



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

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Reminders

1. Ohio minimum wage has changed effective **January 1, 2009**. (See our last issue.)
2. The Americans with Disabilities Amendments Act is effective **January 1, 2009**. (See our last issue.)



OSHA Posting

Employers that are required to comply with the OSHA recordkeeping guidelines (this includes most employers) must remember to post their OSHA No. 300A (Summary of work-related injuries and illnesses) for the calendar year 2008 from February 1, 2009 thru April 30, 2009. The No. 300A should be posted in a conspicuous place where you normally post employee information. Failure to post can result in citations and penalties.



Form I-9 Change

Starting **February 2, 2009**, expired credentials will no longer be acceptable to establish the identity or work eligibility of new hires.

On December 17, 2008, the United States Citizenship and Immigration Services (USCIS) posted an “interim final rule” in the Federal Register making changes to Form I-9, and reducing the documents employers can accept to satisfy the form’s requirements.

Employers can continue to use the current version of Form I-9, dated June 5, 2007, until the new Form I-9 and its requirements become effective February 2, 2009.

The revised Form I-9 will be made available in English and Spanish and posted on the USCIS Web site (<http://www.uscis.gov>) at a later date.



Family & Medical Leave Act (FMLA) Changes

On November 17, 2008, the Department of Labor (DOL) published its final rule to implement the first-ever amendments to the Family and Medical Leave Act (FMLA), signed into law by President Bush in January 2008, which provide new military family leave entitlements and to update the regulations under the 15

year-old FMLA. The new rule is effective **January 16, 2009**.

There are significant changes to the FMLA; including, numerous regulation changes, new forms, and a new poster.

All affected employers should become familiar with the new regulations and ensure they are compliant.

Listed below are some of the highlights of the regulatory changes:

1. Added Military Caregiver Leave (also known as Covered Servicemember Leave) – up to 26 work weeks of leave.
2. Added Qualifying Exigency Leave.
3. Revised the Ragsdale Decision/Penalties.
4. Return to Light Duty work.
5. Waiver of Rights.
6. Serious Health Condition definition.
7. Substitution of Paid Leave rules.
8. Perfect Attendance Awards.
9. Employer Notice Obligations.



- 10. Employee Notice.
- 11. Medical Certification Process (Content and Clarification).
- 12. Medical Certification Process (Timing).
- 13. Fitness-For-Duty Certifications.



Specifying Expectations for Employees

By: Sandra Kay Neal, Ph.D.,
Industrial Organizational Psychologist

The vast majority of employees take pride in their work and desire to do a good job. If an employee is not doing the job as the manager expects, it is wise for the manager to assume the employee doesn't understand the expectations.

The wise manager then meets with the employee privately to discuss the issue. It is helpful if the manager will describe what has been missing from the employee's performance, operating with the assumption that the employee has not understood exactly what was to be done. It is helpful to restate the expectations for the way the tasks are to be done. The expectations should be provided in as much detail as possible.

The performance should be monitored closely to be sure the employee is doing what was

expected. If the employee is still not doing things correctly, the manager may need to put the steps of the task in writing. These written steps can then be used to evaluate the employee's performance.

When the employee does the steps correctly, it is particularly important for the manager to say that to the employee. This will reinforce the employee's behavior and increase the likelihood that the employee will continue doing all the steps needed.

Employees want to do the job well. An effective manager ensures that employees know what they need to do in order to do the job right.



Employee Performance Appraisals – Part 8

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

This article concludes our series on employee performance appraisals. Previous articles have appeared in our past newsletters and can be found on our Web site.

DELIVERING THE APPRAISAL

Once the appraisal is complete, it must be communicated to the employee. Most companies require the manager to discuss appraisals with employees. This

is typically called the appraisal interview.

The interview presents both an opportunity and a danger. It is an emotional experience because the manager must communicate both praise and constructive criticism.

Here are some tips for conducting an effective appraisal interview.

DO

- Prepare in advance.
- Focus on performance and development.
- Be specific about reasons for ratings.
- Decide on specific steps to be taken for improvement.
- Consider the supervisor's role in the employee's performance.
- Reinforce desired behaviors.
- Focus on future performance.

DO NOT

- Do all the talking.
- Lecture the employee.
- Mix performance appraisal and salary or promotion issues.
- Concentrate only on the negative.
- Be overly critical or "harp on" a failing.
- Feel it is necessary that both parties agree in all areas.
- Compare the employee with others.



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FEEDBACK

There are three commonly recognized components of the feedback system.

- Data – factual pieces of information regarding observed actions or consequences.
- Evaluation – the way the feedback system reacts to the facts.
- Action – the manager makes specific suggestions regarding future actions the employee might take. Employee input should be encouraged.

CONCLUSION

Regardless of the approach used, managers must understand the intended outcome of performance management. When appraisals are used to develop employees, the program is successful. When the appraisal is used to punish employees, the program fails. An effective performance management system will include the following key elements.

- Effective in documenting employee performance.
- Viewed by the employees as fair.
- Legal and job related.
- Useful as an administrative tool.
- Beneficial as a development tool.
- Consistent with the strategic mission of the company.

Now that we have concluded our services on performance management how do you feel your program measures up?

Is it time to develop or review your program?



The National Burn Awareness Week

By: Vicki Hershey
Independent Safety Consultant

The National Burn Awareness week is February 1 – 7, 2009.

This is a good time to educate employees on how to prevent fires. Fire extinguishers save lives and protect property every day. They play a vital role as part of a good comprehensive fire safety protection plan for work and at home. It is important to own a fire extinguisher, but more important is to know how to; operate properly, strategically place to ensure one is handy at all times, and how to maintain them properly to ensure they are in good working order when needed.

General Requirements for Work

Only approved portable fire extinguishers shall be used. The employer shall not provide or make available in the workplace portable fire extinguishers using carbon tetrachloride or chlorobromomethane extinguishing agents.

Employers must provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Employers must assure that portable fire extinguishers are maintained in a fully charged and operable condition and kept in their designated places at all times except during use.

Employers must remove from service all soldered or riveted shell self-generating soda acid or self-generating foam or gas cartridge water type portable fire extinguishers which are operated by inverting the extinguisher to rupture the cartridge or to initiate an uncontrollable pressure generating chemical reaction to expel the agent.

Selection and Distribution

Portable fire extinguishers shall be provided for employee use and selected and distributed based on the classes of anticipated workplace fires and on the size and degree of hazard, which would affect their use.

Employers must distribute portable fire extinguishers for use by employees on Class A fires so that the travel distance for



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employees to any extinguisher is 75 feet (22.9 m) or less.

Employers must distribute portable fire extinguishers for use by employees on Class B fires so that the travel distance from the Class B hazard area to any extinguisher is 50 feet (15.2 m) or less.

Employers must distribute portable fire extinguishers used for Class C hazards on the basis of the appropriate pattern for the existing Class A or Class B hazards.

The employer shall distribute portable fire extinguishers or other containers of Class D extinguishing agent for use by employees so that the travel distance from the combustible metal working area to any extinguishing agent is 75 feet (22.9 m) or less. Portable fire extinguishers for Class D hazards are required in those combustible metalworking areas where combustible metal powders, flakes, shavings, or similarly sized products are generated at least once every two weeks.

For home use, ABC extinguishers are recommended and can be purchased at most department stores. Read instructions and recommendations to develop your own fire safety program.

Inspection, Maintenance and Testing

All portable fire extinguishers provided shall be placed into a monthly inspection program. The monthly inspection shall be performed by the appropriate

department for their responsible facilities.

The monthly inspection shall include a check of the following items:

1. Confirm the extinguisher is in its proper location.
2. Confirm the extinguisher is not obstructed.
3. All seals and pins are in place and have not been removed or tampered with.
4. If applicable, check gauge to ensure that the pressure is within the operable range.
5. Examine the extinguisher for obvious signs of physical damage, leakage, corrosion or clogged nozzles.
6. Ensure that a current service tag is present on extinguisher.

When the appropriate department personnel discovers that the extinguisher is damaged, missing or inoperable, they shall remove the extinguisher from service and replace it with an extinguisher of the same rating and size. If the extinguisher is obstructed, the appropriate department personnel shall contact the person whose materials are obstructing the extinguisher and have them remove the materials immediately, or make arrangements to relocate the extinguisher.

Upon completing the monthly inspection, the appropriate department personnel shall date and initial the backside of the service tag.

Annual Maintenance

All portable fire extinguishers shall have an annual maintenance check completed by a qualified person or contractor.

Records should be maintained for each inspection.

The scheduling of annual maintenance inspections is the responsibility of safety department.



SURVEY

Worried Workers

In the *America at Work* poll of 1,159 employed Americans, 51 percent say they are worried about finding a new job if they lose their current one.

Source:
Employment Law Alliance, San Francisco



SERVICE UPDATES

Construction Safety Training

JMT & Associates, LLC is now offering OSHA 10 hour and 30 hour construction industry outreach training programs.

Educational Books



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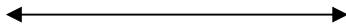
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John M. Turner, Ph.D. has written a series of books entitled "Interviewing for Success – Finding the "Right" Person." Please visit our Web site at www.jmt-associates.com for additional information.

Fire Extinguisher Training

JMT & Associates, LLC is now offering fire extinguisher training for your employees.



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 "road-map 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, Diversity, Employee Relations, General HR, HR Assessments, HR Policies & Procedures, HR Strategy & Planning, Labor Relations, Organizational Development, Performance Management, Job Analysis, Job Descriptions, Employee Assessments, and a variety of HR & Safety Training courses.

Legal Note: JMT & Associates, LLC provides services in conformance with best practices of the human resource 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.

Guest Authors: Articles written by guest authors express their own views and information. JMT & Associates, LLC in no way endorses or is responsible in any way for the content or views of their articles.

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