

GOVERNMENT AFFAIRS WATCHDOG

NEW POSTING REQUIREMENTS

Suppose your company was turned in by a disgruntled employee for not having the correct notices posted? Impossible, you say. Not so, as one of our members found out last year. All California business must display up-to-date notices, where all employees can see them to be in compliance with federal and state laws.

Every year, it seems, the state amends the language in various notices, thus forcing employers to get new posters. This year is no exception. The 2008 posters do not meet 2009 federal and state requirements.

Here are a few of the changes:

- New federal Family and Medical Leave Act (FMLA) rules include new poster and notice requirements.
- The Equal Employment Opportunity (EEO) workplace poster includes new requirements.
- The state Employment Development Department (EDD) notice to employees has changed for 2009.
- Uniform Service Employment and Reemployment Rights Act includes new language.

Attorneys will soon start to solicit employees to identify employers who do not post current labor law requirements. It's easy money for them, so don't potentially jeopardize your company by not having current required postings.

We have the 2009 mandatory workplace posters for sale. The three poster set is available to our members for \$44.50—which includes packaging and postage. If you check around, you'll see the price is well below the retail price elsewhere.

WORKERS' COMP COSTS STILL HIGH

California still ranks near the top in workers' compensation costs even though the reforms in 2003 reduced employers' costs by as much as \$15 billion a year, according to a new nationwide survey.

Gov. Arnold Schwarzenegger has often touted the 2004 workers' compensation changes as one of his best achievements, drawing kudos from business groups, while lawyers representing injured workers, labor unions and medical care providers have complained that they went too far.

The 2008 Industry Week Workers' Compensation State Ranking, however, lists California as next to last in terms of employer burden, with only Alaska having a higher burden. The survey analyzed not only workers' comp insurance premiums, but benefit payments per injured worker and per-capita payments.

A separate survey, conducted by the Oregon Department of Consumer and Business Services, weighed only insurance premiums and California ranked 38th, while Alaska had the highest costs. The surveys were reported in Smart's Workers' Comp Bulletin.

Moreover, if more than ten percent of your employees speak a foreign language, you must offer the notice in their language.

You can order the posters by calling Marcos Uribe at (323) 728-9500, Ext. 299.

POST OSHA FORM 300A

OSHA requires that employers post a summary of the total number of job-related injuries and illnesses that occurred last year from February 1 to April 30, 2009. Employers are only required to post the Summary (OSHA Form 300A), not the OSHA 300 Log.

The summary must list the total numbers of job-related injuries and illnesses that occurred in 2008 and were logged on the OSHA 300 form. Employment information about annual average number of employees and total hours worked during

the calendar year is also required. Companies with no recordable injuries or illnesses in 2008 must post the form with zeros on the total line. All establishment summaries must be certified by a company executive.

The form should be displayed in a common area wherever notices to employees are usually posted. A copy of the summary must be made available to employees who move between work sites, such as construction workers, and employees who do not report to any one location on a regular basis.

Employers with 10 or fewer employees are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements.

You can download the forms at www.piasc.org under the Human Resources icon.



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Printing Industries of California

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(323) 728-9500

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OPERATING WITHOUT A SELLERS PERMIT

If you are engaged in business selling tangible personal property (e.g., printing) and do not have a seller's permit, or if you are operating with a revoked seller's permit, you may be subject to a criminal citation.

Businesses who fail to obtain or reinstate a seller's permit will be referred to Board of Equalization's Investigations Division (ID). ID investigators will visit your business and will issue a citation if the business is not brought into compliance.

Once a citation is issued the business owners will be required to appear in court and may be subject to fines up to \$5000 and up to one year in jail. Any back taxes, including penalty and interest, must also be paid. Failure to appear in court could result in a bench warrant for the owners' arrest.

For additional information, contact your local BOE field office.

IRS MILEAGE RATES

Beginning on Jan. 1, 2009, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) are as follows:

- 55 cents per mile for business miles driven
- 24 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

The new rates are slightly lower than rates for the second half of 2008 that were raised by a special adjustment mid-year in response to a spike in gasoline prices.

The business mileage rate was 50.5 cents in the first half of 2008 and 58.5 cents in the second half.

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs as determined by the same study. Independent contractor Runzheimer International conducted the study.

FINAL GREEN CHEMISTRY PROPOSALS

In late-December, Cal EPA released its final policy recommendations for implementation of their Green Chemistry Initiative (GCI). The proposals are intended to accelerate California's move toward a clean, green, sustainable economy through the following six policy recommendations:

- Expand Pollution Prevention
- Develop Green Chemistry Workforce Education and Training, Research and Development and Technology Transfer
- Create an Online Product Ingredient Network
- Create an Online Toxics Clearinghouse
- Accelerate the Quest for Safer Products
- Move toward a Cradle-to-Cradle Economy

The Department of Toxic Substance Control Director, Maureen Gorsen stated, "The recommendations developed through the Green Chemistry Initiative constitute a far-reaching, market-driven strategy with an ambitious aim—the launch of a new chemicals framework and a quantum shift in environmental protection. These landmark policy options will continue California's environmental leadership and foster a new era in the design of a new consumer products economy—inventing, manufacturing and using toxic free, sustainable products."

We have joined a newly formed business/industry coalition, the Green Chemistry Alliance, which will take an active role at the meetings and workshops to determine how these goals will best be achieved.

The final report can be found at www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Revenue Procedure 2008-72 contains additional information on these standard mileage rates.

NEWSPRINT CERTIFICATIONS DUE

All newsprint consumers (e.g., California printers and publishers) must ensure that at least half of the newsprint they annually use is recycled-content newsprint (RCN).

Each year all newsprint consumers must certify that to the California Integrated Waste management Board (CIWMB) by March 1 the amount of RCN their businesses used in the past year. In California, only newsprint that contains at least 40 percent post consumer material by weight is classified as RCN.

Analysis of the 2007 RCN certifications

submitted by the consumers and manufacturers provide the following statistics:

- 56 percent of the reported newsprint used in California was RCN.
- 79 percent of the consumers were in compliance.
- 21 percent of the consumers requested exemptions.
- Total regulated newsprint used increased by 44 percent from 2006 to 2007.
- Total RCN usage increased by 17 percent from 2006 to 2007.

This single low-cost program is clearly a value-added program to the environmental efforts of California.

Companies that submit the certification late or not at all face the following penalties:

45- 90 days late \$ 500.00
90 or more days late \$1,000.00

For a copy of the certification packet call Gerry Bonetto at (323) 728-9500, Ext. 248.