



HR CORNER

FEES & BURGESS, P.C.



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New Employment Laws in California

Employers with facilities in California should note that several new employment-related bills have passed in the California legislature. Even if your company does not maintain facilities in California, these types of bills may indicate the direction in which federal or other state laws will be headed in the near future. These newly-enacted bills include:

- Michelle Maykin Memorial Donation Protection Act – Requires employers with 15 or more employees to provide paid leave for employees who donate organs and that have otherwise exhausted any available sick leave. The Act requires up to 30 days of paid leave for time related to the surgical and/or recovery process for such employees.
- Unemployment insurance eligibility expanded – Employees who leave work voluntarily to care for family members who are victims of domestic abuse are now eligible in California for unemployment insurance. Normally, employees who voluntarily leave employment are not eligible for such unemployment benefits, but this exception allows employees to maintain eligibility for the insurance, not just to protect children who are victims of domestic violence, but any “family” members.

FEES AND BURGESS, P.C.,
Emphasizes:

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Defense**

**Employment Law &
Litigation**

Construction Litigation

**Corporate Law &
Government Contracting**

Insurance Defense

Railroad Law

**Corporate Counsel
Services**



EEOC Issues Final Regulations Governing Genetic Information Non-Discrimination Act

On November 9, 2010, the Equal Employment Opportunity Commission (EEOC) issued its final regulations governing the Genetic Information Non-Discrimination Act (GINA). The EEOC issued proposed regulations in March of 2009, and after a comment period, the EEOC revised the regulations. The final regulations include provisions that:

- Require notice to employees regarding genetic information – Specifically, the regulations require employers to warn employees of the GINA prohibitions if it performs or otherwise requires employment-related medical examinations. On paperwork requesting medical information, employers must state something similar to the following: “GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information.” Employers may present this information verbally if they do not normally require written medical paperwork, but instead use verbal procedures.
- Clarify the definition of “genetic tests” – GINA prohibits discrimination against employees on the basis of genetic information, including genetic testing. However, GINA itself does not thoroughly explain the breadth of “genetic tests.” The final regulations add some specific examples of genetic testing, and they state that genetic tests include, but are not limited to, tests to determine whether someone has a variant evidencing a predisposition to various cancers; screening regarding risk conditions for diseases such as cystic fibrosis or sickle cell anemia; and amniocentesis. Other medical tests that are not considered genetic testing include tests for infectious and communicable diseases that may be transmitted through food handling; and blood counts, cholesterol tests, and liver-function tests.

While many employers never use or even see such genetic information, it is important for employers to maintain confidential medical files separate from an employee’s standard personnel information and prohibit access to only those officials who have a need-to-know the medical information. Even if a supervisor did not base an employment decisions on the employee’s genetic information, if that supervisor has access to medical forms which may contain genetic information, an employee (or a court) may think that the information contributed to the decision in violation of GINA.



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FEES & BURGESS, P.C. - Calendar of Events

FEES & BURGESS, P.C., is proud to present and participate in the presentation of the following upcoming seminars/ webinars :

December 2, 2010, Webinar, 2:00 p.m. (EST), 1:00 p.m. (CST)

The Ethics of Legal Process Outsourcing and Off-Shoring

The Lawyers' Professionalism and Ethics Committee is presenting a webcast on December 2, 2010, at 2:00 o'clock, p.m. (EST) entitled " The Ethics of Legal Process Outsourcing and Off-Shoring." This is a timely topic (not to mention a good way to get your last-minute CLE and Ethics hours in), and will address ethical issues arising from outsourcing and off-shoring of legal services. The potential ethical issues discussed will include client notification and consent, confidentiality concerns, avoiding the unauthorized practice of law, fee markups on outsourced work, and preventing conflicts of interest.

January 19, 2011; 11:30 a.m. – 1:00 p.m. (CST), Holiday Inn, Research Park

Use of the New INCOTERMS ® 2010 in Domestic and International Transactions

This meeting hosted by Jeff Roth and Allen Anderson, of Fees & Burgess, P.C., will help educate both buyers and sellers in the domestic and international arenas of changes found in the new and recently-released version of INCOTERMS ® 2010, which become effective January 1, 2011. This meeting will be hosted at the Holiday Inn, Research Park, conveniently located on University Drive.

January, 26, 2011, Huntsville, Al; 8:00 a.m.– 4:00 p.m. (CST)

Risky Business in Construction Contracting: Reducing Risk and Increasing Profitability

This day-long program, presented by Allen Anderson, Jeff Roth, and Ryan Blount is a must for focusing construction industry contractors on areas of business and compliance risk, and reviewing strategies for reducing and eliminating them.

April 14, 2011, Las Vegas, NV (In conjunction with IPC APEX EXPO)

Special Session: Contracting with the Customer: What the EMS Executive Needs to Know

This unique workshop presented by Jeffrey L. Roth and Allen L. Anderson, of Fees & Burgess, P.C., addresses the specific issues EMS companies face while contracting. Participants will be led through the contracting lifecycle between an electronic manufacturing services (EMS) provider and its customer, starting with the initial engagement and signing of a nondisclosure agreement, through the bid process and formal contract negotiation, to resolution of disputes under the applicable contract(s).

If you would like more information , on these and more seminars, please go to www.feesburgess.com.



SPEAKERS

FEES & BURGESS, P.C., provides speakers, training programs, seminars, and webcasts for various trade associations; business groups; and clients. For information regarding a program, contact seminars@feesburgess.com.

NEWSLETTERS

FEES & BURGESS, P.C., also publishes *F&B Quarterly Bytes*, focusing on multiple practice areas; and *F&B SCM Memo*, focusing on the supply chain management industry. To receive any of these newsletters, please e-mail newsletters@feesburgess.com with your contact information.

To remove your name from our mailing list, please e-mail newsletters@feesburgess.com.

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“No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.”