

GOVERNMENT AFFAIRS WATCHDOG

MORE DO NOT MAIL ACTIVITY

Despite the growth of electronic communications, thousands of small businesses across California and the United States still rely on advertising mail to keep their businesses growing. Advertising mail doesn't kill forests, but banning it would kill thousands of American jobs.

Do Not Mail organizers initially worked state legislatures, pressing for the creation of an active government run Do Not Mail registry. In 2008, 12 state legislatures had 15 Do Not Mail bills under consideration; in 2009 two state legislatures entertained the idea.

Recently there seems to be a shift in strategy—get resolutions passed at the local level, thus creating a grassroots movement to force the legislature to take action.

California, specifically the Bay Area, has been the launching pad for this activity. The San Francisco Board of Supervisors passed a non-binding Do Not Mail resolution and Cities of Oakland and Berkeley will take the idea up again in January. We have learned that in San Jose and other Bay Area cities will also consider Do Not Mail resolutions. And we expect activity to move South in January 2010.

Needless to say, anyone in California whose product goes through the mail should be greatly concerned by the Do Not Mail activity in California and should be prepared, when called upon, to stand up and speak against Do Not Mail resolutions.

PROPERTY TAX RELIEF NEAR COMPLETE

We often hear printers complain that the County Assessor over estimates the value of presses for property tax purposes. After some research, we found this to be true, and we began, through Printing Industries of California, our government affairs office, to address the issue.

On December 15, the Board of Equalization will vote to revise the “percent good factors” (the flip side of depreciation) that serves as the basis for determining the county’s personal property tax on printing presses. If passed, the County Assessors Association will vote to support the proposal in February 2010 for tax year 2010.

Changing the percent good factors will lower your tax assessment—not just for the coming year, but for each year thereafter, and for not just new presses that you may purchase in the future, but for any presses you currently own.

The project has been expensive. We have had to hire outside consultants to help us craft our petition to the Board of Equalization (BOE) to initiate the study, gather and analyze years of data on the sales price of new and used presses, and convince the BOE’s staff to recommended changes in the percent good factors.

A special thanks goes to Heidelberg USA, Inc. and Komori America Corporation. They openly supported our efforts at every stage of the project. They each provided extensive sales data to the Board of Equalization (BOE)—data which served as the basis for the new valuation factors. Without their support this project would have died a slow death.

Currently, some counties apply a 15 year table; others apply a 12 year table. Now all counties will use a 10 year table. The table at right compares the three factors.

| Age | 15 Year | 12 Year | 10 Year |
|-----|---------|---------|---------|
| 1 | 95 | 94 | 91 |
| 2 | 91 | 89 | 82 |
| 3 | 86 | 80 | 77 |
| 4 | 80 | 73 | 66 |
| 5 | 75 | 66 | 58 |
| 6 | 70 | 57 | 50 |
| 7 | 64 | 52 | 43 |
| 8 | 59 | 45 | 37 |
| 9 | 53 | 39 | 31 |
| 10 | 48 | 32 | 23 |
| 11 | 42 | 27 | 20 |
| 12 | 37 | 22 | 17 |
| 13 | 32 | 17 | 13 |
| 14 | 28 | 14 | 10 |
| 15 | 24 | 11 | 10 |



**Affiliated
Associations:**

Printing Industries of California

Printing Industries of Northern California www.pinc.org

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

Printing Industries Assn. of San Diego, Inc. www.piasd.org

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UPDATED LABOR LAW POSTERS

On January 1, 2010, employers must exhibit revised federal and state postings reflecting changes in workplace requirements, including changes in the past six months to the federal minimum wage, the Uniformed Services Employment and Reemployment Rights Act (USERRA), federal Family Medical Leave Act, and the mandatory Federal Equal Employment Opportunity/Genetic Information Non-Discrimination Act.

There are no changes to the Industrial Welfare Commission (IWC) orders that regulate wages, hours and working conditions. So the 2009 posters don't have to be replaced.

Again this year, PIASC has available all state and federal notices in a handsome, laminated poster, in English or Spanish, for your compliance requirements. The poster combines all 20 state and federal notices (27" x 39"), The USERRA posting, which in previous years was a separate poster, has now been added to the combination poster.

The cost, which includes shipping and handling, is \$24.00 for members, and \$33.00 for non-members.

Some companies may also be required to post additional notices depending on their operation, such as forklifts safety, fire extinguishers, safe lifting, and bloodborne pathogens.

We also have those ready to ship.

The easiest way to order or view the list of available posters is online at www.piasc.org under the title *Labor Law Posters*, or by calling Marcos Uribe at Ext. 299.

WORKERS' COMP ADMINISTRATION FEES INCREASE

A couple of weeks ago, employers received their annual fee assessment to fund the Department of Industrial Relations (DIR) operations for workers' compensation. Employers were hit with a significant fee increase due to a combination of increased operational

NEW LAWS FOR 2010

Below is a list of new laws that will take effect in 2010 that will have an impact on California businesses.

New Form I-9

The new I-9 Form, revised August 7, 2009, contains an updated list of acceptable documents that employees must present upon hiring. The new form also has a statement that all documents presented to establish identity must not be expired.

Increase in State Withholding

State withholding increased on November 1, 2009. There is a 10 percent mandatory increase on employee withholdings, a 0.6 percent increase in supplemental wage withholding, and a 1.2 percent increase on wage stock options and bonus payments.

Think of it as a forced, interest-free loan: You'll be repaid any extra withholding in April. Those who would receive a refund anyway will receive a larger one, and those who owe taxes will owe less.

FMLA Amendments

Federal legislation changed the definition of which service members are covered for leave under the "qualifying exigency" category.

For regular Armed Forces members, "covered active duty" means duty during the deployment with the Armed Forces to a foreign country. Reservists are covered when they are on duty during deployment with the Armed Forces to a foreign country or notified of an impending call to active duty.

Out-of-State Marriages

California recognizes out-of-state marriages as legal in California if they are legal in the state where the marriage occurred. SB 54 (Leno; D-San Francisco) provides a same-sex couple's marriage, valid in the state in which it was contracted, will receive the same rights in California as spouses, with the exception of the designation of "marriage."

Workers' Compensation Cannot Be Denied

Workers' compensation cannot be denied because an employee was killed by a third party in the course of the employee's work, no personal relationship existed between them, and the injury/death was because of third party's personal belief relating to the employee's race, religion, color, national origin, age, gender, disability, sex or sexual orientation.

costs and a new requirement to partially fund Occupational Safety and Health (Cal-OSHA) operations. These assessments were calculated to generate a total of \$233.3 million for 2010.

The State's ongoing budget crisis has placed new emphasis on shifting the funding of state operations through employer fee assessments. Over the past 6 years, the Division of Workers' Compensation (DWC), which operates under DIR, has transitioned into a 100% user funded operation. Now in addition to funding DWC, the total assessment includes \$88.9 million to be used to fund Cal-OSHA enforcement

and compliance.

Self-insured employers are responsible for about 19% of the total fee assessment which is about \$44.4 million. They alone will see their assessment increase from an average of \$2.92 per \$100 of indemnity paid to \$5.30, an 81.5% increase.

The DWC collects fees from employer-paid premiums assessed by insurance companies and self-insured employers based on paid indemnity. The State sends invoices to insurance companies which then assess their policyholders based on their calculated premiums.