

Human Resources Best Practices



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Image taken from: <http://www.selma-nc.com/human-resources>

What Is Human Resources?

- Talent Acquisition

Recruiting & Onboarding

- Employee and Labor Relations

Dispute Resolution & Grievance Process

Federal, State and Local Law

Safety Compliance

- Compensation and Benefits

Benefits Administration

Leave of Absences

Compensation Strategy

Reward and Retention Programs

- Talent Management & Development

Performance Management

Training & Development

- Workforce Planning

Organizational Structure

Succession planning

Dispute Resolution & Grievance Process

Employee Relations



Best Practices

Recruiting

Take Your Time and Be consistent

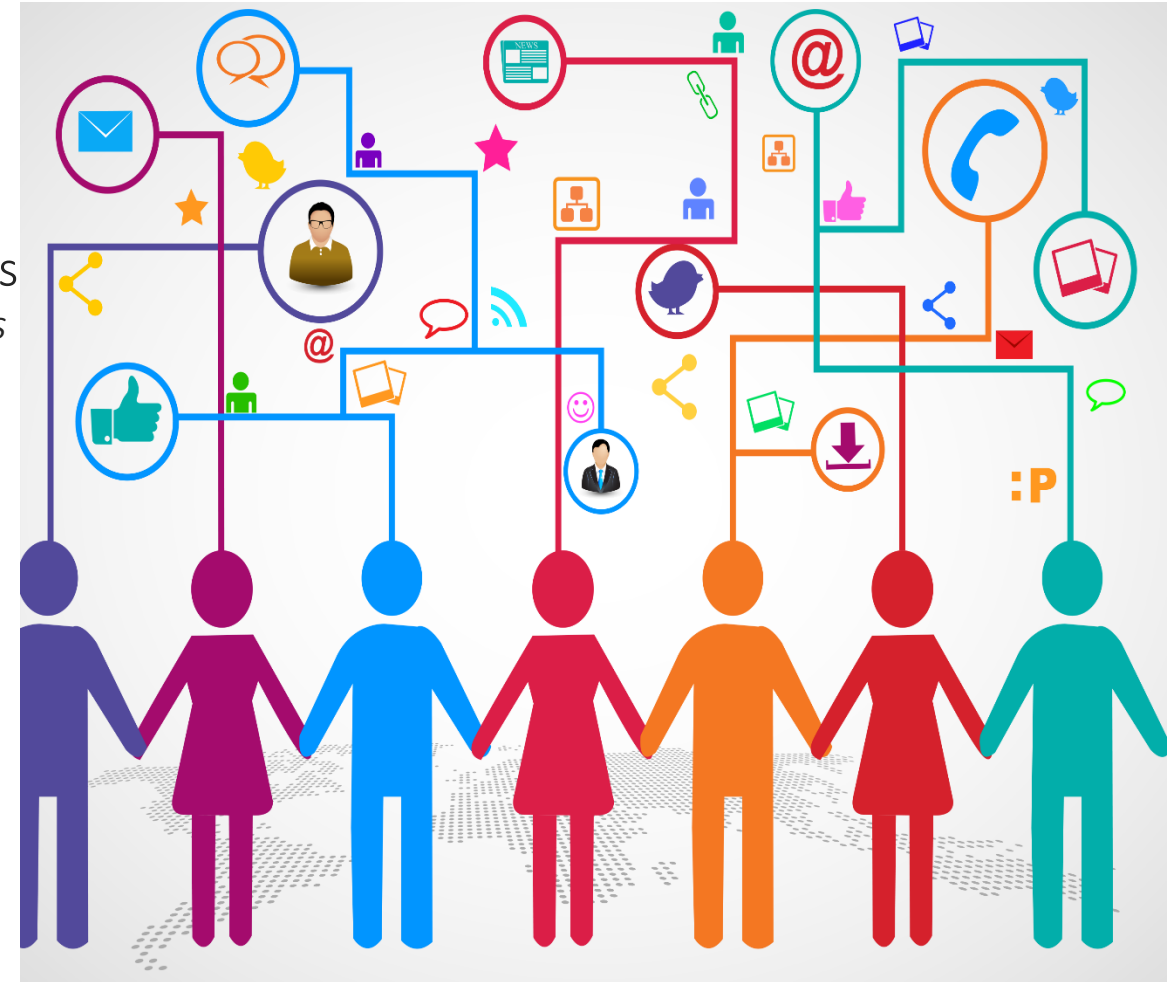
- *Make the right hire the first time*
- *Use the same templates, interview questions, & interview panel*

Ensure candidates meet the minimum requirements

- *Verify the candidate meets the minimum requirements for position*
- *Look for accomplishments, leadership experience and actual duties and tasks*
- *Note professional organizations and or licenses/certificates*
- *Also note, related extra curricular activities*

Be sure to look out for Red Flags

- *Incorrect grammar, typos & uncompleted sentences*
- *0-1 year with multiple previous employers (job hopping)*
- *Generic (weak) objective*
- *Incorrect or incomplete contact information*
- *Recycled resumes and cover letter*

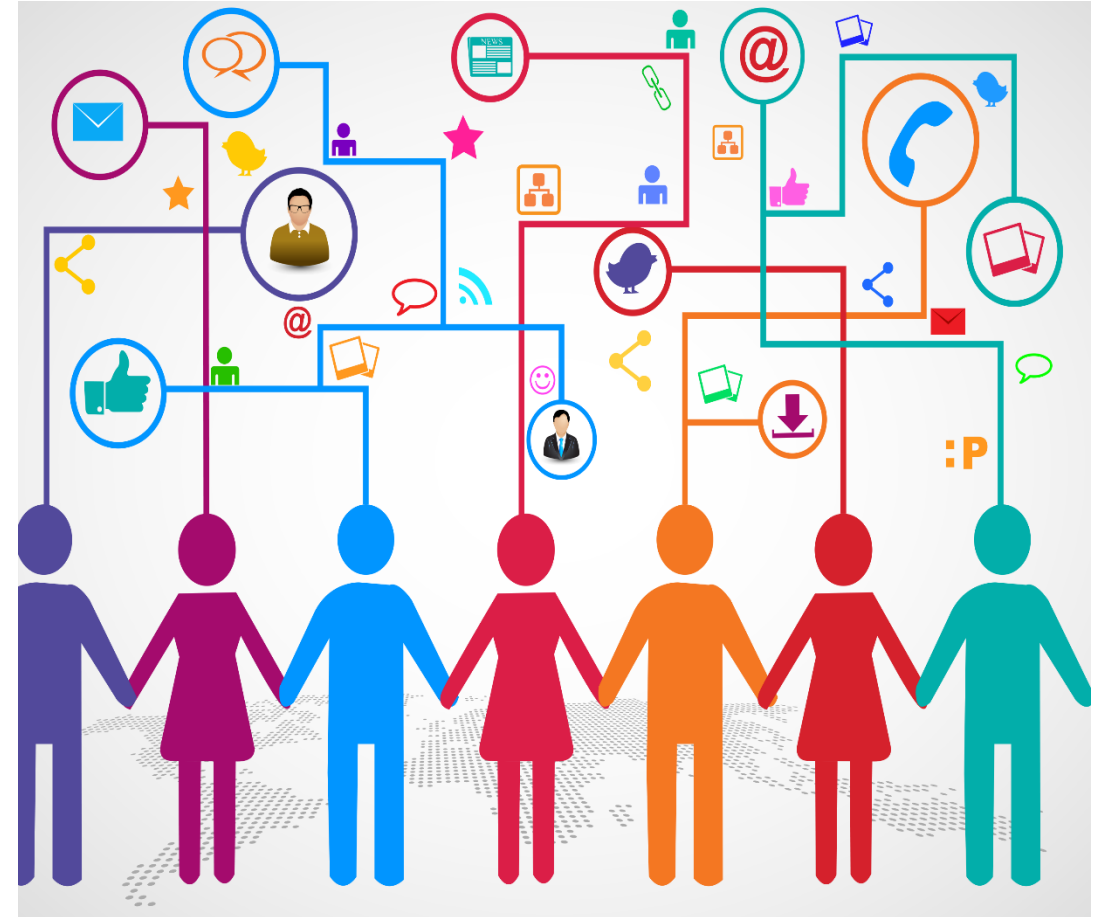


Recruiting Cont.

Avoid asking personal and protected information

(Protected Classes, Salary, Criminal History & Credit History)

- Pregnancy/ Childbirth or other medical related conditions
- Race, Religious Creed, National Origin or Ancestry
- Physical or Mental Disability (medical condition)
- Marital Status or Age
- Sexual Orientation, Gender Expression or Genetic Information
- Salary History
- Criminal History (exceptions may apply)
- Credit History (exceptions may apply)



Employee & Labor Relations

Time-Card Records

- Non-Exempt employees are required to record time worked (*accurate time-records*)
- Non-Exempt employees must clock in and out of work and in and out of meal periods
- Employees may not falsify timecards (clocking in and out for other employees)
- Staff may not volunteer their time

Meal Periods

- Relieved from work duty and responsibilities (away from desk preferably)
- Minimum of 30 minutes and no more than 60 minutes for a shift of 5 hours or more
- Meal period can be waived if your shift is 6 hours or less (*However, the meal period must be waived in writing prior to the missed meal period*)

Rest Breaks

- 10 minute rest break for every 4 hours



Employee & Labor Relations Cont.

Grievances

- Should be recorded and investigated as soon as possible
- Always follow grievance process outlined in the employee handbook

Classifications

Be sure to properly classify staff

- Non-Exempt vs. Exempt

Resource: US Department Wage and Hour Division Website

- Employee vs. Independent Contractor

Resources: IRS 20 Factor Test & EDD Employment Determination Guide (DE38)



EMPLOYMENT DETERMINATION GUIDE

Purpose:

This worksheet is to be used by the proprietor of a business to determine whether a worker is most likely an employee or an independent contractor.

General Information:

Generally, whether a worker is an employee or an independent contractor can be determined through the application of the factors contained in common law or employment and statutory provisions of the [California Unemployment Insurance Code](#).

If a worker is an employee under common law, the business that employs the worker must report the worker's earnings to the Employment Development Department (EDD) and must pay employment taxes on those wages. If the worker is an independent contractor and the business pays the worker \$600 or more in payments, the business must file a Form 1099-MISC with the Internal Revenue Service (IRS). The business must also file a *Report of Independent Contractor(s)* (DE 542) with the EDD within 20 days of either making payments totaling \$600 or more, or entering into a contract for \$600 or more with an independent contractor in any calendar year. For more detailed information regarding your independent contractor reporting requirements, view the latest revision of the *California Employer's Guide* (DE 44) available on the EDD website at www.edd.ca.gov/Payroll_Taxes/Forms_and_Publications.htm.

The basic test for determining whether a worker is an independent contractor or an employee is whether the principal has the right to control the manner and means by which the work is performed. When the principal has the "right of control," the worker will be an employee even if the principal never actually exercises the control. If the principal does not have the right of control, the worker will generally be an independent contractor.

If, on the face of the relationship, it is not clear whether the principal has the "right of control," there are secondary factors that are considered to determine the existence or nonexistence of the right of control.

The enclosed worksheet addresses the basic test and secondary factors through a series of questions. If use of the worksheet clearly demonstrates that a worker is an employee, you should contact the EDD and arrange to report the worker and pay the relevant taxes. You may also want to contact the IRS and your workers' compensation insurance carrier to ensure that you are in compliance with federal tax laws and with state workers' compensation statutes.

If after completing the worksheet you are not sure whether the worker is an independent contractor or employee, you may request a written ruling by completing a *Determination of Employment Work Status* (DE 1870) or contact the Taxpayer Assistance Center for advice by calling 888-745-3886. The DE 1870 is designed to analyze a working relationship in detail and serves as the basis for a written determination from the EDD on employment status.

Compensation & Benefits

Leave of Absences

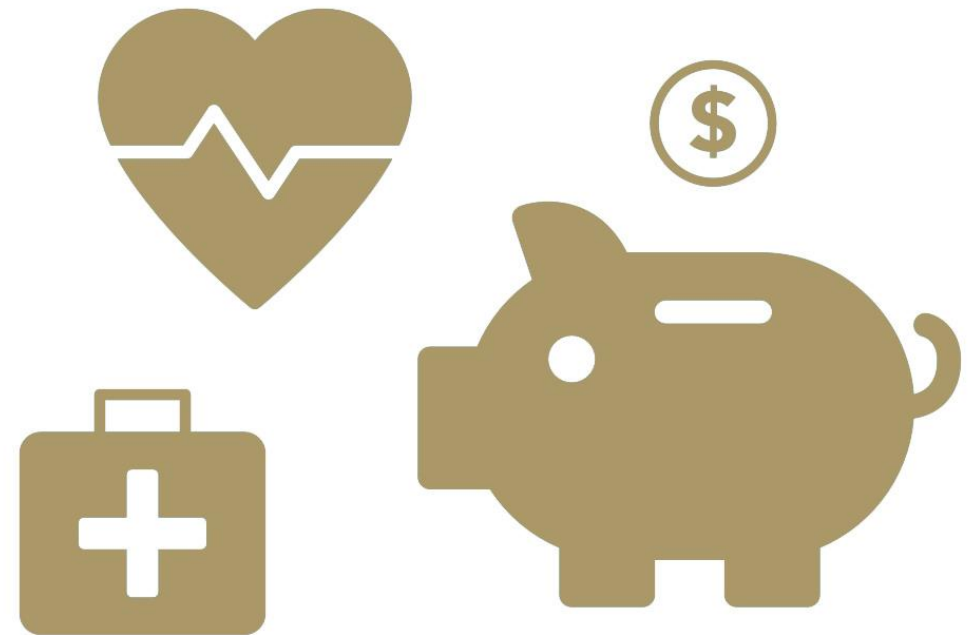
- *Family Medical Leave Act -FMLA (CFRA)*- Employers with 50 or more employees (within 75 miles) 12 months of employment 1250 hours of work (4 months of leave)
- *Pregnancy Disability Leave (PDL)* – 5 or more employees (4 months of leave)
- *Paid Family Leave (PFL)* – provides up to 6 weeks of partial pay

Workers Compensation

- Completed labor posters in break rooms/ common area at all locations
- Report incidents to HR or WC provider immediately
- DWC-1 form (within 24 hours)

Fair Pay Act

- Must be paid equally for “substantially similar work” regardless of sex, race, or ethnicity



HR Resources



www.calchambers.com



www.hr.com

Workforce®

www.workforce.com

WorldatWork®

www.worldatwork.com

HR Professional Networks



SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

www.shrm.org

PIHRATM

Professionals In Human
Resources Association

www.pihra.org

national
human resources
association

www.humanresources.org

Group Participation

List 3 of the personal and protected information which should not be discussed during an interview?

- Pregnancy/ Childbirth or other medical related conditions
- Race, Religious Creed, National Origin or Ancestry:
- Physical or Mental Disability (medical condition) :
- Marital Status or Age
- Sexual Orientation, Gender Expression or Genetic Information
- Salary History
- Criminal History (exceptions may apply)
- Credit History (exceptions may apply)

What is the name of the CA EDD test used to determine if someone is an employee or an independent contractor?

EDD Employment Determination Guide DE38

When can a meal period be waived?

When the shift is 6 hours or less and a waiver is signed (prior to the 6th hour)

Name 2 of the HR Resources or HR Professional Networks shared

Cal Cambers, Workforce, HR.com, World at Work, SHRM, PIHRA, National Human Resources Association

Questions

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