

MODERN MANAGEMENT

DO YOU KNOW WHERE YOUR COPIES ARE GOING?

As recently reported on CBS Evening News, copiers are a huge potential leak of confidential information. Are you scrubbing your copier's hard drive before it goes out the door?

The majority of copiers manufactured after 2002 contain a hard drive that potentially will record every document copied, scanned, emailed or faxed. Companies should identify which copiers within their organization have a hard drive and take security precautions similar to those used for computers. Before a leased copier is returned or a copier is sold, the hard drive should be scrubbed, removed, destroyed and/or replaced. As demonstrated in the CBS story, the purchase of used copiers revealed a large amount of confidential information, including payroll records (names, dates of birth, social security numbers) and medical records. As more and more of these used copiers are shipped overseas, it is a good time to implement a new policy and protect yourself, your employees and your clients.

DOL FOCUSES ON UNPAID INTERNS

The Department of Labor ("DOL") is cracking down on employers using unpaid interns. The DOL has identified 6 criteria an employer must use to identify if an intern is exempt from the Fair Labor Standard Act's minimum wage coverage. In order to qualify as an unpaid internship, all six factors must be satisfied under state and federal law.

The six criteria are:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

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MODERN MANAGEMENT BRIEFING SEMINAR MAY 13, 2010

Lemle & Kelleher, L.L.P. presents *Modern Management Briefing*, a half-day labor and employment law seminar.

WHEN, WHERE, COST TO ATTEND

Thursday, May 13, 2010, 8:30-11:30 a.m.
Lemle & Kelleher, L.L.P.
601 Poydras Street, 21st Floor, New Orleans, LA
\$15.00 per attendee

AGENDA

- 8:30 to 8:45 am**—Registration
- 8:45 to 9:00 am**—Introduction
- 9:00 to 9:40 am**—The New Health Care Environment for America's Businesses
- 9:40 to 10:20 am**—Unions Face Off with Employers in the Workplace
- 10:20 to 10:30 am**—Break
- 10:30 to 11:10 am**—Emerging Employee Relations Issues Resulting from Electronic Communications
- 11:10 to 11:30 am**—Q&A Session

PRESENTERS

- E. Fredrick Preis, Jr.
- Eve B. Masinter
- Joseph R. Hugg

REGISTRATION

To register please contact:
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BACK ON THE AGENDA—EB-5 VISAS

The Homeland Security Department's Citizenship and Immigration Services ("ICE") is expected to issue new rules regarding EB-5 immigrant classification.

Expected in July, the proposed amendments are to implement the changes by the 21st Century Department of Justice Appropriations Authorization of 2001. EB-5 allots 10,000 visas per year for aliens and family members whose qualifying investments of between \$500,000 and \$1 million results in the creation or preservation of at least 10 full-time jobs for U.S. workers. After five years, U.S. citizenship may be obtained by the investor and family subject to meeting all immigration requirements.

DON'T FORGET ABOUT THE NEW CREDIT FOR SMALL EMPLOYERS

The IRS is calling! Over 4 million small businesses and tax-exempt groups can expect postcards from Uncle Sam as a reminder about the new health care tax credit.

The health care tax credit, one of the first health care overhaul provision to take effect, is designed specifically for small employers to offer first time coverage or to maintain existing coverage to low and moderate income workers. The credit, up to 35 percent of premiums paid by the employer and up to 25% for eligible exempt organizations, is available to small employers and exempt organizations that pay at least half the cost of single coverage for their employees in 2010.

UI, COBRA EXTENSIONS SIGNED BY OBAMA

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 extends 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.

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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.

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