

Rising Job Figures Require Increase In Employment Law Knowledge

Theresa Jones, CEO, Blue Gavel Press



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ROCK ISLAND, IL - Unemployment figures are improving in many small business niches, and according to the top executive of a national business publishing firm, that increase in employment will require an equivalent increase in America's knowledge of employment law.

"Small businesses are the cornerstone of America's economy," said Theresa Jones, Chief Executive Officer of Blue Gavel Press, "and as the economy improves and hiring increases, America's small business owners will need to update their knowledge of employment law and compliance issues."

According to the Bureau of Labor Statistics, the unemployment rate - 9.1 percent in July 2011 - has shown little definitive movement since April 2011. But in several employment categories with strong small-business participation, employment figures are climbing up.

Employment in private service-providing industries rose by 112,000 jobs from June to July 2011. In that same time period, retail trade added 25,900 jobs, while employment in health and personal care stores increased by 8,600 jobs. In professional and business services, employment increased by 34,000 jobs. The

leisure and hospitality industry welcomed 17,000 more employees.

To help small business owners, managers, supervisors, and human resource administrators to stay current with changing employment laws and regulations, Blue Gavel Press has released the *U.S. Employer's Guide, 18th Edition*.

"The guide provides vital information on developing employment policies and managing employees," said Jones. "It can also help professionals in the small business community to avoid liability for common employment law violations, such as the misclassification of independent contractors."

Ten Major Areas of Concern

According to Jones, the following ten employment concerns are among the most critical facing today's business community. That is why Blue Gavel Press Employer's Guides are divided into chapters that cover these concerns.

The following list reveals how the current edition of the *U.S. Employer's Guide* addresses these concerns. Each concern is followed by a listing of related issues, selected from recent legislation and court cases, of which employers need to be aware.

1. Hiring:

- New state laws addressing medical marijuana use.
- Federal immigration laws, including verification of Social Security numbers, verifying employment eligibility, sanctions for hiring undocumented workers, types of visas, and the labor certification process for hiring foreign workers.
- Recent U.S. Supreme Court decisions regarding arbitration agreements.

2. Managing employees and personnel costs:

- Investigation of employee misconduct.
- Liability for employee actions.

3. Termination of employment:

- Changes in federal unemployment taxes.
- Recent court cases involving wrongful discharge, defamation, and notice of layoffs under the Worker Adjustment and Retraining Notification (WARN) Act.

4. Health and safety:

- New state laws addressing workplace bullying.
- The new Severe Violator Enforcement Program from the Occupational Safety

and Health Administration (OSHA), which penalizes employers for willful, repeated, or failure-to-abate violations.

5. Employment discrimination:

- New regulations clarifying the meaning of the term “disability” under the ADA Amendments Act.
- New state laws addressing religious discrimination.
- Recent court cases addressing employment discrimination.

6. Wages, hours, and child labor:

- New state laws addressing unclaimed wages and wage theft.
- New federal law requiring employers to provide break time and a quiet place for nursing mothers to breastfeed.
- Changes in federal income taxes (FICA), including computation and reporting requirements.
- Recent court cases involving exemptions from overtime pay and tip pools.

7. Employee benefits and leave:

- New regulations implementing the federal Patient Protection and Affordable Care Act.
- New laws affecting employee retirement plans, including the Pension Relief Act of 2010, which provides funding relief for certain plans.
- New rollover provisions for 401(k) plans under the Small Business Jobs Act of 2010.
- Regulations providing guidance on hybrid defined benefit plans.
- Proposed regulations concerning fiduciaries and exemptions from prohibited transaction rules under the Employment Retirement Income Security Act (ERISA).

8. Personnel records:

- Recent court cases involving access to personnel records.

9. Workplace privacy:

- Recent court cases involving workplace privacy.
- Recent U.S. Supreme Court decisions regarding employee privacy and electronic communications.

10. Unions and government contractors:

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- New federal immigration laws, including special requirements for government contractors.
- Proposed amendments to the National Labor Relations Act, which could change the way unions are recognized and impose additional notice and posting requirements.

"Doing business in today's world becomes more complex with each passing year," said Jones. "Not only is it necessary to keep up with employment laws as they are enacted, but it is also important to anticipate changes in these legal areas that might be forthcoming. Helping small businesses to keep up with these changes is what Blue Gavel Press is all about."

Developed and updated by imminent legal authorities and compliance specialists, Blue Gavel Press employment guides provide up-to-date facts on top safety, human resources, compliance, and legal topics. Products offered by Blue Gavel Press have been helping the business community for more than 23 years.

For more information on the U.S. Employer's Guide, 18th Edition, visit www.BlueGavel.com/products/97-us-employers-guide.aspx [1].

For more information on Blue Gavel Press, please visit [BlueGavel.com](http://www.BlueGavel.com) [2].

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