

HR UPDATE

HR...SOLUTIONS FOR SUCCESS

FY 09 - ISSUE 05
FEBRUARY 10, 2009

IN THIS ISSUE:

- DENALI AWARDS
- W-2 REQUEST FOR 2008 AND PRIOR YEARS
- FAMILY MEDICAL LEAVE ACT CHANGES
- WORKFORCE PROFILE
- EMPLOYEE TENURE - US DEPT OF LABOR
- AMERICANS WITH DISABILITIES ACT UPDATE
- CLASS STUDY UPDATES

HR UPDATE

LET US KNOW WHAT YOU THINK

Please let us know what you think of our publication. If you have any suggestions about how to improve the HR Update or topics you think should be addressed, please contact franklin.hurt@alaska.gov.

Governor's Peak Performance Denali Awards

Nominations are now being accepted for the third annual Governor's Peak Performance Denali Awards.

Any individual who is employed by the State of Alaska Executive Branch is eligible to be nominated. Each nomination must be submitted to the employee's departmental Denali Award representative by **February 13, 2009**.

Categories:

- Co-worker Recognition
- Customer Service Excellence
- Exceptional Performance
- Leadership
- Heroic Performance *NEW*

[For forms, contacts, and announcement click here.](#)

W-2 Request for 2008 and Prior Years

By Richard Morrison

The 2008 W-2s were mailed out to State of Alaska employees on January 22, 2009. Requests for lost 2008 W-2 forms will be accepted after February 9. Please allow the post office time to deliver misrouted or forwarded W-2s. Requests for W-2 reprints for Executive Branch employees should be directed to the Employee Call Center, which can be reached by phone at 465-3009, by fax at 465-6624, or by email at employeeccallcenter@alaska.gov. For departments 01, 31, 33, and 41, please contact your Human Resources office for W-2 reprints.

Between February 9 and April 15, all requests for 2008 W-2 reprints will be processed and forwarded to Division of Finance the same day they are received by the Employee Call center. All reprint requests received by noon at the Division of Finance will be printed and processed by 2 PM each workday. After April 15, W-2 requests will be printed and processed within three workdays. Due to the high volume of requests for reprints during the tax season, all reprints will be delivered by physical mail from the Division of Finance.

The mailing address for the 2008 W-2 is the address in the payroll system effective January 16, 2009. To change your address in the payroll system, you will need to submit a signed Address Authorization Form, which can be found online at the Division of Personnel & Labor Relations HR forms page. A signature is required for our employees' protection, as sensitive financial and other personal information will be sent to the address provided.

If you have any questions, feel free to contact the Employee Call Center.

Family Medical Leave Act Changes

By Dianne Kiesel

The revised FMLA regulations were effective January 16, 2009. The Division of Personnel and Labor Relations (DOPLR) is working on updating our FMLA forms, FAQ's and informational documents to reflect these changes and will be available on the DOPLR web site in the near future.

State of Alaska - Division of Personnel and Labor Relations
PO Box 110201, Juneau, AK 99811-0201
(907) 465-3009 or employeeccallcenter@alaska.gov

HR Update FY 09 - Issue 05

The FMLA expanded leave entitlements to family members of military service personnel in two ways:

1. up to 12 weeks of leave for the spouse, son, daughter or parent of a service member due to a qualifying “exigency” that arises because the service member is called to active duty or is notified of an impending call or order to active duty in the armed forces for a contingency operation; and
2. up to 26 weeks of leave for a spouse, parent, son, daughter or next of kin to care for a service member who becomes seriously ill or is seriously injured while on active duty (see related story, p. 3)

The regulations define a qualifying exigency as: (1) a short-term deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities when the employer and employee agree to the leave. An eligible employee can take up to 12 weeks of FMLA leave, including intermittent or reduced schedule leave, for any of these purposes.

Other major revisions include the following:

- **Employer Notice Obligations**— When employees request FMLA leave, employers must provide employees with notice within five business days that they are eligible for FMLA leave. After the employer has received sufficient information that the request for leave is FMLA-qualifying, it must designate the leave as such within five business days. The notice must inform the employee of how much time will be counted against his or her FMLA leave allotment.
- **Employee Notice Obligations**— When employees learn of a need for FMLA leave fewer than 30 days in advance, they are required to give notice of their need either the same business day or the next day, absent emergency situations. Also, if employees do not follow their employers’ call-in policies, they may be subject to disciplinary measures, absent extraordinary circumstances.
- **Medical Certification**— The U.S.DOL has split the recommended medical certification form into two parts: one for an employee’s own serious health condition and another for a family member’s serious health condition. The department also provides forms for an employee’s
- **eligibility and designation of leave notice**, as well as certifications for a qualifying exigency and for serious injury or illness of covered service members. An employer may now contact an employee’s health care provider for clarifying and verifying the worker’s medical certification, if the employee is first given the opportunity to do so and the requirements of the Health Insurance Portability and Accountability Act have been met. If an employee fails to give consent to this contact, he or she may lose FMLA protection if his or her medical certification is incomplete or insufficient.
- **Nonconsecutive Periods of Service**— Employers are required to count any service an employee had with an employer prior to a break in service of up to seven years toward his or her 12-month employment eligibility threshold. This does not eliminate the requirement to have worked for 1250 hours in the preceding 12 months.
- **Designation of Leave**— The new regulations delete an original provision that stated that if employers did not designate FMLA-qualifying leave as FMLA leave it would not count against an employee’s FMLA leave entitlement. Now an employer can be liable for not designating FMLA-qualifying leave only if the employee can demonstrate he or she suffered actual harm.
- **Serious Health Condition**— The new regulations clarify that if an employee takes leave for a medical condition involving more than three consecutive calendar days of incapacity and needs to have two visits to a health care provider, those visits must occur within 30 days of the period of incapacity for the condition to be classified as a serious health condition. Also, for a



© Alaska Division of Tourism

HR Update FY 09 - Issue 05

chronic serious health condition to be present, an employee must make at least two visits per year to a health care provider.

- **Light Duty**— The rules clarify that time spent in a light-duty capacity does not count against an employee's FMLA leave allotment. An employee may stay in that light-duty position until his or her FMLA 12-month leave year ends, at which time the employee loses his or her restoration rights.
- **Waiver of Rights**— The rules clarify that an employee can voluntarily settle past FMLA claims without court or departmental approval. An employee's waiver of prospective FMLA rights is prohibited.

Workforce Profile

The 2008 fiscal year end Workforce Profile is now available. The new profile is available on the Division of Personnel and Labor Relations' web page at <http://dop.state.ak.us/>. It is published annually and provides demographic information, such as employee count, average age, and compensation. The data provided is current as of June 30, 2008.

Employee Tenure - US Dept of Labor

www.bls.gov

Employee tenure measures how long an employee had been with their current employer. Data provided below is for January 2008.

- The median tenure for workers in the public sector was 7.2 versus 3.6 years for the private sector.
- Federal employees had a higher median tenure compared to employees of state governments, 9.9

years versus 6.5 years.

- Within occupations, workers in management, professional, and related occupations had the highest median tenure of 5.1 years, and workers in service occupations had the lowest median tenure of 2.8 years.

Americans with Disabilities Act Update

By April Thomas and Pam Day

On September 25, 2008, President George W. Bush signed the Americans with Disabilities Act - Amendments Act (ADAAA) of 2008, which became effective on January 1, 2009. In brief, the ADAAA modifies the definition of the term "disability" to be interpreted more broadly. While the basic three part definition remains the same: a physical or mental impairment that substantially limits a major life activity; a record of such an impairment; or being regarded as having an impairment, the ADAAA changes the way these terms should be interpreted in several ways. The following is a list of the most significant changes:

- ❖ Directs the Equal Employment Opportunity Commission (EEOC) to redefine the definition of "Substantially limited";
- ❖ Expands the definition of "major life activities" by including two non-exhaustive lists;
- ❖ Mitigating measures (other than ordinary eyeglasses or contact lenses) cannot be considered in assessing if an individual has a disability;
- ❖ An impairment that is episodic or in remission can be a disability if it would substantially limit a major life activity when active;
- ❖ "Regarded as" to be redefined

The State's ADA program will continue to implement changes consistent with the ADAAA during this upcoming year. As always, employees with disabilities, who qualify under the ADAAA, are entitled to reasonable accommodations that will enable them to perform the essential functions of their jobs.

If you have any questions regarding the ADAAA, please contact your Human Resources Manager in your department HR Service Center.

If you have any questions regarding the ADAAA, please contact your Human Resources Manager in your department HR Service Center.

Classification Section – Class Study Updates

Active Studies:

- Administrative Clerk & Supervisors
- Accounting
- Assistant Petroleum Property Assessor
- Program Coordinator, Phase 2 & 3
- RCA Administrative Law Judge
- Regulatory Commission of Alaska job classes

Recently Completed Studies:

- Accounting Clerk classes effective 10/01/08
- Accounting Technician classes effective 1/1/09
- Program Coordinator, Phase 1 effective 2/1/09

More information about job class studies may be found at: <http://dop.state.ak.us/website/index.cfm?fuseaction=classification.classStudiesList>

The Alaska Department of Administration complies with Title II of the 1990 Americans with Disabilities Act. This publication is available in alternative communication formats upon request. To make necessary arrangements, contact the Employee Planning and Information Center for the Division of Personnel and Labor Relations at (907) 465-4434 or the TDD for the hearing impaired at (907) 465-3888.