

## What's Inside?

<b>EA Staff and Board Members</b>	2
<b>FLSA</b> Employees Cannot Waive Their Right to Overtime	3
<b>Communications</b> "Water Cooler" Communications: DO FMLA, HIPAA and GINA Apply?	4
<b>FLSA</b> A Tip on Tips!	4
<b>Health and Wellness</b> 'Tis the Season for Healthy Eating	5
<b>Safety</b> New NIOSH Standards on Worker Exposure to Food Additive Forthcoming	5
<b>FMLA</b> DOL Clarifies FMLA Definition of "Son or Daughter": Extends Leave to Persons with No Biological or Legal Relationship to Child	6
<b>Employee Productivity</b> Maximize Efficiency and Productivity in 2012	7
<b>Hotline Hits</b>	8
<b>EA Partners</b> Networking in a Job Search	9
<b>Workers' Compensation</b>	12

## Preparing for Employee Terminations

You've made the decision to discharge an employee. What steps can you take to make the process go as smoothly and safely as possible?

### Plan Ahead

- Avoid, if possible, holiday periods, times when a family member is seriously ill, and times immediately following the employee's leave or other protected activity
- Avoid, if possible, unintended consequences on such benefits as pension vesting, disability insurance
- Decide whether you will offer a separation agreement in exchange for release of claims
- Consider whether the individual may present a risk of violence

*(Terminations continued on page 3)*



## **President**

**Jack Hollister**

President; ext. 204

[jhollister@employersassociation.com](mailto:jhollister@employersassociation.com)

## **HR Research & Seminar Training**

**Cheryl Riggs**

HR Member Services Manager; ext. 202

[criggs@employersassociation.com](mailto:criggs@employersassociation.com)

**Judi Roe**

HR Research & Training Assistant; ext. 203

[jroe@employersassociation.com](mailto:jroe@employersassociation.com)

**CJ Gordon**

HR Research Assistant; ext. 210

[cgordon@employersassociation.com](mailto:cgordon@employersassociation.com)

## **Customized On-Site Training and Consulting**

**Dave Tippett, PHR**

Director, On-site Training and Consulting; ext. 206

[dtippett@employersassociation.com](mailto:dtippett@employersassociation.com)

## **Member Services**

**Barb Rains**

Member Service Coordinator; ext. 205

[brains@employersassociation.com](mailto:brains@employersassociation.com)

**Karen Wagenknecht**

Administrative Assistant; ext. 200

[karenw@employersassociation.com](mailto:karenw@employersassociation.com)

## **EA Health Plus**

**Jennifer Kiernan**

EA Health Plus Manager; ext. 212

[jkiernan@employersassociation.com](mailto:jkiernan@employersassociation.com)

**Terry Vernier**

Project Manager; ext. 213

[tvernier@employersassociation.com](mailto:tvernier@employersassociation.com)

**Kayla Jaimez**

Wellness Assistant; ext. 211

[kjaimez@employersassociation.com](mailto:kjaimez@employersassociation.com)

**Cory Panning**

Wellness Assistant; ext. 214

[cpanning@employersassociation.com](mailto:cpanning@employersassociation.com)

## **Publications**

**Nichole Cousino**

Print / Administrative Assistant; ext. 207

[ncousino@employersassociation.com](mailto:ncousino@employersassociation.com)

## **Accounting**

**Vicki Bender**

Accountant; ext. 201

[vbender@employersassociation.com](mailto:vbender@employersassociation.com)

## **Board of Directors**

### **Chairperson**

**Thomas Kolena, CPA/ABV, CPA/CFF – 2013**

Managing Partner / Mira + Kolena, Ltd.

**Michael Bieringer – 2014**

Senior Director, HR / Amcor Rigid Plastics NA

**Sheri Caldwell – 2014**

Director of HR / University of Toledo Physicians

**Duane Carey – 2014**

V.P. of Sales & Marketing / Impact Products LLC

**Frank Day – 2013**

V.P. Employee Services / Wood County Hospital Assn

**Robert F. Deardurff - 2012**

President / Phoenix Technologies

**Stephen (Steve) M. DeDonato – 2013**

Director, Compensation & Benefits / The Andersons, Inc.

**Alina Haas – 2014**

VP Human Resources, Corporate / O-I Corporate Office

**Adele M. Jasion – 2014**

Partner / Gilmore, Jasion & Mahler

**Malcolm C. Richards – 2012**

CEO/President / Supplemental Staffing

**Jeff Schulte – 2013**

VP of Human Resources / Lutheran Homes Society

**Joyce Slusher – 2013**

Director, Information Technology / Libbey Inc.

**Karen Ward - 2012**

Human Resource Manager / AAA Northwest Ohio

**Linnie B. Willis – 2014**

Executive Director / Lucas Metropolitan Housing Authority

**Cheryl Wolff – 2012**

Attorney / Spengler Nathanson P.L.L.

**Jennifer Wuertz - 2012**

Human Resources Business Leader / SSOE, Inc.



(Terminations continued from page 1)

## Before the Discharge Meeting

- Plan to have two representatives of management present
- Schedule the meeting at a time when privacy can be assured to the extent possible
- To enable the employee to begin searching for new work immediately, do not hold the meeting immediately before a weekend or holiday
- Arrange for computer access to be terminated during meeting

## Discharge Meeting Do's and Don'ts

- Do give a reason, in broad terms, for the discharge decision
- Don't try to explain detailed reasons
- Don't respond to questions about others
- Don't discuss personal feelings, opinions or other terminations
- Do treat employee with respect
- Do explain post-termination benefits and obligations, procedure for final paycheck, insurance, whom to contact with questions
- Do make arrangements for the return of employer keys and other employer property, and for the employee's removal of personal items when other employees are not present

## Extra Tips for High-Risk Individuals

- Consider arranging for additional security on stand-by, having more than 2 management employee(s) in meeting
- Hold meeting in a room with windows, near an exit
- Clear room of potential weapons
- Watch employee go to car
- Change locks and access codes
- Notify police if threats are made or implied, or if employee returns to workplace
- Consider holding discharge meeting off-site, or discharge by letter

(Cheryl Wolff, Esq.; Spengler Nathanson, PLL; 11/11)

## Employees Cannot Waive Their Right to Overtime

Have you ever had a nonexempt employee request to work extra hours and volunteer to sign a written agreement to do so at their regular rate of pay instead of at overtime rates? If you ever do have this situation occur, **DO NOT** agree to it! It may seem like a great idea because your nonexempt employees would get extra pay for working additional hours and you would get extra work without having to pay overtime rates. However, the Fair Labor Standards Act (FLSA) specifically requires employers to pay nonexempt employees who work more than 40 hours in a single workweek at least one and one-half times their regular rate of pay for each hour worked over 40. Employees cannot waive their rights to overtime compensation and that type of agreement is not valid and enforceable. Therefore, you cannot legally allow your nonexempt employees to work any hours over 40 in a single workweek without paying them overtime. For more information on overtime pay requirements, go to <http://1.usa.gov/ot-pay>.

(CAI: Management Newsletter; 6/11)



1787 Indian Wood Circle, Suite A Maumee, OH 43537 | 419-893-3000