



Human Resources

Committee

Palm Springs, CA

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What to Watch Out For in 2008



New EEO-1 Form

Covered Employers

Private employers with *100 or more employees* or employers with federal contracts of \$50,000 or more and 50 or more employees.

Required Form

Covered Employers are required to submit the EEO-1 report to the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP). The EEO-1 *must be filed annually with the EEOC by September 30 of each year.*



New EEO-1 Form

New Form

The new form takes into account whether an employee is of “*two or more races*” and further subdivides certain racial categories.

The new EEO-1 form also strongly *encourages self-identification of race and ethnic categories*, as opposed to visual identification by employers.

Info about the EEO-1 form can be found at
<http://www.eeoc.gov/eo1survey/index.html>.



FRID



What the Devil is “FRD”?

**FAMILY RESPONSIBILITY
DISCRIMINATION**



FAMILY RESPONSIBILITY DISCRIMINATION

Not a new discrimination law

Claims that deal with issues involving worker's family responsibilities – child-rearing, pregnancy, breast-feeding, sick children, paternity leaves, etc.



FAMILY RESPONSIBILITY DISCRIMINATION

Pregnancy-related claims rose by 23% in the last ten years and FRD claims in general increased by 400% since 1996

The EEOC has issued new guidelines to cover FRD and made FRD discrimination an enforcement priority for 2008



Wage / Hour Laws

- Record keeping
- Minimum Wage Increases
- Mis-Classification of Exempt Employees
- Not paying or miscalculating overtime



Sex, Drugs & Rock-n-Roll



Well...actually....

Drugs (and Alcohol)



Do You Drug Test?

If not....

You are hiring the
people that cannot
get a job with
employers who drug
test!!!



Drug/Alcohol Workplace Issues

■ What Are The Problems?

- ◆ Absenteeism/Tardiness
- ◆ Accidents
- ◆ Insurance Rates
- ◆ Third Party Liability



Drug/Alcohol Workplace Issues

■ What *Can* an Employer Do?

- ◆ IT ALL STARTS WITH
A GOOD *POLICY!!!*



Drug/Alcohol Workplace Issues

■ What Makes a “Good” Policy?

- ◆ Easy to Enforce
- ◆ Legal Compliance
- ◆ Easy to Understand



Drug/Alcohol Workplace Issues

■ What Does Your Policy Say?

- ◆ “Cannot use, sell, possession drugs or alcohol on Company premises”
- ◆ “Cannot be *under the influence* of drugs or alcohol at work”



Drug/Alcohol Workplace Issues

- *What Should Your Policy Say?*
 - ◆ Every employee must report to work *free from the presence of any drugs or alcohol in his/her system.*



Drug/Alcohol Workplace Issues

■ So When Can You “Drug Test”?

◆ The “Safe Zone”

◆ **Pre-Employment** (post conditional offer!!)

◆ **“Reasonable Suspicion”**
(signs of “in the system”)



Drug/Alcohol Workplace Issues

■ So When Can You “Drug Test”?

◆ Check State Laws:

◆ “Random”

◆ “Periodic”



Drug/Alcohol Workplace Issues

■ What Kind of Testing Can you Do?

- ◆ Urine
- ◆ Hair Follicle
- ◆ Saliva
- ◆ NOT Blood



Drug/Alcohol Workplace Issues

- What If The Test is Positive?
 - ◆ “Subject to Discipline, up to and including Termination, for violating Policy.”
 - ◆ Last Chance Agreements carry risks



Drug/Alcohol Workplace Issues

- What Else Does and Employer need to Know about Drug/Alcohol Policies?
 - ◆ Employee Cooperation with Investigations Mandatory
 - ◆ Searches – No expectation of privacy on Company Property
 - ◆ Confirmation Testing
 - ◆ EAP – Employee Assistance Program



Thank You!

Human Resources Committee

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