

MODERN MANAGEMENT

ACT EARLY - YOUNG ADULTS AND THE AFFORDABLE CARE ACT

The Affordable Care Act raises the age for children who can be covered on their parents' health insurance policy. Health and Human Services Secretary Kathleen Sebelius is recommending insurance companies begin offering early enrollment to employees' children under the age of 26 well before the September 23, 2010 deadline. Early enrollment will eliminate coverage gaps.

EEOC PROPOSES TO ADD GINA REFERENCES

The Equal Employment Opportunity Commission ("EEOC") proposes a rule to insert references to the Genetic Information Nondiscrimination Act ("GINA") into existing regulations.

The rule would add references to regulations that cover statutory definitions common to Title VII, the ADA, and GINA; recordkeeping, reporting, and filing procedures common to all three statutes; Freedom of Information Act and Privacy Act rules and exemptions; and federal sector procedures common to all three acts. Additionally, the proposed rule would replace the outdated terms including: "handicap" and "handicaps" with the words "disability" and "disabilities."

GINA went into effect on November 21, 2009. It prohibits employment discrimination based on the genetic information of an individual and his or her family members and bars employers from acquiring or disclosing such information except under specific circumstances set out in the law.

Volume 4, Issue 6, June 2010

HEALTH CARE PENALTIES CALCULATOR NOW AVAILABLE

An online tool has been created by the National Retail Federation ("NRF") to help businesses determine potential penalties under the health care reform law.

The Patient Protection and Affordable Care Act ("PPACA") requires companies with 50 or more full-time employees to provide health benefits for those full-time employees or pay a \$2,000 penalty per year per non-covered employee beginning in 2014. NRF's Health Care Mandate Cost Calculator allows businesses to determine the amount of penalties by entering the number of full-time employees and part-time employee hours if an employer has fewer than 50 full-time workers.

Additionally, the calculator offers guidance on penalties for companies that offer insurance that is not deemed to be affordable under the new law's guidelines.

BILL OFFERS \$6,000 TAX CREDIT TO FIRMS HIRING VETS

A bill was introduced on May 24 by Senate Finance Committee Chairman Baucus and Senator Grassley that would make businesses that hire individuals who recently completed military service eligible for up to \$6,000 in tax credits. If passed, the bill would ease the paperwork required by small businesses currently using the Work Opportunity Credit and would help educate veterans on how employers can claim the credit.

As the Bill stands now, to qualify a discharged veteran must provide documentation from the Department of Defense showing that he/she served in active duty for at least 180 days. This Bill is in response to the high unemployment rate among veterans who served in the military since September 2001.

FINAL REGS ON CHILD LABOR ISSUED BY DOL

The Labor Department's Wage and Hour Division ("DOL") has updated protections under the Fair Labor Standards Act ("FLSA") for young workers in non-agricultural employment. The regulations adopt a "common sense approach to keeping young workers safe from harm."

The DOL has been studying changes in the American workplace, including "the introduction of new processes and technologies, the emergence of new types of businesses where young workers may find employment opportunities, the existence of differing federal and state standards, and divergent views on how best to balance scholastic requirements and work experiences."

The regulations contain detailed descriptions of hazardous occupations in which child labor is prohibited and set conditions for the participation of underage workers in work-study programs that are administered or supervised by schools. To review the new rules please visit: <http://edocket.access.gpo.gov/2010/pdf/2010-11434.pdf>

UPDATE ON COBRA AND UI

The House approved extending Emergency Unemployment Insurance for six months, but the Senate adjourned for the Memorial Day Recess before acting on the measure, leaving the coverage to expire on June 2. Missing from the extension package was the extension for the COBRA subsidy, which was dropped and expired on May 31. The Senate returns from recess on June 7.

In the middle of April, President Obama signed into law the legislation extending Unemployment Insurance benefits ("UI") and Consolidated Omnibus Budget Reconciliation Act ("COBRA") for unemployed workers. The law extended the UI benefits to June 2 and COBRA subsidies to May 31. The President has asked Congress to move forward with approving a longer term extension of the programs.

LEMLE & KELLEHER LABOR AND EMPLOYMENT ATTORNEYS

The labor and employment attorneys in our firm have a national and international practice representing union and non-union companies in almost every industry. From hotels to manufacturing to health care, retailing to restaurants, to financial institutions, trucking companies to warehouses to nursing homes, and many others, our labor attorneys have developed strong experience and hands-on knowledge of how business really works.

E. Fredrick Preis, Jr., epreis@lemle.com, 504.585.6371
Eve B. Masinter, emasinter@lemle.com, 504.584.9173
T. Louis Colletta, Jr., lcolletta@lemle.com, 504.584.9147
Bridget A. Dinvaut, bdinvaut@lemle.com, 504.586.1241
Joseph R. Hugg, jhugg@lemle.com, 504.584.9148

ABOUT LEMLE & KELLEHER, L.L.P.

Lemle & Kelleher offers responsive, innovative, and experienced legal representation covering a broad range of practice areas. For more information please visit www.lemle.com.

Baton Rouge

One American Place
301 Main St., Suite 1100
Baton Rouge, LA 70825
Phone: 225.387.5068
Fax: 225.387.4995

New Orleans

Pan-American Life Center
601 Poydras St., 21st Floor
New Orleans, LA 70130
Phone: 504.586.1241
Fax: 504.584.9142

This electronic newsletter is provided to clients and friends of Lemle & Kelleher, L.L.P. The information described is general in nature, and may not apply to your specific situation. Legal advice should be sought before taking action based on the information discussed. Applicable State Bar or Attorney Regulations May Require This Be Labeled as "Advertising."