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Special Report for HR Professionals

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OSHA AWARDS APP CHALLENGE WINNERS

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The U.S. Department of Labor's Organizational Safety and Health Administration (OSHA) announced the winners of its Worker Safety and Health App Challenge on January 10, 2013. Prizes totaling \$30,000 were awarded to four entrants who submitted tools that best demonstrate the importance of recognizing and preventing workplace safety and health hazards. <http://www.dol.gov/opa/media/press/osha/OSHA20130061.htm>

Submissions were designed for Internet browsers, smartphones, feature phones and social media platforms, or as native Windows or Macintosh applications. The winners are:

- ❖ **University of Tennessee.** (\$15,000 award) Construction Industry Research and Policy Center and the Department of Industrial and Systems Engineering. Their website is designed to offer workers, primarily those ages 13 – 24, conveniently accessible information on common workplace hazards and workers' rights to a safe workplace. <http://ilab.engr.utk.edu/cirpc/index.html>
- ❖ **United Steelworkers Union.** (\$6,000 award) Developed a USW Chemical Safety application that allows users to search a Material Safety Data Sheets database for information on workplace exposure limits, health hazards, workplace controls, personal protective equipment, handling and storage and emergency procedures. <http://workersafetyhealth.challenge.gov/submissions/10862-usw-chemical-safety>
- ❖ **Montana State Fund.** (\$6,000 award) No Jack – Young Workers' Safety Campaign targeted at workers ages 16 – 24 by educating them and their employers about workers' rights to a safe and healthful workplace. Are you a jackass or a smartass? <http://www.nojack.net/>
- ❖ **Sidharth Garg.** (\$3,000 award) He developed an Ergonomics iOS Application that offers mobile workplace ergonomic equipment setup advice, a variety of specific stretching exercises and programmable reminders to help time breaks and prevent musculoskeletal injuries. <http://workersafetyhealth.challenge.gov/submissions/11420-ergonomics-ios-application>

FORM I-9 ENFORCEMENT PROCESS

The U.S. Immigration & Customs Enforcement (ICE) continues its efforts to identify and prosecute employers who fail to use the Employment Eligibility Verification (Form I-9) properly. One of the most frequent issues the agency encounters is an employer using an outdated version of the form. Over time, there have been many updates and it is important for employers to be sure they are using the most up-to-date issue of the document.

The chart below shows how ICE proceeds through an inspection of Form I-9s. Every employer in the country is responsible for completing and maintaining these forms, even if they only have one employee on payroll. Independent Contractors are not employees and therefore they do not have to complete a Form I-9. Therein lies another reason, however, for assuring your properly classifying your Independent Contractors. If they should actually be employees, you will be on the receiving end of criticism from ICE as well as the IRS (Internal Revenue Service). Each of those agencies has the power to assess fines and penalties if you aren't doing things correctly.

For more information on Immigration & Customs Enforcement (ICE) Form I-9 inspection process, go to:

<http://www.ice.gov/news/library/factsheets/i9-inspection.htm>

To get more information about Form I-9, there is a PowerPoint PDF presentation available at <http://www.ice.gov/doclib/image/pdf/form-i-9-presentation.pdf>

To get a current version of Form I-9 to to <http://www.uscis.gov/files/form/i-9.pdf>

Form I-9 Inspection Process

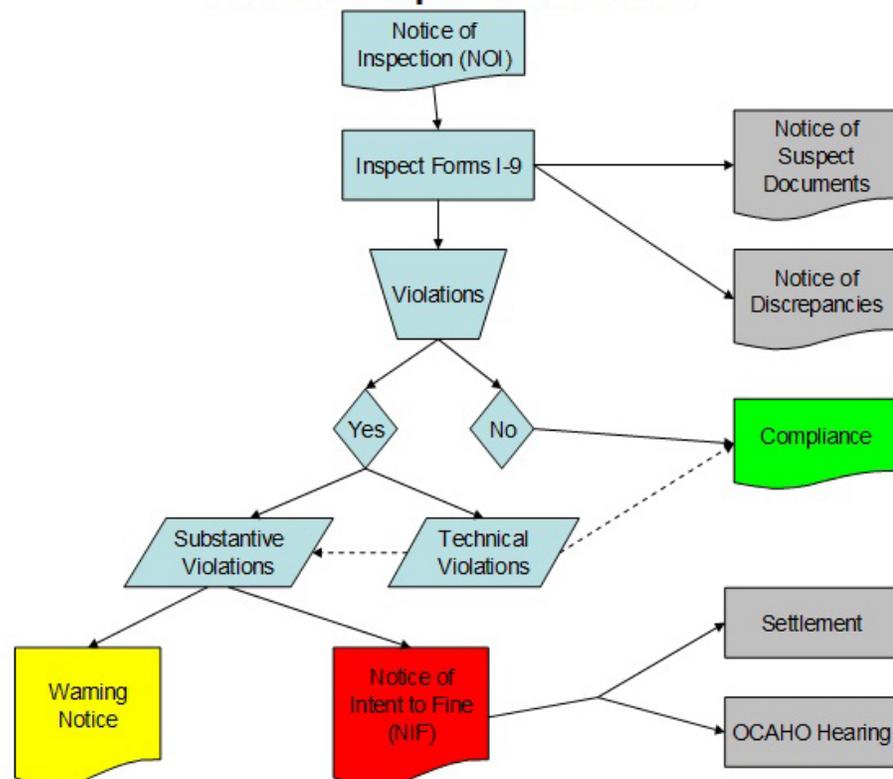
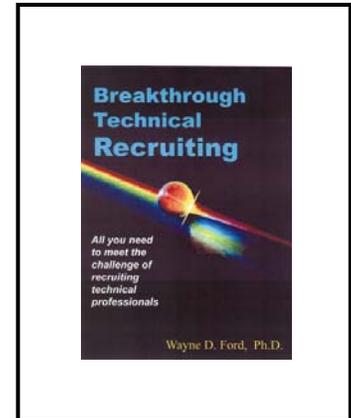


Diagram from ICE web site.

Breakthrough Technical Recruiting

This book shows you how to break through the barriers and become a successful technical recruiter. Dr. Wayne Ford shares with you the secrets of top technical recruiters. With over 35 years of successful experience in all phases of the hiring and placement process, he knows his stuff.



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

POTPOURRI

■ Rising Religion as the Basis for Discrimination Complaints

The Church of Body Modification has been cited as the basis of religious discrimination complaints by employees with tattoos and piercings. Since this is such a new area for complaint activity, you should consult with your labor attorney before taking punitive action based on employee tattoos or body piercings, and be sure your attorney helps craft your dress code. <http://uscobm.com/>

■ Wal-Mart Commits to Hiring 100,000 Veterans

On January 15, 2013, Wal-Mart Stores announced that it will hire at least 100,000 veterans leaving active duty in the next five years, while the retail giant also expects to buy an additional \$50 billion in U.S. products over the next decade. Starting Memorial Day this year, the company will offer a job to any honorably discharged veteran in his or her first 12 months off active duty. The company also said it will offer new initiatives to help part-time employees find full-time opportunities with the company. <http://www.usatoday.com/story/news/nation/2013/01/15/wal-mart-hire-100000-veterans/1835397/>

■ OFCCP Finalizes Functional AAP Directive

On December 17, 2012, the Office of Federal Contract Compliance Programs (OFCCP) issued Directive 305 with a valid Office of Management and Budget (OMB) approval number that authorizes the directive to exist through December 31, 2015. OMB authorization is required anytime a federal agency wants to collect information from an individual or company ten or more times. It was the lack of OMB approval that caused the suspension of Functional AAP plan processing. Now all that has been straightened out and OFCCP is back in the business of processing requests for Functional AAPs. <http://www.dol.gov/ofccp/regs/compliance/directives/dir305.htm>



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OFCCP DIRECTIVE ON USE OF CRIMINAL BACKGROUND CHECKS

Whether volunteered on a job application or discovered during a background check, federal contractors are now cautioned by the Office of Federal Contract Compliance Programs (OFCCP) to be cautious about how they use information about criminal convictions. Citing the disparate relationship among whites, Hispanics and blacks in their representation among criminal populations, the OFCCP agreed with the Equal Employment Opportunity Commission (EEOC). Patricia Shiu, OFCCP Director, signed the new Directive on January 29, 2013. Effective immediately, it warns contractors that they can be charged with illegal discrimination if they use criminal background information to deny employment to anyone without a direct link between the conviction and the job requirements. Further, the agency is telling contractors that they should discount criminal backgrounds if there has been a long time since the conviction and if the conviction has nothing to do with the job duties. To do otherwise, the agency claims, would disparately impact blacks and Hispanics in hiring.

A copy of the new Directive Number 306 is available on the OFCCP web site at http://www.dol.gov/ofccp/regs/compliance/directives/Dir306_508c.pdf

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