

2018

National Foundation CONFERENCE

Human Resources 101

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CLA cannot and does not provide legal advice. It is important that you consult with qualified labor counsel before adopting any new HR policies. It is also your responsibility to determine whether legal review of the work product is necessary prior to implementation.

Agenda

- Overview of key HR labor laws
- Recordkeeping requirements
- Onboarding and off boarding
 - The importance of checklists
- HR in 2018
- Q&A



Key HR Labor Laws

Employment Law Wordcloud!



All those Acronyms...

ADA	ADEA	Title 7	EPPA
Americans with Disabilities Act	Age Discrimination in Employment Act	Civil Rights Act	Employee Polygraph Protection Act

All those Acronyms...

FLSA	ERISA	EPA	FMLA
Fair Labor Standard Act	Employee Retirement Income Security Act	Equal Pay Act of 1963	Family Medical Leave Act

Even More Alphabet Soup...

IRCA	Immigration Reform & Control Act (I-9)
OSHA	Occupational Safety & Health Administration
COBRA	Consolidated Omnibus Reconciliation Act of 1986
HIPAA	Health Insurance Portability & Accountability Act
GINA	Genetic Information Nondiscrimination Act

Required Records and Retention

- Varies by Law
- At least on year, as many as six plus (ERISA)

Recommendations

- Retain records for the required minimums
- Retain records when discrimination or other charges are filed
- Ensure vendors understand compliance requirements

Notice Requirements: Posters

- Consolidated EEO
- Your Rights Under the Fair Labor Standards Act
- Notice of Protection
- Job Safety and Health Protection
- FMLA notice
- Don't forget state laws!



The Employee File

Records Are Helpful!

Required by employment laws

Assist in managing human resources

Help demonstrate compliance

Document employment decisions

Protects organization AND employees

What Makes Up an Employee File?

In general:

- Recruiting and screening documents - applications, resumes and educational transcripts
- Job descriptions
- Records relating to job offers, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and education and training records
- Pay and compensation information

Employee File

- Records relating to other employment practices (including policy acknowledgments and agreements)
- Letters of recognition
- Warnings, counseling and disciplinary notices
- Performance evaluations and goal setting records
- Termination records

Employee File

These are usually kept apart from the file itself:

- Equal employment opportunity (EEO)/invitation to self-identify disability or veteran status records
- Reference/background checks
- Drug test results
- Immigration (I-9) forms
- Medical/insurance records (medical questionnaires, benefit enrollment forms and benefit claims, doctors notes, accommodation requests, and leave of absence records)

Employee File

These are usually kept apart from the file itself:

- Child support/garnishments
- Litigation documents
- Workers' compensation claims
- Investigation records (although relevant disciplinary action, counseling or other direct communications are placed in the employee's personnel file)
- Requests for employment/payroll verification



Welcome!

Goodbye

Onboarding and Offboarding

The Importance of Checklists

Onboarding

- Why important?
 - In support of risk management and compliance
 - In support of retention and the hire process
 - Employees are a business' biggest investment!
- Typically first steps are completed by HR, then employee's manager completes the onboarding coordination.

Onboarding

From HR

- Pre-hire and new hire checklists are helpful
- Pre-hire will include post offer, pre-employment items such as
 - Background screening - references, employment verifications, criminal background, education/credentialing and other checks
 - Offer letters/employment contracts
 - Initialization in employer systems
 - Community announcements/press releases about hire

Onboarding

Hire checklists will include items such as:

- ✓ W4s, Federal and State
- ✓ Payroll action forms
- ✓ I-9
- ✓ Emergency contact information
- ✓ Employee benefits enrollments
- ✓ Anything still outstanding from pre-hire process

What's Offboarding?

This is the process to separate the employment relationship.

- Can be retiree, involuntary, resignation
- You guessed it, you need a checklist...



Offboarding

While the goal is to retain employees, it's important to separate correctly as well. There are compliance and employee relations considerations.

- Unemployment and severance
- Employee benefits notices and actions (COBRA)
- Final pay action items
- Removal from systems and directories
- Internal and external announcements

Offboarding

As with onboarding, best practice usually means checklists to be sure you get it right each time

Things to consider when offboarding include:

- Type of separation (voluntary or involuntary) This category represents a host of scenarios and must be handled with care.
- Timing of separation
- Who should be included in the process
- Internal/external impact to the organization



HR in 2018

Predictions in 2018

- Focus on Sexual Harassment – #MeToo movement
- Low unemployment = recruiting and retention concerns
- Paid sick leave – federal plus state/local
- Keep eyes on state and local government labor laws
- Revisit FLSA overtime regulations
- Immigration law and enforcement



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