



# The HR Toolkit

*Part I*

*What is HR Anyway?*



Unknown

**Among the chief worries of today's business executives is the large number of unemployed still on the payrolls.**

# Human Resource Management

- “The formal structure within an organization responsible for all the decisions, strategies, factors, principles, operations, practices, functions, activities and methods related to the management of people.”

SHRM website: HR Glossary

- The area of the business responsible for overcoming the issues, challenges and frustrations of being an employer
  - Once you have ONE employee, you have to be conscious of how your decisions, practices and programs impact not only your customer but also this other force.

Karen Young, founder HR Resolutions



# HR CORE ABILITIES

What's HR do anyway?

## Body of Knowledge

# 1. Strategic Management

2. Human Resource Development
3. Employee and Labor Relations
4. Workforce Planning and Employment
5. Compensation and Benefits
6. Occupational Health, Safety and Security

- Strategic Management
  - Mission, Vision, Values
    - Culture
  - Policy and Procedure development
  - Employee handbooks
  - Program Development
    - Attendance
    - Record Retention
    - Termination/Severance

## **Body of Knowledge**

1. Strategic  
Management

## **2. Human Resource Development**

3. Employee and Labor  
Relations

4. Workforce Planning  
and Employment

5. Compensation and  
Benefits

6. Occupational Health,  
Safety and Security

- Human Resource  
Development
  - Training
  - Orientations
  - Career “pathing”

## Body of Knowledge

1. Strategic Management
2. Human Resource Development
- 3. Employee and Labor Relations**
4. Workforce Planning and Employment
5. Compensation and Benefits
6. Occupational Health, Safety and Security

- Employee and Labor Relations
  - Communications
  - Policy enforcement
    - EEOC
    - Union relations



## Body of Knowledge

1. Strategic Management
2. Human Resource Development
3. Employee and Labor Relations

## 4. Workforce Planning and Employment

5. Compensation and Benefits
6. Occupational Health, Safety and Security

- Workforce Planning and Employment
  - Job description maintenance
  - Organizational structure
    - Personnel Files
    - Recruiting/Hiring
    - Retention
  - Performance Review programs



## **Body of Knowledge**

1. Strategic Management
2. Human Resource Development
3. Employee and Labor Relations
4. Workforce Planning and Employment

## **5. Compensation and Benefits**

6. Occupational Health, Safety and Security

- Compensation and Benefits
  - “total” compensation
    - Unemployment
    - Payroll
    - FMLA
    - FLSA
  - Exempt/non-exempt
    - COBRA

## Body of Knowledge

1. Strategic Management
2. Human Resource Development
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4. Workforce Planning and Employment
5. Compensation and Benefits

## 6. Occupational Health, Safety and Security

- Occupational Health, Safety and Security
  - Internal and external safety
  - Work comp
  - OSHA





But what do they need to know?

# WHAT'S THE RISK

# Who's Watching the Store?



- Equal Employment Opportunity Commission
- Department of Labor/Labor & Industry
- National Labor Relations Board

# Title VII of the Civil Rights Act of 1964 as amended

- Prohibits discrimination
  - Race, color, religion, sex, national origin
    - Hiring, firing, wages, terms/conditions
    - Disparate treatment/Disparate impact
  - Right to a jury trial/compensatory and punitive
    - 15 or more employees
    - Equal Employment Opportunity Commission
  - Pa Human Relations Commission in PA

# Unlawful Harassment

- Sexual Harassment
  - Falls under Title VII – no discrimination based on sex
    - Quid pro Quo
    - Hostile Work Environment
      - Intent vs. Impact
  - 15 or more employees
  - EEOC has jurisdiction

# Americans with Disabilities Act as Amended (ADA<sup>3</sup>)

- Prohibits discrimination based upon disability
  - Hiring, promotion, discharge, training, terms/conditions
    - Disability:
      - Physical/mental impairment that substantially limits one or more major life activities
      - Record of such impairment or REGARDED as having such impairment
        - 15 or more employees

# Family and Medical Leave Act



- Job protection in certain circumstances
  - Serious health conditions of employee
  - Serious health conditions of family member
    - Adoption/birth
  - Must be certified by a health-care provider within 15 days of notice from employer
  - Military deployment or injury recovery \*\*\*
    - 50 or more employees
    - Department of Labor
- Different from disability leave plans



# National Labor Relations Act

- Guarantees the right of employees to organize and to bargain collectively with their employers, and to engage in other protected concerted activity with or without a union, or to refrain from all such activity
  - T.I.P.S.
    - Threaten
    - Interrogate
    - Promise
    - Surveil

# Consolidated Omnibus Budget Reconciliation Act

- Right to choose to continue group health benefits for limited periods of time under certain circumstances
  - voluntary or involuntary job loss
  - reduction in the hours worked
    - transition between jobs
  - death, divorce, and other life events.
- Qualified individuals may be required to pay the entire premium for coverage up to 102 percent of the cost to the plan.

*mini-COBRA is coming...*

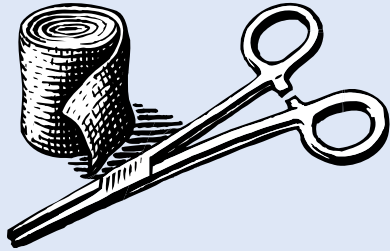
# Fair Labor Standards Act

- establishes minimum wage, overtime pay, recordkeeping, and child labor standards
- Covered nonexempt workers are entitled to a minimum wage of not less than \$5.85 per hour effective July 24, 2007
  - PA = \$6.25/\$7.15/\$7.25
- Overtime pay at a rate of not less than one and one-half times their regular rates of pay is required after 40 hours worked in a workweek

# Occupational Safety and Health Act

- assure the safety and health of workers by setting and enforcing standards
  - providing training, outreach, and education
    - establishing partnerships
- encouraging continual improvement in workplace safety and health

# PA Work Comp Rights and Responsibilities



- Reporting
  - Panel Physicians
  - Emergency Care
- On-going treatment options
  - Return to Work programs
- Insurance and the Commission



**NO – WHAT’S THE REAL  
RISK?**

Uh oh!

# Unemployment

- Loss of job through no fault of their own
  - Terminated
  - Quit
  - Minimizing exposure
    - The Decision
    - Request for Relief from Charges
      - Appeals

# Discrimination



- PA Human Relations Commission
  - Investigates complaints of discrimination in employment, housing, businesses open to the general public and education
  - 180 days from the alleged act to file (360 in some areas)
  - Will file jointly with the EEOC





Quick List

# **WHAT YOU NEED TO KNOW NOW**

# Regulations by Employee Count

Employee Count	Regulation/Statute	Regulation/Statute
1	Drug Free Workplace	Equal Pay Act
	ERISA	Fair Credit Reporting Act
	FLSA	Privacy
	NLRA	OSHA
	USSERA	
4	PHRC	
10	OSHA Record Keeping	
15	ADA	Title VII
20	ADEA	COBRA
50	AAP	FMLA
100	WARN	

# Personnel Files



## 1: “Traditional”

- Emergency Contact (recommend minimum of 2)
- W-4, other payroll related documents
- Policy/procedure type documents
- Any document generally related to their employment

# Personnel Files



## 2: Medical

- Any physical/drug screen testing results (pre/post employment)
  - Insurance enrollment forms
- Any document that may reveal “PHI”
  - **MUST BE SEPARATE AND LOCKED**

## 3: I-9

- A single file is acceptable

# The Do and the Don't List

<b>Category</b>	<b>Please DO</b>	<b>Please DON'T</b>
Family Arrangements	Any relatives working for us?	How many kids do you have What's your spouse do for a living?
Race		May I take your picture?
Origin	Do you have a legal right to work in the US?	What's your maiden name?
Religion		What religious holidays do you need to have off?
Age	Are you over 18 (21)?	How old are you?

# The Do and the Don't List (pg 2)

<b>Category</b>	<b>Please DO</b>	<b>Please DON'T</b>
Disability	Can you perform the essential functions of this job?	How severe is your disability? What medical problems have you had in the past year?
"Record"	Have you been convicted of a felony? (if job related)	How many times have you been arrested?

# Avoid (like the plague)



- Emergency contact info (at this stage)
  - Height and Weight
- US Citizenship questions
  - Disabilities
- Personal associations
  - Bankruptcy
- English language skills
  - Marital/child status
  - Union affiliation

# Key Points to Remember

- All businesses have a formal or informal approach for dealing with issues, challenges and frustrations
- Your most important asset really is your Human Element – they impact your operation, your delivery, your customer service – they drive your business
- Be fair, be firm, be consistent



# “Profiting Through Employee Orientation”

- Rich Galbreath, SPHR in his March 2002 White Paper:
  - “Your employees are getting an orientation, whether you have a formal program or not. Unfortunately, it often isn’t the one you want them to get.”



Karen Young  
Founder

The mission of the Company is simple – *Provide realistic, affordable human resource management services and solutions on-site, on call and as needed.*

Karen has been recognized by Governor Ed Rendell as one of Pennsylvania's Best 50 Women in Business for her commitment to business growth, professional excellence and community.

HR Resolutions, LLC  
5441 Jonestown Rd  
Harrisburg PA 17112  
p. 717-652-5187  
f. 717-652-2187  
[www.hrresolutions.com](http://www.hrresolutions.com)