



The Source

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Open Enrollment 2009

As Insurance rates continue to rise, Employers Resource is working towards providing clients with competitive insurance rates. Employers Resource will be reviewing existing group plans this Open Enrollment 2009. In certain cases, employers may qualify for small group plans that could be more advantageous than existing plans and rates with our large group plan. Also, we are now offering a dental plan through Smile Choice which requires no employer participation, nor sponsorship, and is completely paid for by employees.

Our Benefits Department will be contacting you to discuss these options in the coming weeks.

Did you know...

Employers Resource is offering web based Sexual Harassment Training for Managers and Supervisors at a discounted rate.

Make sure your company is in compliance with Assembly Bill 1825. Signed in 2004, AB 1825 requires California employers with 50 or more employees (including temporary service employees, independent contractors, and employees outside the state) to provide newly hired or promoted supervisors with two hours of classroom or other interactive sexual harassment training within six months of assuming a supervisor position.

Employers must provide training to all employees who have "supervisory authority," which generally includes anyone who has independent authority to:

- Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees
- Direct the work of other employees; and/or
- Resolve employee conflicts
- Employees who make recommendations to managers about such matters if their recommendations are likely to be acted upon



Please contact the Human Resource Department if you are interested in Harassment Training for your Supervisors.

Compliance Spotlight



Employer Supplied Cellular Phones – Is your policy up to date?

Valerie Walker used her car as her office several days a week as she drove around the state visiting her company's clients. Rather than waste the long hours on the highway, she used that time to make phone calls back to her office or to clients. One day she pulled onto the interstate and set her cruise control for 77. Using her company-supplied cell phone she contacted a client with whom she hoped to make an appointment.

Unfortunately, because she was busy talking on the phone, she didn't notice that the traffic ahead had suddenly slowed to a halt. By the time she saw the red taillights of the vehicle in front of her, she was almost on top of it. She jammed on the brakes, but it was too late. Her car slammed into a vehicle, pushing it to the side of the road where it overturned.

The victim, who consequently had her arm amputated due to the injury incurred, a widowed mother of four, sued Walker and Walker's company, citing a state distracted driving law and claiming that the use of a cell phone while driving was unreasonably hazardous and therefore against the law. The victim asked for millions of dollars in actual and punitive damages. This case was settled before it went to trial, with the employer agreeing to pay the accident victim \$5.2 million.

When Do You Have Liability?

This case was based on the principle that if an employer supplies a cell phone to an employee, even if the employee is making a personal call—or if the employee uses his or her own cell phone for business—the employer can be held liable for damages if the employee injures someone in a road accident while using the phone. Employers need to have a strict cellular phone policy and are ensuring employees are adhering to it. Contact the Human Resource department if you would like assistance creating a Cellular Phone Policy.

Cal/OSHA Compliance...Easy as 1 – 2 – 3

Cal/OSHA requires employers to perform and document a Hazard Assessment to determine employee exposures to potential work related injury. There are numerous standards that require documented training relative to workplace hazards. Employee skills training is an often neglected employer responsibility, and is required regardless of employee's alleged experience level. There is one simple form where these three requirements can piggyback one another, the Job Hazard Analysis (JHA) form, taking the saying "Killing two birds with one stone" to a new level! A copy of this form is in your Injury & Illness Prevention Program (IIPP), TAB 3.

Use this form while observing employees performing assigned tasks. Break the job into 5-7 steps. Broaden or reduce your scope to achieve the 5-7 steps. List the steps observed in the first column, recognized potential hazards in the second and recommended methods and precautionary procedures in the third. Back to the three requirements:

1. **HAZARD ASSESSMENT**; your completed JHA is your documentation of this function.
2. **SAFETY AWARENESS TRAINING**; use columns 2 & 3 to outline your training objectives. By rewording these objectives, you've created facility & job specific safety awareness topics for use in your safety meetings.
3. **SKILLS TRAINING**; again, the information from the JHA can be your skills training outline. Transfer this to the Skills Training Form located in TAB 8 of your IIPP.

You can take things one step further and use this form to assist in writing job descriptions. If you have any questions regarding Cal/OSHA compliance or wish assistance in performing a JHA, please contact our Loss Control Department at (714) 287-7576.

New I-9 Beginning April 3rd - No April Fools Joke!

Beginning April 3rd, employers must use a revised Employment Eligibility Verification I-9 form for new hires. The new form is dated February 2, 2009. Employers Resource has included the new I-9 form in the updated New Hire Kits. Please contact customer service if you would like an updated I-9 form.

The most significant changes in the new form are:

- Only unexpired documents will be acceptable. For example, where presently an expired driver's license is acceptable as proof of identity, starting April 3rd, this will no longer be true;
- Several new documents have been added to List A (Documents which prove identity and employment authorization) including:
 - Passport Cards;
 - Passports issued by foreign countries which contain a permanent residence notation printed on a machine-readable immigrant visa;
 - Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and FSM or RMI.
- The following are no longer acceptable List A documents: Obsolete versions of the Employment Authorization Document (EAD) - Forms I-688, I-688A and I-688B. The current version of the EAD (I-766) is still an acceptable List A document.
- The new I-9 revises Section 1 to differentiate between U.S. citizens and "noncitizen nationals of the United States". The latter category includes persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands (Northern Mariana Islands) and certain children of noncitizen nationals born abroad.

Should you have questions with regard to completing the new I-9 form, please contact the customer service department at: (800)559-2350.



Top 5 Mistakes Leaders can Make in Tough Times



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Mistake #1: Become reactive and reactionary

When leaders fail to gather information and critically assess the long-term impact of decisions, severe errors are made. Consider the Big Three auto executives who knee-jerked their way on private planes to ask for a handout without ever having a plan.

Before acting, stop and breathe. Think long-term strategy. Be cautious. Be proactive. Test your decisions by saying, "If this... then this..."

Mistake #2: Huddle with only the corporate folks

Answers can often be found at the floor level, not at the ceiling. Involve everyone in the search for efficiencies and innovations. Engage everyone in a common vision and mission. Building transparency goes a long way toward building trust and making employees feel they are part of the solution.

Mistake #3: Cut. Cut. Cut

No company has ever downsized its way to greatness. Underserved customers and too much work to be done by too few people are examples of the costs of wholesale terminations. These are cuts that could have been done with a scalpel instead of a hacksaw.

Canceling a meeting? This is the time to gather and candidly talk. Substitute pudding for crème brulee and sliders for filet mignon but bring people together.

As for layoffs—if your organization or department can handle this—bring everybody together and lay out the facts. Some leaders have found that employees are willing to reduce work schedules, work half-time, and job share rather than have members of their team terminated.

Mistake #4: Go after new clients and customers

Unless your current customers have vanished because of poor quality or service, they can be your best source of new revenue. Ask how you can turn them into champions of what you provide. Make them feel special and valuable. Some banks are now making every effort to thank customers for their business, and to answer any request with a "no problem" attitude. Sure, they should have been doing that all along, but better late than never.

Mistake #5: Do more with less

Scrutinize every process; get rid of the sacred cows and the egos. Translate every action into a dollar value. In one organization, senior executives were tripping over each other to put their two cents into every new PowerPoint presentation. It was a waste of executive talent which made each project longer than necessary, disempowered the employees creating the presentations, and actually used up some \$15,000 worth of senior management time!