

MEMORANDUM

To: ES&A Clients and Friends
From: Anna Elento-Sneed, Esq.
Date: 12/28/2015
Subject: 10 Things to Do to Get HR Organized

2016 is here ... and it's time for New Year's resolutions. For human resource professionals, the perennial resolution is to "be proactive." But what should you do to actually make that resolution a reality? The following steps will help you to be *proactive* and will really make a difference!

- 1. Prepare Written Job Descriptions.** Employers without written job descriptions have great difficulty defending disability discrimination cases. Well-written job descriptions document the essential functions of each position. They also help managers and supervisors to properly document performance problems.
- 2. Adopt Clear Recruitment and Hiring Procedures.** A carefully constructed recruitment and hiring procedure helps ensure that applicants have the qualifications to do the job. Carefully constructed recruitment and hiring procedures can also help employers to defend claims of negligent hiring and discrimination.
- 3. Use Clear and Conspicuous Disclaimers.** Employers who do *not* want to be unwittingly trapped into implied contracts must take care to preserve their management rights and their "at-will" employment relationship with employees. Appropriate disclaimers should be included in employee handbooks, offer letters, and written employment policies.
- 4. Distribute Written Policies and Procedures on Harassment and Discrimination.** An employer must promulgate and distribute a written harassment and discrimination policy to its employees if the company is to have a defense to a harassment and/or discrimination case. Managers and supervisors must also be trained on how to recognize, investigate and remedy harassment and discrimination problems.
- 5. Adopt a Written Safety and Health Program.** OSHA expects all employers to have safety and health programs for their workplaces which include training on safety and health standards, as well as procedures for reporting and dealing with workplace injuries, potential violence, and other safety and health issues.

6. Establish Coordinated Programs for Handling Leaves of Absence. Congress and the Hawaii State Legislature have enacted laws requiring employers to provide certain employees with leaves of absence for specified periods of time, under specified situations. However, the maze of statutes and regulations governing leaves makes it difficult to determine if an employee can be required to report for work. Employers must develop coordinated leave programs if they want to exercise some measure of control over scheduling, staffing and attendance.

7. Tighten Up Your Benefits Administration. Employers have seen a slew of laws and regulations enacted in the area of employee benefits ... and we expect more! These programs can be overwhelming. Human resource managers must learn the ins and outs of benefit plans – how they work, what they cost, and how to make them cost-effective.

8. Start Training. If you think things are difficult for HR professionals, imagine what it must be like for managers, supervisors, and rank-and-file employees. We ask them to understand what an “ADA disability” is, what constitutes “sexual harassment,” how to avoid discriminating against an employee, and a whole host of complex areas. They cannot do their jobs properly without training. Think of training as a cost-effective method of controlling labor and employment disputes.

9. Adopt Communication and Dispute Resolution Processes. Managers and supervisors must work with each other, and with their subordinates, to successfully identify and resolve problems and issues. Communication is the key, and human resource professionals must develop systems to facilitate communication between and among management and rank-and-file employees. When disputes arise (and they will) the last step in an effective communication program should be an effective grievance procedure. If the company’s internal grievance procedures are simple, fair, and quick, disagreements can be resolved before they fester and result in destructive litigation.

10. Practice Good Recordkeeping. Every statute, regulation and court decision compels employers to keep mountains of records to prove that they have complied with the law. HR professionals need to develop effective recordkeeping systems to manage all of that data.

Bottom Line. Achievement of some or all of the foregoing goals will *not* insulate you from complaints or problems. But it will help you to begin adopting a proactive approach to human resources management that may reduce your risks. So make your resolution ... get proactive!

You Got This!

