



As the Leaves Change...

Fall 2013



Compliance Corner

[New York City Law Provides Reasonable Accommodation for Pregnancy, Childbirth and Related Conditions](#)

On 10/2/13, Mayor Bloomberg signed into law an amendment to the New York City Human Rights Law (NYCHRL) that requires employers with 4 or more employees to provide reasonable accommodations for pregnancy, childbirth, and related medical conditions, unless the employer can prove that the accommodation would cause an undue hardship. The law takes effect 120 days from enactment, on **January 30, 2014**. The law also requires that employers provide notice to new employees upon hire and to existing employees and must also be "conspicuously posted" at an employer's place of business in areas accessible to employees.

Policies and Laws Change as well.

Each season often brings new and exciting changes. Are you implementing new policies in your company? Are you compliant or have a plan in place for the changes in health care?

Whatever is on your plate, New Life HR Solutions has over 25 years of expertise in all areas of Human Resource Management and can help you maneuver through the myriad of laws and regulations that have to be taken into consideration 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.



Lucille Mavrokefalos

*President & Founder
New Life HR Solutions*

NYS Increase to Minimum Wage effective December 31, 2013

Over the course of three years, New York State's minimum wage will increase from the current \$7.25 per hour to \$9.00 per hour.

- On **December 31, 2013**, the minimum wage will increase to \$8.00 per hour
- On December 31, 2014, the minimum wage will increase to \$8.75 per hour
- On December 31, 2015, the minimum wage will increase to \$9.00 per hour.

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

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Independent Contractor vs Employee - is your business vulnerable?

To determine contractor status, courts look at a variety of factors that generally include the following:

1. The degree to which the person's work is controlled by the organization (the less the better);
2. The person's investment in facilities and equipment, if any (the more the better);
3. The person's opportunities for profit or loss, if any (the more the better);
4. The amount of any initiative, judgment, or forethought the person uses in open-market competition (more is better);
5. The permanency of the relationship (shorter is better); and
6. Whether and to what extent the individual's work is an integral part of the organization's business or activities (the less so the better).

Not one of these factors is more important than any other, and the answer can not only be interpreted differently by different evaluators but also falls somewhere on a continuum from clear independence on one end to obvious employment on the other end.

In their evaluations, courts generally disregard how the parties have agreed to characterize the relationship and focus instead on the factors listed above.

Classification is burdened with complexity.

You might think it would be easy to tell whether a worker should be hired as an employee or a contractor, but it's not. For example, there's DOL's so-called "economic realities" test, with our parenthetical additions indicating a contractor relationship.

Penalties can be steep. During 2012, for example, a Texas employer was assessed \$105,000 in overtime pay for nonexempt employees it had treated as contractors, while a Virginia employer had to pay \$101,000 to workers on a government construction project that it had wrongly designated to be subcontractors.

For more information and guidance on determining if your employees and non-employee are classified correctly contact our office at 631-498-4920



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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