



CLEAN TIMES

~ Textile Care Professionals ~

June 2016 News & Updates

Final Overtime Rules Effective December 1, 2016: What You Need To Do To Prepare



The Department of Labor (DOL) has announced a final rule that will increase the minimum salary requirement for the administrative, professional, executive, and highly compensated employee exemptions. The final rule is effective December 1, 2016.

Background:

The Fair Labor Standards Act (FLSA) requires virtually all employers to pay most employees at least the federal minimum wage for each hour worked, as well as overtime pay for all hours worked in excess of 40 in a workweek. The FLSA allows for [exemptions](#) from these overtime and minimum wage requirements for certain "exempt" employees. To be considered "exempt," these employees must generally satisfy specific salary and duties tests:

- * Meet the minimum salary requirement;
- * With very limited exceptions, the employer must pay the employee their full salary in any week they perform work, regardless of the quality or quantity of the work; and
- * The employee's primary duties must meet certain criteria.

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Spring into Safety: Tips for Staying Safe at Any Job Site

Now that spring is here, get committed to eliminating risks and incidents on your project sites. Provide your employees with risk management education to help achieve your goal of having a safe and productive workforce. Please take a moment to remind all of a few items that can be easily forgotten over the winter months. Whether you are working on small home projects or at a larger construction site, here are a few tips to keep in mind:

- Spring rains are upon us. To avoid slipping, remember to wipe off any mud from your boots and gloves before stepping onto, and off of, equipment.
- When operating on slopes, know the limits of your machine. And remember, a seat belt is your lifeline if the machine begins to tip. Don't take any chances by not fastening your belt.
- When operating equipment, make sure no one is near your machine. Don't be afraid to use a spotter if your view is obstructed.
- The outside temperatures during spring can also present safety hazards. It is not always possible to predict when temperatures will turn hot. Rising temperatures can result in illnesses or dehydration if there is not a sufficient water supply. Pay strict attention to health warning signs like dizziness, nausea or increased pulse. Construction management should already have procedures in place to deal with the effects of heat or extreme sun exposure on workers. Workers should avoid foods or drinks with high amounts of sugar.
- There is also a significant risk of sunburn if workers fail to wear sun-resistant clothing including long sleeves and pants, hats, gloves and sunshades. It is advisable to use sunscreen products with an SPF of 15 or more at all times.
- Always remember to call Diggers Hotline (their national phone number is 811) before any shovels or equipment go into the ground. Once the locate is complete, it's valid for the person or company that called it in for 10 days or as long as the markings are clearly visible and work has not been interrupted for more than 10 calendar days. Also remember to be conscious of overhead power lines.

- Keep your site clean.
- And most importantly, always remember to wear the proper protective gear (e.g. gloves and safety glasses).

Most accidents can be avoided if you are prepared and have a plan. Keep safety at the forefront when working on projects.

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Small Business Rule Relief Bills Introduced

For nearly a year, the Ohio Small Business Council (OSBC) has been working on ideas aimed at improving the rule-making and rule-review process for small businesses. Based on OSBC's suggestions, two pieces of legislation, Senate Bill 303 and House Bill 503 were recently introduced. SB 303 is sponsored by Sen. Joe Uecker and HB 503 by Rep. Mike Duffey. The overarching concept behind these companion bills is to prevent state agencies from treating department policies, information releases, memos or any other document as if they are rules.

In addition to the legislation's main objective of protecting businesses from possibly dangerous or costly department policies, the bills include a number of other provisions:

First, the existing definition of what constitutes an adverse business impact is modified to include any rule that is shown to decrease the revenue of a business.

Second, the agency issuing the rule must make any "Incorporation by Reference" (IBR) text available to the public, either electronically or in hard copy, at no cost to the requester.

Third, any new fee imposed that is found to create a profit for that agency will automatically become subject to a review.

Fourth, if there is evidence that a rule has an unforeseen negative impact on business, it can be immediately subject to a review, even if the rule is in between its normal five-year review period. All rules reviews are conducted by the Joint Committee on Agency Rule Review, whose primary function is to review proposed new, amended, and rescinded rules to ensure they do not exceed the agency's rule-making authority.

Workers' Comp Subrogated Claims Bill Headed for Governor's Signature

Legislation that could prevent small businesses from experiencing an unfair jump in workers' compensation premiums has passed both Houses of the Ohio General Assembly and awaits Governor Kasich's signature.

The legislation ([HB 207](#)) requires workers' compensation claims to be charged to the Surplus Fund Account instead of a state fund employer's experience in certain circumstances when a claim is due to a motor vehicle accident involving a third party. The legislation would prevent small businesses from losing eligibility for discount programs through no fault of their own.

This solution is long overdue and will help level the playing field for small employers while still preserving the rights of the injured worker to receive adequate treatment and compensation.

Unfortunately, some of the more catastrophic claims can cause small business owners to go out of business because of the increased workers' compensation costs and protracted subrogation process.

Dan Boyd, director of labor and legal affairs at the Ohio Chamber of Commerce, called the bill "a sound approach to protect the interests of businesses throughout the state of Ohio from financial hardship due to motor vehicle accidents that were not their fault and which they could not have prevented."

This bill provides an equitable balance between maintaining the integrity of the state-fund and protecting employers from being unreasonably penalized while also ensuring that injured workers received treatment and compensation," he told the committee.

Employers Win Minimum Wage Case at Ohio Supreme Court

Ohio employers were dealt a big win in a 5-2 decision by the Ohio Supreme Court in [Haight v. Minchak](#). The Court ruled that the exclusions and exemptions to the minimum wage requirement were *not* eliminated by the 2006 constitutional amendment increasing the minimum wage. The Ohio Chamber joined other business associations in filing a "friend of the court," or *amicus curiae*, brief in support of the business involved in the case.

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Are you Prepared for Next Steps in New Billing Process?

True-up Coming in July

Ohio private employers have adjusted well to the new way BWC charges for workers' compensation coverage. Last year's change to prospective billing brought a much-needed move to the standard insurance industry practice of charging premiums in advance of extending coverage.

Employers are now enjoying a number of benefits of the new billing system, including more flexible payment options, better customer service and a \$1 billion premium credit provided by BWC to avoid double-billing employers during the switch.

However, the transition process is not fully complete. The payroll true- up (true-up) is coming in July.

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Dem Lawmakers Seek to Increase State's Minimum Wage to \$10.10/hr

State Reps. Kent Smith (D-Euclid) and Hearcel Craig (D-Columbus) recently introduced HB486, legislation to increase the state's minimum wage "in order to give hardworking Ohioans the ability to make ends meet and support their families," they explained in a release.

They went on to note, "According to the Corporation for Enterprise Development, Ohio ranks 34 out of 50 states for the highest number of low-wage occupations, with over 28 percent of all jobs in the Ohio being classified as low-wage. Ohio has had a higher percentage of low-wage jobs than the nation since 2009."

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Unemployment Overhaul Likely on Hold Until Fall

Eligibility duration, employer contributions and structural balance are the focus of an informal working group of members of both chambers trying to hammer out a compromise unemployment compensation overhaul.

The measure ([HB 394](#)), which received six hearings in the House Insurance Committee before the informal working group was created to address some concerns raised about the bill, had come under fire from labor, liberal organizations and the construction industry.

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