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## Special points of interest:

- New I-9 Effective April 3, 2009
- E-Verify For Federal Contractors Effective on May 21, 2009
- All 2008 Training available for review

## Current E-Verify and I-9 Compliance

### - What is E-Verify?

E-Verify is an internet-based system operated by Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers.

As part of the PEO arrangement, Odyssey will still administer all new hire/rehire paperwork including verification of work authorization.

The following states have passed E-Verify legislation (more coming soon):

- Arizona
- Mississippi

### - E-Verify and I-9 Compliance FAQ's:

*What is the relationship between I-9 and E-Verify?* - Information is taken directly from the I-9 and entered into the E-Verify system. Any new hire/rehire must complete and submit the I-9 within three days after hire. All the forms need to be returned to Odyssey immediately upon completion to maintain compliance with the E-Verify timeline.

*What happens if the E-Verify comes back with a negative confirmation of the Employee's information?* - If a worker's pro-

vided information generates a non-confirmation response, Odyssey will immediately forward the appropriate notification letter to the client, who in turn should immediately provide it to the employee in question. The employee then has the option to contest the results.

*What happens if the employee wants to contest?* - If a employee decides to contest, Odyssey will provide the employee with the SSA and DHS referral letter. The employee must then visit the agency and resolve the issue within eight (8) business days. Employees are allowed to continue working during this process. If an employee decides to non-contest, there is an obligation to terminate the employment relationship effective immediately.

### - Odyssey has outlined the process for processing E-Verify for new hires.

1. Odyssey must receive new hire or rehire paperwork within 2 days after a employee is hired.

- DHS states employees MUST be entered into E-Verify by day 3.
- I-9 Must be sent with CLEAR copies of documentation. New feature in E-Verify is a Photo Screening Tool in which we must check the photo in copy against the image stored in the system.

2. Odyssey will notify you if the employees E-Verify comes back as a non-confirmation status.

3. If a non-confirmation occurs, the E-Verify system will generate a Tentative non-confirmation notice.

- Odyssey will send you this notice.
- DHS states the employer must review this notice with the employee have the employee sign and check whether or not they contest the notice.
- Send this signed notice back to Odyssey.

4. If employee does not contest, employee must be discharged.

5. If employee does contest the notice the E-Verify system will generate a notice that explains to the employee how to contact the SSA to clear up the discrepancy.

- Like the Non-Confirmation Notice, the employer must review with employee and both parties must sign and send back to Odyssey.

6. If case is not resolved 10 days after Referral Notice, you must notify Odyssey and must terminate the employee by sending in an Employee Change Form. Odyssey will notify the employee that they have been terminated or is working without work authorization.

Should you have immediate questions, please contact Deanne Harvey Odyssey by calling 817-508-7514 or at [dharvey@odysseyonesource.com](mailto:dharvey@odysseyonesource.com).

**2009 Employment Eligibility Verification I-9 Form Update**

Odyssey OneSource's HR will be sending out the 2009 version of the Employment Eligibility Verification I-9 forms for the April 3rd, 2009 release date.

Some of the changes to the new version to remember going forward are as follows:

- Expired documents are

no longer considered acceptable proof of identification.

- Three additional documents were eliminated from List A of the List of Acceptable Documents.
- 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, 2009.

If you have any questions, please contact Odyssey OneSource's HR Service Center (817) 508-PE01



**EEOC: Surgical Center pays \$290,000 in Sexual Harassment Lawsuit**

A Houston-area surgical center will pay \$290,000 and provide significant remedial relief to settle a sexual harassment and retaliation lawsuit filled by the EEOC under Title VII of the Civil Rights Act. The EEOC had charged that a surgical center subjected several female workers to a sexually hostile work environment and that the company retaliated against women who complained about the unlawful conduct.

The EEOC's lawsuit asserted that a male nurse, who eventually was promoted to a supervisory position, made unwanted sexual advances and sexual jokes and innuendos to

female colleagues and subordinates. The EEOC said that women who rejected the advances or complained about harassment were then burdened with more difficult job assignments and had their work performance unfairly disparaged. A nurse who made a written complaint detailing acts of alleged sexual harassment by the supervisor was fired the following day. Another woman was given a poor evaluation because she complained about harassment.

The Settlement terms require the surgical center to pay \$210,000 in relief to compensate three women who filed charges of discrimination with

the EEOC. Additionally, \$80,000 will be distributed among other current and former employees and contract workers who may have been subjected to sexual harassment or retaliation, and the male nurse whose actions provoked complaints will be permanently barred from working for the company. The decree also requires other corrective actions, including the demotion of the Director of Nursing, the hiring of a Human Resource Specialist, and training designed to prevent future acts of sexual harassment or retaliation.

Written on March 6th, 2009 for [www.shrm.org](http://www.shrm.org).

***“The Settlement terms will require the Surgical Center to pay \$290,000 to former and current employees”***

**Trends in State Legislatures: Time Off**

Laws requiring workplace flexibility are “moving fast,” with at least 16 states “grappling with some form of expanse of paid or unpaid leave.” These laws, under consideration in Texas, fall into four different categories:

- Paid Leave - Mirroring the Healthy Families Act on the federal level or combined with the states disability programs

- Expanding the definition of family members under existing leave laws to include, for example, grandparents and domestic partners.
- Military leave
- Leave for victims of domestic violence

The state employment laws in Texas do not require employers to provide their staff

with vacation leave from work, paid or unpaid. Many states consider vacations to be a fringe benefit and not a right.

The State legislature has changed a bit with the recent elections with many HR related bills. Because the State Senate is now Democratic-controlled, these laws are more likely to pass and change than in previous years.



**Learn to avoid litigation and apply best practices in the work place directly from the experts**

The Workplace Compliance & Law Update brings together business owners, managers and supervisors from across the state to learn about new legislation and compliance issues that could affect the way you do business. Join us on Thursday, April 2nd, in Colleyville or Thursday, April 23rd, in Houston for this complimentary event and gain the knowledge and insight you need to avoid litigation and incorporate best practices in the workplace.

Spring 2009

# Workplace Compliance & Law Update

April 2, 2009 - Colleyville, Texas  
April 23, 2009 - Houston, Texas

**Continuing Professional Education Awards**

- 5 CPE credit hours for CPAs
- No prerequisites required
- Up to 5 recertification credit hours for PHRs, SPHRs and GPHRs

**Learn to avoid litigation and apply best practices in the work place directly from the experts**

The Workplace Compliance & Law Update brings together business owners, managers and supervisors from across the state to learn about new legislation and compliance issues that could affect the way you do business. Join us on Thursday, April 2nd, in Colleyville, or Thursday, April 23rd, in Houston for this complimentary event and gain the knowledge and insight you need to avoid litigation and incorporate best practices in the workplace.

### FEATURED SPEAKERS



**Audrey Mross**  
*Munck Carter P.C., Labor & Employment Attorney*

Audrey Mross assists employers with being masters of assimilating and applying changes in employment law in their workplaces. She will summarize existing and expected changes and provide a practical checklist of things employers should do now to stay ahead of the changes!

Speaking on the changes taking place in 2009 we will gain insight on:

- Adjusting to the new administration
- CINA, ADAAA, FMLA & Lily Ledbetter Act
- What employers need to know in 2009

Colleyville



**Christopher Antone, Esq.**  
*Jackson Lewis, LLP, Labor & Employment Attorney, Partner in the Jackson Lewis Dallas and Houston offices.*

Chris counsels human resources professionals in the development of state-of-the-art proactive policies, procedures and protocols designed to retain the best talent, exit poor performers, and create an environment that produces highly effective work teams.

Speaking on Hiring and Firing best practices, we will gain insight on:

- Disciplining employees
- Performance Management
- The Do's and Don'ts of documentation

Houston & Colleyville



**Mark J. Oberti**  
*Seyfarth Shaw LLP, Labor & Employment Law Attorney, Partner in the Houston office of Seyfarth Shaw LLP*

Mark practices primarily in labor and employment law, advising and representing management regarding all types of employment issues, including compliance, litigation, and administrative proceedings.

Speaking on the new laws and regulations, we will gain insight on:

- Title VII, ADA, ADEA & FLSA
- Wrongful terminations and retaliation
- ERISA, FMLA and other statutory & common law causes of action

Houston

**Event Locations**

**Eules:**  
Colleyville Center  
5301 Riverwalk Drive  
Colleyville, TX 76034

**Houston:**  
Odyssey OneSource  
15425 North Freeway  
Houston, TX 77090

**Agenda**

Continental Breakfast	8 am-9 am
Complimentary Lunch Program	11:30 am-1 pm 9 am-3 pm

**Special Needs**

Wheelchair access or dietary requirements? Contact Deanne Harvey at 817.508.7514 or email [wclu@odysseyonesource.com](mailto:wclu@odysseyonesource.com)

**Sign Up Today!**

**Four Convenient Ways to Register:**

**Online:** [www.odysseyonesource.com/wclu](http://www.odysseyonesource.com/wclu)  
**Phone:** 866.508.7361 x7514  
**Fax:** 817.508.7362

**Mail**  
Odyssey OneSource  
Attn: Central Input  
204 North Ector Dr.  
Eules, TX 76039

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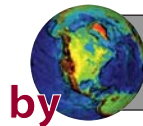
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LEVEL**

## Most Workers Will See Bigger Paychecks this Spring

The Internal Revenue Service released new withholding tables that will result in more take-home pay this spring for millions of American Workers. The new tables incorporate the new Making Work Pay credit, one of the key tax provisions included in the American Recovery and Reinvestment Act of 2009.

Eligible workers will get the benefit of this change without any action on their part. This means that workers don't need to fill out a new W-4 withholding form to get the Making Pay credit

reflected in their take-home pay.

**Individuals and couples with multiple jobs may want to submit a revised W-4 form to ensure enough withholding is held to cover the tax for combined incomes.**

Available for tax years 2009 and 2010, the Making Work Pay credit is 6.2% of a taxpayer's earned income with a maximum credit of \$800 for a married couple filing a joint return and \$400 for other taxpayers, but it is phased out for higher in-

come taxpayers. Most workers will qualify for the maximum credit. Because the credit is refundable (people can get it even if they owe no tax), most low-income workers will also qualify for the full credit. Though all eligible taxpayers will need to claim the credit when they file their 2009 income tax return next year, the benefit will generally be spread out over the paychecks they receive beginning this spring and continue until the end of the year.

Many higher-income tax-

payers will see little or no change in their take-home pay. That's because the Making Work Pay credit is phased out for married couples filing a joint return whose modified adjusted gross income (AGI) is between \$150,000 and \$190,000 and other taxpayers whose modified AGI is between \$75,000 and \$95,000.

Taxpayers will not get a separate, special check mailed to them from the IRS like last year's economic stimulus payment.