

Everything HR!

SCORE Workshop

Presenter: Pam Rosterman, Human Resources Professional

Today's Presenter



Pam Rosterman – Human Resources professional

Pam has spent 35 years leading successful Human Resource teams for large and small companies. She recently retired from Corporate America. She held positions with Houlihans, House of Lloyd, Plygem and more. She also is a Certified Situation Leadership Trainer, providing leaders with the training they need for their workforce.



**SMALL BUSINESS
OWNERS WEAR TOO
MANY HATS**

You can't do it all by yourself



https://youtu.be/gxo2rGr7Yfg?si=-NnxKuEPy3GOJp_2

How many laws apply to you if you only have one employee?

Title VII of the Civil Rights Act of 1964 (for employment agencies and labor organizations). See 15-19 for other employers.		Immigration Reform and Control Act of 1986	
Consumer Credit Protection Act of 1968		Lilly Ledbetter Fair Pay Act of 2007	
Employee Polygraph Protection Act of 1988		National Labor Relations Act of 1947	
Employee Retirement Income Security Act (ERISA) of 1974 (if company offers benefits)		Newborns' and Mothers' Health Protection Act of 1996	
Equal Pay Act of 1963		Occupational Safety and Health Act of 1970	
Fair and Accurate Credit Transactions Act of 2003 (FACT)		Sarbanes-Oxley Act of 2002	
Fair Credit Reporting Act of 1969		Uniform Guidelines on Employee Selection Procedures of 1978	
Fair Labor Standards Act of 1938		Uniformed Services Employment and Reemployment Rights Act of 1994	
Federal Insurance Contributions Act of 1935 (FICA) (Social Security)		Pregnancy Discrimination Act of 1978	
Health Insurance Portability and Accountability Act (HIPAA) of 1996 (if company offers benefits)		Immigration and Nationality Act (employment eligibility and employment verification)	
Hiring Incentives to Restore Employment Act of 2010 (HIRE)			

Why HR?

- Having policies protect the business
- Employees like to know what to expect
- Unsubstantiated claims can be dismissed
- Smoother terminations
- Fewer unemployment claims
- What is offensive to one person may not be to another



You're Ready to Hire People – now what?

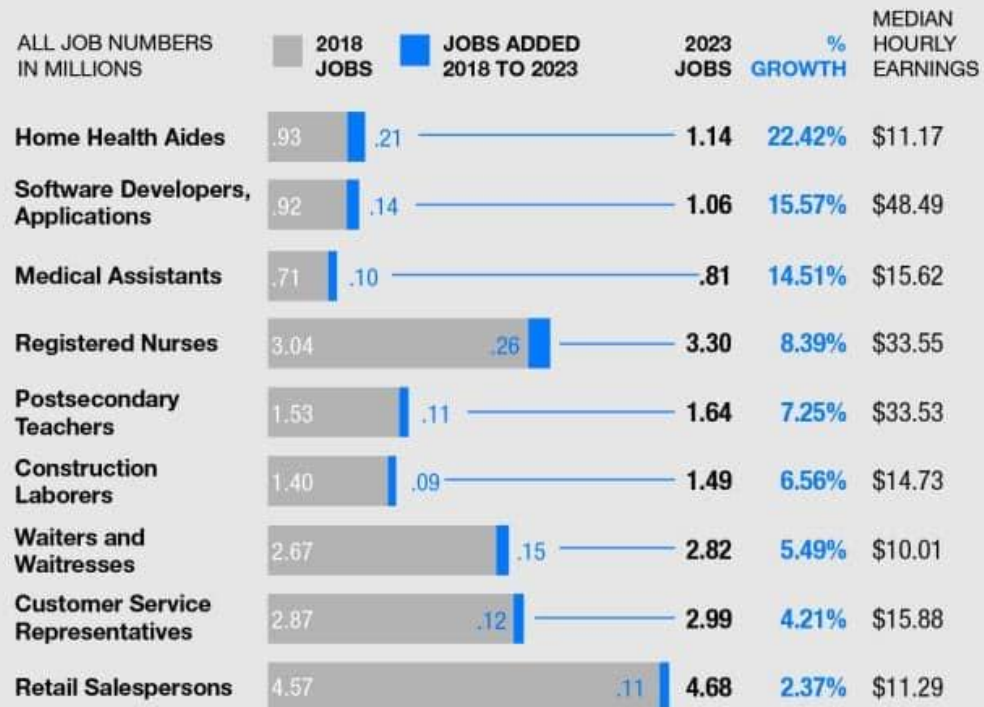
1. Industry outlook
2. Job Description
3. Recruitment
4. Exempt vs. Non-exempt
5. 1099 vs. W-2
6. Onboarding

Current Labor Statistics

- U.S. employers created more than 400,000 jobs in March 2023
- 41% of workers quit a job in the last year
- Out of 164.6 million open jobs, only 4.7 million are remote
- Globally, 16% of companies are fully remote
- In industries such as hospitality, healthcare, emergency services and construction, remote work is not a possibility
- 72% of people who've recently left a job would consider going back to their old employer if they got higher pay, improved benefits, or better perks

Labor Market – Bureau of Labor and Statistics

The fastest-growing occupations over the next 5 years

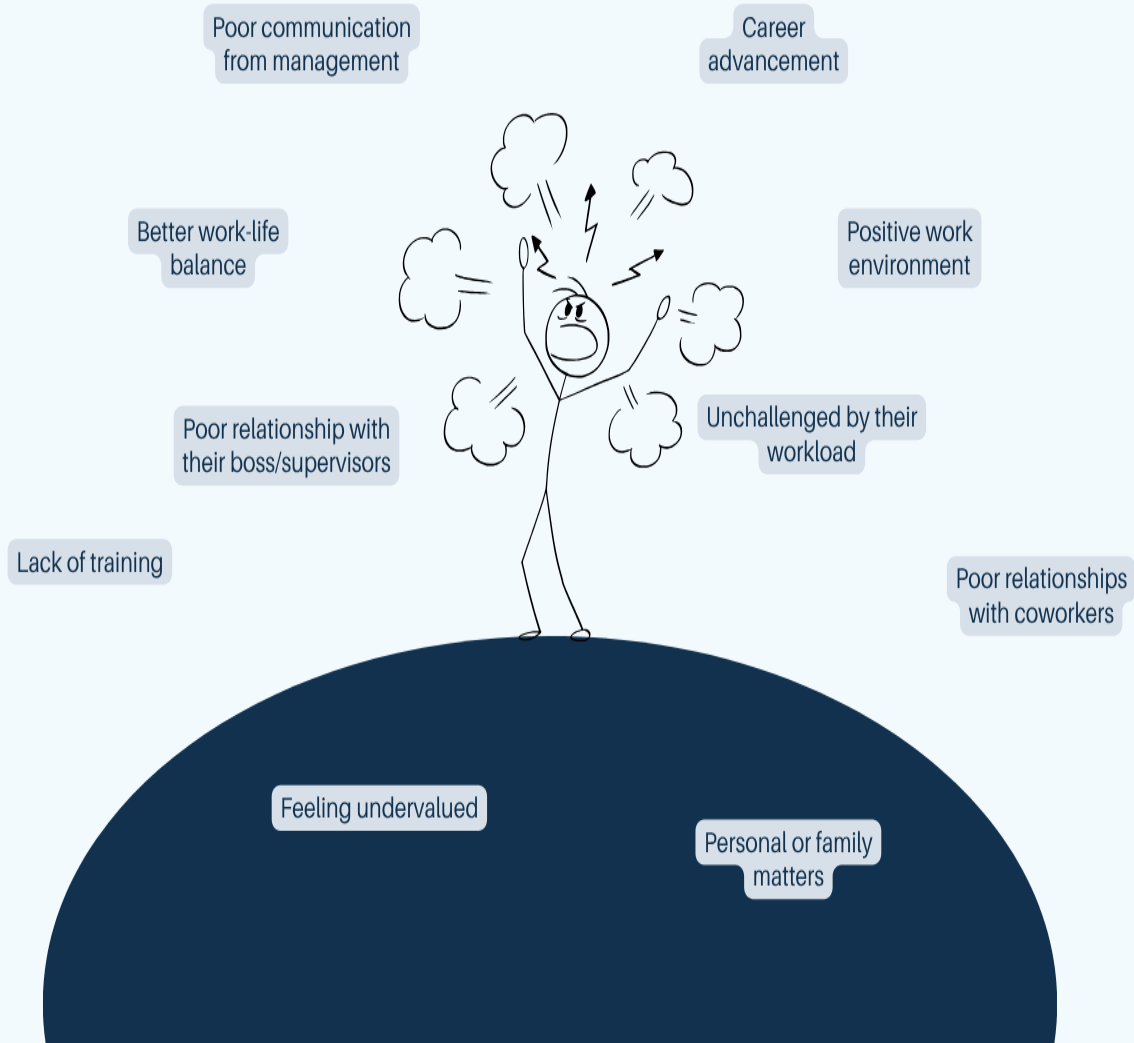


Labor Market – USA Today

Most Popular College Majors

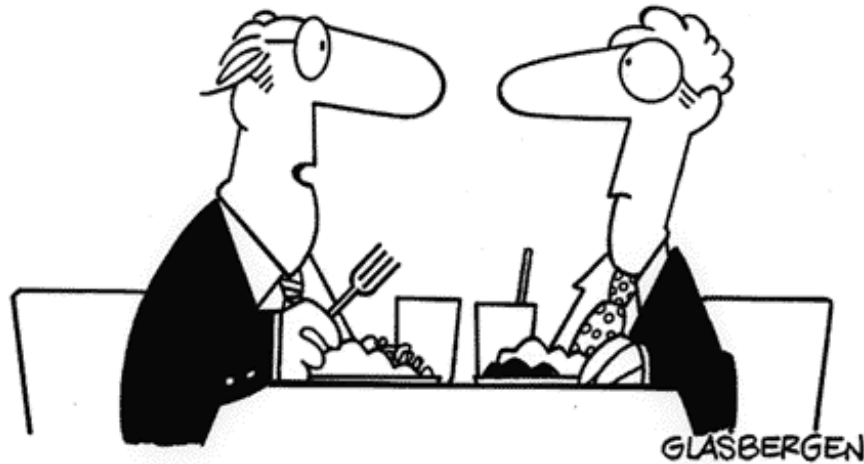
1. Business Admin and Management
2. Information Technology
3. Psychology
4. Nursing
5. Healthcare Administration
6. Health Informatics
7. Finance
8. Engineering
9. Human Resources
10. Education

Top 10 reasons people leave their jobs



I'm overwhelmed trying to do it all, who do I need to hire?

Copyright 1997 Randy Glasbergen. www.glasbergen.com



**“The reason I’m successful is because I’m lucky.
But I didn’t get lucky until I started
working 90 hours a week!”**

Define what you need

- Education
- Background
- Technical skills
- Interpersonal skills
- Short or long term assignment



Define what you need

Job Description

- Outline expectations
- Include required duties
- Include travel or other specific requirements
- Include status - exempt or non-exempt
- Signature of acceptance
- “all other duties”



I'm ready to hire but don't know where to begin



"You are under-qualified, but your smartphone is over-qualified, so it balances out. Welcome to the company."

How to post an opening

- Utilize the job description details
- Use a common and accurate job title
- Sell your company in the posting!
 - Growth, advancement, industry
- Job boards
 - Indeed, LinkedIn, CareerBuilder, Craig's List, College boards
- Executive search
- Staffing agencies

How to post an opening

- What information will you share
 - Pay
 - Location
 - Company name
 - How to contact you
- How long to conduct the search
- Unbiased screening of applicants

Interview techniques



Interview techniques

- Phone screen
 - Great way to make a quick elimination of non-qualified candidates
 - Clarify specifics of what you are looking for
 - Confirm details on resume
- In person interviews
 - Stick to the job and company
 - Ask candidates to give you examples
 - Sell yourself and your company
 - Be honest
 - Create a list of 20 questions
 - Allow them to ask you questions
 - Wrap up with what and when they can expect to hear

Interview techniques

- Sample Questions

- This position requires you to stand on your feet for 8-hour shifts, are you able to meet these requirements with or without reasonable accommodation?
- Tell me about a time a customer was very upset and what did you do?
- Tell me about a mistake that you made and what were the consequences?
- If you received a call regarding a computer that wouldn't work, what steps would you walk them through?
- Tell me about an employee you fired and how did it go?

How important are background checks?



“We’re always needing a miracle around here for one darned thing or another. I’d like you to start up and manage our new *Department of Miracles*.”

Before running a background check

- Identify your top choice
- Call and make verbal offer
- Follow up with written offer
- Outline benefits
- Send job description
- Set timeline for acceptance
- Respond to other candidates after acceptance

Background and reference checks

- Background and financial check compliance
 - Relevant to the job
 - Only for final candidates
 - Employee waiver
 - Adverse action letter
- Job testing or certifications
- Professional references

What benefits should I offer to attract talent?

© Randy Glasbergen
glasbergen.com



“You’ll get a paycheck every Friday, a place to stay dry when it rains, free music in the elevators, heat in the winter, air conditioning in the summer. All part of our generous employee benefits program!”

Employee Benefits

- Medical
 - Health, dental, vision, life, disability
- Optional
 - Supplemental, EAP
- Retirement
- Workers' compensation
- Unemployment insurance

Employee Benefits

- Paid Time Off
 - Personal, sick, vacation, unlimited
- Holidays
- Flexible work hours
- Casual dress
- Continuing education

I've hired my first employee, what do I need to be aware of?

© Randy Glasbergen for RapidBI.com



"As CEO, I try to set an example for everyone else in the company. That's why you never hear me complaining about the size of my paycheck!"

**I've hired my first employee,
what do I need to be aware of?**

W2 – 1099 – Contractor - Outsource

Types of employees



Non-exempt

- Eligible for overtime pay
- Paid hourly or salary
- Only have to pay actual hours worked

Exempt

- Not eligible for overtime pay
- Paid salary – never hourly
- Paid if any work is performed in that work week guaranteed minimum
- Can charge them PTO since it is paid time
- Wages may not be reduced on the quality or quantity of work
- Can dock pay for full day absence, personal, sick

866.622.1511

Types of employees - Exempt

Exempt

- Meets job duties test
 - Regularly supervise 2 or more employees
 - Has management as their primary work function
 - Has genuine input into the job status of other employees (hire, fire, promotion)
 - Must actually perform this work

AND

- **Must make a minimum salary of \$684.00 per week**

866.622.1511

Types of employees - Exempt

- Administrative exemption
 - High level position designed to keep the business running
 - Don't make what the business sells
 - Marketing and Advertising, HR, Payroll
 - Exercises discretion or judgment
 - Independently makes business decisions that affect customers

Professional Exclusions

- Outside Sales
 - Exempt
- Inside Sales
 - Non-exempt
- Computer employee
 - Apply systems analysis techniques and procedures to determine hardware, software, or system functional specifications, or who design, develop, test or modify computer systems or programs based on user or design specifications
 - Exempt

866.622.1511

Types of employees - Contractor

1099 Defined

- Worker or Independent Contractor
- Self-employed
- Vendor
- Business owner
- Has multiple customers
- Has their own brand identity
- Pays their own taxes

1099 Contractors

- Pros

- No employer tax paid
- Can use as much or as little as needed
- Pay per project
- Obtain high level resources

- Cons

- Less control over output
- Not required to follow company culture or philosophy
- Very hard to classify a worker 1099 for long periods



Employee (W2)

W2 Employee Defined

- Works for you (follows your direction)
- Is an individual (not a business)
- Follows standard company rules and polices
- Has tax taken out of their pay
- Represents themselves as part of your company

Contractor vs Employee

How To Classify



- Behavioral
 - Does the company decide how and what to do?
- Financial
 - Is the worker paid on a schedule?
 - Who provides the materials?
- Relationship
 - Written contract, employee benefits, term of relationship
 - Service provided key aspect of business?

Employee vs Contractor

- Weigh all these factors.
- There is no “magic” or set number of factors that “makes” the worker an employee or an independent contractor, and no one factor stands alone in making this determination.

1099 Contractor

- Independent Contractor Guidelines
 - No company email
 - No company business card
 - Works their own hours
 - Completes projects
 - Not required to wear a uniform
 - Works for multiple clients
 - Is not performing your key business function

Onboarding

Onboarding

- The first day
 - Review expectations
 - Company policies
 - Hours and missing work
 - Who is their mentor?
 - Company history
 - Welcome card, lunch, email announcement



The first day

- I-9
- W4 tax forms, federal and state
- Job description
- eVerify
- Direct deposit
- Emergency contact
- Benefit enrollment details



Employee Files



Medical

- Locked Cabinet
- Limited Access
- 6 years

Employee Files

Employment



- Job Description
- Performance Evaluations
- Time Off Requests
- Disciplinary
- 30 years

Employee Files

Form I-9

- Locked Cabinet
- Limited Access
- E-Verify Confirmation
- Accuracy
 - Signature, full documentation, copies of IDs
 - Updated form
- Audit
 - Keep form three years from date of hire or one year after termination (whichever is later)

A scan of a Form I-9, Employment Eligibility Requirements, with a large blue diagonal watermark reading "Form I-9" across the center. The form includes sections for Employee Information, Employer Information, and Employment Authorization, with various fields for names, addresses, dates, and signatures.

Employee Handbook

Employee Manual

- List all policies
- Include discipline policy
- Update Federal and State Notices
- Obtain employee acknowledgement



Employee Manual

Work in Progress!

- Dress Code
- Hours and Attendance
- Social Media
- Use of Equipment
- Drugs and Alcohol
- Discipline
- Inclement Weather
- Holidays
- Anti-Harassment



Payroll

Time and Attendance

- Any format will work
- Keep records for 3 years
- Include signature/acceptance
- Track time off vs. worked
- Policy for corrections
- Must match payroll records



Payroll

- Report and pay all hours worked
- Bonus and Commission pay
- Overtime pay
- Docking pay
- Software vs. Service
- Worked in – Lived in – Local



Giving Feedback

Feedback vs Coaching

COACHING VS. FEEDBACK

A handwritten signature in black ink, appearing to be 'RJR', located in the lower right quadrant of the slide.

https://youtu.be/Z0XUEb_-T20?si=YF7GgevZ7tiXdYfd

Performance Reviews

- Consistent, scheduled performance reviews allow management and ownership to evaluate your company's productivity and performance.



Performance Reviews: How They Help

- ✓ Assist in making proper determinations on job changes or terminations
- ✓ Help identify employees outperforming in their current role
- ✓ Help identify employees who need assistance, mentorship, or exit plans

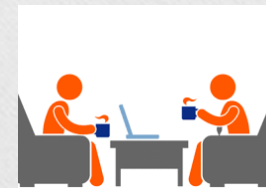
Stay Interviews

- Survey Monkey
- Solicit feedback
- Ask questions that can be acted on
 - Do you utilize and/or value our benefits?
 - Do you have the tools you need to complete your job?
 - Do you crave more training?

What To Include

Constructive Feedback

- Tasks outlined on the Job Description
- Specific examples of good and bad
- Cover the entire period – keep files and notes
- Suggest specific tasks for improvement
- Ask employee for goals
- Ask employee about career path
- Small scoring range; don't overinflate score



What To Include

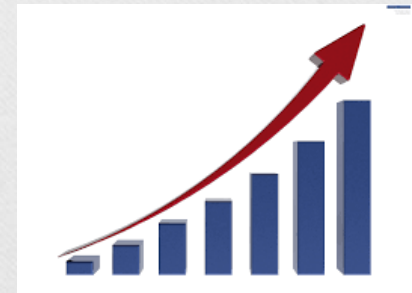
Forms of Rating

Rating	Definition
1	Unsatisfactory/Poor: Lowest performance level which is less than acceptable, and is well below minimum position requirements. Situation requires immediate review and action. A Performance Improvement Plan must be attached.
2	Not Meeting Expectations: Employee is showing signs of struggle and unable to perform at expected levels.
3	Needs Improvement: Performance leaves room for improvement. This performance level may be the result of a new or inexperienced employee on the job.
4	Meets expectations: Good performance while fulfilling all requirements and may, on occasion, generate results above what is expected of the position. May also show a few areas needing improvement.
5	Exceeds Expectations: Consistently generates results above those expected of the position.

What To Include

Measurable Goals

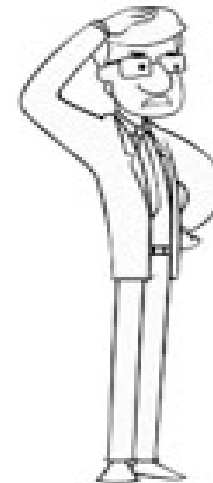
- Provide actionable goals for the employee to work towards moving forward
- Set a timeframe on the goal to give it structure and follow up
- Include them on the next review



DIFFICULT CONVERSATIONS



Difficult
conversations



PURPOSE

Explore workplace conversations that are difficult to handle

Look at types and causes of avoidance

Discover considerations that should be reviewed

Learn how tackling these conversations benefit you, those you work with and your organization overall

OBJECTIVES

- Recognize how difficult conversations upset balance of your culture
- Understand how poor performance affects others
- Establish expectations that are mutually agreed upon
- Plan the agenda for the conversation

WHY IS IT NECESSARY

- Attracting top talent requires leaders to be highly intentional in how they treat the culture.
- Nothing will de-motivate a great employee faster than tolerating a bad employee. When leaders don't deal with a toxic employee, it tears down trust and causes uncertainty in the great employees.
- Tolerating a bad employee often comes down to not confronting their behaviors soon enough.
- For some leaders it is making a conscious choice that a bad employee is too valuable in their work or results to "rock the boat."
- Letting lousy employees get away with things is a quick way to crush the motivation of the other employees.

When the time comes



BE TRANSPARENT

- No matter how good you get, it will challenge you and it should
- Eliminating fear and anxiety is an unrealistic goal
- Reducing both and learning how to manage is obtainable
- Use the is it fair factor

TWO COMMON MISTAKES

1-Assuming bad intentions:

- Assumptions about intentions are often wrong
- Getting the other people's intentions wrong can cause a loss of trust
- Being quick to believe bad intentions net bad character
- Accusing others of bad intentions creates defensiveness

TWO COMMON MISTAKES

2-Failing to listen with intent to understand

- Not listening to what the other party is really trying to say
- Good intentions don't sanitize bad impact
- We ignore or forget the complexity of human motivators
- We ignore hostility – especially between groups

Preparing First

Identify

What did the employee say or do? What expectation was not met?

Then ask yourself:

- What is impact of this on Me (or others)?
- Based on this impact what assumption am I making about the persons intentions?

Decide YOUR Intention

1. Is the goal success
2. Is the goal failure
3. Have you even decided



Abandon Blame

- Map the contribution system
- Blame is about judging
- Contribution is about understanding

MAP THE CONTRIBUTION SYSTEM

- What are they contributing?
- What am I contributing?
- Take responsibility for your contribution early
- Help them understand the expected contribution
- Clarify what you would have them do differently

CLARIFY

- Agree on the expectation
 - Write it down
 - Have them state it back
 - Set up the report out
 - Make sure success is clearly defined

ASK FOR COMMITMENT

- Can you, do it?
- Will you, do it?



FOLLOW UP

- Do what you say you will do
- Continue to be transparent and give honest feedback
- Praise as well as coach for correction

Discipline



Discipline

Reasons for discipline and/or termination

- Poor performance
- Rule violations
- Poor attitude
- Theft
- Fighting
- Attendance
- Errors
- Tardiness
- Unprofessionalism
- Misuse of equipment
- Safety violations

Discipline

Discipline or termination for these examples and other protected rights could violate the law. This list is not all inclusive.

- Filing a worker's compensation claim
- Filing a safety complaint with OSHA
- Because of military requirements
- Serving on a jury
- Refusing to subject oneself to sexual advances
- "Whistle blowing" on an employer's illegal acts
- Discussing one's salary or conditions of employment
- Being a member of a protected class

Discipline

- Verbal or written
- Document discussion for file; email recap
- Use specifics examples
- Set expectations that are measurable
- Listen with intent to understand
- Include signature of acceptance

Discrimination

1. Title VII of the Civil Rights Act

Prohibits discrimination based on race, color, sex, religion or national origin. Passed in 1964, Title VII is the cornerstone of federal anti-discrimination law.

2. The Equal Pay Act

Prohibits payment of different wages to men and women if they perform equal work in the same workplace. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

3. Pregnancy Discrimination Act

Prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

4. Age Discrimination in Employment Act

Bars discrimination on the basis of age (Protection starts at age 40)

Discipline

- How a well justified termination can go wrong
 - No clear written policies
 - No repeated documentation of issue
 - No official conversation confronting the issue
 - Confusing messages that may lead to false accusations
 - Employee feels wronged or unheard
 - Treating employees differently
 - Overinflated performance scores
 - Inconsistent compensation
 - Feeling of discrimination

Discipline

- Best practices
 - Treat all complaints seriously
 - Investigate complaints
 - Ensure a harassment free environment
 - All employees to be heard
 - Conduct performance evaluations for all staff consistently
 - Issue corrective action forms when needed
 - Terminate for clear cause and communicate clearly
 - Treat all employees equally

WHY vs. Vision

