

EMPLOYER ESSENTIALS

Services and Information for Today's Business



Updated COBRA Notices

COBRA subsidized benefits have been extended. Employers are required to change their notices. Updated model notices are posted for employers to use as a guide and include: General Notice, Premiums Assistance Extension Notice, and Updated Alternative Notice. More information is available at <http://www.dol.gov/ebsa/COBRAmodelnotice.html>

Special thanks to the Labor Conference VIP sponsors:

Curt Maberry Farm, Inc., Garvey Schubert Barer, King-Pierce County Farm Bureau, LeMaster Daniels, Roach Law Offices, LLP, Sakuma Bros., WA Farm Labor Assoc., WA Farm Labor Source, WA State Hay Growers Assoc., WA State Horticulture Assoc., Yakima County Farm Bureau.

LABOR CONF. - BIG ANNOUNCEMENTS, GREAT TRAINING

The Sixth Annual WFB Labor Conference kicked off with some big announcements, but it was mostly about training – 12 breakout sessions and the top state and national experts addressing the most pressing labor and employment issues and trends for seasonal employers.

The VIP sponsors (see left column) were treated to a special breakfast discussion of the state of immigration reform legislation by Tamar Jacoby, the president and CEO of Immigration Works, USA. Immigration Works is a national coalition of employers and trade associations that is actively advancing employer perspectives on the immigration issue.

The first speaker, Tom Kwieciak of the Building Industry Association of Washington, presented a bleak picture of the state monopoly workers' compensation system. Despite the fact that workplaces are substantially safer and the numbers of claims are steadily decreasing, costs are spiraling out of control, and according to the state auditor, there is a good chance that the L&I system will become insolvent in the next 3 years, and it is virtually certain that rates will increase for several years to come.

The BIAW solution – offer a private option, as is done in 46 of the 50 states. This solution will be presented in an initiative to the people. BIAW is seeking Farm Bureau support, and based on the reaction of conference participants, there is a good chance that they will get it.

The keynote speaker, former DOL assistant secretary for policy Leon Sequira, presented the new DOL program for further workplace regulation, more onerous rules, and increased inspections in agriculture. Other presentations provided concrete steps for handling DOL audits this summer.

After the keynote address, WFB announced that the Social Security Administration has decided to shelve plans to reinstate the so



Labor Conference: Leon Sequira, former Assistant Secretary of Labor for Policy at the U.S. Department of Labor and Keynote speaker



Labor Conference: Closing General Session Industry Panel - ICE, Immigration Reform, and No-Match

Responding to a Discrimination Claim: See WFB Labor Brief posted at <http://www.wsfb.com> under For Employers tab/Employer Services/Employer Resources.

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called “No Match” letter campaign, in which employers receive notice of the names and social security numbers that do not match the ones on file at SSA. Although this is welcome news for employers, it is somewhat troubling – coupled with the announcement that unauthorized aliens who are discovered during I-9 audits will not be deported; it is strong evidence that the administration is not concerned with assisting employers to obtain a legal and stable workforce.

The conference ended with a panel of experts speaking about immigration reform. The panel agreed that employers are caught between a rock and a hard place, that the government cannot answer basic questions related to immigration, and that something more must be done to assist farmers and other seasonal employers who are struggling to attract a legal and stable workforce.

DISCRIMINATION CHARGES NEAR RECORD HIGH IN 2009

The U.S. Equal Employment Opportunity Commission (EEOC) announced that 93,277 workplace discrimination charges were filed with the agency in 2009, the second highest level ever. The most frequently filed discrimination charges were based on race (36 percent), retaliation (36 percent), and sex (30 percent).

Charges alleging discrimination based on disability, religion and/or national origin hit record highs. The number of charges alleging age-based discrimination reached the second-highest level ever. The EEOC recovered more than \$376 million in monetary relief for thousands of discrimination victims.

Potential factors for the increase: Factors cited by the EEOC as potentially giving rise to the increase in complaints are the greater accessibility of the EEOC to the public, the state of the economy, increased diversity and demographic shifts in the labor force, employees’ greater awareness of their rights, and changes to the agency’s intake practices that cut down on the steps needed for an individual to file a charge. In fact, the agency resolved the second highest number of charges per available investigator in the past 20 years.

One of the ways in which the economy might cause an increase in EEOC charges is with the increase in layoffs. Employees who feel their employment has been terminated based on a discriminatory reason may file a charge. Employers could be open to charges not only regarding the manner in which they lay off employees, but also regarding the manner in which they recall employees. There has been an uptick in discrimination claims filed by former employees who feel they were discriminated against in not being called back to work.