

THE VOICE

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HR|experts

1.888.HREXPRT for an answer today!

This fall marks the four-year anniversary of HR|Experts! Tell us what you think and what you need – respond to the short, on-line satisfaction survey by Friday, November 11.

To participate, please go to
http://bit.ly/HRExperts_Survey2011

Services offered through HR|Experts:

- Unlimited phone/e-mail support M-F, 8:30am-5pm
- Monthly E-Alerts on various employment law topics
- Quarterly newsletter – The Voice
- HRAnswersNow database
- Members' Only Listserve
- Publications including – Handbook Guide, FLSA Exemption Tests Guide, and Major Employment Law Guides (federal, GA, NC, & VA)
- New! On-line Resource Guides – Drug-Free Workplace, FMLA, and HIPAA

For those of you who are new to Medical Mutual, HR|Experts is a free service exclusively for Medical Mutual policyholders. For more information and to register your practice contact me at the phone number/e-mail address provided to the right.

Thank you for your participation and for giving me this opportunity to serve you!

Jill



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



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PROTECTING OUR PROFESSION

HR|Experts is provided as a benefit to members of Medical Mutual.

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

Health Promotion: An Essential Part of Your Practice's Employee Benefit Program

The average medical practice employee is spending at least 9 hours a day at work. Studies show that more than 75% of health care claims costs are due to an individual's lifestyle including poor nutrition, smoking, or physical inactivity. If your practice is not actively engaging its employees in worksite wellness programs, you are missing a valuable opportunity to increase employee morale, reduce health care costs, reduce absenteeism, and increase productivity.

Taking the first steps toward promoting good health is neither difficult nor expensive. Consider forming a committee to get immediate buy-in from co-workers and help with activities. Survey your employees to find out what would motivate them to live a healthier life. Initiate physical activity challenges to get people moving and incentivize them with small giveaways, nominal cash prizes or days off. Make your practice a tobacco-free one. Stock your vending machines with healthier options and speak to pharmaceutical representatives and other vendors about providing healthier complimentary lunches. And, perhaps most importantly, ensure that the physicians and top practice management support your efforts.

Our Practice Wellnesssm program is committed to health promotion and to helping practices realize the benefits of an effective health promotion program. Our Health Promotion Coordinator, Jason Horay, MS, ATC, LAT, CHES, partners with practices all over North Carolina to assess their needs and to help craft an action plan that will empower employees to maintain, improve and manage their health.

The Practice Wellnesssm program is only available to practices that participate in the North Carolina Medical Society Employee Benefit Plan (the NCMS Plan). The NCMS Plan, sponsored by the North Carolina Medical Society and available exclusively through MMIC Agency, LLC, a Medical Mutual company, is the only statewide health benefits plan designed specifically for North Carolina physicians. More than nine hundred (900) practices participate in the NCMS Plan.

For more information about the NCMS Plan and to receive a free 2012 Practice Wellness Calendar, call (919) 878-7576.

NC  MS

North Carolina Medical Society Employee Benefit Plan

The Leader in
Employee Benefits
for Medical Practices

www.ncmsplan.com
800.662.7917 x7576

FAQs

Q: How long should employee records be retained?

A: Retention requirements vary depending on the type of record and relevant federal or state law. It is generally recommended that personnel files such as employment applications, performance evaluations and job descriptions be retained for a minimum of 2 years. However, a more cautious approach would be to retain these files for 4 years. Payroll records should generally be kept for 3 years from date of termination. Group benefits, FMLA, and OSHA records required different retention periods ranging from 2-6 years.

Q: How many hours per day or per week can an employee work?

A: The Fair Labor Standards Act (FLSA) does not limit the number of hours per day or per week that employees aged 16 years and older can be required to work.

Q: Does an employer have to provide pay when an hourly employee is on jury duty?

A: The Fair Labor Standards Act (FLSA) does not require payment for time not worked, including jury duty. This type of benefit is generally a matter of agreement between an employer and an employee. (Note: an employer may not make improper deductions from an exempt employee's guaranteed salary.)

NLRB Posting Deadline Delayed

The National Labor Relations Board (NLRB) announced that it has postponed the “*Notification of Employee Rights*” posting deadline from November 14, 2011 to January 31, 2012.

HR|Experts will keep you posted on this issue. In the meantime if you have questions contact jill.schultz@callhrexperts.com.

Reasonable Accommodation for Leaves of Absence, Attendance Policies After the ADAAA

Randall Huggins, Senior Trial Attorney with the Equal Employment Opportunity Commission noted at a recent event that the EEOC is focusing efforts on discrimination under the Americans with Disabilities Act Amendments Act (ADAAA) in the areas of leaves of absence and attendance policies. Employers subject to the Americans with Disabilities Act (ADA) should be aware of the pitfalls that can trigger employer discrimination liability when dealing with employees with a disability, which include:

- Denying a requested leave of absence as a reasonable accommodation absent undue hardship
- Terminating an employee based on exceeding the leave policy without considering whether additional leave would be a reasonable accommodation
- Terminating an employee who is unable to return to the original job; failure to consider reasonable accommodation for medical restrictions
- Failing to consider an employee for promotion or other benefits of employment because of an employee’s absences related to a disability
- Attributing failure to meet production standards to an employee because of absences caused by a disability
- Terminating under the attendance policy without considering reasonable accommodation for disability-related absences

While the ADAAA changed the definition of disability and broadened the scope of what is covered, the new regulations did not change the reasonable accommodation process. For more guidance on how to follow proper procedures in determining reasonable accommodation or undue hardship, visit <http://j.mp/re-acc>.

Employer’s Right to Designate FMLA

A question that comes up sometimes with the Family and Medical Leave Act (FMLA) involves employees who are going to be out for an FMLA qualifying reason but don’t want the time off counted as FMLA. In some instances, employees want to take their paid time off (vacation, sick or PTO) before the employer starts counting their FMLA. How should you respond?

The FMLA regulations state that in all cases it is the *employer’s* responsibility to designate FMLA leave when informed by the employee that the need for leave is FMLA qualifying. Once you are on notice and have sufficient documentation under your policy to designate FMLA, you must do so. Your policy should state that if the employee fails to provide the required certification, the FMLA leave will be delayed or denied. In addition, you should make certain that supervisors are trained to recognize absences that may fall under FMLA so that they can notify Human Resources to make further inquiries with the employee for FMLA purposes. Don’t wait for the employee to specifically request FMLA, if you have knowledge that an absence may qualify, provide the employee the required Notice of FMLA Rights and certification.

With regards to the substitution of paid leave, the U.S. Department of Labor’s Wage and Hour Division (USDOL) offers this guidance: *Employees may choose to use, or employers may require the employee to use, accrued paid leave to cover some or all of the FMLA leave taken. Employees may choose, or employers may require, the substitution of accrued paid vacation or personal leave for any of the situations covered by FMLA. The substitution of accrued sick or family leave is limited by the employer’s policies governing the use of such leave.*

For more information on the FMLA, refer to the FMLA Resource Guide and Compliance Alerts at www.medicalmutualgroup.com (search “FMLA) or go to <http://j.mp/fmla-v>.



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Stay Connected Through the HR|Experts' Member 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.

When you register for HR|Experts, you are automatically enrolled in the list serve as a benefit of the free services offered by HR|Experts.

If you are not receiving the list serve e-mails, simply send an e-mail to jill.schultz@callhrexpert.com. Once registered, you will receive a verification e-mail with information about submitting and answering list serve questions, as well as managing your preferences within the list serve system (including how to opt out if you choose).

New! On-line Resource Guides

HR|Experts has produced three new resources for your practice – FMLA Resource Guide, Drug-Free Workplace Guide, and HIPAA Privacy Standards Guide. These tools are on-line resource guides which contain links to a variety of relevant information – at your fingertips, in one location.

Go to www.medicalmutualgroup.com – For Your Practice tab, click on HR|Experts in the left column and then HR|Experts Resources (left column).

Upcoming Training

- **Customer Service Excellence Certification Program**
Dec 1 & 2 Greensboro; Jan 18 & 19 Raleigh
- **Protecting Your Organization from Wage & Hour Violations**
Feb 29 Greensboro; Mar 28 Raleigh
- **Communication & Conflict Resolution**
Dec 8 Greensboro; Dec 16 Raleigh

View more training dates/programs and register/pay on-line at www.capital.org – Click on the Training tab. If you don't have an account, it's easy to create a visitor account. E-mail Jill with questions.

Quarterly Quote

The leadership instinct you are born with is the backbone. You develop the funny bone and the wishbone that go with it.
– Elaine Agather