

Ask the Experts Webinar Series



HR 101

HR BASICS YOU NEED TO KNOW FOR YOUR BUSINESS



GREATER MADISON
CHAMBER *of* COMMERCE

“Ask the Experts”



Mary Jo Spiekerman, SPHR



Kathy Konichek, PHR



Tim Seifriz, SPHR



Jane Boutelle

Greater Madison Chamber of Commerce



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Note: A copy of today's presentation will be available on the GMCC website

Mary Jo Spiekerman, SPHR, currently serves as Vice President and Director of Human Resources Consulting for Hausmann-Johnson Insurance. She has 10 years of banking operations experience and 17 years of progressively more responsible Human Resources executive management positions in the financial, professional services, insurance and health care delivery industries.

Kathy Konichek, PHR, has 24 years of HR generalist experience in the following industries: biotech, manufacturing, broadcast, civil engineering, and real estate. She has been the Human Resources Director for First Weber Group for the past 8 years. She is a one-person HR department that supports 45 offices, 3 entities, 635 Realtors, and 125 staff employees.

Tim Seifriz, SPHR, has over 20 years of Human Resources experience in a variety of industries, including biotech, medical device, insurance/financial services, and manufacturing. He currently is an Associate Director of HR for a team that supports the US-West region and Latin America for a local contract research organization. Through his on-going consulting work with TRS Consulting, he has worked with a variety of entrepreneurial, start-up and small privately-held companies to improve individual, team and company performance.

- **HR Legal Overview - Know the Basics**
- **HR 101 – General Administrative & Operational Practices**
- **Talent Acquisition Strategies & Tips**
- **HR Resources**
- **Questions**



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POLL QUESTION



- How many employees does your business have now (not including you)?
 - None, but I'm planning to hire
 - 1-5
 - 6-19
 - 20-49
 - 50+

Labor Laws By # of Employees



1-14 EE's:

- Fair Labor Standards Act (FLSA)
- Employee Retirement Income Security Act (ERISA)
- Immigration Reform and Control Act
- Occupational Health and Safety Administration (OSHA) record-keeping (11+ EE's)
- National Labor Relations Act (NLRA) (Applies to most employers and most employee types.)

Labor Laws By # of Employees

15-19 EE's:

- Title VII of the Civil Rights Act
- Americans with Disabilities Act

20-49 EE's:

- Age Discrimination in Employment Act
- Consolidated Omnibus Benefits Reconciliation Act (COBRA)

Labor Laws By # of Employees



50+ EE's:

- Federal Family and Medical Leave Act (FMLA)
- State of Wisconsin Family and Medical Leave Act (WFMLA)

100+ EE's:

- EEO – 1 report

City of Madison Ordinances: Protected Classes

- Age
- Arrest Record
- Color
- Conviction Record
- Disability / Handicap
- Domestic Partnership
- Family Status
- Less Than Honorable Discharge
- Marital Status
- National Origin or Ancestry
- Physical Appearance
- Political Beliefs
- Race
- Religion
- Retaliation
- Sex
- Sexual Orientation (definition updated)
- Social Security Number
- Source of Income
- Student Status
- Domestic Partnership
- Family Status
- Citizenship Status
- Credit History
- Gender Identity
- Genetic Identity
- Victim of Domestic Abuse

Government Contracts



- What does the contract you have with a Federal, State or Municipal government entity require you to do relating to employment?
- Factor in the costs of compliance in your bid.

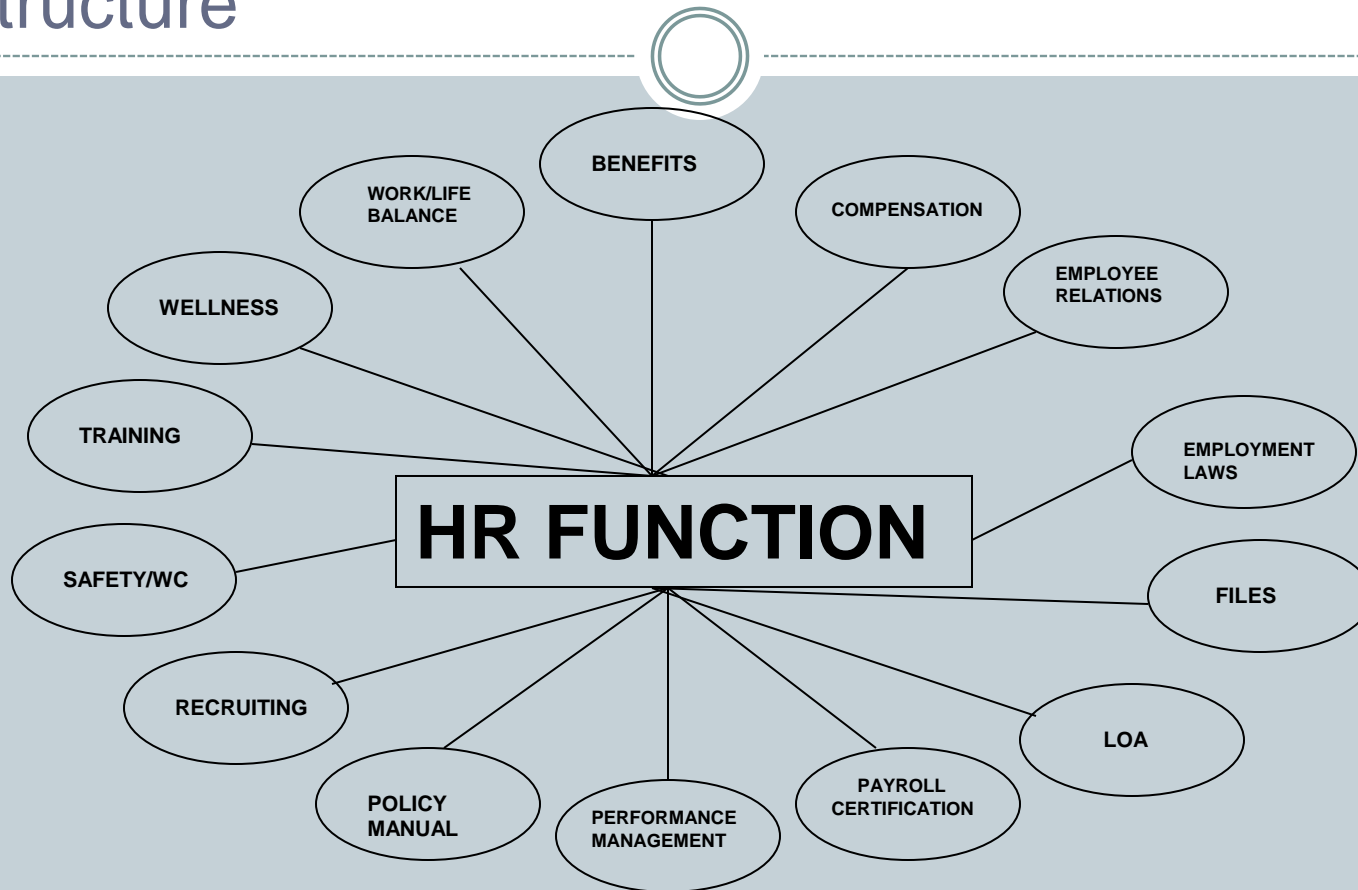
More Information



- <http://dwd.wisconsin.gov/dwd/posters.htm> (link to Labor Law posters)
- www.dwd.state.wi.us
- www.doj.state.wi.us/dles/cib/ConcealedCarry/ConcealedCarry.asp
- www.dol.gov/elaws/flsa.htm
- www.eeoc.gov
- www.dol.gov/compliance
- www.shrm.org

HR 101 - General Administrative & Operational Practices

HR Structure



In-House or Outsourced HR?



- HR Vendor Relationships
 - Employment Attorney
 - Payroll Service Provider
 - Payroll Taxes
 - HR Database
 - Time Off Tracking
 - Electronic time punching
 - Insurance Agent of Record
 - Benefits / WC / Liability
 - EAP
 - Retirement Plan Vendor
 - Temporary Agencies / Recruiting Sources

HR Recordkeeping



What to keep in “personnel” file?

Suggested Tabs

- Emergency Contact
- Job Description
- Performance Evaluation (including disciplinary notices and letters of recognition)
- Resume/Application (including any tests used to make an employment decision)
- Benefits
- Payroll (hiring, promotions, demotions, transfers, layoff, rate of pay, resignation, termination, exit checklist, exit interview, etc.)
- Policy Sign-Offs
- Miscellaneous

HR Recordkeeping



What NOT to keep in Personnel File

- Medical records (must be kept separate)
- Suggested that Form I-9's be kept separate alphabetically for ease if audited
- Workers' Compensation records

HR Recordkeeping



General Rules of Thumb

- Personnel: 7 years
- Medical/benefits: 6 years
- I-9 forms: Not more than 3 years after termination
- Pre-employment background checks: 2 years (exception: maintain employee exposure records for at least 30 years, under OSHA requirements)

State guidelines:

http://www.dwd.state.wi.us/er/labor_standards_bureau/permanent_records_to_be_kept_by%20the_employer.htm

Links to Recordkeeping Websites



- http://www.shrm.org/TemplatesTools/Samples/Policies/Pages/CMS_017186.aspx
- <http://www.shrm.org/Publications/hrmagazine/EditorialContent/Pages/0203legal.aspx>
- <http://www.cpa.net/resources/retengde.pdf>
- <http://www.lancasterlawblog.com/2009/09/articles/business-law/business-record-retention-schedule/>
- <http://www.fichenet.com/RetentionSchedule.htm>
- <http://www.shred-corp.com/guidelines.pdf>

HR To-Do's

Daily

- Phone
- Email
- Customer Service
- Employee Relations
- Shadow Management
- Conflict Resolution/Respectful Workplace

Weekly

- Orientation
- 401(k) Electronic Changes
- Unemployment Compensation

HR To-Do's



Semimonthly

- Payroll

Monthly

- Benefit Invoices
- Filing

Quarterly

- 401(k) Enrollment
- Multiple Worksite Report

Semi-Annual

- Vacation Accruals to Managers
- Policy Manual Revisions

HR To-Do's



Annual

- Salary Budget
- Performance Reviews
- Salary Analysis
- 401(k) Census/Testing
- 401(k) Audit
- 401(k) SAR
- OSHA 300 Form
- Form 5500
- EEO-1
- Benefits Renewal (health/dental/vision/life/AD&D/STD/LTD/FSA)
- Benefit Statements
- United Way Campaign
- Compliance Reports (Report of Org./Comp. Surveys/OSHA/DOL/DWD)
- Comp. & Benefit Surveys

Polling Question



- Are you confident that you have today and will have tomorrow access to the people, skills and talent you need to grow your organization?
- Yes I am confident or No I am not confident


Talent: A Key to Successful Growth



- Recruiting and retention of staff with the right skills remains one of the greatest fears of executives – even in today's economy



Take the Time to Do It Right



Research and planning

- Identify the knowledge, skills, abilities, behaviors, and experiences required for success
- Be clear about what your company and this position can offer (and be clear about what is not being offered)
- Educate yourself on legal/safe and effective interviewing techniques/strategies

Legal/Safe Interviewing



Inappropriate Questions	Appropriate Questions
Are you a US Citizen?	Are you legally eligible to work in the United States?
How old are you?	Are you over the age of 18?
What kind of disabilities do you have?	Are you able to perform the essential functions of the job to which you are applying? (Be sure you tell the applicant what the essential functions are.)
Who is going to take care of the kids during the day?	The hours of the job are M-F, 8am-5pm, are you able to work those hours?
What clubs or organizations do you belong to?	What professional or trade groups do you belong to?

Common Interviewing Errors

- Overconfidence of the interviewer
- Stereotyping
- First-impression error
- Negative emphasis
- Halo/Horn effect
- Contrast
- Similar to me
- Inconsistency in the interview process

Research indicates high frequency of interviewing errors

Best Practice – Structured Interview



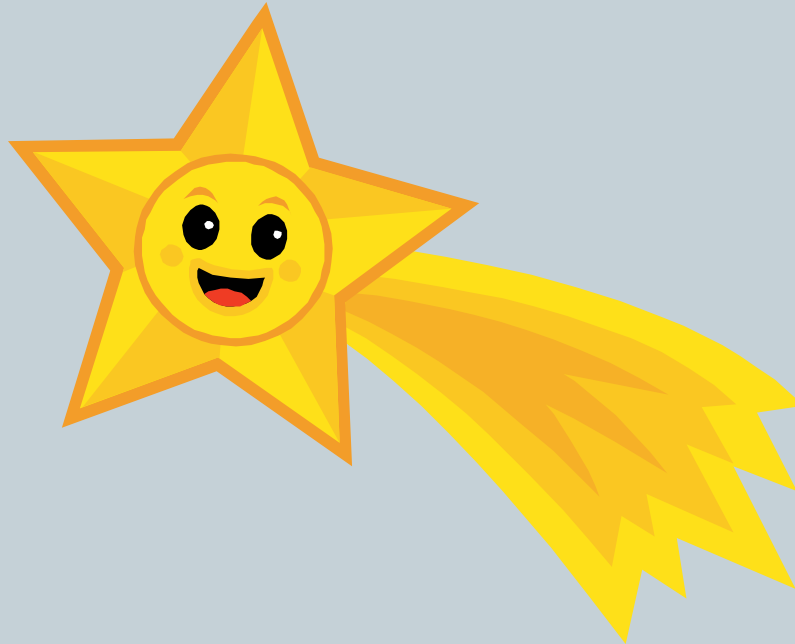
The Best Predictor of Future Behavior is...Past Behavior



Behavioral-Based Interviewing



- **Situation**
- **Task**
- **Action**
- **Results**



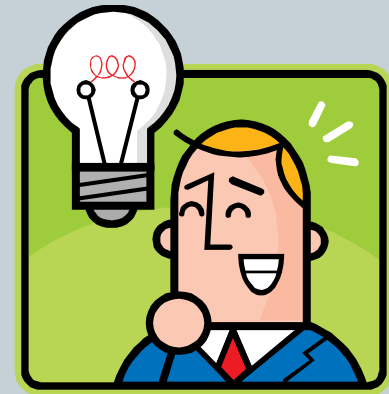
Sample BBI Questions



- Tell me about a time that you were confronted by an unhappy customer. What did you do to resolve the issue?
- Think about a time that you and a colleague disagreed. How did you resolve the conflict?
- Certain subjects are easier to learn than others. Which college courses gave you the most trouble? How did you handle them?
- Describe a situation when you needed information from someone else in order to proceed with a project, but you had difficulty getting that information. What action did you take?
- Describe an instance when you had to make a quick decision. What did you do?
- Give me an example of when you exceeded expectations.
- Can you tell me about a time you had to come up with an innovative solution to a problem with a very short deadline?
- Describe for me a situation where you struggled with an ethical dilemma. How did you resolve the conflict?

Being Smart with Your Talent Decisions

- Hire Passion
- Know Your Limitations
- Complementary Differences
- Maybe We Should Just Date?
- Do You Need All of That?
- Tap Into Experts
- Network, Network, Network



Employee or Independent Contractor



IRS Independent Contractor Test

- Behavioral Controls – does the company control or have the right to control what the worker does and how the worker does his or her job?
- Financial Controls – are the business aspects of the worker's job controlled by the payer (are expenses reimbursed, who provides tools/supplies, etc.)
- Type of Relationship – are there written contracts or employee type benefits? Will the relationship continue and is the work performed a key aspect of the business?

DOL continuing aggressive enforcement on misclassification of employees as independent contractors!

Employee or Independent Contractor

- Economic Reality Test (under FLSA)
 - <http://www.dol.gov/elaws/esa/flsa/docs/contractors.asp>
- Wisconsin Unemployment Compensation Law
 - Nine conditions:
http://dwd.wisconsin.gov/wc/employers/independent_contractors.htm
- IRS information
 - <http://www.irs.gov/businesses/small/article/0,,id=187534,00.html>
 - <http://www.irs.gov/pub/irs-pdf/p1976.pdf>



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HR Resources



- GMA SHRM 2012 Program Guide - <http://www.gmashrm.org/index.php?module=cms&page=16>
- www.shrm.org
- Sample HR Forms
 - Job Applications
 - Job Descriptions
 - Phone Interview Questions
 - Reference Checking Forms
 - Offer Confirmation Letters
 - Payroll Change Forms
 - Performance Review Forms
 - Exit Checklists
 - Exit Interviews



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Questions?



Mary Jo Spiekerman, SPHR

maryjo.spiekerman@hausmann-johnson.com

608-252-9648

Kathy Konichek, PHR

konichekk@firstweber.com

608-443-2225

Tim Seifriz, SPHR

tseifriz@tds.net

608-206-6425

The opinions and ideas presented today are not a substitute for legal advice and may not be appropriate for all situations. We recommend you consult with an attorney and/or accountant before making any legal or tax decisions for your business.

Thank You!



- Please take a moment to answer the quick survey (available when you log out of GoToWebinar)
- This PowerPoint and a recording of the webinar will be available on the Chamber's website
- Next webinar: Thursday 2/9/12 @1pm
- Feel free to send questions or comments to Ask Sam



asksam@greatermadisonchamber.com

608.443.1957