

OURERC A LOCAL BUSINESS NEWSLETTER

Powered by Employer's Resources of Colorado



This summer, Employer's Resources of Colorado participated in the Big Dog Brag mud run benefiting NAMI—National Alliance on Mental Illness.

Pictured from left to right (standing):
Kelly Felix, Spencer Lane, Jen Anderson,
Lyn Money, Laurie Louden, Deb Lovejoy,
Brandy Doggett;
(sitting): Mark Lovejoy, Sarah Russell

Lunch & Learn—August 17th

Join us for our monthly lunch and learn to discuss the changes to the Form I-9, how to properly complete the employer section, the W-4 tax form—what you can and cannot legally tell employees, and an overview of other federal forms that are necessary for compliance.

Lunch is provided by ERC with a maximum number of 12 attendees.

If this is something you would be interested in attending, please email Brandy at bdogett@erccolorado.com.



Are you looking to make a quick buck....

Or a quick *THOUSAND* bucks?

HERE'S HOW IT WORKS:

- ◆ Refer a client to ERC who has at least 10 full-time worksite employees who would benefit from ERC's services.
- ◆ If they decide to partner with ERC, you will receive \$1000 paid on the date of the new client's first payroll.
- ◆ There is no limit to the amount of referrals made to ERC or the number of times ERC will pay the referral fee.
- ◆ This referral program is open to you and your employees!

IT'S THAT EASY!!

Quarterly Reports

Can you believe that the second quarter of 2017 is already over?!
Do you know how your

second quarter stacked up to the first? Let us help! The ERC payroll department has a number of

- ◆ A breakdown of each employee cost—including wages, hours, taxes, and workers' compensation
- ◆ A graphical comparison of Quarter 1 versus Quarter 2
- ◆ Job costs report
- ◆ Benefits summaries

If there is a different report that would benefit your company, talk to your payroll specialist. If you would like to get on the list to receive quarterly reports contact your

payroll specialist today. The payroll department strives to provide timely and accurate information for the benefit of our clients.



Job Descriptions: How to (Help) Make them Lawsuit Proof

Job descriptions are among the first items that courts examine to determine the legitimacy of a discrimination charge. You can use them as part of a defense in court only if they're accurate and were prepared **before** the job was advertised or interviewing began. To ensure accuracy, talk to the people already doing the job and their supervisors. Here's what you need to find out:

- The job's essential functions, including any physical requirements
- Any secondary duties or responsibilities
- Attendance requirements
- Any education requirements and special skills necessary to perform the job
- Standards to which the person filling the position is held
- The worker's supervisors
- Any positions an incoming supervisor will be responsible for overseeing

If you have questions about a job description contact our HR department for assistance.

Source: HR Employment Law; August 2017 Special Edition

What is FMLA and how should it be used?

FMLA refers to the Family and Medical Leave Act, which is a federal law that guarantees certain employees up to 12 work-weeks of unpaid leave each year with no threat to job loss. For employees to be eligible they must have worked for the employer for at least 12 months and at least 1,250 hours in the last year.

FMLA allows for unpaid leave for serious health conditions, to care for a sick family member, or to care for a newborn or adopted child.

The law allows employees to take FMLA leave in small increments for a doctor's visit or to care for a sick relative (excluding spousal family members). It does not, however, give them unfettered rights to random work breaks or to arrive late without a good excuse.

Employers can, and should, demand medical certifications for all FMLA leaves and challenge intermittent leave requests to create a less disruptive schedule. FMLA regulations state that "unless complications arise, the common cold and flu ... do not meet the definition of a serious health condition and do not qualify for FMLA leave." Under this statement, a complication that would warrant FMLA leave means that it must involve incapacity for more than three days, plus other reasons.

FMLA leave is given in the case of a qualifying "serious condition;" this also encompasses employees who ask for time off to have a potential serious condition checked out.

If you need more information on FMLA, contact our Benefit or HR departments.

Source: HR Employment Law; August 2017 Special

Payroll Deductions and What the Law Says

The Division of Labor Standards and Statistics outlines employee paycheck deductions — **what is permissible and what is not.**

Lawful deductions from wages include:

- Deductions required by local, state or federal laws (i.e. taxes)
- Deductions pursuant to a legally enforceable written agreement between an employer and the employee for loans, pay advances, goods or services, and equipment or property
- Deductions necessary to cover the replacement of inventory due to theft by the employee. In these cases, the theft must have been reported to the proper law enforcement agency
- Deductions authorized by the employee which can be revoked, such as insurance benefits, savings plans, etc.

Upon separation only, the employer can deduct the amount of money or value of property that an employee was entrusted with during their employment but did not pay or return to the employer at separation. **This is only permissible if the employee signed a legally enforceable written agreement in reference to that property stating that upon separation the employer was authorized to take such deduction if the property was not returned (i.e. uniforms, tools, etc.).** When this occurs, the employer has ten calendar days to audit and adjust the accounts for the value of the property before the employee's final wages must be paid. **Even with lawful deductions, employees must be paid the state minimum wage for all hours worked.** *Source: HR Employment Law; August 2017 Special*



Active Shooter Response



One of the largest threats to the workplace and even in public is the relatively modern phenomenon of the active shooter. While these terrible events have been around since at least the mid 1980's, their

stunning frequency is new in the past few years. A report released by the FBI in 2015 showed a dramatic rise from an average of 6.4 events per year in 2000 to an average of 16.4 events by 2013.

While there are several groups that disagree with the findings of this study, it has none the less prompted the DOJ, DOD, DHS, and several news agencies to conclude that the US is facing an "epidemic" of active shooters. Things have grown to the point that the National Fire Protection Agency [NFPA], a traditionally safety focused group is entering the world of security as they are currently working to

develop a standard for responding to active shooters (NFPA 3000). An active shooter event can begin suddenly, with little warning, and is a terrifying ordeal. While uncomfortable to discuss, having the knowledge of how the events will unfold, and how to best respond may save your life. Remain calm and remember: Run! Hide! or Fight!

- **Run:** If possible, get out as quickly and quietly as you can. Head for an exit opposite the direction of the shooter. Leave your personal belongings behind; you can get them later. Once outside, get away from the area and call 911. If you do not know for sure if there is only one shooter or multiple covering the exits, then hiding may be your best option.
- **Hide:** If your only exit is blocked, or exposes you to the shooter, then find a spot to hide, preferably with lockable doors and no windows. Barricade yourself as best you can, and remain quiet and out of sight. If there are others with you, try to keep them calm and quiet.
- **Fight:** If you have no other options, then you must fight. This is only as a **last resort**. Use any tools or other objects available to you as improvised weapons, and do what you can to ambush and overwhelm your attacker, with multiple people if possible. If you must fight, commit to your actions. You are fighting for your life!

When first responders arrive, the first in will be a law enforcement team who will secure the building/area. They are there to respond to the threat, not to rescue or provide medical aid. For your safe-

ty and theirs, stay out of their way, and do not speak to them unless they ask you a question first. Rescue and medical personnel will follow once the security team gives the all clear.

There are a few things you can do in advance to give yourself an extra edge in the event of an active shooter. Know your exits as you would for a fire or any other emergency. Hold drills or even simula-

tions to train for a real emergency. Last, and most importantly, stay aware of your surroundings at all times, and remember, run, hide, or fight.

Rules of the Road: Know When to Pay for Travel Time

Employers know that they don't have to pay their employees for a typical commute to the office. Pay-for-travel questions often get stickier, especially when they involve nonexempt workers, several worksites or overnight travel.

One of the best ways to navigate the twists and turns of the issue is to figure out whether the travel is mainly for your company's benefit or the employee's benefit. In general, you'll have to pay for travel that benefits you, but not for travel benefiting the employee.

Here are key rules to keep in mind:

Home-to-Work Travel

Under the Fair Labor Standards Act (FLSA) and the Portal-to-Portal Act (an



amendment to the FLSA), regular travel to and from work doesn't count as working time unless the employee actually works en route. That is true even if the work site fluctuates. It doesn't matter whether the employee works at a fixed location of different job sites.

If you require employees to report to a central location to receive their assignments, supplies and tools, then travel time from the central site to

the job site is paid time.

All In A Day's Work

You must count travel that is a regular part of the worker's daily duties as hours worked because federal law considers it "all in a day's work." This includes travel to different job sites during the workday or time spent driving from customer to customer. It benefits your business, so you must pay.

Day-Trippers

The question becomes more complicated when

an employee travels on a day trip. Typically, all travel time on day trips is counted, except meal periods, if the employee travels to another city or job location on assignment.

Travel between an employee's home and the train station or airport isn't paid because it falls under the home-to-work rule—even if the travel time to the airport far exceeds the worker's normal commute.

Your obligation changes again if the employee is on an **out-of-town trip that requires an overnight stay**. Here, you count all travel during normal working hours—no matter what day of the week.

Content derived from the Colorado Department of Labor Quarter 2 2017 Newsletter.

Colorado Wage Act Facts

DIRECT DEPOSIT AND PAY CARDS

Payment of wages by direct deposit must be voluntarily authorized by the employee. Such direct deposits must be in the financial institution chosen by the employee.

An employer may deposit wages on a paycard as long as the employee is provided free means of access to the entire amount of net pay at least once per pay period.

PAY PERIODS AND PAYDAYS

Pay periods can be no greater duration than a calendar month or 30 days, whichever is greater.

Paydays must occur no later than 10 days following the close of each pay period.

POSTING REQUIREMENTS

Employer must post conspicuously a notice specifying the regular paydays and the time and place of payment. The notice must include any changes to paydays and time and place of payment.

*A full fact sheet on the Colorado Wage Act can be found at:
www.colorado.gov/cdle/labor*

Negative Online Reviews and What To Do About Them

Negative online reviews happen. That's just the world in which we live. What we do about them is up to us. Here are some tips for the next time you encounter a negative business review:

Stay calm: it is normal to feel upset after reading a negative comment about your business. It is important not to respond until you've had time to cool down and digest the review.

Decide if it is worth responding:

if the post is by someone who used inappropriate language or is irrational it might be a better idea to just ignore them than to pursue the complaint. However, if the complaint is a legitimate concern, from a genuine customer or long-standing customer it is important to address.

Know the rules of the review site:

most sites prohibit swearing, personal attacks and breaches of privacy. Make sure you are familiar with these rules before responding to a comment or requesting that a comment be removed.

When should you request a comment be removed:

sometimes competitors may post negative reviews to be malicious or a review may contain profanity or personal attacks. In both of these instances you should contact the site and ask for the comment to be removed. However, it is still up to the site if they choose to remove the comment or not.

person who commented and try to understand things from their point of view. Possibly ask them for recommendations on how to improve the service they received.

Respond Publicly: after addressing the matter privately, it is generally a good idea to publicly respond to the comment so other viewers know that it has been addressed and what steps have been

Always remember to be polite and constructive; even when the initial comment was not.

It is important to remember that bad reviews don't mean that you are bad. Sometimes it means that your business just isn't a good fit for the customer, and that's okay. Your business can't be right for everyone. In order for it to be the right solution for one person, odds are it will be the wrong solution for someone else.

A bad review can be your opportunity to shine. It gives your company the opportunity to display superb customer service and build a deeper relationship with your customer.



What you should do before you respond:

research the incident by talking to staff involved as well as privately communicate with the reviewer to find out more details. If the review is on a blog, Facebook, or Twitter you may have to respond publicly and ask that they contact you privately.

Respond privately: send a short message to the

taken for it to be resolved.

If you didn't have the opportunity to talk with them privately there are two things to remember before responding publicly—

*Do not get defensive and list why the customer is wrong;

*Be human, apologetic and empathetic and demonstrate that you genuinely want to make the customer happy.

One of the best way to combat negative reviews is to drown them out! Ask customers to post positive reviews about your company. Positive reviews will take the sting out of the negative ones.

Sources: groovehq.com & business.qld.gov.au