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# Special Report for HR Professionals

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## EMPLOYING PEOPLE WITH DISABILITIES By William H. Truesdell

### INSIDE THIS ISSUE

- 1 Employing People with Disabilities
- 2 South Carolina Latest State to Require Use of E-Verify System
- 3 **Easy Employee Supervision**
- 3 New California Law Impacts Temp Employee Pay
- 4 Workplace Fatalities Declined in 2007
- 4 Subscriptions...

Twenty-four years ago, I was managing equal employment opportunity and affirmative action on the West coast for the new AT&T. We were approached by other HR professionals in businesses such as Kaiser Permanente and Bank of America with a proposal for an experimental employment program.

In Oakland, California there is a community organization called Clausen House that trains mentally and developmentally disabled individuals how to live independently. Part of the independent equation is employment. Our challenge was to take people who had never worked on a paying job, teach them skills they could master and provide the employer with a productive employee. What a surprise we got when every one of the program participants was successful and stayed on their jobs for at least a year. Most had logged perfect attendance during that time.

That's what happens sometimes. We get surprised by the capabilities of people we thought didn't have it in them to succeed. The government's Office of Disability Employment Policy has countless stories about such folks. <http://www.dol.gov/odep>

Even people at the recent Olympics were surprised by the capabilities of Natalie du Toit of Australia. She swam the 10K open water marathon in Beijing...having lost half of her left leg in a vehicle accident a year ago. While she didn't place in the medal group, she said we should pay attention to 2012 when she plans to be back in competition.

Congress has designated each October as National Disability Employment Awareness Month. You can plan on seeing the Office of Disability Employment Policy issue materials throughout the month to highlight the specific employment barriers that still need to be addressed and removed. You can participate in the effort by displaying a copy of the agency's poster that announces October's designation. You can get it in either 20" X 30" or 10" X 15" sizes by sending your request to [NDEAM@dol.gov](mailto:NDEAM@dol.gov), or by downloading the PDF version at [http://www.dol.gov/odep/documents/ee0505d8\\_3325\\_46f2\\_9779\\_f763a63\\_93b6a.pdf](http://www.dol.gov/odep/documents/ee0505d8_3325_46f2_9779_f763a63_93b6a.pdf)

Go to *Disabilities* on page 2

## SOUTH CAROLINA LATEST STATE TO REQUIRE USE OF E-VERIFY SYSTEM

South Carolina has become the latest state to require private sector employers to use the federal government's E-Verify system for authentication of Social Security Numbers offered up by new employees.

The law has been signed by the Governor and is scheduled to go into effect on July 1, 2009. It will impact private employers with 100 or more people on their payroll. By way of enforcement, the new law creates a new state business license for each employer in the state. It authorizes the disciplining or revoking of that license if the employer fails to follow the new requirements.

The requirement for maintaining an unblemished employment license is that every private employer participate in the U.S. Department of Homeland Security's E-Verify program. What was once a voluntary program is now required by several states and participation is also required for federal contractors subject to federal affirmative action regulations.

In South Carolina, the Director of the State Budget and Control Board is authorized to levy fines against employers who do not comply once this new law goes into effect. The Director will also publish a list of private employers that have been assessed a civil penalty for a violation, or had their business/employment license disciplined or revoked.

Eleven states now require some private sector employers to use the E-Verify system. <http://www.management-advantage.com/products/E-VerifyReport.htm> The only remaining problem is that Congress has as yet failed to fund the program past September 30, 2008.

Stay tuned for the latest as it happens.

### *Disabilities from page 2*

The poster has a wonderful display of Mount Rushmore and the caption, "America's People... America's Talent... America's Strength!"

The effort to educate the American public about issues related to disability and employment actually began in 1945, when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to "National Disability Employment Awareness Month."

If you are interested in learning more about how disabled candidates can be a good match to your job requirements, visit the DOL's program links page at <http://www.dol.gov/odep/programs/program.htm> . The resources you need are just a click or two away.

E-Verify is no longer a voluntary program for many private sector employers.

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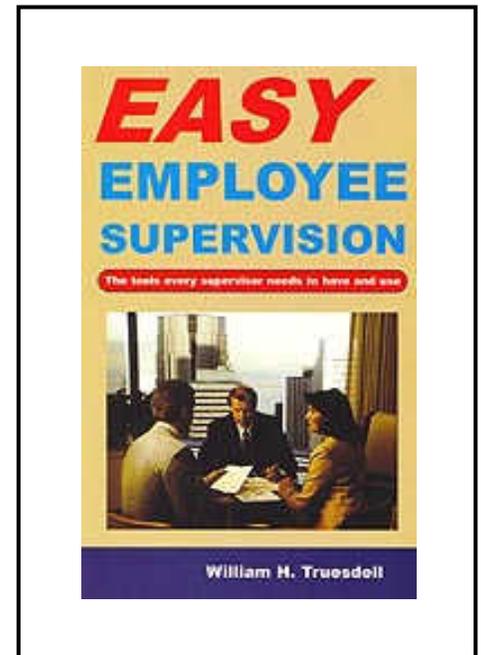
*Employing people with disabilities doesn't always require making a job accommodation*

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## Easy Employee Supervision

*Easy Employee Supervision* offers the tools every supervisor should have and use. It covers results achievement in topics such as Employee Motivation; Planning; Leadership; Team Building; Hiring New People; Discipline and Discharge; Performance Management; Complaint Handling; Legal Supervisory Obligations; Personal Liabilities; Key Management Skills; Ethics; Training, and more.

[http://www.management-advantage.com/products/easy\\_book.htm](http://www.management-advantage.com/products/easy_book.htm)



## NEW CALIFORNIA LAW IMPACTS TEMP EMPLOYEE PAY

If you are a California employer who uses temporary workers from time to time, or you are an agency supplying them, January 2009 may well bring some changes to the way in which you pay your temporary workers. Governor Schwarzenegger signed Senate Bill #940 on July 22, 2008.

[http://info.sen.ca.gov/pub/07-08/bill/sen/sb\\_0901-0950/sb\\_940\\_bill\\_20080722\\_chaptered.pdf](http://info.sen.ca.gov/pub/07-08/bill/sen/sb_0901-0950/sb_940_bill_20080722_chaptered.pdf)

Under the new law, temporary agency employees must be paid every week in most instances. That is a change from the common two-week interval used currently. People who work on a “day-to-day” basis must be paid every day under the new requirements.

There is an exception for workers who are on assignments lasting 90 days or more. They may still be paid every other week if that is the existing practice for the employment agency.

The California Supreme Court ruled recently that the end of a temporary assignment is essentially a discharge requiring immediate payment of wages. Under the new law, termination of an assignment is not treated as a discharge. Even so, wages must still be paid within 72 hours if a temporary employee resigns and immediately if the agency fires the worker.

This will likely impact billing from the agency to client employers as well.



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***California will begin requiring more frequent pay dates for temporary agency employees beginning in January.***

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## WORKPLACE FATALITIES DECLINED IN 2007

The U.S. Department of Labor has announced that workplace fatalities fell by 6 percent in 2007, dropping to the lowest level since the government began tracking such data in 1992. The report said there were 5,488 fatal work injuries last year, down from 5,840 in 2006 and 6,217 in 1992.

Deaths involving transportation, which typically account for nearly half of all on-the-job fatalities, fell to 2,234 the lowest number since the government started compiling the numbers. Deaths involving electrocutions, fires and explosions also dropped significantly last year as well.

Alarmingly, the number of fatal falls rose to 835 a 39 percent increase since 1992. Workplace homicides also jumped by 13 percent from 2006. Deaths among police officers rose 30 percent to 143 compared with 110 in 2006.

According to the report, produced by the Bureau of Labor Statistics, the four occupations with the highest fatality rates in 2007 were fishing workers, loggers, aircraft pilots and flight engineers, and structural iron and steel workers. <http://www.bls.gov/news.release/cfoi.nr0.htm>

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