

The T.A.P.E Tip Sheet

Human Resource Support from The American Professional Employer©

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Is Your Company Safe from EEOC or Other Harassment Charges?

By Human Resources

- 1) EEOC RESOLVES LAWSUITS FOR \$1.25 MILLION AGAINST GENERAL MOTORS CORPORATION
- 2) NEEOC SETTLES SUIT AGAINST SALOMON SMITH BARNEY FOR RACE AND NATIONAL ORIGIN BIAS, \$635,000
- 3) JURY FINDS OUTBACK STEAKHOUSE GUILTY OF SEX DISCRIMINATION AND ILLEGAL RETALIATION; AWARDS VICTIM \$2.2 MILLION

Do you realize one court case like the ones listed above have the potential to shut down your business?

Do you and your employees know what constitutes harassment?

Does your staff know how to conduct and document a proper investigation against a harassment or discrimination complaint?

Why take chances?

It is time to make sure your supervisors and employees are educated on the proper procedures to help keep you and your company out of the courtroom.

We help you accomplish this. We help you identify the factors that constitute harassment in the workplace. We help you implement a policy of zero tolerance for harassment in the workplace. Then we help your staff with the proper procedures for an investigation and documentation in the event of a complaint.

It is necessary for all of our business clients regardless of their size to have established policies and procedures in place – before a complaint is filed. It is also necessary that if you have policies in place, we review them with you to make sure they are still legally compliant, and that we

Protect your employees. Protect yourself and protect your business. **Please call our Human Resource team today at 330-668-1845 so that we can set an appointment to review your employee rules and procedures.**

Is Your Company Minimizing Workers' Compensation Costs?



By
Gregory Newsome
Risk & Safety
Manager



We help companies get employees back to work by setting up a return to work program at the client's facility or by a volunteer contract with Goodwill and other agencies. This program reduces Workers' Compensation rates by eliminating temporary total reserves, and helps the employee earn a steady paycheck.

Example:

Medical Only Claim	With Lost Time
Medical \$600.00	Medical \$600.00
Comp \$0.0	Comp \$4,800.00
Reserves \$0.0	Reserves \$24,000.00
Total \$600.00	Total \$29,400.00

TAPE Advantage– We find positions within your company so an injured worker can return to work in a modified work environment, or at a local agency.

We help our clients with safety programs and handbooks to comply with OSHA safety standards. These programs can be program specific like HAZCOM or can be lumped into one program covering all the standards that fit the Client Company.

Example: You have chemicals being shipped into your company. Your employees, under the "Right To Know" law, have a right to see what type of hazard they will be working with. The Hazcom program covers this topic.

TAPE Advantage --We examine your safety program to see if it will comply with OSHA standards, or if you even have the right programs in place.

We manage the risk for our clients. The MCO, TPA, doctor, employee, and the American Professional Employer all work together making it a team effort in reducing Workers' Compensation.

Example: You have an injury, your employee seeks medical attention. The MCO takes care of the medical side by following up with the Doctor and the employee. The TPA takes care of the injury if it should become a lost time accident. The American Professional Employer oversees the whole process to insure the lowest cost for the claim is maintained.

TAPE Advantage--We make sure the reporting of an accident is done in a speedy fashion to help reduce the cost of a claim.



WHY WE PRESS OUR EMPLOYER CLIENTS FOR EMPLOYEE TERMINATION NOTIFICATION!

By Patti Bork
Payroll Manager

WHEN WE notice no payroll checks being cut for an employee, Cindy or myself are always pressing owners for the employee's work status. Here's why:

Wright v. Hanna Steel Corp., 2001 U.S. App. LEXIS 22878 (11th Cir.2001)

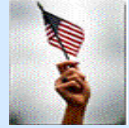
An employee who quit his job was inadvertently maintained as an enrollee (along with his family) in his former employer's group health plan for 18 months after his termination. The employer never sent a COBRA election notice to the employee or to anyone in his family. When the employer discovered that it had erroneously kept the employee and his family on its insurance rolls, it notified the insurer. The health coverage of the employee and his family was then canceled retroactively. After negotiations, the retroactive cancellation of insurance coverage was reversed, and the employee's extensive medical expenses related to his wife's cancer treatment were paid. **But the employee sued the employer in federal court**, claiming (1) statutory penalties under ERISA Section 502(c) for failure to provide a COBRA election notice and (2) attorneys' fees under ERISA Section 502(g).

The district court awarded penalties of \$75 per day each to the employee and his wife and \$10 per day to each of the employee's children, for a period of 18 months--a total of \$93,000. The district court also awarded the employee \$24,000 in attorneys' fees. Because the employee's wife and children were defined as beneficiaries but not participants, the court concluded that they could not be separately awarded statutory penalties.

EBIA Comment: Other courts have separately calculated and awarded statutory penalties for spouses or dependent children in COBRA notice cases. One court, for example, awarded daily penalties of \$10 each for the employee and spouse and another awarded daily penalties of \$10 each for the employee and dependent child. This case is unusual for the relatively high daily penalty (\$75) assessed. **Although the statute allows assessment of penalties of up to \$110 per day, most reported cases reflect penalties in the range of \$10 to \$20 per day.**

As Co-employers, TAPE works as a part of the management team to reduce both of our liabilities.

ANTICIPATING THE EFFECTS OF SEPTEMBER 11TH, 2001 ON EMPLOYEE MANAGEMENT.



The very sad events of Tuesday, September 11th are profoundly changing the laws, enforcement of rules & regulations of the way employers must attract, hire and manage their employees. The heightened sense of need for national security is forcing federal agencies to more stringently enforce all work rules and laws and reducing their ability to grant leniency to businesses for mitigating circumstances. Moreover, there are multitude of potential bills and ideas that could significantly drive up the costs of doing business for all firms that operate in the U.S.A.

Two immediate concerns for all employers will be the impact upon immigration verification and criminal records checks. TAPE wishes it were as easy to tell you to not just hire foreign nationals or people with criminal histories. But in addition to such activities being immoral, they are unlawful.

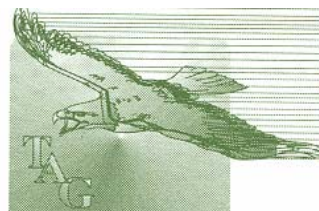
Currently, we protect our business clients by making sure that every one of their employees has properly documented immigration (I-9) work authorization forms filled in their entirety. **The fines for not having I-9 verification completed can run \$500 per day, per employee, from their 1st day of compensated employment.**

We also protect our client employers by having every employee complete **our job application form**. **This gives us authorization to conduct thorough, quick, inexpensive background screenings at our business clients' request.** This is a crucial service our co-employer clients must utilize to protect their people and their businesses.

We hope that implementation of new Federal rules, laws, and regulations will be enacted in a thoughtful manner. We will continue to do our best to follow proposed legislative and enforcement changes, analyze their potential impact, and advise you on the best courses of action. **Remember, we take care of you and your people, so that you can concentrate on your business!!!**

Photo by: www.terrorist-attack-memorial.com/18.

****Please Remember: the savings and value we provide our clients is based on large group buying power. Help keep your benefits and administration costs down—refer other business owners. Thanks!***



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