



"I learned that a great leader is a man who has the ability to get other people to do what they don't want to do and like it."
 Harry Truman

Take Notice!

401(k) Open Enrollment

The next chance to enter to the 401(k) Plan is July 1st. Enrollment forms must be returned to the office by Friday June 28th, 2002. Individuals must be at least 21 years of age and have completed six months of service of at least 18 hours per week to enroll in the plan. Anyone who has a rollover from another employer plan or certain IRA accounts are able to rollover their funds to our plan at any time, even prior to completing six months of service. There are 10 different investment funds available. Our plan is administered by New England Financial Services of Boston, Massachusetts, one of the largest money managers in the country. Featured investment funds include Janus, Templeton, T. Rowe Price and Fred Alger.

If you interested in joining the plan, you should call the Human Resource Department to request an enrollment kit. You should request the enrollment package by June 15th so you have enough time to get the forms back to us by June 28th.

Youth Employment & The Law

■ What you need to know before you start hiring youths under age 18

As the summer months approach, thousands of young people soon will be entering the job market in search of summer employment. Before hiring youths under the age 18, employers should review federal and state regulations governing the employment of minors. Under federal law, employers now can be fined up to \$10,000 for each child labor violation. Last year alone, the Department of Labor's Wage and Hour Division assessed penalties totaling nearly \$14.5 million against 4,000 employers. To avoid violating federal restrictions regarding the employment of minors, employers should remember that:

- Individuals aged 16 and 17 may work in any jobs, except those declared hazardous by the U.S. Secretary of Labor. Minors under age 18 are not allowed to operate automobiles or similar motorized equipment as part of their job duties. NOTE: 16 and 17 year olds may operate rider mowers as long as they do not cross public roads.
- Federal law does not restrict the number of hours or hours of the day, minors ages 16 and 17 may work, but many states impose their own restrictions.
- Workers 14 and 15 years of age may be employed outside school hours in a variety of jobs: office work, cashiering, waiting or bussing tables, dishwashing, and food preparation (although cooking is permitted only at snack bars, soda fountains, lunch and cafeteria serving counters); sales work and other jobs in retail stores; errand and delivery work by foot, bicycle, and public transportation; dispensing gas and oil and performing courtesy services in gas stations, and most clean-up work. 14 and 15 years old may not work in: manufacturing, mining, most processing work, operating or tending most power-driven machinery; public messenger service; and work connected with warehousing, storage, transportation, communications, public utilities, and construction (except office and sales jobs when not performed on transportation vehicles or on construction sites.)
- When schools are not in session, minors ages 14 & 15 may work as many as eight hours a day, or 40 hours a week, but only between the hours of 7:00am and 7:00pm. (9:00pm from June 1 through Labor Day). While school is in session they are limited to 3 hours per day up to 18 hours per week.
- Work permits, issued by the local school superintendent's or principal's office must be obtained for each employed minor before their first day of work. The following chart shows what ages need working papers by State.

Under 18 Years of Age	
CALIFORNIA	MASSACHUSETTS
CONNECTICUT	NORTH CAROLINA
HAWAII	NEW JERSEY
GEORGIA	NEW YORK
LOUISIANA	PENNSYLVANIA
MARYLAND	
Under 16 Years of Age	
MAINE	NEW HAMPSHIRE *
MISSISSIPPI	VIRGINIA
* Written permission of the parent or guardian is needed to employ 16 & 17 minors in New Hampshire	

Table 1.



We will be closed on Monday, May 27th for Memorial Day. Please call in your payroll hours in by NOON on Tuesday May 28th or on Friday May 24th if you have your hours ready. You may fax in your hours any time to 603-964-1484. You may also leave your hours on the payroll answering machine at 1-800-858-7887. Checks will be sent for Thursday delivery and direct deposits will also be effective on Thursday.

Company Owner Faces Criminal Charges for Violating Child Labor Laws

■ A clear message that Employers are being held accountable

A Michigan employer faces criminal charges of child labor violations in the death of a sixteen-year old employee. Justin Mello, a soccer player and member of the National Honor Society was fatally shot while working at Mancino's Pizzeria on Saturday, October 21, 2000. According to reports Justin was working alone making pizza, working the cash register and answering the phones, when eighteen-year old Jon Kaled and twenty-year old Frank Kuecken entered the business and herded him into a food cooler and shot him during the course of the robbery. After the shooting, the Michigan Department of Consumer and Industry Services that enforces the state's child labor laws investigated Justin's death. The owner Kenneth Cook was charged with allowing a minor to work without a work permit, without a required meal or rest period, allowing minors to work in excess of hours permitted by law and without adult supervision while handling cash after sunset. Each of the charges carries a fine of \$500 and imprisonment for up to one year. This case send a clear messages to employers that they will be held accountable for failing to abide by the laws that were created to protect working teenagers.

If you have any questions about child labor laws, please contact Allegiant Management's HR Department at 1-800-525-2901.

Get that Degree!

Since 1976 high school graduates have watched their real earnings fall 10 percent, while college graduates actually had gains of 6 percent. During that same time, workers with advanced degrees enjoyed a 17 percent increase in earnings. From 1968 to 1991, college grads garnered 16 percent more of the labor market across all industries than did workers with high school diplomas.

Bureau of Labor Statistics

Supreme Court Briefing Guide

Supreme Court Issues Decision in Disability Discrimination Case

■ This case was highlighted in our December 2001 newsletter and is good news for employers

The case of *Williams v. Toyota Motor Manufacturing Kentucky Inc.*, involved an assembly line worker who developed carpal tunnel syndrome and tendonitis in her hands and arms as a result of using pneumatic tools. Her doctor recommended that she perform no repetitive work with her hand or her arms extended at or above the shoulder level for extended periods of time. She was reassigned to an inspection job and was able to perform the duties of the job. However, three years later, the employer added new duties to the inspection job which included including wiping down cars. The employee's medical condition returned and she also developed tendonitis in her shoulders and neck. The company's doctor added further restrictions, but the employer insisted that the employee to perform all the duties of the job. She was eventually fired after not showing up for work.

The employee sued under the ADA, stating the company refused to accommodate her disability. The U.S. Court of Appeals for the 6th Circuit found that she was disabled in performing the manual tasks assigned to her at work. The employer appealed claiming the employee's condition was not covered because she was not substantially limited in her ability to perform manual tasks. The Supreme Court agreed. The court found that the employee had testified that she could brush her teeth, bathe, tend her flower garden, fix breakfast, do laundry and pick up around the house, therefore she was not substantially limited in a major life activity as is required by the ADA.

"When addressing the major life activity of performing manual tasks, the central inquiry must be whether the claimant is unable to perform the variety of tasks central to most people's daily lives, not whether the claimant is unable to perform the tasks associated with her particular job," the court said. The Supreme Court further noted that there is no support in the ADA or court precedent for the Sixth Circuit's assertion that the question of impairment is limited only to examining the workplace. The court said that the ADA definition of disability applies not only to Title I of the act, but to other portions of the act that do not pertain to the workplace. The court explained that "manual tasks unique to any particular job are not necessarily important parts of most people's lives" and therefore "job-specific tasks may have only a limited relevance to the manual task inquiry." The court emphasized that the language of the ADA requires that there be

a "demanding standard for qualifying as disabled." The case clarifies that even if an employee can show that they are unable to perform the requirements of one task, or even a broad range of tasks in the workplace, the law does not cover the employee unless they can show how that impairment restricts activities that are of central importance to daily life. This is great news for all employers!



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(Content herein is in no way intended to be legal advice, such should be obtained directly from a lawyer)

THE CLIENT LETTER