



HR series #6

HR Record retention – critical and complicated

Whether you have one employee or many in your office, part of your responsibility as an employer is personnel record keeping. Rules and regulations abound about what to keep and how long to keep information. While there is no one law that states clearly what you should and should not keep, there is an “alphabet soup” of regulations that require retention. To make matters more complicated, in many cases there are both state and federal regulations – and they may not be the same. Here are a few guidelines to keep in mind.

1. Check with an employment law attorney who practices in your state if you have questions. Good record keeping is critical to protecting your organization from legal tangles and an attorney can help you establish “best practices.”
2. All records should be stored in a secured place, in a locked file cabinet.
3. Be aware that keeping everything is not a good practice. You need to keep records that comply with regulations and may get rid of other information that is no longer required.
4. Realize that you **CANNOT** destroy **any** records after you have been contacted and told that someone is bringing legal action against your organization or after an action is brought.
5. A few of the federal “alphabet soup” regulations to know about include:
 - The Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and the Fair Labor Standards Act (FLSA) all expect you to keep any job advertisements and postings for one year.
 - The ADA, the Rehabilitation Act, Title VII of the Civil Rights Act, and the ADEA require employers to keep all job applications and resumes on file for one year. In addition, the ADEA requires you to retain paperwork for people over 40 for at least two-years. Since it is illegal to ask an applicant’s age, consider keeping all applications and resumes for at least two years. If you hire the person, keep these documents in the personnel file for at least two years after the employee no longer works for you.
 - The ADA, the ADEA, and Title VII all require that you keep all records related to promotion, demotion, transfers, discipline and terminations for the duration of employment and then for one additional year.
 - The FLSA and the Equal Pay Act require you to keep basic employment and earnings records for two years and payroll records for three years although it is a good idea to keep both of these for four years in case of an audit.
 - Information relating to tax withholdings must be kept for four years according to the Federal Insurance Contribution Act (FICA).
 - Under the Immigration Reform and Control Act of 1986 (IRCA), I-9 forms must be retained for three years after employment begins or one year following termination – whichever is later. I-9s should be kept in a separate file.
 - OSHA requires that information pertaining to job-related illness and injury be kept on file for five years following the end of employment. This and any information related to medical conditions, leaves, or special accommodations must be kept in separate files.
 - Finally, remember that these are federal guidelines; the state in which your business is located may require you to keep records longer.

New Employee Orientation, Making a Good First Impression

Your newly hired employee is about to start work. Orientation -- or onboarding as it is called -- is your chance to welcome the new employee and help him or her get off to a good start. Here are some tips on how to make the orientation a success.

- *Spend some time planning -- don't just adlib.* Failure to plan will ensure that you will forget important information and chances are the time spent will seem endless to both you and your employee.
- *Provide written information about the office.* A handbook is best but even if your paperwork is more informal, it allows the employee to read and review at their own speed important employment facts and protocols.
- *Cover information the employee needs to get through the next day, the next week.* Don't cover too much -- information overload is an unwelcome by-product of too much information.
- *Think of orientation as an on-going process.* Schedule several sessions, a week or two apart, and introduce your new hire to the work in manageable pieces.
- *Do your best to ensure co-worker cooperation.* Spend some time with staff letting them know about the new hire and encourage them to create a friendly and helpful welcome.
- *Be present and available during the first few days.* You and others in the office need to be close by and ready to explain how things are done and to answer questions.
- *Share information about your office culture.* New employees need to know how work gets done, how to get along, office customs and traditions. Shared expectations about the workplace can help the new employee be successful.
- *Have the work space set up and ready to go.* Computer access, basic office supplies, phone, a tour -- all send a clear message that the person is welcome and needed.
- *Patience is a virtue.* Sometimes the learning curve may be steep but those who take the time to learn and understand end up being the best employees.

Following these suggestions will help you start your new hire off "on the right foot." The investment is small and the payoff will be significant.

HR series #4 — Checking references

Interview time spent with a prospective employee is a hiring manager's most valuable tool, but many of the questions that are routinely asked are worn out and will not be much help to you as you try to learn

You have advertised, screened applications, conducted interviews and have just finished talking to the person who you think is the "perfect fit." You can't wait to make a job offer. It has been, after all, a long process and there is work to be done.

But wait! You have one task left -- checking references. The temptation to skip this step is great and you may find yourself asking, "Do I really need to spend time doing this?"

The answer is an unequivocal "yes." This step in the hiring process is as important as any of the others and should be done with care for it is here that you will confirm those positive impressions. It is by checking references that you will learn what kind of an employee your candidate has been -- and is likely to be. Here are a few things to keep in mind.

- **Tell the candidate upfront that you will be checking references.** The most natural place for this to occur is early in the interview when you are giving an overview of the whole process.
- **Ask the candidate for a list of references.** Be certain that the list contains past supervisors since they will have the best insights into the person's work habits. Be sure, too, that the list contains current contact information for each reference. Typically job applications also ask for reference and contact information.
- **Ask each candidate to sign a release form.** This release gives you permission to talk with former employers and other references. Of ten this release is part of the application for employment form.
- **Allow time.** It can often take a week or two before you and the person giving the reference will connect, so don't give up.
- **Take time to introduce yourself to the person you are calling.** A reference is more likely to be helpful if he or she knows a little about you and your organization and understands the duties and responsibilities of the position you are trying to fill. Also, tell the person giving the reference that you have written permission from the candidate -- and offer to fax a copy of the release if requested.
- **Validate what you heard in the interview.** Review what the candidate said prior to the reference check. Then ask for specific examples. For example, if the candidate said that he or she was reliable and dependable, ask about that. If the person lifted up special skill in being a team player, ask what that looked like and what the person contributed to the team. You might want to ask "Would you hire this person again?"
- **Pay attention to the tone and to what is not said.** Often a neutral response can speak volumes. Listen carefully to not only what the reference is saying -- but how it is said.
- **Take and keep accurate notes.** As part of the hiring process you will want to compile a complete written record of what you learn about a candidate. Written comments should be shared with the person(s) in charge of hiring and kept as part of the file.

Employment experts estimate that up to 30 percent of what a candidate puts on an application is false. Check references before making an offer to confirm the facts and to bolster your impressions. While it may feel like just one more step in a long process, checking references can actually save time, money, effort and a lot of embarrassment.

HR series #3 — The job interview: asking the right questions

Interview time spent with a prospective employee is a hiring manager's most valuable tool, but many of the questions that are routinely asked are worn out and will not be much help to you as you try to learn about the candidate.

Here are some questions that will most likely not help you gain relevant information -- and some questions to ask instead.

"Tell me about yourself." You already have the relevant information on a résumé and an application. This will not give you new information, may be construed by a candidate to be asking for information that is not relevant to the job and may or may not give you a realistic picture of the person. Rather ask, "If you think about your work in the last year, what was your most significant accomplishment and why." This will give you a good idea of what the candidate is able to accomplish. Or pick out specific points of interest in the résumé or application and follow up on those.

"What are your greatest weaknesses?" Asking this question isn't going to get you anything more than "my greatest weakness is working too hard." Rather ask what learning/development experiences the candidate has had in the last year that helped him or her do the job better.

"How's your health?" This one violates federal law and could get you in to real trouble. Don't go there.*

You should have a job description with specific duties so that you may be allowed to ask about fulfilling those duties; i.e., a job description requiring the employee to be able to lift 20 pounds and a question asking about that. Or a job requiring visitation would allow questions about a driver's license.

"What's the last book you read?" "If you could be a vegetable, which one would you be?" Questions like these may be fun to ask, but will not give you any relevant information.

By now you are getting the idea. Many questions that people routinely ask yield little to no useful information. Rather than wasting time asking questions like these, spend time focusing on the requirements of the position and the skills needed to do that job well.

Don't be afraid to follow up and ask for specific, behavioral examples. If you ask someone if they are competent using technology and they say "yes," ask them for specific information like, "Can you set up and manage a mail merge?" "How many times in the last year have you had to do this?" It may not be as much fun, but you are more likely to hire someone who can really do the job.

**Please be aware that this paragraph relates to non-rostered staff; questions asked of rostered leaders have different legal standards and give you broader latitude in what you can ask.*

HR series #2 —

Hiring lay staff: Do we really have to use an application form?

Completing a job application is the first assignment you will give a potential employee and what he or she does with that application will tell you a lot about what kind of fit there is between the person and job you are offering. But, as in all things dealing with employment, be careful of the dos and don'ts as you design your application form.

1. Don't let a résumé substitute for an application. A résumé is a networking and advertising vehicle prepared by the candidate; an application is a tool designed to help you find the person who is the right fit for the position. It is also a legal document. Ask the candidate to complete the entire application -- not simply write "see résumé" on the form.
2. Don't ask for a social security number on your application. In today's world keeping personal information secure is very important. Ask for a SSN only when you have to do a background check, complete a W-4 or when enrolling an employee in benefit plans.
3. Don't ask for information that is prohibited by law or that could give the appearance of being discriminatory. Do not ask questions about gender, about a person's maiden name or marital status; spouse; preference for "Miss," "Mrs.," or "Ms."; pregnancy; family plans; or childcare arrangements. Do not ask about age or date of birth. Avoid asking for age-related information such as graduation dates. Do not ask about arrest records (this is expressly prohibited under many state laws).
4. Do ask only for information related directly to an applicant's ability to do a specific job.
5. Be certain to include a section at the end of the application form that covers waivers and disclosures. This should include a statement that all information on the application is truthful and accurate, an authorization to release employment history and references, a statement that this application does not represent any kind of contract or offer of employment, and a notice that by law you can only hire people who are authorized to work in the U.S. and that if the candidate is hired, he or she will be required to provide proof of such authorization.
6. Always make sure that the candidate signs the completed application.
7. Be certain to have an employment attorney review any form you plan to use to make certain that it reflects the laws in your state.
8. Background check forms must be separate from the application.

Yes, you really do need to have a candidate complete an application form. A carefully designed form should help make your hiring task easier and better -- not create additional problems for you.

Please be aware that rostered leaders who are engaged in ministry are treated differently from lay staff in terms of hiring practices and legal requirements. This article does not deal with rostered leader hiring. In the process of deciding to interview a pastor or other rostered leader, your call committee will have received a copy of a Rostered Leader Profile which gives extensive background information and responses to questions about congregational ministry. This typically serves as the application.

HR series #1 — creating a good place to work

A positive work environment is not only important for our physical, mental and emotional health, it is important for the results that we produce. The better we feel at work, the more likely we will take pride in our job activities.

Some days, work can be difficult. Everyone has an occasional day they would like to forget, but there is no reason why every day has to be a tough one. If you want to create a work environment that is both productive and pleasant:

- Listen carefully when people are expressing concerns. Resist the impulse to get defensive.
- Don't take part in or stand by while others are speaking poorly of colleagues, clients, partners or vendors. Be honest with others about how inappropriate and unprofessional such conversation is.
- Acknowledge all individuals in a respectful manner.
- Start each day by saying "good morning" when you get to the office; end each day by saying "good-bye" when you leave.
- Ask for help when you need it.
- Offer to help a fellow worker if he or she is struggling to complete a task.
- Share your knowledge graciously. Pass information to others.
- Recognize that people have different work styles — and that what matters is that the work is getting done.
- Don't wear strong scents or whistle in the office.
- Give credit where credit is due.
- Take responsibility for your own actions; don't blame others.
- Model respectful behavior at all times.
- Focus on mission.