



MINUTES
February 13, 2008
8:30 a.m. – 10:30 a.m.
Missouri Department of Higher Education

The meeting was called to order at 8:30 a.m. by Janelle Jaegers and Bridget White.

Missouri Human Rights Commission – Eric Krekel & Alisa Warren

Eric first talked about the complaint procedure of the HR process: race, color, religion, sex, disability, age and employment.

If an employer tries to retaliate against an employee, that employee can file a complaint under a work sharing agreement with the EOC. The Commission will launch a neutral fact finder and see whether or not a statute has been violated. The investigator will interview the complainant. Once the investigator gathers all necessary information, he presents it to the Commission so they can make a ruling. If there is probable cause, the process continues. A facilitator will work between parties to work in a settlement outside of court; or there is a public hearing where the Assistant Attorney General will prosecute the case.

Eric stated there are 25 to 30 cases before the Attorney General's office.

The initial process includes:

- Serving the complaint
 - Early resolution – both parties have the opportunity to settle upfront prior to the launch of an investigation
- Right to sue
 - This will stop the investigation and close the case
 - They have 90 days to file a suit in court, which can result in a jury trial
 - Supervisors and/or managers can be liable in these cases and can be named in the suits

Eric gave the top three complaints:

1. Theory of unequal treatments
 - Treat all people the same in the same situation
 - Compare treatments across people in the same situation
2. Reasonable accommodations

- Religion
 - Disability
3. Sexual Harassment
- Questions
 - Handled Properly?
 - Numerous witnesses to be interviewed

Alisa Warren then addressed training in regards to protecting yourself as an employer.

Employers can pay millions in any one case involving sexual harassment, workplace harassment, cultural sensitivity and immigration discrimination. The bottom line is to protect you as an employer from being sued. Alisa mentioned that the agency itself would have to pay the settlement fee and not the State of Missouri. Typically the Assistant Attorney General would represent the agency because they should be acting along the guidelines of the State of Missouri.

Alisa mentioned that one must be named on the suit in order to be sued. For example a manager must be name specifically in order to be sued.

Why would people follow the right to sue and not follow the process? Alisa stated it depends on the circumstances and how strong the case is. If there is no probably cause then the case is closed. Once the case is closed they cannot go through the right to sue so they would then go through the EEOC for a right to sue in the federal courts.

OA Accounting: Travel Regulations – Tom Sadowski

Tom talked to the committee about travel regulations. There are two parts involved: (1) rules and (2) policy - interpretation, example, explanation.

All agencies have the ability to differentiate the rule, but it must be more restrictive rather than being more liberal. The focus is to help manage the cost of travel and to help manage the process of travel.

Processes:

1. Purchasing Card
 - Not effectively used as much as OA would like.
 - Harder to document when using a check because once they cash the check then you have no documentation of the registration.
 - Enterprise – reservation and payment process together at the same time.
2. Travel Portal
 - Discounted travel
 - Lodging – 200 properties have signed up for this service. This relates to non-conference lodging (federal lodging per diem, which the state does not use).
 - Conference – must stay at the conference hotel

An employee must provide reasoning for picking lodging over the per diem rate. It must be an appropriate use of state funds. An employer should always document reasoning especially if it looks unusual.

There are two exceptions: process type exception and specific example exception. Data must be turned in on which specific hotel was used, the number of nights and amount paid for staying. This data is used to get more vendors interested.

In regards to meal per diem, it is safe to follow the IRS rules in order to protect employees. If an employee is in travel status and they are eligible for a meal, then they can claim the per diem amount rather than the amount of their meal. For instance, if the per diem for breakfast is \$7.00 and they only spend \$2.00, then they still get the \$7.00. Agencies can be more restrictive though on this policy.

If a department goes with the per diem rate, then no receipt is needed. This will simplify the reimbursement process and will help with discrepancy over what a meal actually is. This main go into effect no later than July 1, 2008, or 60 days after it has been filed (it has yet to be filed).

There will be cooperative agreements with all agencies and the Office of Administration will not hold the agencies accountable. There will also be internal control plans to help agencies make sure they have the proper controls in place.

The vendor – travel portal is all done through purchasing and the contracts doe not cost the state anything. In order to access the portal, you can go to the accounting home page and the link is on the left side.

Tom also mentioned that they are working on making a list of travel agencies who have a relationship with the state, and will list their contact information and travel rates.

OA Accounting – Libbie Farrell

Libbie stated that if any agency has something going on that deals with OA Accounting around June 30, 2008 to please let her know as soon as possible.

Libbie also talked about ASI, which is a cafeteria plan administrator. She stated there has been a letter going around that a laptop had been stolen from the company which would have contained personal information. She wanted employers to know this was not the same ASI Company that administered the cafeteria plan. It is a different company from New Mexico.

OA Personnel – Gary Fogelbach

Gary talked about changes to the Family Medical Leave Act (FMLA):

1. Already in effect - If a service member of the military have been injured or in rehabilitation, then a caregiver may be on FMLA leave for 26 weeks (for or combined with other leave for a total of 26 weeks).
2. Not yet in effect – Congress is still trying to define qualifying exincongency.

Gary mentioned that a draft regulation published by the Department of Labor will be available on Monday. The State rule changes will not apply until the final rule has been published. Agencies must comply with the caregiver rule. The Office of Administration

is not sure how this is going to be tracked in SAM II. Any suggestions can be sent to Gary.

Gary touched upon a new bill that has been introduced – Spousal Share Leave (SB 1096). An employee may share compensatory time and/or annual leave with his or her spouse. This does not require the spouse to deplete his/her sick leave. Several issues concerning this new bill include, carving out married people, several complications in dealing with this and also cost shifting – a highly paid spouse could mean less money for a particular agency.

The next meeting will be March 12th, at 8:30 a.m. at the Missouri Department of Higher Education.

The meeting was adjourned.