

# Human Resources Training for Leadership

An overview of the employee life-cycle.

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## Employment Laws

- Affordable Care Act (ACA)
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Child Labor Laws
- Fair Credit Reporting Act (FCRA)
- Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- National Labor Relations Act (NLRA)
- Retaliation and Whistleblower Laws
- Title VII (Race, National Origin, Religion, and Sex discrimination)
- Wage and Hour Laws
- Worker Adjustment and Retraining Notification Act (WARN Act)
- And.....

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## And a few more State Laws

- All Idaho Labor Statutes: Title 44
- Minimum wage requirements: Title 44, Chapter 15, Idaho Code
- Payment of wages: Title 45, Chapter 6, Idaho Code
- Garnishment Laws: Title 8

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## What is the employee life-cycle?

- Hiring
- Performance Management
- Termination

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## Hiring – Job Descriptions

- Title/Reports to/Type (FT/PT/Temp/Seasonal/Volunteer)
- Wage (salary or hourly) (stipend) & (exempt/non-exempt)
- Summary of the job
- Duties (essential)
- Qualifications
- Physical Requirements

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## Hiring – Job Postings

- Should be a version of your job description – no surprises
  - Veteran Preference, EEOC statement
  - Wage range with DOE
- Diversity and inclusion postings
- Never offer less than you posted

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## Interviewing

- Anyone who participates in interviews should be training on how to conduct a legal interview (Discrimination and Harassment)
- Know your accommodation plan before a candidate asks
- Insure hiring managers and other interviewers know how to steer out of inappropriate questions, situations, or responses
- Don't write on the original resume/application
- Know your requirements for retaining records
  - Job postings
  - Application

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## Job Offers

- Should be in writing
- Start Date
- Reports to
- Job Title
- Pay structure
- Benefits start date
- At Will
- Conditional
  - Drug Testing
  - Background
  - Driving
- Sign and accept

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## Performance Management

- Have a coaching culture
  - Ensure that your supervisors and managers have regular 1:1s
  - Insist on documentation
  - Ensure that issues are addressed immediately
  - Inspect what you expect
- Have a disciplinary action process
  - Forms for write ups/last chance
  - Review committee (Department heads, HR, Leadership, Attorney)
  - Ensure your supervisors are trained on how to have disciplinary conversations
  - Sit in on some to insure they are happening, and they are done right

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## Employee Reviews

- Have a process and stick to it
- Train your supervisors
  - Accuracy (honest feedback)
  - Avoid bias
  - Standard distribution
  - Avoid emotive & discriminatory language
- Reviews:
  - Use standardized ratings
  - Use standardized definitions
    - (good vs meets expectations)
- Attach to the job description

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## Why do employees sue when terminated?

- They are just the type who are going to sue
- Wrongful Termination
  - Discriminatory
  - Retaliatory
- Your actions are inconsistent
- They were surprised
  - First action is termination
  - Long-term employee

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## Terminations

- Types
  - Self (resignation) Job Abandonment
  - Market or budget (layoffs or furloughs)
  - Agency (fired for a reason)
  - Retirement

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## Terminations

- Have a process
- Train your team on how to conduct a legal termination (supervisors, Dept. heads, HR)
- Have a review process
- Be willing to pushback on supervisor who have can not show:
  - Coaching
  - Training
  - Expectations

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## Summary

- Have processes
- Have policies
- Document
- Train your staff
- Inspect what you expect
- Hold your direct reports accountable

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## Thank you!

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