

MODERN MANAGEMENT

**\$15 BILLION JOBS BILL APPROVED BY SENATE**

The Senate recently approved a \$15 billion plan to improve the employment outlook. The Bill is much smaller than the \$154 billion Bill passed by the House in December.

The Bill will exempt businesses hiring the unemployed from the 6.2 percent Social Security payroll tax through December and give an additional \$1,000 credit if new workers stay on the job a full year.

Additionally, the Bill will extend highway and mass transit programs through 2010. It will also extend a tax break for small businesses buying new equipment and expands an initiative helping state and local governments pay for infrastructure projects.

The Bill now goes to the House, where leaders can attempt to pass it unchanged or merge it with the \$154 billion measure that passed the House.

The House Bill includes:

- Pay teacher salaries in an attempt to save or create 250,000 jobs
- Health insurance subsidies for long-term jobless workers
- Improvements to airports and seaports
- Water projects
- Housing renovations
- Job training, summer jobs for teenagers and for AmeriCorps
- Retain or hire firefighters
- Put 5,500 law enforcement officials on streets
- Extend the \$1,000-per-child tax credit to 16 million poor families
- Extend emergency unemployment benefits for six months
- Highways and mass transit
- Reauthorize through the end of 2010 the highway trust fund
- Funds for Medicaid for the poor and disabled.

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**MODERN MANAGEMENT BRIEFING SEMINAR**

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

**WHEN, WHERE, COST TO ATTEND**

Thursday, March 4, 2010, 8:30-11:30 a.m.

Lemle & Kelleher, L.L.P.  
6 01 Poydras Street, 21st Floor  
New Orleans, Louisiana 70130  
\$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**—Legally Using Employment Background Checks and Reports in Hiring
- 9:40 to 10:20 am**—Facing a Union Organizing Attack in 2010
- 10:20 to 10:30 am**—Break
- 10:30 to 11:10 am**—Strengthening Your EEO Program Against Workplace Discrimination
- 11:10 to 11:30 am**—Question and Answer Session

**PRESENTERS**

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

**REGISTRATION**

**To register please contact:**

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## BUDGETING FOR MISCLASSIFICATION

Obama's budget for fiscal year 2011 includes a \$25 million "Misclassification Initiative" line item. The target of this initiative is misclassification of independent contractors and includes the addition of 100 enforcement personnel and competitive grants to boost states' incentives. Unlike employees, an independent contractor does not receive overtime and is ineligible to receive unemployment benefits.

## SENATE ALLOWS UNEMPLOYMENT INSURANCE AND COBRA SUBSIDY TO EXPIRE

The Senate recessed for the weekend without approving the Bill extending the federal unemployment programs, including the Emergency Unemployment Compensation Program, and the health insurance subsidies under the Consolidated Omnibus Budget Reconciliation Act ("COBRA"). Both expire on February 28, 2010. The House approved a Bill on Thursday evening that extended the Unemployment Insurance benefits to April 5 (38 day extension) and the COBRA subsidy to the end of March (30 day extension). The next vote in the Senate will take place on March 2, 2010.

## E-VERIFY MISSING ITS MARK

Recently, a study indicated that E-Verify failed to catch half of the unauthorized workers it checks. E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of that employee to work in the United States. For most employers, the use of E-Verify is voluntary and limited to determining the employment eligibility of new hires only. There is no charge to employers to use E-Verify. The E-Verify system is operated by the Department of Homeland Security in partnership with the Social Security Administration.

More than 184,000 employers are enrolled in the program, with over 8.7 million queries run through the system in fiscal year 2009. There have been over 4.2 million queries run through the system in fiscal year 2010 (as of January 30, 2010). E-Verify is mandatory for some employers, such as those employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause and employers in certain states.

The Obama administration has made cracking down on employers who hire people here illegally a central part of its immigration enforcement policy. Congress gave DHS about \$100 million to spend on E-Verify in its 2010 budget.

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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](http://www.lemle.com).

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