



THE **NEW** STANDARD

IN DEVELOPING
TODAY'S GOVERNMENT LEADERS

TAKE YOUR MANAGEMENT SKILLS
TO A NEW LEVEL



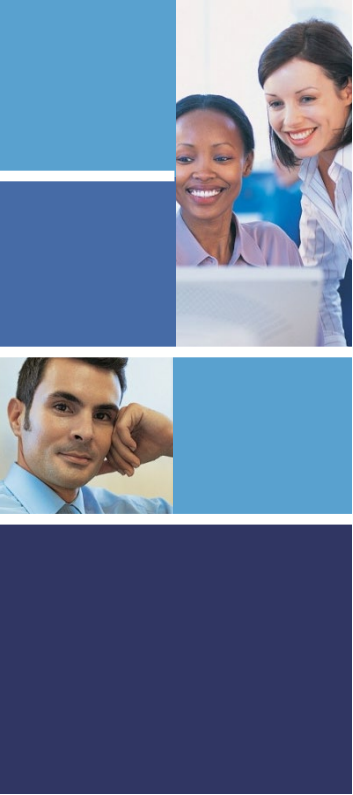
The New Standard

IN DEVELOPING TODAY'S
GOVERNMENT LEADERS

January 23, 2025
Crowne Plaza
Springfield, Illinois



ALWAYS ON CONSULTING, LLC
human resource solutions



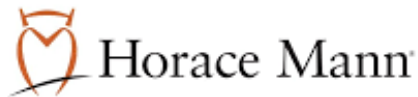
About Me

Debbie Thompson, M.A., SPHR

Career HR Pro since 1980



Sangamon County
Board 14 Years



Member 23 Years



ALWAYS ON CONSULTING, LLC
human resource solutions



Springfield City Council
4 Years



Agenda

Hiring Practices and Employee Handbooks

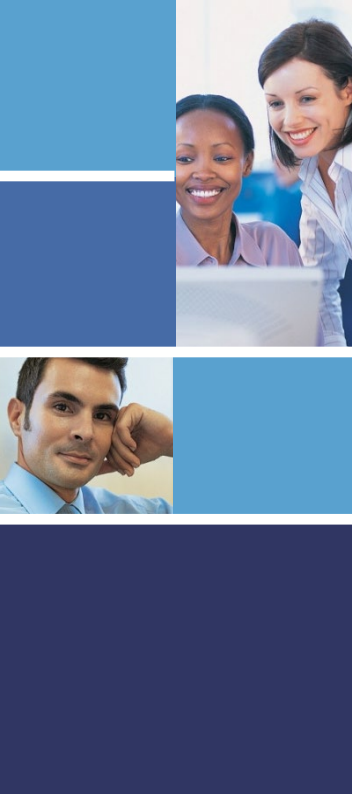
Fair Labor Standards Act

FMLA and COBRA Employer Compliance

Affirmative Action Plans

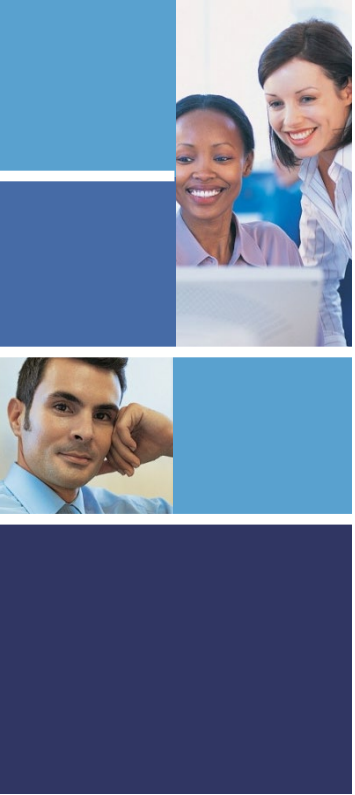
Record Retention Policy

Wrap Up – Q & A



IMPORTANT REMINDER

- Supervisors are considered an agent of the county
- For this and many other reasons they should be “in-the-know” and well educated on how to best deal with employees
- Best practice = risk avoidance measure



HIRING PRACTICES

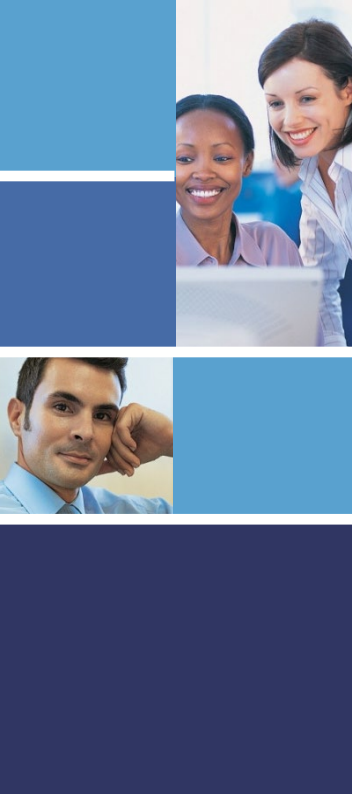


HIRING PRACTICES

Hiring the best candidate for every job is a goal all employers share.

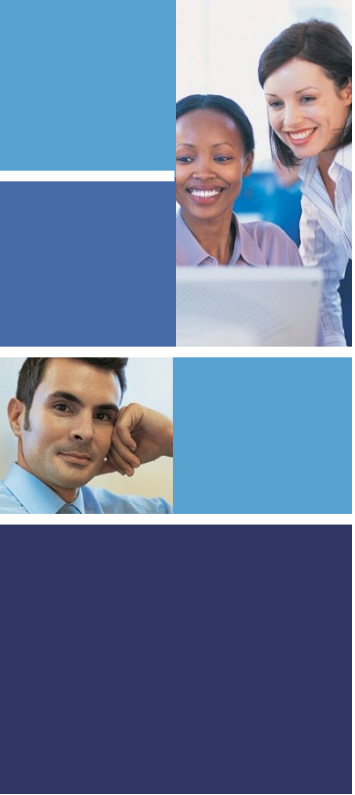
When interviewing a candidate, you must avoid asking any question that may be considered discriminatory.

The costs for an employer to defend itself against a claim of illegal discrimination are significant.



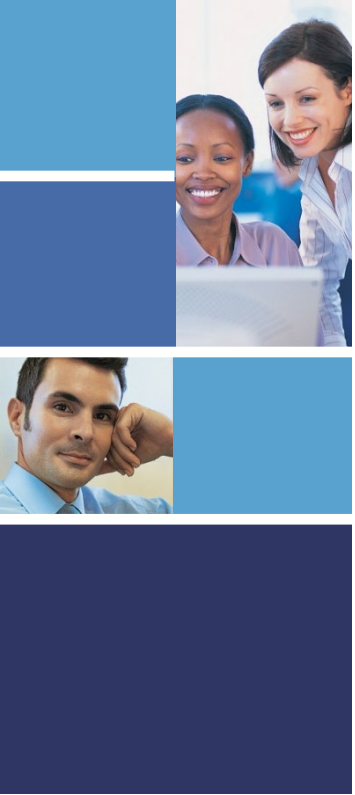
HIRING PRACTICES – Have a Plan

- Develop a recruiting strategy
- Develop an interview questionnaire based on the job description
- Ask consistent questions and use behavioral approach – Tell me about a time.....



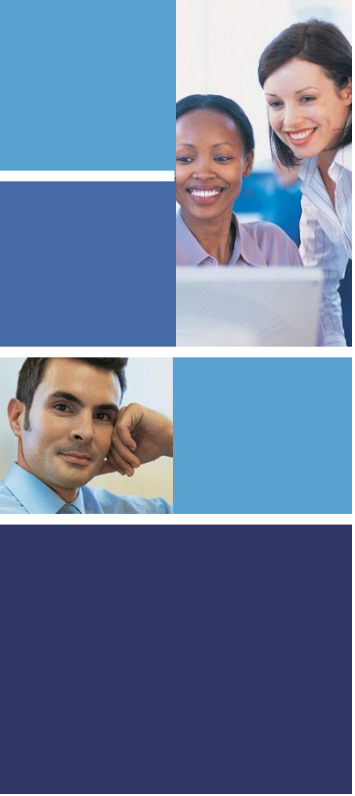
Build Inclusive Hiring Practices

- Provide training and education to hiring managers
- Create inclusive job descriptions
- Aim for continuous improvement

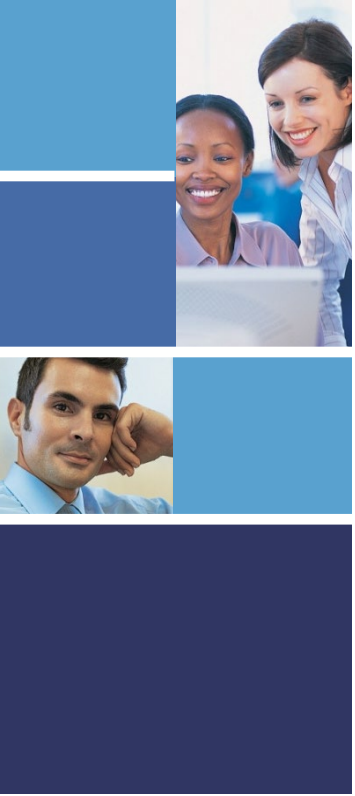


Build a Supportive Workplace Culture

- Provide mentorship & development
- Celebrate diversity of talent and thought
- Lead by example
- Communicate your vision

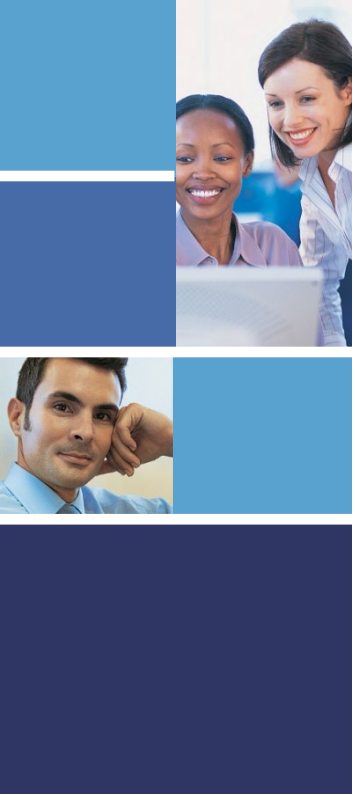


EMPLOYEE HANDBOOKS



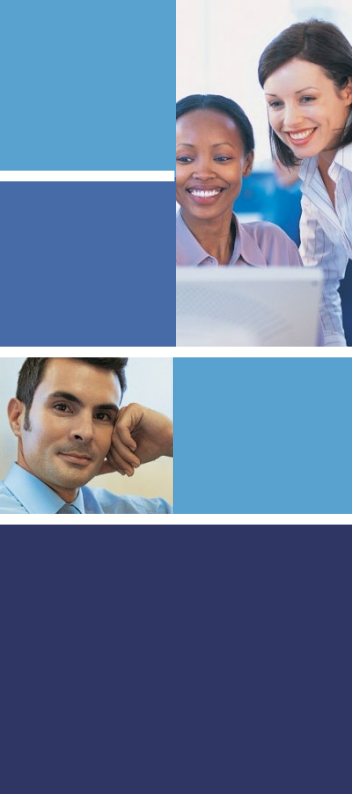
Employee Handbooks – 6 Primary Reasons

1. RISK, RISK, RISK
2. Ensures Compliance with Federal and State Laws
3. Treats Employees Consistently
4. Set and Meet Employee Expectations
5. Educates Employees About What to Expect From Management
6. Provides Information About Where Employees Can Turn for Help



Employee Handbooks

- Provides employees with a clear understanding of their responsibilities
- Serves as a compass for the organization's policies and procedures
- It showcases the benefits you offer
- It protects the organization
- Needs to reflect compliance with applicable federal, state and local law
- Should contain clear statements that you intend to comply with all applicable laws

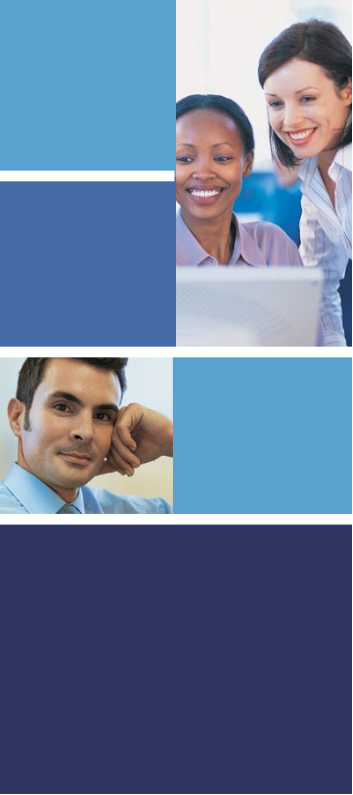


Employee Handbooks

- Should be reviewed annually and request employee acknowledgements annually
- If Handbook has a date that is at minimum three years old – it definitely needs an update!

Last Two Years Alone:

- 2024 – There were 9 new/expanded employment/labor laws
- 2025 – There are 5 new/expanded employment/labor laws



FAIR LABOR STANDARDS ACT - FLSA

The left side of the slide features a vertical stack of three images. The top image shows two women, one Black and one white, smiling and looking at a laptop. The middle image shows a man in a light blue shirt resting his head on his hand. The bottom image is a solid dark blue rectangle.

Fair Labor Standards Act - FLSA

What is FLSA?

Fair Labor Standards Act (FLSA) :

- Sets standards for minimum wage and overtime pay.
- Establishes record keeping standards.
- Prescribes child labor standards.

FLSA does not regulate:

- vacation, holiday, severance, or sick pay.
- meal or rest periods, holidays off, or vacations.
- premium pay for weekend or holiday work.
- pay raises or fringe benefits.
- discharge, termination, or final payment procedures.

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FLSA Exemptions

FLSA Exemptions

The FLSA provides an exemption from overtime pay for following employees:

- Executive
- Administrative
- Professional
- Outside sales employees
- Computer employees
- Highly Compensated Employees

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FLSA – Exempt vs. Non-Exempt

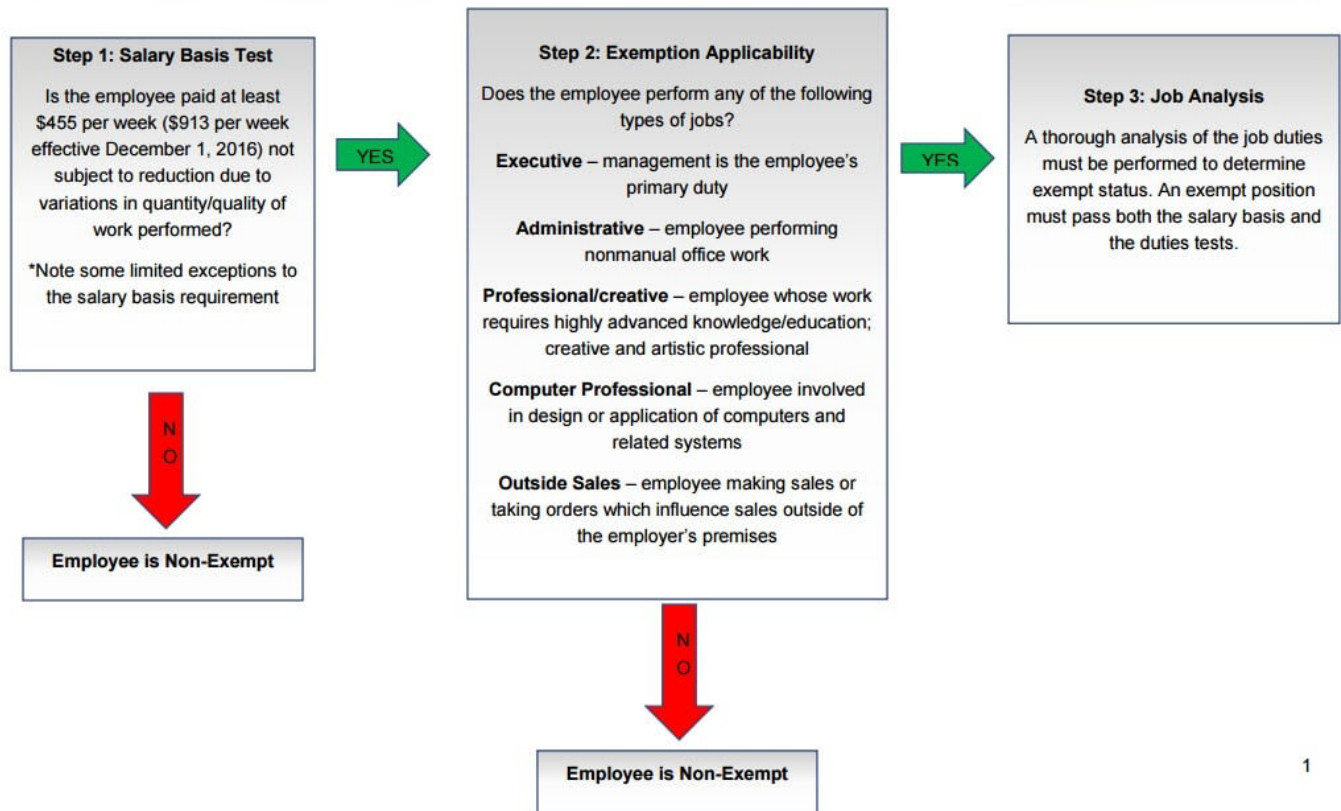
Exempt and Non-exempt Employees

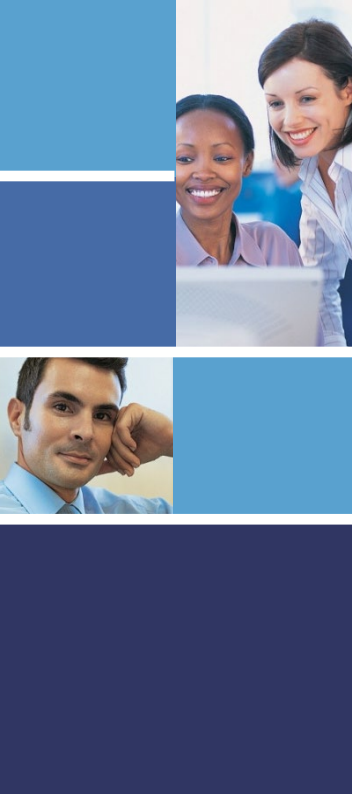
- Exempt employees- Employees who meet one of the FLSA exemption tests and who are paid on fixed salary basis, not entitled to overtime.
- Non-exempt employees- Employees who do not meet any of the FLSA exemption tests and are paid on hourly basis and are covered by wage and hour laws regarding minimum wage, overtime pay and hours worked.

FLSA Exemptions Test

FLSA WHITE COLLAR EXEMPTIONS FLOW CHART

This exhibit serves as a basic outline for an employer's initial analysis of positions being considered for exemption under the FLSA and is meant to serve as one of several tools in an employer's analysis. SHRM strongly recommends that employers have legal counsel review their analysis efforts and exemption decisions. The three-step process is explained in greater detail on the following pages.





FAMILY MEDICAL LEAVE - FMLA



FMLA - Definition

- The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid leave a year
- Requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave.
- Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.
- Also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members.
- Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.



FMLA – Types

The FMLA can be:

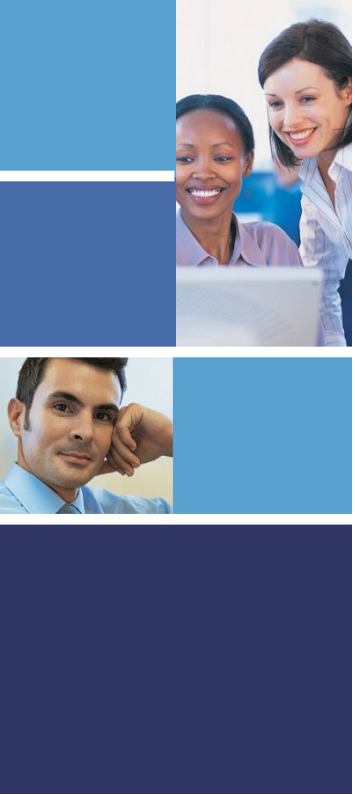
- Continuous
- Intermittent
- Both



FMLA – Does it Apply?

The FMLA applies to all:

- Public agencies, including local, State and Federal employers
- Also, private sector employers and local education agencies (schools)
- All above who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year



COBRA EMPLOYER COMPLIANCE



COBRA - Definition

Continuation of health coverage for employees

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their family who lose health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time

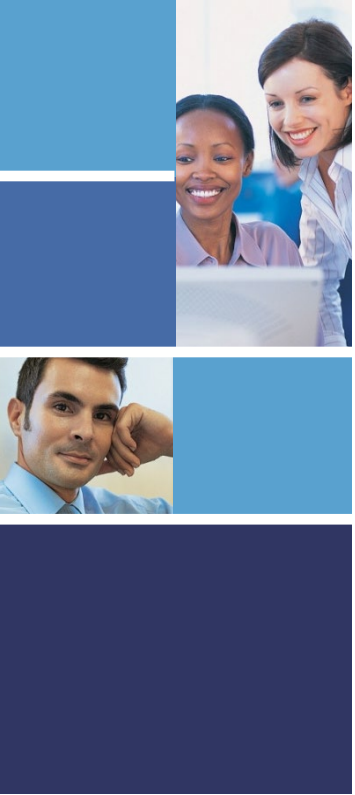
And under certain circumstances such as:

- Voluntary or involuntary job loss
- Reduction in hours worked
- Transition between jobs, death, divorce, and other life events
- Qualified individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.



COBRA – Employer Requirements

- COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end.
- COBRA outlines how employees and family members may elect continuation coverage.
- It also requires employers and plans to provide notice within 15 days of event or notification of a life status change



AFFIRMATIVE ACTION (AA) PLANS



AA Plans – Who?

- For employers who do business with the federal government – contractors with 50 or more employees and contracts over \$50,000 with regard to qualified individuals with disabilities
- The Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA) – and amended by the Jobs For Veterans Act – requires contractors with 50 or more employees and a contract of \$150,000 or more need an AA Plan
- An affirmative action program is a management tool designed to ensure equal employment opportunity
- Must be developed within 120 days from commencement of the contract and updated annually to cover recruitment, hiring and promotion of women and minorities



AA Plans – Details

- A central premise underlying affirmative action is that, absent discrimination, over time a contractor's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the contractor recruits and selects
- Affirmative action programs contain a diagnostic component which includes a number of quantitative analyses designed to evaluate the composition of the workforce of the contractor and compare it to the composition of the relevant labor pools
- Affirmative action programs also include action-oriented programs. If women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool, the contractor's affirmative action program includes specific practical steps designed to address this underutilization



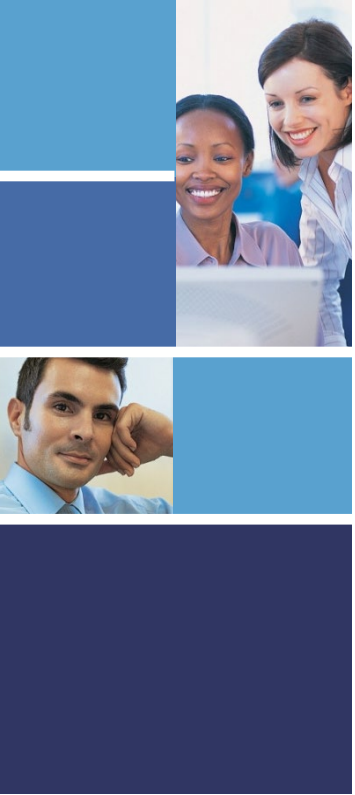
Affirmative Action - Enforcement

- Effective affirmative action programs also include internal auditing and reporting systems as a means of measuring the contractor's progress toward achieving the workforce that would be expected in the absence of discrimination
- The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is the enforcement body
- These laws under the enforcement body ban discrimination and require federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran



AA Plans - Process

- Not filed with the Office of Federal Contract Compliance Programs (OFCCP)
- They are kept by the contractor – must be produced in cases of audit
- Starting in 2022, contractors must use the online OFCCP portal only to certify whether the contractor has developed and maintained an AA plan for each establishment and/or functional unit
- Courts may require employers to adopt AA plans as a remedy for discrimination under Title VII



RECORDS RETENTION POLICY

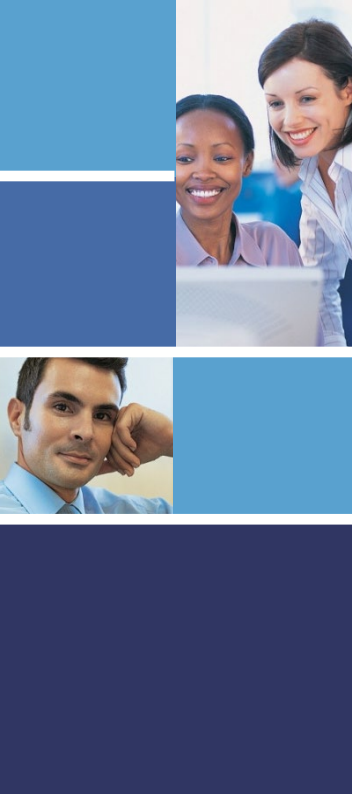


Record Retention Policy

It is critical that a records retention policy be created, reviewed and/or updated

There are state and federal recordkeeping requirements for both local governments with regard to government records and employment records

1. Local Records Act, governed by the Secretary of State, Illinois State Archives
2. FLSA recordkeeping requirements for employment records



FLSA Recordkeeping

Every covered employer must keep certain records for each non-exempt employee

The Act doesn't require any particular form for records, but does require that records contain certain identifying information about the employee

In addition, there are other federal recordkeeping requirements that require retention periods for both electronic and paper-based records

MOST IMPORTANT: If involved in an employment-related dispute with a terminated employee and the dispute not reconciled – retain ALL documents relating to that employee



FLSA Recordkeeping

Generally, an employer could establish the following retention periods for both electronic and paper-based records:

Personnel	7 years after termination
Medical/Benefits	6 years after plan year*
I-9 Forms	Not more than 3 years after termination
Hiring Records	2 years after hiring decision

*an exception would be to maintain employee exposure records for at least 30 years under the requirements of the Occupational Safety and Health Administration

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Labor Posters

Covered employers must post a notice explaining the FLSA, as prescribed by the Wage and Hour Division, in a conspicuous place such as a lunch room or employee lounge area.

Download the poster electronically at :

<https://www.dol.gov/agencies/whd/posters/flsa>

There are a number of other labor posters that must be displayed in a location where employees can see them and if remote, they must be posted on the intranet or sent to each employee who works remote

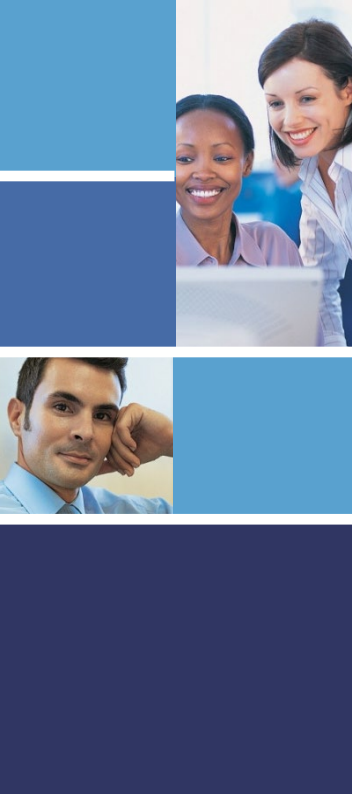


WRAP UP

Important - What Employers Should Know:

- Employers cannot discriminate against protected attributes
- Disabled employees can request reasonable accommodations
- Pregnancy is considered a temporary disability – there are expanded coverages
- Whistleblowers are protected
- Employment retaliation is illegal

What Final Questions Do you Have?





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THANK YOU!

Let's Connect!

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