



CURRENT TRENDS IN HUMAN RESOURCES©

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Last year, state legislatures were busy addressing a myriad of issues geared towards expanding and protecting employees' rights. This trend has continued into 2009 as President Obama's first few months in office have also yielded actions and discussions aimed at strengthening this pro-employee slant. As a result of significant business reforms, Human Resources, formerly known as Personnel, will continue to expand its role and influence within the organization. Here are some recent activities and key trends that are likely to impact businesses at some point:

- **Statute of limitation for filing wage discrimination complaints**-the Lilly Ledbetter Fair Pay Act of 2009 significantly extends the time frame for filing wage discrimination complaints with the EEOC; the net result of this legislation will be a greater emphasis placed on proper employee records retention.
- **Increased number of EEOC complaints**-formal employee complaints filed with the EEOC increased 15.2% in 2008 to an all-time high; as a rule of thumb, every 1.5% increase in the unemployment rate is likely to yield a 21% increase in employee litigations.
- **COBRA benefits subsidy**-Employers are required to pay for approximately 65% of the cost of continued benefits coverage through the COBRA premium subsidy; employees terminated between September 2008-December 2009 are eligible for this subsidy.
- **Major health care reforms**-Enactment of proposed major health reform measures is more likely now that Sen. Arlen Specter has tilted the balance of power in the Senate by becoming a Democrat.
- **The federal minimum wage**-increased to \$6.55/hr in July 2008 and will increase, again, to \$7.25 in July 2009.
- **Equal employment opportunity laws**- several states have enacted stringent laws to protect the rights of employee groups and classes; for instance, Kansas employers are prohibited from discriminating against victims of domestic violence or sexual abuse while New Jersey prohibits discrimination against employees because of religious practices.
- **Worker eligibility verification**-along with the introduction of a new I-9 Employment Eligibility Verification Form, several states have increased the penalties to employers for failing to properly verify the work eligibility of job

- applicants; for instance, Virginia can now terminate a corporation's existence for actions that constitute a pattern or practice of employing unauthorized aliens.
- **Time Off**-Congress is currently debating passage of the Healthy Families Act which would require businesses to provide employees seven days of paid sick leave. Additionally, several states have recently passed laws mandating time off with and without pay; for instance, Florida employers must now grant an employee up to three working days if the employee or a family member is the victim of domestic violence or sexual abuse while Nebraska employers may not terminate or take any other disciplinary action against any employee who is absent or tardy because of obligations as a voluntary emergency responder. Of course this list does not even address states (i.e., New Jersey) that have adopted paid family leave policies that can be combined with the federal FMLA.
 - **Pay practices**-state laws have been enacted requiring employers to comply with restrictive practices; for example, an Iowa employer must comply with an employee's written request to receive wages by mail.
 - **Employee Free Choice Act** –while not yet passed into law, the EFCA will make it significantly easier for unions to enter organizations and conduct representation elections.

Though the above list is certainly not exhaustive, it does clearly indicate the direction legislators are headed with respect to employees' rights. The role of a human resources practitioner will become more pronounced as businesses respond to a growing number and list of employee complaints. It behooves every organization to retain the services of an HR professional to stay abreast and comply with all of the changes affecting employers.