

Thank you to all those who were able to attend our Regional Conferences in September! It was a great day of learning, connecting and networking with other credit union HR & Training professionals! We received an important legal update and healthcare reform information. In addition, we were provided with tips for employee retention and engagement, as well as best practices for retirement plans. See below for additional details.

Legal Update by Michele S. Patterson, Law Offices of Michele S. Patterson

CA Laws for 2014 Coming:

- Sexual harassing conduct need not be motivated by sexual desire to be illegal.
- Employers of 50 or more must allow leave for training for volunteer firefighters, reserve peace officers, or emergency rescue personnel (14 days per year).

PDL may not be just 4 months anymore:

CA Court of Appeal in *Sanchez v. Swissport*, ruled that FEHA is in addition to PDL, thus extending leave possibly beyond 4 months.

NLRB and Social Media Policies:

Employers can discipline employees who post things that can be viewed as malicious, obscene, threatening to customers, employees, suppliers that constitute harassment or bullying, as well as those who break confidentiality of trade secrets.

Disability Laws keep Expanding:

- Can't discriminate or harass (treat differently or worse than others)
- Sharing about an employee's disability may be harassment. Other sharing includes criticizing in public – may be seen as bullying.
- Must reasonably accommodate a disability (leave or something else)
- Engage in interactive process as to what is a reasonable accommodation – talk with your employee.

Biggest Litigation Risks in CA

- Wage/Hour = overtime, meal periods and breaks for non-exempt workers. Cannot give days off and other tokens to avoid over time.
- Discrimination / harassment claims (Title 7): Innocent comments can be discriminatory. Ex: "It's time for you to retire!"; inappropriate jokes or slurs.
- Misclassification of non-exempt employees – the law is written to make most employees non-exempt. If it is boarder-line, it should be non-exempt.

Tips for dealing with CA's many required leaves of absence:

- Keep records on reasons employees give for not being at work or being late.
- Uphold policy that employees must speak to supervisor when calling in – meaning no voice mail, no email, no texting, to give the manager the chance to ask about whether it is a FMLA related or other type of leave.

Best Practices in Retirement Plans by Jason Roberts, Pension Resource Institute (PRI) or Mike West, Fidelity Investments

- Consider implementing a default allocation, making it less conservative.
 - Activate Automatic Increases, to take effect once per year.
 - Offer a ROTH plan for employees (\$165k max income for joint tax filers)
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Employee Retention and Engagement from a Training Perspective By Dr. Brandi Stankovic, Mitchell, Stankovic & Associates

Key Points Include:

- Advocate for Yourself
- Interpersonal Competencies
- Progress & Empowerment
- Start doing something different NOW
- Living IDP

To motivate employees:

- Ask employees what motivates them
 - Observe them
 - Utilize talent
 - Allow employees to be human
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Healthcare Reform Panel

Christina Butler Miller, Styskal, Wiese & Melchione LLP

Tody Kennedy, Montage Insurance Solutions

Keith Fujishige, MacCorkle Insurance Service

- By October 1st, Model Exchange Notices need to be sent to staff. Forms are on the DOL site. Going forward, add to new hire packet.
- Beginning January 1' 2014, everyone has to have healthcare coverage available
- Exchange: If one is not offered coverage through their employer (or don't choose their employer's plan), they can either shop on the individual market or utilize the new marketplaces called the "exchange" where they may receive premium assistance in the form of a "subsidy."
- Beginning with your first renewal in 2015, Employer "Shared Responsibility" penalties become effective.
- Cadillac Tax: A provision that kicks in 2018 and is a hefty 40% excise tax on annual premium dollar amounts that exceed \$10,200 (individual) or \$27,500 (family) respectively.
- Wellness Programs are a great way to potential offset the raising healthcare costs. Success programs include:
 - Get executive buy-in
 - Build a wellness committee
 - Ask other credit unions what they are doing

- Measure results (participation, behavioral changes, health improvements)
 - Keep contests short
 - Actively and consistently market programs and successes
- Possible things you can include in a Wellness Program include Walking Groups / Competitions, Healthy Eating Tips, Lunchtime presentations and classes, Smoking cessation, and Health risk assessments