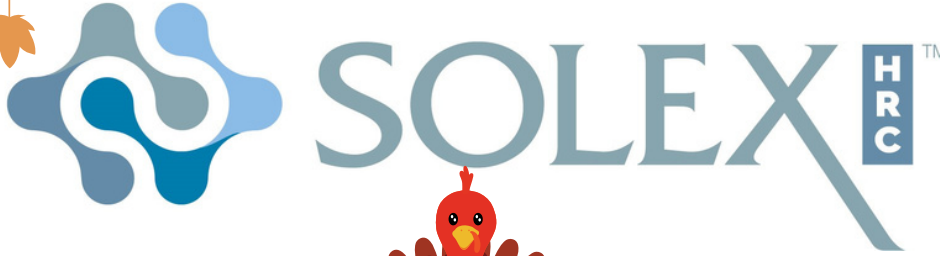


»»» NEWSLETTER «««



HUMAN RESOURCES



»»» SOLEX HR CONSULTING (HRC) «««

Solex HRC recognizes that managing your employees and growing your business requires a significant amount of time and effort! Many growing businesses do not have an HR professional, or if they do, they are overburdened with compliance tasks and operational projects. Solex HRC can help! By partnering with Solex HRC, you will have a dedicated HR Consultant that meets with you regularly to stay on top of important tasks, compliance items, and employee relation issues. We take the time to meet with you and to understand your business so we can efficiently managing your workforce. Our intention is to keep your employees happy so you can focus on growing your business.

UNDERSTANDING EPLI INSURANCE: ESSENTIAL PROTECTION FOR EMPLOYERS

Employment Practices Liability Insurance (EPLI) is a crucial coverage for businesses that protects against claims made by employees alleging discrimination, wrongful termination, harassment, and other employment-related issues. As workplace dynamics evolve and legal landscapes shift, having EPLI insurance has become increasingly important for employers of all sizes.

EPLI policies typically cover:

- Discrimination: Claims based on age, race, gender, religion, or disability.
- Harassment: Including sexual harassment and hostile work environment claims.
- Wrongful Termination: Allegations that an employee was improperly fired or laid off.
- Retaliation: Claims arising from adverse actions taken against an employee for reporting discrimination or harassment.

Investing in EPLI insurance is a proactive step for employers, providing not only financial protection but also peace of mind. As employment practices continue to be scrutinized, EPLI stands as a vital safeguard against the complexities of modern workforce management.



HR COMPLIANCE CORNER

THE IMPORTANCE OF BACKGROUND SCREENINGS & REFERENCE CHECKS

Background screenings and reference checks are employers' principal means of securing information about potential hires from sources other than the applicants themselves. A background screening generally involves determining whether an applicant may be unqualified for a position due to a record of criminal conviction, motor vehicle violations, poor credit history, or misrepresentation regarding education or work history. A reference check generally involves contacting applicants' former employers, supervisors, co-workers and educators to verify previous employment and to obtain information about the individual's knowledge, skills, abilities and character.

A major reason to conduct background and reference checks is to avoid harm and legal liability of various types to the employer or to others. This includes harm to:

- Other employees by discrimination, harassment (including sexual harassment) and workplace violence
- The company's customers by, for example, harassment or violence on the company's premises
- The public by negligent driving
- The company's business through financial loss or image and reputation loss

Several Federal laws explicitly or implicitly apply to the practice of background screenings such as:

- Fair Credit Reporting Act (FCRA) which regulates the use of consumer credit reports and investigative consumer reports.
- Fair and Accurate Credit Transactions Act (FACTA) which governs the secure disposal of consumer credit information.
- EEO Laws which ensures all background screenings and reference checks comply with all EEOC standards and;
- Immigration Reform and Control Act of 1986 (IRCA) which prohibits discrimination based on national origin or citizenship, except for undocumented immigrants, for employers that have more than 4 employees.

Be sure to reach out to your HR professional to ensure compliance with all screenings and reference checks for your business!





HR COMPLIANCE CORNER

ARRESTS AND CONVICTIONS IN MASSACHUSETTS (MA)

Massachusetts law prohibits employers from asking job applicants about their criminal offender records on an initial, written job application.

The law also prohibits employers from asking employees and job applicants about any:

- Arrest that did not result in conviction;
- Criminal record that has been sealed or expunged under state law;
- First conviction for drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace; and
- Misdemeanor conviction that occurred (or for which the period of any incarceration ended) three or more years previous to the employer's inquiry.

Exceptions

An employer may include questions about an applicant's criminal convictions on an initial, written job application if the position being sought is one for which:

- A federal or state law, regulation or accreditation disqualifies an applicant based on a conviction; or
- The employer is subject to an obligation under a federal or state law or regulation not to employ people who have been convicted of crimes.

Job Application Requirements

Employers are required to include the following language on any job application that seeks information about an applicant's prior arrests or convictions:

"An applicant for employment with a record expunged pursuant to section 100F, section 100G, section 100H or section 100K of chapter 276 may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a record expunged pursuant to section 100F, section 100G, section 100H or section 100K of chapter 276 may answer 'no record' to an inquiry herein relative to prior arrests, criminal court appearances, juvenile court appearances, adjudications or convictions."

What if an applicant voluntarily discloses an arrest record – Does that violate the MA Non-Discrimination Laws?

In Sept. 2024, a Massachusetts federal judge issued a decision regarding employers' inquiry into the arrest records of prospective employees. The court answered the question of whether an employer can inquire about an arrest that did not result in a conviction when a prospective employee voluntarily discloses the arrest on their application. The court answered that this is a violation of the Massachusetts non-discrimination laws to ask the applicant for additional information about the arrest.

HR COMPLIANCE CORNER

MASSACHUSETTS AMENDS ITS EARNED SICK TIME LAW TO INCLUDE REPRODUCTIVE LOSS

In a significant update to its earned sick time law, Massachusetts has officially expanded the provisions to include leave for employees experiencing reproductive loss. This amendment, which goes into effect November 21, 2024, underscores the state's commitment to supporting workers during some of life's most challenging moments.

Under the revised law, employees can now use their accrued sick time for situations such as:

- Miscarriage
- Stillbirth
- Other reproductive health-related medical issues

This inclusion allows individuals the necessary time to grieve and recover from these deeply personal experiences without the added stress of financial insecurity.

The amendment allows for up to 40 hours of earned sick time per year, which can be used not only for personal illness but also for caring for sick family members and attending preventive health appointments. By adding reproductive loss to the list of valid reasons for taking sick leave, Massachusetts acknowledges the emotional and physical toll these events can have on employees.

This change is part of a broader movement across the country to recognize and support reproductive health issues in the workplace. By providing this form of leave, Massachusetts aims to create a more compassionate work environment, ensuring that employees have the necessary support during difficult times.

As the conversation around reproductive health continues to evolve, this amendment sets a precedent for other states to consider similar measures. Employers in Massachusetts are encouraged to review their policies to align with the new law and provide adequate support for their employees.

This legislative change marks a significant step toward fostering a workplace culture that prioritizes the well-being of employees, recognizing that health extends beyond physical illness to encompass emotional and reproductive health as well.

For more information on the amended earned sick time law and its implications, visit the Massachusetts government website or [reach out to your Solex HR](#)

[Consultant!](#)

