Division of Human Resources

Advisor

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Information for Human Resources and Business Risk Professionals in the Colorado State Personnel System

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Complying with New GINA Regulations

The Equal Employment Opportunity Commission's (EEOC) final regulations implementing the Genetic Information Nondiscrimination Act (GINA) went into effect today, Monday, January 10, 2011. GINA makes it illegal to discriminate against any individual on the basis of genetic information in regard to hiring, termination, compensation, or any terms or conditions of employment. Under GINA, employers are prohibited from using, disclosing, requiring, or acquiring genetic information, including family histories.

Included in GINA is a "safe harbor" exception for inadvertent or accidental acquisition of genetic information – the so-called "water cooler" exception – when an employer might accidently overhear coworkers discussing health issues, or through a direct conversation with an employee or applicant. Information could also be obtained through documentation required for an employment-related medical examination, such as a request for a reasonable accommodation under the ADA, post-offer/pre-employment exam, or FMLA requests. Therefore, requests for information from healthcare providers must be clear that any information provided should not include any genetic information.

New language developed by the State Attorney General's Office (AGO) that the Department of Personnel and Administration, Division of Human Resources, adopted for employment-related medical examinations is now available on the DPA/DHR website at http://www.colorado.gov/cs/Satellite/DPA-DHR/DHR/1213129336435. **Departments shall immediately include the appropriate document with information packets for every instance involving an employment-related medical examination, including FMLA, ADA, Workers' Compensation, or pre-employment medical exams**. Employees/applicants are to provide this notice to their healthcare providers along with any documentation the healthcare provider will need to complete. The document, *GINA Individual*, is to be used for all medical requests **for employees/applicants only**, e.g., ADA requests, FMLA requests, Workers' Compensation requests, to substantiate sick leave, psychological fitness-for-duty examinations, physical fitness-for-duty examinations, drug testing, etc. A separate document, *GINA Family*, is to be used for FMLA requests **due to a family member's health condition**. It is strongly suggested that departments provide an acknowledgement of receipt for employees/applicants to sign when receiving important information packets. The required use of these separate documents, in addition to all other currently required forms and documents, is temporary.

DHR staff is working diligently to update official forms or documents, e.g., FMLA forms, where this language needs to be included to eliminate the need for separate documents. Departments will be

notified once these forms are updated and the need for separate forms ends. Departments can update ADA-related documents with this language now.

In addition, the latest GINA employment poster needs to be posted immediately. Follow the link to obtain copies of the poster that is available in several different languages.

http://www.colorado.gov/cs/Satellite?c=Page&childpagename=DPA-DHR%2FDHRLayout&cid=1213129336349&pagename=DHRWrapper

The following is a list of contacts for specific subjects related to GINA.

Joi Simpson – joi.simpson@state.co.us – FMLA and ADA
Brenda Hardwick brenda.hardwick@state.co.us – Workers Compensation
Judith Kohler – judith.kohler@state.co.us – Medical Plan (wellness)
Jennifer Clayman – jennifer.clayman@state.co.us – Applicants

Colorado Minimum Wage Does Not Apply to State System

With the passage of Amendment 42 in November 2006, the Colorado Constitution requires the state minimum wage to be adjusted annually for inflation, as measured by the Consumer Price Index for All Consumers (CPI-U) used for Colorado. With the adoption of Colorado Minimum Wage Order Number 27, effective January 1, 2011, the minimum wage for private sector employers within the state will increase from $7.24 to $7.36 per hour.

The State of Colorado, as a public sector employer (state government), is *not* covered by Colorado wage and hour laws and, as such, is not subject to the new Colorado state minimum wage. The State is required to comply with the federal minimum wage provisions contained in the Fair Labor Standards Act (FLSA). The FLSA requires the State, as an employer, to pay all covered non-exempt employees for all hours worked, at least the federal minimum wage of $7.25 per hour (effective July 24, 2009). The State also complies with FLSA as it relates to compensation for overtime hours worked by non-exempt employees, recordkeeping requirements, and other employment standards.

The State of Colorado **will not** be adjusting its compensation plan in January 2011 for employees in the state personnel system to reflect the new state minimum wage. Currently, the only class in the state personnel system with a pay grade minimum lower than the new state minimum wage is the Temporary Aide class, pay grade P10. The minimum of that pay grade is set at the federal minimum wage of $7.25 per hour, in compliance with federal law.

Please refer to personnel rules 3-2 and 3-9 for guidance on determining hiring rates for new employees. No individual employee's base pay shall be less than the minimum of the assigned pay grade or federal minimum wage. Appointing authorities use their discretion, in conjunction with individual department and institution policies, to set pay higher than the grade minimum as deemed appropriate for the assigned temporary position and recruitment needs.

Contact Kristi Rudy, at 303-866-4236 or kristi.rudy@state.co.us with any questions.

Position Description Questionnaire (PDQ) Workshop: Train-the-Trainer

Training sessions will be delivered by DPA/DHR for department and higher education (department) human resources staff **who are PCP certified in Job Evaluation**. These train-the-trainer sessions will review the PDQ Workshop content and materials, and teach human resources staff how to administer the PDQ Workshop training within their departments. DPA/DHR is not requiring that these training

sessions be attended by your staff or that this content be delivered to your employees. Rather DPA/DHR, in conjunction with a number of departmental HR professionals, created this training content and workshop as a tool and resource to be used as needed. The PDQ Workshop content was created with all employees in mind, regardless of department, and will focus on the following objectives.

- The importance and concepts of the job evaluation system in the Colorado state personnel system.
- The benefits and importance of having an accurate job description.
- The roles and responsibilities for the PDQ.
- General information about the allocation process.
- Practice writing a PDQ, specifically the duty statements, and decision making and complexity sections.
- How to identify essential job functions and special qualifications.

Additional sessions have been scheduled:

Session 1: Friday, February 11, 2011 in Denver (Centennial Building 1313 Sherman Street, Room 220) from 10:00AM-3:00PM

Session 2: Friday, March 11, 2011 in Denver (Centennial Building 1313 Sherman Street, Room 220) from 10:00AM-3:00PM

Note that we are using CO.Train for the registration process. Please follow the instructions below to register for either of these training sessions.

How to Register in CO.Train

1. Log into www.co.train.org using your name and password.
2. Enter the course **ID#1024765** in the "Search by Course ID" box.
3. Click on "**PDQ Workshop: Train-the-Trainer**"; this will bring up the description of the training.
4. Click on "Registration" to register for a session.

Please follow the instructions below to create a User Account in CO.Train

1. Go to www.co.train.org.
2. Click the "Create Account" button (half-way down the left-hand side).
3. Enter your personal information, clicking "Next" at the completion of each page.

Please note if you need to withdraw from a class, please go the CO.Train and click on "My Learning", then click on "Manage", then "Withdraw".

If you are having any problems or need assistance with CO.Train, please contact Carmen Schrimpscher at Carmen.Schrimpscher@state.co.us

Childcare Discounts for State Employees

Are your employees looking for a way to save money on childcare? Childcare discounts are available for all state employees through a number of childcare providers including ABC Child Development Centers, Au Pair in America, Gateway Academy, Kiddie Academy, KinderCare, Little People's Landing, and Nannypro.com. These discounts are available to all state employees in all branches of state government. To obtain childcare discount rates and information, contact the chosen provider and let them know you are a State of Colorado employee and learned about this discount through work. The providers will explain the details so you may make the best decision for your family.

Employees are reminded that arrangements made are the sole responsibility of the individual family. The State assumes no obligation for these arrangements and does not endorse any of the organizations or their programs. For information on all Work-Life employee discounts and resources visit the Department of Personnel & Administration, Division of Human Resources Work-Life Web site at http://www.colorado.gov/dpa/dhr/worklife or e-mail hrs.work-life@state.co.us.

Step Up & Take the Stairs

In conjunction with the lead article in the January 2011 issue of *HealthLine*, "Take the Stairs & Walk More," the Employee Benefits Team has initiated a program to get employees to take the stairs instead of the elevator.

Encouraging employees to take the stairs at work is a simple, low-cost, yet effective way of helping people to get a little more exercise in their day. The article in *HealthLine* is tied to the theme of New Year's resolutions, but taking the stairs doesn't have to stop in January. It can continue all year long.

As part of this effort, three posters have been developed to encourage employees to take the stairs rather than the elevator. These are posted on the Benefits Administrator Guide (BAG) site and can be printed as 8.5" x 11" or larger sizes if designated as "print to fit" in the printing dialogue box.

The Employee Benefits Team asks the members of the human resources community to help by placing these posters near elevators in the workplace.

Optional Life and Long-Term Disability Move to Year-Round Enrollment

Starting January 1, 2011, employees are able to elect employee and spouse/same-gender domestic partner (SGDP) optional life insurance and voluntary long-term disability (LTD) insurance anytime throughout the year, not just limited to open enrollment or family status change events. However, employees will still only be able to elect child optional life at open enrollment, as a newly hired employee, or when an employee has a life insurance "family status change" where an eligible dependent child is gained.

Optional Life Insurance. Employees and spouses/SGDPs must prove good health by submitting evidence of insurability *anytime* optional life insurance is elected, except as follows.

- Guarantee Issue for optional life (up to $100,000 for employee, $30,000 spouse/SGDP not to exceed 50% of employee's coverage) will continue to apply ONLY for: (1) new hire elections; and (2) when an employee experiences a life insurance "family status change" event, listed below.
    - Birth, adoption, or otherwise acquiring a newly eligible child.
    - Marriage/Declaration of same-gender domestic partnership.
    - Death of a spouse/SGDP.

Minnesota Life will still approve or decline applications, but benefit administrators can track employee and spouse/SGDP optional life approvals and declination using the LifeBenefitsExtra system. LifeBenefitsExtra also tracks your department's life insurance claims and shows the date the claim was received, the claim's current status, and when the claim was approved for payment.

Long-Term Disability (LTD) Insurance Change. An employee must submit their medical history statement electronically, through the online Benefits Administration System (BAS) when electing LTD, and this will be transmitted securely to Standard Insurance.

Standard Insurance offers an online reporting system, AdminEase, which tracks your department's LTD underwriting approvals and declinations. This system also tracks short-term disability (STD) claims. Administrators will still continue to receive all LTD paperwork they receive now so they will always know when an LTD application for coverage has been approved or denied.

Benefit administrators can request access to Minnesota Life's LifeBenefitsExtra system or Standard's AdminEase system by completing the "Access Request" form found on the Benefit Administrator's Guide (BAG) site. The completed form should be submitted to Employee Benefits via fax at 303.866.3879 or via e-mail to benefits@state.co.us.

New Care Options for Kaiser Permanente Members

Benefit Administrators and others in the State's human resources community are asked to let employees enrolled in either of the State's Kaiser Permanente medical insurance options (HMO or HDHP) know about this change in care options. Kaiser Permanente will also mail information about this change to its members.

Beginning January 1, 2011, Kaiser Permanente members are able to seek care at any Colorado Kaiser Permanente medical office, regardless of whether they are enrolled in a Denver / Boulder or Southern Colorado option.

This is called "cross-market access" and represents a significant change for Kaiser Permanente, and should mean improved access to health care for Kaiser members. However, employees eligible for Kaiser Permanente options should understand that they will still choose Kaiser options based on the area in which they live, Denver / Boulder or Southern Colorado.

Southern Colorado Members

- Cross-market access allows Southern Colorado members access to care at any Kaiser Permanente medical office in the Denver area, in addition to the Kaiser Permanente medical offices and community providers in Southern Colorado.
- A special referral will not be required for a Southern Colorado member to seek specialty care at a Denver area Kaiser Permanente medical office.

Denver / Boulder Members

- Cross-market access will allow Denver / Boulder members access to the Kaiser Permanente medical offices in Southern Colorado – Briargate Senior Health Center or Pueblo North Medical Offices.
    - *Pueblo North Medical Offices* – Denver / Boulder members can visit this office for any services.
    - *Briargate Senior Health Center* – Denver / Boulder members may use this facility only for ancillary services such as pharmacy, lab, radiology, vision and audiology, but WILL NOT have access to primary care, *unless* they are Kaiser Permanente Senior Advantage Medicare members.
- Denver / Boulder members WILL NOT have access to the community providers in Southern Colorado who contract independently with Kaiser Permanente. These providers DO NOT work in Kaiser medical offices.

Information on locations, physicians and medical offices can be found at www.kp.org or by calling Kaiser Permanente member services.

- Southern Colorado – 1.888.681.7878 / TTY: 1.800.521.4874
- Denver / Boulder – 303.338.3800 or 1.800.632.9700 / TTY: 303.338.3820 or TTY: 1.800.521.4874.

Staff Changes in Compensation Unit at DHR

Joann Nelson is leaving the Compensation Unit on January 18 for an opportunity in the private sector. We wish her the best of luck in her new endeavor.

Training Update for CO-Jobs

Training sessions for CO-Jobs, Colorado's implementation of Neogov, are scheduled for the month of February. Sessions are listed below.

February 1-3 (Tuesday-Thursday) ~ Colorado Springs
February 4, 7, 8 (Friday, Monday, Tuesday) ~ OIT on Pearl Street
February 9-11 (Wednesday, Thursday, Friday) ~ OIT on Pearl Street
February 14-16 (Monday, Tuesday, Wednesday) ~ CSU Fort Collins
February 17, 18, 22 (Thursday, Friday, Tuesday) ~ Lowry
February 23-25 (Wednesday, Thursday, Friday) ~ CDPHE

https://www.co.train.org **Course ID:** 1025279

Sessions are starting to become full. All Human Resource staff who will need access to CO-Jobs must receive training in one of the February sessions. People having difficulty registering due to full sessions may be able to be added to certain sessions if they are able to bring a laptop with internet access.

Staff members who do not need access immediately, such as those who occasionally perform selection work or are primarily interested in running reports, will be able to attend training once ongoing sessions are scheduled. Consulting Services will begin to schedule ongoing training sessions once the system is implemented and sufficient technical support is in place.

If you have questions about class logistics, or need your system sign-on, please contact Charlene Wisher at 303-866-2171.

Now More Than Ever

Help *Working Together* make a difference for state employees in crisis. Please let your employees know about the number of convenient methods to make ***tax-deductible*** donations to Working Together: direct payroll deduction, Colorado Combined Campaign (#1300), automatic debit from the employee's account at any financial institution, electronic fund transfer for Credit Union of Colorado members, and direct donation by check.