



Your Advantage

News and information to help you and your business succeed

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Employer Advantage announces

Several Payroll Specialists of Employer Advantage recently attended the Oklahoma Annual Payroll Conference in Tulsa, Oklahoma. Kathy Long, Theresa Woods, Darcie Herring, and Kendra McClintock each attended various sessions that included proposed legislation, leadership, tax issues, and teamwork.

Small Business University

The Joplin Area Chamber of Commerce will once again offer the Small Business University on Tuesday, October 20, 2009 from 8:00 am to 5:00 pm at the Robert W. Plaster Free Enterprise Center at MSSU.

The 2009 SBU theme is "Financial Fitness" and will offer tracts on Marketing, Technology Solutions, and Financial Issues. Dave Ramsey's "Financial Peace Workplace Edition" will be offered in the Financial Issues Tract.

Registration is \$100.00 per participant and can be done by going to www.joplinc.com. For more information contact Kim Vann kvann@joplinc.com at the Joplin Chamber of Commerce.

JoMo Regional Payroll/HR Conference

The Joplin Chapter of the American Payroll Association and the Tri-State Human Resource Association invite business owners, payroll professionals and human resource generalists to the 6th annual Jo Mo Regional Payroll/HR Conference on October 9, 2009 at the Freeman Business Center.

The conference begins at 8:00 am with three break out sessions for participants to choose from COBRA Subsidies, FMLA issues, Onboarding, Disaster Planning, Layoffs and Liability as well as a host of other classes. Candy Whirley, author, nationally known speaker and former Kansas City Chiefs Cheerleader will present a 2 hour session "Leadership Creativity Boot Camp" during the afternoon.

Cost is \$50.00 for either the morning breakout session or afternoon session or \$90.00 for the whole conference. For more information or to register, please contact suzanne@employeradvantage.com.

Day Light Savings Time Ends

Spring Forward- **Fall Backward**. Don't forget to set your clocks **back** one hour on November 1, 2009.

Unemployment Benefits May Continue

The House has passed a bill approving an additional three months of benefits for the unemployed in 27 states that have unemployment rates of 8.5% or more. States with unemployment rates less than 8.5% will not see the extension of benefits.

On the Senate side, John Reed, (D-RI) introduced Senate Bill 1699 as the companion piece to the House. In August, he had previously introduced Senate Bill 1647, which would extend unemployment benefits to all states. As of this writing, each bill has been read twice and referred to the Finance Committee, which is currently busy with the task of health care reform.

States offer 26 weeks of unemployment benefits, and the economic stimulus bill increased length of benefits to a maximum of 53 weeks. The extension bill, if passed, will cap the total number of weeks at 79 in the following states: AL, AZ, CA, DC, FL, GA, ID, IL, IN, KY, MA, ME, MI, MS, MO, NV, NJ, NC, NY, OH, OR, PA, RI, SC, TN, WA, WI and WV.

According to Representative Jim McDermott, (D-WA), "Providing these Americans with a modest economic lifeline is not only the humane thing to do but it's in the economic interest of the country." He noted that every unemployment insurance dollar has a \$1.64 worth of positive impact by supporting existing jobs.

The cost of the bill is estimated at \$1.4 billion but according to Representative McDermott, it will not add to the deficit because the money will come from a additional one year extension of the FUTA surtax of 0.2%, which is set to expire at the end of 2009.

The FUTA surtax was originally created 1976 to restore depleted funds due to additional payments of extended unemployment benefits. The loans that were used to fund the program were retired in 1987 but Congress has voted to extend the surtax seven times with the last vote under the Emergency Economic Stabilization Act. Employers pay approximately \$14 more per year per employee under the surtax.

If You Are Reading This While Driving - Stop

On October 1, 2009, President Obama signed an executive order to stop federal employees from text messaging while driving either government owned vehicles or personally owned vehicles while on government business.

The Executive Order defined "texting" as "reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, emailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication."

Obama says he hopes the new policy will encourage employers in the private sector to introduce similar bans.

"This order sends a very clear signal to the American public that distracted driving is dangerous and unacceptable," said Transportation Secretary Ray LaHood. "I fully expect that all 58,000 DOT employees and contractors will take this order seriously. Let's show our friends and families that we can resist the temptation to answer the phone, send a message, or allow some other distraction to interfere with our driving."

Government agencies have 90 days to put this ban into effect. Government agencies are also required to put into contracts, grants and agreements entered into after this date, "encouragement" to contractors and subcontractors to adopt the same policy.

The Obama administration also announced steps the government is taking to address "distracted driving" including:

- Making permanent restrictions on the use of cell phones and other electronic devices in rail operations.
- Ban text messaging altogether and restrict the use of cell phones by truck drivers and interstate bus operators.
- Disqualify school bus drivers convicted of texting while driving from maintaining commercial driver's licenses.
- Call on more state and local governments to pass laws against distracted driving

Your Human Resources Representative from Employer Advantage can assist you in reviewing and writing texting and cell phone usage policies. Just call or text your HR Rep – but not from the road.

New York Requirements for New Hires

Beginning October 26, 2009, Employers in New York are required to provide the following information to new hires in writing:

- 1) Regular rate of pay (even if not paid hourly)
- 2) Regular pay day
- 3) Overtime pay rate for non-exempt employees

Employers must also procure a signed acknowledgement from the new employee. At this time the Commissioner of Labor has not published the model wording for the acknowledgement.

Employers who fail to comply with either the written notice or acknowledgement will face civil penalties of \$1000 for first violation, \$2000 for second violation and \$3000 for a third and subsequent violations. In that regard, an employer could have penalties of \$6000 per new hire if there is continued failure to comply with this law.

The Human Resources Department of Employer Advantage will contact New York employers and provide guidance on the written requirements. Employers who have additional questions are encouraged to contact Employer Advantage.

Training At Your Desk

We know that with today's economy, working leaner and the day-to-day responsibilities of management, it is difficult to find time for training. Employer Advantage and ELT have teamed up to provide 24/7 training for managers and supervisors on a variety of topics.

The interactive training is up-to-date and features addition "best practices" resources that can be accessed by trainees. For clients in states that require annual harassment training, the "Workplace Harassment" training will meet those requirements and furnish documentation of the time spent in training.

In the next few weeks, Employer Advantage Human Resources Department will contact companies with more information and to enroll supervisory staff in the training.

H1N1 Virus and ADA

The Americans with Disability Act regulates how and when employers may ask about disability-related information from employees – **regardless of whether that employee has a disability. This requirement affects when and how employers may request health information from applicants and employees regarding H1N1 flu virus.**

Employers who are trying to make “Pandemic Readiness” plans may still survey their workforce to gather personal information needed for pandemic preparation if the employer asks broad questions that are not limited to disability-related inquiries. An inquiry would not be disability-related if it identified non-medical reasons for absence during a pandemic (e.g., mandatory school closures or curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that weaken immunity). Below is a sample ADA-compliant survey that could be given to all employees before a pandemic.

Pandemic Preparation Survey

Directions: Answer “yes” to the whole question without specifying the reason or reasons that apply to you. Simply check “yes” or “no” at the bottom.

In the event of a pandemic, would you be unable to come to work because of any of the following reasons:

- If schools or day-care centers were closed, you would need to care for a child;
- If other services were unavailable, you would need to care for other dependents;
- If public transport were sporadic or unavailable, you would be unable to travel to work, and/or;
- If you or a member of your household fall into one of the categories identified by CDC as being at high risk for serious complications from the pandemic influenza virus, you would be advised by public health authorities not to come to work (e.g. pregnant women; persons with compromised immune systems due to cancer, HIV, history of organ transplant or other medical conditions; persons less than 65 years of age with underlying chronic conditions; or persons over 65).

Answer: YES NO

Employers are NOT required to have a “Pandemic Plan” nor survey their workforce regarding potential needs. Companies who would like more information on emergency planning may contact the Risk Management Department of Employer Advantage for assistance.

Open Enrollment Is Here!

Many clients have already scheduled meetings or requested Open Enrollment materials for the Vision Services Plan (VSP), Cafeteria Section 125, and Life Insurance for benefits beginning January 1, 2010.

VSP

The rates have changed from 2009 Employee - \$9.82 and Family - \$21.11 to 2010 Employee - \$10.37 and Family \$22.30. These rates and coverage will be effective January 1, 2010. VSP service providers for your area are listed at www.vsp.com under “Find the Right Doctor for You.” If you currently have VSP and do not wish to make any changes, you do not have to complete any new paperwork.

Reliance Life Insurance

Voluntary Term Life Insurance - Beginning 2010, employees will be eligible for \$150,000 guaranteed issue and spouses will be eligible for \$50,000 guaranteed issue up from \$100,000 and \$30,000 respectively. Employees who have not been previously denied additional life insurance may increase their benefits during the open enrollment period.

AD&D - Employer Advantage still provides \$10,000 of Accidental Death and Dismemberment (AD&D) insurance for full time eligible employees free of charge.

Cafeteria Plan/Flexible Spending Plan

Employees who want to participate in the 2010 Flexible Spending Plan need to submit an enrollment form with a new salary deduction for 2010. Employees who are participating only in the premium only plan do not need to submit a new enrollment form.

As a reminder, employees may continue to submit receipts for the 2009 Flexible Spending Plan until March 30, 2010.

Forms are due back to Employer Advantage by November 30, 2009. If you have any questions or want to set up benefit meetings for your employees, please contact Employer Advantage at eahr@employeradvantage.com.