



# JMT & Associates, LLC

## *Human Resources & Safety Consulting*

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## PEOPLE POINTERS

Volume 7, Issue 4 October 2010

### \*\*\* NEWS \*\*\*

#### **Small Business Health Care Tax Credit**

The U.S. Internal Revenue Service posted on September 7, 2010 a draft version of Form 8941, which, when finalized, small businesses and tax-exempt organizations can use to calculate the small business health care tax credit when they file income tax returns in 2011. Don't overlook this tax credit if your company is eligible. Information can be found at [www.irs.gov](http://www.irs.gov).

#### **Same Sex-Parents**

The U.S. Department of Labor (DOL) on June 22, 2010, clarified the definition of "son and daughter" under the Family and Medical Leave Act (FMLA) to ensure that an employee who assumes the role of caring for a child receives parental rights to family leave regardless of the legal or biological relationship. If your company must comply with the FMLA, you should review these significant changes to the Act. Information can be found at [www.dol.gov](http://www.dol.gov).

#### **Saving Paper**

The U.S. Department of Homeland Security (DHS) on July 22, 2010, published a final rule in the Federal Register amending an interim final rule on the electronic signature and storage of the Form I-9. Information can be found at [www.dol.gov](http://www.dol.gov).

#### **Union Rights Posting**

The Department of Labor (DOL) has published a final rule that requires federal contractors, including banks to post a notice advising employees of their rights under the National Labor Relations Act to join and form labor unions. The rule became effective on June 21, 2010. Do you have the poster prominently displayed at your workplace?

#### **COBRA**

The Department of Labor (DOL) has posted new information to help employers comply with COBRA. If your company must comply with COBRA regulations, you should review this new information at [www.dol.gov](http://www.dol.gov).



#### **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.

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**

- ✓ Do you have formalized, written recruiting procedures? Your procedures should be consistent and appropriate to avoid discriminatory practices and reduce your risk.
- ✓ Do you have a formalized, written interviewing program? Does it include the appropriate training for all interviewers?
- ✓ Do your pre-employment testing practices conform to all the appropriate regulations? Are background checks only conducted on relevant job positions?



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### General Industry Safety Checklist

- ✓ Boiler design, construction, and inspection is referenced in the ASME Boiler and Pressure Vessel Code, 1968 and current.
- ✓ PELS for 1, 3 Butadiene are:
  - (1) TWA limit. The employer shall ensure that no employee is exposed to an airborne concentration in excess of 1 ppm (part per million) of air measured as an 8-hour TWA.
  - (2) STEL. The employer shall ensure that no employee is exposed to an airborne concentration in excess of 5 ppm of air as determined over a sampling period of 15 minutes.
- ✓ Cadmium. The standard establishes a single 8-hour, TWA permissible exposure limit (PEL) of 5 micrograms per cubic meter of air and an action level of 2.5 for all industries. The PEL applies to all cadmium compounds and does not differentiate between exposure to cadmium fumes or dust.

### Construction Safety Checklist

- ✓ All employees required to enter into confined or enclosed spaces must be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of required protective and emergency equipment.

- ✓ No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.
- ✓ All protruding reinforced steel onto and into which employees could fall shall be guarded to eliminate the hazard of impalement.



## **Human Resources (HR) Strategic Planning**

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

Part 7

### **Human Resources Planning**

#### **Labor Shortage**

If your plan reveals a labor shortage, you must develop a hiring plan. Once you exhaust all internal candidates for the plan, you must look externally to fill the shortage.

#### **Labor Surplus**

If your plan reveals a labor surplus, workforce reductions must be made. This is a very difficult task of HR management. When reducing staff, companies with 100 or

more employees must follow the guidelines of the Worker Adjustment and Retraining Notification Act (WARN). This law requires employers to give a 60-day notice before implementing a layoff or facility closing that involves more than 50 employees. This is a complicated regulation and you should always consult your labor attorney for guidance.

Reducing your labor force has been called several things, including downsizing, rightsizing, and reduction in force (RIF). Typically a company will focus on underperforming employees for the reduction. Be careful because downsizing can hurt productivity by leaving the “surviving” employees overburdened with reduced morale. Some common reactions include shock, disbelief, anger, resentfulness and the “why not me” syndrome. Downsizing can certainly affect performance among your supervisors.

### **The key to an effective downsizing is regular, effective communication.**

Attrition is another method to address a labor surplus. When an employee quits, dies or retires their position is not replaced. Usually this method is a slow process only affecting a small number of employees. This method can be combined with one of the other methods to increase effectiveness.

Another method is voluntary



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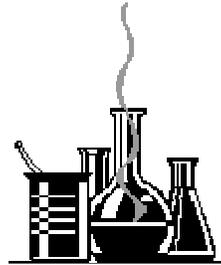
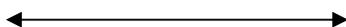
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separation programs. Companies can offer employees incentives and severance payments to quit voluntarily. When employees leave on their own, the legal risks to the company are reduced. The advantage to this method is it allows you to reduce payroll costs significantly over time. The upfront costs are offset over time.

Layoffs are a common method to reduce staffing. If circumstances of the plan change, these employees can be called back to work. Careful planning is essential when conducting a layoff. Be very careful not to violate the discrimination regulations. Some companies will offer severance pay to laid off employees. Typically, we see one week's pay for each year of employment. Employees receiving a severance package should be required to sign a release to not sue the company. Contact your labor attorney for guidance in this area.

Mergers and acquisitions can dramatically affect your plan. A common result of most mergers and acquisitions is an excess of employees once the companies have combined. The different company cultures must be combined. HR can play an integral role in this process. HR activities must also be molded together.

**Note: Previous articles are available on our website.**



### **Hazardous Material Safety**

By: Vicki Hershey  
Independent Safety Consultant

All facilities are not financially equipped to implement the most state of the art safety equipment. However, you can implement other means like increased safety.

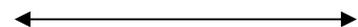
Not all areas of a facility processing hazardous materials must be considered hazardous. Facilities should train and educate specific personnel on hazardous safety and those persons identified as their Hazardous Team. These persons can then perform hazardous area classification identification. It can be performed prior to construction of a new facility, addition or in intervals of one to three years.

If done correctly and effectively, it can decrease costs of operating plants that process hazardous materials or waste such as solvents, explosive vapors and gases, and significantly reduce the chances of an accident or fatality from happening.

In any processing facility that manufactures or produces hazardous materials that are potentially explosive or flammable, there are some areas where there is an increased potential for explosion or fire, and areas where there is a decreased potential for explosion or fire. The Hazardous Team can identify these areas and designate as hazardous areas or safe areas. Storing these materials in safe areas, and having your Hazardous Team train all personnel on hazardous safety in both areas can decrease your chances of fatalities significantly.

The conditions of both classified areas **MUST NOT CHANGE**. If they change in any way, your Hazardous Team must make a new hazard assessment, document the changes and retrain personnel. If this is not done, it could result in a serious or even fatal incident.

The conclusion is straightforward. If area classification is performed with certain assumptions or conditions, then personnel must be informed. If conditions are changed, the initial area classification becomes invalid. An invalid program can be more dangerous than no program at all. If this is not understood, disasters may occur.





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### **Employee Recognition**

By: Bonnie L. Thompson, M.A.O.M.  
Independent Consultant

The goal of employee recognition is to show appreciation for an employee's achievement and motivate employees to continue with good performance and loyalty to the company. Successful employee recognition will help an organization to retain key employees and keep employees happy along the way. The following information includes the suggested basics to consider when developing an employee recognition program.

When considering any employee recognition program, managers should remember the following key issues:

- The purpose is to acknowledge achievement.
- The recognition/reward can be public or private, and involve a monetary reward or non-monetary reward.

Types of Employee Recognition:

- Years of service
- Safety
- Attendance
- Certifications or degrees
- Customer service
- Public service
- Employee of the month, week, year
- Retirement
- Suggestion program
- Performance

Why Employee Recognition is Important:

- Helps to attract and retain key employees.
- Motivates employees to perform at higher levels.
- Increases employee productivity.
- Can increase employee competitiveness.
- Can increase company revenues and profitability.
- Improves business quality and service.
- Improves safety.
- May lower stress.
- Reduces absenteeism and turnover costs.
- Fosters employment longevity.
- Encourages employees to continue education and training.

Examples of Employee Performance for Recognition:

- Employee goes above and beyond what is expected in their job.
- Employee suggests a new process or idea that saves time or effort, or positively impacts the department or team.
- Completes a significant project ahead of schedule or exceptionally well.

Recognition Tips for Managers:

- Offer employee reward options.
- Identify what's meaningful to your employees.
- Keep employee recognition fresh.

- Recognize all levels of employees.
- Make sure recognition is given consistently.
- Keep it simple.
- Keep it adaptable.
- Keep it timely.

Employee Recognition Ideas and Examples:

- Verbal, written or formal praise from managers or informal praise by peers.
- Gift cards.
- Spot award (monetary).
- Choice of interesting and challenging projects.
- Opportunities to attend conferences or training.
- Opportunities to mentor other employees and work with people outside their areas.
- Call employee and thank them, with no other purpose for the call.
- Add a personal thank-you note to their paycheck or bonus.
- Allow employees to clang bells or whistles when they reach each goal.
- Company logo items.
- Plaques or trophies.
- Catered lunch or out to lunch.
- Recognition in company newsletter or on company website.

Company Employee Performance Recognition Policy:

- Eligibility – all employees are eligible for non-monetary recognition, and



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all regular employees are eligible for monetary rewards based on department budget.

- Awards should be consistent to the performance or results as possible.
- Awards criteria should be consistent with company and employee goals and objectives.
- Monetary awards require managers to complete a Recognition Request Form.
- After approval of the recognition request, HR will inform the manager.
- When appropriate, the employee will be recognized at the next staff meeting and receive any monetary reward in their next paycheck.
- Non-monetary rewards are encouraged and do not require a form or approval.



### **Failure Is Not Final. Thinking It Is, Will Be!**

By: Paul E. Donihue

It truly is amazing what the human mind can do with what you think. The mind can conceive of great and mighty things that will literally change the world, and yet, it can convince you (or you convince yourself through your thoughts) that your world is caving in and there is no place to hide. I believe it was Zig Ziglar who

said, “You are what you are, because of what goes into your mind. You change what you are by changing what goes into your mind.” That, my friend, is so true, of business... and of life totally.

At this writing, we are living through some of the worst economic times in history. It does not seem to be giving in and turning around soon, either. Millions of people have lost their jobs, many stand to do the same in months to come. Businesses, long standing, are closing their doors. And that is not the worst of it. Lives are being destroyed. Marriages are going down the tubes, life savings are being eaten up and wrecked, and lives are being taken.

In household after household, boardroom after boardroom, it would not be difficult to turn the finger back toward ourselves and say, “I’ve blown it. I have let everything be destroyed. I HAVE FAILED.” Despair turns to hopelessness and depression turns to wrecked lives. Our world seems to be crumbling around us and FAILURE SEEMS TO BE FINAL. The light coming toward us in the tunnel seems not to be the light at the end of the tunnel, but the headlamp of an oncoming train! Failure seems final. Nowhere to turn. No place to go. No hideaway to hide in. Failure is final. Or... so it seems, right now!

But failure was not final for Thomas Edison, or Colonel

Sanders, and does not have to be final for you and me. Our lives may take a detour, we may get stopped in the middle of our dreams, we may even stagger through some stage of life, but you and I have choices, as human beings, and you can choose to go through the failure OR let the failure in your life become a final straw and stop trying.

**Failure does not have to be the final answer to the stuff of life. If you really THINK that to fail is final, THEN FAILURE WILL BE FINAL.**

*If you allow it to*, failure will stop you cold in your tracks, derail the possibilities and opportunities, sidetrack your focus, and ambush your heart felt ambitions. Failure can suck life right out of your determination and resolve and make you question your very being. It will do that **if you really believe that to fail is a final destination.**

Thank goodness medical researchers do not believe that failure is final, or we would not see so many medical marvels. Celebrate that most adults do not give up on their kids, or we would be run over by hordes of juvenile delinquents. It is incredible that inventors continue on when there just doesn’t seem to be any answers, and unfathomable that in the deepest crises triumph can resolve to win. You see, failure is not necessarily final, BUT THINKING IT IS, WILL MAKE IT FINAL TO YOU!



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“You are what you are, because of what goes into your mind. You change what you are, by changing what goes into your mind.” So the choice really is YOURS! Choose it wisely! Your life and many others’ lives hang in the balance.

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Paul E. Donihue is CEO and majority owner of Business Success Enterprises, a national business solutions company, business resource, consultant and rainmaker company with a vision to help businesses “increase top line revenue and bottom line profits.” This article is part of a sixty eight article series, “Things I’ve Learned in Business,” located on their website for owners, managers, sales managers, and other employees.

<http://www.TodaysBizSolutions.com>.

An author of two main business books, “11 Ways To KILL Your Business ...and the KEYS to save it!” (2007) and “More Than A Job: Enjoying What You Do Can Change Your Life!” (2009) Donihue is also editor of a 9 book series, Business Building Blocks. Business Success Enterprises is also creator of the “Ready Cash Flow For Your Business” system.

A professional photographer, Mr. Donihue is owner of a new Wayne County Photography

Business, “Photo Expressions Place LLC.”

It’s website is <http://www.PhotoExpressionsPlace.com>

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### **SURVEY**

#### **Hard To Fill**

The five hardest jobs to fill for 2009, as reported by 2,000 U.S. employers, are:

1. Engineer
2. Nurse
3. Skilled/manual trade
4. Teacher
5. Sales representative

Source:  
Manpower, Inc., Milwaukee



### **INTERESTING FACT**

Thirty-three percent of American workplaces provide totally employer-paid coffee to employees. Thirty-three percent of workers describe the coffee as “tolerable.”

Source:  
Braun Research

## **SERVICE UPDATES**

### **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.

### **CPR, AED and First Aid Training**

JMT & Associates, LLC is now offering CPR, AED and First Aid training for your employees.

### **Safety Products**

JMT & Associates, LLC is now offering a full-line of safety and health related products. Call for pricing.

### **Construction Safety Training**

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



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### Educational Books

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

*“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](http://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.

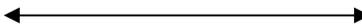
We offer extensive "real-world" experience in a variety of industries, including manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors.

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, 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.



## **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 believed to be reliable, its accuracy is not guaranteed, nor is any responsibility assumed or implied for any damage or loss resulting from inaccuracies or omissions.

**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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