

STATE HAPPENINGS BY RJ: THE 2025/2026 LEGISLATIVE SESSION



The 2025/2026 legislative session has launched with a total of 40 new legislators who are each beginning their 12-year terms. Having so many new legislators presents both opportunities and challenges. On the positive side, we have the opportunity to educate these new legislators about our association's concerns, potentially gaining many new long-term allies. At the same time, this year's large class of freshmen could also mean a wide variety of new competing interests for us to deal with.

Four things to watch for during this legislative session

Here are some of the big themes that we expect to see in this legislative session:

1. Affordability: Both the Assembly and the Senate plan to have a robust legislative agenda related to affordability issues in California, including food, housing and energy costs. The concern here is that quite often proposals that are purported to be "cost reduction measures" end up placing new tax or regulatory burdens on business. We'll be keeping a close eye on these on your behalf.

WE HAVE THE OPPORTUNITY TO EDUCATE THESE NEW LEGISLATORS ABOUT OUR ASSOCIATION'S CONCERNS, POTENTIALLY GAINING MANY NEW LONG-TERM ALLIES

2. AI in the workplace: There will be a heavy workload of bills scrutinizing big tech and artificial intelligence (AI), especially the use of AI in the workplace, such as in automated decision making for human resources purposes. If this sounds like deja vu, yes, there was a lot of AI-related legislation last year as well. Although most of those bills failed, that won't stop our legislators from trying again. The legislature intends to have a skeptical eye towards the advent of these technologies in the state.

3. Response to the Trump administration: The California government views itself as a thorn in the side of the Trump administration. So as the Trump administration looks to provide regulatory relief for businesses, including regarding environmental regulations, we should all expect the state to launch opposing measures to act as counterweight to this effort. This could include granting additional powers to local air quality management districts, which are often looking at the emissions footprint of the printing industry.

4. EPR program: California continues to implement its Extended Producer Responsibility (EPR) program for packaging. Broader discussions are ongoing within both the legislature and CalRecycle (i.e., the regulatory body overseeing this) about how the printing industry fits into this plastics reduction effort.

This month we will see over 1,500 bills introduced on these topics and many more. As your lobbyists we'll be staying on top of the proposals that might impact you.

Source: Resilient Advocacy, LLC, PIA's lobbyist in Sacramento

HUMAN RESOURCES

REASONABLE ACCOMMODATION AND THE ADA: TOP 8 RULES FOR EMPLOYERS



Reasonable accommodation under the Americans with Disabilities Act continues to flummox many employers. But it shouldn't be that hard, at least not in most cases. Here are my top eight rules. I'm leaving out the obvious ones, such as "Engage in the interactive process," "Be sure to document all of your efforts," "Consult with employment counsel as needed" and "Don't retaliate against an employee for requesting a reasonable accommodation." You already knew that stuff.

Rule No. 1: There are no rules. One thing about the ADA that surprises a lot of employers – especially those who are used to the hyper-specific Family and Medical Leave Act regulations, or state workers' compensation laws – is the fact that the ADA is so loosey-goosey. When making a disability-related accommodation under the ADA, the rule is "Whatever works."

If you and the employee can agree on an appropriate accommodation, you should be all set. The U.S. Equal Employment Opportunity Commission, which administers the ADA, is not going to be on your case about which "i"s you crossed and "t"s you dotted (*wait – should that be the other way around?*). If you and the employee are happy, the EEOC will be happy. Isn't that nice?

Rule No. 2: You don't have to accommodate a disability you don't know about. Let's say you have an employee who has a medical condition that requires accommodation, but the employee is a very private person and never tells you about it. You generally are under no obligation to accommodate that condition because the employee is responsible for disclosing it and for requesting accommodation.

That said, if the employee's condition is obvious, and if it seems to be affecting job performance, safety or behavior, then you as the employer should initiate the discussion and not wait for a disclosure/request from the employee.

Rule No. 3: You make the call (usually). You are required to at least consider any reasonable accommodations proposed by the employee, but "at the end of the day," as they say, it's your call. As long

as your accommodation is effective, you can choose whatever works best for you, including a cheaper accommodation. This is true even if the employee's proposed accommodation would not be an undue hardship for you.

Rule No. 4: You can (usually) confer with the employee's health care provider. In some cases, to provide an effective accommodation, you may need to know what the employee's condition is and what the employee's health care provider thinks will help. If so, that's OK – you're allowed to ask.

One thing I often recommend is having the employer draft a letter for the employee to take to the provider that describes what has been going on at work, provides a thorough description of the employee's job including physical or mental demands and asks for recommendations. (If you want the provider to answer your letter, be sure to have the employee sign a valid medical authorization that complies with the privacy rule of the Health Insurance Portability and Accountability Act. Under the HIPAA privacy rule, the provider is prohibited from communicating with you unless the employee authorizes it.)

If you have a good reason for doing it, you can even require the employee to see a provider of your choice. We see this often when the employee's provider is not the best qualified to assess the employee's condition and make meaningful recommendations. In those situations, you can send the employee to a qualified provider in the relevant specialty and ask for the specialist to provide an assessment and recommendation.

Rule No. 5: Know that time changes everything, and your accommodations may also have to change. Most medical conditions either get better with time, get worse with time or stay the same over time. (Wow, Robin, way to go out on a limb.) If the employee gets better, you may be able to accommodate less. If the improvement is dramatic enough, you may be able to end the accommodations altogether.

On the other hand, if the condition becomes more severe, you may have to make more accommodations

than you started out with. You may also have to adjust your original accommodations based on changes in technology used on the job, changes in business conditions, your company's philosophy on remote work and the like.

Rule No. 6: If you have any flexibility, err on the side of accommodation. If an employee's medical condition seems like it could be a disability but you're not sure, I think it's better to just go ahead and try to accommodate. In other words, don't nitpick about whether the condition is a "disability" within the meaning of the ADA. In 2008, Congress amended the ADA to make the definition of "disability" much more encompassing than it had been in the past. If your employee's situation is borderline and you take a hard line, then this is a battle you're very likely to lose with the EEOC and with the courts.

Rule No. 7: Beware of overlap. Workers' compensation, the Family and Medical Leave Act and the ADA are not mutually exclusive. All three can apply at once. You can also have state disability protection laws and state leave laws, including paid leave laws. Make sure you're complying with all the laws that apply.

One fairly common employer mistake is refusing to give an employee leave for a legitimate medical condition because the employee has either exhausted his FMLA allotment or hasn't been employed long enough to be eligible for FMLA leave. Don't forget that, even if the employee is not entitled to FMLA leave, he may still be entitled under the ADA to some sort of leave as a disability-related accommodation. (And, again, be sure to consider those applicable state laws.)

WHEN MAKING A DISABILITY-RELATED ACCOMMODATION UNDER THE ADA, THE RULE IS "WHATEVER WORKS."

Rule No. 8: Engage in the interactive process, document all your efforts, consult with counsel as needed and don't retaliate. Sorry. I couldn't resist.

Source: Robin Shea, partner with the law firm Constangy, Brooks, Smith & Prophete, LLP, and editor and primary author of the blog *Employment & Labor Insider*, www.constangy.com/employment-labor-insider.

6 REASONS WHY MOST MERCHANTS ARE OVERPAYING FOR CREDIT CARD PROCESSING

Most merchants accept the fact that payment processing comes with a cost. That said, when was the last time you took a closer look at your monthly invoice? If it's been a while, you may discover that you're significantly overpaying for this service. Payment processors can hide and inflate their fees in many ways, and few merchants know what to look for.

Not sure if you fall into this group? Here are six common signs that you're paying too much to accept credit cards and what you can do to fix these issues.

- 1. Non-qualified rates** – If you see the word “non-qualified” anywhere on your monthly statement, you're almost certainly overpaying for credit card processing. That's because this term only applies to bundled or tiered merchant agreements, where the non-qualified rate is the highest rate for each transaction. Your processor sets these rates arbitrarily, so it may be time to look into other options.
- 2. Incorrect account setup** – There are plenty of ways to set up your merchant account incorrectly, leading to higher fees. For instance, putting in an incorrect merchant category code (MCC) may cause your business to be misclassified into a higher-risk category. You may also have unoptimized payment processing settings, which can incur additional fees. Make sure your account is set up properly.
- 3. Flat transaction fees** – In theory, flat-rate processing sounds good because you always know what it costs to process a credit card.

Unfortunately, flat-rate processing is flat-out more expensive than interchange-tier pricing. In some cases, a flat-rate deal may lead to paying over 2% above interchange for most transactions. Consider which pricing model makes sense for your merchant profile.

- 4. Lack of transparency** – Lack of transparency has always been one of the key issues plaguing the payment processing industry. As mentioned, many processors don't fully disclose their fee structures, making it harder for businesses to compare their options. If you don't have a clear understanding of the complexities of payment processing, consider hiring a payment consultant.
- 5. Equipment leasing** – Leasing your processing equipment rarely makes sense. Though this option comes with a smaller upfront cost, you'll likely end up paying hundreds or thousands more than you would have paid by buying the machines right away. If you're currently leasing equipment, do what you can to get out of the lease and buy your own equipment as soon as possible.
- 6. Lack of negotiation** – Payment processing fees usually aren't set in stone. Businesses that have a strong credit history or high transaction volumes can usually negotiate better rates with their processor. Unfortunately, many merchants seem to be unaware of this fact or simply underestimate their bargaining power. Talk to your processor to see if you can eliminate unnecessary fees.

Ready to stop overpaying?

Don't let hidden fees and complex pricing structures continue to erode your business' profitability. At MONA Payment Solutions, we're committed to transforming your payment processing from a cost center to a strategic advantage. Don't leave money on the table—schedule a complimentary payment processing audit with us today and discover how we can help maximize your business's profitability.

Source: *Mona Solutions*, www.MonaSolutions.com



BILL'S SHORT ATTENTION SPAN SALES TIPS: TEN 2025 SALES PREDICTIONS



Looking into my crystal ball, I have ten predictions for 2025:

- 1. You will lose an account due to neglect on your part** – What have you done for them lately? Are you bringing clients new ideas and continuing to earn their business?

- 2. You will gain an account from nothing but dumb luck** – But remember, luck favors the hardest working. So, get selling.
- 3. You will overlook an opportunity because you are not paying attention** – Constantly be looking for trends. Prospect by driving around. Read the newspaper. Open your eyes.
- 4. You will be amazed by AI** – The problem is, it might not be you who is engaging the technology. Perhaps you are ignoring it. And why is that? Because you are intimidated, feel yourself to be too old to take on something new, or don't see a need because, well, it's ain't broke so why fix it?
- 5. You will endure a sales drought of your own making** – A summer slowdown, for example, has its roots in your lack of sales activity in the spring.
- 6. You will experience a streak of sales success that could have lasted longer** – When things are crazy busy, do everything you can to keep it that way. Work extra hours. Make extra calls. Is this an exhausting time? Yes. But is it a profitable stretch worth the sacrifice of your personal time? YES!

- 7. An employee at one of your accounts will quit and go to work at humongous corporation** – They will take you with them, but only if you have followed this advice: Never leave an existing account without having met at least one new person.
- 8. Your boss will wonder if you are doing your job** – Any time you are out of the office, hitting a bucket of balls and prospecting look the same to your boss...unless you keep them informed of your sales activity.
- 9. Someone will not respond to your prospecting efforts because of your inadequate LinkedIn profile page** – This one speaks for itself.
- 10. On December 31, 2025, you will see the year in aggregate** – The low-lows, lost bids, temporarily frustrating moments and “OMG I am struggling” moments will not be remembered. So, when they happen, keep in mind they are temporary. Sell through them.

Cheers to your success in 2025. Make sure you are enjoying what you do. Work is what takes up most of the day. It should be fun.

Source: *Bill Farquharson, The Sales Vault*, <https://SalesVault.Pro>

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EVENTS CALENDAR

For full list of events, please visit www.piasc.org/events

OSTS FREE WEBINAR:
Appealing a Cal/OSHA Citation
Monday, February 10, 2025
10:00AM – 11:00AM PT
bit.ly/OSTSOSHA

COLLAGE GARAGE
Saturday, February 15, 2025
12:00PM – 4:00PM PT
International Printing Museum
Carson, CA
bit.ly/Collagegarage

BOOKMAKING: Exposed Spine Bindings
Monday, February 17, 2025
9:30AM – 1:00PM PT
International Printing Museum
Carson, CA
bit.ly/ExpSpineBinding

SPOTLIGHT EVENT

PRINT EXCELLENCE AWARDS
Call for Entries Deadline
Friday, February 21, 2025
www.piasc.org/printexcellence

Each year this regional event rewards the best craftsmanship and technology in the dynamic printing, imaging, and finishing communities. Entries are accepted from members in all 13 western states of the U.S.: California, Arizona, Alaska, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

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