

HUMAN RESOURCE MANAGEMENT



Your People are Your Most Important Resource

A PRIMER

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Hiring Process

Interviewing

Recommended Interview Questions

Icebreaker Questions

- How did you find out about the job opening?
- What attracted you about this position?
- Talk about the weather
- Talk about current events
- Talk about items in your office

Traditional Interview Questions

- Tell me about your greatest strength. What's the greatest asset you'll bring to our organization?
- What's your greatest weakness? How do you overcome this trait?
- What was your favorite job position?
- What was your least favorite job position?
- Where do you see yourself in five years?
- What are your short-term and long-term employment goals?
- How do you think your experience has prepared you for this job?
- Tell me about your work with your supervisor, coworkers and subordinates.
- Why did you leave your last job? Could you be more specific? Or, why are you planning to leave your job?

Achievement-Anchored Interview Questions: Measuring Applicants' Awareness of Their Accomplishments

- What makes you stand out among your peers?
- What have you done IN your present/last position to increase your organizations' financial position?
- What have you done to reduce your department's operational costs or to save time?
- What has been your most creative achievement at work?

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- What would your current supervisor(s) say makes you most valuable?
- What accomplishments at your last job are you most proud of?
- What team achievements have you been involved in? What was your role?
- What was the most significant achievement you made at your last job?

Self-Assessment Interview Questions: Challenging Applicants to Assess Themselves

- What are the broad responsibilities of a [job title]?
- What aspects of your job do you consider most crucial?
- How many hours a week do you find it necessary to work to get your job done?
- How does your position relate to the overall goals of your department or organization?
- What area of your skills do you need to improve upon in the next year?
- What are some of your personality traits that will help you in doing this job?
- What personality traits may hinder your ability to perform this job?
- How do you manage your time? Handle deadlines? Prioritize tasks?

Interview Questions Regarding Career Stability

Layoff Situation

- How many employees were laid off simultaneously?
- How many employees survived the cut?
- How many waves of layoffs did you survive before you were let go?
- Were you told you were eligible for rehire?

"No Room for Growth" Reason for Seeking New Employment

- What does growth mean to you?
- Are other employees in the same "no growth" position?
- Are there any ways to broaden your duties?
- Have you asked to take on more responsibilities/expressed your frustration to your supervisor?
- What will you do differently at your present company if you don't get this position?

Searching for Patterns of Progression through the Ranks

- Describe how you've progressed through the ranks and landed in your current position at your organization.
- How have you added value to your position over time?
- How have you had to reinvent or redefine your job to meet the organization's changing needs? What proactive steps have you taken to increase the output of your position?
- Distinguish between your progression through the ranks at your last/present organization and your assumption of broader responsibilities in your position.
- What would be your next logical move in progression at your current organization?

Interview Questions Regarding Compatibility: Matching Applicant's Personalities to Your Organization's Culture

General

- What are you passionate about in your career?
- What type of employer would you never want to work for again?
- What type of supervisor do you find most challenging to work with?
- What type of coworker do you find most challenging to work with?
- How do you deal with individuals that you think don't like you?
- Every organization has its own quirks. How "dysfunctional" was your last organization and how much tolerance do you have for dealing with an organization's shortcomings and inconsistencies?
- Are you more comfortable in an unstructured or structured work environment?
- Are you more "big picture" or more "detail-oriented?"
- What do you find most frustrating in a work environment?
- How much structure, direction and feedback do you need to excel?
- How do you balance your work with your personal life?
- Do you prefer an organization with centralized decision-making in the hands of a few or more accountability and responsibility on lower level supervisors?

Position Specific Interview Questions

For Supervisors

- What kind of mentoring or training style do you have? Do you naturally delegate responsibilities, or do you expect your direct reports to come to you for added responsibilities?
- In terms of managing your staff, do you "expect" more than you "inspect," or vice versa?

The Fresh Out of School Recruit

- Why did you choose your [college/major]?
- How does your degree prepare you for a career in [industry] or to excel as [job title]?
- What qualifications do you have beyond academics that will allow you to make a successful transition into business?
- Do you think your grades a good indicator of your ability to succeed in business?
- What other types of positions and organizations are you considering right now?

Assessing Administrative Support Staff

- How would you grade your ability to predict needs before they arise? How would you evaluate your intuition, timeliness and proactive business style?
- Do you have basic, intermediate or advanced technical skills? What types of projects can you complete with each software program?
- In what areas do you typically have the least amount of patience at work?
- How would you evaluate your ability to communicate with upper level management, customers and peers?
- What pace do you typically work at?
- How do you handle deadlines and prioritization of work?
- How do you stay organized? Calendaring system? Tickler file?
- How do you handle unreasonable demands from a supervisor?

Senior Management Interview Questions: Leaders, Mentors and Effective Decision-Makers

- Give me an example of your ability to facilitate progressive change within your organization.
- Tell me about the last time you inherited a problem department - one suffering from poor productivity or low morale. What was the scope of the project, and how did you fix it?
- Did you prefer to create a culture of increased accountability by giving responsibility to your subordinates, or do you focus more on establishing their parameters and controlling the decision-making process?
- How do you typically stay “in the loop” and monitor your staff’s performance?
- How do you typically confront subordinates when results are unacceptable?

Pressure Cooker Interview Questions: Assessing Grace under Fire

- Tell me about your last performance appraisal. In what area(s) were you most disappointed?
- In hindsight, how could you have improved your performance at your last position?
- On what issues do you and your supervisor disagree most often? How do you handle it if you are correct and your supervisor is incorrect?
- How would your supervisor evaluate your ability to cope with last-minute changes?
- How would your supervisor evaluate your ability to accept constructive criticism?

Simple Interview Questions That Can Challenge Applicants in the Final Rounds of Hire

- Why do you want to work here?
- What do you know about our company?
- Tell me about your understanding of the job you're applying for.
- What can you do for us if we hire you, and when can we expect to see concrete results?

Follow-Up Information

- Do you have any other questions about the position?
- Is there anything else you'd like to tell me?
- How soon could you start work?
- Can we call your current employer for a reference?
- Do you have any current job offers that require a decision by a certain date?
- When do you have to have a decision?
- Do you have any time away from work (like vacations) planned?

Prohibited Interview Questions

	You MAY ask:	You may NOT ask:
IDENTITY	<p>“What is your full name?”</p> <p>“Have you ever used another name? If so, what was it?”</p>	<p>“Have you ever changed your name by court order or other means?”</p>
ADDRESS/ RESIDENCE	<p>“What is your address?”</p> <p>“What is your phone number?”</p> <p>“How long have you lived in this city/state?”</p> <p>“Can you be reached at this address? If not, would you care to leave another?”</p> <p>“Can you be reached at this phone number? If not, would you care to leave another?”</p>	<p>“Do you own or rent your home?”</p> <p>“Do you live with your spouse?”</p> <p>“With whom do you live?”</p> <p>“How long have you lived in this country?”</p>
AGE	<p>“Are you over the age of 18?”</p> <p>“Can you meet the minimum age requirements set by law?”</p>	<p>“How old are you?”</p> <p>“When did you graduate?”</p> <p>“What is your birthdate?”</p>
AIDS	<p>“Are you able to perform the essential functions of the job you are applying for?”</p>	<p>Any questions to inquire whether an applicant (or current employee) has AIDS or HIV.</p>
ARREST/ CONVICTION RECORDS	<p>Employers may ask applicants regarding convictions for crimes that are reasonably related to the performance of their job.</p> <p>Employers may ask questions about arrests, but must include inquiries concerning whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and whether the arrest occurred in the last ten (10) years.</p> <p>Law enforcement, certain state agencies, school districts, businesses and other organizations that have a direct responsibility of the supervision, care, or treatment of children, the mentally ill or disabled persons or other vulnerable adults, may have more latitude to ask questions regarding arrests.</p> <p>Employers should also check state laws regarding inquiries regarding arrest records.</p>	<p>Any questions about arrests that did not occur in the past ten (10) years.</p>
CITIZENSHIP	<p>“Are you authorized to work in the U.S.?”</p> <p>“Does your Visa or immigration status prohibit employment? (Do not ask these questions only of foreign-looking or foreign sounding applicants).”</p>	<p>“Are you a U.S. citizen?”</p> <p>“When did you become a U.S. citizen?”</p>

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RACE/COLOR		Any questions concerning race, skin color, eyes, hair, etc...
DISABILITY	<p>“Are you currently able to perform the essential duties of the job(s) for which you are applying?”</p> <p>“Are you willing to take a medical examination if offered the job?” (Lawful if asked of all applicants for job position).</p> <p>If the disability is obvious, or disclosed, you may ask about reasonable accommodations.</p>	<p>“Do you have any disabilities/medical conditions?”</p> <p>“Please complete the following medical history.”</p> <p>“Have you ever been treated for a medical condition?”</p> <p>“Are you taking any prescribed drugs?”</p> <p>“Have you ever been treated for drug addiction or alcoholism?”</p> <p>“When was your last physical exam?”</p> <p>“When did you lose your eyesight?”</p> <p>“Do you need an accommodation to perform the job?” (Can be asked only after a job offer has been made).</p>
EDUCATION	<p>“Are you presently enrolled or do you intend to enroll in school?”</p> <p>“What subjects did you excel at in school?”</p> <p>“Did you participate in extracurricular activities?”</p> <p>“What was your major?”</p> <p>“Did you work an outside job while attending school? Doing what?”</p> <p>“What did you like/dislike about your part-time job during school?”</p> <p>“Are you interested in continuing your education?”</p> <p>“Did your education prepare you for the job you are seeking with our organization? In what ways?”</p>	<p>“What dates did you attend school?”</p> <p>“What year did you graduate?”</p> <p>Any questions that relate to the nationality, racial or religious affiliation of a school.</p> <p>“Who paid your educational expenses while you were in school?”</p> <p>“Did you go to school on a scholarship?”</p> <p>“Do you still owe on student loans taken out during school?”</p>
EXPERIENCE, SKILLS & ACTIVITIES	<p>“Do you have any special skills or knowledge?”</p> <p>“Are your skills recent?”</p> <p>“When did you last use a [specific machine]?”</p> <p>“Are you active in community affairs?”</p> <p>“Are there any activities that provided you with experience, training or skills that you feel would be helpful to the position for which you are applying?”</p>	<p>“Does your physical condition make you less skilled?”</p>

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	<p>“How will your involvement in this activity affect your work here?”</p>	
FAMILY	<p>“Do you have any commitments that would prevent you from working regular hours?”</p> <p>“Can you be at work every morning at __ a.m.?”</p> <p>“Would you be willing to relocate?”</p> <p>“Would you be willing to travel as needed for the job?” (Permissible if asked of all applicants for position).</p> <p>“Can you work overtime, if necessary?” (Permissible if asked of all applicants for position)</p> <p>“Are you now or do you expect to be engaged in any other business or employment? If yes, please describe. How much time does it require?”</p>	<p>“How many children do you have?”</p> <p>“What are your childrens’ ages?”</p> <p>“Do your children go to daycare?”</p> <p>“What does your spouse do?”</p> <p>“Are you covered by your spouse’s medical insurance?”</p> <p>“Is your spouse the primary financial support of the family?”</p> <p>“How does your spouse feel about you working?”</p>
MARITAL STATUS	<p>“Please state the name(s) of any relatives already employed by this organization or a competitor.”</p> <p>“Whom should we contact in case of an emergency?”</p>	<p>“Is it Ms. or Mrs.?”</p> <p>“Are you single? Married? Separated? Engaged? Divorced? Widowed?”</p>
MILITARY SERVICE	<p>“Have you served in the U.S. Military?”</p> <p>“Did your military service and training provide you with skills you could put to use in this job?”</p> <p>“In what branch of the military did you serve?”</p> <p>“How did you feel about your time in the Army, Navy, etc...?”</p>	<p>“Have you served in the army of a foreign country?”</p> <p>“What type of discharge did you receive from the U.S. Military?”</p> <p>“Can you provide discharge papers?”</p>
GENDER		<p>“This department is all male. As a female, would you find that difficult?”</p>
NATIONAL ORIGIN	<p>In order to comply with the Federal Immigration Reform and Control Act of 1986, you can ask:</p> <p>“Are you prevented from being employed in the U.S. because of your visa or immigration status?”</p>	<p>“What is your national origin?”</p> <p>“Where were you born?”</p> <p>“What is the origin of your name?”</p> <p>“What country do your ancestors come from?”</p> <p>“What is your native language?”</p> <p>“What language is spoken in your home?”</p> <p>“Do you read, write or speak another language?” (Only if pertinent to or required for the job).</p>
GROUPS	<p>“What professional organizations do you belong to? Please exclude any whose names or character would indicate race, color, national origin, disability, medical condition, marital status, religion, or any other</p>	<p>For a list of all organizations, clubs, societies and groups to which the applicant belongs.</p>

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	protected basis.”	
PHOTOS	For a photograph after hiring for identification purposes.	Any applicant to submit a photograph (whether mandatory or optional) before hiring.
PREGNANCY	<p>“How long do you plan to stay on the job?”</p> <p>“Do you foresee any long term absences from work in the future?” (If asked of both male and female applicants).</p> <p>“Are you currently able to perform the essential duties of the job(s) for which you are applying?”</p>	<p>“Are you pregnant?”</p> <p>“Do you plan to become pregnant?”</p> <p>Any questions regarding medical history and concerning pregnancy and related matters.</p>
PRIOR JOB HISTORY	<p>“How many days did you take off from work in the prior year?”</p> <p>“How did you overcome problems you faced at your prior organization?”</p> <p>“Which problems frustrated you the most?”</p> <p>“Of the jobs indicated on your application, which did you enjoy the most, and why?”</p> <p>“What were your reasons for leaving your last job?”</p> <p>“Have you ever been terminated from any job? If so, for what reason?”</p>	<p>“How many sick days did you take off at your old job?”</p>
RELIGION/ CREED		<p>“What is your religion?”</p> <p>“What church do you go to?”</p> <p>“What are your religious holidays?”</p>
PERSONAL	<p>“Are you able to lift a 50 pound weight and carry it 100 yards, as required for this position?”</p> <p>Any other job-related physical, mental or emotional requirement.</p> <p>Telling the applicant that the facility is a “smoke-free” work environment.</p>	<p>“How tall are you?”</p> <p>How much do you weigh?” (Not acceptable unless minimum standards are essential for the safe performance of the job).</p> <p>“Are you a smoker or non-smoker?”</p>

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Personnel Management Records

Summary of Sample Documents and Forms

In basic personnel files, keep records related to employment, such as:

- Employment application and resume
- Reference check documentation
- Offer letters
- Transcripts from educational institutions
- Job descriptions
- Performance evaluations
- Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay, other forms of compensation and education or training records
- Letters/notes of recognition
- Disciplinary notices or documents
- Non-safety related training records
- Exit interviews
- Termination records

Keep these documents separate from the basic personnel file:

- **Medical Records** – The Americans with Disabilities Act requires employers to keep all medical records separate, including documents relating to physical examinations, medical leaves, Worker’s Compensation claims and drug and alcohol testing.
- **Equal Employment Opportunity Records**– To minimize discrimination claims, it is important to keep source documents that identify an individual’s race, age, religion, national origin and gender in a separate file. Additionally, if internal or external harassment or discrimination charges are filed, it is recommended that these files, as well as any related investigation files, be kept separately.
- **Immigration (I-9) Forms** – These forms should be maintained chronologically by year. Keeping these forms in a separate file reduces the opportunity for an auditor to pursue and investigate unrelated information.
- **Invitation to Self-Identify Disability or Veteran Status** – This documentation must be maintained by federal contractors. Unless there is a need to know for disability-related accommodation purposes, these documents should be maintained separately to reduce a potential source of liability.
- **Safety Training Records** – **The Occupational Safety and Health Administration (OSHA)** may audit an organization’s safety training records. Keeping this documentation separate will protect an organization from an overly zealous auditor pursuing and investigating unrelated information.

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The Performance Evaluation Script

This script is for informational and guideline purposes only. Please contact your organization's Human Resources Department for specific instructions on conducting performance evaluation meetings.

Starting the Meeting

Introduction

Thanks for coming in. I've been looking forward to the chance to go over this past year with you. I'd like to go through the process carefully, since this will be one of the most important things that we do together all year.

Setting the Agenda

I'd like to start by having you tell me about the evaluation that you wrote of your own performance – what you felt were the most important items and how you came up with your self-evaluation. Then I'd like to talk about the evaluation that I wrote.

I think the most productive way for us to proceed is for us to cover the areas where we both agree first, and then move into those areas where we differ in our viewpoints. I want to explain how I went about evaluating your performance and give you the chance to ask me questions.

The most important part of the evaluation is the review of your specific job accountabilities and the objectives of your job. I'd like to start our discussion there, and then move on to discussing the performance factors – the way you went about doing the job. When we've finished that, I'd like to talk about my overall rating and how I arrived at it.

When we've finished reviewing last year, I'd like to talk about your development plans for the upcoming year. I have some ideas on things you might do to increase your skills, and I'm sure that you have some ideas in this area as well.

Compensation

Either: At the end of this meeting I'll be reviewing the salary increase you'll be receiving. I'll explain how I arrived at the amount and answer any questions you might have about how our compensation system works.

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Or: As you know, pay changes in our organization are based on job classification and seniority. While your pay won't change as a result of this review, I think it's important to know how you're doing and what you can do to excel in your job.

Planning for the Next Evaluation Cycle

Either: The other thing I'd like to do at the end of this meeting is to talk about your plans for the next year and set some specific goals and objectives for the next evaluation period.

Or: When we're done with this review, I'd like to set a date for us to get back together to update your key accountabilities and objectives for next year, and also talk about your development plans and goals.

Starting Things Off

Why don't you start by going over your self-evaluation and telling me how you feel about your work performance over the past year?

Planning for the Future

Based on what we talked about in your performance evaluation discussion, there are several areas for development you can focus on. Some relate to improving your effectiveness in your current role, while others are areas to work on to meet future demands. Let's come up with a list of goals or objectives for your development activities next year. Then we can map out a plan to make those goals happen.

I'd also like for you to review all of the key accountabilities and objectives we've just talked about and revise them so that they will be appropriate for next year. I'll do the same. Let's get back together on **[insert date]**.

Wrapping up the Evaluation Discussion

Now that we've reviewed the complete evaluation, let's summarize the key points we've discussed. In general, you feel that **[general statement of employee's overall reaction to the performance evaluation]**. Is that an accurate summary?

In reviewing the overall evaluation, there are two areas in which I think your performance has been excellent: **[describe two specific areas of strength that should be continued and enhanced]**.

There are also several areas you need to immediately work on improving. These areas are: **[describe main areas of weakness in employee's performance and explain why improvement is necessary]**.

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Finally, when writing your development plan for next year, an area(s) I'd like you to give some serious thought to is/are: **[discuss most important developmental need(s)]**.

That sums it up for me. Do you have any questions?

As a final matter, it's our organization's policy to ask you to sign the performance evaluation to indicate that you've read and understand it. If you'd like to add any comments, please feel free to do so.

This session has been very valuable to me and I hope it has been beneficial for you, too. I look forward to discussing plans for next year on **[insert date]**.

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Performance Correction Notice

Employee Name:

Department:

Date Presented:

Supervisor:

Disciplinary Level

- Verbal Warning** (to memorialize the conversation)
- Written Warning** (state nature of offense, method of correction, and action to be taken if offense is repeated)
- Investigatory Leave** (include length of time and nature of review)
- Final Written Warning**
- With Suspension** (note if paid or unpaid)

Subject: _____

- Rule Infraction
- Poor Performance

Prior Notifications

Level of Discipline/Date/Subject

Verbal _____

Written _____

Final Written _____

Description of needed performance improvement and supporting details: (include the following information: Time, Place, Date of Occurrence(s), Persons Present, and Organizational Impact).

Performance Improvement Plan

1. Measurable/Tangible Improvement Goals:

2. Training or Special Direction Provided:

3. Our Employee Assistance Program (EAP) Provider [Insert Name of Provider], can be confidentially reached to assist you at (800) ____ - _____. This is strictly voluntary. A booklet regarding the EAP’s services is available from Human Resources.

4. You may have certain ideas or suggestions to improve your performance. You are encouraged to provide your input below:

Employee Acknowledgement

[Note: delete the following paragraph if your state does not recognize “at-will” employment or if employee is a union member]

I understand that my employment is “at-will”, meaning that I may be terminated at any time with or without notice and with or without cause. I also acknowledge that the use of progressive discipline will in no way affect the “at-will” nature of my employment. By signing this document, I acknowledge that I have received a copy of this notification and it has been discussed with me. I additionally agree to follow all of my employer’s policies, procedures and standards of performance and conduct.

Employee Signature

Date

Supervisor Signature

Date

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Reasonable Cause for Drug/Alcohol Testing Checklist

This document is for informational purposes only. Please check with your organization’s Human Resources department regarding your organization’s specific policies and procedures regarding drugs and alcohol in the workplace.

This form is to be used to document the reasons for requesting that an employee be asked to submit to a medical evaluation or drug or alcohol screen test. All questions that apply should be answered. Additional pages, if necessary, should be attached with any other relevant documents.

Employee Name _____

Facility/Shift _____

1. Was there an incident? Yes _____ No _____

Describe the event (include date and time, employee’s actions, and extent of any injury to any persons or property):

2. Is the employee in a safety-sensitive position? Yes _____ No _____

3. Observation of employee

Date: _____ Time: _____ Location: _____

Witnesses:

Document all observations of the supervisor and/or witnesses by checking all applicable items below:

Walking falling holding on leaning on staggering stumbling swaying unsteady unable to walk

Standing feet wide apart rigid swaying sagging at knees staggering unable to stand

Speech mute incoherent rambling shouting silent slobbering slow slurred whispering loud voice

Demeanor calm cooperative crying belligerent polite sarcastic silent sleepy talkative excited mood swings irritable

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Actions calm drowsy erratic hostile fighting hyperactive profane threatening resisting

Movements fumbling hyperactive jerky nervous uncoordinated normal slow

Eyes bloodshot glassy watery pupils dilated pupils constricted eyelids closed eyelids droopy eyelids swollen

Face flushed pale sweaty

Appearance unruly disheveled messy tousled hair

Clothing neat dirty partially dressed

Breath/Hair/Clothing alcohol odor faint alcohol odor no alcohol odor
 marijuana odor faint marijuana odor

Other odors Candy Gum Mints Cologne

4. Performance Level

a) Has there been a recent change in the employee's quantity and/or quality of work?

Yes _____ No _____

b) If yes, please describe.

5. Attendance

a) Has there been a recent change in the employee's punctuality or attendance?

b) If yes, please describe.

5. Employee's Explanation

What is the employee's explanation of behaviors/appearance (please describe)?

Supervisor Name (please print): _____

Supervisor Signature: _____

Date: _____

For Human Resources Department Use Only:

Approved for Testing Yes _____ No _____

Place and time sent for testing:

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Termination Checklist

Before making the decision to terminate an employee, the following questions should be considered.

This checklist is not all-inclusive and is designed to be used only as a guideline. Prior to making any termination decision, consult with the organization's Human Resources department.

Breach of Contract, Discrimination, Harassment, Whistleblower and Retaliation

Claims

1. How long has the employee been with the Company?
2. Did the employee relocate or pass up other job opportunities to accept the position?
3. Were any verbal or written assurances of continued employment given to the employee?
4. Have any harassing or discriminating statements been made to the employee?
5. What is the employee's age, gender and minority group status?
6. Does the employee belong to any other protected class (race, national origin, religion, physical or mental disability, etc.)?
7. Has the employee complained about safety or the integrity of organization's products?
8. Has the employee filed an OSHA claim, a Worker's Compensation claim, or a harassment or discrimination claim?
9. Are the employee's pension/shares of Company stock due to vest shortly?
10. What legitimate, business-related reasons for discharge will be stated if litigation occurs?

Company Policies/Procedures and Documentation

1. Is the employee's improper conduct or poor performance documented?
2. Can the supervisor clearly identify specific tasks or responsibilities that have not been carried out?
3. Did the employee have advance notice of the standards by which his or her performance would be judged?
4. Has the employee been given notice of their performance problems and a reasonable period of time to correct the problems?
5. Has the reviewer identified the specific Company policies and procedures (including Handbook provisions) that the employee has violated?
6. Have other employees that have engaged in similar conduct/have similar performance problems been terminated?
7. Has the reviewer reviewed the employee's entire personnel record?
8. Is there anything in the personnel file that contradicts the reason(s) for termination?
9. Does the employee's prior disciplinary record support termination?

10. Has the reviewer followed the Company's own policies and procedures regarding discipline and termination?
11. If the employee is being terminated for a "rule infraction," has a thorough investigation into the violation been conducted?
12. Has the employee's explanation of their performance problems been obtained and taken into consideration?

Alternatives to Termination

- Are there extenuating circumstances that justify a lesser penalty?
- Does the employee need additional training?
- Would transfer to a different job or facility alleviate the problem?
- Does the employee need a medical or personal leave of absence?
- Should the employee be suspended pending investigation?
- Should there be a 60-day or other reasonable warning period?
- Should there be a final warning?

Avoiding Litigation

- Should the employee be asked to sign a Severance Agreement?
- Should the employee be given severance pay?
- Should the employee be allowed to continue certain benefits for a specific time period?
- Should the employee be provided with given outplacement counseling?
- Should the employee be reminded of the Company's trade secret or confidential information or non-compete policies?

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Things to Do Before the Termination Meeting

- Cut a final paycheck for the employee that includes all unused accrued vacation time. Be sure to include any earned commissions.
- Issue any outstanding expense reimbursements.
- Notify the accounting department to remove the employee from payroll.
- Determine which managers should know about the termination and notify them.
- Decide who will conduct the termination meeting.
- Choose someone to serve as the employee's point of contact after the termination meeting.
- Decide if you will have an exit interview with the employee and determine who will conduct it (if in person).
- Determine whether the employee had access to confidential information and take steps to protect the information.
- Determine whether you will offer a severance package to the employee.
- Create an action plan for distributing the employee's current projects to coworkers and supervisors.
- Decide who will handle reference calls from potential future employers and what to say.
- Decide what you will tell the employee's coworkers about the termination.
- If you think the employee might be violent, consult with the Human Resources Department and Security for guidance.
- Have the employee's password, computer privileges and phone turned off.
- If your organization assigns parking spaces, remove the employee's name from the list and reassign the space.
- Cancel the employee's corporate credit card and long-distance phone card (if applicable).
- Collect all organization property, including confidential files, client lists, manuals, corporate credit card, car, laptop, cell phone, pager, keys and building/security pass.
- Remove the employee's name from all organization lists — phone, email, interoffice mail, etc. Identify someone to handle any mail that comes for the employee.

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Exit Interview Form (Voluntary Separation)

This document is provided for informational purposes only. Generally, supervisors do not conduct exit interviews of their subordinate employees. Please check with your organization's Human Resources department for specific exit interview procedures.

As you leave us, we ask you to share your perspectives on your work experiences at the company. We will use this information to build on our strengths and become more conscious our needs for improvement. Your responses will be held as confidentially as possible. You may sign this document if you wish, but it is entirely voluntary.

What was your reason for leaving the company? (Check all that apply)

- Dissatisfaction with job
- Career change
- Relocation
- Attend school
- Job closer to home
- Personal reasons
- Transportation difficulties
- Better opportunity
- Home duties/family obligations
- Retirement
- Military service

Please insert the appropriate upper case letter for each blank in the statements that follow:

U = Unsatisfactory

F = Fair

S = Satisfactory

G = Good

E = Excellent

Overall Experience

1. I would rate this company as a _____ place to work.
2. I feel that company policies and procedures are _____.
3. Working conditions, restrooms and facilities are _____.

Management

- 4. Management's level of concern for employees is _____.
- 5. Management's willingness to make corrections and changes is _____.
- 6. My supervisor's willingness to listen to my concerns and assist me when I had problems was _____.
- 7. The extent to which my supervisor encouraged me to offer suggestions and improvements in work methods was _____.
- 8. When I did a job well, the recognition I received was _____.
- 9. I felt communication from management to employees was _____.

Benefits

- 10. Compared to other companies, our benefits package is _____.
- 11. My understanding of my benefit package is _____.

Pay

- 12. Pay levels at the company are _____.
- 13. The extent to which I understood the basis of my rate of pay was _____.

Training

- 14. The amount of training I received when I first came here was _____.
- 15. The amount of ongoing training I received was _____.

Job Duties

- 16. My understanding of my duties and job responsibilities was _____.
- 17. My understanding of what performance standards I was expected to meet was _____.
- 18. The level to which my job description accurately reflects my work duties is _____.

Departmental Issues

- 19. I regarded my chance for promotion and increased pay as _____.
 - 20. The staffing levels in my department were _____.
 - 21. The level of cooperation of employees in my department was _____.
 - 22. The morale of employees in my department was _____.
 - 23. The efficiency of operations in my department was _____.
- Did you have a performance evaluation with your supervisor at least once a year? Yes/No

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Did you have ongoing training sessions? Yes/No

Would you recommend the company as an employer to family/friends? Yes/No

What additional training would have assisted you?

What did you like most about working here?

What did you like least about working here?

What are your suggestions for improving the company as a place to work? (Not required – voluntary)

Employee Name

Employee Signature

Date

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Federal Laws

The Department of Labor (DOL) administers and enforces more than 180 federal laws. These mandates and the regulations that implement them cover many workplace activities for about 10 million employers and 125 million workers.

Following is a brief description of many of [DOL's principal statutes](#) most commonly applicable to businesses, job seekers, workers, retirees, contractors and grantees. This brief summary is intended to acquaint you with the major labor laws and not to offer a detailed exposition. For authoritative information and references to fuller descriptions on these laws, you should consult the statutes and regulations themselves.

[Employment Laws Assistance](#) provides a list of selected U.S. Department of Labor laws and regulations with links to related compliance assistance activities. The [DOL compliance assistance Web site](#) offers complete information on how to comply with federal employment laws.

[Rulemaking and Regulations](#) provides brief descriptions of and links to various sources of information on DOL's rulemaking activities and regulations.

Wages & Hours

The **Fair Labor Standards Act (FLSA)** prescribes standards for wages and overtime pay, which affect most private and public employment. The act is administered by the [Wage and Hour Division](#). It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. For agricultural operations, it prohibits the employment of children under age 16 during school hours and in certain jobs deemed too dangerous.

The Wage and Hour Division also enforces the labor standards provisions of the **Immigration and Nationality Act (INA)** that apply to aliens authorized to work in the U.S. under certain nonimmigrant visa programs (H-1B, H-1B1, H-1C, H2A).

Workplace Safety & Health

The **Occupational Safety and Health (OSH) Act** is administered by the [Occupational Safety and Health Administration \(OSHA\)](#). Safety and health conditions in most private industries are regulated by OSHA or OSHA-approved state programs, which also cover public sector employers. Employers covered by the OSH Act must comply with the regulations and the safety and health standards promulgated by OSHA. Employers also have a general duty under the OSH Act to provide their employees with work and a workplace free from recognized, serious hazards. OSHA enforces the Act through workplace inspections and investigations. Compliance assistance and other cooperative programs are also available.

Employee Benefit Security

The **Employee Retirement Income Security Act (ERISA)** regulates employers who offer pension or welfare benefit plans for their employees. Title I of ERISA is administered by the [Employee Benefits Security Administration \(EBSA\)](#) (formerly the Pension and Welfare Benefits Administration) and imposes a wide range of fiduciary, disclosure and reporting requirements on fiduciaries of pension and welfare benefit plans and on others having dealings with these plans. These provisions preempt many similar state laws. Under Title IV, certain employers and plan administrators must fund an insurance system to protect certain kinds of retirement benefits, with premiums paid to the federal government's [Pension Benefit Guaranty Corporation \(PBGC\)](#). EBSA also administers reporting requirements for continuation of health-care provisions, required under the [Comprehensive Omnibus Budget Reconciliation Act of 1985 \(COBRA\)](#) and the health care portability requirements on group plans under the [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Unions & Their Members

The **Labor-Management Reporting and Disclosure Act (LMRDA)** of 1959 (also known as the Landrum-Griffin Act) deals with the relationship between a union and its members. It protects union funds and promotes union democracy by requiring labor organizations to file annual financial reports, by requiring union officials, employers, and labor consultants to file reports regarding certain labor relations practices, and by establishing standards for the election of union officers. The act is administered by the [Office of Labor-Management Standards \(OLMS\)](#).

Employee Protection

Most labor and public safety laws and many environmental laws mandate whistleblower protections for employees who complain about violations of the law by their employers. Remedies can include job reinstatement and payment of back wages. [OSHA](#) enforces the whistleblower protections in most laws.

Uniformed Services Employment and Reemployment Rights Act

Certain persons who serve in the armed forces have a right to reemployment with the employer they were with when they entered service. This includes those called up from the reserves or National Guard. These rights are administered by the [Veterans' Employment and Training Service \(VETS\)](#).

Employee Polygraph Protection Act

This law bars most employers from using lie detectors on employees, but permits polygraph tests only in limited circumstances. It is administered by the [Wage and Hour Division](#).

Garnishment of Wages

Garnishment of employee wages by employers is regulated under the **Consumer Credit Protection Act (CPCA)** which is administered by the [Wage and Hour Division](#).

The Family and Medical Leave Act

Administered by the [Wage and Hour Division](#), the **Family and Medical Leave Act (FMLA)** requires employers of 50 or more employees to give up to 12 weeks of unpaid, job-protected leave to eligible employees for the birth or adoption of a child or for the serious illness of the employee or a spouse, child or parent.

Veterans' Preference

Veterans and other eligible persons have special employment rights with the federal government. They are provided preference in initial hiring and protection in reductions in force. Claims of violation of these rights are investigated by the [Veterans' Employment and Training Service \(VETS\)](#).

Advisories

For more details and guidance on laws and regulations covered in this fact sheet, call the appropriate Department of Labor agency listed in your phone book under U.S. Government.

Other federal agencies besides the Department of Labor enforce laws and regulations that affect employers.

- Statutes that ensure non-discrimination in employment are generally enforced by the [Equal Employment Opportunity Commission \(EEOC\)](#).
- The Taft-Hartley Act regulates a wide range of employer-employee conduct and is administered by the [National Labor Relations Board \(NLRB\)](#).

For more information on these laws, consult these agencies; they are listed in your phone book under U.S. Government.

Posters

Some of the statutes and regulations enforced by the U.S. Department of Labor (DOL) require that notices be provided to employees and/or posted in the workplace. DOL provides free electronic and printed copies of these required posters.

The [elaws Poster Advisor](#) can be used to determine which poster(s) employers are required to display at their place(s) of business. Posters, available in English and other languages, may be downloaded and printed directly from the Advisor. If you already know which poster(s) you are required to display, see below to download and print the appropriate poster(s) free of charge.

Please note that the elaws Poster Advisor provides information on federal DOL poster requirements. For information on state poster requirements please visit [state Departments of Labor](#).

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Lessons Learned — Discipline and Discharge

In most cases, discipline should be used as a positive training tool to help employees become successful in their jobs.

- Evaluate an employee’s performance, not his or her personality or lifestyle.
- If you have strong feelings about an employee’s work performance, ask yourself if you have personal reasons or biases.
- Discipline and discharge policies and procedures are different in collective bargaining situations and governmental workplaces.

Some courts have ruled that supervisors can be personally liable for harassment, discrimination, retaliation and negligence.

- Employment “at-will” means that the employment relationship may be terminated for any or no reason, with or without cause or notice, at any time.
- There are many exceptions to the “at-will” doctrine, including employment contracts, statutory considerations, public policy exceptions, implied covenants of good faith and fair dealing and implied contract exceptions.
- At-will agreements help defense attorneys win immediate dismissals in court.

Most lawsuits have one thing in common: employees who were surprised by their terminations.

- It’s not enough for an organization to merely document discipline; supervisors must be able to demonstrate ongoing efforts at rehabilitating their employees.
- Discipline should be “commensurate with offense” – the discipline should be as serious as the inappropriate action.

Remember the four essentials of discipline:

- **NOTICE** to the employee
- **EXPLANATION** of how to do the job
- **ASSISTANCE** in performing the job
- **TIME** to try to solve the problem

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A recommended way to document all employee performance is for the supervisor to **proactively** keep a Performance Log of incidents involving all of their employees.

- The purpose of progressive discipline is to communicate problem areas.
- A written warning should concentrate solely on the performance deficiency that needs to be recognized and corrected.
- Workers' compensation claim information, immigration forms (Form I-9) and safety training records should NOT be included in an employee's personnel files, but should be kept separately.

Prior to making the decision to terminate, consider all the viable alternatives.

- Eliminating an employee's position is not the best way to solve performance problems and can actually result in liability to your organization.
- The termination meeting should be very succinct and controlled. Supervisors should not allow themselves to be drawn into an argument or debate by the employee.
- Comments that relate to age, gender or any other protected category should not be made in a termination meeting.

Plan in advance how you will handle termination-related issues such as the final paycheck, health insurance continuation, references, unemployment compensation and an explanation for the termination.

- Familiarize yourself with your organization's policy on final paychecks, paycheck deductions, etc.
- Research whether your state has a law specifying when employers must issue final paychecks and whether separate paychecks must be issued for specific monies (like vacation pay).
- Carefully determine what should be included in the employee's final paycheck. Should it include vacation pay, commissions, profit-sharing or 401(k) monies? Find out.

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If your organization is covered by COBRA, you must offer former employees the option of continuing their healthcare coverage for 18 months, if you terminate them for reasons other than gross misconduct.

- Check if your state has a specific health insurance continuation law.
- Be prepared to answer a departing employee's questions and provide job references.
- A fired employee will not be eligible to receive unemployment benefits, if he or she was terminated for “misconduct.”
- Laws that require employers to give former employees letters describing their work histories are known as “Service Letter Laws.”

"Severance package" refers to the combination of items – often including money, insurance continuation, outplacement services or other benefits – that an employer might offer to a departing worker.

- A "release" is a legal agreement between the organization and employee, in which the employee agrees not to sue the organization in exchange for something of benefit to the employee, like a severance package.
- No state or federal law requires severance pay.
- Your organization may have an agreement with the employee providing for severance pay, or it may have a policy or past practice requiring severance pay.
- A severance agreement requires that the employee be provided with additional “consideration,” something of value the employee would not otherwise be entitled to receive.
- You should work closely with your organization’s Human Resources Department to determine whether a severance agreement is desirable in each termination situation.
- There are "waiting periods" and other specific legal requirements that apply to release agreements given to employees who are 40 years of age or older.

Exit interviews are a cost-effective way to collect data that can aide your organization in many key strategic areas.

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- Exit interviews are generally conducted only for employees who voluntarily leave an organization.
- Exit interviews should be conducted by a Human Resources representative or a neutral third party. The interviewer should be well-prepared and have excellent listening and interviewing skills.
- The employee's direct supervisor should not conduct the exit interview.

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Disclaimer:

This eBook, *Basic Human Resource Management: Best Practices*, is designed for educational and informational purposes only, not for the purpose of establishing an attorney-client relationship or providing legal advice, and should not be relied on as legal advice. Employment law is a dynamic field, often with varying results from state to state. You should contact your attorney to obtain advice with respect to any particular issue or problem.