

ANOTHER INSTALLMENT IN THE *GEORGE THE BARTENDER* SERIES

For past installments of the *George the Bartender* series, please visit our web site at <http://www.kttlaw.us/memos.html>

RE: **GEORGE THE BARTENDER AND THE POLITICALLY CORRECT LOBBY BAR OR NOTICES HERE, NOTICES THERE, NOTICES EVERYWHERE**

FROM THE LOBBY BAR AT THE HYATT:

One of the reasons I have always liked the lobby bar at the Hyatt, aside from George the Bartender's martinis, is the decor, i.e., dimly lit and cordial.

Therefore, I was almost blinded when I walked into the lobby bar and saw the brightly lit wallpaper, which had been apparently put up since my last visit.

George the Bartender had a scowl on his face. When I asked George what was up he motioned for me to take a good look at the new wallpaper.

This was unlike any wallpaper I had ever seen.

The entire lobby bar had been wallpapered with custom-made signs advising employees, one and all, as to their rights under the plethora of Federal and State laws that have recently been passed by overly zealous and politically correct law makers.

After serving me my Beefeater's martini straight up with two olives, George explained that the "**new look**" for the lobby bar was the fault of his attorney, Ron Summers.

George told me that Ron represented one of the Hyatt's long time employees in a case in which the claimed injury occurred years prior to the filing to the Application and that the Application was the employer's first notice of the ancient claim.

To get around the statute of limitations defense, Ron argued that the Hyatt did not post the required notices in a conspicuous place (usually the lunchroom) advising one and all as to their workers' compensation right.

The workers' compensation judge bought Ron's argument and the employer was hit with a life pension Award.

George went on to indicate that the case is currently on appeal but that the Hyatt moved quickly to make sure that all of their employees were aware of their workers' compensation rights by ordering custom-made wallpaper for the bar area and lunchroom area with the Federal and State required notices displayed in big letters.

In gazing around at the wallpaper that enveloped the lobby bar, I remarked to George that I thought this was "**overkill.**" I reminded George that when he and I had coffee in the Hyatt lunchroom years ago I distinctly remember that the required workers' compensation notice was posted and specifically advised employees to report their claims promptly or otherwise they would be barred by the statute of limitations.

George looked at me ruefully and told me that was the irony. The notice had been posted in a conspicuous place in the lunchroom but due to the passage of numerous Federal and State laws requiring additional notices to be posted, also in a conspicuous place, the original workers' compensation notice was buried and/or covered up by other Federal and State notices of employee rights.

On his break George took me back to the Hyatt lunchroom and brought out the old bulletin board from the storeroom and I saw that the bulletin board was littered with the following notices required by California and Federal law: "Discrimination and Harassment in Employment are Prohibited by Law;" "Notice as to California's Minimum Wage;" "Notice as to the Federal Minimum Wage;" "Notice as to Family and Medical Leave;" "Notice as to the Employee Polygraph Protection Act;" "Notice of the Employer's Preferred Provider Network;" just to mention a few.

In looking around the lunchroom I noticed that the walls had the same type of wallpaper containing mandatory Federal and State notices (in large letters) and I asked George why these notices were even wallpapered on the ceiling.

George explained that Federal and/or State law required that the employer provide cots, beds and/or a couch to allow employees to rest and/or briefly nap during their mandatory breaks and this would allow employees, while in a prone position on their back, to view notices advising them as to their mandatory rights under the law. With a certain touch of dry humor, George added that he had convinced his employer that strobe lights were not necessary to highlight the fact that the Hyatt was obeying the law.

When we were back in the lobby bar George told me that his attorney advised him that multiple bills are pending both in our State Legislature and Congress mandating that employers of this state post still more required notices as to employee's rights.

I thought this over for a few minutes as to where we are now and where we are going, and I decided to utter the only sane words I could think of:

Make mine a double, George.

DISCLAIMER:

Okay, okay, I admit that the above apparent hypothetical is absurd. On the other hand, isn't that where we are heading?

Although the above characters, story and decor of the Hyatt lobby bar (thank God) are imaginary and a product of my overwrought imagination, there is a case pending at the California Supreme Court raising this very issue as the Court granted review in the case of Pugh v. WCAB.

In this case, the applicant's attorney argued that the statute of limitations should not apply as the employer failed to properly post the appropriate notice notifying the applicant of her workers' compensation rights.

I urge everyone to go into their lunchroom or other designated room to see if the myriad of required notices are posted on top of one another.

– Joe Truce