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WHO IS HR ONE CONSULTING?

- An upstate NY family-run business.
- Founded in 1986, HR One has become the premier human resource consulting firm in upstate New York.
- Simply stated...
We serve as a part-time HR department for over 400 small to midsize employers and supplement existing HR departments through projects.

WHO IS HR ONE?

HR One Consulting, Inc.

HR One, Inc. (Payroll)

**“Behind every paycheck is an employee,
managing your employees just got easier.”**

Top 10 Employee Handbook Mistakes Organizations Make



Today's Agenda

Presentation

Q&A



**#10:
Not Updating
Social Media
Policies**

**Off-Duty
Conduct
Provisions**

National Labor Relations Board (NLRB) Protections

9/8/2011

- A National Labor Relations Board (NLRB) administrative law judge (ALJ) has found that a Buffalo nonprofit organization unlawfully discharged five employees after they posted comments on Facebook concerning working conditions, including workload and staffing issues (*Hispanics United of Buffalo Inc.*, NLRB ALJ, No. 3-CA-27872, Sept. 2, 2011 (released Sept. 6, 2011)).



National Labor Relations Board (NLRB) Protections

- The NLRB's clearly expressed view is that employers cannot simply prohibit employees from communicating through social media sites such as Twitter and Facebook. The board views use of these sites as the modern-day equivalent of conversations around the water cooler.





#9:
**Incomplete
Corrective
Discipline &
Separation Policies**

**Employment
Separation
Policies**

Corrective Discipline



- Verbal Warning
- Written Warning
- Suspension
- Termination



#8:
**Policies to Protect
Against
Unemployment**

**Unemployment
Insurance
Eligibility**

One Unemployment Claim Can Equal?

\$430 per week
for 26 weeks,
which totals:
\$11,180



New York State Unemployment Insurance Eligibility Requirements

- Recent, substantial attachment to the labor market;
- Must be out of work through no fault of their own;
- Must be ready, willing and able to work; and
- Must be actively seeking suitable employment.

Unemployment Insurance Costs Increasing

Wage Base Increasing Annually:

- 2013 \$8,500
- 2014 \$10,300
- 2015 \$10,500
- 2016 \$10,700...
- 2026 \$13,000

Cost Per Employee at 4.1%:

- 2013 \$348.50
- 2014 \$422.30
- 2015 \$430.50
- 2016 \$438.70...
- 2026 \$533.00





#7: The Organization Defines Harassment

**Anti-Harassment
Policies**



What is Harassment?

The Supreme Court has held that sexual harassment is a form of illegal sex discrimination that involves **UNWELCOME** sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature.

Quid Pro Quo Harassment

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or employment decisions affecting that person; or

What is Harassment?

Hostile Work Environment

Such conduct has the purpose or effect of interfering unreasonably with an individual's work performance or is creating an intimidating, hostile, or offensive working environment.





#6:
**Not Regularly
Updating the
Employee
Handbook**

**Employee
Handbook**

Rule One

**In every instance,
conduct yourself in
a manner that supports
our governing values,
the client and your
fellow workers.**

Rule Two

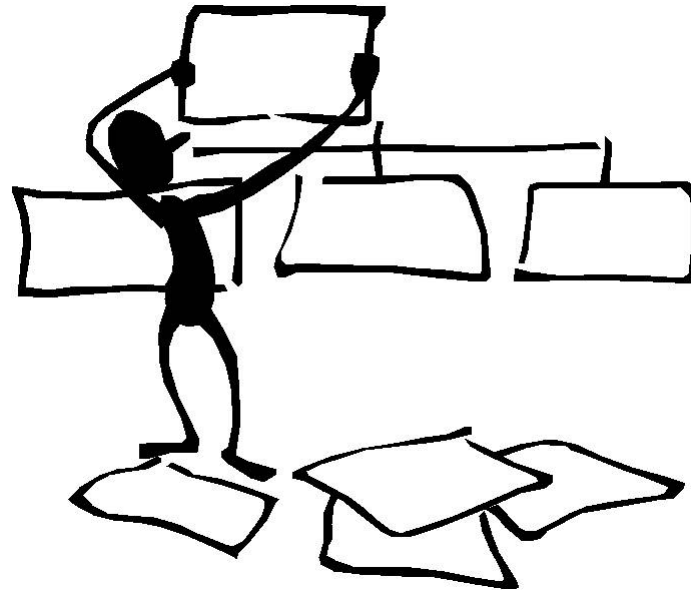
**We need no
other rules.**

Two Main Reasons to Update an Employee Handbook

Compliance
Changes



Organizational
Changes





#5:
**Termination
Language Within
the First 90 Days
After Hire**

**Orientation
Period**

Employment-At-Will



Substance Testing

Required



Elective



Types of Substance Tests

- Pre-Hire
- Random
- Reasonable Suspicion
- Post Accident
- Return To Work





#3:

**We just found out
an employee has a
criminal
conviction, we are
going to terminate**

**Equal
Employment
Opportunity
Policies**

Equal Employment Opportunity

The Company is an Equal Opportunity Employer. The Company does not unlawfully discriminate on the basis of a person's race, religion, creed, color, sex, age, national origin, disability, sexual orientation, marital or familial status, pregnancy, military status, veteran status, predisposing genetic characteristics or carrier status, **arrest or conviction record**, domestic violence victim status, or any other protected class or status.



#2:

An employee is out of work with a note from their doctor, what do we do?

**Leave of
Absence
Policies**

Questions to Ask

- How many employees do you have?
- What does your policy say?
- What is your past practice (what have you done previously)?



It is a Question of Who is in Control



- Give specific steps
- Inform the employee of outcomes if steps are not met
- Keep up constant communication
- Make employee take accountability



#1:
**We just pay an
employee a
salary to avoid
paying overtime**

**Exempt
vs.
Non-Exempt**

What Does “Exempt” Mean?

Exempt Classifications:

- Professional
- Executive
- Outside Sales
- Administrative
- Highly Compensated Employee
- Computer-Related
- Employees Paid Commissions by Retail Establishment



Questions?

