

2019 January Newsletter

Happy New Year! 2019 has already hit the “fast track” and we expect to see another year of activity in the Human Resource areas. Listed below are some of the topics that are predicted to be in the headlines for 2019;

FLSA Guidance – The bill that would have raised the minimum wage for exempt employees to \$47,476 in 2017 has been sent to the Office of Management and Budget with a recommended lower minimum wage. The expected minimum wage is expected to hit around the \$33,000 mark and the Department of Labor is expected to issue a statement in March.

Mandated Sick Leave – Austin and San Antonio passed ordinances that mandated employers provide employees with a set amount of paid sick time each year. Last Fall, an Austin judge determined the Ordinance violated the Texas Minimum Wage Act, which bars municipalities from regulating private-sector employees' wages. The Texas State Appeals court is currently reviewing arguments regarding the ordinance. If you are a multi-state employer, locations outside of Texas may have state mandated sick time. We will be glad to check your locations and ensure you are complying.

Privacy – States across the U.S. are re-assessing their privacy laws and establishing guidelines on how to maintain the privacy of employee's personal data. Employers should “exercise reasonable care to safeguard their employees' sensitive personal information on an internet accessible system” and more guidelines are expected.

Immigration – Continued focus on immigration policies, Visa's and how to find employees will be a top item. With more jobs than workers, employers will need to offer more competitive pay and benefits.

Garland Chamber of Commerce “Bold” Series – Human Resource Solutions, LLC is proud to participate in the Chamber's Bold Series on January 22nd from 9:00 to 10:30. We look forward to seeing you there and helping with any of your Human Resource questions.

<http://www.garlandchamber.com/january-bold-workshop.html>

Record Retention – January is a great time to get organized for the year and clear out old files, documents, etc. For many, getting rid of extra forms, old files, clutter, etc. helps you focus better on your goals and projects. Not only are there Federal guidelines for record retention, but State guidelines as well. If you are a Federal Contractor, the time frames may vary. To make your recording retention easy, most employment law attorneys recommend keeping all employment-

related records for at least seven years. This time frame would cover the Federal and State statutes. Listed below are the guidelines:

HUMAN RESOURCE GUIDELINES FOR RECORD RETENTION		
Document	Time Frames	Records Relating to:
Background Checks	1 Year; or 5 years if using an outside background check company or investigator	Reports that include information from Background Checks
Hiring Documentation	1 year after the documentation creation of following date of hire/no-hire decision was made; whichever is the latest	Employment Applications, Hiring Notes, Offer letters
I-9 Records	3 years following date of hire, or for one year following employee's last date of work	I-9 Forms and documentation
Employment Documentation	1 year after the documentation creation of following date of hire/no-hire decision was made; whichever is the latest	Promotions, Demotions, Transfers, Performance Reviews, Merit Increases
Payroll Records	3 years after the date of the last payroll check; except for unemployment records	Employee's wages and compensation
Unemployment Compensation	4 years after the date of the last payroll check	Employee's wages, compensation and unemployment
Family Medical Leave Act (FMLA_	3 years after the conclusion of the event	Basic payroll data, Dates of leave, FMLA Notices
Age-Discrimination documentation(ADEA)	3 years	Any records of personnel actions; claims
Disability-related Records	1 year following the date the document was created or personnel action taken; whichever comes last	Notes or Forms of requested Reasonable Accommodation
Benefit Related-Information	6 years after the creation of the documents	Summary Plan Descriptions, Annual Reports, Plan termination
OSHA Records	5 years	Records of Illness and Injury
Notes:		
Always keep records if claim or lawsuit is pending.		
Keep records in a digital forma on media that will last a very long time; Under the Lily Ledbetter Fair Pay Act of 2009, there is not a time limit for an employee or ex-employee to file a lawsuit in regards to pay-disparity.		
Federal Contractors may have different guidelines.		

“Enter this new year with a gratitude for this new chance to create your dreams.”

— Avina Celeste

January is always hectic between finishing out the past year and getting ready for the new year. If you need assistance on wrapping up 2018 projects or getting prepared for 2019, we are available to help. For questions on any of the above items, or assistance, 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.