

# HR Advisor

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## Special points of interest:

- New I-9 Effective April 3, 2009
- E-Verify Effective on May 21, 2009
- All 2008 Training available for re-view

## Online and Offsite "Best Practices" Training

Odyssey OneSource has taken on the challenge to offer more training classes for you to join. Most of the topics that will be discussed can help improve your bottom line and offer insight on Human Resource practices and are free to our clients and guests.

We have many different types of training that fits your needs. Our first type of training are the Webinars. The Webinars will allow you to participate in a training class directly from your desk via the web. For those that don't

have the time to leave the office, this would be a great avenue to receive training.

Our second is the Ballpark or Houston Conference Room training. Most of these training sessions give you a chance to meet our HR Consultants face-to-face and ask as many questions as you want. We offer at least two of these training sessions per month.

Our last training option is our Workplace Compliance & Law Update seminars. This training is free for the full day seminar.

The WCLU will give you a chance to learn about new legislation and compliance issues that affect the way you do business. If you have some legal questions, this would give you a chance to ask our legal presenters for some advise.

Please go to [www.odysseyonesource.com/NewsEvents/HR.html](http://www.odysseyonesource.com/NewsEvents/HR.html) or contact your Account Manager to get a full list of all the training classes Odyssey OneSource has to offer.

## I-9 Update from January 2009

In our previous HR Advisor newsletter we mentioned changes to the I-9 Form. Since that time there have been more changes.

The U.S. Citizenship and Immigration Services announced on January 30th that it has delayed by 60 days, until April 3, 2009, the implementation of an interim final rule entitled "Documents Acceptable

for Employment Eligibility Verification" published in the Federal Register on Dec. 17th, 2008.

The delay will provide the Department of Homeland Security with an opportunity for further consideration of the rule and also allows the public additional time to submit comments.

Employers must complete a I-9 Form for all newly hired employees to verify their identity and authorization to work in the United States. The interim final rule will amend regulations governing the types of documents that maybe presented or accepted upon hire.

The U.S. Citizenship and  
**Continued on page 2**

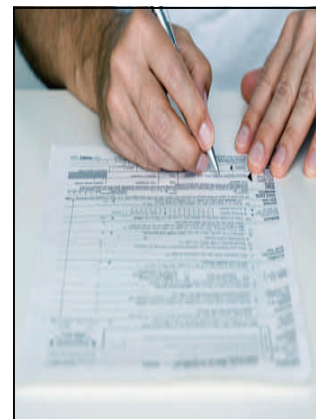
## I-9 Changes continued...

Immigration Services has submitted an interim rule to the of acceptable identity and employment authorization documents employees may present to their employers for completion of the Form I-9. Under the interim rule, employers will no longer be able to accept expired documents to verify employment authorization on the Form I-9.

Revisions to the employee attestation section of the Form I-9 include:

- Expired documents are no longer considered acceptable proof of identification or work authorization.
- Three additional documents were eliminated from List A of the List of Acceptable Documents.
- Foreign passports with machine-readable visas for certain citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI) were added to List A.
- The new U.S. Passport card was added to the list of acceptable employment eligibility verification documents.

Employers who fail to use the revised I-9 Form may be subject to violation fines. Continue to use the current 2008 I-9 version until April 3rd.



## Texas: Sexual Harasser's Discharge Was Not Age Bias

How does an employee prove that a manager's remark about "Old People" amounts to age bias? The Texas Supreme Court recently reviewed the evidence in such a case.

**What happened:** "Sam" worked as a parts service manager at a south Texas AutoZone auto parts store. When a co-worker accused him of hugging her, holding her hand, trying to kiss her, and asking her for dates, AutoZone investigated and ended up firing Sam for violation of the company's sexual harassment policy. He was 62 years old at the time he was fired.

Sam sued the company for age discrimination. The case went to a jury trial and the jury found that Sam's age was a motivating factor

in AutoZone's actions toward him.

**What the court said:** The court focused on two issues: one, the evidentiary value of a manager's statement that AutoZone was trying to get rid of "all the old people," and two, whether AutoZone treated younger employees accused of sexual harassment more favorably by rehiring or not discharging them.

On the first issue, the court said that statements and remarks are valid evidence of discrimination only if they are (1) related to the employee's protected class, (2) close in time to the employment decision, (3) made by an individual with authority over the employment decision, and (4) related to the employment decision at

issue. Here, the court said, the manager who allegedly made the remark was not involved in the decision to discharge Sam.

On the second issue, the court found that the accuser said that a second, younger employee had "occasionally leaned against" her, but had not been discharged. The court found that his alleged action of leaning against his co-worker was not identical to Sam's, so the two employees were not similarly situated for purposes of comparison. Evidence showed that of 23 employees who had been terminated for sexual harassment, 17 were under the age of 40. The court concluded on the evidence that there wasn't enough support that age was a motivating factor in his discharge.

***"How does an employee prove that a manager's remark about "Old People" amounts to age bias?"***



## Texas: Employers Call for Better-Prepared Applicants

Texas employer and business groups, complaining that entry-level job applicants don't have the skills for successful employment, have formed a coalition to urge lawmakers to do something about the situation.

The Texas Coalition for a Competitive Workforce, formed by the Texas Association of Business, the Texas Public Policy Foundation, the Texas Institute for Education Reform, the Governor's Business Council, and the Greater Austin Chamber of Commerce, has already begun to invite employers to policy briefings

outlining its plans to encourage lawmakers to put more emphasis on career and college readiness in public schools.

Specifically, the group plans to ask lawmakers to impose serious consequences on school districts and schools that don't meet accountability standards or experience a decline in their ratings; raise curriculum standards to reflect the knowledge and skills students need to be ready for college or career training; and base school performance ratings on the percentage of students who are either on track for col-

lege or career readiness, or who will be on track for college readiness in three years. To meet the higher curriculum standards, the group would like to see lawmakers phase in new goals over a three-year adjustment period.

According to Jim Windham, chairman of the Texas Institute for Education Reform, 65% of the nation's new jobs through 2014 will require higher levels of education and training. The vast majority of Texas students, however, fail to meet readiness benchmarks.



## Value of PEO Outsourcing in Current Economy

### Is outsourcing human-resources functions to an HR Outsourcing company really of value to the client?

More and more the answer to this question is a resounding "yes". As more and more companies are fighting for survival in our current economic conditions, they are realizing the need to spend more time on the strategies of growing and maintaining their busi-

ness rather than diverting their attention to day to day HR matters.

This not to say that HR isn't important; in fact HR is very important to the survival of any business. HR is expensive and it is very difficult to keep up with changing rules and regulations, maintain employee morale, as well as making sure all company HR practices are in full compliance of the law.

Outsourcing your HR Functions to Odyssey OneSource not only frees a company's leadership to focus on the strategies of growing the business, it also gives the company access to full complement of highly educated and trained HR professionals that would otherwise be cost prohibitive for the company.

Odyssey OneSource provides a single source for all HR Functions.

***"Odyssey OneSource provides a single source for all HR functions."***



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LEVEL**

## Feds Delay E-Verify Deadline to May 21, 2009

Following an Obama government administration request for all executive departments and agencies to consider extending the effective date of published regulations that have not yet taken effect, federal authorities agreed to postpone a Feb. 20th deadline for federal contractors and subcontractors to start using the E-Verify program.

The Jan. 28th announcement by the Department of Homeland Security of the delay marks the second time the government has

postponed the implementation of the mandate. It was originally set to go into effect Jan. 15, but the Federal Government moved the date to Feb. 20 after the U.S. Chamber of Commerce filed suit Dec. 23 challenging the legality of the program.

Under the new agreement, federal contractors don't need to comply with E-Verify until May 21, 2009.

The federal government agreed that the new administration needs time to re-

think mandatory E-Verify use, particularly in light of the stressed economy.

Under an executive order from former President George W. Bush, approximately 168,000 federal contractors were to begin using E-Verify on Jan. 15th. The order pertains to federal contracts valued at more than \$100,000 and subcontracts worth more than \$3,000.

Give our HR Service Center a call for more information on E-Verify at 817.508.7361.

