

# THE VOICE

07  
SUMMER  
2009

HR|experts®

Call 1.888.HREXPRT for an answer today!

As we slide back into the routines of the Fall season (some of us reluctantly), I want to remind you of the HR resources available at your fingertips. 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. 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](mailto: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](mailto: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 handbook, or information on the Red Flag Rules? 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](http://www.medicalmutualgroup.com). For first time users, establish your account by logging in with your Medical Mutual policyholder information.

**Background Checks** – I continue to receive calls regarding background checks for new employees. To protect you and your organization, background checks need to be included in your hiring process. I highly recommend contacting Kevin von der Lippe 336-899-1150 or [kevin.vonderlippe@capital.org](mailto:kevin.vonderlippe@capital.org) to discuss options that fit your practice. You can also find additional information by clicking on the Background Checking link under the HR Solutions tab on CAI's Website, [www.capital.org](http://www.capital.org). (CAI is the parent company of HR|experts.)

As always, thank you for your calls and questions to date. I enjoy working with each of you! For your convenience, my contact information is as follows: [jill.schultz@callhrexpert.com](mailto:jill.schultz@callhrexpert.com); 888.473.9778; 919.431.6096; Fax 919.431.6094.

Sincerely,

Human Resources Advisor

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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.

# EEO-1 Report Must Be Filed By September 30



Employer Information Report EEO-1 is required to be filed by covered employers by September 30 each year. It is used by the Equal Employment Opportunity Commission (EEOC) to support civil rights enforcement and analyze hiring patterns, and by the Office of Federal Contract Compliance Programs (OFCCP) to schedule compliance

evaluations where systemic discrimination is potentially greatest based on statistical analysis of the data.

Covered employers include: employers of 100 or more employees; employers with less than 100 employees who are affiliated with another company with centralized ownership where total employment is 100 employees; and federal contractors with 50 or more employees and contracts/subcontracts of \$50,000 or more. For more detail, see <http://www.eeoc.gov/eeo1survey/whomustfile.html>.

Full time and part time employees are counted. For further definition of *Employee*, see the definitions in the Appendix of the Instructions at <http://www.eeoc.gov/eeo1survey/2007instruct.html>.

Employers may use any payroll reporting period from July through September of 2009 to complete the report.

Employers who have filed before should receive reporting materials from the EEOC by mid August.

Employers who are covered this year but have not filed before may register as a first-time filer at <https://apps.eeoc.gov/eeo1/register.jsp>.

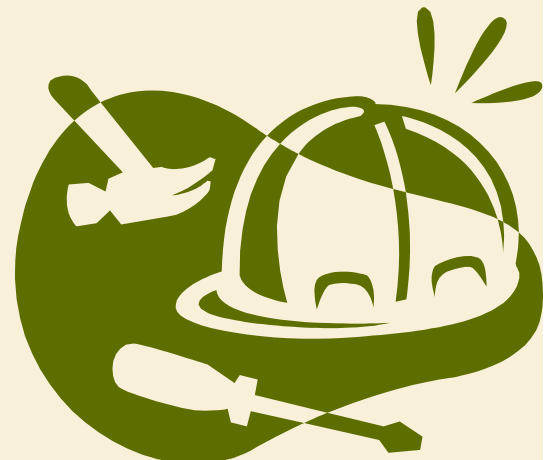
## Safety Committees Required for Some Employers

North Carolina OSHA requires companies with 11 or more employees and a workers compensation experience rate modifier of 1.5 or greater to establish a safety committee composed of employees and employer representatives. They are also required to establish a written safety and health program under the Safety and Health Program Committees Act (SHPCA), North Carolina General Statute 95-250. Employers who self-insure workers compensation are not covered by this requirement.

The experience rate modifier (ERM), sometimes called *mod rate*, is one factor in calculating the employer's workers compensation premium. It is based on the employer's insured payroll (for workers compensation), the history of claims, and the cost of the claims. Employers may control workers compensation costs by controlling the ERM. The base level ERM is 1.0. The level can be modified by reducing claims and claims cost. So although NC OSHA requires covered employers with an ERM of 1.5 to have safety committees and programs, you are encouraged to be proactive in this area at any level. For questions about your ERM, contact your Workers' Comp Insurance carrier.

There are penalties for covered employers under SHPCA who fail to establish safety committees and programs, or have deficient programs. The maximum penalty is \$25,000.

For more information on developing a safety program, The NC Department of Labor, OSHA Division has developed a sample program to assist employers in this effort at <http://www.nclabor.com/oshaconsult/sampleprograms/GeneralIndustryS&HPolicy.pdf>.



# Temporary Driving Certificates Not Valid for Identification Document

North Carolina Division of Motor Vehicles is beginning to issue driver licenses from a central location in Raleigh in an effort to reduce fraud and cut down on counterfeit IDs. A few counties have already adopted this process. By September 2009,



customers in all 100 counties in North Carolina will no longer receive their driver license “over-the-counter” at the driver license office. Instead, they will receive their driver license by mail. DMV will issue a Temporary Driving Certificate (TDC) which is valid for 20 days until the driver license arrives in the mail. DMV expects most licenses will be delivered within 7 to 10 days.

The Temporary Driving Certificate is only valid for driving purposes. The TDC will contain the same demographic (name, address, etc.) information as that on the driver license, but it will not have a photo of the driver and therefore cannot be used as a photo identification.

The TDC cannot be used as an identification document (i.e., for boarding planes, financial transactions, etc) and thus will not be valid for use as a document in List B for form I-9. If the driver license being renewed is still valid and has not expired, it can still be used as a List B document. Form I-9, Employment Eligibility Verification, has been revised and the new form became effective April 3, 2009. It requires that all documents presented during the verification process be unexpired.

DMV is urging all drivers to renew their license early. A North Carolina driver license can be renewed as early as six months prior to the expiration date. Early renewal will not take time off the license; it will be valid for the same duration of time.

For further information regarding Form I-9 go to [www.uscis.gov](http://www.uscis.gov). For further information regarding the central issuance of driver licenses visit [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv) or call (919) 861-3555.

# Federal Healthy Families Act Introduced

The Healthy Families Act (HFA) has been introduced in both the US House of Representatives (H.R. 2460) and the US Senate (S. 1152). Representative Rosa DeLauro (D-CT) and Senator Edward Kennedy (D-MA) are primary sponsors of the bills. This legislation would require public and private employers with 15 or more employees to provide employees with one hour of paid sick leave for every 30 hours worked up to 56 hours of leave accrued annually. The bill specifies that employees begin accruing sick leave when hired and are able to use such after 60 days of employment. The leave can be used for an employee’s own medical needs or to care for a child, parent, spouse or other blood relatives. It can also be used for absences due to domestic violence, sexual assault or stalking. The legislation also would prohibit employers from counting any leave taken by employees under this legislation as absences under a “no fault” attendance policy. Employers’ existing paid leave policies that do not meet all of the HFA requirements would have to be revised to comply with such.

The HFA states that leave under the act would be *in addition* to any leave provided under the FMLA and/or workers’ compensation laws.

HR|Experts will keep you updated on this legislation through E-mail Alerts and future issues of *The Voice*.

*(This legislation is in addition to the Healthy Families Act (H177;S534) that was introduced but unsuccessful in the 2009 session of the North Carolina General Assembly.)*

## Quarterly Quote

*"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty."  
-Winston Churchill (1874-1965)*

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## Leave for Parent Involvement in Schools

Many states have adopted legislation to assist employees with balancing work/life issues. An example of such legislation is North Carolina's parental leave law which provides leave for parents to attend school activities. Fifteen states have laws similar to NC however, no such legislation was found in GA or VA. With school resuming, it's a good time to ensure you have a parental leave policy in place if you are conducting business in NC.

The NC statute is as follows:

**§ 95-28.3. Leave for parent involvement in schools.** (a) It is the belief of the General Assembly that parent involvement is an essential component of school success and positive student outcomes. Therefore, employers shall grant four hours per year leave to any employee who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or otherwise be involved at that child's school. However, any leave under this section is subject to the following conditions: (1) The leave shall be at a mutually agreed upon time between the employer and the employee. (2) The employer may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave. (3) The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave. (b) Employers shall not discharge, demote, or otherwise take an adverse employment action against an employee who requests or takes leave under this section. Nothing in this section shall require an employer to pay an employee for leave taken under this section. (c) An employee who is demoted or discharged or who has had an adverse employment action taken against him or her in violation of this section may bring a civil action within one year from the date of the alleged violation against the employer who violates this section and obtain either of the following: (1) Any wages or benefits lost as a result of the violation; or (2) An order of reinstatement without loss of position, seniority, wages, or benefits.

## Upcoming Training –

### Behavioral Based Interviewing

Sept 9 Greensboro; Sept 17 Raleigh

### Successful Recruiting & Selection

Sept 10 Raleigh 1-4pm

### Basic FMLA: Purpose, Provisions & New Regulations

Sept 16 Raleigh 1-4pm

### Federal & State (NC) Wage & Hour Laws

Sept 16 Raleigh 9am-12pm