

# SIGNATURE

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## MANAGEMENT CONFERENCE ADDRESSES TOP-OF-MIND ISSUES FOR SENIOR LEADERS

By Patrick Henry, Liberty or Death Communications

Putting ink and toner on paper is the other thing that senior leaders of printing companies do. They spend at least as much time and energy on managing their enterprises – a complex and demanding responsibility that is testing their business acumen, their people skills, and their ability to think strategically as never before.

As a trade association, PGCA offers its members a menu of advisory services to help senior leaders succeed at the task of management in challenging times. Much of this practical advice was on the agenda at “What A Senior Leader Needs to Know About...?”, PGCA’s one-day management conference for people holding that distinction at their companies.

It took place on September 21, 2023 at Konica Minolta’s Client Engagement Center (CEC) in Ramsey, NJ (see sidebar on page 6). The program spanned a range of topics in employment and labor law, print industry mergers and acquisitions, economic and business trends, employee engagement, and the impact of artificial intelligence (AI) on the industry. PGCA Co-President, Tim Freeman, kicks off the conference (at right).

The lead speaker, attorney Nicholas J. Fiorenza (presenting in photo below) (Ferrara Fiorenza PC), has provided legal advice and support to PGCA members for 40 years – a period in which much has changed on the social, legal, and regulatory fronts for print company owners and other employers.

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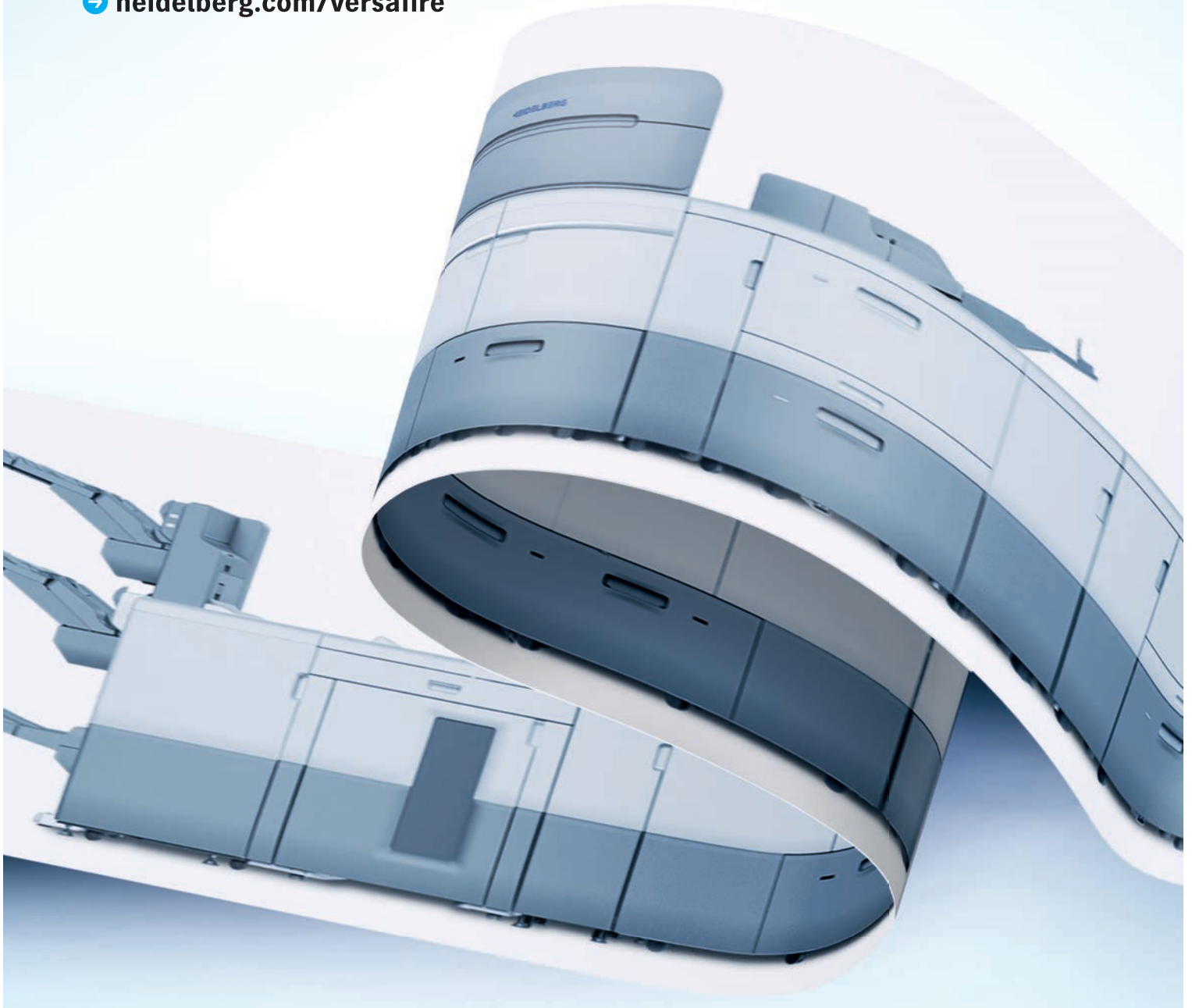
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## COVER CONTINUED

“Ambiguity is a fact of life for employers complying with the complex rules of workplace management.”

### Anticipate Ambiguity

Fiorenza acknowledged an audience member’s complaint that it can be difficult to get simple yes-or-no answers to questions in these areas. He explained that ambiguity is a fact of life that employers must learn to live with as they strive to comply with the complex rules of workplace management.

Taking leadership and fairness as his focal points, Fiorenza quoted a textbook definition of the former as “the ability to inspire people to make a total, willing, and voluntary commitment to accomplishing or exceeding organizational goals.” The people leading companies according to these principles “are not necessarily on the organization chart,” he observed.

A void of leadership – the situation that arises when the owner’s vision and goals aren’t shared by others – can be “disastrous” for a company, according to Fiorenza. In many workplaces, he added, the disconnect between management objectives and the aspirations of employees “has never been greater” than it is today.

“Leadership is what you do every day,” Fiorenza emphasized. The decisions an owner makes about setting company values and rewarding people for upholding them “are watched and interpreted all day” by the people whom those decisions impact.

Perceived hypocrisy in management behavior “kills leadership” and can open the door to union activity in companies where people believe they are not being treated fairly, Fiorenza said.

“Real fairness” is an ingrained belief that lies at the center of all human interactions.

### Mind the ‘Gratitude Gap’

Here is where law and regulation come in. Fiorenza said government now recognizes the workplace as a “unique social setting” where safeguarding human interaction is the basis of employment law. In such sensitive environments, employers should focus more on filling the “gratitude gap” with rewards and recognition than on counseling and disciplining people in the traditional way.

The fact that the workplace is a legally regulated social environment can be “a tough lesson for supervisors,” Fiorenza said. Crucial to understand is that when the law deems management behavior “offensive,” it is partly because the behavior is something that employees cannot walk away from in the workplace as they would in a public setting.

This is why those in charge should think of compliance with employment laws as “an attempt at legal fairness,” Fiorenza said. While legal fairness is an evolving concept, “real fairness” is an ingrained belief that lies at the center of all human interactions. Real fairness therefore “must be actively preserved in a successful workplace” through practices that leave no one feeling short-changed about the way they are being treated.

Fiorenza noted that in the eyes of the law, “the concept of fairness changes” in step with broader societal attitudes about discrimination and the protected characteristics of various population groups. The evolution is seen in the U.S. Equal Employment Opportunity Commission’s recently released Strategic Enforcement Plan for the fiscal years 2024-2028, which presents a detailed list of anti-discriminatory measures that the EEOC expects employers to implement.

### Be Careful with the ‘Non-s’

Also coming under harsher scrutiny are covenants that limit employees’ freedom to act, such as non-compete, non-disclosure, and non-disparagement agreements; and complex waivers employees must agree to sign in return for severance settlements. Another potential minefield lies in the distinctions that employers sometimes incorrectly draw between employees and independent contractors and exempt and non-exempt employees.

Harassment prevention, recruitment practices, pay equity and transparency, religious accommodation, and now, the prejudicial use of artificial intelligence (AI) in hiring and human resources management also join the list of legal and regulatory concerns for business owners, Fiorenza said.

He added that in many cases when an employer is facing alleged violations in these areas, “the only thing you can prove to an agency is your process”: a good-faith demonstration that anti-harassment and anti-discrimination policies are in place and that supervisors have been trained to carry them out.

Fiorenza also recommended updating handbooks and policy documents; considering diversity initiatives and community outreach; and conducting internal pay equity audits as ways to stay on the right side of the rules.

### The Unions Are Watching

Government agencies aren’t the only ones keeping employers under surveillance. Styling themselves as “social justice organizations,” labor unions also are targeting what they see as unfairness in the workplace. Fiorenza noted that this is happening as the National Labor Relations Board (NLRB) continues a “reset” of policy that protects unions’ organizing and bargaining activities and in some ways reinforces them.

For example, the NLRB has barred employers from expressing their points of view on unionization in “captive audience meetings” that employees are required to attend during work hours.

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**COVER CONTINUED**

“Employers who want to preserve their non-union workplaces must do so actively through supervisor training, leadership, fairness, and employee engagement.”

This means employers who want to preserve their non-union workplaces must do so actively through supervisor training, leadership, fairness, and employee engagement. Fiorenza repeated his point that closing the gratitude gap by rewarding and celebrating the achievements of the workforce as a whole is a better means to this end than dwelling on the downsides of “a hire that didn’t work out.”

Sooner or later, every print company owner comes to the same personal fork in the road: deciding whether to double down on management responsibilities by expanding the business, or to leave them behind by transferring ownership of the business to someone else. Peter Schaefer (New Direction Partners), an investment banker who specializes in mergers and acquisitions among printing and packaging companies, offered guidance for choosing the best option at the right time on the most favorable terms.

**‘Still a Great Time’ for M&As**

He said that although inflation, supply-chain issues, and labor shortages are constraining growth in the print and packaging industry to some extent, “it’s still a great time to be a seller or a buyer.” In fact, there are “more buyers in the industry today than we have ever seen”: a good indication of the market’s resilience and the eagerness of investors to gain a share of it.

“The general economy is holding steady; banks are still lending money to fund M&As; and interest rates remain low by historical standards.”

Reasons for optimism, according to Schaefer, are that the general economy is holding steady; banks are still lending money to fund M&As; and interest rates remain low by historical standards. These conditions encourage both financial buyers – primarily private equity (PE) investors from outside the industry – and strategic buyers, typically printing and packaging companies looking to acquire others of the same type. (A third category, known as search funds, consists of individuals who want to acquire printing and packaging firms that they can run as owners.)

Schaefer explained that financial and strategic buyers have different rationales for the acquisitions they make.

PE investors see the fragmentation of the industry as the key to creating cost savings and synergies across a “platform” of multiple companies built around an initial acquisition and expanded with others. The first buy, according to Schaefer, is usually of a “have”: a technically advanced, profitable business that serves as the cornerstone. Then the investor can acquire less competitive “have nots” at bargain prices for the cross-selling opportunities they bring to the platform.

**Buy-Hold-Exit vs. ‘Indefinite’**

Schaefer said financial buyers generally follow a buy-hold-exit plan that seeks a 35% ROI over a three- to seven-year investment period, after which the platform will be sold to another buyer. This is the main difference between them and strategic buyers, whose main objective often is to bring in new books of active business that will help them fill excess capacity. This makes the investment horizon for strategic acquisitions indefinite, Schaefer noted.

He emphasized that a well-crafted acquisition of either type can create value for everyone concerned. Because organic business growth has become difficult for most firms to achieve, he advised owners to begin thinking of themselves as buyers or sellers and planning ahead accordingly.

Buyers, according to Schaefer, have three strategies. They can structure the transaction as a tuck-in that acquires the seller's list of accounts and may or may not include plant and personnel. They can buy a company whose assets will make their existing operations more efficient. Or, they can buy into a segment of the print or packaging market that has more growth potential than the one they are in.

### Should I Stay, or Should I Go?

The first step toward becoming a seller, said Schaefer, is to "take the emotional walk on the beach" and ask oneself whether the best way to assure the future of the business is to place it in other hands. With that decision reached, sellers need to think about which type of buyer to attract; how to time the sale; what method of compensation they prefer; and how long they would be willing to stay on in a transitional role if the buyer required it.

Schaefer went on to compare transactions based on net earnings and multiple of EBITDA with those based on net asset value, recommending that sellers perform both calculations to find the one that yields the best sale price. He reviewed quantitative and qualitative attributes that increase the value of the business and make it more desirable to buyers.

He also identified the premium segments of the printing and packaging industries; noted trends in EBITDA multiples in net earnings transactions; and named the most active strategic and financial buyers making the industry's M&A marketplace the dynamic environment it continues to be.

### 'Back in the Black'

As managing editor of WhatTheyThink, Richard Romano is also the publisher's chief editorial number-cruncher: a role he played with abundant detail in his presentation to the Senior Leadership conference. The data he shared came from WhatTheyThink's ongoing research into print industry economic trends, the latest snapshot of which is its 2023 Printing Outlook survey of industry executives and their views on where the business is headed.

By way of a theme, Romano quoted a survey respondent who said "we are back in the black, and plan to continue that way" by adding new products to the company's traditional offerings. He said the industry as a whole has "largely rebounded" from the downturn it took during COVID-19, with survey participants reporting 2022 over 2021 increases of 11.6% in revenues, 9.5% in jobs and orders, and 8.7% in profits.

*Continued on page 6*

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## THEY HAD AN 'ENGAGEMENT' WITH HOST VENDOR

Konica Minolta hosted PGCA's 2023 senior leadership conference at its Client Engagement Center (CEC) in Ramsey, NJ, where visitors can see the full range of the company's production solutions.



Serving both as a demo room and a testing lab, the 18,500 sq.-ft. facility houses working examples of nearly everything Konica Minolta offers in four main categories: toner production, labels and packaging, wide-format, and digital embellishment.

Jason Dizzine (pictured above), the Center's director, said that 90% of the Konica Minolta production portfolio is on display here, from AccurioPress toner presses and AccurioWide hybrid UV wide-format printers to the AccurioLabel 400 label press and digital print and embellishment systems from MGI.

The CEC has staged 600 live and virtual product demonstrations in the current fiscal year, Dizzine said. The Center also conducts proof-of-concept testing with customer files and performs media qualification.

Senior leadership participants toured the facility after the close of the conference sessions. Those wishing to schedule their own visits and demos can request them at <https://kmb.konicaminolta.us/client-engagement-center>.

## COVER CONTINUED

As for 2023 over 2022, respondents expect smaller but still appreciable increases of 6.7% in revenues, 6.6% in jobs and orders, and 5.3% in profits. Top perceived business challenges include cost and availability of consumables and supplies; the national economy; pricing; and finding qualified production personnel.

Among top perceived business opportunities, the one cited by the largest percentage of respondents was "customers outsourcing more work to us" (as opposed to doing it themselves internally). Romano said the opportunity seen in adding high-speed production inkjet equipment indicates that "inkjet is finally starting to catch on" among smaller print firms, with wide-format flatbed UV systems attracting particular interest.

### Investment Intentions

Finishing and bindery equipment for digital production topped the list of respondents' planned investments. Asked about new application areas, they identified wide-format printing for signs, displays and banners and textile/fabric printing for soft signage among offerings they have added or plan to add.

Turning to hiring, Romano reported that nearly two-thirds of respondents said they intended to add staff in the next 12 months, with outside and inside sales representatives leading the list of positions to be filled. Noting that most planned to use traditional recruitment methods, he expressed some frustration that few printers seem to know that the Print & Graphics Scholarship Foundation (PGSF) and the industry's relationship with the Mariano Rivera Foundation are valuable sources of talent as well.



Earlier this year, WhatTheyThink zeroed in on the small-firm segment of the commercial print market with a "Top Shops" survey of businesses doing less than \$25 million in annual sales. The leader of the pack of respondents came in at nearly that number in 2022, while the top 100 accounted for a combined total of \$520 million in sales. Romano said although the group has "muted expectations" for 2023, they continue to perform better than the industry average.

### 'Return to Normalcy'

Current shipments and profits in the commercial printing industry indicate a "return to normalcy" after the economic upheavals of recent years, according to Romano. He said the total number of U.S. printing establishments and related support activities stood at 22,580 in 2021, down from 29,118 in 2010 (noting that the federal government's NAICS classifications for printing businesses may exaggerate the shrinkage by undercounting the number of firms the industry actually consists of).

As for what lies ahead, Romano was cautiously upbeat. "You'd never know it," he said, "but the economy is still doing pretty good" with the GDP still rising, employment at a near-record low, inflation starting to cool, and a recession apparently not looming. One very encouraging trend for the industry is the fact that new business formation "has gone through the roof" since COVID. "These new businesses need a lot of printed materials," Romano observed.

He urged printers to include automation, sustainability, new products and services such as textiles and labels ("the next great adventure"), and interactive print with QR, VR, and AR technologies in their planning. At the end of the day, he reminded them, "the state of the printing industry is a direct function of the demand for print."





The senior leadership conference program shifted from hard numbers to soft skills in Merci Miglino's (pictured above) briefing on the management art of coaching. A consultant to corporations, government agencies, schools, and non-profits, Miglino holds Master Certified Coach credentials from the International Coaching Foundation (ICF), a network for advancing the profession and training people in its techniques.

The ICF's formal definition of coaching is "partnering with someone in a thought provoking and creative process that inspires them to maximize their personal and professional potential." What this means in practice, Miglino explained, is managing people with empathy and insight into their personal needs.

### See Me, Hear Me, Get Me

**"Most people want to be seen, heard, and understood,"** she said. **"People will perform better and stay with your company longer if they think you care about them."**

This loyalty can be earned through a seven-step coaching process that helps people establish meaningful goals and objectives and gives them the confidence to achieve them. The most effective coaches, Miglino said, are inquisitive, optimistic, non-judgmental good listeners who demonstrate "a passion and curiosity for people's stories."

A core skill of coaches is their ability to "reframe a situation" by offering new perspectives on problems that hinder performance. "People get into 'either/or' very quickly," Miglino observed, and tend to think that solutions are out of reach when they are in this strictly binary frame of mind. A good coach knows how to show that other avenues exist and that what seemed impossible is now achievable.

"Powerful questioning" – incisive, sympathetic, and emotionally resonant – is another key to resolving personal issues that may be holding individual performance back. "Talk to the who, not the what," Miglino said. Once the unmet need has been identified and addressed, the coach can "sustain an employee's behavioral changes" by setting a mutually agreed goal for improvement.

### Credit Where Due

She also stressed the importance of giving credit where due by "acknowledging, championing, and celebrating" the praiseworthy things that people have achieved. An acknowledgement, she said is different from a compliment in that it salutes the whole person,

*Continued on page 8*

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### 'Gut Check' for a Screenwriter

Cholmondeley reviewed examples of content-creating generative AI applications, such as those that can produce images in response to text inputs (and vice versa, composing descriptive text from the details of an image). He shared a revealing personal interaction with the technology: an AI-generated critique of a screenplay he has written. He called the bot's appraisal of his writing a "gut check" in terms of its accuracy and incisiveness.

The development and adoption of AI implementations like these are "growing at breakneck speed" with the help of major investments by the likes of Adobe, Alphabet (Google), Amazon, Apple, and the U.S. military. Cholmondeley cautioned, however, that **progress in AI is not linear and that the latest iteration will not necessarily be better than the ones preceding it.**

**Cholmondeley's first point about AI's entry into the printing industry was that it will not take away jobs "for the foreseeable future."** He noted that although adoption of software-based workflow tools is prevalent throughout the industry, automation is not, and the introduction of AI is unlikely to change this.

### How Printers Will Use It

In Cholmondeley's view, opportunities for printers in AI will come from applying its data-wrangling power to service and training; predictive maintenance; production analytics; job onboarding; scheduling, planning, and estimating; design and layout; prepress automation; and MIS/ERP implementation.

AI analytics could be used, for example, to find out why some machines and factory shifts are more or less productive than others. Specifications culled from e-mail messages could be turned into workflow-specific job tickets. Installing a print MIS – a task that can take months to complete in the standard way – could be streamlined by letting AI "learn" how to structure the information.

"Don't panic" when confronting the new reality of AI, Cholmondeley urged printers. Prepare for its advent by gathering data it can use. Keep watching development trends, but be careful: "It's not fully self driving. Don't take your hands off the wheel." Get familiar with the technology by "playing" with generative AI tools now available for all to try.

As for apocalyptic warnings about AI's potential to wipe out humanity, Cholmondeley allowed that this could come to pass "possibly, maybe even probably" if the technology is put to malign use.

But considering that humankind is already staring down a list of existential threats such as pandemics, pollution, and global warming, "AI can just take a number" in this regard, he said.

**About the Author:** Patrick Henry directs Liberty or Death Communications, an editorial consultancy. Contact him at pathenry@libordeath.com.





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## FIVE IDEAS TO GENERATE BUSINESS

## CULTIVATING COMMUNITY CONNECTION: A MARKETING STRATEGY FOR GENERATING LOCAL PRINT BUSINESS

By Deborah Corn, Intergalactic Ambassador to the Printerverse,  
Print Media Centr

In the digital age, where screens often dominate communication, it's easy to overlook the power of local community engagement for a print business. Yet, building strong community connections can be a key driver for generating local print business, organic customer growth, and profits.

**Here are five ideas to get you started...**

### □ Understand Your Community

Demographic data, surveys, and social media listening can provide valuable insights into what your community values most. However, getting involved is the best way to understand and identify where new business can be cultivated.

Attend local events, join community organizations, support local causes and charities, host fundraisers, and engage in conversations with neighbors and businesses. This hands-on approach will help you gain a deeper understanding of your community's business challenges and opportunities – and those who may need some print in their lives!

### □ Create Local Partnerships

Collaborating with other local businesses is a powerful way to connect with your community. Explore partnerships with complementary businesses, such as graphic designers, event planners, or local retailers. Joint promotions or referral programs can introduce your print business to new customer bases.

Also, consider partnering with local schools and ongoing education programs. Create offers for materials that are used to sponsor school events, and sponsor them, too. This positions your print business as a valuable and supportive resource.

### □ Showcase Local Success Stories

Feature case studies of local businesses or individuals who have achieved remarkable results through your print services. Share these stories through your website, social media, and local publications.

Consider creating a 'Customer' or 'Project of the Month' program and share the stories with local publications. This will provide positive exposure for your customers and demonstrate your commitment (and that of the local paper) to helping community businesses thrive.

### □ Promote Exclusive Local Offers

Create exclusive offers for residents and businesses to incentivize them to choose your print services. This could include loyalty programs, discounts in support of the community, and special packages tailored to local events or holidays. Promote these offers through targeted local advertising channels and businesses that have community bulletin boards for local services or have flyers in a dedicated area for customers to take.

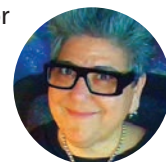
### And finally... HOST AN OPEN HOUSE!

Or an educational workshop, or a series of seminars on how to market a small business, or design classes, or – or – or. The topics are endless and there is no better way to help your community connect with your business than inviting them inside.

If you are in the U.S. or Canada, there is still time to join us for our collective open house celebration on October 25th. See the printers, universities, technical schools, and print museums that are participating, and find a local open house at [www.printacrossamerica.com](http://www.printacrossamerica.com).

### COMMUNITY LONG AND PROSPER!

Deborah Corn is the Intergalactic Ambassador to the Printerverse at Print Media Centr, a Print Buyerologist, international industry speaker and blogger, and the cultivator of Print Production Professionals, the #1 print group on LinkedIn. She provides printspiration and resources to print and marketing professionals through education, events, Podcasts From The Printerverse, ProjectPeacock.TV, and an array of community-lifting initiatives including Girls Who Print, Elevate Print, #PrintChat, #PrintLife, International Print Day, and Print Across America.



Deborah also helps companies create more meaningful and profitable customer relationships by utilizing more than 25 years of experience as an agency, brand, and corporate print buyer who has assessed, hired and worked with a plethora of printers and service providers.

## Join us for upcoming events celebrating the print industry!

### PrinterChat: Rethinking Your Website Podcast

Jamie McLennan, General Manager & Senior Sales Executive, DMR Graphics/Innvoke (PGCA Member), Will Crabtree, Owner, TampaPrinter.com and Deborah Corn discuss the best approach for building a print business website, how to enhance the overall user experience, and how to use it to attract more customers. Listen here: <https://podcasts.printmediacentr.com/>

## Print Across America – October 25th

One Day. One National Celebration of Print. One Nation United by CMYK! On this day, we hope that printers across the country will open their doors to students, the community, employee families, customers – whoever you'd like to show off to.



We are thrilled to list the following PGCA members who are hosting Open House events on October 25th:

- DMR Graphics, West Conshohocken, PA**
- Innvoke LLC, Cranbury, NJ**
- Zenger Group, Tonawanda, NY**

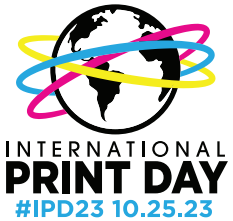
There's still time to get your open house organized! Deborah Corn has assembled all kinds of resources to help!

### Visit [printacrossamerica.com](http://printacrossamerica.com) and . . .

- Register your open house and receive a free listing on our "Find an Open House Near You" directory.
- Download the PAA logo and icons, files for marketing materials, social media, lawn signs, banners and electronic communications.
- Click on Replays and watch the webinar recording – How to Host an UNFORGETTABLE Open House.
- Shop the PAA Store for swag and open-house materials.

## International Print Day - October 25th

In conjunction with Print Across America, Print Media Centr will produce an online conference celebrating International Print Day on October 25, 2023, from 10 am to 8 pm ET. The free 10-hour conference will feature industry experts from around the world and is open for everyone to join at no cost. In addition, share your love for print by participating in knowledge sharing through social media. Learn more and register at [www.internationalprintday.org](http://www.internationalprintday.org)



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# HR Hot Topics

## QUICK LOOK AT HUMAN RESOURCE DEVELOPMENTS IMPACTING PGCA MEMBERS

By Nicholas J. Fiorenza, PGCA Association Counsel, Ferrara Fiorenza PC

### PENNSYLVANIA - Minimum Wage Calculation

Many Pennsylvania employers are just appreciating the significance of a 2022 change in the state's minimum wage law. The Pennsylvania statute now differs from federal law in the manner in which employers must calculate an employee's regular rate of pay. The basic change requires that salaried non-exempt employees have their pay calculated, with some exceptions, by including not only weekly salary but other forms of pay including most bonuses, commission payments and other forms of remuneration. Once the total amount is calculated for a work week it must be divided by 40 hours to create a "regular rate." Hours worked in excess of 40 are paid at 1.5 of this rate. Where federal law and the former law of Pennsylvania allowed some flexibility for salaried nonexempt employees working varying hours during the week, this new law prohibits the so-called "fluctuating work week" method of overtime computation.

### NEW JERSEY – Temporary Worker Bill of Rights

New Jersey continues to see significant employment law activity. Most members are keenly aware of the temporary worker bill of rights which became effective in February of this year. In essence, the law extends traditional employment protections to many workers who had been excluded from them due to their temporary status. While the law, which became effective August 5, 2023, includes requirements that covered workers be paid wages that are at a minimum equal to "the average rate of pay in average cost of benefits" for regular non-temporary employees of the business performing "the same or substantially similar work." Of course, savings in wages and benefits are often the primary drivers of the use of temporary workers in the first place. Earlier in the spring, a number of business groups representing temporary staffing agencies sought an injunction to, at least, delay the law in hopes of mounting a challenge. A Federal judge, however, denied this request.

### DELAWARE – Healthy Delaware Families Act (HDFA)

In Delaware members will soon need to prepare for the Healthy Delaware Families Act (HDFA). This law implements a paid family and medical leave benefit using an insurance program model. As explained by the state:

#### *How Delaware Paid Leave Works*

Delaware Paid Leave offers paid leave to employees who have been employed for at least one year and at least 1,250 hours with a single employer. If their leave is approved, employees will get up to 80% of their wages (up to \$900 per week) to cover the following:

- Care for a new child (up to 12 weeks per year),
- Care for a family member with a serious health condition (up to 6 weeks, every 24 months),
- Address a personal serious health condition or injury (up to 6 weeks, every 24 months), or
- Assist while loved ones are on overseas military deployment (up to 6 weeks, every 24 months)

Employees are limited to a maximum of 12 weeks of total, combined leave per year.

The program will be funded by less than 1% of an employee's weekly salary. Employers can require employees to contribute up to half the cost.

#### *What Businesses Must Comply*

Participation in Delaware Paid Leave is mandatory for most businesses with 10 or more employees.

Visit [www.printcommunications.org/blog](http://www.printcommunications.org/blog) for more detail on this new law.

### NEW YORK – Pay Transparency Law/Non-Compete Agreements

New York employers continue to address ever increasing regulation of the employment environment. By way of example:

#### *The Pay Transparency Law*

New York State's pay transparency law is effective as of September 17, 2023. The law ushers in a fundamental change in how employers will recruit and hire employees. In doing so, it poses significant compliance and human resource management challenges.

The law requires that employers of four or more employees disclose the salary or compensation range for any advertised position. The definition of "advertised" is broad and covers information concerning a position opening made "available to a pool of potential applicants for *internal or public viewing*" in any form, print or electronic.

Many remote positions will be impacted by the law since it applies to jobs performed in whole or in part within New York State *and* positions that are performed outside of the State but report to a supervisor within it. Commissioned positions are covered as well and require, generally, that employers provide a statement explaining the applicable commission structure.

Finally, if job descriptions exist for the positions, employers must provide this information as well.

Employers should prepare to both modify their recruitment process to comply with the points above and to assess how pay transparency in job advertisements will impact current employees. It is certain that employees in the same or similar roles as those being advertised will compare their existing compensation and job duties to those being promoted for new hires. Employers are urged to consider an internal wage analysis, along with possible adjustments, before undertaking new recruitment processes in compliance with the pay transparency law.

***The End of Non-Compete Agreements in New York?***

Among the tidal wave of changes impacting employers, ranging from updated anti-harassment laws, restrictions on absenteeism policies and new pay transparency rules, New York is now poised to restrict the use of non-compete agreements. Having cleared both the State Senate and Assembly in June, a sweeping ban on non-compete agreements now awaits only Governor Hochul’s expected signature to become law.

The proposed law reaches “any agreement, or clause contained in any agreement, between an employer and a covered individual that prohibits or restricts such covered individual from obtaining employment, after the conclusion of employment. “Covered individuals” include essentially any person performing work or services, including employees or contractors.

The bill allows continued use of employment contracts for a fixed term, as well as agreements prohibiting the disclosure of trade secrets or proprietary business information. Likewise, agreements prohibiting the solicitation of customers that the covered individual learned about during their work may still be prohibited.

Unlike many other similar state and federal restrictions, this bill does not set forth a “sale of business” exception. This means that when the law becomes effective, business owners will not be able to prohibit the seller of a business from competing against the very business it just sold.

The bill is not retroactive and will become effective 30 days after being signed into law.

But beware, there is more on the horizon. The State Senate has passed another bill mirroring a proposed Federal Trade Commission rule which explicitly invalidates all existing non-competition agreements. It is more important than ever for employers to focus on thoughtful and effective agreements which protect intellectual property and a broad range of proprietary business information.



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Scheduled for May 8th and 9th, this event underscores our commitment to supporting the industry’s growth and innovation. The forthcoming Americas Print Show (APS) once again joining forces with leading industry manufacturers, associations, influencers, educators, and printers. Following the success of the inaugural three-day event in August 2022, this partnership aims to build upon that achievement.

Mark your calendars for the 2024 Americas Print Show, an event that promises to be an invaluable rendezvous for industry leaders.

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## UPCOMING HUMAN RESOURCE PROGRAMMING

Register online at [printcommunications.org/events](http://printcommunications.org/events)

### Avoiding the Most Common Overtime Classification Mistakes

November 7 and December 5, 2023  
10:30 am — No charge for Association members

Are you sure your salaried employees shouldn't be receiving overtime? Wage and hour audits are on the rise and many members are finding that common "exempt/non-exempt" classification mistakes are costing them dearly in unexpected payroll expenses, fines and penalties. This 45 minute to one-hour program will review the most common classification errors our Association Counsel reviews for the membership and offer powerful tools to avoid them.

Watch your email for details on —  
**HR Academy: Essential Training for PGCA Managers and Supervisors**

Six Monthly, 60 to 90-minute webinars from November 16, 2023 to April 25, 2024



### Program Description

In response to our membership's request for more effective and convenient supervisor training opportunities, the PCGA is pleased to announce that it will be offering a series of 60 to 90 minute webinars on managing employees effectively while complying with employment laws. Association Counsel Nick Fiorenza and the Ferrara Fiorenza Law Firm will present these programs.

STAY TUNED!

SESSION TITLES AND DATES WILL BE ANNOUNCED SOON.



## SHOULD WE BUY IT?

When attending a trade show, you naturally think about buying a new piece of equipment which can be very tempting after you see what it can do. The problem is that it costs money, possibly a lot of money. Before you sign the contract, a careful and detailed analysis is needed to be sure that it's the right decision.

However, there are a few simple rules to follow which will help you.

- **First**, tax savings will not pay for it. It's true that we now have 100% expensing of equipment in the year of installation, but that alone will not pay for it.
- **Second**, it's highly unlikely that production cost savings on existing work will pay for it. Beware of the individual who points out that since the new press reduces makeready time by 1.5 hours and given an hourly rate of \$300, it saves \$450 per makeready. It doesn't. The only saving is going to be the crew wages and only if the crew will go home early without pay.
- **Third**, the new machine will enable you to sell more work since your prices will be lower. Lower prices will produce more sales, which is good, but you can lower prices to selected prospects without buying anything. When you've completely sold out the capacity of the existing equipment (24/5+), that's the time to buy more stuff.
- **Fourth**, the new machine may enable you to enter new markets; high-speed ink jet for example. If that's true, you must predict the net contribution coming from that new market by thinking about specific customers and projects then subtracting out-of-pocket costs (paper, click charges, etc.). It's useful to test the existence of those new markets for your firm by buying the work out from others first.

Finally, after you make a back of the envelope estimate of these possible gains, try a handy "rule of thumb." If the new machine doesn't cost more than three times the net gains it produces in the first year, it's probably OK to buy it. If it does, then forget about it or take the time to really dig deep to be sure.

## CUSTOMER, WE HAVE A PROBLEM

The opportunities for mess ups in printing are immense, ranging from "we'll deliver a day late" to "we mailed the job with the wrong codes." When we discover it's happened, job one is to tell the customer the facts immediately—in person or on the telephone but not in an email/ text.

Before you pick up the phone, think about the customer and the relationship so that you'll be better prepared to respond to their questions. When the conversation begins, remember that it's an apology, not an excuse or an opportunity to blame someone else. A sincere apology up front defuses most angry responses.



You should also have a plan of correction to present—credit, rerun, etc. You may also have to deal with the possibility that the error has damaged the client's business. If that's the case, be glad that you have Printer's E&O Coverage. Check with your insurance agent if you don't have this kind of protection as printing errors can be disasters if you don't have proper protection.



## MARKET SHARE

In many industries, the metric of importance is market share. Given the diversity and size of our industry (per the Bureau of Economic Analysis, approximately \$89 Billion), very few firms approach 1% market share. Thus, market share is not always a viable metric. A better measure is % growth (and of course, contribution margins). As a mature industry, print seldom grows above GDP (Gross Domestic Product); consequently, if you're growing at the rate of GDP (2023 the rate was 2.1% adjusted for inflation in 2023's second quarter) – you're probably standing still which is not a sustainable option for a successful company.

**About the Authors:** quoin2pixels is written by Bob Lindgren and Joe Polanco. Bob and Joe have spent decades in the printing industry, and throughout their careers, they have counseled hundreds of company owners on a variety of management topics. As a value-added service of PGCA, they are available to expand on these articles, or aid with projects. Bob can be reached at (818) 219-3855 and Joe at jspolanco49@gmail.com.

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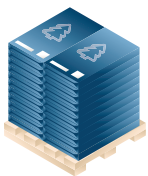
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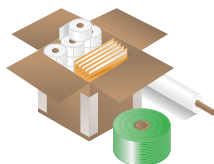
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**HR SERVICES FOR PGCA MEMBERS**

**PGCA HUMAN RESOURCE SERVICES:**

PGCA's Human Resources and Employment Law Services Program is managed by Association Co-President and former HR executive Tim Freeman. Tim's broad knowledge base and years of practical experience offer an unmatched service to Association members.



Tim coordinates member access to a myriad of HR services including consulting on diverse employment issues, ranging from day-to-day problems concerning performance, discrimination/harassment complaints, employee discipline/termination, handbook policy review and drafting to representation before government agencies, state and federal courts, providing supervisory training and more.

Many of our members attest to the invaluable assistance and unique perspective attorney and PGCA Association Counsel Nick Fiorenza brings to the program. Working with Tim on the daily issues, developing and presenting timely updates and educational material, and providing effective legal representation to our members when necessary, Nick, Mike Dodd and other attorneys at Ferrara Fiorenza PC have long provided the foundation of PGCA's HR program. Prior to starting his law firm Nick served as a print industry association executive and has been our counsel for many years. He knows the industry and knows how to solve our members' employment-related problems. His firm works on a daily basis with members throughout PGCA's footprint.

**Contact Tim Freeman or Nick Fiorenza with your human resource challenges.**

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