



Spring/Summer 2015



Compliance Corner

DOL expected to release new Overtime Rule guidelines

Most HR Professionals have been tracking the debated potential changes to the FLSA overtime regulations and the "white-collar exemption". As of mid-May, the Office of Management and Budget is reviewing proposed changes. The White House has been publicly vocal about its desire to restrict those who are exempt from overtime compensation. It is expected that there will be a significant increase to the minimum salary allowed for those who are exempt. Most experts are predicting a minimum salary in the mid \$40s to low \$50k per year range.

Dear Friends and Colleagues,

It has been a while since I have sent out a newsletter, and it has been a long, hard and cold winter. Spring and Summer seemed like it would never come, but here we are and it is time to come out of hibernation.

What ideas have been frozen ? Now is the time for new projects and growth. Are you exploring a new area of business? Thinking about growing your team?



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 take these worrisome issues off your hands.

Hope you enjoy this newsletter.



**New York City Council
Passes Bill that Prohibits
Employer Use of Credit
Checks**

The New York City Council voted to approve a bill that would amend the New York City Human Rights Law, making it unlawful for an employer to use an individual's credit history to make employment decisions. The bill is expected to be signed by the Mayor, and would become law 120 days later.

**Massachusetts employers
need to be ready for new
sick leave law by July 1**

The new law requires employers with at least 11 employees to provide paid sick leave. Employees will accrue paid sick leave at the rate of one hour for every 40 hours worked, for a maximum of 40 hours a year. Employers with fewer than 11 employees must allow them to accrue and use up to 40 hours of unpaid sick time per year

**California enacts Paid Sick
Leave Act effective July 1,
2015**

An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment, is entitled to paid sick leave. Employees, including part-time and temporary employees, will earn at least one hour of paid leave for every 30 hours worked. Accrual begins on the first day of employment or July 1, 2015, whichever is later.

**Reminder - NJ Ban the Box
is now in effect**

Governor Chris Christie signed the Act into law last year in an effort to preclude public and private employers with 15 or more employees from asking about a job applicant's criminal record until after the first job interview, unless the applicant voluntarily discloses such information.

Ban the Box laws have become increasingly popular across the United States. On February 23, 2015, Georgia enacted Ban the Box legislation. New Jersey and Georgia now join several other states, cities, and

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A Case Study from HR Exec Support -

I get many email newsletters and found this one especially interesting and decided to share in my newsletter:

What happens when two managers decide to party with their subordinates and things get way out of control? Who is to blame? Who should be disciplined, fired?

We demand our managers to exercise good judgment at work, but what happens when our managers go out with employees after work? Can we still expect good judgment?

Two managers at a retail store were working very late one night finishing up the annual inventory. Long days had made them tired and wanting some "fun." Sensing their need, a subordinate took a chance and asked them to join him and other employees for a late night party. The two managers, one female and one male, decided they deserved a break.

The two managers followed the directions given to them by the employee. They arrived to a house full of retail store employees. No other managers were present. As they approached the door, the male manager looked at the female and asked, "Do you still think this is a good idea?" She nodded her head yes and the two entered. The employees greeted the managers with full pitchers of beer and shot glasses full of Tequila. The drinking continued throughout the night. No one is certain what exactly happened, but in the morning the two managers awoke in a bed together with the employee that had invited them to the party. The three were lying naked in the bed and extremely hung over.

Two days later, the female manager walked into HR and asked to speak to the HR manager. The manager proceeded to tell the HR manager about the party, the drinking, and the little she remembered had happened before she apparently passed out. The female believed the male employee had aggressively propositioned her all night at the party and had purposely served her a lot of drinks to get her drunk. The manager asked HR to conduct an investigation and fire the employee.

The HR manager stared out her window and tried to digest what she had just heard. Two drunken managers, a naked employee. The HR manager was tempted to open up the window and make a run for it! This was truly a mess. Resisting her flight instinct, she decided to talk to the male manager and the employee.

municipalities, including the City of Philadelphia, that have enacted legislation to ban inquiries into an applicant's criminal history on employment applications and during the initial stages of the hiring process.

Employers need to be aware of any Ban the Box legislation in their state, city or county and be well acquainted with the requirements of the law. This includes ensuring those who are involved in the hiring process are trained to avoid making criminal background inquiries until after any job interview has been completed.

Employers should review job applications and other documents used in the hiring process (including any online questionnaires) to ensure compliance with state or local Ban the Box laws.

Contact our office for a complete listing of Ban the Box states.

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

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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.

The male manager admitted to the party, the drinking and his decision to get in bed with another manager and an employee. He apologized and admitted it wasn't his "finest moment." When asked about the employee, he said the female manager seemed to welcome any, and all, of the employee's advances.

The HR manager then went to speak with the employee. The employee admitted to inviting the managers and to providing both of them drinks. The employee did not, however, remember anything about how the three individuals got into the bed or ended up naked.

The HR manager walked back to her office and looked at her notes. She placed her head in her hands and took a deep breath.

The manager sat in front of her computer and began to write two termination notes. Who did she decide to terminate? The employee? The female manager? The male manager?

What would you do?

The HR manager decided to terminate the two managers.

Why?

This all happened after work and off the worksite, right?

Yes, but these managers clearly lack a key characteristic of a manager - good judgment! Accepting an invitation to party with subordinates is a recipe for disaster.

What if one of the employees had complained that the managers had harassed them during the party?

What if something had been said by the managers during the party that could have been construed as discriminatory?

These managers made extremely poor decisions and put the company at risk. Termination was the only option.



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