

2018 September Newsletter

Does Texas have Paid Leave Laws? *Not Yet.....*

Currently, Texas does not require employers to provide sick leave, paid or unpaid, to employees; however, Austin and San Antonio, recently passed ordinances requiring private employers to provide paid sick leave to their employees. Austin's ordinance is scheduled to go into effect on Oct. 1st and San Antonio's ordinance is scheduled for Jan. 1, 2019. The city of Dallas recently rejected a petition to add paid sick leave to the November ballot due to petition falling short of the number of required voter signatures.

Both the Austin and San Antonio guidelines would allow employees to accrue up to 64 hours of paid sick leave each year. In Austin, small businesses with 15 or fewer employees would allow employees to accrue to up to 48 hours of paid sick leave per year.

The Austin ordinance is currently tied up in court with dozens of Republican state lawmakers have lined up against the ordinance. The lawsuit argues that the paid sick leave ordinance violates the Texas Minimum Wage Act because it forces employers to pay employees minimum wage for hours not actually worked. If the court challenge to Austin's ordinance is successful, San Antonio's will likely die, too.

To stay competitive, as well as provide necessary time for employees to take time off due to their illness or a family member illness, many employers already grant paid sick leave and consider it to be an important employee benefit. According to the 2018 SHRM Benefit Survey, 77%-79% (depending on exempt or non-exempt status) of companies offer paid sick leave.

It is important to remember, however, that if sick leave is promised, an employer may create a legal obligation to grant it. Employers should regularly review statements made in handbooks or elsewhere to ensure that they accurately reflect current policies. If changes are necessary, the policy should be revised, and employees notified of the changes.

Note: if you have employees in states other than Texas, the sick leave laws for each location should be reviewed.

Continued.....

Background Check Fair Credit Reporting Act (FCRA)

A new model Summary of Rights Under the FCRA form was issued last week, and employees must start using this form *September 21, 2018*. Generally, you must provide a copy of this form at the time you provide notice to an applicant/employee that a background check will be conducted, and again if you plan to take adverse action against an applicant/employee based on the results of the report. The updated form was issued in response to Congress' passage of the Economic Growth, Regulatory Relief and Consumer Protection Act in May 2018, which provides some identity theft protections to consumers and allows them to request a "security freeze" on access to their credit report in certain circumstances. The new model form, which incorporates the new security freeze right and makes some other changes, is available on our site at www.humanresourcesolutionsllc.com

Family Medical Leave Act Forms

The Family and Medical Leave Act certification forms and notices were set to expire in August of 2018. The U.S. Department of Labor has extended the validity of the forms for three more years, August 31, 2018. If you need the most recent Family Medical Leave Act forms, please send a request to our site at www.humanresourcesolutionsllc.com.

Things to Do in September

- If you are currently using a PEO and have more than 50 employees, now may be the time to review other options. At this level of employees, the PEO may become less economical.
- The deadline for filing the VETS-4212 is September 30th. The VETS-4212 reporting requirements apply to all Federal contractors and subcontractors with a government contract in the amount of \$150,000 or more.

It's not the size of the dog in the fight, but the size of the fight in the dog.

Archie Griffen, former football running back

For assistance in reviewing or creating your company employment policies or assistance on any of the above items, please contact info@humanresourcesolutionsllc.com

This newsletter is intended to provide general guidance about recent topics in Human Resources. It is not a legal opinion. For answers to your specific questions, please consult with counsel.