$40, Non-Members \$50, Students/Designers \$30

Bonus Workshop Before the Event: Designing for Print

4:30 pm - 5:30 pm

Special Guest Speaker: Marina Poropat Joyce

Hosted by Domtar Paper & Spicers Paper

Very Short Walking Distance from Show (in the same parking lot), at Courtyard by Marriott Irvine
2701 Main Street, Irvine CA 92614

A paper inspiration workshop for graphic designers & print purchasers!

- Discover the best time to choose the paper for your project
- Learn how paper grades and finishes affect printing quality
- Find out how to "really" read a paper swatch book
- Understand how to know if a paper is available
- See paper myths BUSTED
- Get an exclusive Domtar/Spicers goodie bag!
- Raffle of Marina Joyce's book "Designing for Print" (\$95 value!)*

*Designing for Print is 208 pages of proven advice for designers and purchasers of print on how to cost, schedule, design and build projects for success in digital, offset, letterpress and flexo print environments.

Register at www.piasc.org/papershow

Don't Let Employment Claims Kill Your Business

It was a small company with just six or seven employees. The owner—a veteran with a heart of gold who had built the business from scratch—had been running the place for over 20 years. When a new insurance agent sat down with him, the agent brought up the need for Employment Practices Liability insurance. “Thanks, but I don’t need that,” the business owner said. “These guys have been working for me for years, and they’re all like family.” Six months later he was closing down the business. He had let someone go after a business downturn...the former employee made a wrongful termination claim...and without Employment Practices Liability coverage, trying to fight the claim cost this veteran his livelihood.

What is Employment Practices Liability insurance?

Employment Practices Liability insurance provides coverage for harassment claims, including sexual harassment; discrimination claims (sex, race, age, disability, etc.); and wrongful termination and other employment-related issues, such as failure to promote claims. Coverage for the cost of defending against wage and hour complaints can be added as well.

The bottom line is that employers are at risk from the hiring process to the firing process, and Employment Practices Liability insurance mitigates this risk.

No company is immune

In our industry, larger firms usually understand the need for Employment Practices Liability coverage. They have seen that the laws have currently swung so far in the employees’ favor that disgruntled employees find it easy to turn grievances into major claims. It’s the smaller firms, especially those with under 10 employees, that tend to think “we’re all like family here, so this type of claim will never happen to us.”

The unfortunate reality is, employment practices claims happen all the time—to businesses both large and small. In fact, about 50% of all of these claims and lawsuits are targeted at smaller companies.

Employment practices claims can be very expensive

If you have a larger company and choose to forego Employment Practices Liability coverage, you’ll probably have the wherewithal to keep your company going in the face of a claim. But if you’ve got a six-person company, you may not weather the storm. Why? Because defending your company can easily cost \$100,000 to \$200,000 in attorney’s fees, plus the cost of the actual damages if you lose or settle the case.

And the reality is, if there’s any evidence at all of any type of inappropriate activity, it can be next to impossible for employers to win these cases. Insurance companies often settle rather than go to trial. If you don’t have insurance and have to hire an attorney to defend you, you’ll most likely end up in a settlement situation as well—except with no one behind you to pay the bill.

The best defense is a good offense

While Employment Practices Liability insurance is a must-have for any business that has employees, risk management is not just about buying insurance. It’s also about reducing the risk in the first place, and that requires well-developed human resources policies and practices. PIASC members have access to extensive HR assistance to make this happen.

Of course, the professionals at PIA Insurance Services are a great resource for understanding your current risk situation and planning for the future. For a complimentary policy review, contact Dennis Bernstein at 323.728.9500 Ext. 222 or dennis@piasc.org

Sexual Harassment Victims and Employers Protected from Defamation Claims

In July Governor Brown signed AB 2770 into law, preventing alleged sexual harassers from slapping victims and their employers with defamation lawsuits.

This new law applies when an employee lodges a complaint of sexual harassment to an employer that is without malice and based upon credible evidence, and the employer responds by conducting an investigation into the alleged harassment. In these situations, the complaint itself, as well as communications made between the employer and interested persons (without malice) regarding this complaint, are now considered to be “privileged publication or broadcast.” Defamation lawsuits based on this are forbidden.

In addition, the law expressly allows employers to respond to reference checks from prospective employers by disclosing the sexual harassment investigation and its findings. This ends a terrible “catch 22” situation that many employers had found themselves in before. If they spoke up, they risked a defamation suit. If they remained silent, the harasser could simply move on to victimize others in a new work environment.

Is Full-Time Presence at Work an Essential Job Function?

In a surprising ruling on July 17, 2018, the Sixth Circuit Court ruled that under the Americans with Disabilities Act (ADA) “full-time presence at work is not an essential function of a job simply because an employer says it is.” The Court further stated that in order to establish that full-time and physical presence at work are essential functions of a particular position the employer must “tie time-and-presence requirements to some other job requirement.”

For example, if a press operator must be present to operate a printing press, then a time-and-presence requirement can be tied to the “operate the press” job requirement. This job duty clearly cannot be performed remotely.

In practical terms this ruling means that when responding to ADA accommodation requests for reduced schedules or remote employment, you must be able to articulate which specific, essential tasks that position entails cannot be completely remotely or on a part-time schedule. Be clear about the operational impacts of the request.

Action item: Review your job descriptions with an eye toward clarifying these issues.

California's Wildfires and Your Workforce

With devastating wildfires becoming a regular occurrence in California, it may only be a matter of time before your company or one of your employees is affected by a wildfire. When this happens, you may have HR-related obligations under California law. These include:

- **Employees Who Cannot Report to Work** – Whether you have closed the facility due to the fire's impact, or the decision not to report to work was the worker's, non-exempt employees must only be paid for the time they work.

The situation is different for exempt employees. If you stop operations for less than a full workweek, you must pay exempt employees their full salary if they worked any time at all during this period. If you do not stop operations, exempt employees who elect not to work are considered absent for personal reasons. Depending on your written policies you can require them to use accrued leave or vacation time in both of these situations. If the employee does not have a positive balance in their leave account, you can place employees who fail to report to work for personal reasons on unpaid leave.

- **Employees Who Show Up But Cannot Work** – Non-exempt employees who show for work on a scheduled work day, but cannot complete a full shift because, for example, the wildfires cause a power outage, must be paid for time worked (or time spent on premises not working, if you have asked them to stick around in case they are needed later in the day) or half of their normal shift, whichever is greater.

- **Volunteer Emergency Responder Leave** – Employees who are called into action as volunteer emergency responders must be granted temporary leaves of absence, generally without any advance notice. During this leave you cannot discharge or otherwise discriminate against these employees.

- **Medical-Related Leave** – Eligible employees who suffer serious injury or illness as a result of a wildfire, or whose family member does so, may be entitled to Family and Medical Leave. New injuries caused by a wildfire, as well as preventative care or treatment of an existing health condition (such as asthma) that is made worse by the fires, can qualify some employees for paid sick leave.

- **School Activities Leave** – If you have 25 or more employees at the same location, fire-related school closures may trigger leave requests from parents with minor children. Under state law eligible parents are entitled to up to 40 hours of unpaid leave time per calendar year for school-related issues, including school closures due to natural disasters.

Action item: Don't wait for disaster to strike. Familiarize yourself with your obligations now.

New Law Clarifies California's Salary History Ban

Since AB 168 went into effect on January 1st, California employers have been prohibited from asking job “applicants” for salary history information, and they have been required to provide “applicants” with the “pay scale” for a position upon “reasonable request.” However, the specific meaning of these terms was not actually defined in AB 168. A new law, AB 2282, which will take effect on January 1, 2019, clarifies the following in the salary history ban law:

Definition of terms

- **“Applicant”** refers to external applicants who are seeking employment with the employer.
- **“Pay scale”** is the salary or hourly wage range. The pay scale does not include bonuses or equity ranges.
- **“Reasonable request”** is a request made by an applicant after the applicant has completed the initial interview.

What you can ask – Although you cannot ask for salary history information, AB 2282 states that you are allowed to ask about an applicant’s “salary expectations” for the position.

Using prior salary to justify a pay disparity – For existing employees only, under certain circumstances this is permissible. Specifically, you can make a compensation decision based on a current employee’s existing salary as long as any wage differential resulting from that compensation decision is justified by one or more of the following factors:

- Seniority system
- Merit system
- System that measures earnings by quantity or quality of production
- Bona fide factor other than race or ethnicity, such as education, training or experience.