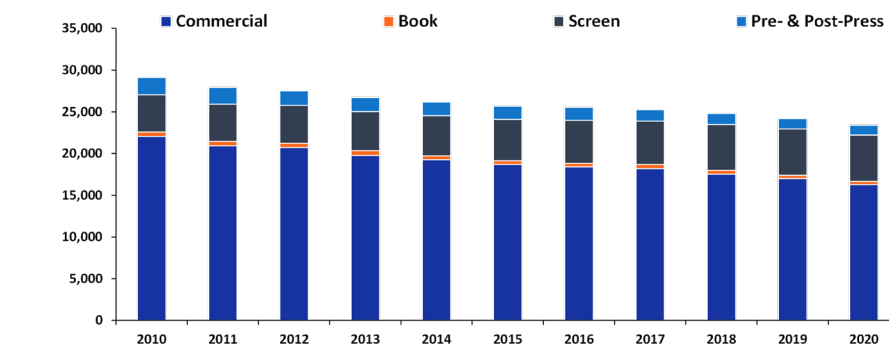


## Trends in the U.S. Printing Industry

The traditional printing industry is shrinking, which should come as no surprise. What is interesting to note, however, is what's going on inside those numbers. Recently released information from the U.S. Census Bureau's County Business Patterns data provides an inside look at the categories in which the industry is shrinking, as well as the areas that have shown some growth in number of establishments over the past decade.

### What is an "establishment"?

You can think of a printing industry establishment as a single work site. The U.S. Census Bureau describes it as the number of locations with paid employees at any time during the year. That means that if a given establishment existed in January 2020 but went out of business by the end of the year due to the pandemic or other reasons, it would still count as an establishment for 2020. This is good to keep in mind when considering the numbers, because any businesses



Source: County Business Patterns; U.S. Census Bureau  
Chart recreated by KeyPoint Intelligence

Figure 1: Establishments in the U.S. Printing Industry

that closed during the first year of the pandemic would still be counted in the 2020 numbers.

Another point to consider is how businesses are classified in the government's categories. As the printing industry has contracted, the Census Bureau has adapted its categories over time. For example, typesetters and color separators operated as separate categories decades ago, but technology shifted those roles elsewhere.

Today the categories related to printing are focused on four areas in the North American Industry Classification System (NAICS). The top category, Printing and Related Support Activities, goes by the three-digit NAICS code 323. Beneath category 323 are Printing (32311) and Support Activities for Printing (32312). The NAICS printing category breaks out into Commercial Printing (323111), Screen Printing (323113) and Book Printing (323117).

Keep in mind also that these categories are self-selecting, so there may be some overlap or misclassification. For example, a prepress house that moved into digital printing might continue to identify itself by its legacy category (prepress) when it might actually be better described as a commercial printer. In addition, a commercial printer that also does a large amount of book work will likely identify itself as a commercial printer.

### The U.S. printing industry: Number of establishments

Back in August, some of you might have seen a WhatTheyThink article summarizing the latest printing industry establishment data from U.S. Census Bureau's County Business Patterns (see <https://bit.ly/establishments>). This article noted a steep decline in establishments within the U.S. Commercial Printing market between 2010 and 2020. WhatTheyThink's August overview did not include Screen

*Continued on back*

## HUMAN RESOURCES

# Employers, Are You Regarding Those Socially Awkward Employees as Disabled?



Being "on the spectrum" is a pretty common way of referring to individuals with autism. There are varying degrees of severity of symptoms, and some people with social communication or interaction challenges do not actually have autism spectrum disorder. But these symptoms can pose challenges for those individuals in the workplace – and for their employers as well.

### Asperger's syndrome in the workplace

A recent case, *Evans v. Nashville Film Institute, LLC*, provides a good example of those challenges. After beginning a new job, the employee informed his supervisor of his Asperger's syndrome and requested some "social grace." He explained that he tended to have a "neutral facial expression," "failed to adhere to some social norms" and was more direct than others.

A few days later, the employee had a heated interaction with a colleague (both

of them yelled), in which he asked for the same accommodations that the colleague would give to students with autism. The colleague allegedly said, "I don't have to give you any accommodations, you're an adult." The employee reported this interaction, further explaining that he was sometimes unable to pick up on social cues and could be socially awkward. He was terminated several days later, ostensibly for multiple incidents of combative behavior with his colleagues. Of course, he sued for violations of the Americans with Disabilities Act (ADA).

### Does the ADA apply in cases like this?

As you may recall, the ADA prohibits discrimination against individuals with disabilities and requires employers to provide reasonable accommodations to enable them to perform their essential job functions or enjoy the privileges and benefits of employment, absent an undue hardship. The ADA defines

"disability" as (1) "a physical or mental impairment that substantially limits one or more major life activities," (2) "a record of such an impairment," or (3) "being regarded [by the employer] as having such an impairment."

The employer here argued that the employee was not disabled because his Asperger's syndrome, although it might be an impairment, did not substantially limit any major life activity. The employee contended that he was substantially limited in the major life activity of "communicating effectively with others and engaging in social interactions."

By the way, the ADA regulations provide a list of "major life activities": caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Interacting with others is not part of that list – but the list is not meant to be exhaustive and courts have been rather flexible in what "major life activity" means. However, the employee also conceded that he was "able to interact with people without limitation," which the Court found to mean that he was not actually substantially limited in interacting with others (assuming that was a major life activity).

### So the employer won that round, but...

There's another pesky part of the

definition: "regarded as disabled." In other words, a non-disabled person could be incorrectly considered to be disabled – and that is also a violation of the ADA. And that is what the Court found that the employer did here. According to the Court, the employee presented sufficient evidence that the supervisor, knowing of the Asperger's syndrome diagnosis and following the argument with the colleague (who also yelled, by the way), jumped to the conclusion that the employee had substantial difficulty interacting with others, and illegally fired him for that belief.

This case provides a warning to employers that employees don't actually have to have a disability in order to be entitled to the protections of the ADA. It is possible for an employer to consider a non-disabled employee to be disabled – and this can be particularly risky when dealing with behaviors that are often associated with mental health disorders. It is critically important for employers to establish that any such disruptive behaviors violate legitimate workplace standards and that such violations are being treated consistently across all employees.

Source: *Fiona W. Ong is a partner at Shawe Rosenthal, a management-side labor and employment law firm based in Baltimore, Maryland and representing employers nationally. She may be reached at [ong@shawe.com](mailto:ong@shawe.com) or 410-752-1040.*

## GOVERNMENT & LEGISLATIVE

# On Our Radar: 2022 Legislative Round-Up

For months now we've been keeping an eye on a variety of legislation as it makes its way through the California legislature. Now that this year's legislative session has come to an end, here is a look at the legislation which may be of the greatest interest to you...

### Bills signed into law by Governor Newsom (listed in order by bill number):

- **Extension of supplemental COVID-19 paid sick leave** – AB 152 extends this leave until December 31, 2022, and also creates a program that will reimburse qualifying small businesses for costs incurred providing this paid sick leave.
- **Expansion of CFA & HWHFA leave** – AB 1041 expands the list of individuals for whom an employee can take leave under the California Family Rights Act (CFA) and California's Healthy Workplaces Healthy Families Act (HWHFA) to include a "designated person." For an explanation of the implications of how this can complicate leave administration, see <https://bit.ly/Designated-Person-Standard>.
- **Extension of Workers' Comp provisions related to COVID-19** – AB 1751 extends the current rebuttable presumption that an employee's illness resulting from

COVID-19 was sustained in the course of employment for purposes of workers' compensation benefits, from January 1, 2023, to January 1, 2024.

- **Creation of job-protected bereavement leave** – AB 1949 requires private employers with five or more employees, as well as public sector employers, to provide employees who have at least 30 days of service with up to five unpaid days of job-protected bereavement leave upon the death of a close family member (defined as spouse, child, parent, sibling, grandparent, grandchild, domestic partner or parent-in-law).
- **Off-the-job use of cannabis** – AB 2188 prohibits employment discrimination based on cannabis that is used off the job and away from the workplace. This new law essentially makes marijuana users a protected class. For more information about AB 2188 and its practical implications, see <https://bit.ly/Off-Work-Cannabis>.
- **Extension of COVID-19 workplace notice requirements** – AB 2693 extends the requirement that, after receiving notice of a potential exposure to COVID-19, an employer must provide written notice of this

exposure within one business day to all employees who were at the worksite. Originally set to expire January 1, 2023, this requirement has been extended to January 1, 2024.

- **Increase in paid family leave benefits** – SB 951 increases the wage replacement rates for lower wage earners under California's State Disability Insurance (SDI) and Paid Family Leave (PFL) programs, starting in 2025. The law will also make all wages subject to the SDI contribution rate starting on January 1, 2024.
- **Refusing to work during emergencies** – With some exceptions, SB 1044 prohibits employers, in the event of an "emergency condition" other than a health pandemic, from taking or threatening an adverse action against an employee who refuses to report to, or leaves, a workplace within the affected area because the employee has a reasonable belief that the workplace is unsafe.
- **Expansion of CalSavers eligibility** – SB 1126 will expand CalSavers to apply to eligible employers with one or more eligible employees (up from the current five employee cutoff), by December 31, 2025.

- **Creation of pay transparency requirement** – SB 1162 requires employers to provide the pay scale for a position to an applicant for employment, and include the pay scale in job postings, beginning on January 1, 2023.
- **Reduction of wages subject to garnishment** – Beginning on September 1, 2023, SB 1477 reduces the maximum amount of wages that may be subject to garnishment, to the lesser of (a) 20% of the person's disposable earnings or (b) 40% of the amount by which the person's disposable earnings for that week exceed 48 times the minimum hourly wage in effect at the time the earnings are payable.

### Bills vetoed by Governor Newsom:

- **Background checks** – AB 1262 would have reduced the delay in background checks for employers by permitting filtered searches of publicly accessible electronic court indexes by a defendant's driver's license number, date of birth or both.
- **PFAS** – AB 2247 would have required manufacturers to submit data relative to perfluoralkyl and polyfluoralkyl (PFAS).

FEATURE

Continued from front

	2010	2020	Change	Rate
Commercial Printing	22,048	16,283	-5,765	-26.1%
Book Printing	536	379	-157	-29.3%
Screen Printing	4,454	5,563	1,109	24.9%
Pre- and Post Press	2,080	1,168	-912	-43.8%
<b>Total</b>	<b>29,118</b>	<b>23,393</b>	<b>-5,725</b>	<b>-19.7%</b>

Table 1: Number of U.S. Printing Industry Establishments – 2010 vs. 2020

Printers, Book Printers and Support Activities; these were covered in later posts. The Figure above combines the data to provide an overall view of the number of establishments in the U.S. Printing Industry.

The raw numbers are startling, though not particularly surprising. While there were a total of 29,118 establishments in the U.S. Printing Industry in 2010, that number had dropped to 23,393 by 2020. This is a loss of 5,725 establishments, or nearly 20% of the figure from 2010. There were certainly some new establishments that also entered the market during that time, so the total loss of existing establishments was even higher than that.

A breakdown of those numbers tells a different story by segment:

- **Commercial printers:** The number of U.S. Commercial Printing establishments declined from 22,048 in 2010 to 16,283 in 2020, representing a drop of 26%. This is the largest of the four segments and had the biggest loss in establishments at 5,765.

- **Book printers:** The number of U.S. Book Printing establishments shrunk from 536 to 379. Close to 30% of these establishments went away between 2010 and 2020.
- **Screen printers:** The number of U.S. Screen Printing establishments actually increased by close to 25%, from 4,454 to 5,563. This unusual development does not point to a tremendous rebirth in screen printing—it speaks to the digital print technologies that screen printers applied to their application sets, such as wide format graphics, promotional items and printing on non-paper substrates. This level of growth is remarkable since screen printers faced many of the same competitive threats from electronic distribution as commercial printers.
- **Support activities (pre- & post-press):** The number of U.S. pre-and post-press establishments, already a fairly small category, dropped by nearly 44% between 2010 and 2020, declining from 2,080 to 1,168.

**Establishments and number of employees**

One striking aspect of the County Business Patterns data is in how the U.S. printing industry's establishments are broken out by employee size. Overall, establishments with less than 10 employees dominate the numbers, representing 70% of establishments. This number varies some by category, with book printers having the fewest smaller establishments (58%) and commercial printers having the most (75%). Smaller establishments can be the most heavily impacted by ups and downs in the economy, and therefore have a big impact on the top-level numbers. Even so, the ratio of small to large printing establishments has stayed fairly consistent over the years.

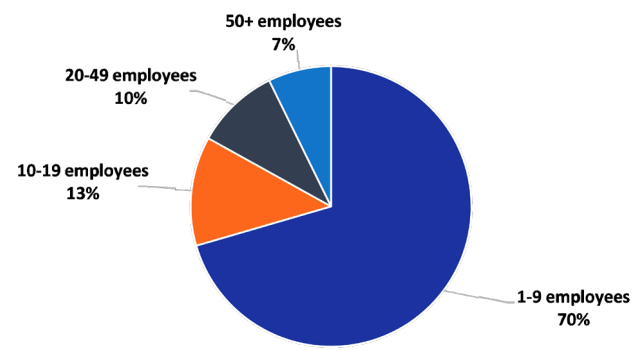
**The bottom line**

What can we make of this data, and what does it tell us? One takeaway is that categories of printers are condensing and

combining. This is why today's printers are so tightly focused on strategies that involve adding new services. This type of expansion and diversification is important for survival, but it also helps explain why competition sometimes comes from unexpected places and new competitors. There is also competition from non-printing sites like marketing firms that nonetheless have added some printing equipment (particularly digital equipment), but are unlikely to define themselves as printers. Indeed, these numbers totally overlook an important printing industry category—in-plants. The government doesn't track them!

The number of establishments is only one measure of any industry's size. Revenue is another key one. You can find more data at the U.S. Census Bureau's County Business Patterns website, <https://bit.ly/PatternsData>

Source: Provided by Canon Solutions



Source: County Business Patterns; U.S. Census Bureau Chart recreated by Keypoint Intelligence

Figure 2: U.S. Printing Industry Establishments by Number of Employees (2020)

CONTACT US

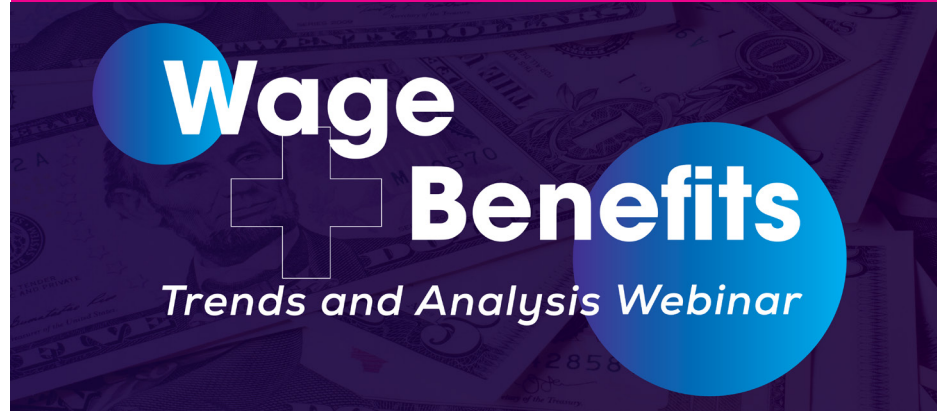
Address:  
5800 S. Eastern Avenue, Suite 400  
Los Angeles, CA 90040  
  
P.O. Box 910936  
Los Angeles, CA 90091  
  
Phone: 323.728.9500  
[www.piasc.org](http://www.piasc.org)

Key Contacts

- Lou Caron, President  
Ext. 274, [lou@piasc.org](mailto:lou@piasc.org)
- Dennis Bernstein, Commercial Insurance  
Ext. 222, [dennis@piascins.com](mailto:dennis@piascins.com)
- Evie Bañaga, Employee Benefits  
Ext. 224, [evie@pibt.org](mailto:evie@pibt.org)
- Kristy Villanueva, Member Services  
Ext. 215, [kristy@piasc.org](mailto:kristy@piasc.org)
- Rodney Bolton, Human Resources  
Ext 218, [piasc@hrbizz.com](mailto:piasc@hrbizz.com)

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UPCOMING WEBINAR



**DATE:** Tuesday, November 15, 2022  
**TIME:** 9:30 – 11:00 am PT  
**Free to PIASC members**

The Print Industries Sales Compensation and Wage + Benefits Report offer the most comprehensive reports on labor costs and human resource policies of print-related professionals. The 2022 reports, which include nationwide data as well as specialty versions for Packaging/Tag & Label, In-plant and Union, have now been published.

If you participated in the survey you can download the reports at no charge by logging in at <https://bit.ly/2022-Survey-Report>, using the same login that you used to submit the survey. PIASC members who did not participate in the survey can purchase the reports for \$250

by contacting Nadine Mora at [nadine@piasc.org](mailto:nadine@piasc.org).

All PIASC members are invited to attend a Trends & Analysis Webinar to learn what makes this year's findings unique. Join us to learn:

- Key aspects of the data
- Analysis regarding how the results of these surveys may be applicable in your print business
- Insights from a panel of print manufacturing, financial and business managers regarding how the survey results connect with the real-world challenges of managing today's workforce

Register at <https://bit.ly/Trends-Analysis-Webinar>.

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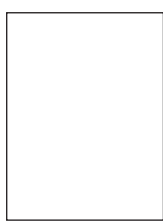
**SELLING:** Commercial print shop in Southern California with 5-color offset press, digital, small offset and bindery equipment. Over \$1M in annual sales. Long-time owners are willing to help with the transition. Email Kristy Villanueva at [kristy@piasc.org](mailto:kristy@piasc.org) for more information.

**SELLING:** Antique shed filled with printing items, including a paper cutter dating back to the 1880s, a handled letterpress from 1899, antique perforator, antique saw, furniture cabinet, wood type, type case full of drawers, etc. Also selling some more modern items including an older Miehle Vertical folder and a pin ruling machine. Items are located in Kennewick, Washington. If you are interested please contact Skip Novakovich at [skip@novakovichllc.com](mailto:skip@novakovichllc.com).

Want to place a classified ad? Contact Kristy Villanueva at 323.728.9500, Ext. 215, [Kristy@piasc.org](mailto:Kristy@piasc.org).

Thanksgiving Holiday Schedule

November 23rd - closing at noon  
November 24th & 25th - closed



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PIASC Events Calendar

- NOV 15**  
Wage + Benefits Trends & Analysis Webinar  
Tuesday, November 15  
Online Webinar  
<https://bit.ly/Wage-Benefits>
- DEC 7-8**  
Commercial Print Summit  
Wednesday & Thursday, December 7 & 8  
Noon – 7:00 pm Mountain Time  
Denver, CO  
<https://bit.ly/22Com-Print-Summit>
- DEC 13**  
Planning Your 2023 Safety Program  
Tuesday, December 13  
Online Webinar  
<https://contactcc/3ee6Gfc>

For full list of events, please visit [www.piasc.org/events](http://www.piasc.org/events)

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- Government & Legislative: On Our Radar
- Upcoming Webinar: Wage + Benefits Trends & Analysis Webinar

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