



## September 2009 Newsletter

### E-Verify for Government Contractors

#### Must use effective September 8, 2009

After many delays the E-Verify system must be used by all U.S. Government contractors as of September 8, 2009.

Companies that have been or will be awarded contracts with state or federal governments with a value above \$100,000 and for a duration longer than 120 days must use the E-Verify web-based system for all new hires and in some situations, for anyone currently working on a federal contract, to verify information provided on the Form I-9. Subcontractors with contracts valued at \$3,000 or more must also use the E-Verify system.

### Are You Ready for the Flu Season?

#### Including the H1N1 Flu?

A recent report issued by the President's Council on Advisors for Science and Technology dated August 7, 2009 estimates that 30 to 50 percent of the U.S. population could be infected with the H1N1 flu virus.

Every employer should be prepared and have a plan for responding to a flu outbreak in the workplace. The government has published a toolkit for employers outlining the steps to establishing planning guidelines, including communication tools related to employee hygiene to prevent the spread of the flu. To download a copy of the guideline and posters visit <http://www.flu.gov/plan/workplaceplanning/toolkit.pdf>.

### New Direct Deposit Rules

#### New Reporting Requirements to Class Codes

The Office of Foreign Asset Control (OFAC) has implemented reporting changes related to ACH transactions that include funds that are transferred to a foreign bank.

A new Class Code, IAT, has been added to identify international transactions. These transactions include payments funded internationally or funds that are sent to another country.

These transactions were historically entered as domestic transactions. As of September 18, 2009, these transactions must be coded with the new IAT class code.

U.S. corporations that violate the new rules can face both criminal jail time and civil penalties from \$10,000 to \$10,000,000 per occurrence.

Does this apply to your company? If you answer yes to any of the following questions, contact your financial institution or visit the following web sites for more information.

1. Is your company a subsidiary of a multi-national company?
2. Does your company have foreign subsidiaries?
3. Does your company buy or sell to organizations or individuals outside the territorial jurisdiction of the United States?
4. Does your company send payroll, pension or benefit payments via the ACH Network to individuals that have permanent resident addresses outside the territorial jurisdiction of the United States (i.e., expatriates)?

For more information visit the following web sites:

OFAC Home Page: [www.treas.gov/ofac](http://www.treas.gov/ofac)

OFAC FAQs:

[www.ustreas.gov/offices/enforcement/ofac/fag/answer.shtml#24](http://www.ustreas.gov/offices/enforcement/ofac/fag/answer.shtml#24)

NACHA Home Page: [www.nacha.org](http://www.nacha.org)

NACHA IAT info:

[www.nacha.org/IAT\\_Industry\\_Information/](http://www.nacha.org/IAT_Industry_Information/)

### Medicare Eligible Recipients and Workers' Comp

#### New Reporting Guidelines Available

The Center for Medicare & Medicaid Services (CMS) has posted the latest guidelines related to the Mandatory reporting requirements for Medicare eligible employees. The latest version contains guidance on how and when to report Medicare eligible employees receiving Workers Compensation benefits in accordance with Section 111 of the



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Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA)

The updated Liability, No-Fault Insurance & Workers Comp Guide, Version 2.0 dated July 31, 2009 is available at [www.cms.hhs.gov/MandatoryInsRep/Downloads/NGHPUserGuide2ndRev082009.pdf](http://www.cms.hhs.gov/MandatoryInsRep/Downloads/NGHPUserGuide2ndRev082009.pdf)

### New I-9 Form Released

The Department of Homeland Security has released the newly revised Form I-9, Employment eligibility. The new form is valid through August 31, 2012. To download copies of the new form go to <http://www.uscis.gov/files/form/i-9.pdf>.

### EEO-1 Filing Due Sept 30

Private employers with 100 or more employees and federal contractors with 50 or more employees must submit their annual EEO-1 data by September 30, 2009.

### VETS-100 Report Due September 30

Federal contractors and subcontractors who receive federal contracts of \$25,000 or more prior to December 1, 2003 or \$100,000 on or after December 1, 2003 are required to file their annual VETS-100 employment report by September 30, 2009 in accordance with the U.S. DOL Veterans' Employment and Training Services (VETS).

### LOA Resource Kit Available

OHR has created a resource kit to help employers manage Leave of Absences in California. The resource kit is available for \$95 each. This price helps offset the cost of printing and binding the resource kits. OHR clients are eligible for a discounted price of \$50 (you must have an HR consulting contract with OHR for this discount).

The resource kit includes:

- Summaries of the various Federal and State leaves applicable to California employers

- Summaries of the various wage replacement programs in California (i.e., PDL, PFL, SDI, Workers' Comp, etc.)
- Sample leave request forms
- Sample letters for responding to requests for leave
- Sample medical certification forms
- Required postings and sample brochures related to California's leave laws

In addition, a seminar will be offered October 29, 2009. Employers who purchase the toolkit in advance may attend the seminar free of charge. A fee of \$95 will be charged for the seminar and each participant will receive a copy of the resource kit as a seminar handout.

If you are interested in purchasing the Leaves of Absence Resource Kit or attending the seminar "Managing Leaves of Absence in California" please contact Linda Railton at [lindar@myohr.com](mailto:lindar@myohr.com).

### Wage and Hour Seminar

OHR is offering a seminar on September 25th in San Mateo featuring Felicia Reid with Curiale Hirschfeld Kraemer LLP discussing Wage & Hour Compliance. This presentation focuses on legal compliance, including:

- Exempt/Non-exempt Classifications
- Overtime Laws
- Alternative Work Schedules
- Compensation Time
- Commissions
- Interns
- Meal & Rest Periods

**Location:** United American Bank, 101 South Ellsworth Avenue, #110, San Mateo, CA 94401 (Second floor conference room)

**Time:** 1:00 pm to 3:00 pm



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### Harassment Prevention Training

OHR is offering a two-hour Harassment Prevention Training seminar on September 25th in San Mateo. This seminar is for management and supervisory employees. A Go-to-Meeting option is available for those unable to attend in person. RSVP to [lindar@myohr.com](mailto:lindar@myohr.com) or call 408-626-6038.

**Location:** United American Bank, 101 South Ellsworth Avenue, #110, San Mateo, CA 94401 (Second floor conference room)

**Time:** 9:00 am to 11:00 am

**Price:** \$95 per participant (clients with OHR Premium HR Consulting Package attend at no charge)

**These articles should not be construed as legal advice or as pertaining to specific situations. Consult with your legal counsel for further information.**

### About Us

MyOHR provides key Human Resources consulting and support for small, emerging and mid-size companies. Focusing on Human Resource legal compliance, MyOHR assists businesses in achieving operational efficiency by providing the infrastructure necessary to manage the workforce in compliance with State and Federal requirements. MyOHR is cost effective for companies that have not budgeted for a full-time HR position. Contact Jaime Orendac, SPHR-CA at [Jaimeo@MyOHR.com](mailto:Jaimeo@MyOHR.com).

Sincerely,

Jaime Orendac, SPHR-CA

Linda Railton, PHR  
OHR -- Office of Human Resources

**OHR - Customized HR Consulting to Meet Your Business Needs**