



Your Advantage

News and information to help you and your business succeed

EMPLOYER ADVANTAGE • 1230 EAST 7TH STREET • JOPLIN, MISSOURI 64801 • 417-782-3909 • FAX 417-782-3802 • 800-467-3909
info@employeradvantage.com • www.employeradvantage.com

© 2010 Employer Advantage, Joplin, Missouri. All rights reserved. **MARCH 2010 ISSUE**

Employer Advantage announces

Did you know it's easier to get your payroll stub as an Estub than it is to Twitter, Facebook, or Flickr?

These days, it is so easy to stay in touch with friends through the Internet, so why haven't you made the change to staying in touch with your paycheck stub the same way? By receiving your payroll stub as an Estub, not only will you save resources (paper, ink, and gas) but you will also have all your payroll information available to you at your convenience.

Need to know what your vacation balance is? Check your Estub.
Need to know how much you have left in your FSA? Check your Estub.
Need your last three paystubs for a loan? Print them from your Estub.

If this sounds like the way to make your life and the lives of your employees a little more convenient, contact your HR Professional or Payroll Specialist. They will be glad to get your company set up for Estubs.

Supervisor Training is Underway!

Supervisors are getting valuable Supervisory Training at their convenience through Employer Advantage's online training. Modules covered in the online training include:

- EEO Basics
- Hiring and Interviewing Lawfully
- Sex/Gender Discrimination
- Performance Management & Discipline
- Employee Complaint Management
- Investigations
- Retaliation
- Terminating Lawfully

Contact your HR Professional for more information on this **FREE** training opportunity for all your supervisory staff.

COBRA Subsidy and UI Extension Signed Into Law

On March 2, 2010, President Obama signed into law the Temporary Extension Act of 2010 after it was passed by the U.S. Senate on the same day. This Senate action follows House passage of H.R. 4691 on February 25, 2010.

The Temporary Extension Act extends the COBRA subsidy program that was enacted under the American Recovery and Reinvestment Act as well as continues unemployment benefits through April 5, 2010.

COBRA

The law's COBRA provisions:

- Extend the eligibility period for the 15-month 65 percent premium subsidy to those involuntarily terminated from March 1 through March 31, 2010.
- Allows employees to receive the subsidy if they first lost group coverage due to a reduction in hours and then were terminated after enactment of the bill.

Unemployment Insurance

The law's unemployment insurance benefit provisions:

- Extend the period during which individuals may file applications for Federal Emergency Unemployment Compensation (EUC) from the current end date of February 28, 2010 to April 5, 2010 and the period during which individuals may claim and be paid EUC is extended from July 31, 2010 to September 4, 2010.
- Extend the period during which individuals may qualify for the Federal Additional Compensation (FAC), the extra \$25 weekly benefit amount on state and federal unemployment compensation, from the current end date of February 28, 2010 to April 5, 2010 with weekly payment provided during the phase out period for weeks ending October 5, 2010 instead of August 31, 2010.
- Extend the period during which 100% federal reimbursement for weeks of regular federal extended benefit payments to April 5, 2010, with the state option to continue the extended period from July 31, 2010 to September 4, 2010.

Additional Extension

These "short-term" extensions of the COBRA subsidy and unemployment benefits are intended to give Congress more time to consider legislation to extend these programs through 2010. Under H.R. 4213, a bill the Senate is currently debating, both the COBRA subsidy program and unemployment benefits would be extended through December 31, 2010.

Jobs Bill

On the same day that the House of Representatives voted to congratulate the New Orleans Saints for winning Super Bowl XLIV, they also passed the "Jobs Bill," a \$35 billion bill to create tax incentives for hiring the unemployed.

The Jobs Bill contains two major provisions:

- Businesses who hire the unemployed will be exempt from the 6.2 percent Social Security payroll tax through December 31, 2010 as well as receive a \$1000 credit if the new workers stay on the job for a full year.
- Highway and mass transit programs would be extended through the end of the year with a \$20 billion addition for spring construction.

The measure now goes back to the Senate for their approval before President Obama can sign the bill into law. It is expected to arrive on his desk sometime next week.

Employer Advantage will provide clients with necessary information for receiving the tax credits after the final bill is signed into law.

Vulgar Language Can Be Harassment

Recently, the 11th US Circuit Court of Appeals, (which serves Florida, Georgia and Alabama) returned a hostile work environment case to the lower courts for trial. What makes this unusual is that the vulgar language cited in the case was not directed at the person filing the complaint.

Ingrid Reeves was the only female to work on the sales floor at C. H. Robinson, with six male coworkers in an open area with cubicles. All the jobs involved heavy phone usage, speaking with carriers, truck drivers, customers and dispatchers. Ms. Reeves could hear the other employees use vulgar language as they spoke to each other and to people on the phone, often referring to other female coworkers with derogatory language throughout the day. Male employees often viewed pornography out in the open and daily listened to a crude radio show.

Ms. Reeves objected to the crude language, pornography and the radio show, first by talking to employees, then emailing employees, and then going to upper management several times. She resigned and filed a complaint with the EEOC that the sexually offensive language created a hostile work environment. The lower court ruled that since the derogatory language was not directed at her in particular, it was not motivated by her gender and did not rise to a hostile work environment.

Ms. Reeves appealed to the 11th Circuit Court, who overturned the lower court ruling and gave Reeves the right to be heard by a jury. The reasoning: A member of a protected group cannot be forced to daily witness derogatory behavior toward a specific gender just because the workplace is swarming with indiscriminate vulgar actions. There was evidence of comments made about women, based on their sex, as well as general overall crudity.

The final word: A hostile work environment is created when unwelcome comments or conduct that are based on sex, interfere with an employee's work performance and/or creates an intimidating, hostile or offensive work environment.

Website wins award

The newly designed Employer Advantage website recently won an award at the American Advertising Federation's annual ADDY Awards Banquet. The ADDY Award is a 3-tiered awards program established by the American Advertising Federation (AAF) designed to recognize the best in advertising, marketing and design. The website which was entered in the business-to-business category was designed and built by BlueSpace Creative in consultation with Mark Norris and WaterMark Creative Services. The banquet which was held February 27 at Joplin's Twin Hills Golf and Country Club was the local chapter's 26th year of hosting the program. To learn more about the AAF, please visit www.aaf.org and for the local organization go to www.aafjoplin.org.

The purpose of AAF Joplin, as a local chapter of the American Advertising Federation, is to promote, protect, and defend the advertising interests in our community.

And, if you haven't been to the site lately you might want to make a visit and see our new video. It's not long, so just click the link on the left side of the home page, sit back, enjoy...and be sure to let us know what you think.

Is Sexual Harassment Training Required by Your State?

To help our clients find out if they need to provide any sort of harassment training, we put together the chart below.

Many states don't "require" training, but strongly encourage employers to provide it in order to better educate supervisors and employees on harassment topics and to provide a defense if the claim should arise. It appears that even if the training isn't required, it's a good idea overall.

The Employer Advantage Human Resources Department can set up your management staff for free online training and work with you to provide additional training for your employees. Please contact your HR Professional for more information.

SEXUAL HARASSMENT TRAINING REQUIREMENTS BY STATE		
State	Employer	What is required?
CA	Employers with 50+ employees (don't have to be in CA)	2 hours of training every 2 years
CO	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
CT	Employers with 50+ employees	Sexual harassment training within 6 months of hire
FL	Executive Branch Agency	Must provide training
HI	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
IL	State Executive Department, Agency, or Commission	Maintain a Sexual Harassment program that may include training
IA	Executive Branch Agency	Managers and HR must have training
ME	Employers with 15+ employees	All employees should have sexual harassment training within 1 year of hire. Supervisors need specific training.
MD	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
MA	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
NV	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
NJ	All Employers	NJ Supreme Court decision basically made training essential for all employers.
NC	State Agencies	Provide information and training
OH	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
OK	State Agencies	State personnel who do discrimination investigations must receive training
PA	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
RI	Executive Branch	Executive Branch is required to do training, all other employers encouraged to train within one year of hire
TX	State Agencies	State Agencies required, all other employers encouraged to train
UT	Public Employees	Training
VT	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment
WA	State Agencies	Training
WI	All Employers	Encourages employers to take "all steps necessary" including training to sensitize employees to sexual harassment