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# Employers need to keep up with changes in labor laws

Jacksonville Business Journal - by [Paul Ivice](#) Correspondent

PONTE VEDRA BEACH -- New developments in federal and state legislation and court decisions add constantly to the morass of rules dictating how companies must treat their employees.

Borrowing on the theme of the popular reality television show "Survivor," the Jacksonville office of Constangy, Brooks & Smith LLC offers an annual workshop that helps keep human resource professionals up with these rule changes.

After attending this year's workshop, Bob McKenzie, president of McKenzieHR, a human resources consulting firm in Ponte Vedra Beach, said the program's title was apt: "How to be an HR Survivor."

"In the employment law arena, knowledge is not power anymore; knowledge is survival," he said. "Employers who do not keep up with the ever-changing employment legislative issues are playing with fire."

Several other attendees of the workshop, held last week in the Champions Ballroom at the Sawgrass Marriott Resort and Beach Club, said the most useful portion of the workshop was the opening session during which Mike Malfitano of Constangy's Tampa office reviewed legislation and court decisions over the past year on a wide range of labor and employment issues.

Samantha Yurman, an in-house attorney for the Jacksonville office of the Ceridian Corp., said she spends much of her work time keeping up with such developments, but even for her, Malfitano's update was informative and helpful.

Most of the 215 attendees, the largest turnout among 17 annual workshops, were human resource professionals and in-house counsels representing about 140 companies and government agencies. Attendance cost \$175 for the first person from a company, and \$150 for any others; attendees also received a 2 1/2-inch thick spiral folder to take back to their office with complete details on the topics covered.

In "Forming Alliances Across the Border," one of the dozen breakout sessions offered, attorney Dan White from Constangy's Nashville office discussed the range of options, and the difficulties faced, when companies try to hire foreign workers.

At one point while covering work permits for Canadians, White said, "I get nervous when a 23-year-old systems analyst is going to come in because you never know what

they're going to say or what they will be carrying" at the border, "and they typically don't look like a business person."

In the main ballroom, attorney Jack Wallace of Constangy's Jacksonville office covered a range of employee attendance issues in "Slackers, Soldiers and Sick People: Survive the Challenge of Managing Attendance Issues."

For Angie Jones-Hamilton, assistant HR director at Sea Star Line LLC, getting more information on how to work your way through the Americans with Disabilities Act and Family and Medical Leave Act regulations was especially useful.

Julie Hartung, HR supervisor at the U.S. Gypsum plant in Jacksonville, agreed. "The 'Managing Attendance Issues' breakout session was particularly helpful because our operation is a 24/7 operation with 12-hour shifts and attendance issues really affect us."

Meanwhile, in another room, attorney Damon Kitchen of Constangy's Jacksonville office discussed "Avoiding Quicksand in Purchasing Employment Practices Liability Insurance."

McKenzie said the discussion of EPLI was most useful for him. "We have seen many employers rush to purchase this insurance to protect them from large damage awards from discrimination and harassment lawsuits, only to find that their coverage is severely limited," he said. "Even though EPLI insurance has been available for many years, there has been a large surge in the number of companies offering this type of insurance to business owners. With this surge, there are a number of policies out there that provide minimal protection to the employers. The advice given was read the small print and know what you are buying before signing the check."

McKenzie has been to several similar seminars in Orlando and Atlanta over the past decade or so. "I found the program offered by Constangy, Brooks & Smith to be much more organized and the material and handouts more beneficial than the others I have attended," he said. "Since this is the only employment law workshop offered in Jacksonville, it is a big convenience for me and my business."

Bob Nutter, director of human resources for Martin Gottlieb & Associates Inc., which provides billing services to emergency room physicians, picked up some tips "that will hopefully start being used Monday," he said.

One tip Nutter said he learned was not to store I-9 immigration documents in a doctor's personnel file, but segregate them in separate files, so that the Immigration and Naturalization Service would get only those documents and not each foreign doctor's entire file if the INS asks to see immigration documents.

John Dickinson, managing partner of the Jacksonville office of Constangy, Brooks & Smith, started the annual workshops in 1987 and the series has continued through his partnership in three firms. The purpose, he said, is "to serve our clients to provide them up-to-date information and help them network with colleagues."

When the workshop series began, it was almost exclusively for clients of his firm, Dickinson said, but this year about 65 percent of attendees were from Constangy clients.

For many years the workshop was held at the Ponte Vedra Inn & Club, but its capacity limited the workshop to 175 attendees. "We loved the Ponte Vedra Inn & Club, but we had to turn people away last year," Dickinson said. "That's why we had to move it."

The larger size of the Champions Ballroom, which opened last month shortly before The Players Championship, will allow the firm to continue to expand the event, perhaps doubling the attendance of this year's workshop.

Another 185 people attended a nearly identical workshop held last month in Tampa, sponsored by Constangy's office there.