

HRWS Trending

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HR WORKPLACE SERVICES



HOT TOPICS

U.S. Labor Secretary Says Jobsite Inspections to Increase

Due to a new crop of Occupational Safety and Health Administration (OSHA) agents soon to complete training, U.S. Labor Secretary Alexander Acosta expects jobsite inspections to increase. And since he was responsible for making the 76 new agent hires, it is likely his expectations are well-founded. What's more, President Trump is seeking \$557M for OSHA in the 2020 budget request – which would cover the existing staff and new hires, including 30 additional compliance officers and at least five more whistleblower investigators.

The New Approach

Since the time that President Trump's administration took over, we saw OSHAs "shaming press release" practice fall by the wayside – no longer relying upon news bulletins to call out negligent employers. In its stead was an OSHA ramp up focused upon compliance, giving employers encouragement to reach out to the agency for help, prior to the release of any such bad press.

It is difficult to gauge the efficacy of the new approach; however it is fair to say the penalties faced by those who are not compliant are as severe as ever. With the hire of new agents and investigators, it is hard to find fault in the speak softly but carry a big stick philosophy. A staunch caution to employers – OSHA compliance is mission critical. Be sure to have a plan in place.

Want to Know More?

HRWS advisors are available to answer any and all your HR-related questions via phone or email. So, please don't hesitate to reach out if you have something pressing.

The Cannabis Industry & Federal Compliance Keys to Satisfying the Government

There is a dangerous misconception among Cannabis industry businesses that they can ignore federal compliance regulations, because they are only considered legal at the state level. While that might be a convenient, cost-effective, and even arguably logical position – the fact that Cannabis is still illegal under federal law, brings with it the potential for many adverse (and costly) scenarios.

As more and more states legalize cannabis usage, it is expected that the Federal Government will continue to heavily scrutinize industry providers – *particularly those who do not comply with their regulations*. To date, medical cannabis is legal in thirty-three states, while ten others have adopted recreational use.

Federal Gov. Considerations

- More likely to investigate those in this polarizing industry
- Target those who avoid payroll taxes or misclassify employees
- Focus on companies with employee complaints
- Fine non-compliant companies

Conclusion

Due to its unique position of being legal in certain states, yet illegal federally, Cannabis business operators can expect extra regulatory attention. It is necessary to implement proper policies and procedures to maintain compliance. Further, it is recommended that such businesses work with their insurance brokers on a solid compliance strategy in order to limit exposure to government oversight and related fines.

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Missed the March 29, 2109 HR Clinic?

State Mandated, Employer-Provided Sexual
Harassment Training

Email us and we will forward a copy to you.

support@hrworkplaceservices.com

Please send HR Clinic –
March 29, 2019

Inspiring HR Quotes *That Say It All*

Perhaps the best way to hire is to listen to the brilliant hiring quotes and sayings from some of the world's greatest business minds.

1. "Never hire someone who knows less than you do about what you're hiring them to do."
- Malcolm Forbes
2. "If you pay peanuts, you get monkeys."
- Chinese Proverb
3. "Hire right. You'll never teach an eel to swim like a dolphin."
- Bill Eider-Orley
4. "People are not your most important asset. The right people are."
- Jim Collins
5. "Dating and hiring have a lot in common."
- Scott Wintrip
6. "... at the end of the day, you bet on people, not strategies."
- Lawrence Bossidy
6. "You'll never teach employees to smile, they have to smile before you hire them."
- Arte Nathan

There's no tried and true formula for routinely hiring the perfect person. Sometimes you'll swing and miss while others, you'll get lucky. It's your job to define a reliable process that gets you ever-closer to identifying and attracting great fits.

What topics would you like to see covered in the next issue of HRWS Trending?
Send us your suggestions at trending@hrworkplaceservices.com

Interesting Questions Recently Asked of HRWS Advisory Staff

Q: How can an employer avoid "ghosting" by a new hire?

A: **Indeed.** We would start by implementing some, if not all, of the following:

- Maintain an open door policy
- Actively communicate with new hires & respond to any questions or concerns
- Ensuring they feel part of the team and encouraging them to contribute
- Provide mentors to introduce and integrate them into the organization
- Ask for early feedback and to identify issues before they escalate
- Work to make all employees feel respected, valued and engaged.

Q: May an employer create a "black list" of individuals they will never hire?

A: **Unlikely.** A number of states have laws that actually prohibit these lists, particularly when they include groups (i.e. union members). Be sure to check your state's hiring laws, prior to the creation of such a list as those who might fit into a protected class could catalyze exposure to related discrimination claims.

Q: Is nepotism permissible under law?

A: **It is,** absolutely, *in the private sector.* And while it may be, situationally, in the public sector with some cities and states enacting anti-nepotism laws in such regard, one should be very clear on their local laws. That said we always recommend that even in the private sector, employers should always seek to hire the most qualified candidate for any position.

Q: May an employer verify a selected applicant's salary history after making a job offer?

A: **It depends.** In some jurisdictions an employer may contact a selected applicant's current or previous employer to verify the applicant's prior salary after extending a job offer. However, other jurisdictions require a prospective employer to obtain the prospective employee's written authorization before it confirms the salary history.

Q: Can I give a polygraph test to a prospective employee for a job in pharmaceuticals?

A: **Indeed.** In fact, the pharmaceutical industry is one of the few excluded from the Employee Polygraph Protection Act (EPPA), which prohibits the tests given to most employees. However, employers in the pharma industry are permitted to, in accordance with their job screening process for manufacturing, distribution and dispensary roles.

That said, where polygraph tests are permitted, they are subject to stringent standards of conduct which include pre-test, test, and post-test phases of the exam. Employers in this industry should familiarize themselves with the guidelines prior to conducting any polygraph examinations. They also should be aware that an increasing number of states go beyond federal law and specifically prohibit the use or administration of a polygraph as a condition of employment.

Be advised that the information contained in Trending is for educational purposes only and a general understanding of the law, not to provide specific legal advice.