



# Press Release

For more information  
Contact Peter Landesman at  
(513) 679-4120 or (888) 237-9554  
[plandesman@hrxperts.org](mailto:plandesman@hrxperts.org)

## Employers Resource Association Releases HR Professionals' Top Ten Questions

### *Family & Medical Leave Act, Discipline, Performance Management Top the List*

(Cincinnati, Ohio) March 17, 2011 – As hiring is beginning to pick up across the country, what questions are human resources professionals dealing with in 2011? While bedbugs, social media and background checks have been covered in the mainstream and business media, there is still high demand for expertise with HR “staples” such as the Family and Medical Leave Act (FMLA), performance management, discipline and termination.

Employers Resource Association (ERA), an organization specializing in human resources consulting, training, development, legal updates, news and information, released its list of top ten questions received by its HR Hotline. ERA receives more than 8,000 calls each year to its HR Hotline from human resources professionals in the Midwest who work for businesses and non-profits of all sizes.

“Demands on HR professionals have never been greater, first with downsizing and now increased hiring pressure,” said Dan Chaney, director HR Advisory Services for ERA. “The common questions we receive center around hiring and firing, leave, access to personnel records, drug testing, immigration rules and classifying independent contractors.”

“ERA is a trusted resource on health care, credit checks, compensation and benefits issues, and many more topics for HR professionals who are strapped for time or doing other jobs,” said Thomas Cornillie, vice president of Human Resources at Advanced Testing Laboratories in Cincinnati, OH. “Dan always gets back to me no matter how specific or open ended my questions.”

In a time when legislative and economic issues are evolving as rapidly as interpersonal and social dynamics, perhaps no business discipline has been transformed as much in recent years as human resources. ERA has grown and changed to meet its members’ needs and stay abreast of new legislation and the challenges businesses are facing.

#### **Common Questions for the HR Hotline:**

1. FMLA is the single most asked-about topic.  
Questions center on: who is covered; what is deemed a serious health condition: and how to control intermittent leave.
2. Advice and counsel for taking such adverse actions as termination, suspension and discipline is a close second to FMLA.  
Commonly requested information includes: what documentation is needed to fire someone; does a recent Workers Compensation claim or FMLA request affect the decision being made; can the employee sue for termination?

3. Performance management strategies.

Strategies for dealing with a problem employee such as: is it safe to ramp up the heat on a new hire that may not be working out or on a protected-class employee that isn't responding to counseling? Also, group performance issues concurrent with culture changes or business cycle needs.

4. Fair Labor Standards Act issues.

Concerns center on correctly classifying a position as exempt, calculating overtime for multiple rates, what travel hours must be paid for an hourly employee, what are federal and state child labor rules. In addition, how much time can we ignore at clock-in or out? Can we round?

5. Immigration

Many questions arise regarding I-9 documentation and procedural questions. Such as, what do we do when the SSN comes back a no-match? An applicant has a matching SSN and ID, but we know it is not his. What can we do? And, we're considering employing an H1-B employee. How complicated is that?

6. Lunch hour and breaks

Questions about giving breaks and how many per day. Is a lunch period required? What has to be paid versus non-paid time? Can an employee work through break and leave early?

7. Employee access to personnel files

Does the law require us to allow an employee to see or copy his file? What are the pros & cons of allowing it versus not? We just got a letter from an attorney requesting files. Do we have to send them? We have employees in a few other states. Are the rules different there?

8. Independent contractor versus employee

What's the difference between an independent contractor and an employee? Why can't I just pay this person as a contractor and issue a 1099? What constitutes a legal independent contractor status? Who makes the rules?

9. Employee privacy.

Can we read employee emails or monitor Internet usage? What about the use of surveillance cameras? Is it legal? Can we search employees, or their workplace, belongings or cars?

10. Drug and alcohol issues.

Under what conditions can employees be tested? If the employee tests positive, can we discharge? How can a drug test procedure be set-up, what should be in the policy?

Chaney is responsible for researching and responding to member requests, providing HR guidance and counsel, managing ERA's HR Solutions Center, facilitating roundtables and overseeing the expansion of information services.

### **About Employers Resource Association**

ERA's team of human resources experts and specialists work with a membership of more than 1,300 companies in Ohio, Kentucky and Indiana on all manner of HR issues. From traditional concerns – such as compensation, hiring/firing, performance appraisals and employee relations – to tougher challenges like Affirmative Action audits, sexual harassment and social media policies in the workplace, ERA helps companies of all sizes with offices in Cincinnati and Columbus. For more information, visit [www.hrxperts.org](http://www.hrxperts.org) or call 888.237.9554.

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**Cincinnati:**

1200 Edison Drive, Cincinnati, OH 45216-2276  
Phone: 513.679.4120 | Toll free: 888.237.9554 | Fax: 513.679.4139

**Columbus:**

300 East Broad Street, Suite 550, Columbus, OH 43215-3774  
Phone: 614.538.9410 | Toll free: 888.237.9554 | Fax: 614.538.9420