



Human Resources

Committee

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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!

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