



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

Volume 9, Issue 4 October 2012

*** NEWS ***

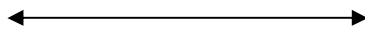
Ohio Minimum Wage Goes UP

The minimum wage in Ohio will increase on January 1, 2013. The current minimum wage is \$7.70 per hour and it will increase to \$7.85 per hour. The change is based on a Consumer Price Index increase of 1.7% over the past year.

The state minimum wage law applies to all businesses that have annual gross receipts in 2013 of more than \$288,000 per year. The current level is \$283,000 per year.

The new tipped minimum wage is \$3.93 per hour plus tips.

Remember, if you don't meet the requirements for the state minimum wage, you must pay the federal minimum wage, which is \$7.25 per hour. This rate is also for 14 and 15 year old employees.



New FCRA Forms - New Enforcement Agency

The Consumer Financial Protection Bureau has become the chief enforcer of the Fair

Credit Reporting Act (FCRA). It has issued revised FCRA forms employers and consumer reporting agencies must start using no later than January 1, 2013.

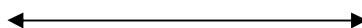
The revised forms are available in appendixes K, M and N at the end of Title 12 of the Code of Federal Regulations, Part 1022.

The new forms include:

- Summary of Rights Under the FCRA.
- Notice to Furnishers of Information: Obligations of Furnishers Under the FCRA.
- Notice to Users of Consumer Reports: Obligations of Users Under the FCRA.

Each form was revised to replace the references to the Federal Trade Commission, which had enforced the FCRA, to the Consumer Financial Protection Bureau.

If the FCRA applies to your business, be sure to update your forms by the deadline.



The Equal Employment Opportunity

Commission (EEOC) Outlines Priorities

On September 4, 2012, the EEOC released a draft strategic enforcement plan highlighting the agency's national priorities.

The priorities are:

- Eliminating systemic barriers in recruitment and hiring.
- Protecting immigrant, migrant and other vulnerable workers from job segregation, trafficking and discriminatory language policies.
- Addressing emerging issues.
- Preserving access to the legal system.
- Combating harassment, which the agency said remains "pernicious and direct" and occurs on the basis of race, color, sex, ethnicity, age, disability and religion.

Emerging issues the agency plans to target include:

- Americans with Disabilities Act Amendments Act (ADAAA) issues, such as who has a covered disability under the ADAAA's



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expanded definition of "disability."

- Accommodating pregnancy when women have been forced to take unpaid leave after being denied accommodations routinely provided to similarly situated employees.
- Lesbian, gay, bisexual and transgender individual coverage under Title VII sex discrimination provision, as they may apply.

Each company should review their policies, procedures and practices to ensure compliance with all EEOC regulations.



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

✓ Every company should conduct periodic audits of their payroll records. This applies whether you process payroll in-house or use a third-party vendor.

✓ Employers should maintain contemporaneous records that explain any changes they make to employees' time entries and should obtain employee approval and signatures on any changes.

✓ Many automated timekeeping systems allow managers to "edit" an employees' reported hours, but don't require managers to provide an explanation for changes. This could be problematic if at a later date you would need to explain the changes. Memories fade over time.

General Industry Safety Checklist

✓ When using a crane, there shall be no hoisting, lowering or traveling while any employee is on the load or hook.

✓ Dip tanks with more than 150 gallons capacity, or 10 square feet in liquid surface area, shall be equipped with a properly trapped overflow pipe leading to a safe location outside the building.

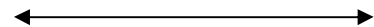
✓ There shall be no open flames, spark producing devices or heated surfaces having a temperature sufficient to ignite vapors in any vapor area.

Construction Safety Checklist

✓ Barriers or other means of guarding must be used to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of equipment are exposed.

✓ Worn or frayed electrical cords or cables must not be used.

✓ Extension cords must not be fastened with staples, hung from nails or suspended by wire.



Employee Compensation Management

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

Part 7

Legal Considerations with Compensation Systems

There are many federal, state, and local legal requirements concerning your compensation system.

The major federal law affecting compensation is the Fair Labor Standards Act (FLSA). The FLSA was first enacted in 1938. It affects both private and public sector employees. This regulation covers most employers. There are, however, a few exceptions. Check with your labor council to see if your



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company must comply with this regulation.

Compliance with the FLSA provisions is enforced by the Wage and Hour Division of the U.S. Department of Labor. Employers must keep accurate time records and maintain those records for three years. Penalties for non-compliance are very steep. You could be charged for up to two years of back pay for affected current and former employees.

There are three primary provisions to the FLSA:

1. Establish the minimum wage.
2. Discourage oppressive use of child labor.
3. Encourage limits on the number of hours employee's work per week through overtime provisions (exempt and non-exempt statuses).

Minimum Wage – The FLSA sets a minimum wage to be paid to the broad spectrum of covered employees. The actual minimum wage can be changed only by congressional action. A lower minimum is set for “tipped” employees, such as restaurant workers. However, their compensation must equal or exceed the minimum wage when average tips are included. You must be aware of your state's minimum wage which may be higher than the federal rate.

Child Labor Provisions – This provision sets the minimum age

for employment with unlimited hours at 16. For certain hazardous occupations, the minimum is 18 years of age. Employees 14-15 years old may work outside school hours with certain limitations. There is specific documentation that is required. You should contact your labor council for specific requirements.

Exempt and Non-exempt Statuses – Under the FLSA, employees are classified as exempt or non-exempt. Exempt employees hold positions classified as executive, administrative, professional or outside sales, for which employers are not required to pay overtime. Non-exempt employees must be paid overtime. The categories of exempt jobs include:

- Executive
- Administrative
- Professional (Learned or Creative)
- Computer Employees
- Outside sales

The regulations identify factors related to salaried pay levels per week, discretionary authority, and other criteria that must exist for jobs to be categorized as exempt.

Every employer should conduct a review to be certain that the jobs they have classified as exempt do, in fact, meet the required criteria. Penalties are steep for non-compliance. There is another classification that some employers use called salaried non-exempt. These employees usually receive a set

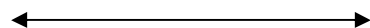
“salary” per week; however, they still must be paid overtime.

Overtime – The FLSA establishes overtime pay requirements. Overtime is paid at one and one-half times the regular pay rate for all hours over 40 in a week. The work week is defined as a consecutive period of 168 hours. It does not have to be a calendar week. No daily number of hours requiring overtime is set.

Some industries, such as hospitals, are permitted some variations to this requirement.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Are You On The Right Life Course?

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

The statement “If you don't know where you are going, any road will do,” has somewhat of a political meaning going back to the Civil Rights Movement. At one point, the quote was coined by Malcolm X. The belief was that you had to take a stand to have a sense of value and worth. Sometimes, a person had to stand alone. Ultimately, it was a choice, and that was a powerful feeling and right to have. Therefore, the later part of that statement “any road will



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do” became a cop-out for many individuals who did not take ownership of their lives and the direction they wished to travel.

Regardless of who you are and what your daily motivation is, you should always have a feeling of purpose and significance. Every day you should have a personal agenda or objective. Even if it is as simple as relaxing, or even just going with the flow, you have made a mental choice.

Because life can deal us a handful of daily challenges, it is important to know where you are going or at least where you would like to go. As an adult, you soon realize that life is about choices. I am sure we can all remember our parents or even grandparents constantly reminding us to do our best in school and stay out of trouble so that later in life, we would be able to make the right choices. That advice was preparation for the future so that as adults, we did not find ourselves still depending on others to make our decisions. Adulthood is the defining moment where you actually take the bull by the horns and venture toward the success you have prepared for yourself.

For some, any road will do because they have emerged as followers and not leaders of their own destinies. These individuals have not taken ownership of their lives. Instead, they have been caught up in that group which was left behind because somewhere in life they failed to listen or accept the

appropriate life lessons. Now, they are left with the mindset that any road will do because any road is better than no road at all.

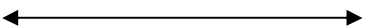
It is never too late to start making appropriate choices in your life. I often suggest that it only takes a moment to change your thinking and your choices. For some, it takes a lifetime to get to that moment.

Consider the following examples and recommendations for knowing where you are going:

- For companies and leaders looking to increase productivity and profits, there needs to be a strategy developed that incorporates a very competitive marketing plan and projected outcomes.
- For the dating couple avoiding the long-term commitment, they need to make a choice in the immediate future as a response to the long-term commitment question.
- For the single parents giving their all to balance the demands of work and family life, there needs to be internal motivation that is persistent in assuring that failure is not an option.
- For families who need to better manage their finances, they need to collaborate and agree to budget counseling or develop an action plan before things get too far out of hand.

- For an entrepreneur who wants to leave a job to follow a dream of business ownership, he needs to make sure he has an action plan that will weather the storm; and motivation that will stand the test of time.
- For the college graduate who has seen too many job rejections since graduation day, she must remain consistent in her efforts and remember the laws of both numbers and consistency. Stay faithful, focused and full of energy because something will happen in God’s time.

When you know exactly where you are going, and your mental plan speaks to that direction, you will never walk down that winding road that leads to just anywhere because you have a specific destination.



Slips, Trips and Falls

by: Safety Division

Have you ever had a slip, trip or fall? If not, we bet you know someone who has. It is the number one reason for an industrial injury in the United



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States. The season is starting to change, so let's look at walking outside when it's cold and snowy or icy.

Here are some tips:

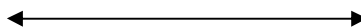
- Plan ahead and give yourself sufficient time.
- When walking on steps, always use the hand railings and plant your feet firmly on each step.
- When walking on an icy or snow-covered walkway, take short steps and walk at a slower pace so you can react quickly to a change in traction.
- Bending your knees a little and taking slower and shorter steps increases traction and can greatly reduce your chances of falling. It also helps to stop occasionally to break momentum.
- Streets and sidewalks that have been cleared of snow and ice should still be approached with caution. Look out for "black ice." Dew, fog or water vapor can freeze on cold surfaces and form an extra-thin, nearly invisible layer of ice that can look like a wet spot on the pavement. It often shows up early in the morning or in areas that are shaded from the sun.
- Carrying heavy items can challenge your sense of balance. Try not to carry too much--you need to leave

your hands and arms free to better balance yourself.

- Be prepared to fall and try to avoid using your arms to break your fall. If you fall backward, make a conscious effort to tuck your chin so your head doesn't strike the ground with a full force.
- When entering a building, remove as much snow and water from your boots as you can. Take notice that floors and stairs may be wet and slippery--walk carefully.
- Use special care when entering and exiting vehicles--use the vehicle for support.

Please consider offering training to your employees about preventing slips, trips and falls.

Be safe this winter!



Lockout Tagout Basics

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Part 1:

Introduction

Lockout/tagout regulations were put into place by the Occupational Safety and Health Administration (OSHA) to protect workers from the risk of

injury or death due to electrical shock or from equipment that can move when it should not. Electricity or other energy must be completely shut off and locked with a padlock at the source of the power. Lockout means that the power and machinery are isolated from their energy sources and locked so that they may not be reactivated and injure an employee. This article will discuss the types of hazardous energy sources that shall be locked out, the written control of hazardous energy program, employee training, lockout procedures, and restarting equipment.

When is Lockout/Tagout Required?

Lockout/tagout is required whenever "servicing and/or maintenance" is performed when the unexpected start-up of the equipment or machine or the unexpected release of hazardous energy could occur that will injure employees performing the servicing or maintenance.

During "normal production / operations" each employee is protected from the "point of operation hazards" and "energy transmission hazards" by "machine guards." Anytime that a machine guard must be removed, defeated, or bypassed control of hazardous energy - lockout/tagout is required in order to protect employees.

Types of Energy Sources

Hazardous energy sources that shall be controlled include the



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following:

- Electrical
- Gravity
- Mechanical
- Thermal (Heat or Cold)
- Chemical
- Pneumatic (Compressed Air)
- Hydraulic
- Any other form of energy that is present that poses a hazard to employees

Things You Can Do

List each form of hazardous energy present at your work station. Does your current control of hazardous energy lockout/tagout procedure account for each form of hazardous energy present?

Written Control of Hazardous Energy Program

OSHA requires that a lockout/tagout program is included in the company's written safety program. The written program plan should explain the meaning of lockout/tagout, what needs to be locked and tagged and in what situations this should be done. Also included should be the entire procedure, step-by-step, and in language that any worker can understand.

The control of hazardous Energy program is required to contain the following components:

1. Control of hazardous energy procedures - specific to each piece of equipment or machinery

2. Employee training

3. Periodic inspections

Employee Training

During initial training of newly hired employees and for renewal of training certificates, employees should receive training about the lockout/tagout procedures. Even those employees who may not be involved in maintenance or inspection of equipment should be aware of the program. An employee who does not know why a piece of equipment or a power source is locked could unlock and restart the source, causing injury to others or themselves. Frequent safety updates, such as toolbox safety talks, should include the lockout program.

There are two (2) main categories of employees: (1) authorized employees and (2) affected employees. Authorized Employees are the employees trained and equipped to perform the actual lockout/tagout procedure. Affected employees are "affected" by the lockout, such as machine operators that cannot operate the machine, and other employees working in the vicinity of the locked out machine. All employees shall be trained that a machine shall be locked out, tagged out, and verified to be in a "zero energy state" prior to entering the point of operation of that machine to perform maintenance or servicing.

Part 2 of this article will appear in our next newsletter.

SURVEY

Road Rage

When 3,892 U.S. workers were surveyed about how they get to work, 9 percent of those who drive to work report they have gotten into a fight with another commuter.

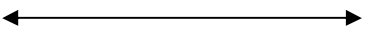
Source:
Careerbuilder, Chicago



INTERESTING FACT

More than 36,000 job ads were posted online for human resources occupations in June 2012, growing 17 percent over the past year.

Source:
WANTED Technologies, New York



SERVICE UPDATES

John M. Turner, Ph.D. has successfully completed the OSHA 502 course. This course is to update the construction industry outreach trainer authorization. The training is good for four years.

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



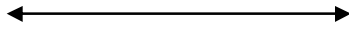
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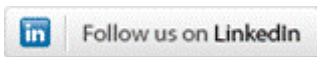
read about the latest developments.



Social Media

JMT & Associates, LLC is now 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 is now offering 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.

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.”

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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 from sources and documents

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