

# ThinkHR Live

EXPERT HR ADVICE AND ANSWERS  
TO COMPLEX HR QUESTIONS



## INTRODUCING A REVOLUTIONARY HR ADVICE SERVICE FOR OUR MOST VALUED CUSTOMERS

When you need answers to tough HR questions, where can you go? Your lawyer? Friends? The web? These options either cost too much or leave you with incomplete answers. So, we have teamed with ThinkHR, the leader in LIVE HR advice, to give you answers you can trust.

### HR HOTLINE

**Talk directly to certified HR experts  
and get immediate answers**

### HR LIBRARY

**Access thousands of online tools,  
forms, templates and guides**

Call the HR Hotline with your HR questions, and you will speak directly to SPHR/PHR certified consultants. You can get immediate guidance and best practices advice to handle the toughest HR issues swiftly, and get right back to business. Calls last 35 minutes on average and most are also followed up with a written summary.

You also have unlimited access to a comprehensive online HR Library which has step-by-step guides for federal and state law compliance, COBRA and FMLA and thousands of invaluable templates, forms, guides and online tools. So you can stop searching and start finding accurate information that applies to the situation at hand.

- Discrimination - EEO, ADA
- Employee Relations
- Performance Management
- Policy and Procedures
- Recruiting and Hiring

- Leaves of Absence - FMLA, PDL
- Wage and Hour, Equal Pay Act
- Workers' Compensation
- General Benefits Compliance  
COBRA, ERISA, HIPAA, PPACA

- Statutory Compliance
- Conflict Resolution
- Terminations
- Workplace Safety
- Unlawful Harassment

**Join the 30,000 businesses that trust ThinkHR Live  
for immediate, affordable and conclusive HR advice**

## HOW TO START

Once your service is activated, ThinkHR will email you a welcome kit with your user name and password so you can login at: <http://ebadvisors.thinkhrlive.com>

**CONTACT** | EMPLOYEE BENEFIT ADVISORS OF THE CAROLINAS : 704.442.4400  
HR HOTLINE : 877.225.1101

**thinkHR**  
The Right Answer. Right Now.

# EXAMPLE HR Questions

SAMPLE OF THE TYPES OF ISSUES  
WE RESOLVE DAILY ON THE HR HOTLINE



Thousands of US businesses, large and small, already rely on ThinkHR for expert answers and second opinions on various Human Resources questions and issues

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## BENEFITS

- ✓ Our business is headquartered in one state, yet we have field sales rep employees in other states. Which state disability insurance & paid family leave information should those employees outside of our HQ state receive?
- ✓ We recently advised a client that they should keep PHI filed separately from other employee data. While we have this recommendation in writing from our attorneys to us as a BAA, I am not able to find documentation that as a plan sponsor an employer should also follow this practice. Please confirm that: 1) we were correct in advising the client to follow this process, and 2) Is there an official notice we can refer to?
- ✓ What are disability plan options offered to an employer in the state of New Jersey? What is the New Jersey Temporary Disability Benefits Law and how does it work?
- ✓ When an employee is on FMLA leave, what is the employer required to do with their other benefits? Which benefits need to be continued and what should we do if the employee does not make his copayments while out on FMLA?
- ✓ Can we terminate an employee from our group plan since he will be Medicare eligible?
- ✓ When an employee goes out on USERRA leave, when does the COBRA eligibility start? Is there an extra 30 days under the employer's active plan?
- ✓ What are the ERISA rules about nondiscrimination in benefits plan designs to assist with creating benefit class carve-outs?
- ✓ What happens to the benefits plans of a company being merged with another company?
- ✓ We have an employee out on disability, but since we do not have a policy on disability issues, I do not know how long we should continue to pay their health benefits?
- ✓ For the Medicare Part D notice of creditable coverage that employers need to provide each year, is it acceptable to post the notice on the benefit website that all employees have access to? If so, are there any specific guidelines that we must follow?

## LEAVES OF ABSENCE (LOA)

- ✓ Our company provides a bonus to all employees based on overall company performance. Do we have to pay an employee who is out on leave of absence (LOA), and would payment of bonus impact his/her LTD?
- ✓ When an employee is on a LOA, must the employer continue health insurance, or is this a COBRA event?
- ✓ Our company recently had a woman return from maternity leave having used up all her CFRA, PFL and FMLA. She worked for three days and is out on disability again due to post partum depression. When she comes back to work is she now eligible for leave again? Are we required to hold her job for her? What are our options? We are currently going through a re-organization and are thinking about downsizing, could we terminate her without liability?
- ✓ We have an employee who does not qualify for FMLA. We would like to know what other type of leave the employee can go out on. What are the eligibility requirements for the various leaves?
- ✓ We have an employee who went out on 24 hours suicide watch. When should we allow him to return to work?

## COMPLIANCE

- ✓ Are employers required to notify employees if cameras are installed in the general areas?
- ✓ We want to put a policy in place regarding what expenses can be reimbursed and what cannot be reimbursed for telecommuting employees. Specifically, we have telecommuting employees and want to know if the company has to reimburse internet and electricity expenses since the employee is working from home doing company work.
- ✓ Can non-exempt employees waive lunch breaks? What are the requirements for the two rest breaks for an 8 hour shift? If the company is closed for Labor Day on Monday, and an employee who works on Sundays wants to take Sunday off and work on Monday while the business is closed, is this ok?
- ✓ We just reached a little over 50 employees. We currently don't have an HR employee. I've been hearing that when a company reaches 50 employees, HR gets a little more complicated. Do you have a list of things that need to be done to stay as compliant as possible?
- ✓ I have a question about I-9 form re-verification. I know that there is a spot on the form to re-verify, but what if we never filled out the complete information when the employee was hired? If we do fill out the re-verification part on an incomplete form, will we now be in compliance even though we never recorded the original docs? Or, can we just ask them to fill out a completely new form? Will that bring us into compliance?

## WAGE AND HOUR

- ✓ What is the difference between exempt and non-exempt classifications and what are the requirements to classify a job as exempt?
- ✓ Can an employer make a deduction from an employee's pay or have them work a day for free because the employee broke the employer's equipment, or there was an unexplained shortage in the cash register?
- ✓ What are salaried employees entitled to? If they work a holiday are they entitled to get paid time and a half for that day? If they take a day or week off can we deduct that pay?
- ✓ What are the rules about providing holiday pay, sick pay, or vacation pay in [state]?
- ✓ Do I have to provide paid time off to long-term independent contractors?
- ✓ How can you determine whether a worker is an independent contractor or employee?
- ✓ We are a non-union company. Do we need to post the new NLRB poster?

## TERMINATIONS

- ✓ Is it acceptable to terminate an employee because I believe he is at risk of having an accident as an older driver?
- ✓ What documentation is required to properly terminate an employee?
- ✓ I have an employee stating that he is going to quit but hasn't officially given his resignation. Can we terminate the employee now on grounds of anticipating his quitting the company?
- ✓ For AZ, FL, IN, MA, NJ, OH, PA, SC, TX, VA, WA: Do these states require a Separation Notice and if yes, can you send me a copy?

## RECRUITING AND HIRING

- ✓ We sold one of our companies and all of our former employees moved to the new company. At the time of the sale, we offered one employee the option to return to us once we open a new facility (in about a month), and both the employee and the successor company agreed to this arrangement. Can we keep this employee on our benefits and just put him on an unpaid leave of absence until he returns next month?
- ✓ When our employee's employment was terminated, we agreed to pay COBRA premiums through a specified time frame as part of the severance agreement. That time period is about to expire. How should we communicate to the former employee that the terms of agreement are coming to an end, and he will be responsible for premiums?
- ✓ What information needs to be included in an offer letter we are extending to hire a new employee?
- ✓ To be in compliance with the I-9 requirements, does an employer have to re-verify an employee's driver license once it has expired?
- ✓ Who in our company, besides HR, should have access to background and drug screening for new hires?

## EMPLOYEE RELATIONS

- ✓ Can we hire an intern here on an F-1 student visa to be a regular employee once the internship is completed? Are F-1 students authorized to work in the US?
- ✓ We want to offer a candidate a temp-to-hire position but with stipulation of a three-month temporary position without benefits but at a higher hourly compensation rate. Then, if the position continues to be required and the temporary employee is doing a good job, we will consider making this a full-time regular job at a lower rate of pay but with full benefits. Should we mention the possibility of the regular position and the pay/benefits for that position in the initial offer letter, or will that potentially be locking us into a contract by doing that?
- ✓ I just learned that one of our employees has been incarcerated. He will not be released for three months. Can I ask the following questions to his probation officer? (1) What are the current charges against him? (2) When was he incarcerated? (3) Has there ever been any assault/violence charges filed? (4) Why is he on probation? (5) What did he do that violated his probation? (6) When will he be released from jail? (7) Under what terms? (8) Will he need time off of work to go to counseling or to conduct community service? This is a good employee with attendance issues - we are trying to gather the facts to decide whether to terminate due to absenteeism.
- ✓ My client received a call from a former employee who is trying to get restraining order against another former employee. While they were both employed she had lodged a sexual harassment complaint against him and is now requesting documents from that complaint, none of which are signed by either party. The client is wondering which if any documents they can provide to the first former employee.

- ✓ We have a client who has an employee who just issued a sexual harassment complaint about another employee. This is the second issue with the client's employee they have had in the last few years. They would like to discuss how they are handling it and get further suggestions. Can you call them today?
- ✓ I just received an EEO complaint, and the EEOC examiner is calling to discuss mediation. I am looking for information about the process and would like some advice based on your experience with such complaints.
- ✓ We are a start up (about 3 years old) and have just set up a corporate Facebook page and LinkedIn account. We would like all employees to "like" our page from their own FB account. That means that each of us will have our public Facebook picture on our Corporate Facebook page. Can we require employees to change privacy settings so that our clients cannot see personal and less professional data on their personal FB pages?
- ✓ Can we terminate an employee we suspect is stealing from our company?

## FORMS

- ✓ We would like checklists and sample letters for new hire, COBRA, leaves of absence and terminations.
- ✓ Do you have job descriptions, employee handbook, and performance management templates you could send?

## WORKERS' COMPENSATION

- ✓ We have an employee who is no longer disabled under workers' comp and is able to return to work. However due to business need we laid off several employees and his position has been eliminated. Are we legally required to return him to work?
- ✓ We have an employee on disability with a worker's comp claim, and he came back to work on restricted duty. However, we cannot accommodate the restrictions. We need him to work a full 40 hour a week shift. He directs truck traffic in our yard, and the doctor's restrictions require that he not stand for long periods of time. Can we terminate his employment because we cannot accommodate the restrictions?

## INVESTIGATIONS

- ✓ We have an employee who is on Workers' Compensation and recently returned to light duty on a part-time basis. He has now requested a leave of absence for six months for an unrelated reason. How should we handle this request and his benefits during the time off?
- ✓ What should I do if an employee tells me that he/she is being sexually harassed but does not want me to do anything about it? How do I conduct a proper investigation?
- ✓ We have three former employees (all quit within last 6 months) who have made complaints about the General Manager (GM) at another location. Complaints were about inappropriate sexual comments, gender/sexual orientation, and inappropriate behavior. The HR person at that location is related to the GM, so no one there was comfortable talking with her about the issues. One of the owners is his brother, and another owner is his best friend. One owner wants the GM to resign. We need some pointers on how to handle the conversation with this GM – our goal is to force his resignation. Do we need to have an investigation of the allegations first?