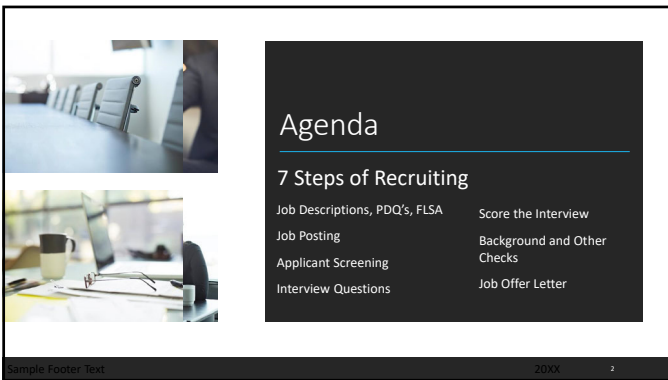
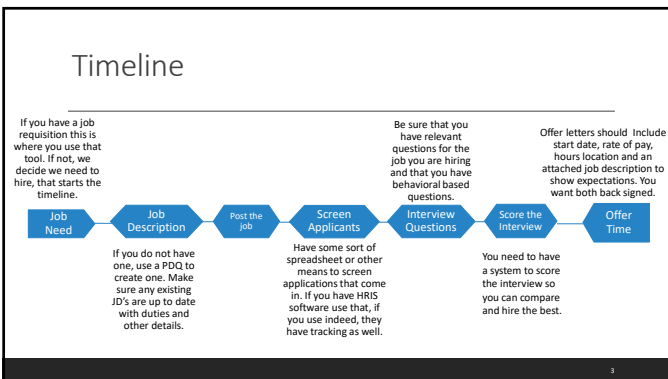




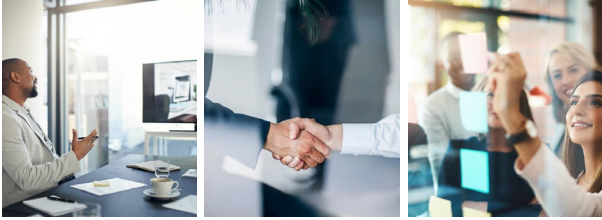
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2



3



Job Need, Description, PDQ's and FLSA
Step #1

4

Job Need

Job Requisition
Used as a request to fill an open position due to:

- ✓ Job Vacancy – replacing an employee who terminated, or
- ✓ Creating a new position



Job Requisition			
Job Title			
Department	Area	Code	Position
Public Accountant	Public	1000	1000
Position Number	Grade	Pay Band	Rate
1000	1000	1000	1000
Position Description	Qualifications	Essential	Emergency
Approved By	Position	Year	Date

5

Job Description

Must include:

- ✓ Essential duties of the job
- ✓ FLSA classification
- ✓ Minimum requirements for education, experience, licenses, certifications, physical demands, etc.

If a new position being developed, use the "PDQ" questionnaire



6

PDQ's Position Description Questionnaire

A PDQ is designed to help you fill in your job description. You will learn the essential functions of a job, whether a special license or education is required. Does an applicant need a certain amount of experience for the role? Is there travel involved? These questions help you build a good job description that helps with recruiting as well as performance management.



7

FLSA Classifications

- 1. Cannot look at just a job title
- 2. What does the employee actually do?
- 3. If there is doubt, make the employee non-exempt
- 4. Can be costly to an employer to misclassify an employee



8

FLSA Classifications

- 1. Get information on determining status through Department of Labor.
- 2. <https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>
- 3. This link will take you to information on FAQ sheets for each kind of exemption so you can determine if a job is classified correctly.



9

Job Postings



Internal – use job announcement to list when the posting closes, attach the job description

External – draft a job ad and post with relevant sources

- ✓ Job service
- ✓ Temporary Agencies
- ✓ College Placement Centers or career fairs
- ✓ Social media
- ✓ Online or newspaper
- ✓ Industry web sites/job boards

10

10

Job Postings



- Internal candidates and applicants are the most cost-efficient way of filling vacancies.
- You get a person who already knows the organization- Institutional knowledge.
- It also proves to other employees that there is opportunity for growth.

11

11

External marketing: Employment Branding

What are the elements of a strong employment brand?

Creates a sense of urgency and excitement about working at your company

Engages the mind, heart & dreams of candidates

Compliments the company's product/service

Provides a clear, compelling reason to work at that firm

Is consistent with what employees believe about working at that firm

Evokes feelings of fun, prestige, challenge or rewards

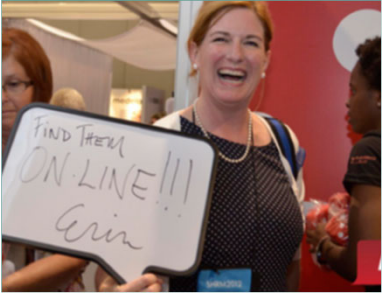
Benefits of a strong employment brand:

- ✓ Attracts the right people
- ✓ Competes on a broader dimension than just compensation
- ✓ Sets Expectations and Improves Retention



12

12



People Finding Strategies

- ✓ Techniques – short and long term
- ✓ “must-haves” for hiring millennials
- ✓ Successful employee referrals
 - ✓ Non-financial incentives
 - ✓ Down-side of employee referrals
- ✓ School-to-work programs
- ✓ Internships
- ✓ Alternative labor pools

13

People Finding Strategies

Recruiting Literature must be online and formatted for phones

What Do Former Employees Say?

Make a video of your workplace, interview employees about why they work for you, highlight visually the perks you have to offer!

14

Resumes will be what most people give you, when you ask to fill out an application, do not ask them to repeat what is on the resume, they can attach that information. Younger applicants will think you are outdated if you ask for both. You could have them sign their resume that they are attesting to the veracity of the information. Anything not on the resume should be completed on an application such as: Experience, Past Employers, Skills, Certificates, References

RESUME VS APPLICATION

15

Applicant Screening- Who Makes the Cut?

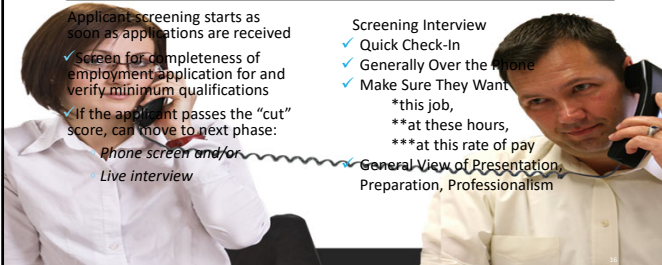
Applicant screening starts as soon as applications are received

- ✓ Screen for completeness of employment application for and verify minimum qualifications
- ✓ If the applicant passes the "cut" score, can move to next phase:

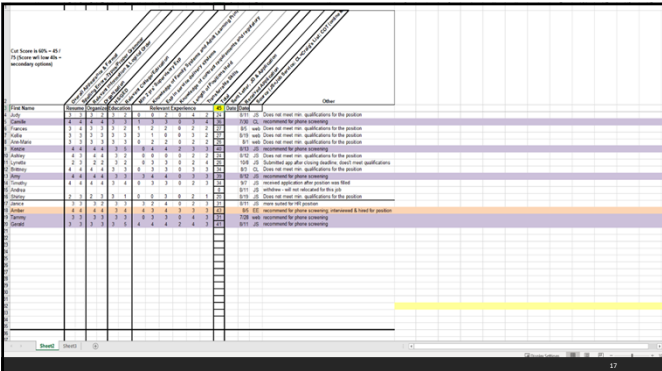
Phone screen and/or Live interview

Screening Interview

- ✓ Quick Check-In
- ✓ Generally Over the Phone
- ✓ Make Sure They Want
 - *this job,
 - **at these hours,
 - ***at this rate of pay
- ✓ General View of Presentation, Preparation, Professionalism



16



First Name	Last Name	Phone	Screening Interview	Phone Screen	Application	Other
John	Smith	555-123-4567	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Jane	Johnson	555-234-5678	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Mike	Williams	555-345-6789	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Emily	Brown	555-456-7890	10/15/2023	10/15/2023	10/15/2023	10/15/2023
David	Green	555-567-8901	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Michelle	White	555-678-9012	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Robert	Black	555-789-0123	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Stephanie	Grey	555-890-1234	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Christopher	Gold	555-901-2345	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Victoria	Silver	555-012-3456	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Matthew	Platinum	555-123-4567	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Olivia	Palladium	555-234-5678	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Andrew	Rhodium	555-345-6789	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Sophia	Palladium	555-456-7890	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Benjamin	Rhodium	555-567-8901	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Isabella	Palladium	555-678-9012	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Ethan	Rhodium	555-789-0123	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Aria	Palladium	555-890-1234	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Lucas	Rhodium	555-901-2345	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Mia	Palladium	555-012-3456	10/15/2023	10/15/2023	10/15/2023	10/15/2023
James	Rhodium	555-123-4567	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Charlotte	Palladium	555-234-5678	10/15/2023	10/15/2023	10/15/2023	10/15/2023
William	Rhodium	555-345-6789	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Amelia	Palladium	555-456-7890	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Benjamin	Rhodium	555-567-8901	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Harper	Palladium	555-678-9012	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Lucas	Rhodium	555-789-0123	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Penelope	Palladium	555-890-1234	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Levi	Rhodium	555-901-2345	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Chloe	Palladium	555-012-3456	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Matthew	Rhodium	555-123-4567	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Abigail	Palladium	555-234-5678	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Joseph	Rhodium	555-345-6789	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Emily	Palladium	555-456-7890	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Michael	Rhodium	555-567-8901	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Madison	Palladium	555-678-9012	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Christopher	Rhodium	555-789-0123	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Olivia	Palladium	555-890-1234	10/15/2023	10/15/2023	10/15/2023	10/15/2023
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Sophia	Palladium	555-012-3456	10/15/2023	10/15/2023	10/15/2023	10/15/2023
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Joseph	Rhodium	555-123-4567	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Emily	Palladium	555-234-5678	10/15/2023	10/15/2023	10/15/2023	10/15/2023
Michael	Rhodium	555-345-6789	10/15/2023	10/15/2023		

Questions Can Only be Job/Business Related



- "Can you lift up to 50 packages per day, each of which may weight up to 30 pounds?"
- "As you know, this job involves 30% overnight travel. Would this be a problem for you?"
- If the job entails working on Sunday, you could ask, "This job involves working each Sunday morning from 7 a.m. to Noon. I just want to let you know this and tell you there are no exceptions. This is part of the basic job requirements. Would you have any difficulty meeting this work schedule on a regular basis?"

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Interview Questions: Legal or Loaded?

SAFE	DANGEROUS
What hours and days can you work?	What are your child care arrangements?
Can you perform the duties of the job you are applying for?	Have you ever filed a workers' compensation claim?
Do you have a high school diploma or equivalent?	What year did you graduate from high school?

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Exercise A Better Way to Ask



"What skills you need to succeed in this job?"

"Do you know any other businesses?"



21

Conduct the Interview

- ❖ Give an overview of the job
- ❖ Show interest in the applicant
- ❖ Listen actively
- ❖ Observe closely



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Conduct the Interview

- Gain relevant information
- Avoid discriminatory questions
- Conduct with an open mind
- Talk about the organization and the job
- Ask all candidates the same questions

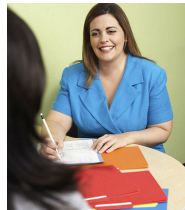


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Conduct the Interview

- Assess skills, knowledge, and competencies
- Find out about past job experience
- Ask for examples of problems faced in prior jobs and solutions
- Ask about achievements
- Allow applicant to ask questions about the job and organization




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24

Conduct the Interview

- Assess skills, knowledge, and competencies
- Find out about past job experience
- Ask for examples of problems faced in prior jobs and solutions
- Ask about achievements
- Allow applicant to ask questions about the job and organization




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25

Conduct the Interview

- Focus on qualifications
- Avoid stereotyping
- Allow silence
- Take notes




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26

Interviewing Internal Applicants

- Be consistent, fair & respectful
- Set expectations
- Posting & Application Process
- Role of the Supervisor
- Selection process
- Communicating the decision



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Practice Exercise



Write 3 Behavioral Interview Questions

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Scoring the Interviews: Defending Your Decision

- Objective "score" + "gut feeling"
- Flexibility
- Using the Rating Form
- Skills Tests & Using the Results
- Outside Influences
- Is This a Good Fit?
- Making the Decision

	Candidate 1	Candidate 2	Candidate 3
Criterion 1	✓✓	✓	✓✓✓
Criterion 2	✗	✓✓	✓
Criterion 3	✓	✓	✗


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Interview Rating Sheet

Applicant: _____ Date of Interview: _____

INTERVIEW DIMENSIONS	SCORE	Interviewed by: _____ Date: _____
Technical Skills		Recommendation: _____ Hire _____ 2 nd Interview Don't Hire - give reason: _____
Office & HR Management		
Customer Service		NOTES:
Integrity		
Communication		
Supervisory		
Judgment/Problem Solving		
TOTAL SCORE		

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Decision Points

- SCREENING - INTERVIEW
- ASSESSMENT
- REFERENCES
- BACKGROUND CHECK

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Background, References, and Rejection

- Conduct reference and background checks
- Make sure you have notes from all interviews
- Document valid reasons for selecting or rejecting applicants



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Interview Notes

- DO NOT WRITE ON APPLICATIONS OR RESUMES
- Factual
- No opinions or personal biases
- Job-related information only
- Keep notes on file for at least 1 year*

*Federal contractors should keep these records for at least 2 years.

JOB VACANCY FILES: job applications, resumes records relating to refusal to hire advertisements about openings, promotions, or training opportunities

Keep EEO information separate



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Release Forms

- Releases allow legal access to information
- Releases must be in writing and signed by the applicant
- Include a release statement for each type of information

RELEASE STATEMENT

I expressly authorize **NAME OF COMPANY** and its agents, without reservation, to contact and obtain information from all references, employers, public agencies, licensing authorities, and educational institutions and to otherwise verify the accuracy of all information regarding me in this application, resume or job interview. I hereby waive any and all rights and claims I may have regarding **NAME OF COMPANY** or its agents for seeking, gathering and using such information in the employment process and all other persons, corporations or organizations for furnishing such information about me.

I understand that **NAME OF COMPANY** does not unlawfully discriminate in employment, and no question on this application is used for the purpose of testing or excusing any applicant from consideration for employment on a basis prohibited by applicable local, state or federal law.


I certify that I have read, fully understand and accept all terms of the foregoing Application Statement.

Date: ___/___/___ Signature: _____

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Pre-employment Testing

- Make sure tests are job-related
- Validate all tests
- Test all applicants for the position
- Give all applicants for the same position the same test



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Offers and Rejections

- The "Offer" – should be made either in person or via the phone, to be followed by a letter.
- The "Rejection" – there are two kinds of letters
 - For applicants who applied but were not interviewed
 - For applicants who were interviewed

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What to Include in the Offer Letter

Contingent job offer based on results of pre-employment testing

Job title

Start date and time, who to report to on the first day

Salary/wage – avoid quoting in form of annual salary

Other Compensation (bonuses, commission)

Summary of Benefits and when eligible (incl. Vacation, Sick Leave, etc.)

Additional considerations (moving expenses)

Request for I-9 documentation

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SAMPLE: Contingent Offer Letter

Post-Offer/Pre-Employment Language

Dear : _____

COMPANY is pleased to extend to you a conditional offer of employment as a [Job Title]. **This conditional job offer is contingent upon receipt of results of a satisfactory drug and alcohol screening test.** This conditional job offer is valid until [_____ days from date of letter].

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Rescinding a Job Offer

Do your homework prior to the offer (job references, background checks, etc.)

How was your offer letter written? (contingencies, salary expressed in annual terms, etc.)

Consult legal counsel first



HR FAST TRACK - Module II: Onboarding the New Hire

PRESENTED BY _____



1



Starting a new job...

can be an exciting and sometimes nerve-wracking experience, filled with questions and uncertainties about how things are done in the new organization.

Simple questions such as "When do I get paid?" and "Where is the break room?" can be addressed in the new hire orientation.

This is also the time to introduce the new employee to the organization's mission, vision, culture, policies, benefits and, sometimes, even the company's executive team.

Don't leave them alone in the "desert."

2

Orientation Time Line

- ✓ Prior to 1st day
- ✓ 1st Day:
- ✓ 30 Days
- ✓ 60, 90 Days
- ✓ Probationary Period
Ends



3

Prior to the 1st Day...

HUMAN RESOURCES WILL:

- ✓ Send written offer letter
- ✓ Notify new employee of orientation schedule
- ✓ Prepare New Employee Orientation Packet

Remember to...

- ✓ Send announcement to all staff
- ✓ STAY IN CONTACT – *Maintain Their Enthusiasm!*

SUPERVISOR WILL:

- ✓ Call and welcome new employee to organization; determine name employee goes by; discuss dress code
- ✓ Prepare designated work area and ensure proper work supplies are available
- ✓ Ensure all necessary equipment is functional
- ✓ Obtain user ID numbers, access codes, and passwords for all equipment



4

Equipment and Work-Space

Office Workers:

- Computer
- Passwords & Access
- Software
- Network and drives
- Who to call for help



Blue Collar:

- Tools & Supplies
- Hard Hat, Safety Glasses, etc.
- Other PPE (i.e., Clothing)
- Security ID

5

The First Day...

It's not just the paper shuffle, it's an event!

- King or Queen For a Day!
- Handbook – The Road N
- Safety Training
- Paperwork
- Introductions & Tour
- “Buddy” system
- Company Culture



6

Company Philosophy & Structure Southwest Airlines



Work Hard
Desire to be the best
Be courageous
Display urgency
Persevere
Innovate



Follow The Golden Rule
Adhere to the Principles
Treat others with respect
Put others first
Be egalitarian
Demonstrate proactive
Customer Service
Embrace the SWA Family



7

New Hire Packet - What Do You Need?

W-4 (Federal Form)

Any state forms required

I-9 (must be completed
within 3 days of hire)

New Hire Report

Direct Deposit (optional)

Employee Handbook
Acknowledgement (review
policies)

Summary of Company
Benefits

Emergency Contact
Information Sheet

Job Description

Any other documents specific
to your organization

8

Handbook & Policies

➤ Focus on key policies:

- Attendance
- Pay days
- Work hours, work week & Overtime
- Breaks
- Probationary Period
- Safety
- Harassment
- EOE
- Discipline
- Conflict Resolution
- Dress code



➤ Signed Acknowledgment

9

New Employee Orientation - Benefits

Legally Mandated:

- Social Security
- Medicare
- Worker's Compensation
- Unemployment

Other:

- Health Insurance
- Retirement plans
- Paid Leave – vacation, sick leave, personal, PTO, etc.
- Holidays
- Bereavement leave
- Tuition assistance
- EAP



Discuss eligibility dates, accrual rates, need for written requests

10

Benefits Summary...

MEDICAL/DENTAL/VISION INSURANCE

Monthly Employee Cost for Medical, Dental, and Vision Insurance

Effective [date]

Life Insurance

Std/Ltd Insurance

Flex Plan

Retirement Plan

Paid Leave – Vacation, Sick, Holidays

EAP



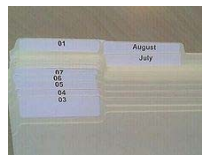
11

Benefits Eligibility

A **Tickler System** is a collection of date-labeled file folders organized in a way that allows time-sensitive documents to be filed according to the future date on which each document needs action. If you are electronic, then you can schedule this online.

Electronic Tickler System

<http://www.wikihow.com/Create-a-Tickler-File>



12

Emergency Contact

Name Department: Date:

Home Information: In case of emergencies due to weather conditions:

Home Address

Home Phone

Cellular Telephone

Personal Email Address:

Primary Emergency Contact

Contact Name

Relationship to Contact

Phone Number

Secondary Emergency Contact

Contact Name

Telephone Number

Additional Information (Voluntary)

Allergies (Food, Medication, Insects, Etc)

Medical Alert(s)

13

The Hand-off...

Supervisor



- Takes over from HR orientation
- Gives Tour and Makes Introductions
- Explains...
 - Job Duties & Expectations
 - Work Processes – How Things Get Done
 - Etiquette & Behavior
 - Safety Training
 - Review Training Plan
 - Time Cards
 - Connects New Hire with Buddy
 - Provide Tools & Supplies
 - Observe & Guide

14

Acclimating New Employees To The Organization



15

A Buddy System...

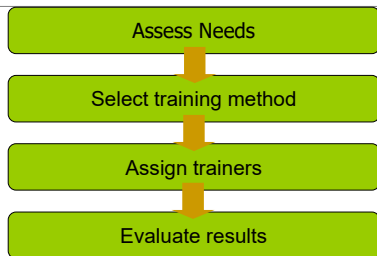
- Builds Immediate Connections
- Informal & Effective
- Gives the "Inside Scoop"
 - Unwritten "rules"
 - Where the Landmines are buried
 - What are the Sacred Cows
- Fills in the Gaps
- Can Help with Training
- Is a Source for Feedback



However, a Buddy is not technically a trainer, mentor or coach. That is the supervisor's job.

16

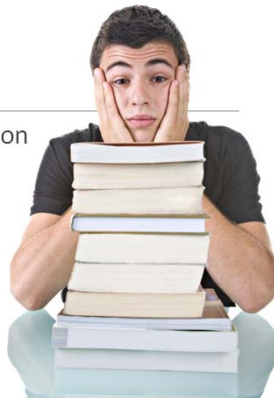
Training Strategies



17

A Note About Adult Learning

- Retention of information
- Information overload
- Attention Span
- Relevance
- Need to know now?



18

By the End of the Week

- ✓ Complete all documentation
- ✓ Provide more details
- ✓ Reinforce key points that were delivered at orientation
- ✓ Onboarding team (HR, Supervisor, Mentor) observes new hire adjustment to environment
- ✓ Allow new hire to ask questions
- ✓ Address concerns



19

Longer Term

- After 2 weeks, meet to discuss progress
- After 4 weeks, evaluate and review performance



20

New Hire Humor



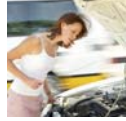
"I THINK WE MIGHT HAVE TROUBLE WITH THE NEW GUY"

21

New Hire Follow-up by HR

HR conducts in-person meeting with the new employee

- How is it going?
- Do we need to address concerns?
- Listen
 - Observe verbal and non-verbal cues
- Follow up with Supervisor



Effort on the front-end means "lower maintenance" later on!

22

Probation and Performance

Monitor Progress (30, 60, 90-day rule)

Provide the "Three T's"

- Tools
- Training
- Time

Set Clear Expectations

If there are deficiencies, is it due to lack of...

- Resources
- Knowledge
- Motivation

Take Action

Ask Employee – do they have a solution?

Goal is a Successful Employee



If that doesn't happen, you can

Counsel to termination (within Probation Period)

Don't terminate for illegal reasons

23

I-9 Forms



Must have one for each employee hired after 11/7/86

Best practices: Keep separate from personnel files

- You must be able to produce these documents within 3 days of an official request
- You may be exposing yourself to other potential liabilities unknowingly

You can store them at the employee's worksite or at corporate headquarters

Copies of documents used to verify

Use form with expiration date of 10/31/2022 available at:

<http://www.uscis.gov/files/form/i-9.pdf>

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Payroll Files – Legal Considerations

Many states have laws prohibiting termination of employees because of:

- Wage Garnishments
- Creditor garnishments
- Tax levies
- Child support orders
- Any other type of legal wage deductions



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Payroll File Contents



- Payroll Registers
- ACH confirmations of direct deposits
- Paid and Unpaid Leave tracking
- Check/Direct deposits registers
- Copies of Pay stubs/Direct deposit advices
- Timecards
- Pay, deduction, address changes, etc.
- ACH authorization agreements
- Tax deposit confirmations
- Quarterly tax reports & reconciliations
- Tax correspondence

26

New Hire Reporting

When are reports due?

Reports must be submitted within 20 days of the date the employee is hired or rehired.

Reporting Options:

Telephone – call 1-888-866-0327

Fax (see sample form)

Electronic Media – diskette or CD

Internet: <https://dphhs.mt.gov/CSED/employerinfo/newhirereporting>

Hard Copy – send through the mail

27

Job Vacancy Folder



The file should contain:

- (1) the job description for the position;
- (2) the job requisition form;
- (3) all job advertisements, with costs associated with those ads;
- (4) all applications and resumes received;
- (5) all interview notes;
- (6) all reference checks performed;
- (7) the offer letter; and
- (8) "position filled" letters sent to unsuccessful applicants.

28

Job Vacancy Folder



- For the candidate who is hired, a *copy* of the application, resume, and cover letter should be kept in the job vacancy file along with the other documents listed above.
- The *original* application, resume, cover letter, job offer letter, background check results, and other relevant documents should be kept in the employee's personnel file.
- If a complaint is ever made regarding your hiring decision, all supporting documents will be easily accessible by pulling the job vacancy file folder.

29

Personnel Files – In or Out?

What should be in the file?

- Anything you use to make employment decisions after hired:
 - Application, offer letter, job description, employment contracts
 - Emergency contacts
 - Evaluations, disciplinary actions and promotions
 - Raises and changes in job title or job duties

What doesn't belong?

- "file junk"
- Health information
- Worker's compensation claim information



30

Personnel Records – Business Records used for Business Needs

- Officially generated company commendations, honors or merit awards
- Signature pages for handbooks, policies, etc.
- Certificates of completion for work-related training or attendance at safety meetings
- Termination documents
- Termination Checklist (Reason Individual left, Benefit Continuation information, COBRA forms)
- Exit interview notes
- Unemployment claims
- **Not attorney-client communications**

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Sample - Personnel File Contents



Section 1 – Pre-Employment

Section 2 – Orientation

- Checklists
- Acknowledgements

Section 3 - Performance

Section 4 – Leaves & Absences

- (Caution: if medical information is provided on any items in this section, REMOVE)

Section 5 - Benefits (unless these forms contain medical information, in which case they should go in the medical file)

- ✓ Enrollment Forms
- ✓ Change Forms
- ✓ Beneficiary Forms

Section 6 – Payroll

- Status Changes (Pay, position, etc.)
- May have to duplicate some items if payroll records are maintained in a separate department

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HR FAST TRACK – MODULE III

HR'S ROLE IN PERFORMANCE MANAGEMENT



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HR'S ROLE IN PERFORMANCE ASSESSMENTS

- Monitoring the system – “gate-keeper”
- Serve as the sounding board and/or coach
- Ensure compliance
- Recordkeeping




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2

3

“PERFORMANCE TUNING”



Performance
Management
System and Tools

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EVALUATION CATEGORIES

- New Hire (Probationary Period)
 - 30-60-90 Day Progress Reports
- Six-month (or end of Probation)
- Annual
- Transfer to New Position

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APPRAISAL FORMS

- Define performance expectations
- Describe measurement tools
- Use a rating system
- Cover specific examples
- Set measurable goals



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FROM THE EMPLOYEE'S POINT OF VIEW...

We rate them somewhere on this scale:

WELL BELOW REQUIREMENTS 1	BELOW REQUIREMENTS 2	MET REQUIREMENTS 3	EXCEEDED REQUIREMENTS 4	FAR EXCEEDED REQUIREMENTS 5
------------------------------	-------------------------	-----------------------	----------------------------	--------------------------------

They see this:

WELL BELOW REQUIREMENTS	BELOW REQUIREMENTS	MET REQUIREMENTS	EXCEEDED REQUIREMENTS	FAR EXCEEDED REQUIREMENTS
F	D	C	B	A

We need to shift the perception to:

WELL BELOW REQUIREMENTS	BELOW REQUIREMENTS	MET REQUIREMENTS	EXCEEDED REQUIREMENTS	FAR EXCEEDED REQUIREMENTS
D	C-	A	A+	A++

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Evaluation Markers for Competencies:

At Risk	Developing	Proficient	Advanced	Mentor
Position is at risk. May impact tenure in role if not corrected immediately	Working to improve this area. Not currently job threatening but rather an area to improve.	Acceptable level.	Example setter: Generally more proficient than others.	Expert: Demonstrated ability to "teach" others or find/create training for this competency.

Outdated Terminology:

Code	CODE	Performance Level
1. Above Standard	S - Satisfactory	Select
2. Meets Standard	N - Not observable	Above Expectation, At
3. Below Standard	NA - Not applicable	Below, or Not Applicable
4. Not Applicable	X - Either exceeds or does not meet expectations (see comments)	

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“THE GOAL IS WHERE WE WANT TO BE. THE OBJECTIVES ARE THE STEPS NEEDED TO GET THERE.”


Goals	Objectives
General	Specific
Intangible	Measurable
Broad	Narrow
Abstract	Concrete
Strategic: long-range direction	Tactical: short-range
Active tense Use of terms such as learn, understand, research	Active tense Use of strong action verbs like plan, write, conduct, produce, determine, execute

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MEASURING JOB PERFORMANCE...

- Basis for managerial decisions
- Identifies training needs
- Supports coaching and counseling
- Eliminates discrimination and bias



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THE PERFORMANCE APPRAISAL PROCESS

A performance appraisal is a planned, focused, and formal assessment.

- A systematic evaluation of an employee's achievements in carrying out the requirements of his or her job.
- It is an opportunity to discuss development areas and to agree on goals for the coming year.




The mark of a successful performance review -- **no surprises.**

10

THE PERFORMANCE APPRAISAL DO'S AND DON'TS

- Do review all documentation from the prior year.
- Do not try to evaluate something that is inferred, assumed, or implied. Instead, compare actual results to expected results.
- Do not omit the essential or exaggerate the trivial. Keep specific events in perspective so that one good or bad episode does not take on disproportionate importance.
- Do not force performance evaluations to a comfortable middle ground for convenience







11

THE KEYS TO SUCCESS

The key to an effective performance appraisal is *objectivity*. The manager is evaluating the performance of the job by what is achieved (results) and how the job has been done (work habits).


- **Results** must be measured against established priorities and goals that are understood by the employee.
- **Work Habits** are measured against acceptable and defined standards.
- Use specific examples to confirm observations.

12

PITFALLS TO AVOID

- Halo Effect
- Horns Effect
- Recency Effect
- Mediocrity Effect




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PITFALLS: MEDIOCRITY

- ▶ Lack of Differentiation – everyone gets rated the same
- ▶ “Central Tendency” – everyone gets rated in the middle



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HR'S ROLE IN CORRECTING POOR PERFORMANCE

- Support for the Manager
 - Coaching/Counseling
 - Identifying Deficiencies
 - Clarify Expectations
 - Commit Action Plan in Writing
 - Ensure Manager follows up on a regular basis



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ADDRESSING CONDUCT PROBLEMS BEFORE RESORTING TO DISCIPLINE

- Be specific
- Give clear expectations
- Develop a remedial plan
- Provide necessary support



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MISCONDUCT VS POOR PERFORMANCE

- **Misconduct:** Breaking rules that govern employee conduct
 - Examples: Fighting, theft, insubordination, threats, substance abuse, etc.
- **Poor performance:** Inability to perform at an acceptable level
 - Reasons: Lack of adequate knowledge, skills or ability; lack of clear goals or desire



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POOR PERFORMANCE

- You have the right to terminate for poor performance, BUT:
 - Exhaust other possibilities before resorting to termination
 - Document performance for all employees



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POOR ATTENDANCE AND TARDINESS

- Make sure employees understand attendance policies and procedures
- Distinguish between excused and unexcused absences
- Interpret and apply the rules reasonably and fairly
- Document all absences and lateness



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ATTENDANCE AND TARDINESS: LEGAL CONSIDERATIONS

- Family and Medical Leave Act
- Title VII
- Maternity Leave Americans with Disabilities Act
- Workers' compensation laws



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DISHONESTY

- Dishonest behavior must be work related
- Make sure you have solid evidence
- Recognize that dishonesty comes in many forms
- Have employees sign a code of ethics



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INSUBORDINATION

You must be able to prove that:

- The employee understood the order & the order wasn't illegal
- The order was important & the employee was required to comply
- The insubordination was intentional

GUIDANCE TIPS:

- Focus on the most serious offenses
- Consider alternatives before moving to termination
- Make sure the behavior is documented



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THREATS TO WORKPLACE SAFETY


- Drug and alcohol policy violations
- Reckless behavior
- Be sure to document all incidents
- You CANNOT fire a worker for:
 - Complaining about safety issues
 - Cooperating with OSHA inspectors
 - Refusing to perform a dangerous job that puts safety at risk

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DISCIPLINE & TERMINATION

- *If corrective action becomes necessary, did you...*
- Give notice to the employee?
- Engage in due process?
- Issue equal treatment?
- Apply the correct penalty?
- Avoid a "knee jerk" termination?



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TERMINATIONS IN MONTANA

- ▶ Montana is the only state that does not recognize "at-will employment."
- ▶ Found at Mont. Code Ann. §§39-2-901 to -915
- ▶ Covered by Montana Wrongful Discharge From Employment Act (MWDEA)



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ELEMENTS OF WRONGFUL DISCHARGE

- Retaliation for refusal to violate public policy
- No "good cause" after probation completed
 - If no probationary period is established by the employer, then 6 months will be the standard
- Employer violates own written personnel policy



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DUE PROCESS

Establish "Good Cause"

- Failure to perform duties
- Disruption of business operations
- Other legitimate business reason



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ENSURE THAT DUE PROCESS IS...

Part of the disciplinary process

- Ongoing communication
- Documentation
- Meetings
- Handbook/signed release
- Performance appraisal/signature of employee
- Consultation with company's legal and Human Resources Departments prior to taking any action

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IMMEDIATE TERMINATION?



- Not a good idea
- Remember -- an employer needs "good cause"
- *Better idea – suspend pending investigation*

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BULLET PROOF STEPS IN DOCUMENTATION

1. Describe Company Expectations
2. Describe the Behavior That Must Change
3. Include the Employee's Explanation of Why Expectations Are Not Being Met
4. Detail the Action Plan and Goals




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EXIT PROCESS

Termination Checklist

- Reason for Leaving
- Termination Date
- Eligibility for Rehire
- Return of Company Property/Equipment
- Benefits
- Company's Internal Grievance Policy issued
- Final Pay
- Employee signs acknowledgement




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FINAL WAGES – NEEDS WRITTEN POLICY

- Voluntary termination – due at next regular payday or 15 days from date of separation




- Involuntary termination – due immediately (within 4 hours or by end of day, whichever occurs first), **unless company has final pay policy**, then due at next regular payday or 15 days from date of separation

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INTERNAL GRIEVANCE POLICY



- Employees in Probationary Employment Period DO NOT have access
- Departing Employee must receive a copy of the policy
- Have Employee sign acknowledgement of receipt
- If cannot meet face-to-face, **mail** with "Proof of Mailing" date **within 7 days of termination**

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HR FASTTRACK – Module V:
Compliance, Recordkeeping and
Notice Requirements



Presented By:



1

Why Stay in Compliance?



- Penalties and lawsuits
- Ethical treatment of employees
- Training tools

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Records


- Required by employment laws
- Assist in managing human resources
- Help prove compliance
- Document employment decisions



3

Retention and Disposal

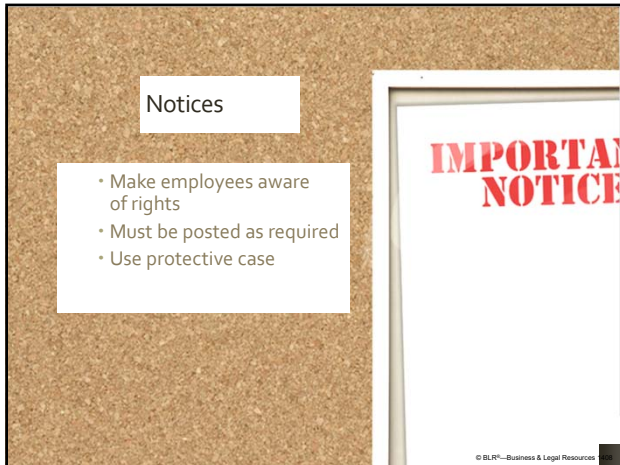
- Records must be:
 - Retained as required
 - Properly stored
 - Disposed of fully



4

Notices


- Make employees aware of rights
- Must be posted as required
- Use protective case



5

Notice Requirements: Background Information

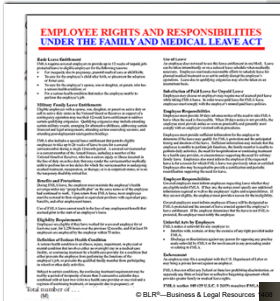
- Posting requirements
- Location of notices
- Maintenance of posters
- Posters in Spanish
- Penalties for violation of notice requirements



6

Notice Requirements: Posters

- Consolidated EEO
- Your Rights Under the Fair Labor Standards Act
- Notice of Protection
- Job Safety and Health Protection
- OSHA Form 300A
- FMLA notice



7

ADA: Required Records

- Application records
- Personnel activity
- Payroll records
- Applications for disability benefits
- Requests for job accommodations

ADA: INTERACT BEFORE YOU ACT!
<https://askjan.org/>



8

ADA: Other Requirements

- Retain all records for 1 year
- Keep medical records confidential
- Retain records when discrimination charges are filed



9

Civil Rights Act of 1964, Title VII: Required Records

- Application records
- Personnel activity
- Payroll records
- Form EEO-1




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10

Who Needs to File EEO-1 Reports?

EEO-1 Reporting



<https://www.eeoc.gov/employers/eo-1-survey/eo-1-frequently-asked-questions-and-answers>

11

COBRA: Recommendations



- Group health plan records
- Personnel activity
- Medicare eligibility
- Disability status

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COBRA: Record Retention

- Retain records as long as employees are covered
- Retain records of notification of benefits and rights



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Equal Pay Act

- Retain wage records
- Retain job evaluations and descriptions
- Retain records of merit or seniority systems
- Retain records for 3 years



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Fair Labor Standards Act: Required Records

- Employee information
- Payroll records
- Union agreements
- Training agreements
- Certificates of age
- Retain for 3 years



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FLSA: Required Records (cont.)

- Wage rate tables and wage records
- Job evaluations and descriptions
- Merit or seniority systems
- Retain for 2 years

16

Family and Medical Leave Act: Required Records

- Employee identification data
- Payroll records
- FMLA documents
 - Retain for 3 years
- Notices describing leave benefits and policies
- Premium payments for benefits

17

Immigration Reform And Control Act

- Form I-9, identification and work authorization documents
- Supporting documents
- Retain records for 3 years after hire and/or 1 year after termination

18

Staying Current on "Rules & Regs"

- Resources
 - USCIS website: www.uscis.gov
 - ✦ USCIS Handbook for Employers – Guidance for completing Form I-9:
<http://www.uscis.gov/files/form/m-274.pdf>
 - Form M-582 (hiring foreign nationals):
<http://www.uscis.gov/USCIS/Resources/E1en.pdf>

19

What Is Workers' Comp?

- Accident insurance program
- State mandated
- Compulsory
- Company funded



20

What Does It Cover?

- Medical and rehabilitation expenses
- Lost wages
- Death benefits



21

When Does It Apply?



- Work-related injuries
- Work-related illness
- Exceptions

22

Filing Claims

- Normal claims
- Fraudulent claims



23

Reporting Requirements

- Accident reports
- Medical reports
- OSHA forms



24

Drug & Alcohol Testing

31

Required Testing : CFR 49 Part 382
CDL Drivers

- Federal Department of Transportation
- CDL required if driving:
 - ✓ 26,001+ gross vehicle weight
 - ✓ Carrying hazardous material
 - ✓ Carrying 16+ passengers

32

Required Testing : CFR 49 Part 382
CDL Drivers

- Required under Federal Law
- Must have a written policy
- Testing Circumstances:
 - ✓ Pre-Employment (Post-Offer)
 - ✓ Random
 - ✓ Reasonable Suspicion
 - ✓ Post-Accident
 - ✓ Follow-up

33

Unemployment Claims: The Process

Steps in Managing UI Claims:

1. Receiving Notification of a Claim
2. Verify Details of the Claim
3. Determine whether or not to appeal
4. Gather Evidence
5. Participate in the Hearing
6. Receiving the Determination

34



Required documentation for UI purposes:

Section 24.11.2706 of the Administrative Rules of Montana

- Start and ending date of all pay periods
- Any work-related reimbursements issued to employees
- Number of staff that worked or received pay for the payroll period which included the 12th of the month
- Dates employees' were hired, re-hired or returned to work after an temporary lay-off
- All employee's name, and full SSN
- Method of pay and wages paid for each payroll period
- Details of the specific cause of employee(s) termination
- Documentation distributed by the Secretary of State

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Web Site:
<https://www.labor.idaho.gov/dnn>

Link to Employer Portal User Guide:

<https://www2.labor.idaho.gov/eServices/EmployerPortal/Content/UserGuide.pdf>

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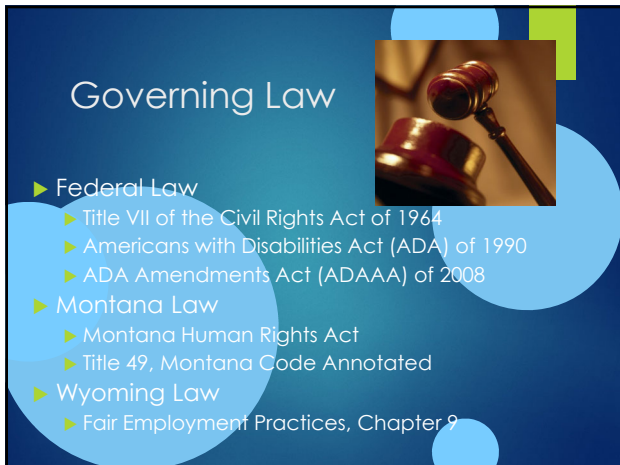


HR Fast Track – Module VI:
Employment Laws –
Federal and State

Presented by:



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Governing Law

- ▶ Federal Law
 - ▶ Title VII of the Civil Rights Act of 1964
 - ▶ Americans with Disabilities Act (ADA) of 1990
 - ▶ ADA Amendments Act (ADAAA) of 2008
- ▶ Montana Law
 - ▶ Montana Human Rights Act
 - ▶ Title 49, Montana Code Annotated
- ▶ Wyoming Law
 - ▶ Fair Employment Practices, Chapter 9

2



Enforcement Agencies

- ▶ Federal Claim - Equal Employment Opportunity Commission (EEOC)

- ▶ State Claim - Montana Human Rights Bureau

- ▶ Can bring a claim under both federal and state
- ▶ Agencies work together

3

Both Federal & State Laws Apply to...

- ▶ Discrimination
- ▶ Harassment
- ▶ Discipline
- ▶ Retaliation
- ▶ Pregnancy & Maternity
- ▶ Military Leave



4

Hiring & Non-Discrimination

- ▶ What you **should** do:
 - ▶ Use objective, job-related criteria for all employment decisions
 - ▶ Evaluate employees based on job performance not personal attributes
 - ▶ Apply job standards fairly and consistently
 - ▶ Make sure all employees have equal opportunities



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Harassment

- ▶ **Title VII**
- ▶ What you **should not** do:
 - ▶ Allow employees to make unwelcome sexual advances to coworkers
 - ▶ Tolerate environment in which employees feel threatened or abused
 - ▶ Ignore harassment or complaints



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Harassment (cont.)

What you **should** do:

- Explain the antiharassment policy to employees
- Encourage employees to come to you with harassment complaints
- Require employees to treat one another with respect
- Report and investigate complaints
- Take appropriate action



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Discipline

▶ Title VII

▶ What you **should not** do:

- ▶ Use discipline as a weapon or punishment
- ▶ Be inconsistent
- ▶ Discipline without counseling and establishing a plan for corrective action
- ▶ Delay when a problem requires discipline

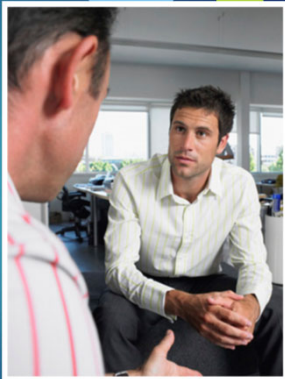


8

Discipline (cont.)

▶ What you **should** do:

- Base discipline on actions, not personalities
- Follow the corrective discipline policy
- Treat all similar offenses the same way
- Explain the need action
- Keep written records of disciplinary action
- Monitor performance



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Retaliation

- ▶ You **should not** take any adverse employment action against an employee who:
 - Complains about discrimination
 - Cooperates with an investigation
 - Opposes discrimination or harassment



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Retaliation (cont.)

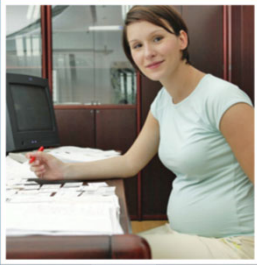
- ▶ What you **should** do:
 - ▶ Keep complaint and investigation confidential
 - ▶ Avoid harassment or negative treatment
 - ▶ Document



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Pregnancy and Maternity

- ▶ **Pregnancy Discrimination Act (PDA) & Montana Maternity Leave Act**
- ▶ What you **should not** do:
 - Refuse to hire or promote because of pregnancy
 - Ask applicants about pregnancy
 - Deny pregnant workers benefits afforded to other workers
 - Refuse to reinstate a worker returning from maternity leave



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Pregnancy and Maternity (cont.)

- ▶ What you **should** do:
 - ▶ Base employment decisions on performance
 - ▶ Treat pregnancy leave like any other temporary disability leave
 - ▶ Permit reasonable leave
 - ▶ Work with employees to avoid problems



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Military Service

▶ **Uniformed Services Employment and Reemployment Rights Act (USERRA) and MMSERA**

- ▶ What you **should not** do:
 - ▶ Terminate employee or take away benefits
 - ▶ Deny promotions, raises, or other opportunities
 - ▶ Refuse to reemploy a worker returning from military leave



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Military Service (cont.)

What you **should** do:

- Ensure smooth transition
- Keep in touch with employees on leave
- Reemploy returning workers in "escalator" positions
- Accommodate employees
- Help returning workers readjust to the job



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The Biggies Under Federal Laws:

- ▶ ADA
- ▶ FMLA



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Disabilities

▶ **Americans with Disabilities Act (ADA)**

▶ What you **should not** do:

- ▶ Ask about disabilities at job interview
- ▶ Deny job opportunities because of disabilities
- ▶ Make assumptions about people's abilities
- ▶ Require applicant to take physical exam before making job offer



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Disabilities (cont.)

▶ What you **should** do:

- ▶ Define a job's essential functions
- ▶ Ask all applicants if they can perform the essential functions of the job
- ▶ Provide reasonable accommodation
- ▶ Offer equal employment opportunities to workers with disabilities



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What is FMLA?



- Family Medical Leave Act
- Federal law – in effect 20 years ago
- Provides:
 - 12 workweeks of unpaid leave per year;
 - Maintenance of group health benefits during leave;
 - Job restoration after leave; and
 - Certain military family leave entitlements
- Also requires employers to keep certain records

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Covered Employers

FMLA:

- Public agencies, including state, local and federal employers, local education agencies (schools), and
- Private sector employers who
 - Employ 50 or more employees within a 75-mile radius, in 20 or more workweeks in current or preceding calendar year

MT MATERNITY:
Any employer with one or more employees

Eligible Employees

For *FMLA eligibility*, employee must:

- Have worked for the employer for a total of 12 months
- Have worked at least 1250 hours during the 12 month period immediately before leave begins
- Be employed at a worksite where 50 or more employees are employed by the employer within 75 miles

Under the Montana Maternity Leave Act, any pregnant employee is eligible

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Qualifying Reasons for FMLA:



- Employee's own serious health condition
- Care of an immediate family member (spouse, child, parent) with a serious health condition;
- Birth and care of newborn child of employee;
- Placement of child with employee for adoption or foster care; or
- Qualified military leave

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The Biggies Under Montana Law:

- ▶ Employment Relationship
- ▶ Wrongful Discharge
- ▶ Vacation Pay
- ▶ Final Pay



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The Employment Relationship

- ▶ Montana is the only state that does not recognize "at-will employment". We have a 12 month probationary period during which employment is can be terminated for any reason so long as it is not otherwise illegal.
- ▶ Covered by Montana Wrongful Discharge From Employment Act
- ▶ Found at Mont. Code Annotated § 39-2-901 to -915



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Paid Time Off: Vacation



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Overview of MWDEA

- ▶ Give Notice
- ▶ Allow Due Process
 - ▶ Gather the Facts
 - Is there evidence that the rule or policy was violated
 - Fair and equal treatment for infractions
 - Is the corrective action appropriate
- Establish Good Cause
- Document the Process

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Final Wages - Montana

Employer must pay within 4 hours or by end of business day, whichever occurs first

UNLESS the Employer has a written policy that:
extends final pay to the next regular payday, or 15 days, whichever occurs first



Mont. Code Ann. § 39-3-205(2)

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Employment Laws - Resources

▶ <http://dli.mt.gov/resources/laws>



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