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The Family and Medical Leave Act, a federal law that allows employees to take time off work for medical conditions and specific family concerns, includes rules and regulations for covered employers. To follow these federal guidelines, small-business owners need to familiarize themselves with the basic duties of an employer as they pertain to FMLA benefits. Small businesses that employ 50 or more employees may be subject to FMLA regulations. FMLA rules specifically state the 50 or more employees must work within 75 miles of one another for the business to be required to abide by FMLA. For a business with multiple locations, distance plays a significant part. For example, suppose a small business operates at two locations that are 100 miles apart. One location has 20 workers; the other has 35. Although the company employs more than 50 workers in all, FMLA regulations would not define this business as a covered employer because of the distance between the two locations. For businesses subject to FMLA guidelines, employers may be required to complete paperwork for employee benefits and deal with health-care providers to confirm certification and request recertification. Employers are also responsible for permitting employees to return to work following an FMLA leave. After returning to work, an employee may be limited in the number of hours she can work in a scheduled period. If a medical condition prevents her from working overtime hours the business requires, an eligible employee can take FMLA leave for the additional hours. The employer is expected to schedule overtime without bias toward employees who need FMLA leave and cannot force an employee to work the extended hours if her medical condition is covered. During an FMLA leave of absence, the employer can ask health-care providers for recertification if the employee has been off work for more days than was originally certified. If an employee must take an extended leave, the employer has a right to ask for recertification at six-month intervals. The employer can also require the employee to use accrued paid leave, such as sick days and vacation time, while he's off work. Nonprofit organizations, including those with a religious affiliation, can be required to abide by FMLA guidelines if they engage in activity that affects commerce, according to the U.S. Department of Labor Employee Standards Administration. Previous court rulings have stated that religious organizations with more than 15 employees would be likely to affect commerce in some form. Thus, those that have 50 or more workers for FMLA purposes generally must follow FMLA regulations. Exemptions have only been granted to organizations through the courts. Some form of child protective services exists in every state in the United States, and encountering CPS can be an upsetting and scary experience for both children and adults. It's important for all adults, not just parents and educators, to know the basic CPS laws of their state. Texas has some specific laws related to CPS that differ from those of the rest of the country. The Texas Department of Family and Protective Services (DFPS) is the body that oversees child abuse and child neglect investigations and cases as well as elder abuse and other family issues. Within that department, Child Protective Services becomes involved with children and families when they are referred by the DFPS investigations division. This division investigates allegations of child abuse and neglect before referring them to CPS. The responsibilities of CPS in Texas include: Providing family-based safety services, family group decision-making, responsible fathering initiatives and other services to children and families in their own homes. These services can help prevent the need to remove children from their families or facilitate the return of a child to the family. Placing children in foster care and helping youth currently in foster care successfully transition to adulthood through services such as Texas youth connection, permanency planning for older youth and transitional living services. Helping children get adopted and helping those who were adopted obtain records and information. This means that if DFPS gets a report of child abuse or neglect and the investigation shows that the child might be in danger, CPS is empowered to remove the child, remove the perpetrator or work with the family in their home. In Texas, unlike in many other jurisdictions, everyone has a legal duty to report suspected child abuse or neglect, not just the usual mandatory reporters such as teachers or health care professionals. This even applies to individuals whose communications would otherwise be regarded as privileged, including lawyers, therapists, clergy and medical professionals. Failing to report suspected neglect is a class A misdemeanor. This may result in as much as a year in jail and a fine of up to \$4,000. Because every adult in Texas is legally obligated to report suspected child abuse or neglect, it's important for every adult to understand what constitutes abuse and neglect in the state. There are both civil and criminal penalties in Texas for child abuse and neglect. By law, a parent or guardian must provide or arrange for someone else to provide certain necessities to any children under their care. These include safe and adequate food, clothing, shelter, medical care, supervision and protection. Neglect is defined as failure to meet all of these responsibilities. Texas law recognizes four types of child neglect: Physical neglect is the failure to provide a child with the food, clothing and shelter necessary to maintain a healthy life. Medical neglect is the failure to seek, obtain or administer medical care and treatment when substantial harm could have resulted. Neglectful supervision is the failure to properly supervise a child or see to the supervision of the child when substantial harm could have resulted. Abandonment and refusal to accept parental responsibility means a parent or caregiver left a child in a potentially harmful situation and did not plan to return for the child. The refusal to accept parental responsibility specifically refers to when a child has been out of the home for any reason and the parent/caregiver refuses to allow the child to return home. Texas recognizes several factors as signs of child neglect, including: Dirty and torn clothes Needing frequent medical or dental care Frequent absences from school Long periods where a child is alone Malnourishment Poor personal hygiene Not all instances of neglect qualify as child abuse. Texas recognizes several types of child abuse: Physical abuse is identified by deliberate actions resulting in injuries to a child or genuine threats of such actions. Concerns about physical injuries of a suspicious or unexplained nature are also reported as such. Emotional abuse is identified by "emotional or mental injury caused by the parent or caregiver that results in an observable effect on the child." Concerns about the psychological state of the child or her mental stability as demonstrated by behavior, mood or thoughts is also reported as such. Sexual abuse includes sexual indecency, sexual assault, using a child in making obscene or pornographic materials and "failing to make a reasonable effort to prevent sexual conduct to a child." Trafficking includes both labor trafficking and sex trafficking. In labor trafficking, a parent or caregiver forces a child to perform labor or services that are harmful or unhealthy for the child. In sex trafficking, a parent or caregiver receives compensation for forcing a child to engage in sex acts. Texas law also distinguishes between current abuse or neglect and past abuse or neglect. A case only qualifies as past abuse or neglect if all three of the following conditions are met: The abuse or neglect happened in the past and is not ongoing. There are no current safety issues or concerns threatening the child. There is no apparent risk of recurrence of abuse or neglect in the foreseeable future. Such an incident may have met the legal definition of abuse or neglect at the time it occurred, but there is no current danger to the child at the time of the report. Past abuse or neglect is referred to law enforcement for possible criminal prosecution and is not handled by CPS. Penalties for abandoning or endangering a child in Texas are not absolute and exist on a sliding scale based on the seriousness of the charge. For example, simple abandonment is punishable by a fine and six months to two years in a state jail. However, if the abandonment placed a child in imminent danger of bodily injury, physical or mental impairment or death, it is a second-degree felony that can result in two to 20 years in prison along with a fine. The identity of a person who reports abuse or neglect to DFPS is confidential. If someone provides contact information for herself as part of her report and is later questioned again for further details, she may be identified as a witness in the documents and records released to entitled parties. However, any informant identifying the witness as the initial reporter will be removed. DFPS can only reveal the identity of an initial reporter to a judge or to law enforcement personnel under certain circumstances. CPS will then investigate the report. If it believes the child to be in danger, it can remove the child from the unsafe environment. In certain situations, CPS may instead remove the perpetrator, provided that the remaining parent(s) or caregiver(s) can guarantee that they will not allow the perpetrator to return. This is sometimes done in the interest of disrupting the child's life as little as possible. If a child is removed, CPS rules in Texas stipulate that it will notify the parents in writing and provide any papers filed with the court, and there will be a court hearing within 14 days. The judge can decide if the child can be returned to the home, if the child should stay with a friend or family member or if the child should remain in foster care under CPS custody. If the judge does not decide to return the child, CPS will develop a service plan with input from the parents, outlining steps and conditions under which the child could be returned. If the child was not initially removed and no court case was filed, CPS may still create a safety plan that, if not met, will result in a court case. Once CPS files a court case against a parent or parents, the parent or parents have 12 months to show the court that the child can be safely returned to them — this is how long the case stays open. The CPS investigation itself must be completed within 30 days, though the deadline can be extended. Of the two types of SNTs, the more common is the third-party SNT. Parents, grandparents, siblings or guardians of loved ones with special needs are typically the grantors who form third-party SNTs. Some beneficiaries receive the funds in these trusts when the grantor of the SNT passes away, while others receive the funds during their lifetime. The latter allows for the SNT recipient to receive gifts from loved ones during their lifetime without the gifts affecting their eligibility to receive disability benefits. Multiple donors can fund the SNT. An SNT beneficiary cannot exercise control over the trust if they don't want their disability benefits to be impacted. Instead, the grantor designates a trustee to manage the SNT. Within the agreement, authorization given to the grantor or trustee allows them to amend the SNT if the beneficiary's circumstances change or the law changes. This is important to ensure the beneficiary's government benefits continue uninterrupted. The trustee's duties in managing the SNT include taking care of the beneficiary's needs, record-keeping and paying taxes. The trustee has complete control over the SNT, including spending the money in the trust, which should always and only be done in the beneficiary's best interest. When the beneficiary of a third-party trust passes away, remaining funds in the trust aren't used to reimburse the state for any disability benefits the beneficiary received. Instead, the trustee can decide how to use the remaining assets upon the beneficiary's death.Setting up a first-party SNT is less common, but it is an option. Before the 2016 Special Needs Trust Fairness Act became law, the only people who could create a first-party SNT were the beneficiary's parents, grandparents or legal guardians. Courts also had the power to create this type of trust. Since then, however, an SNT beneficiary who's deemed legally and mentally competent can establish their own SNT. It's important to note that a first-party SNT can only contain property that the beneficiary legally owns. Additionally, the beneficiary must be under 65 years of age when this type of SNT is established.A first-party SNT is most commonly created when a person with a disability inherits money or assets or they collect a court settlement. First-party SNTs can be practical when a non-disabled person who owns assets becomes disabled. In that case, establishing a first-party SNT allows them to receive disability benefits without the value of their assets restricting their eligibility.Once the beneficiary of a first-party SNT dies, remaining assets are used to reimburse the disability programs, such as Medicaid, that provided benefits to the beneficiary during their lifetime. Other beneficiaries named in the trust then receive the remaining balance. If the remaining assets don't fully cover the reimbursement amount that a disability program is entitled to, the program receives what's left in the trust account. Recent Article 3.2 adjustments in time for Thanksgiving. Federal Communications Commission (FCC) chairman Julius Genachowski has declared the proposed AT&T-Mobile merger a turkey.The full FCC must still vote, but Genachowski said that after reviewing 200,000 pages of documents and holding more than 100 stakeholder meetings, he has concluded the deal is not in the public interest. 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