



# RESTAURANT RISK ADVISOR

*Keeping An Eye On Protecting Your Business Interests*

-Sponsored by BayRisk Svcs., Alameda, CA-

70+ years in CA, specializing in Employment Practices, Work. Comp. and Business Liability



## **Monthly Alert: December, 2009**

The challenging economy has created the risk of a more litigious and unstable business and political environment. As a value-added service for our existing and prospective clients, we monitor relevant events in the Restaurant Marketplace as it pertains to protecting your business assets. We've included a summary of recent, worthy news items below. For links to the entire News Flashes or other areas of inquiry, visit [www.restaurantriskadvisor.com](http://www.restaurantriskadvisor.com) or call me at 510-523-3435. ~ Denny Christner, Senior Acct. Mgr.

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### **WORKERS COMP FLASH REPORTS!**

#### [Thanksgiving Workers Compensation Rate Increase Filings](#)

It may have been a short work week with the Thanksgiving holiday, but that didn't keep carriers from filing for new January 1, 2010 rate increases. These increases may affect your workers comp. policy.

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#### [Guidance on FMLA and Workers' Compensation Claims](#)

What do you do when the doctor says an injured worker is able to resume restricted work, but the employee won't return to work? What are the ramifications of an employee who refuses appropriate duty that you have offered?

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#### [Employers Withhold Injuries to Pay Lower Work Comp Rates](#)

Employers fear the effect of higher injury or illness rates on their workers' compensation costs and, thus, are discouraged from reporting them. (Government Accounting Office investigation into workplace safety and health).

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### **EMPLOYMENT PRACTICE LIABILITY FLASH REPORTS!**

#### [9.5 Common Employment-Related Mistakes...and how to avoid them](#) (Holloway Human Resource Mgt. Consulting)

When it comes to employment-related lawsuits, employees win over half of them. **Attached** are common mistakes employers can make when dealing with their employees-and some tips on how to avoid them.

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#### [Coverage For California Wage and Hour Class Actions](#)

Class action lawsuits can be filed for a wide range of actual or alleged violations of wage and hour laws governing payment of overtime, vacation policies, meal and rest periods, and a host of other issues, such as timing of pay periods. Because such wage and hour laws are highly technical and complex, lawsuits based on violation of such laws are both expensive to defend and costly to settle.

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#### [Jury's \\$1.8 Million Message To Restaurant Employer: No Pretexting In Employee Investigations](#)

Employers are learning the hard way that gaining access to private employee information during workplace investigations can lead to lawsuits, liability and headaches. A recent jury verdict resulted in an award of \$1.8 million in damages to the employee involved, counseling in favor of caution and prudence when undertaking employment investigations that involve employee use of social media or access to an employee's personal information.

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### **-IMPORTANT CA RESTAURANT RESOURCES-**

CA Secretary of State	916-653-6814	<a href="http://www.sos.ca.gov">www.sos.ca.gov</a>
CA Work Comp Insurance Rating Bureau	888-229-2472	<a href="http://www.wcirbonline.org">www.wcirbonline.org</a>
CA Dept. of Alcoholic and Beverage Control	916-419-2500	<a href="http://www.abc.ca.gov">www.abc.ca.gov</a>
CA Uniform Food Facility Retail Law	<a href="http://www.foodserviceresource.com/State/CA/CURFFL.pdf">www.foodserviceresource.com/State/CA/CURFFL.pdf</a>	
CA Restaurant Association	800-447-5793	<a href="http://www.calrest.org">www.calrest.org</a>
US Dept. of Labor Standards for New Business	866-487-2365	<a href="http://www.dol.gov">www.dol.gov</a>
US Food & Drug Administration	888-463-6332	<a href="http://www.fda.gov">www.fda.gov</a>
Occupational Safety & Health Administration	800-321-OSHA	<a href="http://www.OSHA.gov">www.OSHA.gov</a>
Government Food Safety Information		<a href="http://www.foodsafety.gov">www.foodsafety.gov</a>