



Human Resources for Anyone with Newly Assigned HR Responsibilities

NOTES & ACTIVITIES GUIDE

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Seminar Goals

The legal principles and HR techniques presented and applied in this seminar will help you to:

- Understand the basics of major federal laws dealing with both equal employment opportunity and wage and hour regulations.
- Comprehend basic employee benefits.
- Undertake HR document record retention.
- Establish and maintain employee privacy.
- Engage in basic employee coaching, counseling, and discipline.
- Apply critical, need to know, legal info about hiring and firing.

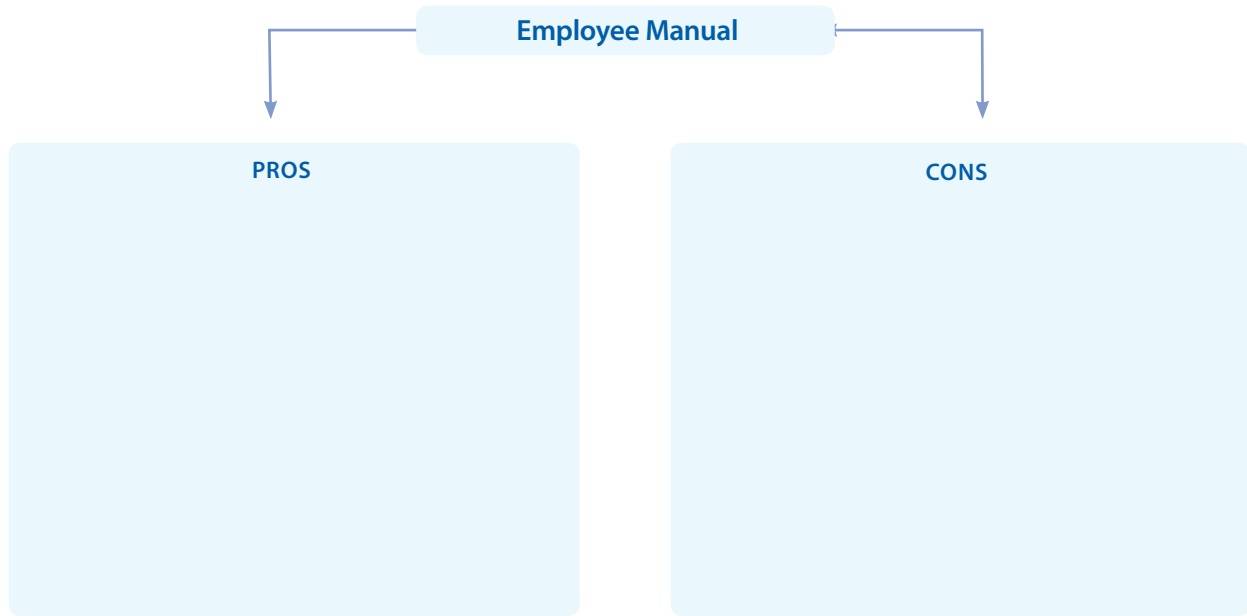
Your Objectives



Know Your Policies

The Employee Handbook: Rules for Must-Have Content *(and Guidelines on What to Leave Out)*

No law requires an organization to actually have an employee handbook, although some laws, e.g., The Family and Medical Leave Act (FMLA) require organizations to provide information, notices, etc., to their employees.



Ways to Get Employees to See the HR Department as a Positive Resource

Assertive Communication: Policies should be in writing and distributed to workers in a timely manner.

Relationship Building: Earn respect of employees. Maintain confidentiality and privacy. Deliver on commitments. Give employees direction to solve problems.

Knowledge of the Law and Procedures: Be technically skilled in the law and your organizations policies and procedures.

Conflict Resolutions Skills: Be fair, consistent and confident. Follow established policies and procedures. Serve all levels of employees equally well. Dealing with conflict is part of the role. Those who master conflict resolution are often seen as a positive resource.



SEMINAR NOTES & ACTIVITY GUIDE

Interview Questions and Techniques that Will Yield the Best Hires

ADA Interactive Process

The ADA requires covered employers to provide effective, reasonable accommodations for employees with disabilities.

Source: www.askjan.org

Step 1: Recognize an Accommodation Request

The interactive process starts with an accommodation request from an employee with a disability. According to the EEOC, an individual may use "plain English" and does not need to mention the ADA or use the phrase "reasonable accommodation" when requesting an accommodation.

Request Analysis

| Scenario | Facts | Is this a request for a reasonable accommodation? |
|----------|--|---|
| 1 | An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." | |
| 2 | An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." | |
| 3 | A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. | |
| 4 | An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. | |

Tips

- Err on the side of caution
- Act quickly
- Assign responsibility
- Conduct training

Step 2: Gather Information

After receiving the request, the employer should gather necessary information to process the request.

Tips

- Find out the limitation and problem
- Get information from the employee when possible
- Remember ADA rules for medical inquiries



Employee Benefits

Benefits Essentials

Medical Benefits

- Covers the costs of surgeon and physician fees, hospital rooms, and pharmaceuticals.
- Dental and optical care is generally not included, but might be offered as part of an overall benefits package.
- Coverage can be extended to the employee's family (dependents).

The Family and Medical Leave Act

FMLA provides two major employee benefits: Job restoration and maintenance of benefits. A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during the employer-designated leave year (military caregiver leave must be counted on a 12-month period measured forward) for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
 - Leave for birth and care, or placement for adoption or foster care must conclude within 12 months following the birth or placement.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.
 - Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.
- Up to 12 weeks of leave for an "exigency" related to active military duty service by the employee's spouse, son, daughter, or parent; and
- Up to 26 weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a covered veteran member of the armed forces and who is a covered veteran and who is undergoing medical treatment or who is medically unfit to perform military duties due to an injury or illness incurred or aggravated while on active duty.



Consolidated Omnibus Budget Reconciliation Act (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1985, commonly called COBRA, applies to employers who employ 20 or more workers on 50 percent of the business days during the preceding calendar year. Provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at a more expensive rate than the group rate since the person may be charged the full premium.

COBRA Qualifying Events

Employees (like spouses and dependent children appears on the page)

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in the number of hours of employment

Spouses

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

Dependent Children

- Same as those for a spouse
- Loss of dependent child status under the plan rule. Under the Patient Protection and Affordable Care Act, plans that offer coverage to children on their parents' plan must make the coverage available until the adult child reaches the age of 26.

COBRA Coverage Periods

| Qualifying Event | Qualifying Beneficiaries | Maximum Period of Continuation Coverage |
|--|---|---|
| <ul style="list-style-type: none">• Termination (for reasons other than gross misconduct)• Reduction in hours of employment | <ul style="list-style-type: none">• Employee• Spouse• Dependent Child | 18 months |
| Employee enrollment in Medicare | <ul style="list-style-type: none">• Spouse• Dependent Child | 36 months |
| Divorce or legal separation | <ul style="list-style-type: none">• Spouse• Dependent Child | 36 months |
| Death of employee | <ul style="list-style-type: none">• Spouse• Dependent Child | 36 months |
| Loss of "dependent child" status under the plan | <ul style="list-style-type: none">• Dependent Child | 36 months |



Workers' Compensation

- Covers the cost of medical care and rehabilitation for workers injured on the job.
- Compensates employees for lost wages and provides death benefits for their dependents if they are killed in work-related accidents.
- Workers compensation systems vary from state to state.

Retirement Benefits

Disability Benefits

Life Insurance

Paid Time Off ("PTO")

Fringe Benefits

Bonuses

Stock Options



Strategies for Coaching, Counseling, and Disciplining Employees

Coaching and Counseling

- Provide new employees with a copy of employee handbook
- Explain general conduct requirements
- Orient employees in the specific conduct requirements of their positions.
- Counsel employees in a timely manner
- Offer to assist the employee in improving his/her conduct and to be available, within reasonable limitations, for any further consultation that the employee may request.
- Advise the employee of the availability of the EAP
- Document behavior using objective data and verifiable facts

How to Conduct a Performance Review that is Effective, Motivating, and Legally Sound

1. Use a legally valid performance review process

- Job-related;
- Based on a thorough analysis of the job;
- Standardized for all employees;
- Not biased based upon protected class status;
- A route for recourse if an employee feels s/he has been dealt with unfairly; and,
- Process should be clearly described in a personnel policy.

2. Use a standard form

- Name of the employee;
- Date the performance form was completed;
- Dates specifying the time interval over which the employee is being evaluated;
- Performance dimensions (include responsibilities from the job description, any assigned goals from the strategic plan, along with needed skills, such as communications, teamwork, etc.);
- A rating system (e.g., poor, average, good, excellent);
- Space for commentary for each dimension evaluated;
- Section for overall commentary;
- Section for action plans to address improvements; and,
- Lines for signatures of the supervisor and employee.



Strategies for Coaching, Counseling, and Disciplining Employees

- 3. Have the employee rate themselves**

- 4. Document your input – reference the job description and performance goals**

- 5. Hold the performance appraisal meeting**

- 6. Update and finalize the performance appraisal form**

- 7. Nothing should be new information to the employee during the appraisal meeting—an annual appraisal is not a substitute for timely supervisory feedback**

Guidelines for Legal Termination of an Employee

- Review alternatives to termination
- Review final event carefully
- Anticipate and plan for this employee's most likely reactions
- Prepare what you will say ahead of time
- Give an adequate reason for the discharge
- Allow employee to speak
- Make it clear that the decision is final
- Briefly run through the company benefits, if any, including COBRA
- Provide last paycheck
- Obtain release if timing is right
- Discuss the company's job reference policy
- Collect any keys, phones, computers, company car, company credit cards, etc.