

HOW TO HIRE AND MAINTAIN GOOD EMPLOYEES AND WHAT TO DO WHEN THINGS GO WRONG

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This Webinar Will Cover

Tips for compliant job postings to find qualified candidates

What questions to ask/avoid during the interview process

New employee onboarding procedures

How to address employee performance issues

Employee termination and when it is required

And more!

Hiring a New Employee

Put time and energy into finding the right fit

Job Postings

Employment Application

The Interview

Checking References

Social Media – Don't Do It!

Tips for Compliant Job Postings

Be Truthful

Include

- Brief Description of the Company or Practice
- Your Wish List
 - Description of the Job and its Requirements
 - Educational Qualifications Required or Preferred
 - Experience Required or Preferred
- Salary/Wage Disclosure (California Pay Transparency Law)

Tips for Compliant Job Postings– What to Avoid

Do NOT include requirements that are tied to protected categories

Do NOT include anything about criminal history or background checks

California Pay Transparency Law

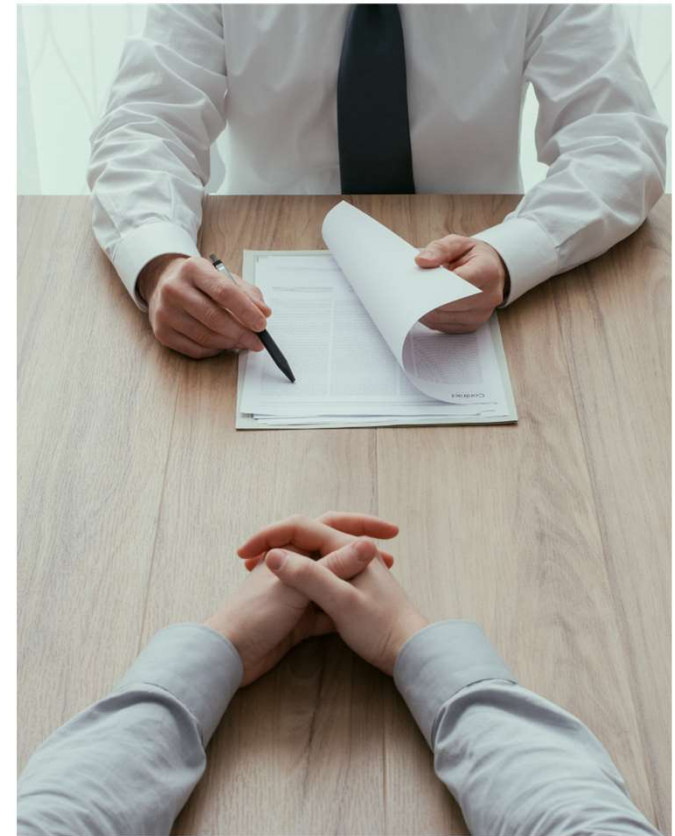
Labor Code
§432.3

- Provide pay scale information to employees
- Pay scale information in job postings (15+ employees/only 1 CA employee)
- Pay scale = the salary or hourly wage or range the employer expects to pay for the job
- Include commission or piece rate if applicable
- Non-compliance is expensive – fines range from \$100 to \$10,000 per violation

Hiring 101

- Job Description comes first
- Consider Recruiter
- Collect
 - General application
 - Resume
 - References
- Prepare for the interview
- Write notes of your impressions
- Don't wait long to make offer
- Thank you letters
- Conditional offer letter
- Provide on-boarding documents

"Time spent on hiring is time well spent." – Robert Half



Job Descriptions

- Summary/Objective
- Essential Functions
- Competencies and Responsibilities
- Work Environment/ Remote Work?
- Physical Requirements
- Position Type/Expected Hours of Work
- Travel if required
- Education and Experience
- Additional Eligibility Qualifications

Job Descriptions (Continued)

- Use the job description as a foundation to ask questions
- Applicants may recognize that they are not a good fit or are not interested
- Helpful for classifying employees as exempt or non-exempt
- Can later be helpful if employee returns from disability leave with restrictions

The Application

DO

- Ask for Name and Contact Information
- Work History
- Educational History
- Skills
- References

DON'T

- Ask for Previous Wages
- A Photograph
- Social Security Number
- Criminal History Information
- Graduation Dates

Interview



Interviewing the Candidate

- Most critical part of the hiring process
- Do applicant's skills, experience and personality fit?
- Have the job description with you
- Face to face interview is best



Sample Interview Questions

Ask about Prior Work Experience

Assess Problem Solving Skills (Sample Scenarios)

Get to know the applicant

Why are you interested in working for this company?

Why have you chosen this field?

What interests you most/least about this job?

What are your strengths? Weaknesses?

How do others describe you?

What do you consider your best accomplishment in previous job?

How do you think you will fit into this Practice?

Do you have any questions for me?

Prohibited Questions

Have they ever filed a workers' compensation claim?

Their age, date of birth, dates of school attendance

Previous addresses

Religious affiliations

Name of applicants' mother and father

Marital status

Whether they have children or are pregnant

Sexuality

Clubs they belong to

Are they a citizen of the US?

Political affiliations



What can be asked?

Whether wages offered meet expectations

Whether the candidate can perform the physical functions of the job

Skills Testing?

- A skills test is an assessment tool used to evaluate the knowledge, skills and abilities of job candidates
 - Designed to objectively assess skills
 - Reduce Bias in Hiring Decisions
 - Consistency of assessment
- ✓ Pre-Interview?
- ✓ Post-Interview?
- ✓ Paid or Unpaid?

Skills Testing – Be Careful

- “Testing only” time does not need to be paid if
 - **Not Productive.** The Employer should not derive a benefit it would get if the applicant was an employee performing the same tasks
 - The period of time testing the employee is **reasonable** under the circumstances
- If the testing takes a significant amount of time, or if a product or service made by the applicant is used or sold, such time might need to be compensated.

Offer Letters

Should include:

- Position and title
- The name of the supervisor- who employee will report to
- Whether it is full time or part time
- Whether it is exempt or non-exempt
- Job duties (you can attach a job description)
- Bonus/commissions terms
- Base salary or hourly rate
- Benefits- a brief description including medical insurance, vacation, sick leave, holidays, etc.
- At-Will Statement (unless it is an employment contract)
- Contingencies

Employee Onboarding

Welcome to the Practice!



Onboarding

Signed Offer Letter

Job Description

I-9 Form and Documents

Required Tax Documents

Employee Contact Information

Employee Handbook/Employer Policies

EDD and DIR Pamphlets

Employee Arbitration Agreements???

Onboarding Checklist— Required

- Have the newly onboarded employee sign the checklist of documents that they received.

Onboarding Checklist— Optional

Optional:

- Drug Testing Policy and Acknowledgment— only ***after*** a conditional letter of employment has been provided
- Background Test Policy and Acknowledgment – only ***after*** a conditional letter of employment has been provided
- Employee Arbitration Agreements?

Addressing
Performance
Issues

HIRE SLOW

FIRE FAST



**Build An Introductory Period
Into Your Policies and Do an
Early Evaluation**

Performance Feedback

- Document
- Document
- Document





Before Termination

Before terminating an employee, it is critical that:

- (1) employers understand applicable employment-related laws;
- (2) develop and consistently apply appropriate policies, procedures and handbooks; and
- (3) document performance and disciplinary issues fully and objectively.



Understanding Applicable Employment- Related Laws

Consistently Apply Policies

The handbook has to be a living, breathing document that everyone understands, not just another part of the onboarding documentation that an employee receives and signs off on having read



Is Termination Appropriate?

- Employers must ask these questions:
 - Do you bear any responsibility for failing to appropriately prevent the conditions or address the circumstances that led to the termination?
 - Have you given the employee an opportunity to address any problems that may have led to the termination?
 - Have you properly documented and implemented your employment policies and procedures?
 - Were the workplace policies properly communicated to the employee?
 - Was there a thorough investigation of any misconduct?
 - Have you applied any disciplinary procedures that are appropriate to the circumstances?
 - Have the disciplinary procedures that have been enforced been applied consistently to all of the employees?



Before Terminating, Consider Alternatives!

Counsel the employee on his/her/their behavioral problems

Issue a verbal warning to the employee

Issue a written warning to the employee

Temporarily suspend the employee with or without pay depending on the circumstance

PIP or last chance agreement

If You Have Done All These Things, And Now It Is Time To Terminate

- Have all of the necessary documentation ready at the meeting
- Severance Agreement?
- Take into account the timing and location of the communication, who will be at the meeting to convey the message, the content of the message and responses to anticipated questions from the employee who may be completely shocked.

Final Pay

- You must pay the terminated by **hard copy check** at the time you terminate.
- Any accrued but unused vacation or PTO must be paid out at the time of termination.
- Sick time does not get paid out.
- If the employee quits without notice, you have to have their final pay within 72 hours. If they quit and give you at least 72 hours notice, their final check must be ready on their final day.



**Other
Considerations:
If The
Employee's
Termination Is
Effective
Immediately:**

Disable the terminated employee's electronic and physical access to the employer's systems and worksites

Require the return of all employer- owned property

Security concerns

Provide them with the DE 2320 Unemployment Pamphlet and Change in Relationship Form to give to the EDD if they were terminated



Conclusion



Thank you for watching!

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