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Special Report for HR Professionals

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NEW CALIFORNIA LAW DESIGNED TO FIGHT HUMAN TRAFFICKING & SLAVERY

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Beginning January 1, 2012 retailers and manufacturers with more than \$100 million in annual gross receipts and doing business in California will be required to detail on their web sites the steps each company is taking to ensure their direct supply chains are free of slave labor and human trafficking. According to the Consumer Federation of California (CFC) the California Transparency in Supply Chains Act of 2010 (SB 657) is the first law of its kind in the U.S.

According to the CFC, "Today, 12.3 million people work in some form of forced labor worldwide. Of those, 2.5 million people are estimated to have been trafficked across borders illegally. **Between 14,500 and 17,500 human trafficking victims are brought into the U.S. each year, forcibly, or through trickery.**"

Furthermore, CFC reports that California is among the top destinations for traffickers and forced labor in the U.S., and that the Human Rights Center at the University of California documented 57 forced labor operations between 1998 and 2003 throughout the state, mostly in San Francisco, Los Angeles, San Diego, and San Jose.

Companies covered under the new law must include the following information on their web site:

- If they engage in verification of product supply chains to evaluate and address risks of slavery and trafficking;
- If they conduct audits of suppliers;
- If they maintain internal accountability standards and procedures for employees and contractors failing to meet company standards; and
- If they provide employees and management with direct responsibility for supply chain training on slavery and trafficking.

One organization that provides the required training is Million Kids a non-profit 501(c)(3) public benefit organization. It is part of the Riverside County Sheriff's Department Anti Human Trafficking Task Force and offers training to government agencies, private corporations, and civic organizations on the subject. More information is available from Opal S. Singleton, Director of Development, Million Kids, LLC, Osingle405@aol.com or 951-778-0226.

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0651-0700/sb_657_bill_20100930_chaptered.pdf

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EMPLOYERS ARE NOT GULLIBLE WHEN IT COMES TO YOUR RESUME

By Bill Tate

[Part 2 of an article by Bill Tate. Part 1 was printed last month.]

- **Doctor Who?** – Listing a false credential, such as a professional license or group membership is easily detected and can be checked with licensing bodies and professional groups.
- **Star or Slacker** – When someone claims to have cut expenses by 30 percent or led the development of the company's new widget, you may ask them to show how they cut expenses or explain their role in product development, which would be easy if it were true. However, 15 percent of people lie about their job performance according to Jobacle.com.
- **Dream Crushers** – It may seem simple enough to supply a good reference who will praise past work, but applicants have lied about references. Lying about what the reference thinks of them, how well they've worked together or the job title they had is not uncommon.
- **Homeward Bound** – Applicants have lied about their address to appear to live closer to a workplace to eliminate concerns over commuting or excuses for not being able to make it to the office. Whether it is a family member's address or that of a close friend, it is still not the applicant's permanent address, and the employer can find out.
- **ATTENTION!** – People have lied about their time in the military, their rank or even if they were honorably or dishonorably discharged. Military personnel can obtain free copies of their military records or separation papers and employers may ask for these documents.
- **Bon Voyage** – Claiming to be part of a mass lay-off is quite believable in this economy, but not mentioning being singled out due to job performance, or due to a crime at work, can lead to trouble.

Bill Tate is the President of HR Plus. HR Plus, (www.hrplus.com) offers comprehensive solutions for employment and background screening needs, including drug testing and fingerprinting.

While candidates continue to jeopardize their careers and reputations by lying on their resumes, it is up to employers to manage the hiring process carefully. Avoiding law suits for "Negligent Hiring" is something that should be at the front of every selecting manager's mind. The best way to do that is to conduct a thorough background check on anyone to whom you extend a job offer. And consider this...one recruiter placed a sign on her desk that read, "Lying on your resume or application is grounds for immediate termination."

Don't forget that there is new legislation in some states governing the way employers conduct background checks. For example, in California AB 22 prohibits employers from requiring credit checks on applicants unless the information is "substantially job relevant." Check with your management attorney to be sure you are current for legal requirements in your geography.

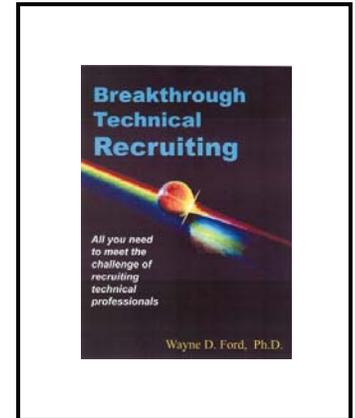
You will find two great references in the HR Web Store on this subject. **How to Spot a Liar in a Job Interview**

http://www.management-advantage.com/products/liar_book.htm and **How to Spot a Phony Resume** <http://www.management-advantage.com/products/resume-book.htm>

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<http://www.management-advantage.com/products/Breakthrough.htm>



POTPOURRI

- **iPass Mobile Workforce Report**

The quarterly iPass Mobile Workforce Report has been released. It shows some interesting things, like...38% of mobile workers work before their commute, 25% work during their commute, 37% work during lunch, and 37% work at night – each and every day. And overwhelmingly, mobile workers reported that workshifting allows them to be more productive and efficient, with 79% reporting increased productivity and 78% reporting increased efficiency. Significantly, 64% of mobile workers also reported improved work/life balance and more than half (51%) felt much more relaxed because of flexible work.

<http://mobile-workforce-project.ipass.com/reports/mer/download>

- **DOL, IRS Coordinate on Employee/Independent Contractor Misclassification**

The IRS and eleven states have signed a Memorandum of Understanding (MOU) with the Secretary of the U.S. Department of Labor (DOL) agreeing to cooperate in enforcement of employee classification requirements. The memorandums of understanding will enable the U.S. Department of Labor to share information and coordinate law enforcement with the IRS and participating states. IRS Commissioner Doug Shulman said, "(In) this new phase of our relationship, we will work together more efficiently to address worker misclassification issues, and better serve the needs of small businesses and employees."

<http://www.dol.gov/opa/media/press/whd/WH20111373.htm>

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NEW CALIFORNIA EMPLOYMENT LAWS

New employment bills signed into law by Governor Jerry Brown will become effective on January 1, 2012. They include requirements that all commission agreements be in writing and signed by the impacted employee (AB 1396), and a prohibition for employers to use credit checks on applicants unless the information is "substantially job relevant." Among other requirements, it will limit use of credit reports to non-managerial employees only if they have "...regular access to \$10,000 or more or cash." (AB 22)

SB 299 will require employers to continue health insurance for the 16 weeks of Pregnancy Disability Leave (PDL), even if the employee is not covered by the Family and Medical Leave Act (FMLA). Coverage would be the same as if the employee were working. It's provisions only apply to employers with five or more workers. SB 459 makes willful misclassification of employees as independent contractors subject to fines up to \$25,000 per violation.

AB 469 makes many changes in Labor Commissioner procedures and also mandates a new employer requirement to provide written notice to all new hires concerning certain employment data. The bill excludes exempt employees, public employees and most employees covered by union contracts.

<http://www.leginfo.ca.gov/bilinfo.html>

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