

Human Resources Resolutions for 2012

Ever find yourself complaining about our elected officials? Well, as you will see below, our elected officials have been busy passing all manner of laws. Unfortunately, most of those laws add to the already complex proposition of running your business!

This article will make sure you know about some of the new rules already affecting your business, and some of the issues that are about to affect your business in the near future. While these new rules may add to your cost of doing business, they are not nearly as expensive as the cost of non-compliance.

1. **The Wage Theft Prevention Act.** Became effective April 9, 2011. Prior to any employee beginning work with you, you must provide them with a form that explains their wage rate, overtime rate, and any allowances such as tips, meals, or lodging. The notice must be given to the employee in their preferred primary language. In addition, each employee must receive a notice annually, before February 1 of each year, and before each pay rate change.

2. **New Hire Reporting to the New York State Department Of Taxation and Finance.** Effective July 15, 2011. For each new hire, you must report the full name, address, social security number of the employee, and date of hire. The goal of this program is to move dependents off public assistance whenever possible. This report must be done within twenty days of hire. Fines are \$20.00 for each employee who is not properly reported.

3. **Hospitality Industry Wage Order,** effective January 1, 2011. This law outlines changes in the minimum wage requirements for tipped employees; requires extra payments under certain circumstances such as call-in pay, spread

of hours pay, and uniform maintenance pay; requires hourly rates of pay for most classes of hospitality employees, excepting executives, administrators, professionals, and commissioned salespeople; and proves new requirements for employees that work long enough to invoke the NYS meal period law.

4. **Marriage Equality Act,** effective July 24, 2011. This law allows same sex partners to marry in New York State, and realize the benefits of marriage, including participation as a dependent in employer sponsored benefit plans. An early issue that has arisen is that Federal Law does not recognize these unions for tax purposes. If the employee portion of the premiums for your health and dental plans is deducted on a pre-tax basis, you can only pre-tax the portion of the premium that is attributable to the employee and the employee's dependents.

5. **Fair labor Standards Act.** It is always a good idea to take a close look at your exempt and non-exempt classifications, and make adjustments where necessary. This is still a major area of enforcement.

6. **Meal Periods.** In New York State, employees who work more than six hours are entitled to a minimum 30 minute unpaid meal break. The best way to prove that your employees are taking a meal break is to have them punch out and punch back in when they return to work. This is also a major area of enforcement.

7. Lastly, among your required postings should be a piece on Article 23-A of the New York State Penal Code, which says you cannot refuse to hire an individual because of a criminal conviction – the refusal to hire must be based on the conviction being directly related to the job being sought. Conducting an employee background



check with a reputable firm can help you make sure that you AND your customers can trust the people you hire, and help you avoid negligent hiring and retention lawsuits.

If you have questions, or need access to the WTPA forms, they are available on our website, but you'll need a password to get to the right page. Please give us a call at 518-429-0308.

Jim Marco is the president and principal consultant of Saratoga Human Resources Solutions, Inc. Since 2005, Saratoga Human Resources Solutions has offered our clients customized, cost effective HR solutions in a wide variety of HR disciplines, including PEO, or professional employer organization services. You can reach Jim at 518-429-0308 or JMarco@SaratogaHR.com. Check out their NEW web site and contact Jim for access to their online employer resources at: www.SaratogaHR.com.



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