



HUMAN RESOURCES UPDATE

VOL 9, ISSUE 4

30 SECOND NEWS BITES

- A recent study by Seyfarth Shaw tracked wage-and-hour lawsuit activity in every state. The eight most active states are: California, Florida, Illinois, Massachusetts, New York, New Jersey, Pennsylvania, and Texas. The number of law firms specializing in wage-and-hour lawsuits is growing because such cases are considered low-hanging fruit since it's easy for employers to accidentally run afoul of FLSA.

- The much-talked-about proposal for mandatory paid sick leave (Healthy Families Act) makes its appearance before Congress soon. Key parts of the proposal (that would apply to any employer with 15 or more employees) currently include:

Employees would be entitled to accrue one hour of paid sick time for every 30 hours worked, up to a total accrual of 56 hours.

Employees would begin accruing hours as soon as they start working for a covered employer and could begin using the accrued time after 60 days.

Employees would be entitled to use the paid sick time for their own physical or mental illness, injury, or medical condition; to obtain medical care, including preventive care; and to care for, or help obtain medical care for, a child, parent, spouse, or other family member.

The bill also sets out employer obligations and procedures for requesting and using the leave:

Employees would have to “make a reasonable effort to schedule a period of paid sick time... in a manner that does not unduly disrupt the operations of the employer.”

Employers would be entitled to request medical certifications if an employee is out more than three consecutive days.

Employers with existing paid leave policies that are equivalent to, or more generous than, the proposed legislation would not have to change their rules.

- Employees of the city of Brooksville, FL, will have to follow a new dress code, including the mandatory wearing of underwear. While HR is the designated “fashion police” at many companies, we aren't certain who is policing this new policy. Anyway, questions aside, the city council in this community north of Tampa recently handed down a dress code that warns employees about following “strict personal hygiene.” Besides the underwear edict, the council also instructed employees to start using deodorant regularly. And while employees must wear underwear, they are prohibited from exposing any part of said skivvies — making it all the more difficult, we think, to catch no-underwear-wearing violators.

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**FEDERAL MINIMUM
WAGE INCREASES
JULY 24, 2009 TO
\$7.25 PER HOUR –
YOUR STATE MAY
HAVE A HIGHER
REQUIRED RATE**

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GROUP HEALTH BENCHMARKS

These benchmarks from the Milliman index (measures average annual medical spending for a typical American family of four) and EBRI provide national group health cost-sharing data:

- The average yearly total medical cost for a married employee with two dependent children has climbed to all-time high of \$14,400;
- Among firms with traditional coverage (PPO, HMO, etc.), employees' share of the cost have increased an average 11.4% over the last three plan years;
- Between salary contributions toward premiums, co-pays and deductibles, employees now pay an average 38% of the total medical cost; and
- Employers pay \$8,909 (62%) toward the total yearly cost of family coverage.

SOCIAL NETWORKING POLICIES

Maybe you haven't encountered any problems with employee posts on Facebook, MySpace and the like. The question is: Should you wait till you have a problem?

Consider the numbers — and the odds that your organization will have a problem:

- About half of all adults in the U.S. have a Facebook or MySpace account.
- The number of people using Twitter has grown by 1,300% in the past 12 months.

So it's a pretty good bet that some of your employees using those sites at some time or another, and for who-knows-what. Further, a study by Deloitte of 2,000 workers nationwide showed:

- 74% of employees who responded said they were aware that such sites make it "easier" to damage an employer's reputation.
- 53% said their networking pages weren't an employer's business; that number rose to 63% for employees in the 18-to-34 age bracket.
- 17% said their companies had policies regarding posts to social-networking sites.

It's another matter altogether whether you have the time and resources to monitor employee activity — at work or at home — on such sites and how postings might affect your company's reputation.

Still, you can have in place a simple policy that gives you the authority to take steps should you somehow uncover a damaging entry. And having a policy removes the "I didn't know" excuse if an employee does post something damaging.

So, what should a policy look like? Generally, the less complicated the better. In fact, yours can boil down to two main parts:

- Establish that employees have no right to absolute privacy when they post on a social-networking site. And it doesn't matter where they connect from. If it's on the site, it can be read. And it can be used as grounds to discipline an employee.
- Remind them that the policy extends to instances of harassment, discrimination and any other behaviors that are barred by law or company policy.

Don't forget to note that the company has no desire to play Internet cop or keep employees from enjoying social-networking sites. The policy is in place to protect the company and its employees, not to prevent people from using the Web sites in usual, harmless ways.

Courtesy of Jim Giuliano