

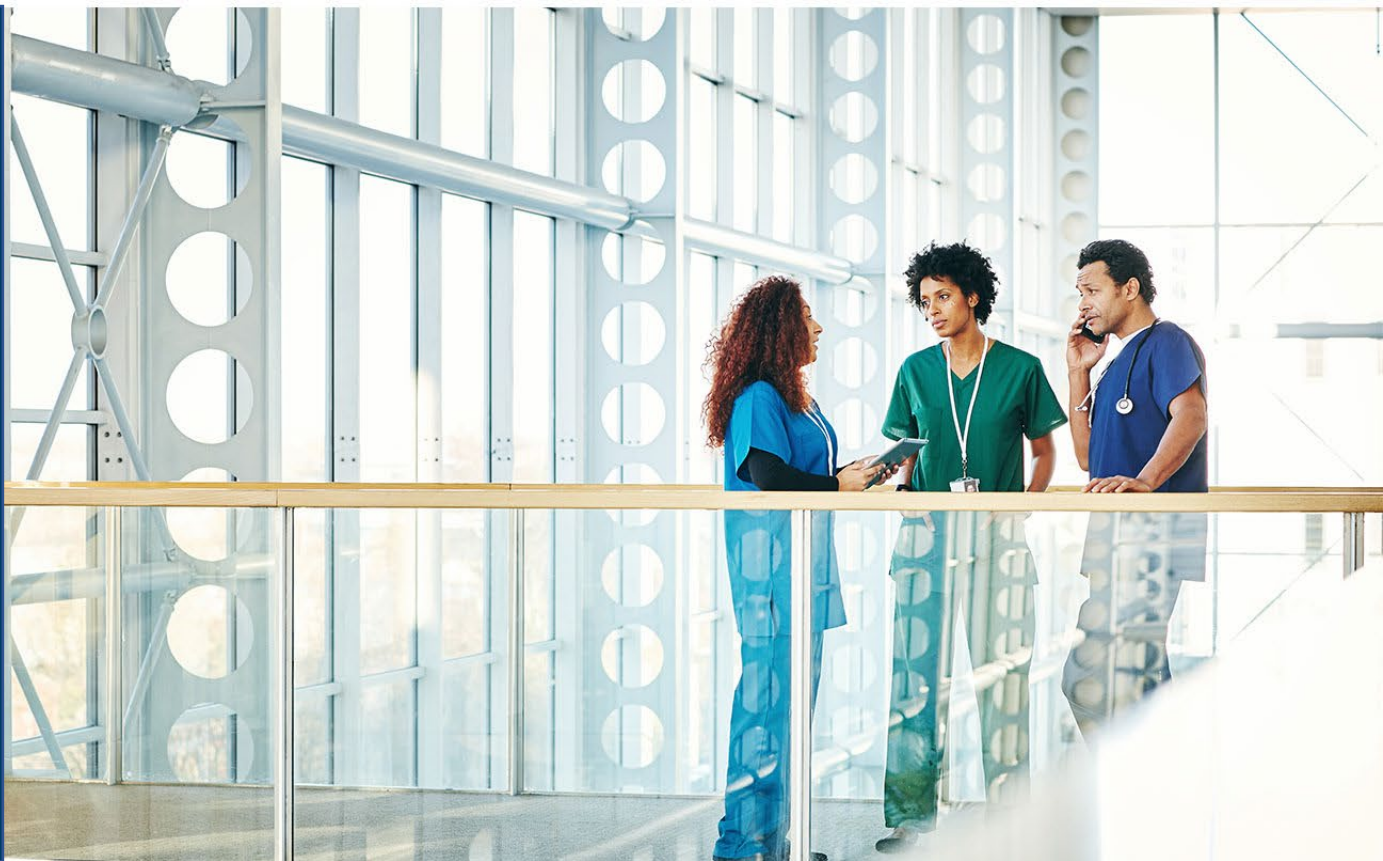


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The Top HR Issues Impacting Medical Practices...and How to Handle Them

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Agenda



Today's program will address the top HR issues facing medical practices, including:

- Harassment Avoidance Training
- Interviewing/Hiring
- Employee Handbook
- Medical Leaves
- Employee Classification
- Rest Breaks/Meal Periods
- Terminating Employees



Sexual Harassment Avoidance Training

- Required every 2 years for California employers with 5+ employees.
 - Nonsupervisory training: 1 hour
 - Supervisory training: 2 hours
- Newly-hired employees must be trained within 6 months from hire.
- New supervisory employees must be trained within 6 months of assuming supervisory duties.
- CAP offers free online training courses for members.



Interviewing

- Evaluate your need (front office only, front and back office).
- Complete a candidate profile.
 - *What are the duties and what characteristics do I want my employee to possess?*
- Prepare behavioral-based interview questions.



Practical Tips for Interviewing

- Make applicant comfortable
- Don't allow interruptions
- Let the applicant do the talking
- Tell the applicant how the interview will proceed:
 - 1) You will ask them about themselves, experience, and skills
 - 2) You will let them ask questions about the office, job, etc.
 - 3) You will then tell them about the job duties



Practical Tips for Interviewing

- Why not tell them about the job up front? Because you don't want to forecast the "correct" answers.

(example – Dr. : "I need someone who can work independently and is organized." Applicant: "Really, I am extremely organized and think my performance excels when I am working on my own.")

- Be sure you have references for the candidate. Ask permission to contact their current supervisor.
- If you bring someone in to see if they are a "good fit", you must pay them for their time, and they will need to complete federal and state tax forms.



Job Profile

Job Title: Front Office / Receptionist

List all tasks and duties of the job

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

List all related behaviors and qualities needed to be successful in the job

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____



Job Profile

Job Title: Front Office / Receptionist

List all tasks and duties of the job

- Open/close the office
- Answer phones
- Make appointments
- Greet patients
- Take co-pays (cash, check, credit)
- Let MA know patient has arrived
- Open mail
- Balance cash each night

List all related behaviors and qualities needed to be successful in the job

- Professional appearance/demeanor
- Personable
- Honest
- Customer service oriented
- Problem solver
- Proactive versus reactive
- Organized and neat
- Detail-oriented



Hiring

- Provide an offer letter - no contracts unless you are hiring a provider.
- The offer letter should be signed and dated by both the employer and employee.
- Properly classify employee.
- Include Form I-9 language:
 - *The Immigration Reform and Control Act requires employers to verify the legal right to work of all new hires at the commencement of employment. Enclosed is a Form I-9, which must be completed by you no later than your first day of employment. The bottom portion must be completed by the practice no later than your third day of employment. To assist in complying with this requirement, please bring the required documents with you, as indicated on the Form I-9, when you report to work.*



New Hire Orientation Checklist

Administrative

- Form I-9
- Confidentiality Agreement
- HIPAA Agreement/Training Guide
- Emergency Contacts
- Parking Contract
- Human Resources Manual/Policy Manual

Payroll

- W-4
- Direct Deposit Form
- Employment Development Department (EDD) State Withholding Form

Benefits

- Summary of Benefits
- Medical Benefits Election Form and Benefits Overview
- EDD Disability Information
- Paid Family Leave Information

Employee Handbook and Policies

- Your manual must cover:
 - General employment policy
 - Discrimination and harassment
 - Reasonable accommodations
 - Communications
 - Safety and security
 - Leaves of absence and paid leaves of absence
 - Hours of work and working conditions
 - Benefits
 - Practice work rules and standards of conduct
- CAP updates an HR Manual annually. The manual can be customized to meet the needs of your practice.



Medical Leaves

Differentiating Between 3 Common Types of Leave:

- Pregnancy Disability Leave (PDL)
- California Family Right Act Leave – Child Bonding (CFRA)
- Family & Medical Leave Act (FMLA)
- <https://www.dir.ca.gov/dlse/Comparison-COVID-19-Paid-Leave.html>



Pregnancy Disability Leave (PDL)

- *What is it?*
 - Pregnancy–related disability leaves. Applies to employers with 5+ employees.
- *Who is eligible?*
 - Anyone who is pregnant can take this leave. Employers are advised to ask for medical certification.
- *How it works*
 - Leave can be up to 4 months (all at once or intermittently), based on hours worked per week and duration of the disability.
 - Employees can be paid if they have access to Temporary Disability through the employer or apply for State Disability Insurance (SDI) through the EDD and/or may use accrued vacation or sick leave in addition.
 - Group health benefits must continue during the disability leave.



California Family Rights Act Leave – Child Bonding (CFRA)

- *What is it?*
 - Up to 12 weeks of unpaid, job-protected leave for employees who need time off to care for a serious health condition (their own or a family member's), or to bond with a new child. Applies to employers with 5+ employees.
- *Who is eligible?*
 - Employees who have worked 1+ year and worked 1,250 hours in the past year.
 - Employees who have a new child via birth, adoption, or foster placement.



California Family Rights Act Leave – Child Bonding (CFRA)

- *How it works*
 - Up to 12 weeks within the birth, adoption, or start of foster care.
 - CFRA runs after PDL and may be taken in separate 2-week blocks, or employees may take leave in shorter increments on 2 occasions.
 - Employee may be paid, depending on the practice policy or if they are receiving Paid Family Leave (PFL) from the EDD.
 - Group health benefits must continue during the leaves.



Family & Medical Leave Act (FMLA)

- *What is it?*
 - Leave for a serious health condition of the employee, family member, pregnancy, prenatal medical care, or childbirth, adoption or for foster care. Applies to organizations with 50+ employees within a 75-mile radius.
- *Who is eligible?*
 - Employees who have worked 1+ year and worked 1,250 hours in the past year.
- *How it works*
 - Grants 12 workweeks of unpaid leave during a single 12-month period, with the employee's job remaining protected.
 - Group health benefits must continue during the leave.



Classification of Employees

- Exempt (salaried) employees: Do not have to be paid overtime
- Non-exempt (hourly) employees: Must be paid overtime
- Classification Guidelines
 - Primary job duties
 - The rate of pay and total annual compensation (\$41,600)
 - Decision-making authority
 - Required education level
 - Location of the work
 - Level of responsibility
 - Amount of discretionary and independent judgment with respect to matters of significance



Classification of Employees

- Independent Contractors
 - Typically, providers can be classified as Independent Contractors (1099).
 - Employees do not get to decide if they are Independent Contractors.
 - Apply the A-B-C Test to determine if your employee is eligible to be an Independent Contractor.

www.labor.ca.gov/employmentstatus/abctest/



Rest Breaks

- Paid rest breaks are required under California labor regulations.
- Non-exempt staff must have 10 minutes of rest during each 4-hour period.
- A rest break is not necessary for a shift 3 ½ hours or less.
- Track breaks with a timesheet.
- Breaks should be scheduled mid-shift – do not add the rest break to either side of the meal break or at the end of the day.



Meal Periods

- Meal periods are required under California labor regulations.
- Non-exempt employees who work more than 5 hours in a day are entitled to a 30-minute unpaid meal break.
- If an employee is working less than 6 hours in a day, the employee may waive the meal break. Document that waiver and put it in the employee file.



Considerations for Rest Breaks and Meal Periods

- Additional rules apply if the employee is working 10 hours in a day.
- Employers are not required to ensure employees do no work during the meal or rest break.
- If an employee volunteers to work during a rest or meal break, they may do so, but the employer should document that.
- Not following the rest breaks and meal periods can result in large penalties and fines if your employee chooses to file a wage and hour claim, which can be difficult to defend.



Terminating Employees

- Identify the issue (behavior, attendance, performance).
- Counsel the employee with specific feedback, pinpointing deficiencies.
- Verbal Warning > Formal Warning > Final Warning > Termination
- When terminating, the final check must be given to the employee on their last day.
- Employees who resign unexpectedly must be paid within 72 hours.
- If an employee refuses to sign a warning, just write “employee refused to sign” with your initials and the date.



Terminating Employees

- CAP Members: Contact me before you do ANYTHING
- CAP can help with the termination letter and have it reviewed by an employment attorney.
- Contact:
 - Nancy Brusegaard, CAP's SVP of Human Resources and Operations
 - NBrusegaard@CAPphysicians.com
 - 213-473-8664



Thank You!

Questions?



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