



HR Update

National Human Relations News

An Update for PIA/GATF's Human Relations Professionals –November 2007

New “No-Match” Rule Blocked by Court

A U.S. District Judge in San Francisco issued a preliminary injunction on October 10 that blocks the U.S. Department of Homeland Security (DHS) from implementing a new regulation regarding discrepancies between workers' names and Social Security numbers. Under the rule, employers would have been given 90 days to work with an employee receiving a “No-Match Letter” and the government in order to rectify the problem and, in absence of a resolution, would have been forced to terminate employment or face serious fines. The court ruling blocks DHS enforcement of the new regulation until another federal court holds a full hearing on the merits of the plaintiffs' claims, which will probably be in 2008. The plaintiffs included both business and organized labor organizations, including the AFL-CIO, the American Civil Liberties Union, and the U.S. Chamber of Commerce. Despite the injunction, employers still have to respond to “No-match” letters from the government using current procedures; visit PIA/GATF's online compliance guidance on [GAIN](#).

2007 Economic Census Form May be In Your Mailbox Next Month

The U.S. Census Bureau will be mailing report forms to more than the 5 million U.S. businesses in the 2007 Economic Census. Responses, which measure business activity during 2007, will be due February 12, 2008. The Economic Census provides a detailed portrait of the nation's economy once every five years, from the local to national level. This is the largest federal program devoted to gathering business information strictly for statistical purposes. There are over 500 versions of the census form, each customized to a particular industry. The forms ask for data about payroll, the number of employees, sales, products, and other various topics. For more information and to view sample forms, see [2007 Economic Census](#).

Big Apple Bites Out-of-State Employers

The New York Workers' Compensation Board [announced](#) that, effective Sept. 9, 2007, it will require all out-of-state employers with employees working in New York to carry a “full, statutory New York State workers' compensation insurance policy.” The action is a result of workers' compensation reform legislation signed into law on March 13, 2007. An employer has full, statutory New York state workers' compensation coverage when the information page lists the state of New York under item 3.A. Fortunately, after much negative reaction from employers and other states, the Board is now reconsidering parts of its new rule.

Background: Prior to Sept. 9, the board required an out-of-state employer to carry New York State compensation insurance if there were “sufficient contacts” within the state, i.e. a physical location within New York State, \$50,000 in payroll during a calendar year in New York State, one or more employees with a primary work location or hired within New York State, or employees working in New York State for more than 90 days during a calendar year. An out-of-state employer that did not meet any of these requirements could file a [WC/DB-101 form](#), “Affidavit that an Out-of-State or Foreign Employer Working in NY Does Not Require Specific NY Workers' Compensation or Disability Benefits Insurance Coverage.”

New Rule Under Re-Consideration: As of September 9, the WC/DB-101 form became obsolete along with the “sufficient contacts” criteria. Language in the reform legislation has been interpreted to mean that all employee contacts in New York, whether casual or not, require full statutory workers compensation and disability coverage. In the extreme, this would require coverage for an employee who might be attending a conference or even waiting through an airport layover in New York.

Consensus expert advice is that employers should check their insurance status to make sure they are properly protected. Although it may be relatively easy for an employer to add New York coverage to an existing policy, employers that are self-insured, insured with state insurance funds or in a state that requires employers to purchase their workers' compensation coverage from a state entity will have to purchase a separate New York policy.

Impact on Employers: Prior to this law, a multi-state employer could cover employees in New York under an "all states" endorsement to its workers compensation policy unless the employer exceeded certain benchmarks, such as the amount of money its workers earned while in the state. With this new law, all insured employers must specifically state that they have coverage for New York workers under item 3A of a policy's information page.

Penalties: Employers that are self-insured in other states, but not New York, must also comply. Penalties for failing to comply can add up. The statutory penalty for failing to comply is \$1,000 for each 10 days that an employer does not have coverage. In addition, a noncompliant employer with five or fewer employees can be found guilty of a misdemeanor and fined an additional \$5,000. An employer who has six or more employees can be found guilty of a felony and fined an additional \$50,000. Employers without adequate workers compensation coverage can also be sued by an employee in civil court.

As a practical matter, enforcement will be extremely difficult and will likely occur when there is a compensable injury for an out-of-state employee in New York State. It may be wise for employers to ask their workers compensation carrier what it would cost to make the appropriate change. Once the New York Workers' Compensation Board finishes their "reconsideration" we'll publish the result.

No FMLA Holiday

The U. S. Court of Appeals for the First Circuit recently sided with an employer in distinguishing between two sections of the U.S. Department of Labor regulation that governs the application of the Family Medical Leave Act. The court found that an employer correctly counted holidays occurring

during intermittent FMLA leave taken by an employee who took two blocks of leave to care for her ailing mother.

The section of the regulation the employee cited, 29 CFR 825.205(a), states that "If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the 12 weeks of leave to which an employee is entitled."

However, the court ruled that section 29 CFR 825.200(f), which says that in calculating the amount of FMLA leave taken "the fact that a holiday may occur within the week taken as FMLA leave has no effect," supersedes the section cited by the employee. The court emphasized that section 825.200 referenced a holiday that occurs *within the week taken* as FMLA leave. Thus, the court concluded that nothing in section 825.205(a) changes that result, the court reasoned, because the "amount of leave actually taken" to which section 825.205(a) refers is the "amount of leave used" as defined in section 825.200(f). For more information, see [Mellen v. Trustees of Boston University](#).

Year-End Employee Recognition Program Opportunities

The end of the calendar year is a time when many employers take the opportunity to recognize the achievements, loyalty and long-time employment of their employees. The PIA/GATF Employee Recognition Program is the perfect vehicle to recognize your employees and, at the same time, improve retention, productivity and overall employee satisfaction.

Award Types include the following:

Certificate of Achievement – three different certificates are available under this category.

- **Production** — for employees directly involved in the production of a printed piece including prepress, press, bindery, materials handling and skilled trades.
- **Administrative** — for employees with financial, administrative, human resources, environmental, safety, general operations, customer service and sales duties.

- **Management** – for employees with managerial or supervisory responsibilities.

Length of Service Certificate – for important milestones like 5, 10, 15 or 20 years

25-Year Congratulatory Certificate

You may also purchase attractive walnut plaques for you recognized employees to mount and display their awards. For ordering and pricing information, please go to [GAIN](#).

2008 Employee Recognition Calendar

It's also not too early to being planning for recognition events for your employees for 2008. Below is the current calendar of planned promotional recognition weeks that coincide with printing related processes and job types.

Week of January 13 - 19: **Press Operators, Assistants and Helpers Week** (in conjunction with [Printing Week](#))

Week of March 3-7: **Prepress Week** (coincides with the anniversary of the introduction of the first PostScript Laser Printer, the Apple LaserWriter.)

Week of May 11-17: **Shipping/Receiving/Drivers Week** (in conjunction with [National Transportation Week](#))

Week of July 21-25: **Mailers Week** (in conjunction with the anniversary of the [creation of the U.S. Postal Service](#) on July 26, 1775)

Week of October 6 – 10: **Customer Service Representatives Week** (in conjunction with [Customer Service Week](#))

Week of October 6-10: **Bindery Week** (coincides with the anniversary of the first patented folder by Cyrus Chambers, Jr. on October 7, 1856.)

Printing's Injury/Illness Rates Up Slightly

The Bureau of Labor Statistics (BLS) recently released injury and illness statistics for 2006 for all industries. Generally, rates for printing are up slightly in 2006 to 4.2. For more information and previous year's data for printing see [GAIN](#).

Annual W-4 Notice

There is a little known IRS regulation that requires employers to remind employees to file an amended W-4 if they have had changes since their last W-4 was filed. The notice must provided by December 1 each year. How the notice is sent out is not required, but paycheck inserts might be the best vehicle. There are a variety of withholding calculators on www.irs.gov and www.paycheckcity.com web sites that can be helpful. Note: employees may want to adjust their state and local law withholding as well if applicable.

The exact is IRS regulation is Reg. [31-3402\(f\)\(2\)-1\(c\)\(3\)](#) which requires employers to remind their employees to file an amended W-4 if their filing status, exemption allowances or exempt status has changed since their last filing of their Form W-4.

Best Workplace Best Practices Book Coming Soon

The PIA/GATF Human Relations Department is preparing to publish the first *Best Practices of the Best Workplaces* book, a collection of sample employment polices of the 2006 Best Workplace in Americas winning companies. A new annual publication, the book contains policies covering all of the categories in the annual BWA competition survey form, broken down by company size. When completed, the book will be available for sale on GAIN in both print and PDF form at \$80.00 from member companies. To order, call 866-855-4283 and ask for item #1827.

2007 Best Workplace Winners Announced

Printing Industries of America/Graphic Arts Technical Foundation (PIA/GATF) proudly announces the recipients of the 2007 Best Workplace in the Americas Awards. A total of 47 graphic arts companies were selected by a committee of distinguished HR experts from within the industry. The program is designed to recognize graphic arts companies for their outstanding human relations efforts which contribute to a successful workplace.

Entries are judged on the following criteria:

- Management practices

- Work environment
- Training and development opportunities
- Recognition and rewards
- Workplace health and safety
- Health and Wellness
- Financial security
- Work-life balance

A total of 18 companies received the coveted designation *Best of the Best*, while 29 earned *Best Workplace* honors.

Best of the Best Category

Small Companies (up to 100 employees)

Crescent Printing Company, Onalaska, WI
 Grant Dahlstrom Inc./The Castle Press, Pasadena, CA
 Label World, Rochester, NY
 Vox Printing, Inc., Oklahoma City, OK

Medium-size Companies (101-250 employees)

Communicorp, Inc., Columbus, GA
 CRW Graphics, Pennsauken, NJ
 Midland Information Resources, Davenport, IA
 MOSAIC, Cheverly, MD
 Royle Printing, Sun Prairie, WI
 Suttle-Straus, Inc., Waunakee, WI
 Worth Higgins & Associates, Inc., Richmond, VA

Large Companies/Multi-plants (251+ employees)

American Packaging Corporation, Story City, IA;
 Columbus, WI & Rochester, NY
 Edwards Brothers, Inc., Ann Arbor, MI & Lillington, NC
 Malloy, Inc., Ann Arbor, MI
 St Ives Inc USA, Cleveland, OH & Hollywood, FL
 The Sheridan Press, Hanover, PA
 Thomson Corporation, Eagan, MN
 Times Printing Co Inc., Random Lake, WI

Best Workplace Category

Small Companies (up to 100 employees)

Elk Grove Graphics, Elk Grove Village, IL
 GPA, Specialty Printable Substrates, Chicago, IL
 Jacob North Companies, Lincoln, NE
 Kohler Print Group, St. Louis, MO
 Lauterbach Group, Waukesha, WI
 Morrison Communications, Inc., Morristown, TN
 Newman Printing Company, Inc., Bryan, TX
 Source4, Chicago, IL
 Resco Print Graphics. Inc., Hudson, WI
 Tailored Label Products, Inc., Menomonee Falls, WI

Medium-size Companies (101-250 employees)

Action Printing, Fond du Lac, WI
 Boutwell, Owens & Co., Inc., Fitchburg, MA
 Cascades Boxboard U.S., Inc., Hebron, KY
 Cohber Press, Inc., W. Henrietta, NY
 Commercial Letter, Inc., St. Louis, MO
 Hagadone Printing Company, Honolulu, HI
 Hopkins Printing, Columbus, OH
 McNaughton & Gunn, Inc., Saline, MI
 PrintingForLess.com, Livingston, MT

Large Companies and multi-plants (251+)

CL&D Graphics, Oconomowoc, WI & Rock Hill, SC
 Courier Corporation, N. Chelmsford, MA; Westford, MA; & Stoughton, MA
 Dartmouth Printing Company, Hanover, NH
 Disc Graphics, Inc., Hauppauge, NY
 Flower City Printing, Rochester, NY
 Hammer Packaging, Rochester, NY
 Imagine! Print Solutions, Shakopee, MN
 Schawk, Inc., Des Plaines, IL (all locations)
 SmartHealth, Inc., Phoenix, AZ
 The John Roberts Company, Minneapolis, MN

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