

Celebrate our Beloved Papers with Us!

PIASC Annual Paper & Substrate Show, Irvine, CA

On Tuesday September 17, printers, graphic designers, marketing agencies, print buyers, students and vendors will all come together for the Annual Paper & Substrate Show. "Dia de los Papers" is sure to be a very spirited celebration of paper! We'll welcome the spirits of long-lost sample books with an ofrenda (altar) that pays tribute to the difficult task of selecting stock. We'll eat, drink and make memories to celebrate the wonderful cover, book, linen, vellum, felt and even smooth papers of our time. To set the spirited mood, the room will be decorated with calaveras de azucar (sugar skulls), and of course papel picado (meticulously made paper art).

Here are other reasons why you should attend:

- **Learn about new products** – Mike Keefe, Domtar's Account Manager for Southern California, has been exhibiting at this event for years. As Mike points out, "The paper industry has changed dramatically over the last 15 to 20 years. Whereas in the old days you might have had a steady stream of Spec. Reps from the mill and merchant companies calling on you to keep you up to date, now you don't. Events like these are a great way to find out what's new in the industry."

- **Discover new vendors** – Parie Petty, President of Western Lithographics, has attended the past three Paper & Substrate Shows. Parie finds that in addition to learning about the latest offerings from the major paper companies, the show is also a great opportunity to discover specialty vendors that you might not otherwise come across. "You can even find vendors that will sell you small quantities of specialty stocks," Parie shares.

- **Increase your sales** – Last year one of the specialty vendors at the show introduced Parie to paper that can be printed digitally and then mounted to another stock to create very thick business cards. "I was able to immediately sell that solution to a cus-

tom for their on-going business card orders," Parie says. "This was worth my \$30 admission right there!"

Tuesday September 17, 5:30 pm – 9:00 pm
Andre's Conscious Cuisine Event Center
2607 Main Street, Irvine, CA 92614

Register at: www.piasc.org/papershow

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

Contact: Maribel Campos, 323-728- 9500 ext. 210 or Maribel@piasc.org

2019 EXHIBITORS:



BUSINESS & MANAGEMENT

Independent Contractor or Employee? It Depends on the Situation!

We've been closely following the recent Dynamex court ruling and pending legislation that seek to clarify how "independent contractor" is defined. What many don't realize, though, is that in California which test applies depends on the situation and which laws/regulations are at stake:

- Wage and hour laws
- Workers' compensation
- Unemployment insurance benefits
- Harassment protection under California's Fair Employment and Housing Act (FEHA).

Because all of the above items are only applicable or available to employees, getting it right is vital. In all cases, misclassifying an employee as an independent contractor not only exposes your company to the possibility of fines, it also denies the worker access to important protections and benefits to which they are entitled.

Here's what you need to know...

Who is an "independent contractor" for California's wage and hour laws?

Since the April 2018 California Supreme Court ruling in the Dynamex case, the ABC test has been the rule.

This ruling established that a worker is considered an employee (and not an independent contractor) under the California Wage Orders unless the employer proves that all three of the following are true:

A. The worker is **free from the control and direction** of the hirer in connection with the performance of the work, both

under the contract for the performance of such work and in fact;

B. The worker performs work that is **outside the usual course of the hiring entity's business**; and

C. The worker is **customarily engaged in an independently established trade, occupation or business** of the same nature as the work performed for the hiring entity.

Who is an "independent contractor" for workers' compensation and unemployment purposes?

In California, both workers' compensation and unemployment insurance use the "Borello" test (named for a court ruling). The most important factor is whether the engaging company "has the right to control the manner and means of accomplishing the desired result." If the hiring company has this right—whether or not it is exercised—then an employer/employee relationship exists. Strong evidence of that right to control is the company's right to discharge at-will, without cause.

The Borello test evaluates multiple factors, not all of which must be met to establish independent contractor status. These include:

- Whether the person performing services is engaged in an occupation or business distinct from that of the hiring entity
- Whether the work is part of the regular business of the hiring entity

- Who supplies the instruments, tools and the place for the worker to perform the work
- The worker's financial investment in the equipment or materials required to perform the work
- Skill required in the particular occupation
- Type of occupation, and whether the work is usually done under the direction of the hiring entity or by a specialist without supervision
- Length of time for which the services are to be performed, and the degree of permanence of the working relationship
- Whether payment is by time worked or by the job
- Whether the parties believe they are creating an employer-employee relationship

Who is an "independent contractor" for purposes of harassment protection under the FEHA?

Whether a worker is an independent contractor or employee for purposes of protection under the FEHA's anti-harassment provision is subject to a totality of the circumstances test. Particular emphasis is placed on the amount of control the hiring entity exercises over the individual and how the work is done.

Under the FEHA, an independent contractor is defined as an individual who:

- Has the right to control the performance of the contract for services and discretion on the manner of performance.
- Is customarily engaged in an inde-

pendent business.

- Has control over the time and place the work is performed.
- Supplies the tools and instruments used in the work.
- Performs work that requires a particular skill not ordinarily used in the course of the employer's work.

That said, under certain circumstances FEHA protects both employees and "persons performing services pursuant to the contract." For example, an employee has a duty to prevent anyone from sexually harassing persons performing services pursuant to contract.

Consequences of Misclassification

What happens if you get it wrong? Misclassifying employees as independent contractors can subject you to legal liability for:

- Unpaid payroll taxes and unemployment insurance payments
- Failure to pay minimum wages or overtime
- Failure to provide benefits
- Violations of anti-discrimination laws that protect only employees
- Penalties and fines in cases of willful misclassification (which is defined as "voluntarily and knowingly" misclassifying an individual as an independent contractor to avoid employee status)

Action item: Take a close look at how the classification determination was made for any workers that you treat as independent contractors. Because different factors apply, be aware that the same person might be an independent contractor

Continued on back

RISK MANAGEMENT

Graphic Design Scam Warning

A local graphic designer recently received a series of emails that turned out to be a variation of the classic "overpayment" scam. In this type of scam the scammer offers to provide an overpayment, and then asks the victim to forward that money to a third party right away, before it becomes obvious that the scammer's payment bounced. As a reminder to be sure that everyone on your staff is on the lookout for this type of thing, here's what the scam looked like:

1. **Initial email inquired about availability:** "Greetings, My name is Henry, I would like to know if you can handle Brochure and Logo Design for my company."

2. **Email #2 provided details of the job:** "Thanks. I want you to know that this is

the first time I will be doing a Logo design so I can only give you little details then you can decide on designs but I want the color to consist of Black and Gold with an image of an ancient chair. I want a very mature and presentable design and my budget for this project is \$2000-3000. For the Brochure, I want a double folded A4 size brochure with 8 pages and I can only supply the text content and photos but all are with my project consultant but the logo and brochure will be designed by you and the due date for the project is 15th Of August 2019."

- This smelled like a scam, but the graphic designer played along.

3. **Email #3 offered still more details:** This email listed a variety of details, gave a different size for the brochure, con-

tained more English errors, etc.

4. **Email #4 is where the scam begins:** "Also i will be needing a favor from you. So you can start working on it?"

5. **Email #5 is the scam:** "The little favor is that i will want you to add \$4000 to the estimate this will be the Project Consultant which will be sending you the content of the Project such as images and text, once the payment is made an complete he will be sending you the details of the brochure in full also i will like to know the best file for you in sending the images and text. And Whats the name of the machine you used to charge credit card and whats the charges fee with taxes?"

- The graphic designer, still purposely

playing along, said he accepts payment through Square and PayPal. The scammer, of course, was looking for a less-secure payment platform.

6. **Finally the scam concludes:** After some back and forth, the scammer sends a stolen credit card number and asks how many days it will take for the money to hit the graphic designer's account. Obviously, he was hoping to exploit the float. After the designer said that the card was declined and asked for a check, he never heard from the scammer again.

Action item: To avoid becoming a victim, be sure everyone on your team knows how to recognize the red flags of a scam. If something doesn't seem quite right, it probably isn't.

GOVERNMENT & LEGISLATIVE

New DOL Disability Accommodation Resources Now Available

Confused about your rights and responsibilities under the Americans with Disabilities Act (ADA) and other related laws and regulations? The US Department of Labor (DOL)'s Job Accommodation Network has developed an online Workplace Accommodation Toolkit to help both employers and employees sort things out.

The new Toolkit, which is available at <https://askjan.org/toolkit/>, centralizes resources and guidance related to reasonable accommodations. It includes sample policies, templates and checklists, training videos, and links to other helpful resources. In addition, through a link to the Searchable Online Accommodation Resource (SOAR), the Toolkit also offers access to thousands of successful workplace accommodations examples.

 [Download & print individual articles at bit.ly/NN-09-02-19](https://bit.ly/NN-09-02-19)

TECHNICAL & TECHNOLOGY

One of the benefits of membership is the technical expertise provided by Printing Industries of America. Our technical experts from the Center for Technology and Research discuss common production problems and issues. The Center for Technology and Research helps members with environmental, health, and safety concerns; consulting and on-site technical assistance; and technology training.

Q. A customer is producing a flyer for a marketing contest to name a baby lion and the designer wants the drawing of the baby lion to have raised soft fur, like a Santa beard on a Christmas card. How can this be done?

A. You can apply a glue pattern and add loose colored fabric fibers that adhere to the glue pattern. The loose excess fibers are removed by vacuuming. The process is called flocking and there is specialty equipment for flocking. This is not common and is used mainly for greeting cards and children's books. You will need to outsource the flocking. For more information take a look at American Flock Association, www.flocking.org.

BUSINESS & MANAGEMENT

Continued from front

from the standpoint of wage and hour laws, but not for the purposes of workers' compensation and unemployment insurance.

🤔 The Legal Risks Posed by Emojis 🤔

Emojis – those ubiquitous little images used to visually express emotions, succinctly convey information or playfully communicate a message – are now regularly showing up in business communications. Consequently, they are also regularly showing up in business-related court cases. Who would have thought that emojis would pose liability risks for your business?

What's the big deal with emojis?

The big problem with emojis is that they lack universal definitions and often have multiple meanings. Many of these meanings are subjective, and you cannot assume that all possible meanings are even known to both the sender and the receiver.

For example:

🙏 The “folded hands” emoji can symbolize please, thank you or prayer.

👍 In the U.S. the “thumbs up” gesture generally indicates approval or that something is good. In much of the Arab world this gesture is extremely offensive, on par with the “middle finger” gesture in the West.

To make matters worse, emojis are often depicted differently on different messaging platforms. Because of this, emojis can literally look different to the sender than they do to the recipient.

Needless to say, all of this can lead to unintentional and profound misunderstandings. In the business world, it seems like misunderstandings often lead to lawsuits.

What type of risks do emojis pose?

Recent workplace-related legal claims related to emoji use have included:

- Harassment
- Sexual harassment
- Discrimination
- Wrongful termination
- Breach of contract

What can you do about it?

To combat this liability risk, consider implementing emoji-use policies. Given the potential minefield that emojis present, it may be prudent to prohibit the use of emojis in employees' business communications, whether with customers or other employees.

Creating a Company-Wide Social Media Policy

If you have company social media accounts, be aware that you are responsible for whatever is posted there—whether or not you agree with it or sanc-

tioned it. Because of this, it is advisable to create a Social Media Policy, and have everyone who has login access to your social media accounts sign off on this Policy.

Your Social Media Policy should include the following:

- **Identify who is ultimately responsible** for managing company social media accounts. You should identify one manager who will monitor authorized activity, maintain the logins and passwords, etc.
- **State whether posts must be pre-approved** by the above-identified manager before going live online.
- **Identify who is authorized to post** on company social media accounts (e.g. which employees or departments).
- **Prohibit infringing on third-party property rights**, such as through plagiarism or posting of copyrighted or trademarked material. Make it especially clear that any photos posted must either be (a) photographs taken by a company employee and approved for use for this purpose or (b) stock photos for which the company has purchased the license.
- **Prohibit defaming anyone**, including employees, clients, vendors and competitors (even if these people are vaguely referred to by a “code name”).
- **Prohibit posting fake testimonials**. Also prohibit posting real testimonials unless the customer has provided explicit written permission (such as in an email)

for you to do so.

- **Prohibit posting objectionable content**, including derogatory words, racial slurs or negative comments about employees, clients, vendors or competitors.

- **Prohibit divulging confidential company information** such as legal matters, internal operations, pricing policies, information about specific clients, etc.

- **Explain disciplinary procedures** for employees who violate the authorized use policy.

- **State that the company owns the social media accounts**, all material posted/housed in these social media accounts, and the rights to the database of fans/followers (subject to the social media site's rules and regulations).

Provide Training

Of course, as with most things it is not enough to simply have a written policy. You can't assume that everyone will read it all, or that they will digest the implications of every point. You must also provide training.

Go through your policy and provide examples of what is and is not allowed. As part of this training, be sure to explain that it is not legal to post photos found through Google images, or to use any other images without explicit permission from the copyright holder.

CONTACT US

Address:
5800 S. Eastern Avenue, Suite 400
Los Angeles, CA 90040

P.O. Box 910936
Los Angeles, CA 90091

Phone: 323.728.9500
www.piasc.org

Key Contacts

Lou Caron, President
Ext. 274, lou@piasc.org

Dennis Bernstein, Commercial Insurance
Ext. 222, dennis@piascins.com

Evie Bañaga, Employee Benefits
Ext. 224, evie@piasc.org

Kristy Villanueva, Member Services
Ext. 215, kristy@piasc.org

Cheryl Chong, Human Resources
Ext. 218, cheryl@piasc.org

Upcoming Events

Project Peacock Print Fair

Thursday, September 12, 2019

6:00 pm – 9:00 pm

The Atrium at Sony Pictures Plaza

10000 Washington Blvd.

Los Angeles, CA 90232

Join us for a printspirational evening at Project Peacock Print Fair to see the new possibilities for print marketing!

- Applications for offset, digital, inkjet and wide format printing
- Paper samples and stunning printed promotions
- Funky finishing to WOW your clients and customers
- Paper-to-pixel marketing technology

DOORS OPEN AT 6 PM

6:30-7:15 pm

FREE beer, wine, hors d'oeuvres

3 Printspirational presentations:

- Deborah Corn, Intergalactic Ambassador, Founder of Project Peacock
- Jack Noonan from MGI shares why Dimensional Design & Sensory Print is a driving force in marketing success.
- Keynote from Roxy Prima and Phoebe Cornog of Pandr

Design Co, two veteran Ted Talkers and Instagram design influencers who will discuss their strategy for creating art pieces that create engagement, and how you can do the same.

7:15-9:00 pm

See all the new opportunities for print marketing and get printspirational directly from these industry print and paper pros...

AGFA Graphics, Domtar Paper, Duplo, Konica Minolta, MGI, Xeikon, and XEROX. Meet your local PIASC reps and learn how they can help you grow your business

FREE For print customers! Buyers • Production • Traffic • Creatives • Marketing Pros • Students

SPECIAL PIASC MEMBER RATE! REGISTER AT: <http://bit.ly/PIASC-peacock19>



CLASSIFIEDS

EQUIPMENT FOR SALE:

Xante Impressia Digital Multi-Media Production Press \$7,000
Model No. 500-100942

110V with Feeder System, Stand
& Conveyor

Includes- Hard Drive, Duplexer,
& Iqueue Ultimate Software

Excellent Condition!

Meter: 76,695 Color Impressions & 43,961 Black and White Impressions.

Contact Ed at 310.970.1777

FOR SALE:

• MBO B32 S-C 16 page stream folder with gate fold attachment. Completely rebuilt by MBO in 2016. \$30,000 OBO

• 2016- 40" Kodak plate setter lightly used. \$45,000 OBO
Call "KG" at 818-335-1928

PIASC Events Calendar

SEPT
10

WEBINAR: How to Get Paid On Time (Also Assuring Good Paying Customers Stay that Way)

11:00 am - 12:00 pm

Online

Contact Emily Holguin, Ext. 200 or emily@piasc.org

OCT
3-5

Print 19

McCormick Place North,

Chicago, IL

Contact: Thayer Long, (703) 264-7200,

tlong@npes.org

SEPT
12

Project Peacock Print Fair

6:00 pm - 9:00 pm

The Atrium at Sony Pictures Plaza, Los Angeles

Contact: Kristy Villanueva, Ext. 215, kristy@piasc.org

OCT
19-20

The 11th Annual Los Angeles Printers Fair

10:00 am - 4:00 pm

The International Printing Museum, Torrance

Contact: fair@printmuseum.org

SEPT
17

PIASC Paper & Substrate Show

5:00 pm - 9:00 pm

Andreï's Conscious Cuisine Event Center, Irvine

Contact: Kristy Villanueva, Ext. 215, kristy@piasc.org

For full list of workshops and virtual classes,
please visit www.piasc.org/training.