

June 2, 2011

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DO EMPLOYEES' FACEBOOK POSTINGS CONSTITUTE PROTECTED CONCERTED ACTIVITIES?

THE NLRB THINKS SO.

Following a recent trend, the National Labor Relations Board (NLRB) filed two more complaints on behalf of employees who were terminated after posting work-related comments on Facebook. In the recent complaints, the NLRB alleged that the employee postings constituted protected concerted activity under Section 7 of the National Labor Relations Act (NLRA), and that the related terminations were unlawful and had the intended effect of discouraging other employees from engaging in similar activities. Although the Board has yet to resolve the issue of whether or not Facebook postings constitute "concerted activity," the NLRB's recent activity in this area signals a growing focus on both union and non-union employees' rights to discuss job conditions with co-workers using social media.

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Article provided by Leonard Street and Deinard, Jonathon Naples, (612) 335-7117, [Jonathon.naples@leonard.com](mailto:Jonathon.naples@leonard.com), [www.leonard.com](http://www.leonard.com).

HEALTH CARE REFORM: W-2 GUIDANCE FROM IRS

The IRS finally issued long-awaited guidance ([Notice 2011-28](#)) regarding new Form W-2 requirements under health care reform that require employers to report the cost of coverage under an employer-sponsored group health plan.

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Article provided by [Maureen Maly](#), [mmaley@faegre.com](mailto:mmaley@faegre.com) and [Megan Hladilek](#), [mhladilek@faegre.com](mailto:mhladilek@faegre.com) with Faegre & Benson, [www.faegre.com](http://www.faegre.com).

EMPLOYERS ACCELERATE HEALTH CARE COST-SHIFTING

*From Workforce Management:* Employers continue to boost employee deductibles, particularly for out-of-network services, as health care costs show no signs of easing, according to a survey released last week. Twenty-two percent of employers imposed deductibles of at least \$1,000 this year for in-network services for their health care plans that had the largest enrollment, up from 16 percent last year and just 8 percent in 2008, according to PricewaterhouseCoopers. Double that percentage of employers - 44 percent - imposed

deductibles of at least \$1,000 for out-of-network services, up from 29 percent in 2010. As recently as 2008, only about 20 percent of employers imposed deductibles of \$1,000 or higher on out-of-network services, according to the survey of more than 1,700 employers.

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#### HSA CONTRIBUTION LIMIT 2012

The following update is from the Treasury and IRS

HSA Limits for 2012: The IRS announced the HSA limits adjusted for inflation for 2012. The calendar year 2012 contribution limits will be \$3,100 for self-only coverage and \$6,250 for family coverage. This is a slight increase from 2011 levels, which were \$3,050 for individuals and \$6,150 for families.

Deductible amounts remain unchanged for 2012. Clients with a high deductible health plan (HDHP) must have an annual deductible of at least \$1,200 for individual and \$2,400 for family coverage.

Maximum out-of-pocket limits for 2012 will be \$6,050 for individual coverage and \$12,100 for family coverage. This is an increase from 2011 levels of \$5,950 for individual coverage and \$11,900 for family coverage.

The annual catch-up contribution for individuals age 55 or older is set by statute and remains \$1,000 per person.

#### SAFETY IN THE WORKPLACE

Is the Goal of 'ZERO Incidents' Possible?

Each year many companies set the goal of having no more than "X" injuries. Some companies then begin to question that goal since it seems to say that they are willing to tolerate employees getting hurt on the job. If you accept a target goal other than zero, then you are willing to accept some level of incidents happening in the company.

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Article provided by Jan Fedora, Occupational Safety/Health Consultant, [Minnesota Safety Council](#)

#### UPCOMING WEBINARS

Ergonomics in a Manufacturing Environment

June 14

Noon-1:00 p.m.

Did you know that back strains are the leading injury in the workplace? Looking to prevent sprains, strains and other repetitive motion type injuries? Learn how an innovative ergonomic program can reduce rates of musculoskeletal disorders, reduce associated absenteeism, turnover, and lost time, save workers' compensation costs, and improve productivity and product quality in your manufacturing setting.

Presenters:

*Richard Higgins, Corporate Environmental/Safety Manager, Hutchinson Technology*

*Bonnie Lunzer, Safety Director, Parsons Electric*

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Results Only Work Environment (ROWE)

July 26

Noon-1:00 p.m.

In April, the American Sociological Review published a study on work-family conflict. The study shared the results of Best Buy's Results Only Work Environment (ROWE) workplace philosophy. The study was done by Professor Erin Kelly and Professor Phyllis Moen, both from the University of Minnesota.

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