



Your Advantage

NEWS AND INFORMATION TO HELP YOU AND YOUR BUSINESS SUCCEED

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Employer Advantage announces

Healing Joplin – Do you have employees who are struggling with the post tornado feelings? Normal responses after a disaster can include: anxiety/worry, sadness, irritability, sleep problems, concentration issues, withdrawal and increased use of drugs or alcohol. Employees who are suffering with these responses and are having a hard time moving past them can contact Healing Joplin. Healing Joplin is a community collaboration led by Ozark Center to help tornado survivors get their lives back in order. All calls are confidential - 417-347-7070 or 800-247-0661.

Flu Shot Clinic – Employer Advantage will hold a flu shot clinic on Monday, September 19 from 7:15 am – 10:00 am at the Employer Advantage offices, 1027 South Main Street, Suite 401. Cost is \$20.25 for the shot or \$43.25 for the mist. Payroll deduction is available. Please email Alma at alma@employeradvantage.com by Thursday, September 15 to let her know you are coming.

Mark Your Calendar – Daylight Savings Time Ends – November 6, 2011. Bloodmobile visit at Gryphon Building in Joplin, Missouri on November 17.

School Leave

It's after Labor Day and schools are in session. Many parents who work outside the home are now looking at the school calendar and wondering how to balance work needs and still attend upcoming school functions.

About a third of the United States have created School Leave legislation. None of the states require companies to pay for School Leave, but do allow employees to take existing vacation, sick or personal days. In addition, many of the states are allowing employers to require that the leave time be counted against the employee's time off benefits.

States and the amount of annual leave time include:

Four Hours	North Carolina, Nevada
Eight Hours	Illinois (based on school year), Texas
Ten Hours	Rhode Island
Sixteen Hours	Louisiana, Minnesota
Twenty Four Hours	Massachusetts, Vermont, Washington DC
Forty Hours	California, Colorado

States that "urge" employers to provide time away from work:

Arkansas, Tennessee, Utah

The Leave Laws vary from state to state. In California, parents can take leave for school suspensions. In Massachusetts, employees may take leave to take children and elderly relatives on certain appointments under the "Small Necessities Leave Act." However, almost all states agree that the employee must give some notice to the employer before taking the leave.

Even if your company is not in a state that requires School Leave, you may decide that you want to support working parents with a leave policy. By doing so, you can create a family-friendly culture and attract and retain good workers.

Your Human Resources Professional can help you if you have questions about your state's School Leave laws or you would like to create a School Leave policy.

OSHA Makes Changes to Outreach Training Requirements

The OSHA Outreach Training Program for construction and for general industry (commonly known as the OSHA 10 hour or OSHA 30 hour training) continues to grow each year. Over the last 10 years the Outreach Training Program has grown almost four-fold from 200,000 workers trained per year in 2000 to nearly 800,000 trained in 2010. This growth has brought about a number of changes to the requirements of the program.

The training, offered by the Employer Advantage Safety and Loss Prevention Team, will have changes in the following area: the time required to complete the training, mandatory training topics, training language requirements, and the class size requirements.

Time Required

The OSHA 10 Hour can no longer be completed in one day, as the training is now limited to a maximum of 7 ½ hours per day. Therefore a 10 hour class must be conducted over at least two days and a 30 hour class must be conducted over at least four days.

Mandatory Topics

Mandatory topics comprise about 7 hours of the 10 hour training. The remaining 3 hours can be elective or optional training chosen by the trainer. CPR and First Aid may be presented during the training but OSHA will not count them towards the fulfillment of the outreach training hours because they are not considered occupational safety and health topics dealing with hazard recognition or prevention.

Training Language

Current changes now make it necessary for the trainer to teach the course in a language that the student can understand. If the worker's vocabulary is limited, the training must account for the limitation. This can be accomplished by using a translator who has a background in occupational safety and health and class time must be doubled to allow for translation. Thus the 10 hour class would become a 20 hour class and will require additional days to complete.

Class Size

Outreach classes are limited to a minimum of 3 students per class or it will not be a recognized class. If there are extenuating circumstances which necessitates training less than 3 students, OSHA may allow an exception. However, classes with less than 3 students to expedite employment will not be approved. The maximum class size is now 40 students instead of 50 students as it once was. If it is necessary to schedule more than 40 students for a class, trainers must request an exception at least 60 days prior to the class.

Course Completion Cards

The student course completion cards will still be issued through OSHA and replacement cards continue to be available. If a student needs a replacement card they must contact the trainer who provided the initial training and request a replacement card. Students are limited to a one time replacement of their card, and if the training was conducted more than three years ago, the student will need to take the class again.

Employer Advantage Safety and Loss Prevention team will continue to monitor changes in OSHA training requirements to ensure our clients are current with the regulations. If you need to schedule a class or wish additional information please contact your Employer Advantage Safety and Loss Prevention representative.

Work Search Waiver Requests

If you are a seasonal employer, now is the time to start thinking about the employees that you may be temporarily laying off over the next few months. In Missouri a temporary layoff is considered eight weeks from the last day worked. Up to that point, your employees do not have to do a job search in order to receive their weekly benefits. They just have to provide a recall date that is less than eight weeks.

If you will not be recalling them before eight weeks, we may obtain another eight weeks with a work search waiver request. This is a total of sixteen weeks, from the last day worked, and the maximum allowed per benefit period.

Sending in a waiver request at the onset of your layoff is best, and causes the least problems for employees filing claims. If you recall them earlier, no additional steps need to be taken.

It is still each employee's responsibility to file their claim in a timely manner. They need to report Employer Advantage as their employer as well as provide their recall date during the initial claim filing.

When you have firm dates and know which employees will be laid off, please send the following:

- Employee name(s)
- SSN (s)
- Last Day Worked
- Recall Date (be sure not to go over sixteen calendar weeks)

A waiver will be prepared for your company and forwarded to the state. If you have any questions, regarding this process or any other unemployment issues, please contact our UI Coordinator Trent Walker at 417-782-3909 ext. 424 or trent@employeradvantage.com.

Performance Improvement Plans

Google the words "Performance Improvement Plan" (or "PIP") and you will get a variety of responses. Opinions on using PIPs run the gamut from "a positive proactive employee corrective action process" to "just paperwork before termination."

PIPs, like any employment action, have a time and place for proper use. PIPs actually require more work on the manager's part than just writing someone up for a corrective action and following the disciplinary process to its completion.

The first thing a manager should do when an employee's performance appears to be inadequate is ask a W. Edwards Deming (of Total Quality Management fame) question, "What is it about the work system that is causing the employee to fail?" Usually, if the employee knows the job responsibilities, the manager will find that it is the tools, time, or training, which is in the company's ability to fix.

However, if it isn't tools, time or training, the manager may want to use a Performance Improvement Plan to help the employee understand what and how to fix his performance.

A well written PIP should include:

- Specific example(s) of the performance that needs improvement (the performance issue should have occurred more than once, but not every example needs to be on the PIP)
- Clearly written SMART expectations. To make your expectations SMART, make them:
 - o Specific
 - o Measurable
 - o Attainable
 - o Realistic
 - o Timely
- Future feedback dates, including an end date. The feedback can (and should) include positive feedback as well as constructive feedback.
- Resources that are available to the employee. What will you commit to as the manager? What other resources can the employee access to improve performance?
- Possible consequences if the performance standards are not met.
- A review of the PIP by upper management and/or Human Resources to ensure that the employee is being treated fairly.

Based upon the meeting where the Performance Improvement Plan is shared with the employee, the manager may need to make changes to the expectations, resources and consequences. Once finalized, both management and the employee sign the plan and each should have their own copy.

During the timeframe for improvement, the manager will need to check on performance to see if the employee is improving. At the scheduled feedback meetings, the manager will need to give the employee the outcomes of the performance measurements. For example, if one of the performance expectations is that the employee will not be tardy in a two week period, the manager needs to have time clock records available to discuss with the employee.

When the original timeframe of the PIP ends, there are three options:

- End the PIP – the employee has sufficiently improved performance
- Extend the PIP – the employee has made improvement, but more time is needed.
- Turn the PIP into a disciplinary action process. It doesn't appear that the employee is willing to make performance improvement.

Bottom line – Performance Improvement Plans are not the answer for every situation. However, if the manager and employee are both committed to extra work to improve the employee's performance issue, a PIP can reduce turnover costs and even inspire loyalty in employees who see that the company is on their side.

National Labor Relations Act Poster

On August 25, 2011, the National Labor Relations Board issued the Final Rule on the long anticipated National Labor Relations Act (NLRA) poster. All private sector employers (except agricultural, railroad and airline employers) will be required to display the poster by November 14, 2011. As soon as the NLRB makes the notice available, Employer Advantage will print and send posters to clients. The notice must be posted in English and in another language if at least 20% of employees at the worksite are not proficient in English and speak another language. Please let your Human Resources Professional know if you need additional posters in other languages.

Federal Contractors who already have the "Notice of Employee Rights Under Federal Labor Laws" poster displayed will be considered to have complied with the rule and do not have to post the new poster.