



Fall is Here

Fall 2016



Compliance Corner

Paid Sick Time Laws

In the United States, 5 states, 29 cities, 2 counties and Washington D.C. have paid sick time laws on the books that are either in effect or will soon to be. The following is a list of States/Counties and Cities:

State Wide/County Wide & Washington D.C. - Paid Sick Time Laws:

CT, CA, MA, OR, Washington D.C., Montgomery County, MD; VT, Cook County, ILL

Where Did The Time Go?

It feels like just yesterday, summer had just begun. The weather is still beautiful, but the long carefree days of summer are over.

A change in season usually sparks changes in a company. A company has cycles as with the seasons. It could be reorganization changes or new business practices as we head into the end of the year. What are your top priorities for the end of year?

Whatever is on your plate, New Life HR Solutions has over 30 years of expertise in all areas of Human Resource Management and can help you maneuver through the myriad of laws and regulations that you have to comply with.....and ultimately allow you to focus on your core business.

Contact us for a free consultation and let our experienced staff of Human Resource Consultants take these worrisome issues off your hands.



Cities With Paid Sick Time Laws:

- San Francisco, Oakland, Emeryville, Santa Monica, Los Angeles, Berkeley and San Diego, CA;
- Seattle, Spokane and Tacoma, WA;
- New York City, NY;
- Newark, Passaic, East Orange, Patterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Morristown, NJ;
- Philadelphia and Pittsburgh, PA;
- Minneapolis and Saint Paul, MN;
- Chicago, IL.

Paid Sick Leave for Federal Contractors

Executive Order 13706 was signed by President Barack Obama on September 7, 2015, and requires parties that enter into covered contracts with the Federal Government to provide covered employees with up to 7 days of paid sick leave annually, including paid leave allowing for family care - this final rule is effective on November 29, 2016.

Paid Family Leave Laws

Four states -- California, Rhode Island, Washington, and New Jersey -- and the District of Columbia have laws that provide **paid family leave** for employees who need time off to care for sick or disabled **family** members or a new child.

In January of 2018 New York State will enact the most generous paid family leave law in the nation

which, when fully implemented, will provide virtually all employees in the state up to 12 weeks of paid family leave (stay tuned for more information in the coming months)

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Should you wait to address the new DOL Overtime Rule which takes effect on December 1, 2016?

The Overtime Rule:

In 2014, President Obama directed the Secretary of Labor to update the overtime regulations to reflect the original intent of the Fair Labor Standards Act, and to simplify and modernize the rules so they're easier for workers and businesses to understand and apply. The department has issued a final rule that will put more money in the pockets of middle class workers - or give them more free time.

The final rule will:

Raise the salary threshold indicating eligibility from \$455/week to \$913 (\$47,476 per year).

- Automatically update the salary threshold every three years, based on wage growth over time, increasing predictability.
- Strengthen overtime protections for salaried workers already entitled to overtime.
- Provide greater clarity for workers and employers.

The final rule will become effective on December 1, 2016. The final rule does not make any changes to the duties test for executive, administrative and professional employees.

Steps to take

Employers should be talking with managers and workers who will be affected and begin the dialogue now in order to reduce the element of surprise. Explain to them not just what might happen but why it is happening so they understand it is no reflection on their performance.

The new rule does not require affected employees to become hourly workers - they can remain "salaried" however, if they work over 40 hours a week they must be paid time and one-half based on their per-hour rate of their annual salary. In addition, affected employees will be required to keep track of their hours in excess of 40 per week.

Here are some strategies you might want to consider:

1. *If an employee is just a couple thousand dollars shy of the threshold you might want to choose to increase wages to the threshold. Make sure that these*

New I-9 Form will be released in November

Employers may continue using the current version of Form I-9 with a revision date of 03/08/2013 until Jan. 21, 2017. After Jan. 21, all previous versions of the Form I-9 will be invalid.

New Bill introduced in House banning employers from asking salary history questions

Employers would no longer be allowed to ask job applicants about their salary histories under a bill introduced in Congress Sept. 14. The bill is designed to even the playing field among men and women and minorities doing substantially the same work.

Massachusetts' new pay equity law to take effect in 2018 prevents employers from asking job candidates about their salary history in interviews, making it the first state to enact such a law.

NYS Election Law Posting Required

Ten days prior to Election Day and until the close of polls on Election Day, employers in New York State must post conspicuously the N.Y. Election Law 3-110 posting where it can be seen by employees as they come and go from work.

Additionally, the law requires employers to provide employees who are registered voters up to 2 hours paid leave to vote if an employee does not have sufficient time during non-working hours to vote.

Sufficient time is 4 consecutive hours off before their work start time or 4 consecutive hours off after their work end time.

For more information and guidance in all areas of Human Resource Management and Compliance contact us for a free consultation:

employees pass the duties test. Remember job titles never determine exempt status.

2. *Reclassify the employee and limit workers' hours to 40 hours per week*
3. *If the employee's classification as salaried is important to the employee then it is probably a good idea to keep the employee as salaried for a fixed number of hours per week (i.e. 40) and pay overtime for hours in excess of 40 per week. FLSA requires that employers keep records of how many hours overtime-eligible employees work, but doesn't require that overtime eligible workers be paid on an hourly basis. As long as the records are complete and accurate, employers may use any method they choose for tracking and recording hours.*
4. *Employers can adjust the amount of an employee's earnings to reallocate it between regular wages and overtime so that the total amount paid to the employee remains largely the same. Be careful to not reduce an employee's hourly wages below the highest minimum wage (federal or state) or continually adjust wages each workweek in order to manipulate the regular rate. The employee's hours worked must still be recorded and overtime must be paid according to the actual number of hours worked each week.*

In case you haven't heard....in the news:

21 States have jointly filed a law suit over overtime rules issued by the Obama Administration. Texas and Nevada initiated the lawsuit and the states that have joined in the lawsuit over the new Overtime Rules include Alabama, Arizona, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New Mexico, Ohio, Oklahoma, South Carolina, Utah and Wisconsin. Although the lawsuit was filed in the U.S. District court of Eastern Texas, which is known for its speedy decisions, it is still advisable for businesses to prepare for the changes on December 1.

So in conclusion if you want to take the wait and see approach - I would suggest that you delay implementation, not preparation.

Also make sure you are aware of the upcoming minimum wage increases which go into effect on 12/31/16 for New York State:

- New York City large employers (11 or more employees) new minimum wage rate is \$11.00 per hour
- New York City small employers (10 or less employees) new minimum wage rate is \$10.50 per hour
- Nassau, Suffolk and Westchester Counties, the new minimum wage rate is \$10.00
- Upstate NY, the new minimum wage rate is \$9.70

For Minimum wage rates for other states and localities see [Minimum Wage Rates by State and Municipalities](#)

For more information and guidance in this area, contact
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New Life HR Solutions' is a Human Resource consulting firm founded in 2011 by Lucille Mavrokefalos. Our mission is to provide superior service and legal compliance guidance in the areas of compensation, benefits recruitment, employee relations, employee handbooks, policies procedures and strategic planning to small and mid-sized businesses. New Life HR Solutions will work on a project basis or provide HR Management support on or off-site where little or no HR function exists.

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