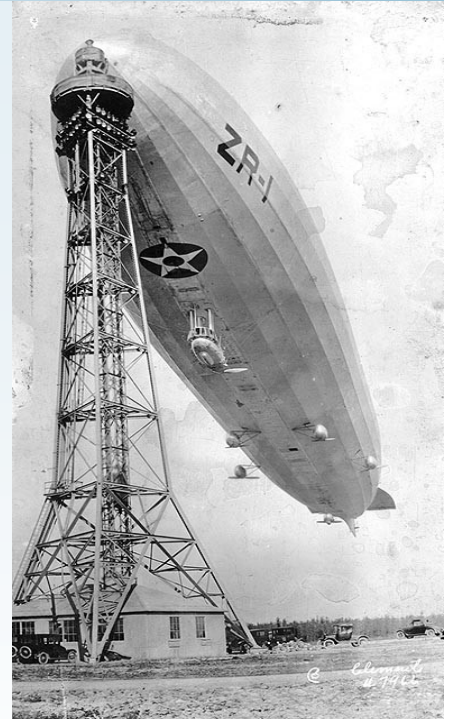


8789 Auburn Folsom Road, Suite C-327, Granite Bay, CA 95746
 Phone (916) 486-9881
 Toll Free (888) GSBE4WC
 Fax (916) 486-9884
 www.gsbe.net



GSBE's News to Use

4 Keys to H1N1 Flu Preparation

The CDC says that even if your community has not yet felt the effects of H1N1 influenza, you should plan for a flu outbreak this fall and winter, and be ready to implement strategies to protect your workforce while ensuring continuity of operations.

Here are four critical recommendations from the Centers for Disease Control and Prevention (CDC) to help you coordinate your pandemic plans for this fall and winter.

1. Work with State and Local Public Health Officials

Coordination with state and local health officials is strongly encouraged for all businesses so that timely and accurate information can guide appropriate responses in each location where their operations reside. Because the intensity of an outbreak may differ according to geographic location, local public health officials will be issuing guidance specific to their communities. Also, businesses could work with public health and community leaders to explore ways of improving accessibility of vaccinations for the workforce and in the community.

2. Be Prepared to Step Up Efforts

If severity increases, public health officials may recommend a variety of methods for increasing the physical distance between people (called social distancing) to reduce the spread of disease, such as school dismissal, child-care program closure, canceling large community gatherings, canceling large business meetings, spacing workers farther apart in the workplace, canceling nonessential travel, and recommending work-from-home strategies for workers who can conduct their business remotely.

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3. Keep Sick Workers Home

One of the best ways to reduce the spread of influenza is to keep sick people away from well people. Unfortunately, this fall and winter it may not be possible to quickly determine if workers who are ill have H1N1, seasonal flu, or any number of other different conditions based on their symptoms alone. Local and state health department surveillance information can be helpful to know when influenza is circulating in the community, although the availability, timeliness, and amount of local information may vary substantially from community to community.

Workers who have symptoms of flu-like illness should stay home and not come to work until at least 24 hours after their fever has passed. Regardless of the size of your business or the function or services that you provide, you should plan now to allow and encourage sick workers to stay home without fear of losing their jobs. CDC recommends this strategy for all levels of severity. You should plan now for how you will operate if your workplace experiences significant absenteeism.

But you also have to realize that some workers with the flu, including those with H1N1, may not have the telltale fever. Therefore, you have to prepare for the fact that it may not be possible to exclude everyone

who is sick with flu from the workplace. Some spread of infection is almost inevitable.

4. Be Prepared for Schools Dismissals and Closures

In some communities, schools may dismiss students and childcare programs may close, particularly if the severity increases. Officials will make these decisions to protect public health, but they will affect your business's functioning, especially affecting absenteeism. Plan now to determine how you will operate if absenteeism spikes from increases in sick workers, those who stay home to care for ill family members, and those who must stay home to watch their children if dismissed from school. Be prepared to institute flexible workplace and leave policies for these workers.

Act Now

The threat of a flu pandemic can have a devastating impact on our world, our nation, your company, and your employees. Employees must know what to expect and how to prepare for a pandemic to prevent the spread of infection. Panic will be less if they know what to do to protect themselves, their co-workers, and their families in the event of a pandemic.

Source: www.Safety.BLR.com

H1N1: Planning for the Flu Season

The Centers for Disease Control and Prevention (CDC) urges employers to review and revise pandemic plans in light of the current H1N1 influenza outbreak, taking into account the extent and severity of disease in your community.

Your workplace may have already been affected this past spring and summer by outbreaks of H1N1 flu. The CDC anticipates that more workplaces will be affected by flu—both H1N1 and seasonal—as we head into flu season. There's also the risk that communities and workplaces may be more severely affected than previously, reflecting the wider transmission and possibly greater impact of flu viruses.

In response to the anticipated spread of H1N1 and the advent of seasonal flu, CDC has revised its recommendations to assist businesses of all sizes.

Response Strategies

You have to balance a variety of objectives when developing pandemic plans and deciding how best to decrease the spread and impact of flu in your workplace.

For example, the objectives you consider may include one or more of the following:

- Reducing transmission throughout your workforce
- Protecting employees who are at increased risk of flu-related complications from getting infected with influenza
- Maintaining business operations
- Minimizing adverse effects on other entities in your supply chain

Expect to see a wide range of disease patterns across the country, says CDC, and base your strategies and response to flu outbreaks on location-specific information from local and state public health authorities.

Key Indicators

Some of the key indicators that should be used when making decisions about appropriate responses include:

- Reducing transmission throughout your workforce
- Protecting employees who are at increased risk of flu-related complications from getting infected with influenza
- Disease severity (hospitalization and death rates) in the community where your business is located
- Extent of disease (number of people who are sick) in the community
- Amount of absenteeism in your business or organization
- Impact of disease on employees who are vulnerable and at higher risk (for example, pregnant women and workers with certain chronic medical conditions)
- Other factors that may affect employees' ability to get to work, such as school dismissals or closures due to high levels of illness

Your pandemic plan should anticipate your ability to obtain updated information on these indicators from state and local health departments in each community where you do business so that you can respond quickly to the changing reality on the ground.

If you have more than one business location, CDC encourages you to provide local managers with the authority to take appropriate actions outlined in your pandemic plan based on conditions in their locality.

Actions You Should Take Now

Review or establish a flexible pandemic plan, and involve your employees in developing and reviewing your plan.

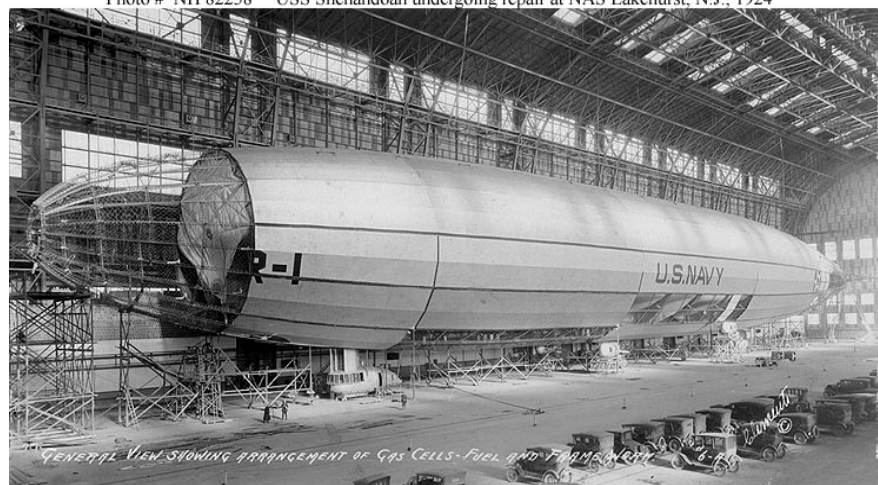
- Reducing transmission throughout your workforce
- Protecting employees who are at increased risk of flu-related complications from getting infected with influenza
- Conduct a focused discussion or exercise using your plan to find out ahead of time

whether the plan has gaps or problems that need to be corrected before flu season.

- Have an understanding of your organization's normal seasonal absenteeism rates, and know how to monitor your personnel for any unusual increases in absenteeism through the fall and winter.
- Engage state and local health departments to confirm channels of communication and methods for dissemination of local outbreak information.
- Allow sick workers to stay home without fear of losing their jobs.
- Develop other flexible leave policies to allow workers to stay home to care for sick family members or for children if schools dismiss students or childcare programs close.
- Share your pandemic flu plan with employees, and explain what human resources policies, workplace and leave flexibilities, and pay and benefits will be available to them.
- Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.
- Add a "widget" or "button" to your company Web page or employee website so that employees can access the latest information on influenza (see www.cdc.gov/widgets/ and www.cdc.gov/SocialMedia/Campaigns/H1N1/buttons.html for suggestions).

Source: www.Safety.BLR.com

Photo # NH 82258 USS Shenandoah undergoing repair at NAS Lakehurst, N.J., 1924



Keeping Good Records Reduces Stress at Tax Time

Although most people won't be filing their tax returns for several months, now is actually a great time to start planning for the tax filing season by ensuring your records are organized. Whether you are an individual taxpayer or a business owner, you can avoid headaches at tax time with good records because they will help you remember transactions you made during the year.

Here are a few things the IRS wants you to know about recordkeeping.

Keeping well-organized records also ensures you can answer questions if your return is selected for examination or prepare a response if you are billed for additional tax. In most cases, the IRS does not require you to keep records in any special manner. Generally speaking, you should keep any and all documents that may have an impact on your federal tax return.

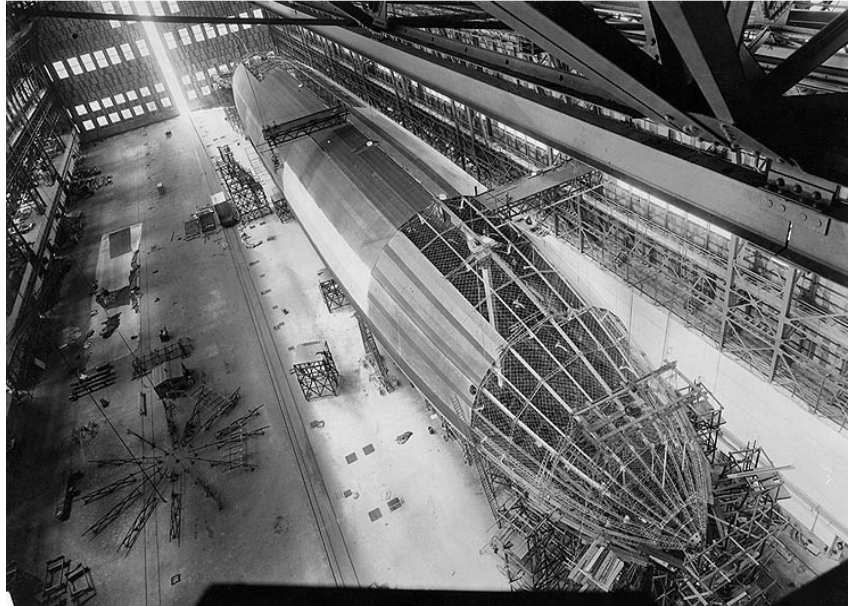
Individual taxpayers should usually keep the following records supporting items on their tax returns for at least three years:

- Bills
- Credit card and other receipts
- Invoices
- Mileage logs
- Canceled, imaged or substitute checks or any other proof of payment
- Any other records to support deductions or credits you claim on your return

You should normally keep records relating to property until at least three years after you sell or otherwise dispose of the property. Examples include:

- A home purchase or improvement
- Stocks and other investments
- Individual Retirement Arrangement transactions
- Rental property records

Photo # NH 82262 USS Shenandoah under construction at NAS Lakehurst, N.J., 1923



If you are a small business owner, you must keep all your employment tax records for at least four years after the tax becomes due or is paid, whichever is later. Examples of important documents business owners should keep include:

- Gross receipts: Cash register tapes, bank deposit slips, receipt books, invoices, credit card charge slips and Forms 1099-MISC
- Proof of purchases: Canceled checks, cash register tape receipts, credit card sales slips and invoices
- Expense documents: Canceled checks, cash register tapes, account statements, credit card sales slips, invoices and petty cash slips for small cash payments
- Documents to verify your assets: Purchase and sales invoices, real estate closing statements and canceled checks

For more information about recordkeeping, check out IRS Publications 552, Recordkeeping for Individuals, 583, Starting a Business and Keeping Records, and Publication 463, Travel, Entertainment, Gift, and Car Expenses. These publications are available on the IRS Web site, [IRS.gov](https://www.irs.gov) or by calling 800-TAX-FORM (800-829-3676).

Source: www.irs.gov

Communicating Safety to Your Multi-Lingual Workforce

By Judy Kerry

State Compensation Insurance Fund

Cal/OSHA requires employers to provide safety training in a language that is understandable to their workers. With today's multilingual workforce, the attempt to comply with this regulation can be a challenge. In order to assure that all workers understand important safety information, employers first must be aware of their workers' native languages. They also need to assess their workers' ability to understand English in written and verbal forms. Then they need to provide instruction in those native languages, provide translators, or translate the safety materials.

In order for employers to identify the best way to communicate to their multi-lingual work force; they can test worker understanding using simple and complex written documents and verbal instructions. Workers may be uncomfortable demonstrating that they don't understand the information presented in English. They may be reluctant to ask for instructions in their own language or for repeated English instructions. A worker may nod their head or say "yes" while you explain something, but may not understand you. Ask the worker to repeat instructions back to you. Ask them to demonstrate the technique, etc. that you just taught them. Encourage workers to ask for help or clarification when they need it.

If an employer translates or offers training in another language, the same materials and amount of detail must be covered as the English language training. Interactive training provides workers with hands-on experience and allows them a chance to ask questions. Give simple, direct verbal instructions such as "wear your hardhat" instead of "hard hats are required onsite to protect your health and safety" and give directions in the order that they should be performed. For example, "First, open the door. Then, remove the hardware." Don't say, "Remove the hardware after you open the door".

Workplace documents that must be translated include hazard warning signs and lockout-tagout devices and signs. Safety and hazard signs should have pictures and words that everyone can understand. Confirm that all of your employees understand the signs' directions. If the job has many technical terms for material and equipment, teach workers what the words mean.

Translate company safety policies and procedures. Translate equipment manuals and instruction booklets. Provide material safety data sheets (MSDS) in appropriate languages so your workers know how to properly handle, store, and dispose of chemicals. When you have materials translated, ask a bilingual reader to review them for mistakes.

Identify bilingual workers that can serve as interpreters on the job site, during training, or act as resources for reviewing written materials. Make sure workers know who is bilingual on the job and encourage them to use interpreters as a communication resource.

Valid Contractor's License – Why Do I Need It?

Did You Know That...

- California Business & Professions Code section 7031 sets forth the basic restrictions on an unlicensed contractor's right to collect compensation for work that requires a license. Unlicensed contractors cannot sue to collect compensation for the performance of any act or contract where a license is required, regardless of the merits of the lawsuit. Cal. B. & P. Code § 7031 (a). On the other hand, a person who

utilizes the services of an unlicensed contractor can bring a lawsuit to recover all of the money paid to the unlicensed contractor for performance of any act or contract where a license is required. Cal. B. & P. Code § 7031(b). If security is taken to secure payment for the performance of any act or contract for which a license is required, an unlicensed contractor will be unable to foreclose on that security because the underlying security agreement will be deemed unenforceable. Cal. B. & P. Code § 7031(c).

- California Business & Professions Code section 7028 prohibits contracting without a license. It is a misdemeanor for any person to engage in business or

act in the capacity of a contractor within California without having a valid license. Cal. B. & P. Code § 7028(a). If there is a previous conviction for contracting without a license, the court will impose a fine of 20 percent of the aggregate sum of the cost of materials and labor furnished and the cost of completing the work to be performed or four thousand five hundred dollars (\$4,500), whichever is greater, and the person shall be confined in a county jail for not less than 90 days, except in an unusual case where the interests of justice would be served by imposition of a lesser sentence or a fine. Cal. B. & P. Code § 7028 (b) (emphasis added).

- California Business & Professions Code section 7027.1 prohibits an unlicensed contractor from advertising the possession of a valid license. It is a misdemeanor for any person to advertise for work that requires a license if that person does not hold a valid license in the classification advertised, except that a licensed building or engineering contractor may advertise as a general contractor. Cal. B. & P. Code § 7027.1(a). A violation of section 7027.1 is punishable by a fine of not less than seven hundred dollars (\$700) and not more than one thousand dollars (\$1,000) in addition to any other punishment imposed. Cal. B. & P. Code § 7027.1 (c)
- California Business & Professions Code section 7027.3 prohibits any contractor from fraudulently using another contractor's valid license. Any person with intent to defraud, licensed or unlicensed, who

willfully and intentionally uses a contractor's license number that does not correspond to the number on a currently valid contractor's license held by that person, is punishable by a maximum fine of ten thousand dollars (\$10,000), or by imprisonment in state prison, or in county jail for not more than one year, or by both that fine and imprisonment. This is in addition to any other penalties that are available. Cal. B. & P. Code § 7027.3.

- California Business & Professions Code section 7028.15 prohibits unlicensed contractors from participating in public works. It is a misdemeanor for any person to submit a bid to a public agency in order to work as a contractor without being licensed, unless very specific exceptions apply. Cal. B. & P. Code 7028.15(a). If there is a previous conviction for bidding on public works without a license, the court will impose a fine of 20 percent of the aggregate sum of the cost of materials and labor furnished and the cost of completing the work to be performed or four thousand five hundred dollars (\$4,500), whichever is greater, or imprisonment in the county jail for not less than 10 days nor more than six months, or both. Cal. B. & P. Code § 7028.15 (b).

This information is not intended to provide or replace legal assistance of any kind and is for educational purposes only.

Source: www.easylawinc.com

Revised I-9 Form Now Available

You already know that the Immigration Reform and Control Act of 1986 requires employers to verify the identity and employment authorization of each person they hire within three business days of the employee's first day of work. (Section 1 of the I-9 form must be completed on day 1 and Section 2 within three days of hire.)

For the second time this year, changes have been made to the Form I-9 (Employment Eligibility Verification Form).

A copy of the revised Form I-9 (dated 08/07/09 and with an expiration date of August 31, 2012) and the

Photo # NH 82264 Fuel tanks mounted in USS Shenandoah, while she was under construction, 1923



Handbook for Employers Instructions for Completing the Form I-9 can be found on the [CEA website](#). Scroll down the page to U.S. Citizenship & Immigration (I-9 form).

Employers who continue to use older versions of Form I-9 may be subject to civil money penalties. Employers do not need to complete new I-9s for current employees on the revised form, but do need to ensure that all new hires or rehires going forward are verified on the new version of Form I-9.

Go to <http://www.uscis.gov/files/form/i-9.pdf> to download a paper copy of the Form I-9 or it can be ordered by calling USCIS at 1-800-870-3676. The Form

I-9 is available in English and Spanish. However, only employers in Puerto Rico may have employees complete the Spanish version for their records. Employers in the 50 states and other US territories may use the Spanish version as a translation guide for Spanish-speaking employees, but must complete the English version and keep it in their records. Employees may also use or ask for a translator/preparer to assist them in completing the form. More information on the Form I-9 is available at: <http://www.uscis.gov>.

Source: www.employers.org

The Seller of Property Has a Duty to Disclose the Existence of Lawsuits Alleging Defects in a Condominium

By Sam K. Abdulaziz
Abdulaziz, Grossbart & Rudman

In 1983, Walter Samuelson bought a condominium in a development known as Jared Court. During Samuelson's tenure as a homeowner and on the Homeowner's Association ("HOA") Board, two lawsuits were initiated as a result of water intrusion and flooding on the lower level of the Jared Court Condos. One of those condos was Samuelson's condo. The first lawsuit was against the developer of the condos.

Another contractor was hired by the HOA to make remediation (corrections) with respect to the water damage. No further flooding or water intrusion was observed by Samuelson in his own home, but he was aware that other condos still had problems. The second lawsuit was against the contractor that made the remediation. This suit was settled in 1998. In 2001, negotiations began for the purchase of Samuelson's condo by Larry Calemine. Samuelson stated that he was aware of "flooding, drainage, or grading problems" but explained to Calemine that the problem had been resolved after the HOA had performed work on the affected area. However, Samuelson did not mention the previous lawsuits (he believed he only needed to disclose

pending actions) regarding the water issue, and escrow closed in 2002. In 2005, when Calemine's garage flooded, Calemine learned for the first time about the prior lawsuits and filed suit for misrepresentation and breach of contract among other items.

The trial court granted Samuelson's Motion because it felt that there was no "triable issue of material fact regarding a misrepresentation or failure to disclose as to water intrusion."

However, the Appellate Court stated that a real estate seller has the duty to disclose facts materially affecting the value or desirability of the property, which includes disclosure of the existence of "lawsuits alleging a defect or deficiency" in the real property. In this case, Samuelson did not disclose the existence of the prior lawsuits on the issues of water damage that may have materially affected Calemine's willingness to purchase the condo. Samuelson believed he only needed to disclose pending lawsuits. Therefore, the court found that there was a triable issue of fact and the summary judgment was inappropriate.

Case law shows that while disclosure of details of a lawsuit alleging defects in property do not need to be disclosed, a seller's duty of disclosure includes disclosure of the existence of such a lawsuit.

What Happens After an OSHA Citation?

You hope you never get an OSHA citation. But should that day ever come, you need to be prepared for what happens next—the "abatement" process.

If OSHA cites your workplace for violations, you must follow prescribed abatement procedures in a timely manner. There are five key steps.

1. Correct. Hazards found during an OSHA inspection must be promptly corrected. Normally, OSHA expects them to be fixed within 30 days. Exceptions are made on a case-by-case basis. OSHA recognizes that some safety or health problems are big or systemic and may take longer to fix. On the other hand, minor violations can often be corrected on the spot with the advice of the inspector.

2. Certify. OSHA requires a letter certifying that the violation has been corrected. The letter must include:

- Inspection, citation, and item numbers for each violation
- A brief statement that the violation was abated, with the date on which the hazard was corrected
- A brief description of how the hazardous condition was abated
- A statement informing OSHA that affected employees and their representatives have been informed of the abatement actions
- A statement assuring OSHA that the information provided is accurate

3. Notify. Employees exposed to the hazard must be notified about the citation. They have to be provided with:

- The same information given to OSHA concerning actions taken to correct a safety or health violation
- A copy of the abatement certification letter sent to OSHA, which must be posted in the workplace for at least 3 working days after submission to OSHA

If you have mobile work operations or if employees don't assemble routinely at a central work location, OSHA allows the use of means other than posting to notify employees of abatement. For example:

- Including a copy of the certification letter or a summary in pay envelopes
- Presenting or discussing the contents of the documents at a training, safety, or other meeting with affected employees
- Publishing the contents of the document in an employee newsletter or another general communication medium that reaches affected employees and their representatives
- Posting the document inside the lid of a toolbox or in a visible location in the compartment where the cited equipment is stored

4. Verify. To verify abatement, an organization has to provide OSHA with one or more of the following forms of abatement verification documentation:

- A photograph or videotape of the abated condition
- An invoice or sales receipt for equipment used to achieve abatement
- A report by a safety and health professional describing actions taken to abate the hazard or describing the results of analytical testing that substantiates abatement
- Documentation from the manufacturer that the article repaired is within the manufacturer's specifications
- A copy of a signed contract for goods and services (e.g., an evaluation by a safety engineer)
- Records of training completed by employees if the citation is related to training
- A copy of program documents if the citation relates to a missing or inadequate program (e.g., respirator program or hazard communication program)

A written abatement plan must also be provided if:

- The citation is for a serious, willful, or repeat violation, and the abatement period on the citation exceeds 90 calendar days.
- The citation requires an abatement plan.

For long-term abatement projects, progress reports must also be provided if so stated in the citation.

5. Tag. Any cited movable equipment must be tagged with a warning or a copy of the citation. When tagging movable equipment:

- Put a warning tag or a copy of the citation on the operating controls or cited components of the equipment, including rented equipment, immediately after the citation is received.
- On the tag, warn employees about the cited hazard, describing the violation and telling them where to find the complete citation.
- Permanently removed the cited equipment from service
- Received an order after a hearing contesting a citation that states the citation has been vacated
- Given up control of the equipment (e.g., sold it and placed it under the control of the buyer or returned it to a rental company)

You can remove a tag only after you have:

- Corrected the violation and submitted all required abatement verification documents to OSHA

Source: www.Safety.BLR.com

Photo # NH 98224 USS Shenandoah under construction at NAS Lakehurst, N.J., 1923

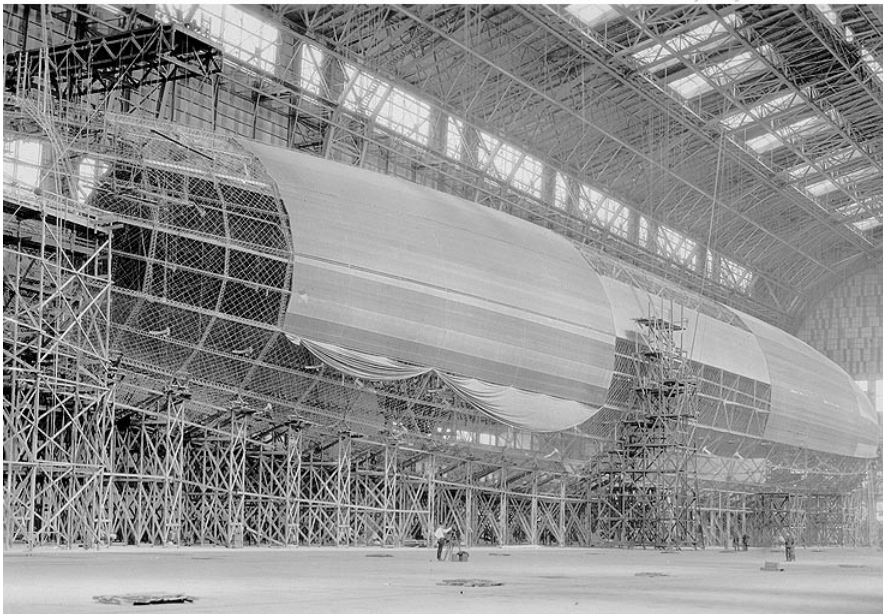
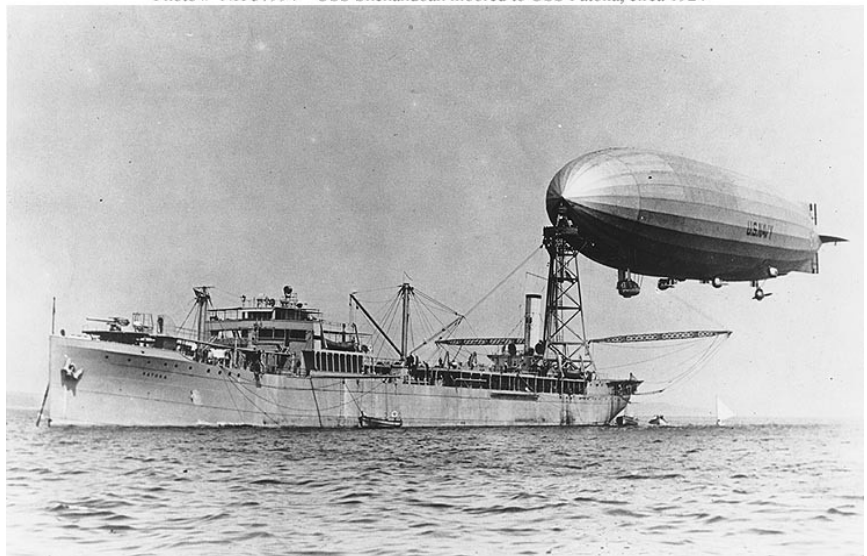


Photo # NH 57994 USS Shenandoah moored to USS Patoka, circa 1924



Construction photos of the USS Shenandoah (ZR-1) Airship (1919 – 1923) provided by Naval History and Heritage Command.
www.history.navy.mil