



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

Volume 10, Issue 2 April 2013

*** NEWS ***

FMLA Changes

The Department of Labor (DOL) has published final regulations clarifying several changes to the Family and Medical Leave Act (FMLA), which require a new FMLA poster to be posted, expand the law's military family leave provisions and implement airline flight crew employee FMLA leave entitlements.

All employers covered by the FMLA are required to display and keep on display a revised poster prepared by the DOL summarizing the major provisions of FMLA. The poster must be displayed by March 8, 2013.

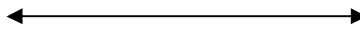
The new regulation expands eligibility for qualifying exigency leave to family members of the regular Armed Services members. The service member must be deployed to a foreign country.

A new qualifying exigency leave category for parental care leave was also established.

The definition of a covered service member has been expanded to include covered veterans who are undergoing medical treatment, recuperation or therapy due to a serious

injury or illness, rather than just current service members.

Each covered employer should review their FMLA policy and post the new poster.

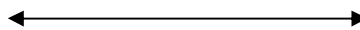


New I-9 Form

The U.S. Citizenship and Immigration Services (USCIS) has published a new I-9 form (Rev. 03/08/13)N. All employers should begin using the form now.

You do NOT need to complete a new I-9 form for current employees for whom there is already a properly completed I-9 form on file unless reverification applies.

The new I-9 form is available from their website.



Compliance Review Checklists

Checking key components of your human resources and safety programs is important to maintaining an effective and up-to-date management program.

In each issue we will present a checklist of human resources,

general industry safety and construction safety key components.

Please take a few minutes to check your compliance with the components that apply to your business.

Human Resources Checklist

- ✓ Are you paying your employees at least the minimum wage required by federal or state law, depending on your business?
- ✓ In Ohio, are you providing employees at the time they are hired with the employer's name, address, telephone number and other contact information according to the minimum wage regulation?
- ✓ In Ohio, did you know that you are required to provide certain payroll records to an employee or person acting on behalf of an employee upon request, generally within 30 days after the request is made?

General Industry Safety Checklist

- ✓ Portable dockboards shall be anchored or equipped with devices that will prevent their slipping.
- ✓ Dockboards shall have hand holds or other effective means to allow safe handling.



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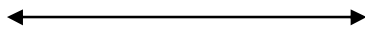
✓ Positive means shall be provided to prevent railroad cars from being moved while dockboards are in position.

Construction Safety Checklist

✓ When excavation operations approach the estimated location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

✓ While the excavation is open, underground installations shall be protected, supported or removed, as necessary, to safeguard employees.

✓ Each employee in an excavation shall be protected from cave-ins by an adequate protective system except when the excavation is made entirely in stable rock or the excavation is less than 5 feet in depth and examination of the ground by a competent person provides no indication of a potential cave-in.



Employee Compensation Management

By: John M. Turner, Ph.D.,
President

Part 9

The Equal Pay Act of 1963 applies to both men and women and prohibits using different

wage scales for men and women performing substantially the same jobs. When is the last time you reviewed your pay scales? We recommend at least an annual review to determine any compliance issues.

Are you permitted to pay men and women differently? The answer is, "in some cases." Pay differences can be justified on the basis of merit (job performance), seniority, quantity or quality of work, or factors other than gender. You should pay a similar wage for jobs requiring equal skills, equal effort, or equal responsibility or jobs performed under similar working conditions.

Pay equity is not the same as equal pay for equal work. It is similar to comparable worth. Pay equity is the concept that the pay for all jobs requiring comparable knowledge, skills, and abilities should pay the same even if the job duties and market rates differ significantly. Several states have laws requiring pay equity for public-sector jobs.

What State Do You Operate In?

Many states and municipalities have enacted modified versions of federal compensation laws. A good example is in Ohio where the minimum wage is higher than the federal minimum wage. You must be familiar with both federal and state compensation regulations for each of your company locations.

Garnishment Laws

Garnishment occurs when a creditor obtains a court order that directs an employer to set aside a portion of an employee's wages to pay a debt owed a creditor. All 50 states have laws applying to wage garnishments. Garnishments can be made for child support and a variety of types of consumer debt.

Base Pay System Development

A base compensation system is developed using your job descriptions and job specifications. You will use these tools to value your jobs and to analyze pay surveys. Your pay system should be both internally equitable and externally competitive. First, you will design your pay structure, which will include pay grades and minimum-to-maximum pay ranges. After pay structures are established, individual jobs will be placed in the appropriate pay grades and employees' pay must be adjusted according to length of service and performance. Then, it is important to monitor and update your system.

You want your employees to perceive their pay as appropriate in relation to pay for jobs performed by others inside your company. To provide a systematic basis for determining the relative value of jobs within your company, you should evaluate all of your jobs on the following features:

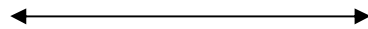


- Knowledge, skills, and abilities needed to perform the job satisfactorily.
- Nature of job tasks, duties, responsibilities, and competencies.
- Difficulty of the job, including the physical and mental demands.

There are two general approaches for valuing jobs. These are job evaluation and market pricing. Both approaches are used to determine initial values of jobs in relation to other jobs in your company.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Ten Ways To Think Like a Winner

By: Nick Dillon, MAED
Independent Human Resources and Safety Consultant

Have you heard the saying, "Attitude is everything?" This adage reveals a great truth: the perspective you take in any situation ultimately determines the outcome. So if you are hoping to bring prosperity into your life, it's important to learn to think like a winner.

How can you acquire the mindset of a winner?

Try these strategies:

1. Acknowledge that you're human. You are fallible because you are human. Rather than seeking perfection, strive to attain the abundance that presents itself to you.
2. Know what you want. Be specific about what you're trying to accomplish. For example, if you are running a marathon, perhaps your goal is to complete the race or to finish and not be in last place.
3. Aim high but not too high. Using the marathon example, if you are running a marathon for the first time, you could aim to finish in the top half of the group.
4. Refuse to set yourself up for failure. Setting unrealistically high expectations is strategically not the best plan. If you lack experience or expertise in something, rather than saying, "I'm going to be number one," say "I'm so proud of myself for going after my dreams. As long as I complete this task, I'm a winner."
5. Embrace compliments from others. Do you shrug off kind words from others? If so, it is time to recognize that most of us do not go out of our way to praise another unless we

are quite impressed with something they did. When you prosper, people take note of it and often comment about it. Accept praise and compliments from others with open arms and keep up the great work!

6. Do a personal inventory. Take stock of when you have been the most prosperous in your life. What are your major successes? What have you done well? What are you the most proud of?
7. Remind yourself of your positive character traits. Spend some time making the connection between who you are and the abundance you've already received in your life.
8. Recognize prosperity comes in all "flavors." Although money is a nice way to show notice of your stellar performance, you can also prosper in other ways. You might get more perks at work. Maybe you'll be recognized in your field by getting an award. Perhaps you will become the "go to" person whenever people are facing a challenge.
9. See the power you have in your own life. When you take responsibility to navigate life's challenges on your own terms, you will truly feel your own strength. You will prosper when you step up and make the decision to prosper.
10. Find the successes in your daily actions. However a



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situation concludes, consider your actions and what you did well. After a particularly challenging event, take some time to determine the positive aspects of the experience.

For example, if you submitted a project plan to your boss, that, in itself, is something to feel good about. Even if your boss ultimately went with a different plan, you gained work experience in the process. You stuck to something and followed through. Your boss will remember those things. Ultimately, you'll prosper in some way from the experience.

What you believe about yourself and a situation before it occurs determines whether you will reap the benefits of that situation. So, prepare your mindset for prosperity by thinking like a winner. You'll live the prosperous life of your dreams!



You Are Responsible

by: Safety Division

Every person determines their own fortune, and that fortune, good or bad, depends on the individual's acceptance of personal responsibility.

At a young age, we are taught to assume responsibilities. ("Look before you cross the street ... playing with matches is dangerous ... be home before dark..."). Even today, as adults, we still learn and decide whether to accept certain obligations. Young or old, we make individual choices.

When responsibilities are shunned or rejected, someone must cope with the results. Police officers, judges, juvenile officers, and social workers respond to most of these rejections in our society. In safety, doctors, nurses, and funeral directors deal with the consequences of rejected responsibilities.

By accepting and practicing safety responsibility, you ensure your future both at home and on the job. You do the same for your fellow worker as well, because socially and morally

you are responsible for preventing accidents to others as well.

If you see an unsafe act, do something about it - point it out so others are aware and can avoid future mistakes.

Point out to other employees when safety is not being practiced. After all, it is their responsibility to prevent an accident to you as well.

Use good work habits - don't be impulsive, and remember that hurrying can hurt. Develop the attitude that "If I do something wrong, I'm taking the chance of getting hurt." Then do the job the right way.

If you are a supervisor - help new employees learn that safety is the rule, not the exception. Teach them proper safety responsibility before they work alone.

Practice leaving personal problems and emotional stress away from the job. Remember, accidents do not just happen - they are caused. Correct little mistakes before they grow into permanent bad habits. Safety responsibility is up to you.

PRACTICE SAFETY – Do not learn it through accidental experience.





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Excavation and Trenching Safety

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Part 1:

Excavation and trenching incidents have a high probability for serious injury and death.

Management of excavations and trenches is vital to workplace safety.

To the untrained and inexperienced eye, a deep trench wall of seemingly firm clay can be deceptive. Trench collapse can occur without warning, regardless of the depth. Most trenching fatalities occur in trenches when the trench sides are 5 to 15 feet deep.

Because these depths invite taking chances, tragedies can and do occur even in small excavations or trenches. A trench just 4 feet deep can become a shallow grave. Many fatal accidents have occurred in trenches because victims were working in a bent-over or lying position.

The excavation competent person onsite is the key to excavation safety.

One cubic yard of earth can weigh 1.5 tons or more, and one cubic foot can weigh more than

100 pounds. Perhaps only those fortunate enough to survive a cave-in can appreciate the tremendous crushing and suffocating force of a load of dislodged earth. People can suffer severe and lifelong disabling injuries because of the crushing weight.

Tragically, hundreds of workers are killed and thousands are injured while doing excavation work every year. When a person is trapped and caught by a cave-in, the crushing pressure from the material gradually restricts breathing. Each time the victim exhales a breath, the weight of the load restricts inhalation of the next breath. A slow suffocation death usually follows, unless rescue is immediate.

Most rescue attempts are unsuccessful. There are too many things working against a successful rescue — time, weight of the soil and restricted access to the site. Many times, coworkers and rescue personnel also are exposed to additional cave-ins and hazards.

Establish the locations of underground and overhead utilities and services before beginning excavation. Contact utility companies and municipally-owned utilities and advise them prior to the start of actual excavation.

Make an inspection after every rainfall or other hazard-producing occurrence, if you are the competent person.

Do not allow water to accumulate in excavations. Do not enter an excavation or trench containing water until protective measures are in place and entry is approved by the excavation competent person in charge of the excavation or trench.

Use heavier sheet piling, shoring or bracing with superimposed loads, such as cranes working close to excavation edges. Using mobile equipment near excavations also requires extensive barricades or stop logs.

Make sure employees working in trenches 4 feet deep or more have an adequate and safe means of exit, such as ladders, steps or ramps available at no more than 25 feet of lateral travel.

In excavations more than 20 feet deep, equip ladders with ladder platforms at 20 foot intervals.

Make sure a competent person capable of identifying existing and predictable hazards, and with the authority to take prompt corrective action to eliminate them is on the site.

The excavation competent person should be able to identify soil classifications and the protective systems to use in accordance with the OSHA Excavation and Trenching Regulation 29 CFR 1926 Subpart P and its Appendices.

This article will continue in our next edition.



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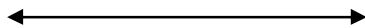
SURVEY

Job Seekers' Influences

The most influential factors for job seekers before they accept a job offer, according to a survey of 2,249 U.S. adults are:

- Salary - 73%
- Location/commute - 55%
- Career opportunities - 30%
- Amount of work - 22%
- Company reputation - 17%

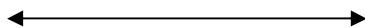
Source:
Glassdoor.com, Sausalito, CA.



INTERESTING FACT

In a survey on the efficacy of work meetings, 948 upper-level executives, managers and front-line supervisors say 45 percent of "meetings they attend accomplish nothing."

Source:
ManageElite, Malvern, PA.



SERVICE UPDATES

The JMT Network Program

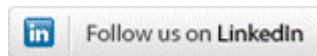
The JMT Network Program is up and running. Please visit www.jmt-associates.com (Click on the link located on the left-hand side of the home page.) to

read about the latest developments.

Social Media

JMT & Associates, LLC is on LinkedIn, Twitter, Facebook, Google+ and Skype.

Please visit us at the following social media sites:



www.linkedin.com/company/jmt-&-associates-llc



www.twitter.com/JMTHR



www.facebook.com/pages/JMT-Associates-LLC/144214645671881

SKYPE: JMT-001



<https://plus.google.com/117077074727697779296>

Mechanical Power Presses

Do you have a mechanical power press? As you know, mechanical power presses can be very dangerous. The OSHA standard is complicated and can be confusing. We can perform a comprehensive safety audit and determine if you have any safety hazards and if you are complying with the OSHA standard.

Monthly HR & Safety Programs

JMT & Associates, LLC offers a monthly HR program and a monthly safety program specifically designed for the small business. A comprehensive, customized program is offered for low monthly payments.

Construction Safety Training

JMT & Associates, LLC offers the OSHA 10 hour and 30 hour construction industry outreach training programs.

Educational Books

John M. Turner, Ph.D. has written the following books:

"The Employee Hiring Process – Who Are You Hiring?"

This book is an employer's guide to knowing who you are hiring – before it is too late.



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This is a must have book for anyone who is hiring employees. You will learn how to hire your next great employee.

This book comes with a workbook to help you practice and understand the process of hiring employees.

All the sample hiring forms and policies are included so you can customize them for your company.

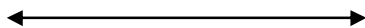
“How Are Your Employees Performing? Employee Performance Appraisals – Book 1.”

“How Are Your Employees Performing? Employee Performance Appraisals – Book 2.”

“Interviewing for Success – Finding the “Right” Person – Book 1.”

“Interviewing for Success – Finding the “Right” Person – Book 2.”

Please visit our website at www.jmt-associates.com or send us an email for additional information.



ABOUT US

JMT & Associates, LLC is a full service Human Resources (HR) and safety solutions provider. We partner with small, mid-size, and large companies to develop and improve HR processes and procedures.

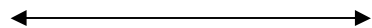
We offer extensive "real-world" experience in a variety of industries, including manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors.

Our level of involvement ranges from complete management of your HR needs to providing project-based assistance to your in-house HR person, depending on your specific business requirements. These services range from basic policy development to in-depth HR strategic planning.

We begin with a comprehensive HR assessment of your current policies and procedures, then we provide a detailed analysis and a "roadmap of recommendations" to maximize your HR investment. We then provide the necessary follow-up to ensure process effectiveness.

Areas of Expertise:

- Coaching & Leadership Development
- Compensation & Benefits
- HR & Safety Compliance
- Employee Handbooks
- Employee Relations
- General HR Practices
- HR Assessments
- HR Policies & Procedures
- HR Strategy & Planning
- Labor Relations
- Organizational Development
- Performance Management
- Job Analysis
- Job Descriptions
- Employee Assessments
- OSHA Written Programs
- OSHA Audits
- OSHA Citation Abatement
- HR & Safety Training Courses



ABOUT THIS NEWSLETTER

Legal Note: JMT & Associates, LLC provides services in conformance with best practices of the human resource (HR) profession, but is NOT engaged in rendering legal advice or services. While implementation of effective HR management programs and systems significantly reduces potential legal liability, should legal assistance be required the company is advised to utilize the services of a competent legal professional.

While the information in this newsletter has been compiled



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