



Human Resource Advantage Legal Update

September 2009

Mini-COBRA law for Missouri Issued September 4, 2009

The Department of Insurance has issued bulletin #09-02 regarding the new state law on continuation of coverage for health insurance benefits, affecting employers with fewer than 20 employees. The law, a result of House Bill 231 passed by the 2009 General Assembly, took effect June 26. The law can be found in section 376.428 RSMo.

Click here <http://www.insurance.mo.gov/Contribute%20Documents/Bulletin09-023.pdf> to read the department bulletin. For further information, contact: The Public Information Office at (573) 751-2562.

E-Verify Rule for Federal Contractors-Effective Sept. 8th

After several delays and a challenge in federal court, a regulation requiring federal contractors to use E-Verify took effect on Sept. 8, 2009. This applies to federal contracts worth more than \$100,000 and subcontractors must comply with the new regulation. The rule requires federal contracts to include a clause that stipulates that businesses must use E-Verify to determine if all new hires and existing employees performing work directly on the contracts are eligible for employment in the United States.

However, the regulation won't affect all federal contracts immediately and will apply only to federal contracts awarded or renewed after the Sept. 8th effective date. The rule does require federal agencies to review their existing contracts and work with contractors to amend the agreements to include the E-Verify requirements if the contract delivery dates or work arrangements extend six months beyond Sept. 8. Businesses that sign contracts with the federal government will be required to enroll in E-Verify within 30 days of the contract award date. After enrolling to use E-Verify, contractors will have 90 days to implement the program and verify the work eligibility of new hires and existing employees.

New HIPAA regulations-Effective September 23, 2009

Healthcare providers, health plans, and other entities covered by the Health Insurance Portability and Accountability Act (HIPAA) are to notify individuals when their health information is breached. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that established guidelines for protecting private personal health information (**protected health information, or PHI**). Covered entities such as an employer's health plan, health care providers and health care clearinghouses must protect identifiable health information that is transmitted electronically, by paper or via verbal communication. HIPAA provides individuals with more control in how their information may be used. Authorization must be received before identifiable information is used or disclosed. **Employers can no longer just provide identifiable information to an insurance broker.** Steps must be taken to make sure the information is no longer identifiable. Employers must establish guidelines on how PHI will be handled. A privacy officer must be selected to ensure that all HIPAA regulations are being properly met.

Note: There are some records that are **not covered by the HIPAA guidelines**. They are **workers' compensation records, family medical leave records, sick leave doctor**

EEO-1 Reports due by September 30, 2009

Q: Who must file the EEO-1 report?

A. (1) Employers with federal government contracts of \$50,000 or more and 50 or more employees; or

(2) Employers who do not have a federal government contract but have 100 or more employees

Q: What is the EEO-1 Report?

A. The EEO-1 Report – formally known as the "Employer Information Report" – is a government form requiring many employers to provide a count of their employees by job category and then by ethnicity, race and gender. The EEO-1 report is submitted to both the EEOC and the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).

Q: When must the EEO-1 report be filed?

A: The EEO-1 report must be filed annually with the EEOC by September 30th. It must use employment numbers from any pay period in July through September of that year.

Q: What form must employers use?

A: The revised EEO-1 report can be found at <https://apps.eeoc.gov/eo1/eo1.jsp>

Q: How do employers file EEO-1 reports?

A: It is strongly recommend that EEO-1 reports be submitted through the EEO-1 Online Filing System or as an electronically transmitted data file. Paper EEO-1 forms will be generated on request only, and only in extreme cases where Internet access is not available to the employer. Instructions on how to file are available on the EEOC's website at <http://www.eeoc.gov/eo1survey/howtofile.html>

Q: Where can employers find more information about the EEO-1?

A: General information about the EEO-1 can be found at the EEOC's website at <http://www.eeoc.gov/eo1survey/index.html>.

Guidelines for Employers in preparation for Influenza Season

With all the buzz of the Swine Flu and how it may impact the workforce the CDC has provided guidance for businesses and employers to plan and respond to the 2009–2010 Influenza Seasonin. Follow the link for more information: <http://www.cdc.gov/h1n1flu/ga.htm>

Reminder of Training Opportunities

Just a reminder that Human Resource Advantage facilitates on-site training for managers and employees. Such Topics include:

Harassment in the Workplace (1.5 to 3 hour training course) **Interviewing 101** (the basics of what can be legally asked, processing paperwork and avoiding costly mistakes)

Family Medical Leave Act (FMLA) – review of who is eligible, how to process requests and how to track in order to maintain compliance

How to Document, When to Document and What to Document (3 D's)

Termination-How to perform with confidence while avoid lawsuits

**For a complete list of training topics and sample presentations visit <http://hradvantageweb.net/services/training.php>*