



Your Advantage

News and information to help you and your business succeed

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Employer Advantage to Host Supervisory Training Course

Employer Advantage will be one of the sites for the "Basic Supervisory Academy," a 32 hour training program. This program is offered by the Workforce Investment Board of Southwest Missouri, Missouri Career Center, Crowder College and Missouri Southern State University.

The course will meet weekly for four weeks and attendees can choose to start either on February 4 or 5 at Employer Advantage Training Center. The class meets from 8 am to 4 pm.

The cost is \$25 per person for the four weeks for companies located in any of the following counties: Barry, Barton, Dade, Jasper, Lawrence, Newton, or McDonald. For companies located outside of these counties, the cost is \$100 per person.

For more information, contact Michelle Nichols, at mnichols@crowder.edu or 800-783-8053.

Federal Changes in 2009

The year 2009 has started out with a number of federal employment law changes. Employer Advantage has put together a short synopsis of the changes for clients. Employers who have questions should contact the Human Resource Department to see how these laws and state laws may impact their workplaces.

Americans with Disabilities Act Amendments Act - Effective January 1, 2009. Applies to employers with 15 or more employees. Congress has added additional major life activities including: (but not limited to) reading, bending, communicating, as well as bodily functions such as cell growth, immune system, reproduction system. Reasonable accommodations should be made for an employee with an qualified impairment.

Family Medical Leave Act - Effective January 16, 2009. New posters are required. Employers may deny or delay leave if employees do not follow written procedures, and now have 5 days to respond to leave requests. An employer representative, but not the employee's supervisor, may discuss medical issues with employee's physician. Some additional clarification has been put in place regarding "Serious Health Condition" and "Chronic Health Condition".

I-9 Form - New form is in use as of February 2, 2009. Some changes have been made to the IDs that can be presented. Employers are reminded that they are responsible for the employee completing the form completely and in a timely manner. Employers are still responsible for completing Section 2.

E-Verify for Federal Contractors/Subcontractors - This executive order affects federal contracts of \$100,000 or more or 120 days in length or subcontracts of \$3000 or more. The original implementation date was January 16 but has since been moved back to May 21, 2009.

Federal Minimum Wage Change - July 24, 2009 the Federal Minimum Wage will change from \$6.55 to \$7.25.

Ledbetter Fair Pay Act - President Obama signed the Ledbetter Fair Pay Act into law on January 29, 2009 with a retroactive date of May 29, 2007. This Act will apply a new six month statute of limitations to each discriminatory pay check or pay period. Previously the Civil Rights Act of 1964, stated that any allegation of discrimination must be filed within 180 days "after the alleged unlawful employment practice has occurred."

Worker Adjustment and Retraining Notification Act

When Does a Reduction in Force Become a WARN Situation?

It's no secret that many companies are making hard decisions and adjusting their workforce due to the economy. Some companies need to be aware of the Worker Adjustment and Retraining Notification Act (WARN) and whether it applies to their situation.

WARN went into effect in 1989 and was designed to offer protection to workers, families, and communities by requiring certain employers to give 60 days advance notice of plant closings and mass layoffs.

Two events will trigger the requirement for the notice: Plant Closings and Mass Layoff. Plant Closings: An employer must give a 60 day notice if a location will be shut down and there is a layoff of 50 or more employees in a 30 day period.

Mass Layoff: An employer must give a 60 day notice if there is a layoff that will involve 500 or more employees or if the employer has between 50-499 employees they must give notice if the layoff will affect 33% or more of the active workforce.

An employer must also give the 60 day notice if there are layoffs of two or more groups of employees within a 90 day period would reach the threshold of mass layoff noted above.

In addition to giving notice to the employees and any bargaining agencies of affected employees, the employer must also give notice to the State dislocated worker unit and local government.

There are three exceptions to the 60 day notice period: 1) Faltering company - where giving notice would ruin the opportunity to get new capital. (Applies only to plan closings) 2) Unforeseeable business circumstances - the company could not have "reasonably" foreseen the issues at the time the notice would have been required. 3) Natural disaster - where the layoff or closure is the direct result of a natural disaster such as a flood, earthquake, or storm.

If an employer relies on any of the three exceptions, it must prove that the conditions for the exception have been met and give as much notice as possible to the employees.

An employer who fails to give the appropriate notice will be subject to back pay and benefit costs of each employee affected. Failure to give notice to the local government may result in a civil penalty of not more than \$500 per day of violation.

Some companies who are experiencing a Reduction in Force (RIF) may not meet the threshold for the WARN Act. Employer Advantage can assist with the planning and implementation of the reduction to try to make the changes as smooth as possible. The Human Resources Representatives at Employer Advantage can help with forms, letters, guidance and recommendations specific to your company before, during and after a RIF

Posters

Employer Advantage recently sent out new FMLA and state wage posters. If you did not receive these posters, contact your Payroll Specialist or Human Resources Representative.

The Human Resource Department will take care of your required employment poster needs for Federal or State posters. Our representatives will check your posters during visits and ensure that you are in compliance.