HELLO, EVERYONE, WELCOME TO

THE SMALL BUSINESS SUCCESS

VIRTUAL CONFERENCE.

MY NAME IS SAMINA AND I'M THE

CONTENT MANAGER WITH SCORE.

WE ARE JOINED BY MANDY AND

BREANNA, BOTH HR CONSULTANTS

WITH PAYCHECKS.

THEY WILL BE PRESENTING THE TOP

HR ISSUES BUSINESS OWNERS FACE

AND HOW TO SOLVE THEM.

BEFORE TURNING THE SESSION OVER

TO MANDY AND BRIANNA, I'D LIKE

TO MENTION A FEW HOUSEKEEPING

ITEMS.

THIS WEBINAR WILL LAST ONE HOUR

AND IS BEING RECORDED.

A LINK TO THE RECORDING WILL BE

E-MAILED TO ALL PARTICIPANTS.

WE HAVE SET ASIDE TIME FOR Q & A

AT THE END OF TODAY'S

PRESENTATION.

IF YOU HAVE ANY QUESTIONS,

PLEASE SUBMIT THOSE USING THE Q

& A BOX.

PLEASE USE THE SAME BOX IF YOU

EXPERIENCE ANY TECHNICAL

DIFFICULTIES AND NEED

ASSISTANCE.

NOW WE'LL BEGIN THE TOP HR

ISSUES BUSINESS OWNERS FACE AND

HOW TO SOLVE THEM.

THANK YOU SO MUCH FOR JOINING

US.

MANDY.

>> THANK YOU, AND WELCOME TO OUR

WEBINAR.

DUE TO THE SIZE OF OUR AUDIENCE

TODAY, WE HAVE PUT EVERYONE ON

MUTE.

WE HAVE SLATED SOME TIME AT THE

END OF THE WEBINAR FOR

QUESTIONS.

THIS INFORMATION AND THESE

MATERIALS AND THAT PROVIDED BY

THE PRESENTERS SHOULD NOT BE

CONSIDERED LEGAL, ACCOUNTING OR

INVESTMENT ADVICE AND IT SHOULD

NOT SUBSTITUTE FOR LEGAL,

ACCOUNTING AND OTHER

PROFESSIONAL ADVICE WHERE THE

FACTS AND CIRCUMSTANCES WARRANT.

THIS IS FOR INFORMATIONAL

PURPOSES ONLY.

IF YOU DO REQUIRE LEGAL OR

ACCOUNTING ADVICE OR NEED OTHER

PROFESSIONAL ASSISTANCE, YOU

SHOULD ALWAYS CONSULT YOUR

ATTORNEY, ACCOUNTANT OR OTHER

PROFESSIONAL ADVISOR TO DISCUSS

YOUR PARTICULAR FACTS,

CIRCUMSTANCES AND BUSINESS

NEEDS.

LET ME INTRODUCE PAYCHECKS, WHO

HAS MORE THAN 40 YEARS OF

INDUSTRY EXPERIENCE AND PROVIDES

PAYROLL PROCESSING FOR OVER

600,000 BUSINESSES.

PAYCHECKS ALSO DELIVERS FORTUNE

500 EMPLOYEE BENEFITS -- FORTUNE

500 EMPLOYEE BENEFIT SERVICES,

HUMAN RESOURCE OUTSOURCING

SOLUTIONS, WORKERS' COMPENSATION

AND HEALTH INSURANCE THROUGH OUR

PAYCHECKS AGENCY AS WELL AS

SAFETY AND LOSS CONTROL

SERVICES.

THE PURPOSE OF TODAY'S SEMINAR

IS TO GIVE YOU INFORMATION

REGARDING SOME OF THE TOP HR

ISSUES SO YOU MAY BE MORE ABLE

TO PROACTIVELY MANAGE THESE

ISSUES.

TODAY WE WILL IDENTIFY THE NEEDS

TO PROACTIVELY MANAGE HR ISSUES,

DESCRIBE THE LAWS THAT PROVIDE

THE FOUNDATION FOR TODAY'S

PRESENTATION, DISCUSS SMALL

BUSINESS OWNERS HR ISSUES, TAKE

A LOOK AT HR ISSUES IN THE NEWS,

ASSESS IF YOUR BUSINESS HAS HR

ISSUES, HIGHLIGHT PAYCHECKS HR

SOLUTIONS, AND THEN AN OPEN Q &

A.

>> WHY IS IT CRITICAL TO

PROACTIVELY MANAGE HR ISSUES?

THERE ARE MANY REASONS.

FAILURE TO SUCCESSFULLY MANAGE

THEM CAN NEGATIVELY IMPACT YOUR

BOTTOM LINE BY POTENTIALLY

EXPOSING YOUR COMPANY TO FEDERAL

AND STATE LAWSUITS AND

REGULATORY FINES, REDUCE

EMPLOYEE MORALE RESULTING IN

LOST PRODUCTIVITY, NEGATIVE

PUBLICITY THAT CAN HARM YOUR

BUSINESS, AND LARGE AMOUNTS OF

TIME SPENT ON HR PROBLEMS THAT

MAY NOT CONTRIBUTE TO YOUR

COMPANY'S BOTTOM LINE GROWTH.

NEXT, LET'S TAKE A LOOK AT THE

FOUNDATION FOR TODAY'S

PRESENTATION.

LET'S TAKE A LOOK AT THE LAWS

THAT PROVIDE THE FOUNDATION FOR

TODAY'S PRESENTATION AND IMPACT

THE WAY YOU RUN YOUR BUSINESS.

THE FIRST LAW IS THE FAIR LABOR

STANDARDS ACT OR ALSO KNOWN AS

FLSA, WHICH IS A FEDERAL LAW

THAT PROVIDES FEDERAL STANDARDS

FOR MINIMUM WAGE, OVERTIME PAY,

CHILD LABOR AND RECORD KEEPING

REQUIREMENTS.

THE LAW INDICATES THAT EMPLOYERS

MUST PAY NONEXEMPT EMPLOYEES

MINIMUM WAGE FOR ALL HOURS

WORKED AND OVERTIME, TIME AND A

HALF, FOR ALL HOURS WORKED OVER

40 HOURS IN A WEEK.

PLEASE BEWARE THAT STATE OR

LOCAL LAWS MAY DIFFER AND MAY

RESULT IN ADDITIONAL OR MORE

BENEFICIAL REQUIREMENTS FOR

EMPLOYERS TO FOLLOW.

EMPLOYERS MUST ALSO ENSURE

ACCURATE CLASSIFICATION OF

EXEMPT AND NONEXEMPT EMPLOYEES

AND MUST MAINTAIN RECORDS,

INCLUDING, BUT NOT LIMITED TO,

TIME AND DAY OF WEEK WHEN AN

EMPLOYEE'S WORKWEEK BEGINS,

HOURS WORKED EACH DAY, AND TOTAL

HOURS WORKED.

THE SECOND LAW IS TITLE VII OF

THE CIVIL RIGHTS ACT OF 1964,

WHICH PROHIBITS DISCRIMINATION

IN EMPLOYMENT BASED ON RACE,

SEX, NATIONAL ORIGIN, RELIGION,

OR COLOR.

THIS APPLIES TO BUSINESSES WITH

15 OR MORE EMPLOYEES FOR EACH

WORKING DAY IN EACH OF THE 20 OR

MORE CALENDAR WORK WEEKS IN THE

CURRENT OR PRECEDING YEAR.

SEXUAL HARASSMENT IS A FORM OF

SEX DISCRIMINATION.

BEWARE, STATES MAY ALSO HAVE

ANTI-DISCRIMINATION LAWS OFTEN

REFERRED TO AS FAIR EMPLOYMENT

PRACTICE.

OR FEP LAWS, OR HUMAN RIGHTS

LAWS THAT MAY INCLUDE ADDITIONAL

PROTECTED CLASSES.

THE THIRD LAW THAT WE WILL COVER

IS THE AMERICANS WITH

DISABILITIES ACT, ADA, WHICH

PROHIBITS DISCRIMINATION IN

EMPLOYMENT AGAINST QUALIFIED

INDIVIDUALS WITH DISABILITIES.

IT REQUIRES EMPLOYERS TO PROVIDE

A REASONABLE ACCOMMODATION TO

OTHERWISE QUALIFIED INDIVIDUALS

WITH DISABILITIES UNLESS DOING

SO WOULD CREATE AN UNDUE

HARDSHIP AND APPLIES TO

BUSINESSES WITH 15 OR MORE

EMPLOYEES OR 20 OR MORE CALENDAR

WEEKS IN THE CURRENT OR

PRECEDING CALENDAR YEAR.

THE FOURTH LAW THAT WE WILL

DISCUSS IS THE AGE

DISCRIMINATION IN EMPLOYMENT

ACT.

ALSO KNOWN AS THE ADEA.

THIS LAW PROTECTS INDIVIDUALS 40

YEARS AND OLDER FROM EMPLOYMENT

DISCRIMINATION BASED ON AGE,

INCLUDING, BUT NOT LIMITED TO,

HIRING, FIRING, PROMOTION,

DEMOTION, LAYOFFS, COMPENSATION,

BENEFITS, JOB ASSIGNMENTS AND

TRAINING.

IT REQUIRES EMPLOYERS TO

MAINTAIN CERTAIN EMPLOYMENT

RECORDS FOR AT LEAST ONE YEAR

AND APPLIES TO BUSINESSES WITH

20 OR MORE EMPLOYEES FOR 20 OR

MORE CALENDAR WEEKS IN THE

CURRENT OR PRECEDING CALENDAR

YEAR.

AGE DISCRIMINATION LAWS MAY

PROTECT EMPLOYEES AS WELL.

THE FINAL LAW IS THE IMMIGRATION

REFORM CONTROL ACT, ALSO KNOWN

AS IRCA, WHICH PROHIBITS

DISCRIMINATION IN HIRING

PRACTICES ON THE BASIS OF

CITIZENSHIP OR NATIONAL ORIGIN,

AND REQUIRES COMPLETION AND

RETENTION OF THE FORM I-9 FOR

HIRED EMPLOYEES.

THIS LAW MAKES IT UNLAWFUL TO

HIRE, RECRUIT, OR REFER FOR A

FEE AN UNAUTHORIZED ALIEN OR ANY

INDIVIDUAL WITHOUT COMPLYING

WITH THE EMPLOYMENT VERIFICATION

REQUIREMENTS.

IT ALSO MAKES IT UNLAWFUL TO

CONTINUE EMPLOYING AN ALIEN

AFTER LEARNING HE IS

UNAUTHORIZED.

THE FORM I-9 REQUIREMENTS AND

THE PROHIBITION AGAINST HIRING,

RECRUITING AND EMPLOYING AN

ALIEN APPLIES TO ALL EMPLOYERS.

WHEREAS THE DISCRIMINATION

PROVISION APPLIES TO THOSE WITH

FOUR OR MORE EMPLOYEES.

DESPITE THE FEDERAL LAWS THAT WE

JUST DISCUSSED, PLEASE BE AWARE

THAT STATE REQUIREMENTS MAY BE

MORE STRINGENT THAN THE FEDERAL

REQUIREMENTS.

TAKE NOTE THAT IT IS THE

EMPLOYER'S RESPONSIBILITY TO

FOLLOW THE LAWS AND REGULATIONS

THAT APPLY AT A FEDERAL, STATE

OR LOCAL LEVEL, AND THAT ARE

MOST BENEFICIAL TO THE EMPLOYEE.

NOW, LET'S TAKE A LOOK AT SOME

OF THE TOP HR ISSUES.

>> SOME OF THE TOP HR ISSUES

INCLUDE, FAILURE TO ACCURATELY

DEVELOP AND UPDATE JOB

DESCRIPTIONS, FAILURE TO

ACCURATELY COMPLETE AND RETAIN

FORM I-9, MISCLASSIFICATION OF

EXEMPT AND NONEXEMPT EMPLOYEES,

FAILURE TO ACCURATELY TRACK AND

COMPENSATE EMPLOYEES FOR ALL

HOURS WORKED, FAILURE TO DEVELOP

AND MAINTAIN A COMPREHENSIVE AND

UP-TO-DATE EMPLOYEE HANDBOOK,

FAILURE TO DEVELOP, COMMUNICATE

AND ENFORCE A NONHARASSMENT

POLICY, FAILURE TO ESTABLISH,

COMMUNICATE AND ADMINISTER

EMPLOYEE DISCIPLINE AND

TERMINATION POLICIES, AND

FAILURE TO COMPLY WITH

ANTI-RETALIATION PROVISIONS IN

FEDERAL AND STATE LAWS.

LET'S GO EACH OF THESE IN MORE

DETAIL.

>> THE FIRST HR ISSUE FOR US TO

DISCUSS IS THE FAILURE TO

ACCURATELY DEVELOP AND UPDATE

JOB DESCRIPTIONS.

JOB DESCRIPTIONS ARE NOT

MANDATED BY STATE OR FEDERAL

LAW, BUT THEY ARE ESSENTIAL FOR

HIRING AND MANAGING EMPLOYEES.

THIS IS BECAUSE THEY DESCRIBE

THE MAJOR AREAS OF AN EMPLOYEE'S

JOB OR POSITION.

THEY HELP ATTRACT THE RIGHT JOB

CANDIDATES.

A JOB DESCRIPTION SERVES AS A

MAJOR BASIS FOR OUTLINING

EXPECTATIONS, JOB TRAINING, JOB

EVALUATION AND CAREER

ADVANCEMENT.

IT PROVIDES A REFERENCE POINT

FOR COMPENSATION DECISIONS.

IT ASSISTS IN COMPLYING WITH THE

AMERICANS WITH DISABILITIES ACT

WE DISCUSSED EARLIER BY

IDENTIFYING THE ESSENTIAL

WORK-RELATED FUNCTIONS OF THE

POSITION.

AND A JOB DESCRIPTION HELPS IN

THE DETERMINATION OF EXEMPT AND

NONEXEMPT CLASSIFICATION UNDER

THE FAIR LABOR STANDARDS ACT

THAT WE ALSO DISCUSSED EARLIER.

>> ONE OF THE FIRST

RESPONSIBILITIES OF AN EMPLOYER

WHEN A NEW INDIVIDUAL BEGINS

EMPLOYMENT IS TO ENSURE THE

EMPLOYEE IS ELIGIBLE TO WORK IN

THE U.S.

FAILURE TO DO THIS IS THE TOPIC

OF OUR SECOND HR ISSUE.

FAILURE TO ACCURATELY COMPLETE

AND RETAIN FORMS I-9.

AN EMPLOYER MUST COMPLETE FORM

I-9 FOR EVERY NEW EMPLOYEE.

VALID, UNEXPIRED DOCUMENTATION

TO COMPLETE FORM I-9 MUST BE

PROVIDED WITHIN THREE BUSINESS

DAYS OF EMPLOYMENT OR EMPLOYEES

MUST BE TERMINATED UNDER IRCA

REGULATIONS.

FORMS I-9 MUST BE RETAINED BY

THE EMPLOYER FOR THREE YEARS

AFTER THE DATE OF HIRE OR ONE

YEAR AFTER THE DATE OF

TERMINATION, WHICHEVER IS LATER.

IF YOU ARE NOT AWARE, THERE IS

INCREASED I.C.E. ENFORCEMENT

THAT MAY MAKE EMPLOYERS WHO FAIL

TO COMPLY WITH THESE

REQUIREMENTS MORE VALUABLE THAN

EVER BEFORE.

>> DEFINE EMPLOYEES AS EXEMPT OR

NONEXEMPT UNDER THE FLSA IS

NEITHER EXACT OR EASY.

THE DECISION CANNOT BE MADE

ARBITRARILY NOR SHOULD IT BE

MADE BASED SOLELY ON THE JOB

TITLE OR THE WAY THE EMPLOYEE IS

PAID, THAT IS HOURLY OR SALARY.

INSTEAD, THE DETERMINATION MUST

BE MADE BASED ON THE EMPLOYEE'S

ACTUAL JOB DUTIES AND AN

UP-TO-DATE JOB DESCRIPTION IS

CRITICAL TO START.

THEREFORE, THE MISCLASSIFICATION

OF EXEMPT AND NONEXEMPT

EMPLOYEES IS THE THIRD HR ISSUE

THAT WE WILL DISCUSS.

ACCORDING TO THE FLSA, NONEXEMPT

EMPLOYEES MUST BE PAID A MINIMUM

WAGE FOR ALL HOURS WORKED AND

OVERTIME, WHICH IS TIME AND ONE

HALF THE REGULAR RATE OF PAY FOR

ALL HOURS WORKED OVER 40 HOURS

IN A WORKWEEK.

IT IS AN EMPLOYER'S

RESPONSIBILITY TO ACCURATELY

CLASSIFY AN EMPLOYEE AS EXEMPT

OR NONEXEMPT.

IN CASES WHERE AN EMPLOYER IS

SUBJECT TO FEDERAL, STATE AND

WAGE AND HOUR LAWS, THE EMPLOYER

MUST FOLLOW THE PROVISIONS OF

THE LAW MOST BENEFICIAL TO THE

EMPLOYEE.

AN EMPLOYEE MUST BE EXEMPT UNDER

ALL APPLICABLE LAWS FOR AN

EMPLOYER TO BE RELIEVED OF

HAVING TO PAY OVERTIME.

FAILURE TO MAKE AN ACCURATE

CLASSIFICATION CAN BE A COSTLY

MISTAKE AND FINES, LAWSUITS, AND

PAYMENT OF BACK WAGES AS WELL AS

ANY BACK TAXES.

>> THE FOURTH HR ISSUE TO

DISCUSS IS THE FAILURE TO

ACCURATELY TRACK AND COMPENSATE

EMPLOYEES FOR HOURS WORKED,

WHICH DIRECTLY IMPACTS THE

PAYMENT OF EMPLOYEES LIKE OUR

LAST ISSUE.

UNDER FLSA NONEXEMPT EMPLOYEES

MUST RECEIVE AT LEAST MINIMUM

WAGE FOR ALL HOURS WORKED AND

MUST RECEIVE ONE AND A HALF

TIMES THEIR REGULAR RATE OF PAY

FOR ALL HOURS WORKED OVER 40 IN

A WORKWEEK.

STATE AND LOCAL LAWS MAY ALSO

APPLY.

ANY WORK PERMITTED BY THE

EMPLOYER CAN BE COMPENSABLE TIME

UNDER THE FLSA.

OTHER COMPENSABLE TIME MAY

INCLUDE WAITING TIME, ON-CALL

TIME, BREAKS AND MEAL PERIODS,

SLEEPING TIME, TIME SPENT IN

MEETINGS, LECTURES OR TRAINING

AS WELL AS TRAVEL TIME.

>> THE FIFTH HR ISSUE THAT WE

WILL DISCUSS TODAY IS NOT

DEVELOPING A COMPREHENSIVE AND

UP-TO-DATE HANDBOOK.

THE REASONS TO HAVE AN EMPLOYEE

HANDBOOK INCLUDE THE FOLLOWING.

AN EMPLOYEE HANDBOOK MAY HELP

IMPROVE EMPLOYEE MORALE AND

PRODUCTIVITY BY PROVIDING

PROFESSIONAL, CLEAR AND

CONSISTENT EMPLOYMENT POLICY

COMMUNICATION.

IT CAN SET THE TONE FOR THE

EMPLOYER/EMPLOYEE RELATIONSHIP

AND MAY HELP ESTABLISH BASIC

RULES FOR EMPLOYEE CONDUCT.

IT CAN ASSIST EMPLOYERS IN THE

CONSISTENT IMPLEMENTATION OF

POLICIES AND PRACTICES.

IT MAY HELP REDUCE THE RISK OF

SUCCESSFUL LAWSUITS AND

GOVERNMENT PENALTIES WHEN

APPROPRIATE AND LAWFUL POLICIES

ARE DEVELOPED, COMMUNICATED, AND

IMPLEMENTED CONSISTENTLY.

NOTE THAT DESPITE WHAT IS

WRITTEN IN YOUR EMPLOYEE

HANDBOOK, YOUR ACTUAL PRACTICE

CAN BECOME YOUR POLICY.

EMPLOYEE HANDBOOKS IN CERTAIN

STATES CAN SATISFY AN EMPLOYER'S

LEGAL OBLIGATION, LIKE

NONHARASSMENT, AND SERVE AS A

CRITICAL DOCUMENTATION THAT

OFTEN IS THE MOST POWERFUL PIECE

OF SUBPOENAED INFORMATION IN

LITIGATION.

>> HARASSMENT IS A PARTICULARLY

SENSITIVE ISSUE IN TODAY'S WORK

ENVIRONMENT.

AS TODAY'S WORKFORCE BECOMES

MORE DIVERSE, INDIVIDUALS MUST

LEARN TO BE AWARE OF THE IMPACT

OF THEIR ACTIONS AND ENSURE

EQUALITY AND CONSIDERATION ARE

MAINTAINED AT ALL TIMES.

BECAUSE OF THIS, THE NEXT HR

ISSUE FOR US TO DISCUSS IS THE

FAILURE TO DEVELOP, COMMUNICATE,

AND ENFORCE A NONHARASSMENT

POLICY.

FEDERAL EMPLOYMENT LAWS PROHIBIT

HARASSMENT AGAINST EMPLOYEES AND

APPLICANTS FOR EMPLOYMENT ON ANY

LEGALLY RECOGNIZED BASIS,

INCLUDING RACE, AGE, COLOR,

RELIGION, SEX, NATIONAL ORIGIN,

PHYSICAL OR MENTAL DISABILITY,

AND VETERAN STATUS.

HARASSMENT BASED ON A PROTECTED

CLASS IS PROHIBITED BY FEDERAL,

STATE AND IN SOME INSTANCES

LOCAL LAW.

THE EEOC OR EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION, DEFINES

VERBAL, PHYSICAL AND SEXUAL

HARASSMENT AS FOLLOWS.

VERBAL HARASSMENT IS DEROGATORY

OR VULGAR COMMENTS REGARDING AN

INDIVIDUAL'S SEX, RELIGION,

ETHNIC HERITAGE, PHYSICAL

APPEARANCE OR PERSONAL

ATTRIBUTES, OR THE DISTRIBUTION

OF WRITTEN OR GRAPHIC MATERIAL

HAVING SUCH EFFECT.

PHYSICAL HARASSMENT IS HITTING,

PUSHING OR OTHER PHYSICAL

CONTACT OR THREAT OF PHYSICAL

CONTACT EITHER IMPLICIT OR

EXPLICIT.

SEXUAL HARASSMENT IS UNWELCOME

SEXUAL ADVANCES, REQUESTS FOR

SEXUAL FAVORS, AND OTHER VERBAL

OR PHYSICAL CONDUCT OF A SEXUAL

NATURE.

IN ADDITION TO NONHARASSMENT --

TO A NONHARASSMENT POLICY,

EMPLOYERS SHOULD CONSIDER

EMPLOYEE AND SUPERVISORY

TRAINING TO REDUCE LIABILITY IN

HARASSMENT CLAIMS.

>> THE SEVENTH HR ISSUE TO

DISCUSS IS THE FAILURE TO

ESTABLISH, COMMUNICATE, MANAGE,

AND ADMINISTER EMPLOYEE

DISCIPLINE AND TERMINATION

POLICIES.

PROGRESSIVE DISCIPLINE CAN HELP

EMPLOYEES RECEIVE CLEAR

EXPECTATIONS AND MAKE THEM AWARE

OF THE CONSEQUENCES IF POOR

PERFORMANCE OR MISCONDUCT

CONTINUES.

THE PROCESS GENERALLY INCLUDES A

SERIES OF WARNINGS TO ADDRESS

EMPLOYEES' VIOLATIONS OR

PERFORMANCE ISSUES.

EACH WARNING STEPS RESULTS IN A

CONSEQUENCE THAT INCREASES ITS

SEVERITY THE LONGER THE

UNDESIRABLE BEHAVIOR PERSISTS.

IT'S THE EMPLOYER'S

RESPONSIBILITY TO SET THE

EXPECTATIONS FOR THE EMPLOYEES

AND DOCUMENT THE PROCESS EACH

STEP OF THE WAY.

FOLLOWING PROGRESSIVE DISCIPLINE

STEPS IN DOCUMENTING THE

SITUATIONS AND ACTIONS FOR EACH

STEP CREATES A PAPER TRAIL,

WHICH CAN BE USEFUL IN THE

EMPLOYEE FILE CHARGES AGAINST

THE COMPANY WITH A GOVERNMENT

AGENCY OR PRIVATE ATTORNEY.

ONCE AGAIN, DOCUMENTATION IS A

CRITICAL AND OFTEN IS THE MOST

POWERFUL PIECE OF SUBPOENA

INFORMATION IN A LITIGATION.

>> THE FINAL HR ISSUE TO DISCUSS

IS THE FAILURE TO COMPLY WITH

ANTI-RETALIATION PROVISIONS IN

FEDERAL AND STATE LAWS THAT MAKE

IT UNLAWFUL FOR AN EMPLOYER TO

RETALIATE AGAINST AN EMPLOYEE

FOR ASSERTING RIGHTS UNDER THOSE

LAWS.

RETALIATION IS AN ADVERSE

EMPLOYMENT ACTION THAT AN

EMPLOYER TAKES AGAINST AN

EMPLOYEE BECAUSE THE EMPLOYEE

COMPLAINED ABOUT DISCRIMINATION,

HARASSMENT OR SOME OTHER

VIOLATION OF AN EMPLOYMENT LAW.

ADVERSE EMPLOYMENT ACTION BY AN

EMPLOYER MAY INCLUDE DEMOTIONS,

DISCIPLINE, TERMINATION,

CHANGING JOB DUTIES, POOR JOB

EVALUATIONS, AND A SERIES OF

SMALL ADVERSE EMPLOYMENT

ACTIONS.

>> IN SUMMARY, TODAY WE TALKED

ABOUT WHY JOB DESCRIPTIONS ARE

IMPORTANT, THE FORM I-9, THE

CLASSIFICATION OF EMPLOYEES,

COMPENSATION, THE EMPLOYEE

HANDBOOK, THE COMPANY'S

NONHARASSMENT POLICY, DISCIPLINE

AND TERMINATION, AND

ANTI-RETALIATION PROVISIONS.

>> TODAY'S SEMINAR REVIEWED

INFORMATION REGARDING SOME OF

THE TOP HR ISSUES EMPLOYERS FACE

TODAY.

LET'S GO THROUGH THE QUESTIONS

THAT WERE SENT TO US THROUGHOUT

OUR CHAT.

WE WILL BE BRIEF, GIVEN OUR

ALLOWED ALLOTTED TIME.

>> OKAY, THANK YOU SO MUCH,

MANDY AND BRIANNA.

WE'LL NOW START THE QUESTION AND

ANSWER PORTION OF OUR WEBINAR.

WE'LL ADDRESS AS MANY QUESTIONS

AS WE CAN IN THE TIME REMAINING

AND PLEASE CONTINUE TO SUBMIT

YOUR QUESTIONS IN THE Q & A BOX.

IF WE DON'T HAVE TIME TO GET TO

YOUR QUESTIONS, I ENCOURAGE YOU

TO CONNECT WITH A SCORE MENTOR

AFTER THE WEBINAR.

THEY ARE AVAILABLE IN THE

MENTORING HALL.

SO LET'S GET STARTED.

THIS IS FROM MANESH T.

FOR NONHARASSMENT, HOW OFTEN

SHOULD WE TRAIN EMPLOYEES ON

THIS?

>> THAT IS A GREAT QUESTION.

WE HIGHLY RECOMMEND TRAINING

EMPLOYEES AT LEAST ON AN ANNUAL

BASIS FOR NONHARASSMENT AS LAWS

ARE ALWAYS CHANGING, BUT IT'S

REALLY IMPORTANT TO KNOW THAT

THERE ARE INDIVIDUAL STATES THAT

HAVE DIFFERENT MANDATES.

SOME STATES SPECIFICALLY STATE

THAT IT NEEDS TO BE ON AN ANNUAL

BASIS.

SOME STATES DON'T EVEN MANDATE

HARASSMENT TRAINING EVEN THOUGH

WE RECOMMEND IT.

AND THERE'S OTHER STATES, SUCH

AS CALIFORNIA, WHICH MANDATES IT

EVERY OTHER YEAR AT THIS TIME

FOR MANAGEMENT TEAM EMPLOYEES OF

50 OR MORE.

BUT EVEN THOUGH EMPLOYEES ARE

PROBABLY LIKE, OH, WE JUST WENT

THROUGH IT LAST YEAR, IT'S

ALWAYS GOOD FOR EMPLOYEES TO GO

THROUGH IT FOR A GOOD REFRESHER,

JUST TO KEEP IT FRESH IN THEIR

MINDS OF WHAT HARASSMENT IS AND

WHAT DISCRIMINATION IS.

>> AND JUST TO PIGGYBACK ON

THAT, CONDUCTING NONHARASSMENT

TRAINING, WHETHER IT'S REQUIRED

BY YOUR STATE OR NOT, IS A GREAT

IDEA FOR MANY REASONS.

ONE OF THEM IS ACTUALLY

PROTECTION.

IF YOU EVER ARE FACED WITH AN

HARASSMENT CLAIM, IT REALLY

LOOKS GOOD ON THE EMPLOYER SIDE

IF YOU SHOW THAT, ONE, YOU DO

PROVIDE NONHARASSMENT TRAINING,

THAT YOU HAVE A NONHARASSMENT

POLICY, AND THAT YOU'VE TAKEN

ALL -- ANY CLAIMS OF HARASSMENT

GOING ON, THAT YOU'VE TAKEN THEM

SERIOUSLY AND DONE A THOROUGH

INVESTIGATION.

SO NOT ONLY IS IT A GREAT BEST

PRACTICE, IT'S MANDATED IN SOME

STATES, BUT IT COULD HELP YOU IN

THE FUTURE IF YOU EVER DID

RECEIVE A HARASSMENT CLAIM.

>> WE HAVE SOME -- A COUPLE OF

OTHER QUESTIONS PIGGYBACKING OFF

OF THAT.

ONE IS FROM JULIAN K.

IS IT ADVISABLE TO HAVE AN

EMPLOYEE SIGN AN ACKNOWLEDGEMENT

OF ANY DISCIPLINARY WARNINGS AND

MAINTAIN A COPY IN THE EMPLOYEE

FILE?

>> YES.

IT IS -- IF YOU ARE -- ANY TIME

THAT YOU ARE ISSUING AN EMPLOYEE

ANY KIND OF WRITTEN

DOCUMENTATION ON DISCIPLINARY

ISSUES THAT ARE GOING ON, IT IS

A GOOD IDEA TO HAVE THE EMPLOYEE

SIGN THEM.

IT'S ALSO GOOD TO HAVE THEM SIGN

THAT SO THEY'RE NOT ADMITTING

THAT THEY HAVE DONE ANYTHING

WRONG, BUT THAT THEY ARE

ACKNOWLEDGING THAT THEY HAVE

RECEIVED THE INFORMATION AND

THAT THEY DO UNDERSTAND THE

INFORMATION THAT'S BEEN PROVIDED

TO THEM.

SO IT'S A GOOD IDEA TO HAVE A

STATEMENT SUCH AS THAT UNDER

THEIR SIGNATURE.

THEY DON'T -- YOU CAN'T FORCE

SOMEBODY TO SIGN ANYTHING, SO IF

THEY REFUSE TO SIGN IT, WE

USUALLY AS A BEST PRACTICE WOULD

HAVE THE -- WHATEVER MANAGEMENT

OR HR IS GIVING THE WRITE-UPS TO

JUST MAKE A NOTE THAT THE

EMPLOYEE REFUSED TO SIGN.

BUT I WOULD STILL GIVE THAT

EMPLOYEE A COPY OF WHATEVER

INFORMATION WAS GONE OVER WITH

THEM.

THEN YES, YOU SHOULD ABSOLUTELY

KEEP A COPY IN THE EMPLOYEE'S

FILE.

>> AND JUST TO PIGGYBACK OFF

THAT, A WRITTEN WARNING IS,

THEREFORE, A PAPER TRAIL FOR THE

COMPANY TO HELP PROTECT THEM

WHEN IT COMES TO TERMINATIONS,

BUT ALSO A WRITTEN WARNING

DOESN'T MEAN THAT THE EMPLOYEE

HAS TO AGREE WITH WHAT IS ON

THERE.

KIND OF LIKE MANDY SAID, IT'S TO

MAKE THEM AWARE OF THE

INFRACTION THAT HAS OCCURRED.

SO THAT'S ANOTHER REASON WHY

IT'S EXTREMELY IMPORTANT TO KEEP

A COPY AND ALSO PROVIDE IT TO

THE EMPLOYEE.

>> OKAY.

AND ANOTHER RELATED QUESTION.

GREG H. ASKS IF A WORKER IS

ACCUSED OF HARASSMENT, CAN I

JUST DEMOTE THAT PERSON AND WILL

IT STOP ANY CLAIMS BECAUSE THEY

NO LONGER WORK TOGETHER?

>> IT'S NOT RECOMMENDED TO --

>> YES, GO AHEAD.

>> IT'S NOT RECOMMENDED TO JUST

DEMOTE AN EMPLOYEE DUE TO A

HARASSMENT OR A DISCRIMINATION

CLAIM.

THAT CAN ACTUALLY RESULT TO

HAVING A DISCRIMINATION CLAIM OR

HARASSMENT CLAIM AGAINST THE

EMPLOYER.

IT'S EXTREMELY IMPORTANT TO GO

THROUGH THE ENTIRE INVESTIGATION

PROCESS, WHO IS INVOLVED, WHAT

HAPPENED, WHERE, WERE THERE ANY

WITNESSES.

IF IT IS FOUND TO BE THAT THE

PERSON DID SEXUALLY HARASS OR

HARASS ANOTHER EMPLOYEE, WOULD

DEMOTION REALLY BE THE BUSINESS

REASON OF DEMOTING SOMEBODY?

WOULD THAT IN FACT CHANGE WHAT

IS OCCURRING WITHIN THE

WORKPLACE?

SO WHAT'S IMPORTANT TO THINK

ABOUT IS WHAT SHOULD BE THE NEXT

STEP AND SHOULD THAT EMPLOYEE

TRULY WORK FOR THE COMPANY IF IT

WAS THAT SERIOUS WHERE YOU

WANTED TO DEMOTE THEM, BUT AT

THE SAME TIME WHAT IF THEY'RE A

REALLY GOOD EMPLOYEE.

NOW THEY CAN SAY, WELL, YOU'RE

DEMOTING ME BECAUSE OF ONE OF MY

PROTECTED CLASSES IN WHICH I

BELONG TO.

>> OKAY.

NEXT QUESTION IS FROM MARIA R.

IS A GOOD EMPLOYEE HANDBOOK

ENOUGH PROTECTION FOR MY

RESTAURANT?

>> A GOOD EMPLOYEE HANDBOOK IS A

GREAT START, BUT THAT'S REALLY

JUST YOUR ROAD MAP.

IT'S VERY IMPORTANT THAT YOU ARE

BEING -- THAT YOUR PRACTICES ARE

CONSISTENTLY FOLLOWING WHAT YOUR

POLICIES ARE.

SO IF YOU HAVE POLICIES ON

ATTENDANCE OR YOU HAVE POLICIES

ON REALLY ANYTHING, VACATION

TIME OR CONDUCT THAT YOU FEEL IS

NOT APPROPRIATE FOR THE

WORKPLACE, THEN YOU'RE -- THAT'S

GREAT AND YOU SHOULD HAVE THOSE

IN WRITING, BUT YOU ALSO NEED TO

MAKE SURE THAT YOU'RE ABIDING BY

THOSE POLICIES.

SO IF YOU SAY THAT EMPLOYEES

NEED TO CALL BEFORE THEIR SHIFT,

IF THEY'RE NOT GOING TO -- IF

THEY'RE NOT GOING COME TO THEIR

SHIFT, THEN IF EMPLOYEES DON'T

FOLLOW THAT, THERE SHOULD BE

SOME KIND OF RECOURSE OR

DISCIPLINARY ACTION TAKEN

BECAUSE IF YOU HAVE A POLICY BUT

NOBODY HAS TO FOLLOW IT, THEN

THERE'S REALLY NO SENSE IN

HAVING A POLICY.

SO A VERY WELL WRITTEN HANDBOOK

IS A GOOD START, BUT YOUR ACTUAL

PRACTICES SHOULD MATCH WHAT

THOSE POLICIES SAY.

>> OKAY.

NEXT QUESTION IS FROM ANDY C.

I'M IN AN AT-WILL EMPLOYMENT

STATE, SO WHY DO I STILL HAVE TO

WRITE PEOPLE UP IF I CAN FIRE

THEM ANY TIME WITHOUT GIVING

THEM A REASON?

>> THAT IS A GREAT QUESTION, AND

WE GET THAT ALL THE TIME.

SO ABSOLUTELY THERE IS MANY

AT-WILL STATES WHICH ALLOWS AN

EMPLOYEE TO TERMINATE THEIR

RELATIONSHIP WITH THE EMPLOYER

AT ANY TIME FOR NO REASON OR

CAUSE, AND THE SAME FOR THE

EMPLOYER FOR NO REASON OR CAUSE.

THE IMPORTANCE OF HAVING

DOCUMENTATION IS TO HELP PROTECT

THE EMPLOYER AND THE COMPANY.

IF YOU DON'T HAVE ANY PAPER

TRAIL OF ANY VERBAL WARNINGS OR

WRITTEN WARNINGS, FINAL

WARNINGS, THE COMPANY DOESN'T

HAVE ANYTHING TO STATE THAT

THERE WERE ACTUALLY PERFORMANCE

ISSUES GOING ON WITH THAT

EMPLOYEE.

AND THE PERSON WHO WAS

TERMINATED CAN COME BACK AND SAY

I WAS TERMINATED BECAUSE I WAS

DISCRIMINATED AGAINST AND I WAS

HARASSED, AND MY EMPLOYER DID

NOTHING TO HELP ME.

BY THAT, SINCE THE EMPLOYER DOES

NOT HAVE ANY DOCUMENTATION OF

PERFORMANCE ISSUES, IT BECOMES A

HE SAID VERSUS SHE SAID, AND IN

THE END, DEPENDING ON THE STATE,

POTENTIALLY THE EMPLOYEE CAN WIN

THAT DISCRIMINATION CLAIM, WHICH

CAN RESULT IN FINES TOWARDS THE

EMPLOYER.

>> YEAH, YOU SHOULD ALWAYS LOOK

AT IT AS IT'S ALWAYS GOING TO BE

THE EMPLOYER'S BURDEN TO SHOW

THAT THEY DID NOTHING WRONG, NOT

THE EMPLOYEE HAS TO SHOW 100%

THAT THE EMPLOYER DID SOMETHING

WRONG.

SO THE EMPLOYER IS ALWAYS ON THE

HOOK TO SHOW, HEY, WE FIRED THIS

PERSON FOR GOOD REASON.

A, B AND C HAPPENED.

WE TALKED TO THEM, THEY DIDN'T

IMPROVE, AND THIS WAS THE RESULT

OF THAT, BECAUSE IF YOU CAN'T

PROVE LEGITIMATELY THAT YOU HAD

A GOOD BUSINESS REASON TO

TERMINATE SOMEONE, EVEN IN AN

AT-WILL EMPLOYMENT STATE, THEN

IT'S GOING TO BE HARD PRESSED TO

WIN A CASE, ESPECIALLY IF AN

EMPLOYEE CAN SAY, YOU KNOW, THAT

THEY MAYBE ARE OF A RACE THAT'S

DIFFERENT THAN ANYBODY ELSE OR

THEY'RE AN OLDER WORKER OR

THEY'RE IN ANY OTHER PROTECTED

CLASSES.

IT'S GOING TO BE MUCH HARDER TO

PROVE THAT WHAT YOU DID WAS NOT

DISCRIMINATORY.

>> OKAY.

NEXT QUESTION IS FROM FLORENCE

H.

HOW DO I HANDLE PAY WHEN A

SALARIED EMPLOYEE TAKES ONE FULL

DAY OFF OR MORE BUT IS STILL IN

HIS OR HER PROBATIONARY YEAR

WITH NO PTO ACCRUED?

>> SO THIS IS A REALLY GOOD

QUESTION, AND THIS IS SOMETHING

THAT MANDY AND I TEND TO GET A

LOT.

SO WHEN IT COMES TO AN EXEMPT

EMPLOYEE, THERE ARE FEDERAL LAWS

AND THEN THERE ARE ALSO STATE

MANDATED LAWS.

BUT WHEN AN EXEMPT EMPLOYEE DOES

TAKE TIME OFF, LET'S SAY THEY

WORKED TWO HOURS IN A DAY, THEY

STILL SHOULD GET PAID FOR THAT

TIME.

THE ONLY TIME THAT YOU CAN

DEDUCT AN EXEMPT EMPLOYEE'S

PAYCHECK IS IN FULL DAY

INCREMENTS.

IF THEY ARE SICK AND THEY DO NOT

HAVE ANY ACCRUED TIME LEFT.

IF IT WAS FOR OTHER REASONS, IF

YOU SUSPENDED THEM OR IT WAS FOR

DISCIPLINARY ACTIONS, THE RULES

ARE DIFFERENT, DEPENDING ON EACH

STATE.

>> OKAY.

NEXT QUESTION IS FROM RICHARD C.

HOW DO I HANDLE AN EMPLOYEE WITH

EXCESSIVE SICK TIME OFF?

>> THAT'S ANOTHER REALLY GOOD

QUESTION.

AND AGAIN, DEPENDING ON THE

STATE OR EVEN CITY THAT YOU'RE

IN, YOU MAY HAVE SPECIFIC PAID

SICK LEAVE RULES.

GENERALLY SPEAKING, YOU SHOULD

MAINTAIN OPEN DIALOGUE WITH AN

EMPLOYEE.

IF YOU HAVE -- IF YOU DO LET

EMPLOYEES TAKE SICK TIME OFF,

THEN I WOULDN'T RECOMMEND ANY

KIND OF DISCIPLINARY ACTION OR

EVEN THINKING ABOUT THAT UNTIL

THAT SICK TIME IS EXHAUSTED,

BECAUSE THEY DO HAVE THAT TIME.

IN STATES, SOME CITIES HAVE 48,

72 HOURS A YEAR THAT EMPLOYEES

CAN HAVE SICK, SOME HAVE MORE,

SOME HAVE LESS, SOME DON'T

MANDATE ANY, AT LEAST NOT YET.

SO IT DEPENDS ON YOUR STATE AND

LOCAL LAWS.

BUT THEN EVEN UP AND ABOVE THAT,

YOU KNOW, THERE COULD BE SOME

ADA PROTECTIONS.

SO IT'S REALLY A TRICKY KIND OF

SITUATION AND IT'S VERY SPECIFIC

TO EACH INCIDENT.

SO THAT, AGAIN, WITH NOT KNOWING

THE SPECIFIC SITUATION OR THE

STATE OR THE CITY THAT YOU'RE

IN, IT'S A LITTLE TOUGH TO BE

SPECIFIC WITH YOU, BUT I WOULD

DEFINITELY TREAD LIGHTLY AND

MAKE SURE THAT YOU ARE NOT BEING

DISCRIMINATORY AGAINST SOMEONE

WHO MAY HAVE A MEDICAL CONDITION

THAT COULD BE COVERED TIME OFF

THAT THEY'RE WARRANTED, EVEN IF

THEY HAVE TAKEN ALL OF THE

ALLOWABLE SICK TIME.

>> OKAY.

NEXT COMES FROM DOUG M.

UNDER EXEMPT AND NONEXEMPT

CLASSIFICATIONS, WHAT COULD THE

POTENTIAL FINES BE?

>> THIS IS A GREAT QUESTION, AND

THIS ACTUALLY HAPPENED TO MYSELF

AT A PREVIOUS COMPANY THAT I

WORKED AT.

SO IF YOU CATEGORIZE ONE OF YOUR

EMPLOYEES AS AN EXEMPT EMPLOYEE

BUT THEY REALLY SHOULD BE

NONEXEMPT AND GETTING OVERTIME,

IT CAN BE VERY COSTLY TO THE

EMPLOYER.

SO IN MY SITUATION, I WAS

CLASSIFIED AS AN EXEMPT EMPLOYEE

FOR TWO YEARS.

I FLEW ALL OVER THE COUNTRY, I

WORKED 12-HOUR DAYS, SOMETIMES

LONGER, AND I WORKED ALMOST

EVERY SINGLE WEEKEND BECAUSE OF

MY POSITION AND ALL THE TRAVEL.

I DIDN'T REALLY THINK ABOUT IT

AT THAT TIME UNTIL A LAWYER

ACTUALLY HAD CONTACTED ME.

IN THE END, I ACTUALLY ENDED UP

GETTING BACK PAY OF ALL OVERTIME

HOURS WORKED, AND THEN I ALSO

RECEIVED ANOTHER CHECK FOR

DAMAGES IN REGARDS TO THE BACK

PAY THAT I SHOULD HAVE GOTTEN.

AND THEN ON TOP OF THAT, SO IN

THIS COMPANY, THAT HAPPENED TO

500 PEOPLE.

SO THERE WAS ALL THAT BACK PAY

FOR THEM.

AND THEN ALSO THE COMPANY WAS

FINED ON TOP OF THAT FOR EACH

DAY SOMEBODY WAS CLASSIFIED AS

AN EXEMPT EMPLOYEE, WHEN THEY

SHOULD HAVE BEEN NONEXEMPT, AND

THEN THEY GOT FINED ON TOP OF

THAT AND IT CREATED A COMPLETE

AUDIT OF THE ENTIRE COMPANY.

SO UNFORTUNATELY, WE DON'T HAVE

DOLLAR SPECIFICS, BUT IT CAN BE

EXTREMELY COSTLY IF YOU DON'T

CLASSIFY YOUR EMPLOYEES

CORRECTLY.

SO IT IS REALLY GOOD TO REALLY

TAKE A LOOK AT WHAT YOUR JOB

DESCRIPTION STATES AND ALSO

THERE'S A LOT OF GOOD

EDUCATIONAL MATERIAL OUT THERE

IN REGARDS TO HOW TO CLASSIFY

YOUR EMPLOYEES CORRECTLY.

IF YOU ARE A SMALL BUSINESS AND

YOU DO CLASSIFY SOMEBODY

INCORRECTLY AND YOU ARE AUDITED,

IT CAN BE POTENTIALLY

DETRIMENTAL TO YOUR COMPANY.

>> ANOTHER POINT ON THAT IS I

KNOW DURING THE PROCESS I'VE

WORKED WITH A FEW CLIENTS ON

THIS, WHEN THEY DO -- BECAUSE

MAYBE ONE OR TWO EMPLOYEES ARE

THE ONES WHO FEEL LIKE IT'S

WRONG AND THEY KIND OF BLOW THE

WHISTLE OR GO TO AN ATTORNEY.

THEN ALL OF A SUDDEN EVERYBODY

IS CONTACTED AND ASKED WHAT'S

YOUR SITUATION, AND AT THAT

POINT EMPLOYEES ARE GENERALLY

ASKED TO GIVE THE NUMBER OF

OVERTIME HOURS THAT THEY FEEL

THEY WORKED THAT THEY WEREN'T

PAID FOR.

SO GENERALLY IF YOU'RE AN EXEMPT

EMPLOYEE, YOU'RE NOT CLOCKING IN

AND OUT.

SO THINK ABOUT THAT, THAT IT'S

REALLY THE EMPLOYEE WHO GETS TO

SAY HOW MANY OVERTIME HOURS THEY

MISSED OUT ON.

AND I HAVE SEEN A FEW CLIENTS

FACE SITUATIONS LIKE THIS AS

WELL, AND IT WAS AN EXTREMELY

COSTLY MISTAKE FOR THEM.

SO YOU ALWAYS ERR ON THE SIDE OF

MAKING SOMEONE AN HOURLY

EMPLOYEE UNLESS YOU'RE

ABSOLUTELY SURE THEY FIT INTO

ONE OF THOSE EXEMPTION

CATEGORIES.

>> OKAY.

THIS IS ACTUALLY RELATED A BIT,

THIS IS FROM TIM A.

I HAVE SOME NONEXEMPT EMPLOYEES

WHO HAVE WORK E-MAILS.

HOW CAN I STOP THEM FROM

CHECKING THEIR E-MAILS WHEN THEY

AREN'T ON THE CLOCK?

ISN'T IT UP TO THEM IF THEY WANT

TO WORK WITHOUT TELLING ME?

>> SO THAT IS A VERY COMMON

SITUATION.

I MEAN THE BEST CASE SCENARIO

WOULD BE HOURLY, NONEXEMPT

EMPLOYEES DON'T HAVE WORK

E-MAILS, BUT SOMETIMES THEY ARE

NECESSARY.

IN THAT CASE, THE FIRST STEP IS

TO MAKE SURE THAT YOU HAVE A

VERY STRONGLY WORDED POLICY AND

THAT YOU LET EMPLOYEES KNOW THAT

WHEN YOU ARE NOT AT WORK, NOT ON

THE CLOCK, YOU ARE NOT TO BE

CHECKING YOUR E-MAILS.

AND IF YOU DO, YOU NEED TO LET

US KNOW THAT YOU DID SO WE CAN

PAY YOU FOR THE TIME.

SO IT'S VERY IMPORTANT THAT

EMPLOYEES DON'T FEEL OBLIGATED

TO CHECK E-MAILS WHEN THEY'RE AT

WORK, AND THEN IT'S VERY CLEARLY

STATED TO THEM THAT THEY

SHOULDN'T.

IT'S NOT AN EXPECTATION OF THEIR

JOB.

IF FOR SOME REASON THEY NEED TO

FOR SOME OUT OF THE ORDINARY

REASON, THEY NEED TO LET YOU

KNOW SO THAT YOU CAN PAY THEM

FOR THAT TIME.

AND THEN ANOTHER POINT TO THAT

IS MAYBE THOSE EMPLOYEES THAT GO

THE EXTRA MILE AND DO A GOOD

JOB, MAYBE THEY'LL JUST DO IT

AND WON'T TELL YOU.

WELL, YOU DON'T WANT THAT

EITHER.

SO IF YOU DO NOTICE IN THE

COURSE OF YOUR BUSINESS THAT

NONEXEMPT EMPLOYEES ARE

RESPONDING TO E-MAILS OUTSIDE OF

WORK HOURS AND ARE NOT REPORTING

THAT TO YOU, VERY IMPORTANT TO

HAVE A CONVERSATION WITH THEM,

LET THEM KNOW AND ASK YOU TO

GIVE -- ASK THEM TO GIVE YOU THE

AMOUNT OF HOURS THEY HAVE DONE

THAT SO THEY CAN BE IMMEDIATELY

PAID FOR THAT.

>> TO PIGGYBACK OFF OF THAT, IF

YOU DO HAVE AN EMPLOYEE WHO

CONTINUALLY IS WORKING OFF THE

CLOCK AND YOU DO HAVE THAT

POLICY IN PLACE AND YOU'VE

SPOKEN TO THAT EMPLOYEE, YOU MAY

WANT TO START THE PROGRESSIVE

DISCIPLINE, POTENTIALLY GIVE

THEM A VERBAL WARNING ON WRITTEN

WARNING, BECAUSE THIS CAN BE

COSTLY TO AN EMPLOYER AS WELL,

BECAUSE THIS ALSO CAN BE GOING

INTO OVERTIME LAWS.

SO YOU MIGHT NEED TO BE PAYING

THEM TIME AND A HALF.

BUT ALSO IT COULD LEAD UP TO IF

THE EMPLOYEE BY CHANCE EVER

LEAVES THE COMPANY AND SAY I

WORKED ALL THESE HOURS, CONTACT

THE ATTORNEY GENERAL AND IT GOES

BACK TO WHY HAVEN'T THESE

EMPLOYEES BEEN PAID, WHY ISN'T

IT ON THEIR TIME SHEETS.

SO IT'S REALLY IMPORTANT TO GET

A GOOD HANDLE ON THAT WITH

EMPLOYEES AND HAVE THOSE

CONVERSATIONS AND START

PROGRESSIVE DISCIPLINE, IF

NEEDED.

>> OKAY.

AND THIS KIND OF RELATES TO THAT

QUESTION.

FRANCESCA V. ASKS DOES EVERY

EMPLOYEE THAT WORKS OVER 40

HOURS NEED TO BE PAID OVERTIME?

>> BASED ON --

>> SO THERE -- GO AHEAD.

>> NO, YOU CAN GO.

>> I WAS JUST GOING TO SAY THAT

IT IS STATE SPECIFIC, BUT MOST

STATES IF IT'S MORE THAN 40

HOURS IN A WEEK AND THEY ARE A

NONEXEMPT EMPLOYEE, THEY DO NEED

TO BE PAID OVERTIME.

CALIFORNIA IS ONE OF THE STATES

THAT IS DIFFERENT.

THEIRS IS IF YOU WORK MORE THAN

EIGHT HOURS IN A DAY OR --

AND/OR OVER 40 IN A WEEK, THEN

THAT RESULTS IN OVERTIME PAY.

SO SPECIFIC TO STATE, BUT

GENERALLY SPEAKING IT IS OVER 40

IN A WEEK WOULD NEED TO BE PAID

AT THE OVERTIME RATE.

>> OKAY.

NEXT IS JILLIAN R.

WHY SHOULDN'T I STORE I-9s IN

SOMEONE'S PERSONNEL FILE?

>> SO THERE'S NO HARD AND

FAST -- THERE'S NO LAW AGAINST

IT, THAT'S ONE THING.

IT IS A GREAT HR BEST PRACTICE,

AND THE REASON FOR THAT IS

THAT -- I MEAN THE MAIN REASON

FOR THAT IS ANY TIME YOU HAVE

ANY KIND OF AUDIT, YOU KNOW, IRS

AUDIT, LABOR AUDIT, ANY AUDIT,

YOU ALWAYS WANT TO GIVE THE

AUDITOR THE LEAST AMOUNT OF

INFORMATION POSSIBLE.

SO IN THE CASE OF A HOMELAND

SECURITY AUDIT OR I.C.E. AUDIT,

IF THEY ASK FOR YOUR I-9s, NONE

OF US -- US PROBABLY MORE THAN

YOU, BUT NONE OF US ARE SUPER

EXPERTS ON BEING ABLE TO SEE A

DOCUMENT AND KNOW IF IT'S NOT A

REAL DOCUMENT OR NOT.

SO SOMETIMES WE MAY

INADVERTENTLY TAKE DOCUMENTS ON

OUR I-9s THAT ARE NOT REAL, BUT

WE DON'T KNOW THAT.

IT'S AN INNOCENT MISTAKE.

THOSE OFFICIALS ARE VERY MUCH

MORE EXPERTS AT THAT SORT OF

THING.

SO IF IN THE COURSE OF AN AUDIT

IT'S NOT -- IT'S NOT AN I-9

AUDIT BUT LET'S SAY IT'S A

DEPARTMENT OF LABOR AUDIT AND

THEY WANT TO LOOK AT YOUR

EMPLOYEE FILES OR MAYBE LOOK AT

PAYROLL RECORDS OR LOOK AT

EMPLOYEE FILES OR WHATEVER AUDIT

IT MAY BE, IF IT'S ANY KIND OF

GOVERNMENT AGENCY, THEY'LL START

WITH EMPLOYEE FILES.

WHEN THEY'RE GOING THROUGH

THERE, IF SOMETHING COMES UP

THAT LOOKS LIKE IT MIGHT RELATE

TO ANOTHER GOVERNMENT AGENCY AND

AN AUDIT THEY MIGHT WANT TO DO,

THEY WOULD CALL THAT AGENCY.

SO YOU'RE NOT REQUIRED TO KEEP

I-9s IN PERSONNEL FILES.

KEEP THEM OUTSIDE BECAUSE IF A

DEPARTMENT OF LABOR AUDIT IS

GOING ON AND IF THEY SEE AN I-9

AND IT'S NOT FILLED OUT

CORRECTLY OR THEY SEE SOMETHING

FISHY ABOUT IT TO THEM, THEN

THEY MAY CALL IN HOMELAND

SECURITY TO COME IN AND DO AN

AUDIT ON YOUR I-9s.

SO IT MAY TRIGGER A NECESSARY

AUDIT BY GIVING AWAY TOO MUCH

INFORMATION.

DID YOU HAVE ANYTHING TO ATO

THAT, BRIANNA?

>> NO, I THINK YOU REALLY

COVERED IT ALL.

IT REALLY IS THE BEST PRACTICE,

LIKE MANDY SAID.

THERE IS NO STATE LAW BEHIND IT,

BUT YOU DON'T WANT TO GIVE OUT

MORE INFORMATION THAN NEEDED.

I-9s, PUT IT ALL IN A BINDER AND

SAY THERE YOU GO SO THAT WAY

THEY'RE NOT CALLING THEIR

FRIENDS IN THE NEXT AGENCY

BECAUSE OF WHAT THEY SAW IN ONE

OF THE EMPLOYEE'S PERSONNEL

FILES.

>> OKAY.

THIS IS ANOTHER I-9 QUESTION.

ROBERT D. SAID, YOU SAID THAT

YOU CANNOT SPECIFY WHICH

DOCUMENTS AN EMPLOYEE MUST SHOW

WHEN COMPLETING THEIR I-9.

I'VE HEARD HIRING MANAGERS TELL

NEW EMPLOYEES TO BRING A

DRIVER'S LICENSE AND SOCIAL

SECURITY CARD.

WHAT'S WRONG WITH THAT?

>> YEAH.

SO IT IS A COMMON PRACTICE FOR

SOME HIRING MANAGERS TO MAKE IT

EASIER FOR EMPLOYEES TO SAY,

HEY, BRING THESE DOCUMENTS, YOUR

DRIVER' LICENSE, SOCIAL SECURITY

CARD, BECAUSE THEY ARE THE MOST

COMMON, AND IT WILL BE THE

EASIEST FOR YOU TO GRAB.

BUT WHAT IT REALLY COMES DOWN TO

IS IF YOU ARE TELLING EMPLOYEES

WHAT TO BRING, IT CAN BE

CONSTRUED AS DISCRIMINATORY.

IF YOU HAVE SOMEONE WHO LIVES IN

A LOWER CLASSED AREA, THEY MIGHT

NOT HAVE A DRIVER'S LICENSE AND

IT COULD BE CONSTRUED THAT

THEY'RE BEING DISCRIMINATED

AGAINST BECAUSE OF WHERE THEY

CAME FROM, THEIR NATIONAL

ORIGIN.

SO BRING THEM A LIST THAT SAYS

BRING SOMETHING FROM LIST A OR

LIST B AND C ON YOUR FIRST DAY

OF WORK, THAT WAY THE EMPLOYER

IS NOT MAKING THE DECISION AND

THE EMPLOYEE CAN DECIDE WHAT

THEY WANT TO BRING, BECAUSE IF

SOMEONE DOESN'T HAVE A DRIVER'S

LICENSE, THEY HAVE AN ENTIRE

LIST OF DIFFERENT ITEMS THAT

THEY ARE ABLE TO BRING, WHETHER

IT'S A SCHOOL I.D. CARD, A BIRTH

CERTIFICATE, WHATEVER IT IS.

IT NEEDS TO BE THEIR CHOICE, SO

THAT WAY THE EMPLOYER IS NOT

POTENTIALLY OR BEING CONSTRUED

AS DISCRIMINATING AGAINST THAT

EMPLOYEE.

>> OKAY.

NEXT QUESTION IS FROM LISA H.

AN EMPLOYEE HANDBOOK IS CLEARLY

IMPORTANT.

HOW DO I PUT ONE TOGETHER?

>> SO YOU CAN -- GO AHEAD.

>> I WAS GOING TO SAY THAT IS A

GREAT QUESTION.

THERE'S MANY DIFFERENT AVENUES

IN PUTTING A HANDBOOK TOGETHER.

MANY OF IT IS YOUR STATE AND

FEDERAL LAWS THAT DO PERTAIN TO

YOUR COMPANY.

THEN AGAIN, IT ALSO PROVIDES ALL

THE DIFFERENT BENEFITS THAT ARE

ALSO TO YOUR EMPLOYEE.

BEST PRACTICE IS REALLY TO

PARTNER WITH AN HR CONSULTANT

LIKE PAYCHECKS OR A LABOR

ATTORNEY TO ENSURE THAT ALL THE

POLICIES HAVE BEEN REVIEWED AND

THAT THEY ARE LEGAL TO BE ABLE

TO PUT OUT THERE.

MANDY, DID YOU WANT TO ADD TO

THAT?

>> YEAH.

I JUST WANTED TO SAY THAT I

WOULD NOT RECOMMEND JUST

GOOGLING POLICIES AND PUTTING

THEM IN A HANDBOOK.

A POORLY WRITTEN HANDBOOK OR

WORDED HANDBOOK CAN DEFINITELY

DO MORE HARM THAN EVEN NOT

HAVING ONE AT ALL.

POLICIES COULD BE WORDED IN SUCH

A WAY THAT THEY LIMIT OR

INFRINGE UPON EMPLOYEES' RIGHTS

UNDER FLSA, SO DEFINITELY USE

THE ASSISTANCE OF A PROFESSIONAL

TO HELP YOU PUT THAT TOGETHER.

>> OKAY.

AND WE HAVE A QUESTION THAT'S

KIND OF RELATED TO YOUR I-9

ANSWER.

MARTY K. ASKS, DOESN'T THE

EMPLOYER NEED THE SOCIAL

SECURITY CARD FOR PAYROLL

PURPOSES?

>> SO FOR THE PAYROLL PURPOSES

SIDE OF THINGS, THAT'S A

COMPLETELY DIFFERENT DOCUMENT.

THAT WOULD BE PART OF THE NEW

HIRE PROCESS.

BUT THE EMPLOYEE DOES NOT NEED

TO PROVIDE THE SOCIAL SECURITY

FOR THE I-9 PURPOSES.

IT IS AN OPTIONAL ITEM TO PUT ON

THERE.

>> AND FOR PAYROLL PURPOSES, THE

EMPLOYEE DOESN'T NEED TO PROVIDE

THE ACTUAL SOCIAL SECURITY CARD.

THEY JUST NEED TO WRITE IN THE

NUMBER ON THE NEW HIRE

DOCUMENTS.

SO THAT ALSO MAKES IT A LITTLE

BIT DIFFERENT.

>> OKAY.

NEXT IS FROM KATHY L.

HOW CAN JOB DESCRIPTIONS HELP

WITH COMPLYING WITH THE

AMERICANS WITH DISABILITIES ACT?

>> SO WITH THE AMERICANS -- OR

WITH JOB DESCRIPTIONS, THERE'S A

COUPLE OF BENEFITS OF THEM, AND

COMPLIANCE WITH ADA IS ONE OF

THEM.

IF YOU HAVE A VERY WELL WRITTEN

JOB DESCRIPTION THAT LAYS OUT

WHAT THE ESSENTIAL FUNCTIONS OF

THE JOB ARE, UNDER ADA, YOU HAVE

TO -- A PERSON WITH A DISABILITY

HAS TO BE ABLE TO PERFORM THE

ESSENTIAL FUNCTIONS OF A JOB.

AS LONG AS THEY CAN PERFORM THE

ESSENTIAL FUNCTIONS OF A JOB

WITH A REASONABLE ACCOMMODATION,

THEY NEED TO BE ALLOWED TO TAKE

THAT JOB.

SO IF YOU DON'T HAVE A JOB

DESCRIPTION, THEN IT'S REALLY

HARD TO SAY WHAT THE ESSENTIAL

FUNCTIONS OF THE JOB ARE.

AND THEN IF YOU MAKE THEM UP

KIND OF LAST MINUTE WILLY-NILLY

ON THE FLY, IT COULD APPEAR

DISCRIMINATORY IF IT LOOKS LIKE

YOU WERE MAKING IT UP TO EXCLUDE

THIS DISABLED PERSON FROM BEING

ABLE TO PERFORM THE JOB.

SO -- FOR EXAMPLE, IF I'M A

RECEPTIONIST AND THE ESSENTIAL

FUNCTIONS OF MY JOB ARE TO SIT

AT THE FRONT DESK, ANSWER

PHONES, I REALLY DON'T HAVE TO

GET UP OFF OF MY CHAIR AND DO

ANYTHING, EVERYTHING IS RIGHT

THERE, COMPUTERS, PHONES,

THERE'S NO ESSENTIAL FUNCTION OF

MY JOB TO HAVE TO GET UP AND DO

ANYTHING AND YOU HAVE A PERSON

WITH A DISABILITY WHO MAYBE IS

IMMOBILE OR IN A WHEELCHAIR OR

IS IN SOME OTHER WAY NOT ABLE TO

GET UP AND DOWN FREQUENTLY, THEN

LEGITIMATELY YOU CAN'T -- YOU

CAN'T EXCLUDE THAT PERSON FROM

THAT JOB.

BUT IF AN ESSENTIAL FUNCTION OF

THAT JOB IS TO -- GOSH, I CAN'T

THINK OF A SPECIFIC EXAMPLE, BUT

IT DOES REQUIRE MOBILITY AND

THAT MAY BE SOMETHING THAT A

WHEELCHAIR DOESN'T FIT INTO --

THIS WAS A BAD EXAMPLE BECAUSE I

CAN'T FINISH IT UP.

IF YOU DON'T HAVE A CLEAR REASON

OF SAYING I CAN'T HIRE YOU

BECAUSE YOU CAN'T GET UP, WELL,

NOWHERE IN YOUR ESSENTIAL

FUNCTIONS DOES IT SAY THAT PART

OF MY JOB IS HAVING TO GET UP SO

MANY TIMES A DAY, AND IT DOESN'T

SAY THAT BECAUSE YOU DON'T HAVE

ONE, BUT LEGITIMATELY THERE IS A

NEED FOR A PERSON TO BE ABLE TO

GET UP AND MOVE AROUND, THAT

NEEDS TO BE DOCUMENTED SO THAT

IF FOR SOME REASON YOU NEED TO

EXCLUDE SOMEONE FROM A POSITION,

YOU CAN LEGITIMATELY SHOW WHY

THAT FUNCTION IS SO IMPORTANT

AND THAT EVEN WITH AN

ACCOMMODATION, A PERSON COULDN'T

PERFORM THAT PART OF THE JOB.

>> TO ADD TO THAT AS WELL, THE

ESSENTIAL JOB FUNCTIONS ARE

EXTREMELY IMPORTANT, BUT ALSO

WHEN IT COMES TO THE ADA SIDE OF

THINGS.

ALSO ADDING ON TO THE JOB

DESCRIPTION, KIND OF LIKE MANDY

WAS SAYING, YOU'RE GOING TO NEED

TO STAND UP DURING THIS JOB 50%

OF THE TIME.

YOU'RE GOING TO BE USING YOUR

FINGERS TO TYPE.

YOU'RE GOING TO BE USING YOUR

EYES TO LOOK AT A COMPUTER

SCREEN.

YOU'RE GOING TO BE NEEDING TO

LIFT 50 POUNDS.

SO IF POTENTIALLY SOMEBODY DOES

COME INTO YOUR COMPANY AND

YOU'RE INTERVIEWING THEM, YOU

CAN PROVIDE THEM THE JOB

DESCRIPTION AND YOU CAN ASK

THEM, HEY, IS THERE ANYTHING ON

THIS JOB DESCRIPTION THAT'S

GOING TO PROHIBIT YOU FROM

PERFORMING YOUR ESSENTIAL JOB

DUTIES?

SO THAT'S REALLY IMPORTANT TO

HAVE IT AS WELL AS IF BY CHANCE

YOU DO HAVE SOMEBODY WHO BECOMES

DISABLED WHILE WORKING, YOUR JOB

DESCRIPTION IS REALLY IMPORTANT

TO BE UP TO DATE WITH THE

ESSENTIAL FUNCTIONS, ALONG WITH

THE DIFFERENT ITEMS THAT THEY'LL

NEED TO BE DOING, WHETHER IT'S

WALKING, SITTING, USING THEIR

FEET, USING THEIR EYES, THEIR

FINGERS.

IT CAN BE PROVIDED TO THE DOCTOR

IF AN ACCOMMODATION IS NEEDED

AND THE DOCTOR CAN LOOK AT THE

JOB DESCRIPTION AND SAY, OKAY,

YEAH, YOU CAN RETURN TO WORK,

BUT BASED ON YOUR JOB

DESCRIPTION, YOU'RE GOING TO BE

ON LIGHT DUTY.

OR BECAUSE MAYBE YOU JUST SIT

BEHIND A DESK, YOU'RE GOOD TO GO

BECAUSE YOU'RE NOT GOING TO BE

WALKING AROUND.

YOU DON'T NEED TO LIFT BOXES.

SO THAT'S WHY IT'S REALLY

IMPORTANT TO ALWAYS HAVE YOUR

JOB DESCRIPTION UP TO DATE WITH

ALL THE ESSENTIAL FUNCTIONS AS

WELL AS THE REQUIREMENTS OF THE

POSITION.

>> OKAY.

NEXT QUESTION IS FROM LINDA B.

WE HAVE EMPLOYEES WHO WORK FROM

THEIR HOME WHO PREPARE TO GO TO

WORK, TRAVEL A DISTANCE TO A

JOB, DO AN INSPECTION, RETURN

HOME AND THEN CREATE A REPORT.

HOW MUCH OF THAT MUST BE COVERED

AS HOURLY?

>> SO WHEN IT COMES TO SOMETHING

LIKE THIS, WHAT'S GOING TO BE

DEPENDENT ON IS DOES THE

EMPLOYER ALLOW THE EMPLOYEE TO

START THEIR DAY AT HOME AND THEN

GO TO THE JOB SITE, OR THE

TRAVEL TIME FROM THE PERSON'S

HOME TO THEIR ACTUAL WORKPLACE

WOULD NOT BE CONSIDERED

COMPENSABLE TIME.

BUT FROM THE TIME THAT THAT

EMPLOYEE LEAVES THEIR WORK SPACE

TO GO TO THAT CLIENT APPOINTMENT

AND THEN BACK TO WORK AND

CONTINUE, THAT TIME WOULD BE

COMPENSABLE.

BUT FOR THE MOST PART UNDER

FEDERAL AND STATE LAWS, TRAVEL

TO AND FROM THE WORK LOCATION IS

NOT COMPENSABLE.

BUT ANYTHING IN BETWEEN WHEN

IT'S TRAVELING TO DIFFERENT

APPOINTMENTS FOR THE JOB, THAT

WOULD BE.

IF YOU DO HAVE A MORE SPECIFIC

EXAMPLE OF YOUR SITUATION, I'D

DEFINITELY RECOMMEND STOPPING AT

THE BOOTH TO DISCUSS THAT

FURTHER BECAUSE SOME STATES DO

HAVE SPECIFIC LAWS IN REGARDS TO

COMPENSABLE TIME AS WELL.

>> NEXT WELL IS FROM SHERLON M.

WHAT IS THE DEADLINE FOR

COMPLETION OF I-9 DOCUMENTATION?

IS IT BY DAY ONE OF EMPLOYMENT?

>> SO THE I-9 DOES NEED TO BE

COMPLETED BY THE THIRD DAY OF

EMPLOYMENT.

AFTER THAT, THE EMPLOYEE SHOULD

NOT WORK.

THERE ARE CERTAIN DOCUMENTS THAT

IF THE EMPLOYEE HAS LOST OR --

HAS LOST OR IF THEY HAVE BEEN

STOLEN FROM THEM AND THEY HAVE A

RECEIPT THAT THEY HAVE APPLIED

FOR A REPLACEMENT, YOU CAN USE

THAT RECEIPT AS DOCUMENTATION

FOR UP TO 90 DAYS UNTIL THEY ARE

ABLE TO GET THE ACTUAL DOCUMENT.

BUT THE I-9 DOES NEED TO BE

COMPLETED WITHIN THREE DAYS --

BY THE THIRD DAY OF EMPLOYMENT.

>> OKAY.

AND JULIAN K. ASKS, IS IT LAWFUL

TO ASK ALL EMPLOYEES TO SUBMIT

TO A BACKGROUND CHECK AS A

CONDITION OF EMPLOYMENT?

>> SO WHEN IT COMES TO

BACKGROUND CHECKS, IF IT IS A

CONDITION OF EMPLOYMENT AND IT

IS A -- ON THEIR JOB OFFER, SO

IT'S POST JOB OFFER THROUGH

EMPLOYMENT, AN EMPLOYER IS ABLE

TO DO BACKGROUND CHECKS ON THEIR

EMPLOYEE, AS LONG AS THEY ARE

CONSISTENT DOING IT AMONGST ALL

THE EMPLOYEES.

ONCE THEY GET THE BACKGROUND

CHECKED, THAT'S WHERE IT BECOMES

IMPORTANT OF WHAT IS THE

DETERMINING FACTOR IF I'M GOING

TO MOVE FORWARD WITH HIRING THIS

PERSON OR NOT.

I ACTUALLY JUST HAD A CLIENT GO

THROUGH THIS.

THEY DID A BACKGROUND CHECK ON

AN EMPLOYEE AND SOME ITEMS CAME

UP IN REGARDS TO THEIR DRIVING

HISTORY.

THE EMPLOYER DIDN'T WANT TO

ACTUALLY HIRE THIS PERSON

BECAUSE OF IT.

BUT BASED ON THE JOB

DESCRIPTION, THE EMPLOYEE

ACTUALLY DIDN'T NEED TO DRIVE

FOR THEIR JOB, SO IT WASN'T

MANDATORY FOR THIS PERSON TO

HAVE A VALID DRIVER'S LICENSE.

WHAT WAS EXTREMELY IMPORTANT WAS

THAT THE PERSON HAD RELIABLE

TRANSPORTATION TO GET FROM -- TO

AND FROM THE JOB.

SO IN THE END, EVEN THOUGH

SOMETHING CAME UP AS A RED FLAG

ON THE BACKGROUND CHECK, THE

EMPLOYER ENDED UP STILL HIRING

THEM.

JUST BECAUSE THAT PERSON DIDN'T

HAVE A VALID DRIVER'S LICENSE,

IT DIDN'T ACTUALLY PERTAIN TO

THEIR JOB.

>> OKAY.

NEXT QUESTION IS FROM MEGAN M.

WHY CAN'T YOU AVERAGE THE HOURS

AN EMPLOYEE WORKED BETWEEN TWO

WORK WEEKS TO AVOID OVERTIME?

CAN'T YOU DO THAT BY GIVING

EMPLOYEES COMP TIME?

>> SO UNDER FEDERAL LAW WHEN IT

COMES TO NONEXEMPT EMPLOYEES,

COMP TIME IS ILLEGAL BASED ON

FEDERAL AND STATE LAWS.

A WORKWEEK IS CONSIDERED A

SEVEN-DAY PERIOD AND IT MUST BE

MONDAY THROUGH SUNDAY OR SUNDAY

THROUGH SATURDAY.

THAT IS WHAT THE STATE AND

FEDERAL LAW STATES.

IF COMP TIME IS SOMETHING THAT

NORMALLY ONLY THE GOVERNMENT IS

ABLE TO OFFER.

WHILE IT IS NICE, WHEN IT COMES

TO BEING A NONEXEMPT EMPLOYEE,

THEY CAN POTENTIALLY NOT

ACTUALLY GET THAT COMP TIME AND

THEY WOULD BE OUT OF THOSE

MONEYS THAT THEY WOULD BE OWED.

>> OKAY.

NEXT QUESTION IS FROM JANE B.

FOR JOB DESCRIPTION, SHE HAS A

BIT OF A CATCH-22.

I'M HIRING FOR A GENERIC PROJECT

CONTROL SPECIALIST POSITION, BUT

THERE AREN'T SPECIFIC DUTIES

YET, JUST GENERIC.

IS IT OKAY TO WRITE BROAD

CATEGORY AND THEN OTHER DUTIES

AS ASSIGNED?

THE JOB WILL EVOLVE AS THE

CLIENT NEEDS ARE DETERMINED.

>> SO I THINK THAT'S A TOUGH ONE

TO ANSWER, BECAUSE WHEN YOU ARE

HIRING FOR A POSITION, YOU WANT

TO ENSURE THAT YOU ARE SETTING

CLEAR EXPECTATIONS TO THAT

CANDIDATE OF WHAT THE POSITION

IS GOING TO BE, AT LEAST AT

FIRST.

IT IS REALLY IMPORTANT TO ALWAYS

HAVE THAT AS OTHER DUTIES

ASSIGNED SO THAT WAY AN EMPLOYEE

ISN'T GOING TO COME BACK TO YOU

AND SAY, WELL, IT'S NOT ON MY

JOB DESCRIPTION AND SO I'M NOT

GOING TO DO THAT.

THAT'S NEVER A FUN ANSWER TO

GET.

SO IF YOU CAN BE AS SPECIFIC AS

POSSIBLE ON THE JOB DESCRIPTION

OF WHAT YOU HAVE NOW, EVEN IF IT

IS A LITTLE BIT MORE GENERIC,

BUT IF YOU HAVE THOSE COUPLE

LITTLE ITEMS, I WOULD DEFINITELY

ADD THEM IN, BUT ALSO LET THE

CANDIDATE KNOW THAT THE JOB IS

GOING TO BE GROWING AND THE JOB

FUNCTION IS GOING TO BE CHANGING

AND EVOLVING AS THE MONTHS GO

BY.

AND THEY MAY BE OKAY WITH THAT.

WITH THE EVOLUTION OF THAT

POSITION, BUT SOME PEOPLE MAY

NOT BE OKAY WITH THAT BECAUSE

THEY THINK THEY'RE BEING HIRED

FOR ONE POSITION AND THEN IT

CHANGES, AND IN THE END IT CAN

COST YOU AS THE EMPLOYER

ADDITIONAL MONEYS BECAUSE YOU

JUST WENT THROUGH THAT

RECRUITING PROCESS FOR THAT ONE

PERSON AND NOW YOU HAVE TO

OFFBOARD THAT ONE PERSON AND NOW

YOU'RE STARTING YOUR ENTIRE

RECRUITMENT ALL OVER AGAIN.

SO I HIGHLY RECOMMEND AS MUCH

INFORMATION AS YOU CAN PUT ON

THE JOB DESCRIPTION AS OF RIGHT

NOW.

I WOULD RECOMMEND DOING SO.

>> OKAY.

WELL, THOSE ARE ALL THE

QUESTIONS THAT WE HAVE TIME FOR.

I HOPE YOU ENJOYED THE REST OF

THE VIRTUAL CONFERENCE.

REMEMBER, YOU CAN TALK TO A

SCORE MENTOR IN THE MENTORING

HALL.

YOU CAN ALSO NETWORK WITH OTHER

BUSINESS OWNERS IN THE

NETWORKING LOUNGES AND CHAT WITH

INDUSTRY EXPERTS LIKE PAYCHECKS

AND PICK UP FREE BUSINESS

RESOURCES IN THE EXHIBIT HALL.

ON BEHALF OF SCORE AND

PAYCHECKS, I'D LIKE TO THANK YOU

ALL FOR ATTENDING THIS WEBINAR

AND I'D LIKE TO GIVE A BIG THANK

YOU TO MANDY AND BRIANNA FOR

PRESENTING TODAY.

>> THANK YOU FOR HAVING US

TODAY.

WE REALLY ENJOYED REVIEWING THE

DIFFERENT SLIDES AND ANSWERING

ALL THE QUESTIONS THAT CAME IN.

SO WE THANK YOU FOR YOUR TIME

AND WE HOPE THAT THIS

INFORMATION WAS VERY VALUABLE TO

YOU.

>> GREAT.

THANK YOU SO MUCH.

HAVE A GREAT DAY, EVERYONE.