

Legal & Other Updates February 2014

By:

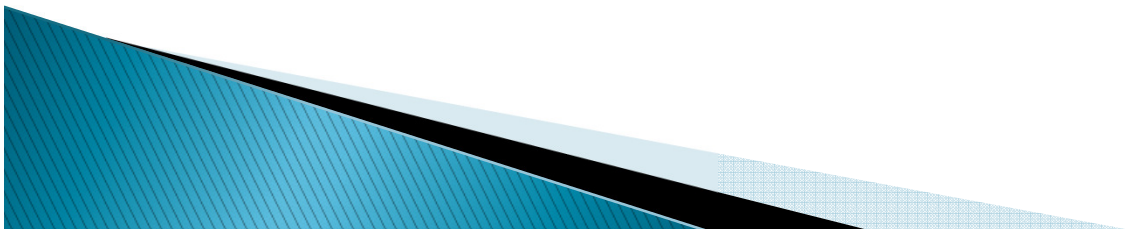
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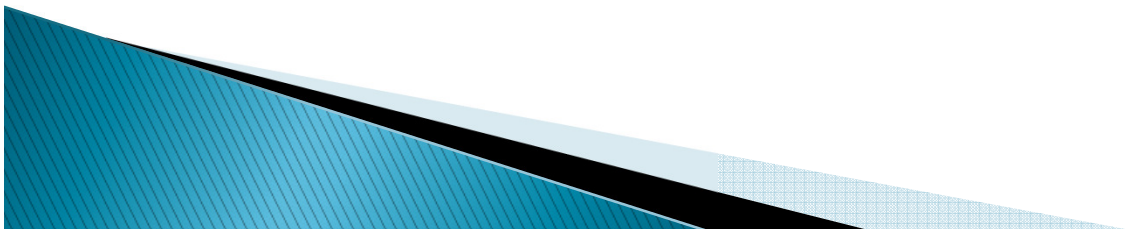
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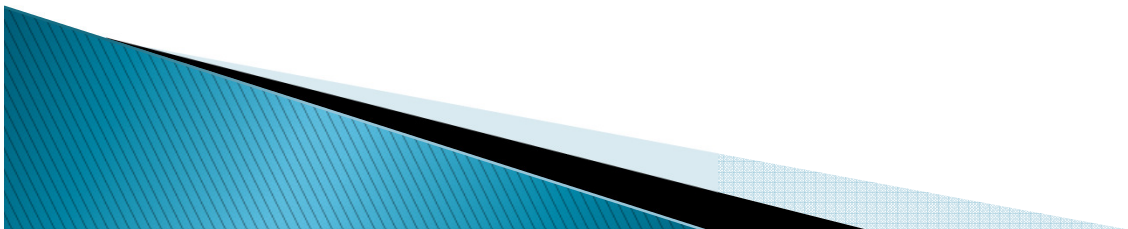
Changing Clothes – FLSA Union Environments

- ▶ *Sandifer v. U.S. Steel Corp.*, U.S. Supreme Ct.
 - Class action (800 employees) under FLSA
 - Failure to compensate for putting on/taking off 12 items of protective gear
 - Typically, donning or doffing gear = compensable
 - Section 203(o) FLSA – Employer can deny compensation for time spent “changing clothes” *IF* stated within a collective bargaining agreement.
 - *Under facts of this case*, included safety glasses, ear plugs & respirators even though not considered “clothes.”
- ▶ More re: union environments coming in March



Pregnancy

- ▶ Effective 1/21/14
- ▶ NJLAD amended, 1 or more employees
- ▶ Pregnancy *and childbirth recovery* = *protected classes*
- ▶ Prohibits less favorable treatment of women based upon pregnancy
 - Check your “benchmarks”
- ▶ Requires reasonable accommodations
 - Request must be based upon advice from doctor
 - Breaks/rest periods, job restructuring, assistance with manual labor
 - Imposes new leave requirement
 - “or, whenever accommodation is not feasible, for taking an amount of time away from work as required by the pregnancy, as certified by the physician of the employee taking into account the condition of the employee and the job requirements.”
 - June Dinner Meeting- “Available Accommodations”



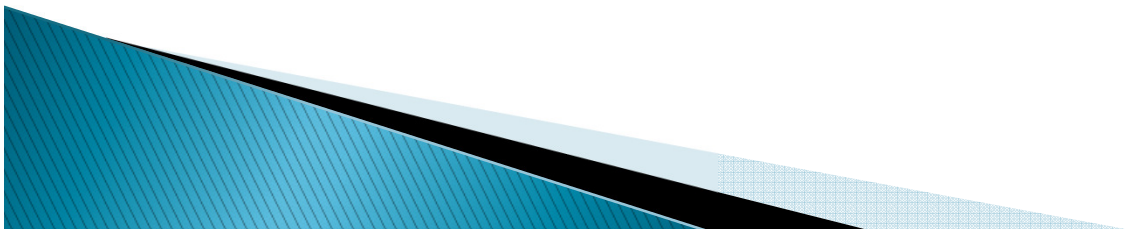
Unemployment Benefits – Shared Work Programs

- NJ Employers can request short-term benefits for employees in an affected unit to avoid layoffs
 - 10+ employees; 1500+ hours per year
 - Employer must certify:
 - Will not hire additional part timers;
 - Will not reduce health insurance, pension coverage, time off or other benefits or institute unreasonable revisions to productivity standards;
 - Agreement by union;
 - Reduction in hours must be at least 10%
- Provides for training other than that related to the employee's present position
 - Training counts as “available for work”
- Not dollar for dollar reimbursement
- Program is offered by the State in mass layoffs.



Unemployment Compensation & Temp Disability Benefits

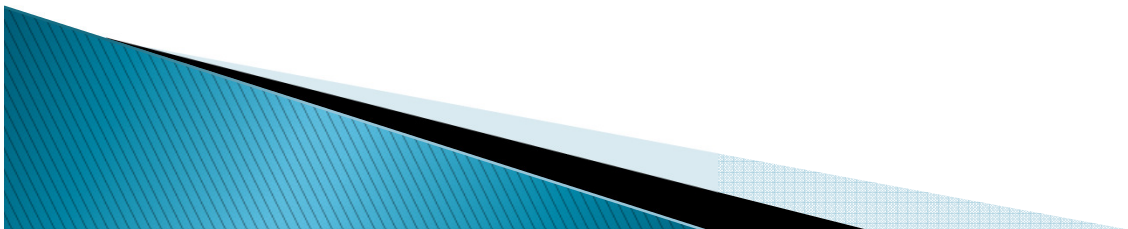
- ▶ Time to update your poster
 - New poster (PR-1) – NJ DOL website
 - New instructions for obtaining applications





NJ-FLI, TDB, NJ-FLA & NJ-SAFE

- ▶ Employees who missed work due to a declared state of emergency
- ▶ NJ-FLI & TDB:
 - Up to 13 weeks of absence count as base weeks under both laws.
 - TDB and NJ-FLI require 20 weeks total for eligibility
- ▶ NJ-FLA & NJ-SAFE:
 - Up to 90 days of missed time to count toward 1,000 base hours for both laws.



REASONS TO ATTEND:

Obtain an in-depth understanding of the NJ-SAFE Act, the interplay between the leave and other protections provided by that law, the New Jersey Family Leave Act, the Family medical Leave Act, New Jersey Family Leave Insurance (also known as New Jersey Paid Family Leave and Temporary Disability Benefits.

Learn how to effectively communicate with a victim-employee and understand how to handle delicate circumstances. Know how to respond to law enforcement inquiries without violating employee confidentiality. Understand the negotiable issues underlying the NJ SAFE Act and other leave laws as well as the right of employees to openly discuss such issues without reprisal.

Gain practical insight to the day-to-day implications and situations covered by the NJ SAFE Act and the steps every Human Resources professional can take in order to prepare for SAFE related events.



EVENT DETAILS

- \$50 HRA and SSHRMANJ chapter members
- \$65 non-members
- Register online no later than Monday, March 24th at <http://hrasnj.shrm.org>
Continental breakfast and buffet lunch included
- Seminar Location
Atlantic-Cape Community College
Building C - Theater
5100 Black Horse Pike
Mays Landing, NJ 08330
- March 26, 2014

This program is pending approval for 5 (General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute. You will receive a certificate at the event. For more information about certification or recertification, please visit the HR Certification Institute website at www.hrci.org.



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March 26, 2014
Atlantic-Cape Community College



KEEPING NEW JERSEY EMPLOYERS "SAFE"

A Comprehensive Program Addressing the Practical & Legal Realities of the New Jersey SAFE Act and Its Interplay with other Job Protected Leave

Tuition includes Continental Breakfast and Buffet Lunch

Special Thanks to Our Program Sponsors



Presented By



SCHEDULE

8:30 am - 9:00 am Registration

9:00 am - 10:45 am

A Review of Various Leaves and the Interplay with the New Jersey SAFE Act

– Armando V. Riccio, Esq.

A review of key provisions and protections provided by SAFE and correlation of various job protected leaves with leave under SAFE

- Interpretative guidance: a comparison of SAFE's key terms and provisions with similar laws, language and legal decisions
- Covered entities and employee eligibility under SAFE, the Family Medical Leave Act and New Jersey Family Leave Act
- Understanding the definition of "domestic violence" under State law and its application under SAFE
- Events triggering job protected leave under SAFE, the FMLA and the NJFLA
- Definitions of child and spouse under SAFE, the FMLA and the NJFLA
- Documentation or certification requirements under SAFE, the FMLA and the NJFLA
- Confidentiality versus the duty to report or cooperate with government authorities under SAFE
- Legal recourse: employee remedies under SAFE
- Time off as a reasonable accommodation
- Unionized environments
 - Negotiable aspects of job protected leaves
 - Concerted action and related protections

10:45 am - 11:00 am Break

11:00 am - Noon Pay/Income Protection

– Christine Madrid, Director of Temporary Disability Insurance, New Jersey Dept. of Labor

- Temporary disability benefits
- New Jersey Family Leave Insurance
- Application, eligibility, processing & approval.
- Employer policy issues

Noon - 12:45 pm

Buffet Lunch

12:45 pm - 1:30 pm

Interacting with a Victim-Employee

– Dr. Gary Glass (Psychiatrist)

- Creating the right work environment before an incident occurs
- HR's initial response to an incident
 - Post-incident communications
- Post-incident needs
 - Addressing work environment issues
Creating an encouraging work atmosphere
 - Returning to work
Benefits of work on treatment
 - Non-intrusive follow-up with the employee
- Psychological signs of trouble- the hidden realities of abuse
- Lasting realities

1:30 pm to 2:15 pm

Practical Tips for HR from HR

– John Baldino, MSHRD, SPHR, President of Humareso

- Employer policy issues
 - Reporting/call-outs
 - Workplace violence
 - Steps to protect your workplace
- Leave time mathematics and record keeping
- Employer application of leave time and employee notice (SAFE, FMLA, NJFLA, and other time off)
- Anticipated post-incident events
- Typical post-incident needs of a victim
- Government resources available for your employee

2:15 pm to 2:45 pm

Criminal Matters

– Steve Raymond, Esq.

- Reporting obligations/duty to cooperate with law enforcement
 - Maintaining compliance with confidentiality requirements
- Addressing workplace safety concerns
 - Obtaining or honoring a restraining order
- Stalking, drive-bys or related incidents

SPEAKER BIOS

▶ ARMANDO V. RICCIO

Raymond, Coleman, Heindol & Norman, LLP

Area of Focus: Labor and Employment Law. For over eighteen (18) years, Mr. Riccio has concentrated his practice in representing management in the public and private sectors with various employment matters. As solicitor and labor relations counsel to a variety of public entities of various sizes, Mr. Riccio has developed the depth of experience and ability to provide a broad range of legal services in labor and employment matters. He also provides practical and legal advice concerning policy issues and discipline matters.

▶ GARY M. GLASS, M.D.

Dr. Glass received his BA in psychology and his psychiatric training at The University of Pennsylvania. His psychiatric training included a fellowship in Forensic Psychiatry. Dr. Glass is Certified by The American Board of Psychiatry and Neurology and has also served as an examiner for The Board. Dr. Glass spent several years on the faculty of PENN and served as Associate Director of The Center for Studies in Socio-Legal Psychiatry as well as Director of Residency Training.

▶ JOHN BALDINO, SPHR

President – Humareso

John is able to look to the bottom line performance indicators and guides the clients to make corrective adjustments that promote profit and health. John has been involved in start-ups, mergers & acquisitions and expansion. He is involved with SHRM and facilitates HRCI certification programs for other human resources professionals. John is able to assess bottom line performance indicators and guides clients toward corrective adjustments that promote profit and health. He was named the Delaware Valley (Philadelphia Metropolitan Area) Human Resources Person of the Year for 2012.

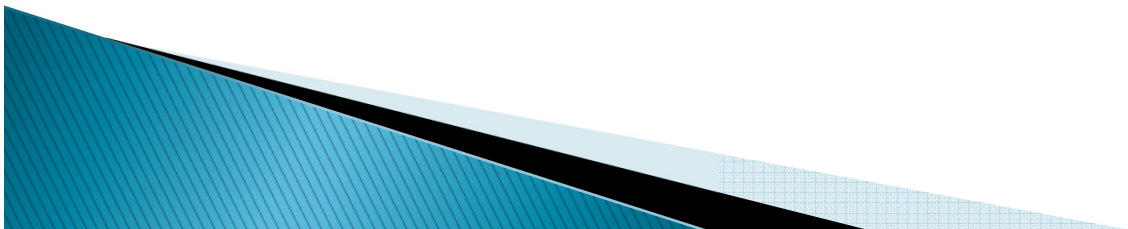
▶ Special Panelist Christine Madrid

Director of Temporary Disability Insurance, New Jersey Dept. of Labor

Program Approved!

- ▶ 5 HRCI Credits

- ▶ 5 Contact Hours / CEUs by the DCA for:
 - County/Municipal Finance Officers
 - Office Management & Ancillary Subjects
 - Public Works Managers
 - Management
 - Municipal Clerks
 - Professional Development



THANK YOU!

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