



# JDI Prospective

Preparing you for the road ahead.

## FMLA and the Intermittent Leave Rule

**“The Constitution only guarantees the American people the right to pursue happiness. You have to catch it yourself.”**

**Benjamin Franklin**

The Intermittent Leave Rule – when a serious medical condition of the employee or immediate family member, as defined under The Family and Medical Leave Act (“FMLA”) , is the reason for the leave, an employee has the right to request intermittent leave.

Intermittent leave can include partial day absences from work, reduced leave schedules, or absences from the work station in small increments of time. When intermittent leave involves the serious medical condition of an immediate family member, the employee may even request leave in short intervals of time to drive the family member to the doctor.

If the FMLA’s requirements are met, the employer must honor such requests for intermittent leave. Nevertheless, when an employee contemplates intermittent leave, he or she must attempt to schedule that leave without disrupting business operations whenever possible.

Requests for intermittent leave in connection with the

birth of a child, an adoption or foster care, however, is not mandatory under the Act. The employer may allow intermittent leave for such absences, but it is not required. In that instance, an employer can inform the employee that leave must be taken in blocks of time, but may not be taken in small increments.

When an intermittent leave request is granted for any reason, it is always important to track carefully the amount of incremental leave taken toward the maximum amount of leave permitted.

*Robin Foret* , June 1, 2008, [www.hrresource.com](http://www.hrresource.com)



Have a safe and Happy 4th of July holiday!

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## New 2009 Limits for Health Savings Accounts

A part of the Tax Relief and Health Care Act of 2006 was new rules for Health Savings Accounts (H.S.A.s) One of the new rules was the release of cost-of-living adjustments by June 1st of every year for H.S.A.s. The IRS has released the 2009 limits for

H.S.A.s, so employers can now go forward with their high-deductible health plan strategies for 2009 without any last minute modifications.

Minimum deductible amounts for the qualifying high-deductible health plan (HDHP) for individual

coverage was \$1,100 in 2008, and for 2009 it will be increased to \$1,150. Family coverage for deductible for 2008 was \$2,200, and for 2009 it will be increased to \$2,300. (MHM Resources LLC, [www.mhmResources.com](http://www.mhmResources.com))

## Plan to Prevent Becoming EEOC Statistic



Make compliance with equal employment policies part of every supervisors evaluation process.

The federal Equal Employment Opportunity Commission has added one more item for concern for employers – the level of discrimination charges. Private-sector discrimination charge filings with the EEOC jumped 9 percent in the last fiscal year (2007), the largest annual increase since the early 1990s. One possible explanation for the difference is that many employers take more steps to address

sexual harassment than they do to address discrimination. One broad-based study shows that if employers were as proactive in the area of discrimination prevention as for harassment prevention, then overall EEOC claims might also drop. Employers may want to consider the following:

1. Review or examine general EEO policies to make sure that they have the same specificity as

harassment policies.

2. Ensure that supervisors receive anti-discrimination training with similar emphasis as anti-harassment training.
3. Make compliance with equal employment policies part of every supervisors evaluation process.
4. Focus training and compliance efforts on those areas where charges are increasing. *David Goldman, 6/12/08, HR Resource*

*“ICE has created a plan to expand random and targeted audits of employers’ I-9 forms”*

## I-9 Audits

U.S. Immigration and Customs Enforcement (ICE) has created a plan to expand random and targeted audits of employers' I-9 forms that reflect the employers' federally required efforts to screen out unauthorized workers, while promising to continue its strategy to increase raids and prosecutions of companies it claims have knowingly hired large numbers of unauthorized workers. ICE has focused its limited but rapidly increasing worksite enforcement resources on raids and prosecutions in order to achieve the maximum deterrent effect through well-publicized convictions of managers and companies and seizure of company assets, as well as business interruption losses from removal of large numbers of workers. These actions are part of a larger no-nonsense enforcement strategy according to Homeland Security Secretary Michael Chertoff, who has started making State of Immigration speeches describing the multifaceted efforts to rebuild confidence in the government's willingness and capability to conduct practical immigration enforcement, while working administratively to streamline and expand legal immigration under existing law and continuing to prove the case for more comprehensive reform. *5/28/08, HR Resource*

## Obesity in Childhood Leads to Adult Heart Attacks



The greater increase in children's weight, the higher the risk of heart attacks later in life.

The largest study of its kind ever published, researchers concluded that obese children face a significantly higher risk of heart disease as adults. In a review of the health records of 276,835 Danish children ages 7 to 13 born between 1930 and 1976, the investigators found that the greater the increase in the children's weight, the higher the risk of heart attacks in later life. Unfortunately, today's U.S. children tend to be heavier than the kids in the Danish study, per Dr. David Ludwig of Children's Hospital in Boston. "America's child obesity epidemic, Dr. Ludwig warned, "is a looming crisis that requires action. Without effective intervention, the costs of obesity might well become catastrophic, arising not only from escalating medical expenses but also from diminished worker productivity...the human costs would be incalculable." *PRITIKIN ePERSPECTIVE - 05/28/08 Issue 170*

## Integrated Health and Productivity Management

Because the majority of an organization's health costs come from a small portion of its employees, a strategy for long-term success lowering those costs should focus on prevention: encouraging positive lifestyle changes among the workforce to reduce the most common sources of poor health. This will help reductions in costs and the overall quality of your employees' health and well-being will increase.

The first step in moving toward IHPM (Integrated Health and Productivity Management) is a clear understanding of your workforce's current state. Look within your organization to assess your plan designs and administrative processes relative to health plans and plan management, wellness programs, disease management, disability plans,

workers' compensation, federal and state family leaves, and all time-off programs, including paid time off (PTO) banks, sick leave, military leave.

Initially implement a workforce demographic analysis looking at age bands, length of service and years remaining until retirement. Once this information is collected, begin to identify opportunities for improvements and potential solutions. The integration of data will ultimately provide valuable information about the organization's overall productivity, including total lost workdays, the number of additional workers needed, its impact on net income and impact on earnings per share.

*Marie J. Killian, Trion, May 2008, SHRM*



Encouraging positive changes among the workforce will help reduce the common sources of poor health.

## July 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### Gum Chewing Reduces the Munchies...

You could crush that 3 p.m. cookie craving just by chewing a little of this: gum. A study found that chewing gum can reduce your afternoon appetite in a big way. People who chew either sweetened or sugar-free gum after lunch feel full longer, have fewer hunger pangs, have fewer cravings for sweets, and eat fewer afternoon snacks -- compared with people who don't chew gum. How does chewing gum suppress hunger? When you eat, your taste buds are stimulated by the food. But that exposure to the tastes and smells of food also lessens how good it tastes. That, in turn, is one of the cues that signal your brain that you're full, so cravings go away. Chewing gum may have this same effect -- but without all the calories! [realage.com](http://realage.com)

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