

# County/Human Resources

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## Agenda

- Who is responsible for HR in the County
- What should I know about HR
- Harassment/Discrimination
- Physical and Verbal Harassment
- Coming Attractions (Federal Law Changes)
  - **Pregnant Workers Fairness Act (PWFA)**
- New Federal and State Laws dealing with Human Resources
  - Federal Military Leave
  - Indiana Military Leave
  - Wage and Hour Changes
  - Increase In OSHA Penalties
  - FMLA Changes
- HR Concerns you have

## Who is Responsible

- Who in your County is responsible for HR
  - If you have an HR department consider yourself fortunate.
  - Is the Auditor Responsible?
- Ultimately it is the responsibility of the County Commissioners
- Why worry about it at all?

## What Should I Know About HR

- New Hire Employees: is your County following the procedures in your employee manual
- Workers Compensation
  - Handle First Report of Injury Forms
  - 72 Hours Reporting
- Knowledgeable on Employee Policy and Procedure Manual
- Assist employees but do not counsel them
  - You not licensed as a counselor
  - You can be sued for providing advice
- Be careful when giving them your opinion
  - Because of your role your opinion can be viewed as fact and you can be held accountable for giving an employee your opinion on a topic
- Someone should be providing your employees with training on discrimination and harassment



## Federal Military Leave



- The Uniformed Services Employment and Reemployment Rights Act (USERRA) is administered by the Veterans' Employment and Training Service (VETS). USERRA applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."
- Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.
- USERRA covers nearly all employees, including part-time and probationary employees. USERRA applies to virtually all U.S. employers, regardless of size.

## Indiana Military Family Leave Act

- An eligible employee, who is a family member of a person on active duty in the United States Armed Forces, or the National Guard, may be eligible to take leave of up to ten (10) workdays per rolling calendar year under the Indiana Military Family Leave Act of 007.
- An employee is eligible if he/she has been employed by the County for at least twelve (12) months; has worked at least 1500 hours during the twelve (12) month period immediately preceding the day the leave begins; and is a spouse, parent, grandparent, or sibling of a military member called to active duty.
- Active duty is defined as full-time service on active duty orders in the armed forces of the United States, or the National Guard, for a period that exceeds eighty-nine (89) consecutive calendar days.
- The Act provides for unpaid leave of up to ten (10) workdays per rolling calendar year during one or more of the following periods:



## FMLA



- What Is FMLA
- Are you aware of what qualifies for FMLA?
- Recommend Benefit time be used at the same time.
- Are you using any of the forms provided by the feds?
- Why should county employees file for FMLA
- How many of your employees have actually used it?
- Why are employees afraid to take FMLA

## Lactation Policy

Original Rule:

- Someone needs to make sure that nursing mothers have a room to express milk. Unpaid break times.
- The new notice advises that Nursing Mothers who are subject to the overtime requirements of the FLSA be provided reasonable paid break time to express breast milk, and a place to do so, other than a bathroom, which is shielded from view and free from intrusion by coworkers or the public.
- The enforcement provisions have been significantly explaining additional penalties for violations of the law. (OSHA)



## OSHA's New Direction

- The OSHA, has new guidelines on the way for
  - Preventing workplace violence,
  - The treatment of LGBT workers.
- We don't have Information on these yet but will soon.



## Pregnant Workers Fairness Act (PWFA)

The PWFA is expected to establish new guidelines, which are designed to protect the rights of expectant parents.

- It is expected to mandate employers to make accommodations for the realities, which arise from pregnancy, childbirth and associated medical conditions.
- The ultimate goal is to ensure that employees are no longer put in a position where they have to choose between pregnancy and a job.



## HR Concerns

- What HR concerns do you have?
  - Hiring Concerns
  - Worker Comp
  - Disciplinary Issues

