

THE VOICE

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HR|experts

1.888.HREXPRT for an answer today!

Greetings!

“Thank you!” to all who completed the annual HR|Experts Satisfaction Survey! You shared some great feedback and I’m hearing that an overwhelming need is training, training, and training!

HR|Experts currently offers you:

- Access to teleseminars, webinars, public training, and on-line/e-learning training through our parent company, CAI. Check out a list of available programs at www.capital.org – then click on the Training Tab
- Monthly compliance updates through E-Alerts that are e-mailed directly to you
- Resources such as FLSA Exemptions Test Guide and Major Federal & State Employment Law Guide

Looking ahead to 2011, HR|Experts will provide on-line Compliance Resources and E-Alerts on topics such as HIPAA, Red Flags, FMLA, and more! Please watch for advertised training opportunities. These resources are often announced via e-mail. If you are receiving this newsletter via hardcopy, regular mail or you have never received an E-Alert, I need your e-mail address. Contact me at jill.schultz@callhrexpert.com

We also have a lot of new members – new policyholders as well as new staff members at existing practices. Our hope is that these resources help you work more efficiently. Please let me know how I can further assist you.

HR|Experts Hotline – I am available Monday – Friday from 8:30am – 5:00pm to take your call or answer your e-mail. Voicemails/e-mails are generally responded to within 4 hours. Please let me know if you have an HR need from employee relations and managing your workforce to state and federal compliance.

Members’ Only List Serve – The list serve is an e-mail discussion group that enables you to ask your peers at other Medical Mutual member companies for advice and/or recommendations while also sharing the best practices of your organization.

- To sign up, send me an e-mail – jill.schultz@callhrexpert.com
- To send a question to the list serve, send the question in an e-mail to hrexpert-members-list@lists.callhrexpert.com. Remember to include a “Subject” in your e-mail so others can see and follow the discussion topic/thread.

HR Database – Looking for overtime regulations, a sample policy, or information on COBRA? Healthcare HRAnswersNow, a comprehensive search engine available through the Medical Mutual website, can help! To begin searching HRAnswersNow, sign into Medical Mutual’s website – www.medicalmutualgroup.com. For first time users, establish your account by logging in with your Medical Mutual policyholder information.

As always, thank you for your calls and questions to date. I enjoy working with each of you!

Sincerely,

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Phone calls and messages will be responded to 8:30am-5:00pm Monday-Friday.



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The Voice is not designed or intended to render legal advice to its members.

Success Tips for Newly Promoted Leaders

Leaders who are promoted internally face unique challenges to their success in their new role and in their relationships with peers, supervisors and subordinates. Here are six tips for contributing to the success of an internal employee who is transitioning into a new role within the organization:

- 1. Role Clarity:** Leaders promoted from within need to understand their new role and be ready to now manage personnel who were once their peers.
- 2. Building Relationships:** Promoted leaders should seek out their newly created peers, supervisors and subordinates to have open conversations with them regarding how their relationship has been redefined, and set clear expectations.
- 3. New Subculture:** Within an organization there are different departments, each with their own

political system and subsystems. Newly introduced leaders in these groups must adapt and adjust to how these systems function, and learn to work within the subculture.

- 4. Early Successes:** Top management can help solidify a newly promoted leader's position by identifying short-term projects with high probabilities of success in order to build the new leader's credibility within the organization.
- 5. Provide Learning:** Do not assume internal candidates are immediately ready to transition into a role of leadership. They may have demonstrated potential, but would benefit and be more successful with training in the leadership function of their new role.
- 6. Ongoing Development:** Gaps in development should always

be identified and addressed. Newly transitioned leaders may have excellent time management skills, but may need additional training in delegation or strategic thinking. Training is a journey, not a destination.

HR|Experts' parent company, CAI, offers many management development courses to fit your organization's needs. Training includes on-line e-Learning courses and public events in Raleigh and Greensboro, NC. For additional information please see CAI's training programs at www.capital.org.

FAQs

Q: Does workers' compensation leave count against an employee's FMLA leave entitlement?

A: It can. FMLA leave and workers' compensation leave can run together, provided the reason for the absence is due to a qualifying serious illness or injury and the employer properly notifies the employee in writing that the leave will be counted as FMLA leave.

Q: Does a non-exempt employee have to be paid for training time that is outside of the employee's regular working hours?

A: A non-exempt employee does not have to be paid for training time if ALL of the following four criteria are met:

- Attendance is outside of regular working hours.
- Attendance is voluntary.
- The course, lecture, or meeting is not directly related to the employee's current job.
- Productive work is not performed at the session.

Q: Can a salaried exempt employee who works one-half a day be paid one-half their day's salary?

A: No (with one exception for an employee who is covered under the Family and Medical Leave Act). While it is acceptable to supplement the employee's pay with "benefit" pay (such as vacation or sick leave pay) to make the salary "whole;" it is not permissible under Fair Labor Standards Act (FLSA) regulations to pay a salaried exempt employee a partial day's salary.

Advanced Vacation Presents Wage and Hour Compliance Issue

Pay deductions are a troublesome topic for employers, especially when employment ends and employers want to recover vacation that has been advanced to an employee (paid vacation taken but not yet earned). The decision becomes even more confusing because the interpretations of some statutes by the Department of Labor's Wage and Hour Division, whether state or federal, may change over time.

For hourly employees, the deduction for advanced vacation is allowed and is not subject to the minimum wage and overtime deduction limitations under federal and most state laws. However, the U.S. Department of Labor (DOL) has currently taken the position that advanced vacation may not be deducted from the guaranteed salary of exempt employees.

Past interpretations have viewed advanced vacation the same as advances of wages which may be recovered from the final pay without notifying the employee. Basically, it was viewed by the DOL as a recoupment of pay not earned rather than a deduction. The current position of the DOL, however, is that it is a deduction and inconsistent with deductions allowed under the definition of "salary basis" for exempt employees. For more information, take a look at the DOL Fact Sheet on Salary Basis at <http://tinyurl.com/dol-salary>.

In any event, the best advice may be to not allow advanced vacation. However, if you choose to do so, make sure you check the laws of the state where you do business to determine if there are any further restrictions on recovery of the advanced vacation.

"Red Flags" Resources

We are all watching and waiting to see if the upcoming Red Flags compliance deadline of 12/31/2010 will be upheld.

Law suits seeking to prevent the Federal Trade Commission (FTC) from extending the identity theft regulations to physicians are still pending and the FTC has made a statement that the Red Flags rule should not apply to physicians.

Meanwhile, medical practices need to be prepared. Access one or more of the following free resources to ensure your practice is in compliance with the Red Flags Rule.

- The Federal Trade Commission offers guidance for Health Care Institutions and simplified options for low-risk organizations. Visit <http://www.ftc.gov/bcp/edu/pubs/articles/art11.shtm>
- The American Medical Association provides a Guidance Document and Sample Policy in pdf. (AMA members can download the policy in Word.) Visit <http://tinyurl.com/3xphfyo>

For Every Employer - I-9 Compliance

By now, you know that the US government has been performing widespread investigations and audits of employers to crack down on employment of undocumented noncitizens. You should also be aware that you must maintain Form I-9, an employment authorization verification form issued by the United States Citizenship and Immigration Service (USCIS), for all your workers.

Failure to comply can be a very serious offense that may result in substantial civil or criminal penalties.

For more information, contact Jill Schultz and request the E-Alert, Important I-9 Tips For Every Employer. The HealthcareHRAnswersNow database, available to all policyholders, also contains I-9 information. Contact Jill if you need help accessing the database – jill.schultz@callhrexper.com

Adjust Your List Serve Settings

Don't like how our List Serve messages and attachments are currently delivered to your Inbox?

Would you prefer receiving individual messages by Subject?

E-mail Jill and she will help you adjust your settings!

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How May GINA Affect You?

The Genetic Information Nondiscrimination Act (GINA), which was signed into law on May 21, 2008, prohibits health insurers (Title I) and employers (Title II) from discriminating on the basis of genetic information. Title II applies to private, state and local government employers with 15 or more employees and prohibits employers from terminating, refusing to hire, or otherwise taking adverse employment action against applicants or employees based on their genetic information. The act also forbids employers from intentionally obtaining genetic information on applicants or employees.

Existing genetic tests can inform individuals as to whether they may be at risk for developing a specific disease or disorder. Genetic information includes data about an individual's genetic tests, genetic tests for a family member, and family medical history. Genetic information does not include information regarding the sex or age of an individual or the individual's family members, or information that an individual currently has a disease or disorder. Genetic information also doesn't include tests for alcohol or drug use.

For additional background information on GINA, go to <http://bit.ly/eoc-gina>.

Upcoming Training

Workplace Laws for Managers/Supervisors
 12/1/10 & 3/8/11 Raleigh

Managing Problem Performance
 12/2/10 Raleigh; 2/3/11 Greensboro

Communication & Conflict Resolution
 12/3/10 Raleigh; 12/17/10 Greensboro

New! Register and pay on-line at www.capital.org – Click on the Training tab. If you don't already have an account, it's easy to create a visitor account. E-mail jill.schultz@callhrexperth.com with questions.

For additional dates and programs and to register on-line, visit www.capital.org and select the Training Tab.

Quarterly Quote

Let every man be respected as an individual and no man idolized.
 – Albert Einstein