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## Keeping employees & the government happy

The life blood of every successful business walks, talks, makes mistakes and sometimes gets sick. How best to manage all of that? At HMA's National Conference and Expo, a panel of experts from the Society of Human Resource Management-Savannah Chapter- shared these best practices regarding "Managing Your Most Valuable Resource."

### Employee Engagement

Presenter Cheri Sale, SPHR, urged attendees to cultivate **Employee Engagement** - the mutual commitment between Employer and Employee - and develop a culture that fosters freedom, innovation and trust because:

- Engaged employees take ownership; are there to **GIVE**; go above and beyond and simply **perform** for their success and the success of the company. Unengaged employees, there only to **GET**, typically leave, and frequent employee turnover hits the bottom line hard.
- Employers who demonstrate competence, train and care about employees, recognize and reward performers, communicate, and work to establish and maintain integrity and trust will **engage** their workforce and reap the benefits of a successful business.

### Emergency Preparedness

Are you prepared for a workplace disaster? How will you communicate with your employees in an emergency situation? Presenter Edwin Myrick, Director of Emergency Management, told Conference participants that "seventy percent of all businesses that lose communications during and after a disaster go out of business within eighteen months."

So in preparation for the worst, Myrick advised owners to consider the unique needs of their businesses; then consult the experts for help with devising, implementing and exercising **Emergency Management** Plans that address Business Continuity, Emergency Operations, Alternate Facilities, Transportation and above all, Communications planning.

### Workers Compensation +

When circumstances interfere with an employee's ability to work, employers are often overwhelmed with what needs to happen next. Attorney Wade Herring discussed Workers Compensation as it interplays with ADA (Americans with Disabilities Act) and FMLA (The Family and Medical Leave Act), and advised employers to proactively manage Workers Compensation claims by:

- Securing a **Panel of Physicians** willing to invest the time necessary to accurately and fairly assess each situation.
- Appointing an employee to serve as **liaison** with the Workers Compensation carrier to ensure each claim is being managed with the employer's interests in mind.

- Managing their workforce **before** a claim gets filed. Hiring slow and firing fast (after due diligence counseling) often eliminates 'other' issues.

Panel presenters later participated in a round table session, answering member questions and providing great insight. For the entire presentation, visit the Members Login section of [www.HMAMembers.org](http://www.HMAMembers.org).

## More from the HR panel

Attorney Rebecca Sczepanski and financial advisor Gini Nichols delivered an awesome wrap-up to the "**Managing Your Most Valuable Resource**" learning session by providing key information regarding the Affordable Care Act, Employees Benefit Plans, ERISA and Fiduciary Liability. Take note.

### Affordable Care Act

The final employer mandate Pay or Play rules have been issued and contain certain surprises. Full-time employee determinations have changed. The maximum 90 day waiting period for health coverage may not work the way you think. You might be penalized for your stand-alone cafeteria plan or HRA reimbursement account. YOU may be responsible for reporting, filing and paying fees related to certain plans. Be on audit alert. Certain government agencies are increasing the frequency and scope of benefit plan audits. **Be sure to coordinate with your carriers.**

### Employee Benefit Plans

"Unfunded" status of Executive Deferred Compensation Plans no longer prevents taxation. Are you aware of the special issues associated with boomerang employees (rehires), interns and co-op employees with regard to health plan eligibility and 401 (k) plan participation? Did you know that the courts may be able to rewrite your benefit plans if they aren't done properly? Even if you have a retirement plan where participants choose their investments from a menu of available options, **you** may ultimately be responsible for the selection of the investments made available. Rule of thumb: **consult a qualified attorney** earlier than later. It costs a lot more to fix 'problems' than it does to prevent them.

### ERISA and Fiduciary Exposure

You may not know it, but you, or one or more of your top officers, are very likely an ERISA (The Employee Retirement Income Security Act) fiduciary. Unless you've purchased **special insurance policies** specifically covering your administration of fiduciary duties for ERISA plans, your regular liability and errors insurance very likely doesn't protect you. Hire a qualified attorney to review contracts, ensure documentation is correct and complete, and that the necessary disclosures are made.

**Bottom line:** Don't bury your head in the sand. Be informed and proactive, instead!