

## MODERN MANAGEMENT

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### 2010 GREETINGS FROM LEMLE & KELLEHER

As we enter 2010, we at Lemle & Kelleher want to thank each of our clients for the opportunity to serve you and to let you know how much we value your friendship. We extend our warmest wishes for a bright and successful year.

### HEALTH CARE REFORM

The late night passing of the Patient Protection and Affordable Care Act by the Senate cleared another hurdle for health care reform—now onto resolving it with the House’s Affordable Health Care for America Act and then Obama’s signature.

As the reality of this law gets ever closer, it is important for employers to obtain a clear understanding of what their obligations will be—below is a quick comparison of some of the facts:

<i>House</i>	<i>Senate</i>
Begins 2013	Begins 2014
Business with payroll below \$500,000 exempt	Businesses with fewer than 50 employees exempt
Minimum employer contribution thresholds	Free choice voucher for low income earners
Small business tax credit in 2013	Small business tax credit in 2010

### SAVE THE DATE: MODERN MANAGEMENT BRIEFING SEMINAR

Mark your calendar! The next Lemle & Kelleher *Modern Management Briefing*, a half-day labor and employment law seminar, is scheduled on Thursday, March 4, 2010.

### 2010 H-1B CAP REACHED

By December 21, 2009, the Department of Homeland Security's Citizenship and Immigration Services (“CIS”) had reached its H-1B visa cap for fiscal year 2010. Through the H-1B visa program, U.S. employers can employ foreign workers for specialized occupations such as scientists, engineers, or computer programmers. The cap is 65,000 visas with an additional 20,000 being approved by CIS for immigrants with advanced degrees. CIS will distribute the remaining H-1B visas by a computer-generated lottery among petitions received on Dec. 21.

### COBRA SUBSIDY AND UNEMPLOYMENT INSURANCE EXTENSION SIGNED INTO LAW

In the middle of December, the Fiscal Year 2010 Department of Defense (“DOD”) Appropriations Act was signed into law. The bill includes provisions for COBRA and unemployment benefits.

#### ***COBRA subsidy program extended:***

- Subsidy period extended from nine to 15 months;
- End date for eligibility changed to February 28, 2010;
- 60 day retroactive period provided for payment of premiums for eligible individuals whose subsidy period expired on November 30, 2009;
- Special notice required within 60 days outlining changes to all eligible individuals.

## COBRA SUBSIDY AND UI EXTENSION *continued*

### ***Unemployment Insurance***

- The deadline for Federal Emergency Unemployment Compensation (“EUC”) applications is February 28, 2010. The period during which individuals may claim and be paid EUC ends July 31, 2010.
- The period during which individuals may qualify for the Federal Additional Compensation (“FAC”), the extra \$25 weekly benefit amount on state and federal unemployment compensation, ends February 28, 2010. The payment ends August 31, 2010.
- The period during which 100% federal reimbursement for weeks of regular federal extended benefit payments for states opting to trigger federal extended benefits based on the Total Unemployment Rate ends February 28, 2010. The state option ends July 31, 2010.

## T-1 FILING DATE POSTPONED FOR UNIONS

The U.S. Department of Labor (“DOL”) has issued a one year extension for unions to file Form T-1 Trust Annual Reports. The forms, originally due in 2010, are now due in 2011. The DOL intends to propose the withdrawal of the form sometime in January 2010. The extension gives the DOL time to begin the process. Form T-1 requires unions with receipts of \$250,000 or more to disclose the amounts, purposes and sources of received and disbursed funds by the trusts they control.

## ONLINE SOCIAL NETWORKING TOOLS UPDATE

***NEW TOOLS, NEW POLICIES***—As companies begin to see the benefits of social networking tools—recruiting, marketing, internal and external communications, etc.—it is important to update your policies to provide usage guidelines for employees. The open format and ease of dissemination of information has its benefits, as well as its deficits. One wrong post can open a company up to a whole array of legal complications and public relation nightmares. Start with you existing guidelines and confidentiality agreements and update them for this new use. Have open, candid conversations with employees to insure they understand their responsibility when it comes to posts, blogs, etc. Policies require continuous updating as the technology changes rapidly.

***YOUR EMPLOYEE’S ONLINE CONDUCT COULD COME BACK TO HAUNT YOU***—Next time your employee gets onto Facebook or another social media source and discusses your products or services without disclosing their relationship with the company you should be concerned—the federal guidelines that protect consumers may come into play. With the potential for online posts to reach thousands of people, what your employee is posting about your products or services, regardless of whether is authorized, can cause liability issues. A complaint by consumers claiming they were misled into making a purchase of a defective or dangerous product based on the comments posted by the employee can result in enforcement actions by the Fair Trade Commission. Additionally, such actions could result in consumer protection lawsuits on the state level.

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## ABOUT LEMLE & KELLEHER, L.L.P.

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