



Your Advantage

News and information to help you and your business succeed

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Employer Advantage announces

Employer Advantage is pleased to introduce two new team members.

Bethany McKinzie joined the Employer Advantage Payroll Team on July 19. Bethany was formerly with AJM Packaging.

Terri Goodwin joined the Payroll Team on July 29. Terri was formerly with Active Car Haul. Both Bethany and Terri bring a wealth of knowledge and experience to Employer Advantage and are looking forward to meeting and serving you.

MADE OVER

Employer Advantage is going through a make-over. Since we will be relocating to our new home soon we decided it was time to get a new look as well. So in the next few weeks you will begin to see a transition from the current burgundy and blue logo to a new brighter, up-to-date logo. Every so often you just need to freshen up.

Positive Pay

To protect against counterfeit checks, Employer Advantage uses a process called "Positive Pay". When we process a payroll a file is created for each payroll and send to Arvest Bank, only checks listed on that file can clear our bank and be legitimately charged against our account. These safe guards are in place to avoid fraud, counterfeiting and unnecessary problems.

We also utilize zero balance or sweep payroll bank accounts and funds are transferred into the account on a daily basis to cover all clearing checks. When employees first try to cash checks at their bank or are working away from home, the bank may do an inquiry, and because of the type of account the computer will say the funds are not available. If the bank does not understand the nature of the accounts we may have to call and approve cashing the checks.

We recognize these situations are frustrating and create concern and extra effort for your employees, but we feel the safe guards are necessary. As bank check fraud continues to be a problem and a growing problem, we would recommend the following steps:

- Don't give out checks ahead of the check date
- Let us know whenever an employee has a problem cashing a check and the name and telephone number of the bank
- Encourage your employees to sign up for direct deposit
- Have your employees who do not want direct deposit or who do not have bank accounts contact us and we will issue them a VISA pay card.

First GINA Lawsuit Filed

The Genetic Information Nondiscrimination Act (GINA) went into effect November 2009 and prohibits discrimination against employees based upon the employee's genetic information and/or medical history. By May of 2010, at least 80 complaints of discrimination under GINA have been filed with the EEOC. One case in particular has received a lot of webtime.

Pamela Fink, former director of public relations and marketing communication of MXenergy Company of Stamford, CT, underwent genetic testing and discovered she carried the predisposition to breast cancer as well as having other family members with the same disease. She elected to have a double mastectomy.

In January of 2010, before she was to have her final surgery, she received a mid-year performance review that was "negative and scathing" after years of receiving positive and glowing performance reviews. In March, Ms. Fink was told that her position was eliminated and she was fired.

The EEOC has not announced the outcome of the complaint, whether they will file a lawsuit on the behalf of Ms. Fink or return a "right to sue" letter. We'll know more in the coming months.

What employers can take away from what may be a landmark case of 2010 are the following points:

- Make sure all discrimination policies are updated to include genetic information.
- Create a policy on how to handle volunteered genetic information. Communicate the policy to managers and front line supervisors.
- Train managers and supervisors on evaluations. While it's tempting to mark all "above average" and only record "glowing" remarks, management needs to ensure that they are addressing all aspects of job behavior, good and bad, in annual evaluations.
- Train managers and supervisors on performance improvement plans. It isn't fair to an employee to wait until their annual evaluation to bring up a problem. Instead, help managers and supervisors coach employees through issues by using a progressive disciplinary system with documentation. This documentation can show a pattern of unacceptable performance and the reason for termination, if the issue isn't resolved.

Employer Advantage can assist in the training of supervisory personnel on disciplinary actions and evaluations. Contact your Human Resources professional for more information on how it may benefit your company.

Workplace Violence

The news of the recent Manchester, Connecticut warehouse shooting has many employers wondering if their company would be prepared for onsite violence. However, the Bureau of Labor Statistics recently reported that more than 70 percent of companies did not have a program or policy to address the issue.

Here are some steps to prepare your company in the event of violence:

- **Three important policies:** You need to have a Workplace Harassment Policy, Evacuation Plan and Workplace Violence Policy.
 - o **Workplace Harassment** – This policy will define "harassment" of any kind and inform employees what they should do if they feel like they have been harassed. This policy should be communicated in a variety of ways: on a poster in the breakroom, policy in the handbook, and training.
 - o **Evacuation Plan** – This plan should be reviewed and communicated at least annually. Employees need to know (and practice) how to evacuate the building quickly, not just for violence, but for other emergencies.
 - o **Workplace Violence Policy** – This policy defines inappropriate and threatening behavior in the workplace and the consequences. It can also contain a plan of action for management in a crisis situation.
- **Work with local law enforcement and safety experts:** Many law enforcement agencies have officers trained to assist companies with safety questions. Employer Advantage has Safety and Loss Prevention Specialists who also can assist with a physical survey and action plans.
- **Investigate unexpected behavior:** Check it out when an employee suddenly changes his/her "normal" behavior. Not all changes signal future violent behavior but early intervention can defuse situations and get an employee much needed help.
- **Consider an Employee Assistance Program (EAP):** EAPs are available on a national basis as well as a local level. Small employers who may not be able to afford a full-blown EAP may want to check with local hospitals and clinics for resources to have in case of employee issues.
- **Encourage communication:** Keep the lines of communication open with employees and ask that they report suspicious or concerning behavior. Frequently coworkers notice small changes before management does.

While we'd like to think that it "would never happen here" we can't be sure that violence won't happen in our workplace. By taking steps to make plans and communicate policies to employees, companies have the potential to minimize a bad situation. Employer Advantage recognizes the seriousness of violence in the workplace and can assist clients in being prepared.

Midyear Update on State Employment Laws

Below is a listing of various states that have enacted workplace law changes in 2010. If you have a question about workplace laws that cover your business, contact the Employer Advantage Human Resources team.

Illinois: The Identity Protection Act, effective July 1, 2010. Government entities may not require, use or disclose individual's social security numbers for service or enrollment purposes. While this law applies to state agencies, employers in Illinois may want to start taking similar steps to stop using employees' social security numbers as identification numbers to prevent unintentional disclosure.

Iowa: Home care agencies, hospices, assisted living facilities and elder group homes must change certain application questions and background check processes prior to hiring.

Kansas: Kansas Clean Indoor Air Act went into effect July 1, 2010 and bans smoking in any place of employment.

Maryland: The State Attorney General issued an opinion that Maryland will recognize a same-sex marriage that was performed in another state.

Michigan: The Michigan Clean Indoor Air Act prohibits smoking in public places owned or operated by the state or local government as well as schools, health care facilities, auditoriums, theaters and meeting rooms. Specific smoking areas may be designated in most places.

Nevada: Minimum wage increased on July 1, 2010. Employers without a qualified healthcare plan must pay at least \$8.25 per hour and those with a qualified healthcare plan must pay a minimum wage of \$7.25 per hour.

New Jersey: Earlier this year, New Jersey included "autism spectrum disorders" in the definition of developmental disability under employment discrimination. Also, electronic smoking devices are prohibited in indoor workplaces.

Oregon: Employees may use any leave that he/she has available for the purpose of religious observance or practice. Employers must allow the use of leave unless it poses an undue hardship on the business operation. Also, the Job Applicant Fairness Act prohibits employers from using credit histories for the basis of employment actions. A few of the exempt employers include: federally insured banks, credit unions and public safety employers.

Washington: Employers may receive special authorization to pay trainees, learners, or certain employees with physical or mental handicaps, less than minimum wage.

Wisconsin: The state added Juneteeth Day (June 19) to the list of legal holidays.