

Our presenters today...

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Winnefox Library System

Today's topics

- o Principal federal and state employment laws
- o Discrimination laws related to employment
- o Managing staff: best practices for hiring, evaluating, discipline, termination, and managing conflict

The Four Disclaimers

(with apologies to Michael Feldman)

1. We're not attorneys or HR experts
2. We don't play one on TV either
3. This is an overview of these topics
4. In HR issues, the Devil is in the details

Fair Labor Standards Act (FLSA)

Fair Labor Standards Act (FLSA)

- o Federal law
- o Minimum Wage (currently \$7.25)
- o Must pay overtime (1½ x regular pay) if more than 40 hours worked per week
- o Non-paid breaks must be uninterrupted and not on-call
- o Breaks of less than about 20 minutes must be counted as paid work time

Exempt Vs. Non-Exempt Staff

Some employees are exempt from the overtime pay provisions of the FLSA. Most are not.

- o Salary basis and level
 - o (\$455/week or \$27.63/hour)
- o Job duties
 - o Administrative, Professional, Creative, Technical
- o Percentage of time spent on administrative duties
- o Worksheet at <http://www.winnefox.org/bootcamp2014/personnel.html>

Wisconsin Labor Standards

- o "One day rest in seven" law covers employees in factories or mercantile establishments (retail sales)
- o Meal or rest breaks are generally not required

Wisconsin Labor Standards

- o Child Labor
 - o Work permits required for all minors
 - o No employees younger than 14
 - o Limits on when and how long minors can work and what they can do
 - o Rules different for 14/15-year-olds and 16/17-year-olds
 - o Rules different for school and non-school days
 - o 30 minute break for all minors working more than 6 hours
- o <http://dwd.wisconsin.gov/er/>

The Law Does Not Require

- o Vacation, holiday, severance, or sick pay
- o Meal, rest periods, holidays, or vacations for adult employees
- o Premium pay for weekend or holiday work
- o A discharge notice, reason for discharge, or *immediate* payment of final wages to terminated employees (you should pay final wages on your next regular payday)
- o Any limit on the number of hours in a day or days in a week adults may be required or scheduled to work
- o Pay raises or fringe benefits

Questions?

- o FLSA Reference Guide <http://www.dol.gov/whd/regs/compliance/wh1282.pdf>
- o Department of Labor <http://www.dol.gov/whd/flsa/index.htm>
- o Wisconsin Department of Workforce Development <http://dwd.wisconsin.gov/er/>

FAMILY MEDICAL LEAVE ACT

BASED ON A TRUE STORY

LINDA, MAY I HAVE A WORD WITH YOU?

WHAT DOES HE WANT, I JUST GOT HERE.

YOU WERE "NO CALL - NO SHOW" FOR THE LAST 2 DAYS AND TODAY YOU ARE 7 HOURS LATE! WHAT HAPPENED?

MY DOG WAS DIAGNOSED WITH HALITOSIS, SO I HAD TO STAY HOME TO TAKE CARE OF HIM. I DON'T CALL BECAUSE THAT SHOULD BE COVERED BY THE F.M.L.A.

CAN HE FINISH THE TOMORROW? I'M LATE FOR MY LUNCH.

????????

WWW.CALLCENTERCOMICS.COM

Julie A. Schmude, Administrative Coordinator
Winnefox Library System

THE BASICS

Eligible employees can take job-protected, unpaid leave for up to 12 work weeks in any 12 months for:

- Birth of a child and care of the newborn child.
- Placement of a child for adoption or foster care.
- Employee's need to care for a family member with a serious health condition.
- Employee's own serious health condition.

THE BASICS

Not addressing military.
Substitution of paid leave is allowed (required)
May be taken intermittently.
Health benefits remain in place while on leave.
Employee has right to return to same/equivalent position.
Employer has right to advance notice.

PURPOSE OF THE ACT

- Intended to allow employees to balance work and family life.
- Predicated on two fundamental concerns:
 1. Needs of American workforce.
 2. Development of high-performance organizations.
- FMLA intended and expected to benefit employers as well as employees.

ELIGIBILITY FOR FMLA (FEDERAL)

Employed for at least 12 months in last 7 years
AND
At least 1,250 hours of service during the 12-month period immediately preceding commencement of leave.

If employer does not maintain accurate record, employer has the burden of showing the employee has not worked the required hours.

ELIGIBILITY FOR FMLA (WISCONSIN)

Employed at least 52 consecutive weeks.
AND
Worked at least 1,000 hours during the preceding 52 weeks.

MAXIMUM LENGTH OF LEAVE

Federal
Up to 12 weeks of medical and/or qualifying occurrence of FMLA leave in a 12-month period.
State
6 weeks for birth or placement for adoption.
2 weeks to care for seriously ill child, spouse, domestic partner, parent, parent-in-law, or domestic partner's parent.
2 weeks for an employee's own serious health condition.

MAXIMUM LENGTH OF LEAVE

Employers choice of:

- Calendar Year
- Fixed 12-month leave year (such as fiscal year or starting on an anniversary date).
- 12-month period measured forward from employee's first FMLA leave
- Rolling 12-month period measured back from date an employee first uses FMLA.

12-Month Period

- Employer choice and must be consistent and uniform.
- Any changes require 60-day notice.
- If employer does not choose, term will be that which is most beneficial to the employee.

INTERACTION WITH STATE LAW

Nothing in FMLA supersedes a provision of state or local law that provides greater family or medical leave rights.

Employees are not required to designate whether leave is federal or state and employer must comply with both.

Each stands alone, but eligibility runs concurrently.

COVERED EMPLOYER

Public agencies are covered employers without regard to number of employees.

QUALIFYING REASONS FOR LEAVE

Birth of a child and to care for newborn

- Both mother/father entitled for birth/bonding
- Mother for incapacity due to pregnancy, prenatal care, own serious health condition.
- Husband if needed to care for pregnant spouse (serious health condition).
- Mother/father if newborn with serious health condition.
- Intermittent and reduced schedule leave (only if the employer agrees).

QUALIFYING REASONS FOR LEAVE

Placement for adoption or foster care

- May take before actual placement/adoption if required to proceed with the process (ie., counseling, court, attorney consultation, etc.)
- Expires at end of the 12-month period.
- Husband/wife with same employer may be limited to combined total of 12 weeks.
- If adopted or foster child has a serious health condition, husband and wife may each take 12 weeks.
- Intermittent and reduced schedule allowed (if employer agrees).

QUALIFYING REASONS FOR LEAVE

Care of employee's spouse, son, daughter or parent with a serious health condition.

Serious health condition that makes the employee unable to perform the functions of the employee's job.

SERIOUS HEALTH CONDITION

Illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
Incapacity means inability to work, attend school or perform other regular daily activities.
Treatment includes (but not limited to) examinations, evaluations. Not routine exams.

Cosmetic treatments are not "serious health conditions."
Cold, flu, ear aches, upset stomach, minor ulcers, etc., normally do not meet the definition.

INPATIENT CARE

Means an overnight stay in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care.

LEAVE FOR TREATMENT OF SUBSTANCE ABUSE

- May be a serious health condition.
- Only taken for treatment by a health care provider for substance abuse.
- Absence because of substance use does not qualify.
- Treatment for substance abuse does not prevent employer from taking employment action against the abuse.

CONTINUING TREATMENT

Incapacity and treatment
More than 3 consecutive, full calendar days, AND subsequent treatment or incapacity relating to same condition, that also involves:
- Treatment 2 or more times within 30 days of the first day of incapacity.
- Treatment by a health care provider on at least one occasion, resulting in a regimen of continuing treatment.
- Must be in-person visit to a health care provider.
- First in-person treatment must be within 7 days of incapacity.

CONDITIONS NEEDING MULTIPLE TREATMENTS

Restorative surgery after accident or injury.

Conditions that would likely result in periods of incapacity of more than 3 full days in absence of treatment.

Absences attributed to incapacity qualify for FMLA.

CHRONIC CONDITIONS

Any period of incapacity for treatment
- Requires periodic visits (twice a year or more)
- Continues over a period of time.
- May cause episodic rather than continuing period of incapacity.

REQUIRED POSTING

Provisions of Act posted where prominent and easy to read.

General notice to each employee (handbook).

DO NOT BUY THE POSTERS.

NOTICE OF ELIGIBILITY

5 business days from when employee requests leave or employer knowledge.

Must state whether employee is eligible and if not, why not.

NOTICE OF RIGHTS AND RESPONSIBILITIES

Provides specific expectations and obligations of employee.

Provide at same time as the eligibility notice. Includes

- Employee needs to furnish certificate.
- Whether employee can substitute paid leave (required).
- Premium payments.
- Right to restore to same or equivalent job.
- Requirement for status reports.
- Intent to return to work.

CERTIFICATION

Can require written support by health care provider.

Employee needs to provide within 16 calendar days.

Employee needs to provide complete and sufficient information.

New certification can be required in each subsequent year.

CONTENT OF MEDICAL CERTIFICATION

- Name, address, phone, fax of health care provider
- Date of occurrence, possible duration.
- Statement of facts.
- Establish that employee cannot perform essential duties.
- Other work restrictions.
- Employees response to provide complete and sufficient information.

INTERMITTENT OR REDUCED LEAVE

Scheduling of Intermittent or reduced leave (825.203)

Increments of Intermittent or reduced leave (825.205)

SUBSTITUTION OF PAID LEAVE

Generally unpaid.

FMLA permits substitution

Employer can require paid leave to be used before unpaid.

FAILURE TO PROVIDE CERTIFICATION

Foreseeable leave

Employer may deny FMLA coverage until required certification is provided.

Unforeseeable leave

Employer may deny FMLA coverage for requested leave if not provided within 15 calendar days from receipt of the request (unless extenuating circumstances).

FITNESS-FOR-DUTY CERTIFICATION

Employer may require.

Cost, if any, borne by the employee.

Can only be required for the serious health condition for which FMLA leave was taken.

Cannot be required for each absence taken on an intermittent or reduced leave schedule

RECORDKEEPING REQUIREMENTS

- Basic payroll and identifying employee data (name, address, occupation, rate of pay, etc.)
- Dates FMLA leave is taken. Must be designated as FMLA leave.
- If taken in increments – the hours of the leave
- Copies of employee notices provided.
- Documents describing employee benefits or policies and practices regarding the taking of paid and unpaid leave.

MAINTENANCE OF EMPLOYEE BENEFITS

Employer must maintain group health coverage as if employee continuously employed.

Same group health plan provided (i.e., family).

If a new health plan takes effect, the employee is entitled to the new or changed plan/benefits.

Other benefits are determined by employer's established policy for such benefits (paid or unpaid leave, etc.)

RIGHT TO REINSTATEMENT

General rule is that, on return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

QUESTIONS?

For more information:

United States Department of Labor
<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

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 schmude@winnefox.org



Americans With Disabilities Act (ADA)

- o Federal
- o Covers three areas
 - o Employment
 - o Building Accessibility
 - o Providing Services

Americans With Disabilities Act (ADA)

- o A physical or mental impairment that substantially limits a major life activity
- o Long-term, chronic, or reoccurring condition
- o Temporary, non-chronic impairments of short duration with little or no residual effects are usually not disabilities
- o Major life activities include self care, eating, sleeping, standing, walking, lifting, reaching, bending, seeing, hearing, speaking, breathing, learning, concentrating, thinking, communicating, interacting with others

ADA in Employment

- o Covers both current employees and job applicants
- o Covers employee who currently has a disability, has history of disability, or if employer perceives the person has a disability

Essential Job Functions

- o Disabled employees must be able to perform the essential functions of their job
- o You are not required to eliminate an essential job function, to make other substantial changes in job duties, or to create a new position to accommodate an employee's disability

Reasonable Accommodation

- o You must attempt to make reasonable accommodation so the employee can perform those essential functions
- o You are not required to provide accommodations if doing so would be an undue hardship on library operations
- o You are not required to give an employee any accommodation s/he wants
- o Reasonable accommodations are individual to each work site, job, and employee

ADA: Key Points

- o The ADA is intended to protect employees who can perform their job despite having a disability.
- o It is not intended to force employers to employ workers who are unable to perform their jobs even with a reasonable accommodation.

ADA: Key Points

- o You are not required to excuse misconduct unrelated to the disability
- o You are not required to offer accommodation if you were reasonably unaware of the disability
- o You're not required to be a mind reader

Questions?

- o Disability Law Handbook
<https://adata.org/publication/disability-law-handbook>
- o U.S. Equal Employment Opportunity Commission
<http://www.eeoc.gov/facts/ada18.html>
- o Great Lakes ADA Center
<http://www.adagreatlakes.org/>
- o The ADA: Your Responsibilities as an Employer
<http://www.eeoc.gov/facts/ada17.html>
- o Tessa Michaelson Schmidt @ The Division
tessa.schmidt@dpi.wi.gov

Workplace Discrimination

Workplace Discrimination

- o Both state and federal laws
- o Prohibit discrimination in employment based on protected status
 - o Person has protected status
 - o Person is perceived to have protected status
 - o Person is associated with someone who has protected status (family member, etc)
- o Covers both current employees and job applicants

Protected Status

- o Race, Color, National origin, Citizenship status
- o Religion (or lack of)
- o Gender
- o Age, if over 40
- o Disability
- o Pregnancy
- o Bankruptcy
- o Military Status, including Guard and Reserve
- o Arrest and Conviction Record (unless for an offense related to the job)
- o Honesty Testing (lie detector)
- o Marital Status
- o Sexual Orientation
- o Use or nonuse of lawful products off the employer's premises during nonworking hours
- o Genetic Information

Avoiding Problems

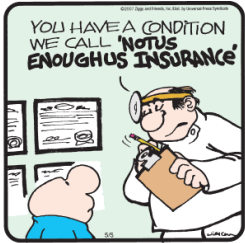
- o Provide reasonable accommodation for religious expression
- o What you reasonably don't know can't hurt you
- o Do not ask questions relating to protected statuses in job interviews
- o Supervisors should not "friend" subordinates on Facebook

Questions?

- o Equal Rights Division of the Wisconsin DWD <http://dwd.wisconsin.gov/er/>
- o U.S. Equal Employment Opportunity Commission <http://www.eeoc.gov/>

COBRA

Consolidated Omnibus Budget Reconciliation Act



Julie A. Schmude, Administrative Coordinator
Winnefox Library System

WHAT IS COBRA?

A law to protect employees and their families if employer sponsored health benefits are lost.

Passed in 1986.

Requires continuation coverage to be offered to covered employees, spouses, former spouses and dependent children when group health coverage would otherwise be lost due to certain specific events.

PLAN COVERAGE

All state and local governments are subject to COBRA.

QUALIFYING EVENTS

For Covered Employees:

- Termination of employment
- Reduction in the number of hours worked.

QUALIFYING EVENTS (CONT.)

For Spouses:

- Termination of covered employee's employment.
- Reduction in hours worked by covered employee.
- Covered employee's becoming entitled to Medicare.
- Divorce or legal separation of spouse
- Death of covered employee.

QUALIFYING EVENTS (CONT.)

For Dependents:

- Loss of dependent child status under plan rules.
- Termination of employee's employment.
- Reduction in hours worked by employee.
- Employee's becoming entitled to Medicare
- Divorce or legal separation of spouse.
- Death of the covered employee.

HOW LONG DOES COBRA COVERAGE LAST?

Depending upon the type of event and who the beneficiary is

- Termination of employment or reduction in hours – 18 months for the employee and any covered dependents.
- An individual previously entitled to 18 months of coverage who is determined to be disabled – 29 months of coverage.
- In the case of an individual previously entitled to 18 months of coverage who experiences a second qualifying event – 36 months of coverage.
- In the case of qualifying events for reasons other than termination of employment or reduction in hours – 36 months of coverage.

COBRA COMMUNICATION DUTIES

Include:

- Employer Notification to covered employees and covered spouses of their initial rights under COBRA when they first join the plan.
- Employer Notification to covered persons of their election rights to continue coverage after a qualifying event occurs. (COBRA election notice needs include health exchange information.)

COBRA COMMUNICATION DUTIES (CONT.)

Employer Notification within 30 days to the plan administrator (usually the insurance company) when a loss occurs for reason listed above.

- for divorce and change of status by a dependent notice must be made to the administrator within 60 days.

The administrator has 14 days after notice to notify the person who is entitled to COBRA coverage.

The employee has 60 days to notify employer that he or she wants coverage.

WHO PAYS FOR COBRA COVERAGE?

The employee generally pays the full cost of the insurance premiums.

- Employer may charge 102% of the premium

Timing of payments is important. COBRA coverage can be terminated if premium payments are late (within 30 days of the due date).

Process is complicated because the employer has to pay in advance for the coverage under the policy, but the law states that you have to give COBRA insured a 30-day grace period from the time the payment is due.

QUESTIONS?

For more information:

United States Department of Labor
<http://www.dol.gov/dol/topic/health-plans/cobra.htm>

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Managing Staff

Managing Staff

- o Hiring
- o Performance reviews
- o Counseling and discipline
- o Termination
- o Managing conflict

Managing Staff: General Tips

- o Praise in public, criticize in private
- o Praise the employee at the time of specific performance success
- o As a supervisor, you should know the strengths and weaknesses of each of your employees
- o Try to work around an employee's weaknesses if that employee's strengths outweigh them

Hiring Staff

Hiring Staff

- o Don't just replace departing employees; vacancies are good times to re-evaluate needs and staffing
- o Consider the strengths and weaknesses of your current staff members
- o Don't hire someone if you don't think they'll be a good fit for the position; it's better to have a vacant position than a problem employee
- o You won't find employee who meets your every need and desire—hire the best fit

Hiring Staff

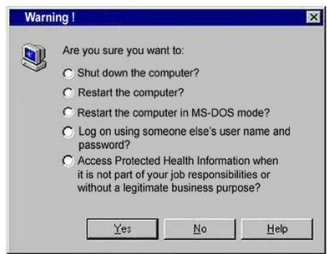
- o Nordstrom's philosophy
 - o "Hire the smile, train the skill"
- o "If you don't have a good attitude, we don't want you, no matter how skilled you are. We can change skill level through training. We can't change attitude." – Herb Kelleher, co-founder of Southwest Airlines

Hiring Staff

- o Mark's philosophy
 - o Hire good people and treat them well
 - o Let them do their job (don't micromanage)
 - o Allow them to grow

HIPPA

Healthcare Insurance Portability and Accountability Act



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Winnefox Library System

WHAT IS HIPPA?

Developed in 1996 to help public with insurance portability.

Subsequently built simplifications involving electronic, medical record technology and other components.

Then built a series of privacy tools.

WHAT IS PORTABILITY

- A US employee's right to keep or maintain certain benefits when switching employers or when leaving the workforce (retiring).
- Rights and Protections for participants in group health plans.
- Prohibits discrimination based on health factors.
- Assures that certain people will have access to, and can renew individual health insurance policies.

WHO NEEDS TO BE HIPPA COMPLIANT?

- Healthcare providers, hospitals, clinics, etc.
- Healthcare clearinghouses.
- Healthcare plans including insurers, HMOs, Medicaid, Medicare prescription drug card sponsors, etc.
- *Employers, schools or universities that collect, store or transmit protected health information to enroll employees or students into health plans.*

WHAT IS HIPPA COMPLIANCE?

HIPPA sets the standard for protecting sensitive patient data. Responsibility is to ensure that all required physical, network, and process security measures are in place and followed.

PHI (PROTECTED HEALTH INFORMATION)

Information that identifies who the health-related information belongs to and includes:

- Names
- Email addresses
- Phone numbers
- Photos
- Drivers license numbers

If you have something that can identify an employee together with health information of any kind – you have PHI that needs to be protected per HIPPA.

SEEMS STRAIGHT FORWARD?

“I’m sending an email to someone whose email address is clearly not identifiable, e.g. klh234376@aol.com ... Therefore the message is not PHI, right”?

SEEMS STRAIGHT FORWARD?

“I’m sending an email to someone whose email address is clearly not identifiable, e.g. klh234376@aol.com ... Therefore the message is not PHI, right”?

Actually PHI definition for email states all email address, no matter what, are identifiable.

SEEMS STRAIGHT FORWARD?

“I’m sending a newsletter of health care tips to a list of people. That does not seem to be PHI, right”?

SEEMS STRAIGHT FORWARD?

"I'm sending a newsletter of health care tips to a list of people. That does not seem to be PHI, right?"

It depends. If it is a newsletter of tips to cope with diabetes sent by your doctor, it could be construed as PHI.

If it is a general web site where there are many topics covered and an article on diabetes appears, it would not be PHI.

PRACTICE

Think twice when developing meeting agendas and minutes.

- Jane Doe is requesting LWOP to have a knee surgery.

Don't mention health issues in staff newsletters or post on bulletin boards.

- We are excited to announce Jane in circulation is expecting a baby!

If you are reporting information, keep all personal identification out and speak only in generalities.

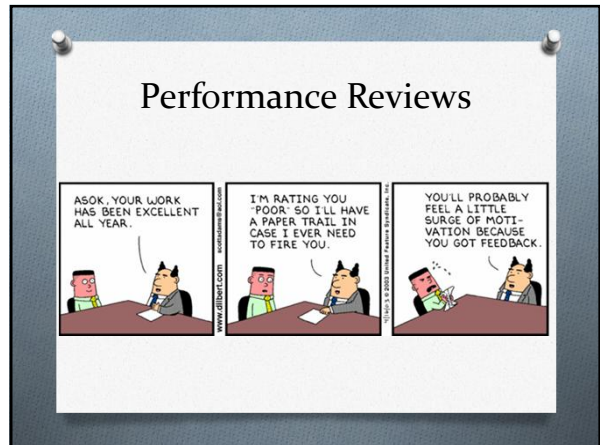
- We have 6 employees with family health coverage and 2 with single health coverage.

QUESTIONS?

For more information:

US Department of Health and Human Services
<http://www.hhs.gov/ocr/privacy/>

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Performance Reviews

- o Helps ensure that employees know what you expect of them
- o Review previous year's performance
 - o Keep notes throughout the year—don't trust to memory
- o Set goals for the next year
- o Address performance problems

Performance Reviews

- o Tie discussion to job description and library services
- o Focus on behaviors or task outcomes
- o Be honest about poor performance; don't sugar coat



Performance Problems

- o Goal is to help the employee to get back on track
- o Don't wait until scheduled performance review; address immediately
- o Don't let problem behavior continue. It will *not* get better. It *will* get worse
- o Document poor behavior and attempts to address the issue
- o The focus should be on outcomes, not fixing a "problem"

Performance Problems

- o Don't overreact to a one-time or minor problem
- o Be fair
- o Consider outside influences
- o Get some perspective from others
- o Try to ignore things that may be personally annoying to you but don't impede public service or library administration
- o Be calm, don't get emotional
- o Document everything

Dealing with Performance Problems—A Four-Step Plan

1. What is the problem?
 - o Pinpoint the problem
 - o Focus on specific behaviors or task outcomes, not personalities
 - o Use examples: dates, events, names
 - o Reference previous conversations

Dealing with Performance Problems—A Four-Step Plan

2. What is the Impact?
 - o Identify the negative effect (on service, library goals, etc)
 - o Gain agreement that a problem exists
 - o Discuss consequences if the problem continues

Dealing with Performance Problems—A Four-Step Plan

3. How this be improved?
 - o Generate solutions to correct the problem
 - o If possible, let employee take the lead in developing improvement plan
 - o Decide on the best course of action
 - o Gain commitment from employee in his or her role in solving the problem

Dealing with Performance Problems—A Four-Step Plan

4. When will improvement take place?
 - o Establish a follow-up strategy
 - o Specify how and when you and the staff person will review progress
 - o Set specific dates for follow-up meetings
 - o Recognize improvements as they happen

Progressive Discipline

1. Oral reprimand
2. Written reprimand
3. 1-day suspension
4. 3-day suspension
5. 1-week suspension
6. Termination

Progressive Discipline

- o Document process
- o Series of meetings
 1. Investigatory
 - o This has been reported, we are investigating, what is your side of the story?
 2. Pre-Disciplinary
 - o Here are our findings; have you anything to say?
 3. Impose penalties
 - o This is what we are going to do

Progressive Discipline

- o Don't meet one-on-one for disciplinary meetings—employee can bring advisor and you should have witness
- o Backsliding after improvement
- o Grievance procedure

Termination


Termination

- o Don't fire in haste or when angry or upset. Think it through
- o Thoroughly investigate the circumstances, giving the employee an opportunity to present their side. Document everything
- o Have a valid reason for firing the person and be honest with them
- o Don't do it on your own—consult with someone

Questions?

- o Business Management Daily on firing
<http://www.businessmanagementdaily.com/human-resources/firing>
- o Disciplinary action advice from Rutgers U.
<http://uhr.rutgers.edu/uhr-units-offices/office-labor-relations/employee-discipline-information-supervisors/staff-employee>
- o Progressive Discipline information from Nolo
<http://www.nolo.com/legal-encyclopedia/employee-progressive-discipline-basics-30242.html>

UNEMPLOYMENT INSURANCE



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"Really, Mr. Claus, you can't work one night a year then expect to qualify for unemployment benefits."

Julie A. Schmude, Administrative Coordinator
Winnefox Library System

WHAT IS THE UNEMPLOYMENT INSURANCE PROGRAM?

Unemployment Insurance laws are intended to:

- Provide a source of income to those temporarily unemployed through no fault of their own.
- Provides weekly benefits to eligible unemployed workers.

HOW IS THE UI PROGRAM FINANCED?

Jointly through federal and state employer payroll taxes.

- Federal (FUTA) is used for administrative expenses and costs related to extended benefits.
- State is used only to pay benefits to unemployed workers.

REIMBURSEMENT FINANCING

Governmental units can choose between the tax and reimbursement methods of financing.

- Accounts for governmental units are initially set up on the reimbursement financing method but tax financing can be elected.

ELIGIBILITY FOR UI

Available to employees with sufficient work history whose employment was terminated through no fault of their own.

COMMON REASONS FOR INELIGIBILITY

- Quit a job without good cause.
- Termination for misconduct
- Termination for substantial fault.

SOME COMMON DISQUALIFICATIONS

- Refusal to work without good cause.
- Failure to make an acceptable work search.
- Do not work hours available during a week.
- Unable or unavailable to work in a week.
- Not able to work because of a strike or other labor dispute.
- Are receiving Social Security Disability (SSDI) payments.
- Working in an excluded employment.

NOTICE TO EMPLOYEES (FORM UCB-7)

Employers are required to prominently display a poster in each work place.

If not a permanent site regularly accessed by employees, can provide individual notices.

DO NOT BUY THESE POSTERS!

QUALIFYING FOR AND CALCULATING UI

Qualifying Wage Requirements

Step 1. Base Period (first four of the five most recently completed calendar quarters)

EXAMPLE:

Meet Joe. Joe has been laid off today, 12/9/14 from your City Library. He qualifies for unemployment because he was laid off. Next is to determine if he has enough qualifying wages. We'll say he works 40 hours per week and makes \$10.00 per hour. He gets paid every Friday.

DETERMINATION OF WEEKLY BENEFIT RATE

Weekly benefit uses the highest quarter and computes at 4% during that quarter

Joe's highest quarter was \$5,200 so his weekly benefit rate is \$208 ($\$5,200 \times .04 = \208)

JUL 2013	OCT 2013	JAN 2014	APR 2014	JUL 2014	OCT 2014
AUG 2013	NOV 2013	FEB 2014	MAY 2014	AUG 2014	NOV 2014
SEP 2013	DEC 2013	MAR 2014	JUN 2014	SEP 2014	DEC 2014
\$5,200	\$5,200	\$5,200	\$5,200	N/A	N/A


MAXIMUM/MINIMUM RATES

HIGH QUARTER EARNINGS

← \$1,350 JOE \$5,200 \$9,280 →

WEEKLY BENEFIT RATE


← \$54 JOE \$208 \$370 →



BASE PERIOD WAGE REVIEW

Total base period wages must equal at least 35 times the weekly benefit rate
 (35 x WBR = \$7,280) (Joe earned \$20,800)

Wages outside the high quarter must equal at least 4 times the weekly benefit rate
 (4 x WBR = \$832)
 (Joe earned \$15,600)



OTHER QUALIFYING REQUIREMENTS

Joe has two more requirements to be eligible for benefits:

- He must be able and available for work
- He must search for suitable work

PROPORTIONAL CHARGING

Example:

Total base period wages = \$20,800

- Covered base period wages paid by Employer A = \$15,600 (75%)
- Covered base period wages paid by Employer B = \$5,200 (25%)

If claimant receives unemployment benefits of \$208, the employers' charges would be:

- Employer A - \$156 (75%)
- Employer B - \$ 52 (25%)

EMPLOYEE VS. INDEPENDENT CONTRACTOR

Considered an employee unless both following conditions are met:

- The individual is free from employer's direction and control in regard to when, where and how their services are performed.
- Services have been performed in an independently established trade, business or profession in which individual is customarily engaged.

QUESTIONS?

For more information:

State of Wisconsin
 Department of Workforce Development
<https://dwd.wisconsin.gov/ui/>

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Managing Conflict



Managing Conflict

- o Conflict causes inefficiency and impedes public service
- o If conflict involves harassment you risk being open to charges of creating a hostile workplace if harassment is not stopped
- o Address as performance issue
- o Adults should be able to work together even if they dislike each other

You Are Not Alone



You Are Not Alone

- o Your library's (or municipal) personnel policy
- o Your municipal HR/Personnel officer, clerk, or municipal attorney
- o Other library directors
- o System staff
- o Public Library Administration consultant Denise Anton Wright denise.wright@dpi.wi.gov

HR Resources

- o Wisconsin State Law Library employment law page <http://wilawlibrary.gov/topics/laborlaw/index.php>
- o Information from the 2014 Library Director Boot Camp <http://www.winnefox.org/bootcamp2014/personnel.html>
- o Winnefox Extranet resource page <http://extranet.winnefox.org/legal-resources>
- o Dilbert <http://dilbert.com/>

Questions?



Thanks for Listening



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