



Your Advantage

News and information to help you and your business succeed

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Employer Advantage announces

Holiday Hours

Please be advised that our offices will be closed Thursday, December 24th, Friday, December 25th in observance of the Christmas holiday. We will close at noon on Dec 31 and remain closed January 1 in observance of the New Year holiday. If possible, please transmit payroll data to us as soon as possible during the holiday weeks to ensure prompt delivery. Our fax lines will be fully operational through the holiday season. Please let your Payroll Specialist know if you require special delivery arrangements.

Updated Employee Information

Please ask your employees to verify their name and mailing address displayed on their paycheck for accuracy. Contact your Payroll Specialist as soon as possible for corrections.

End of the Year Notes

Please submit any mileage or group-term life insurance income to be included in 2009 income by December 15th.

If you provide year-end bonuses to employees, please consider providing the information to the payroll department as soon as possible.

All payroll data for 2009 must be entered into the payroll system by December 31st.

No cookie cutters

It seems like we just started 2009, and yet, it's already December. I don't know about you, but I'm hearing about Christmas parades, parties, family gatherings, holiday programs, bargain hunting and food.

When I think of food around this time of year, I think about Christmas Cookies and how perfectly each cookie looks like the other – unless you let the 5 year olds do the icing. To make all the cookies look the same, bakers use a cookie cutter – it provides efficiency in time, limits waste, and produces a good result.

However, I'm a big fan of peanut butter cookies. When we make them at home, no two look alike. Some are a little bigger, some are smaller, and the crisscross of the fork isn't always even. Yet, we still get a good result, particularly if you pair the hot cookie with a glass of cold milk.

I'd like to think that Employer Advantage offers you the peanut butter cookies of the Professional Employer Organization (PEO) world. Our staff handles big and small clients and those in between. Obviously, we do have to do some things in certain ways – like paying taxes or gathering employee information, but we also try to be flexible to the needs of each company.

In the last year, we have added the electronic W2s (which arrive earlier in January than the printed ones) and E-stubs (for employees to have access to all their own check stubs in one place). Going forward we will be rolling out our Supervisor E-learning for people management training to make your company an even better place at which to work. I'm sure 2010 will bring even more opportunities to serve your company in a variety of efficient, cost-effective, and employee-satisfying ways.

I want to wish you the very best during this holiday season and a great start to 2010. Be sure to get some cookies along the way.

Have a Merry Christmas,



Lee Allphin
President



OSHA Planning to Enforce Several New Target Areas

In a recent speech to the National Safety Council Jordan Barab, acting head of OSHA, made it clear that OSHA intends to make sure all employers not only comply with the OSHA standards at a minimum, but exceed them if necessary to keep workers safe. Barab left no doubt that the agency plans to become the enforcement agency it was meant to be, instead of the friendlier helpful agency it has been in recent years. In a move to get the attention of employers who regard workers injuries and fatalities as the “cost of doing business,” Barab announced six major new programs the agency will be using to get employers attention.

More state plan oversight. OSHA will begin with the state of Nevada’s state plan due to the unusually high fatality rate during the construction boom in Las Vegas. After they finish with Nevada’s plan they will review other state run plans and make sure that the states are enforcing as strictly as the federal program and are levying similar fines as federal inspectors.

Bigger fines. According to Barab, the average fine for a serious violation is around \$950.00, which he says is “ridiculous” since the maximum amount can be as much as \$7000.00, which by law a serious violation cannot exceed. Inspectors will be instructed to up the amounts of the penalties.

Faster reaction to conditions on the ground. If a sudden spike in fatalities occurs anywhere, no matter if it is in an industry sector, geographic area or segment of workers, OSHA will send out a team of inspectors immediately to remedy the situation. Barab cited a spike of fatalities in Texas construction projects and as a result 900 inspectors wrote 1500 citations in record time.

More Staff. Probably the most important change is that OSHA received a 10% budget increase for the next fiscal year which is the largest budget increase in recent history. With that increase they are hiring an additional 200 inspectors whose priority is to investigate whistleblower complaints which in the past have not been handled fast enough.

Faster rules where needed. The new OSHA vows to shorten the rulemaking process by utilizing a combination of the following methods; adoption of new standards by reference, issuing emergency rules where necessary and possibly even the pursuit of legislation to speed up the process.

Worst offender special attention. Soon OSHA will announce a new “Severe Violator Enforcement Program” which will be aimed at the worst repeat offenders. This program is not necessarily new, but Barab vows it will be a complete overhaul of the weak emphasis program that existed under the previous administration.

Barab vowed that “where there are still employers who are willing to cut corners with their workers’ safety and health, we will find them.” In addition, Barab promised, “no one will be able to hide from OSHA’s long arm.”

Proposed Sick Leave Legislation

We wanted to make you aware of two proposed laws (not in effect yet) Congress has in committee regarding mandatory paid sick leave.

The Health Families Act (Senate Bill 1152) would require businesses with 15 or more employees to provide employees with up to 7 paid sick days per year. These sick days could be used for the employee’s own illness or to care for an immediate family member. The bill proposes that employees earn 1 hour of sick leave for every 30 hours worked and can take any earned time off as soon as the 60th day of employment. Employers who currently provide up to 7 days of sick leave per year will NOT be required to add any additional time as long as the ability to use the time off is the same as what is outlined in the proposed legislation.

The Emergency Influenza Containment Act (House Bill 3991) would require businesses with 15 or more employees to provide employees up to 5 paid sick days per year. These paid sick days would be paid when an employer directs an employee to stay home from work because the employer believes the employee is contagious or has had close contact with someone who is contagious. Employers who already provide 5 sick days per year would NOT be required to add any additional paid time off benefits. The Emergency Influenza Containment Act also has an expiration date of 2 years after being enacted, thus making it “temporary” legislation.

According to Representative John Kline, (R-Minnesota) such a “one-size fits all” mandates aren’t necessary. “We should know that in 2008, nearly all full-time employees in the United States—fully 93 percent—had access to paid sick leave. A majority of part-time workers have paid sick leave as well,” Kline said.

Dr. Georges Benjamin, executive director of the American Public Health Association said that he felt this legislation can be a “win-win” for public health and businesses. “Employers don’t want sick people in the workplace and sick people don’t want to be at work,” Benjamin said. “But people are incentivized to come to work sick” without paid sick leave.

Employer Advantage will continue to monitor this proposed legislation as well as other proposals affecting American businesses.

Supervisor Training Now Available

Last month, we announced the addition of online Supervisory Training. The training courses include:

- Workplace Harassment (2 hour training – designed to comply with many state laws)
- EEO basics
- Gender discrimination
- Employee Complaint Management
- Retaliation
- Hiring and Interviewing Lawfully
- Performance Management and Discipline
- Terminating Lawfully
- Workplace Investigations

If you are interested in starting the new year with training for your supervisor staff, contact your Human Resources Representative to get set up today.

Training Topics For Staff

The Human Resources staff offers training on numerous topics and has a DVD lending library for clients. Some of the DVD titles include:

- Hiring Success
- Performance Appraisals
- Diversity
- Customer Service
- Harassment in the workplace
- Documenting Discipline
- Customer Service
- I-9 documentation and completion
- Labor Law updates

If you are interested in training for your management staff and/or your employees, contact your Human Resources Representative for more information.

Tis the Season for Celebration

Many companies have social functions around this time. These functions, while fun to plan and participate in, can also bring problems to an unwary company. We don't want to sound like Scrooge, but want to offer some suggestions for a safe party.

Alcohol at a Party

Serving alcohol may make a company liable for any accidents or injuries caused by intoxicated party-goers. If alcohol is planned at your function, consider the following:

- Hold the event away from the worksite.
- Refrain from doing any company business at the function
- Make attendance at the function strictly voluntary
- Have safe travel alternatives for guests who may overindulge
- Limit alcoholic drinks and provide plenty of non-alcoholic drinks
- Consider having a policy regarding overconsumption of alcohol at company events and communicate that policy to employees prior to the event.

Harassment at a Party

Courts in many states have found that unwanted sexual advances, exhibitionism or other outrageous behavior, improper sexual touching, and sexual innuendo that happen at an office party can constitute sexual harassment for which the employer may be held responsible.

- Limiting or controlling alcohol consumption may aid in avoiding harassment episodes, since overconsumption of alcohol is a common factor in many harassment claims arising out of office parties.

Accidents at a Party

Many state workers' compensation laws contain recreational activity exceptions, so that injuries incurred while participating in voluntary recreational programs, including parties, are excluded, unless the event is sponsored by the employer and required for employees. However, if an incident is not covered by workers' compensation, the employee may be able to sue the employer for negligence.

- Stop any horseplay as it has a way of escalating until somebody gets hurt.
- Limit or control alcohol consumption that could blur judgment regarding safe activities.

As an employer, you want to provide a safe, happy and fun environment for employees to celebrate. Careful planning and monitoring the event can help ensure that success.