HR Essentials: What Every Employer Needs to Know

Presented by
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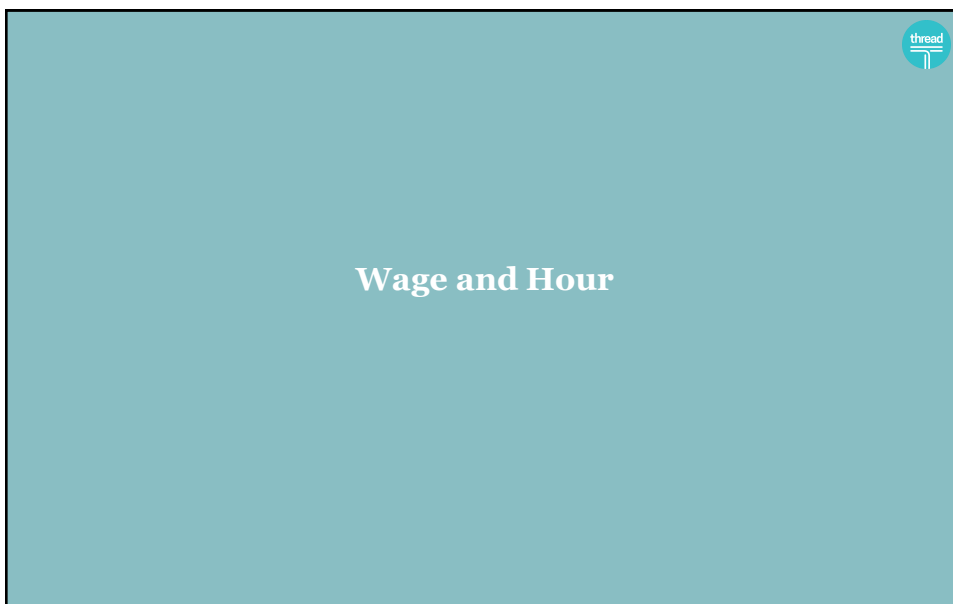

Agenda

- Wage and Hour
- Leaves
- Disability
- Harassment
- Corrective Action
- Termination
- Q & A

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Wage and Hour

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FLSA:
Employee Classifications

- Non-exempt employees are entitled to minimum wage and overtime
- In order to be exempt, employees must:
  - Be paid on a salary basis
  - Be paid a certain minimum salary
  - Meet the duties requirements for the particular exemption

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FLSA:
Non-Exempt Employees

- *Time worked:* all time an employee is suffered or permitted to work
- Off-the-clock work
- Meal and rest periods

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Leaves

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Family and Medical Leave Act (FMLA)

- Allows for 12 weeks of unpaid leave for: birth, adoption, serious health condition, or to care for a spouse, child, parent with a serious health condition

- Eligible after 12 months of employment

- Allows for unpaid leave

- Defines maximum allowed leave in a 12-month period
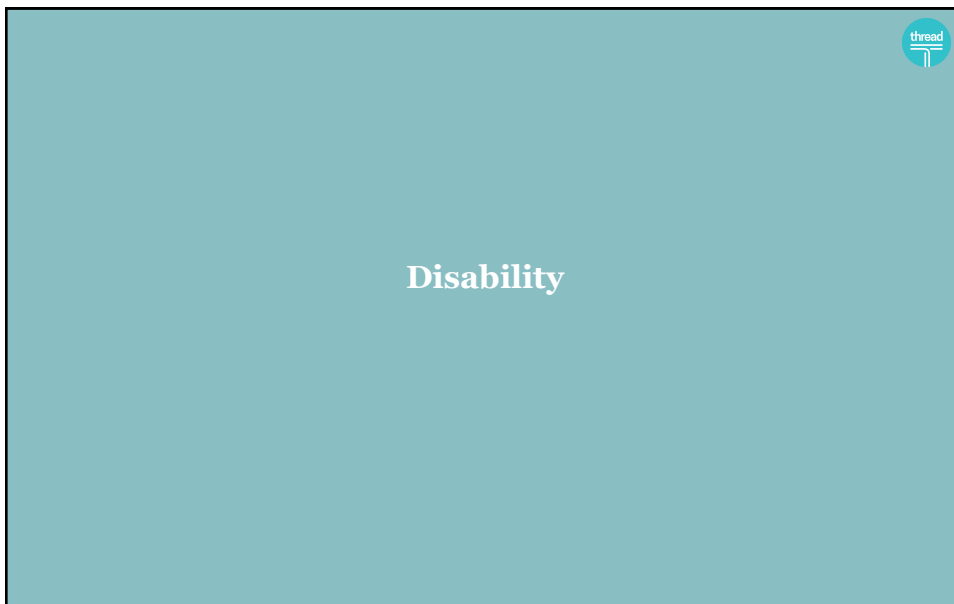
- Entitled to return to former job

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State Leaves

- Jury duty
- Victims of domestic violence
- Leave for children's school needs
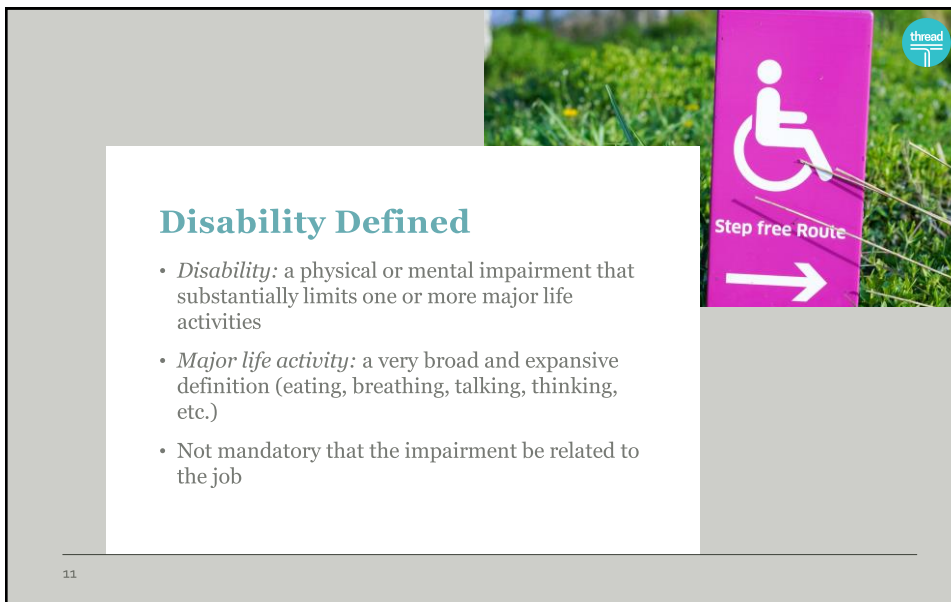- Emergency responders

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Disability

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Americans with Disabilities Act (ADA)

- Exists to help people with disabilities access the same employment opportunities as those without disabilities

- Requires employers to provide reasonable accommodations to qualified employees/applicants

- *Reasonable accommodation:* a change that accommodates employees/applicants with disabilities without causing an "undue hardship" to the employer

- Not an accommodation: removing essential job functions, creating new jobs, or providing personal need items
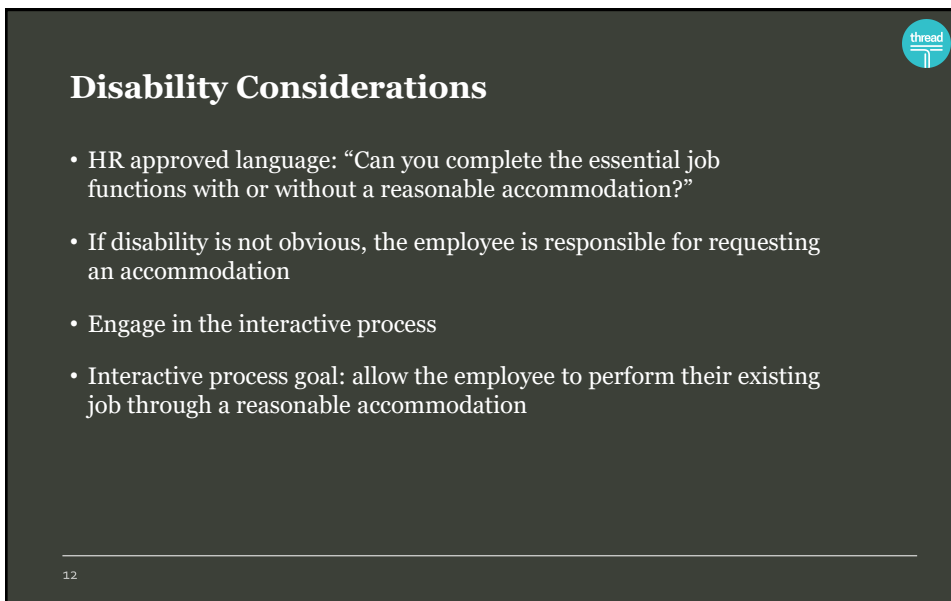
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Disability Defined

- *Disability:* a physical or mental impairment that substantially limits one or more major life activities
- *Major life activity:* a very broad and expansive definition (eating, breathing, talking, thinking, etc.)
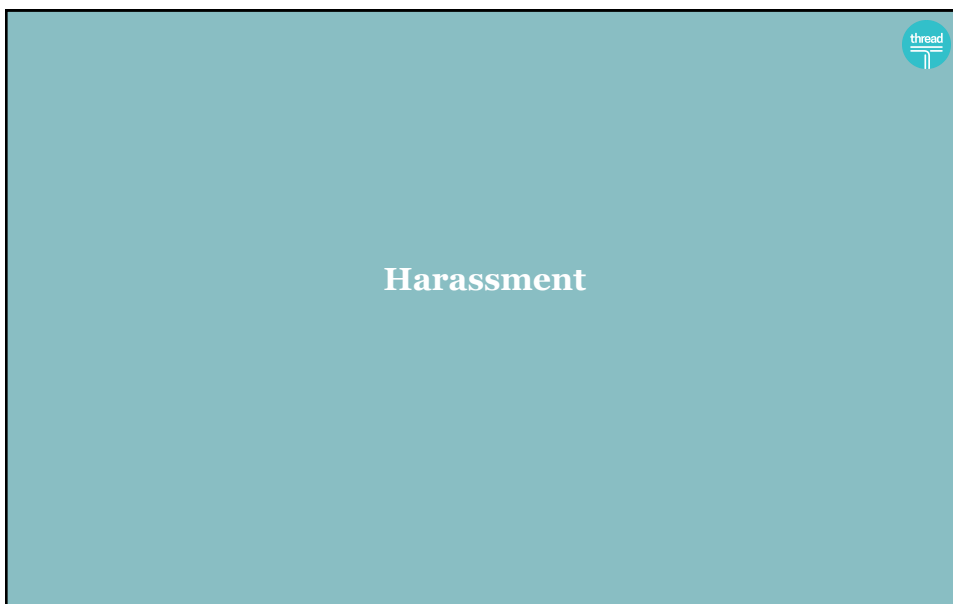- Not mandatory that the impairment be related to the job

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Disability Considerations

- HR approved language: "Can you complete the essential job functions with or without a reasonable accommodation?"

- If disability is not obvious, the employee is responsible for requesting an accommodation

- Engage in the interactive process

- Interactive process goal: allow the employee to perform their existing job through a reasonable accommodation

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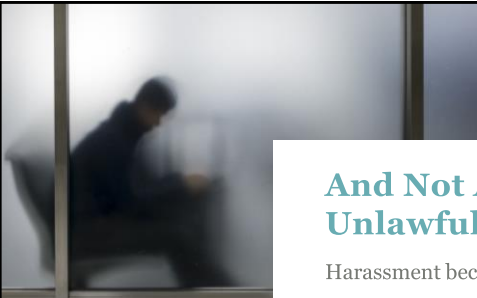
Harassment

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Not Everything is Harassment

Unwelcome
+   Based on Protected Class
=   Harassment

Protected classes: Race, color, religion, national origin, sex*, pregnancy, age, disability, genetic information, military or veteran status, citizenship or immigration status

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And Not All Harassment is Unlawful

Harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment, or

2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
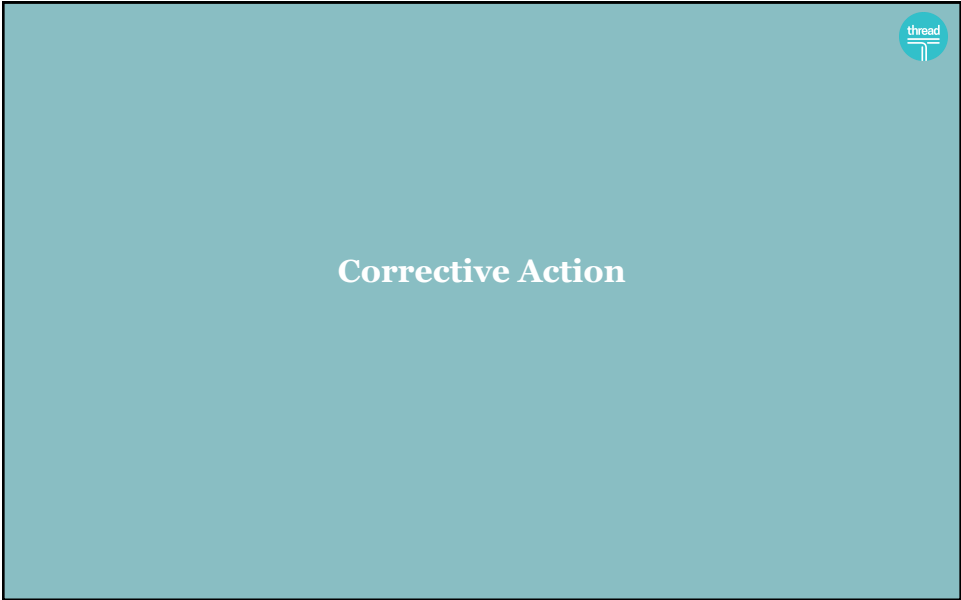
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Handling Complaints

- Complaints may arise orally or in writing

- *ALL* Complaints of discrimination, harassment or retaliation should be taken seriously and investigated fully and promptly

- Don't promise confidentiality

- Don't retaliate

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Corrective Action

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Progressive Discipline

A disciplinary reaction to a specific issue that may involve: verbal counseling, written warnings, suspension, performance improvement plans, final warnings, or termination.

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Risks of Bad Progressive Discipline

• Making it too rigid and inflexible

• Making it so undefined that managers don't know how to properly administer it

• Making it just a rubber stamp on the way to termination rather than a true improvement opportunity

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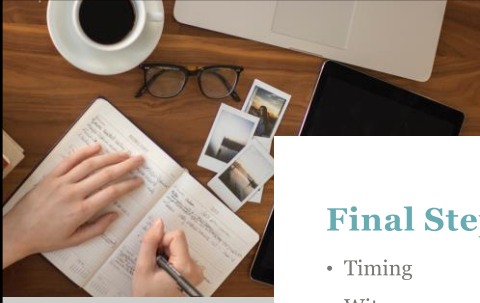
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Termination

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Preparation

- Consider discrimination
- The internal decision
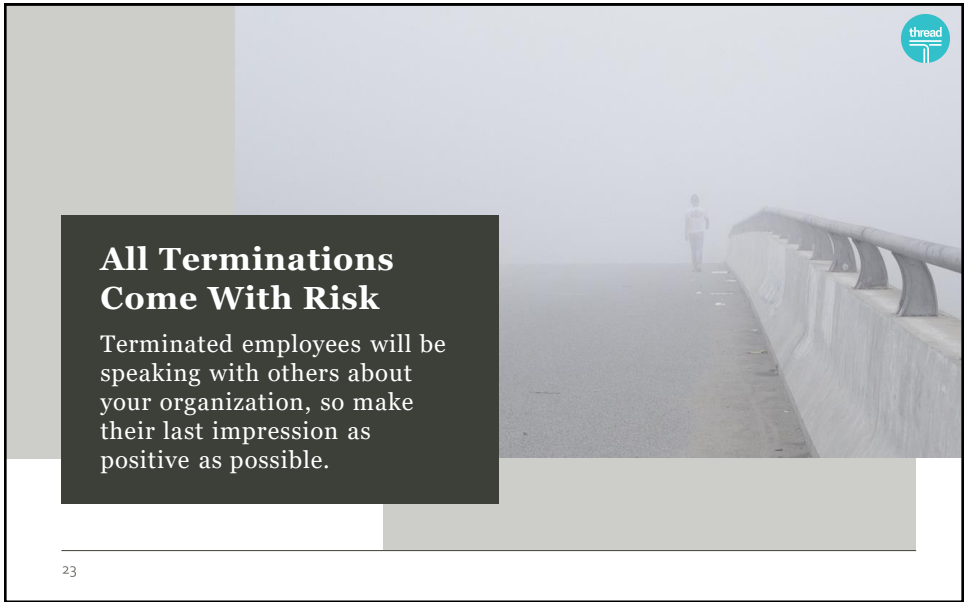- Final paycheck guidelines
- Termination notices

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Final Steps

- Timing
- Witness
- Delivery
- Respect
- Company property
- Internal communication

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All Terminations Come With Risk

Terminated employees will be speaking with others about your organization, so make their last impression as positive as possible.
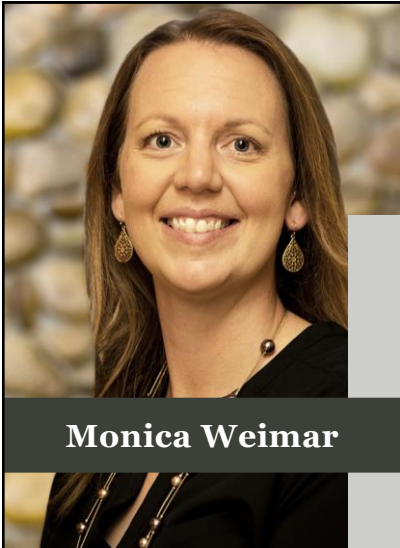
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Q & A

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Monica has held roles as an HR Generalist and Payroll and Benefits manager at a large ski resort, providing HR guidance to more than 500 employees. She also has HR experience in the healthcare field and the non-profit world. Monica holds a Bachelor of Science degree from Linfield College.

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