

Human Resource Management 2018

Local Government
Leadership
Core Course



Presenters



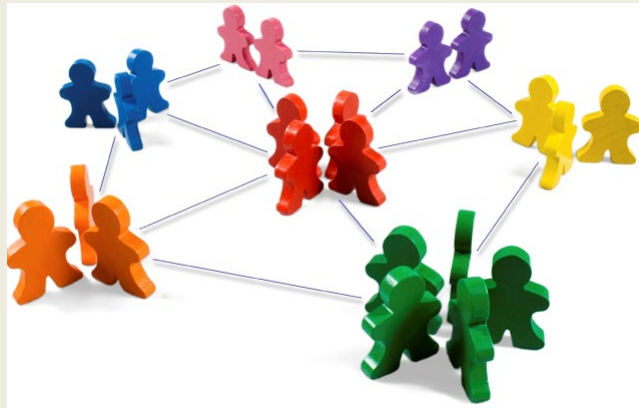
Bobbe Fitzhugh



Joe Coyne



“In organizations, real power and energy is generated through relationships. The patterns of relationships and the capacities to form them are more important than tasks, functions, roles, and positions.”




- Margaret Wheatly



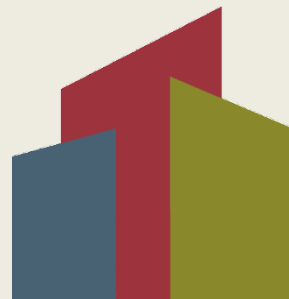


Objectives of Session

- Avoiding legal liability in all things employment law
 - Establishing a classification and compensation system
 - Effective techniques of recruiting, advertising, selecting, interviewing and hiring a new employee
 - How to retain and maintain a high-performance workforce
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Changes in employees expectations and attitudes

- Expect their jobs to fulfill needs for friendship, affirmation, and acceptance
- Seek a balance between work and home
- View their talents and skills as commodities to be marketed
- See their careers as cyclical, not linear
- Look for jobs that are interesting, meaningful, and enjoyable
- Understand generational differences



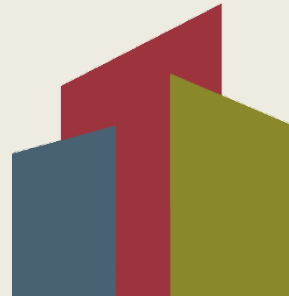
Human Resource Management



- Wyoming State Statute - appointment, removal
- Determine tenure of office and compensation
- Approve staff position descriptions
- Establish and revise human resource policy
- Generally, no responsibility for day-to-day management of office




Employee Rights: Avoiding Legal Liability






Anti-Discrimination Laws

- Equal Employment Opportunity – Title VII of the Civil Rights Act of 1964 (15 or more employees)
 - Americans With Disabilities Act (ADA) (15 or more employees)
 - Age Discrimination in Employment Act (1967) (20 or more employees) (40 or older)
 - Pregnancy Discrimination Act of 1978 - Prohibits discrimination on basis of pregnancy, childbirth, or related medical conditions.
- 



Fair Labor Standards Act

- Ensures minimum wage, overtime pay, recordkeeping, youth employment protections for affected employees
 - Nonexempt workers minimum wage - \$7.25 per hour
 - OT at rate not less than 1.5 times regular rate of pay over 40 hours in workweek
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FLSA -Hours Worked: Issues

- Suffered or Permitted
- Waiting Time
- On-Call Time
- Meal and Rest Periods
- Training Time
- Travel Time
- Sleep Time



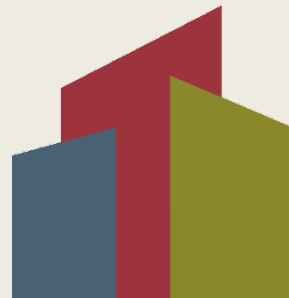


Fair Labor Standards Act Exemption

- Three tests to be met for the FLSA's exemption to apply:
 - The employee must be paid a predetermined and fixed salary that is not subject to reduction because of variations in the quality or quantity of work performed (“salary basis test”);
 - The amount of salary paid must meet a minimum specified amount (“salary level test”); \$47,476/year under new rules
 - The employee's job duties must primarily involve executive, administrative, or professional duties as defined by the regulations (“duties test”).
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Equal Pay Act

- Prohibits gender-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions



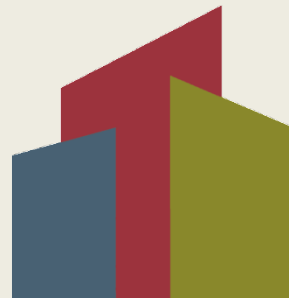


Family & Medical Leave Act

- State and local governments covered regardless of number of employees
 - Entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave
 - Twelve workweeks of leave in 12-month period
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FMLA Employee Eligibility

- Employed by covered employer
- Worked at least 12 months
- Have at least 1,250 hours of service during the 12 months before leave begins
- Employed at a work site with 50 employees within 75 miles

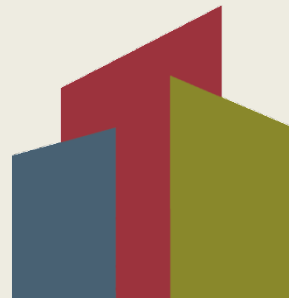






Workplace Harassment

- Many people use term to describe any workplace treatment that seems unfair or unduly harsh. Legal harassment, however, is conduct that is
 - Based on the victim's protected characteristic
 - Offensive
 - Unwelcome, and
 - Severe or pervasive enough to affect the terms and conditions of the victim's employment
 - Reasonable person standard



Protected Characteristics

- Harassment is illegal only if it is based on victim's race, gender, age, disability, religion, ethnic origin, or other protected characteristic
- Marginalized classes of people
- Federal and state laws vary in jurisdiction and applicability
- Your employer's policy provides another layer of protection




Two Types of Harassment

- Quid Pro Quo – “this for that”
 - A person in a position of authority, typically a supervisor, demands sexual favors as a condition to getting or keeping a job benefit
- Hostile Workplace Environment
 - General complaints about working conditions don’t meet this legal standard of illegal harassment unless protected class is cause for harassment
 - Constant ridicule, belittling comments, teasing, sexual come-ons, etc.






Risk Factors for Harassment - EEOC

- **Homogenous workforce** – lack of diversity
 - **Nonconforming cultures** – “rough and tumble” or single-sex dominated culture
 - **Cultural/language differences** – tough on new employees that “aren’t from around here”
 - **Angry/rough comments about current events** (even outside workplace) – can carry over into workplace
 - **Young workers** – less aware of laws and norms, typically must be trained by more experienced workers
 - **Workplaces with “high value” employees** – perception of immunity from consequences of misconduct
- 



Risk Factors for Harassment - EEOC

- **Significant power disparities** – supervisors vs. low-ranking employees
 - **Workplaces that rely on customer satisfaction** – fear of complaints
 - **Monotonous work** – behavior may be way to vent frustration or avoid boredom
 - **Isolated workplaces** – alone with no witnesses, few opportunities to interact with others
 - **Workplaces that tolerate/encourage alcohol consumption** – Example: training conferences
 - **Decentralized workplaces** – management is far removed from workers
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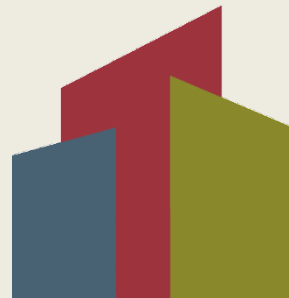
Preventing Harassment

- Need to have policy
- Need to take policy seriously - Posting policy is insufficient to prove employer took workplace harassment seriously
- Train workforce about inappropriate actions, behavior, and communication
- Enforce policy



And some more legal rights

- Workplace violence protection
- Drug-Free Workplace
- Privacy – Fourth Amendment
- Partisanship
- First Amendment - Freedom of speech, religion, association
 - Whistle-blower protection
- Procedural due process




Planning and Paying for Work Done





Classification and Compensation

- Employees doing similar work should receive comparable pay
 - Differences in pay should be based on significant differences in responsibilities and required KSAs, and on comparable industry salaries
 - Process for classifying and evaluating relative worth of positions must be fair
- 

Types of Employees

- Salary vs. hourly - FLSA
- Full-time; part-time
- Temporary/seasonal
- Contract employees





Selecting, Orienting, and Training Employees

“It is a fine thing to have ability, but to discover ability in others is the true test.”

- Elbert Hubbard

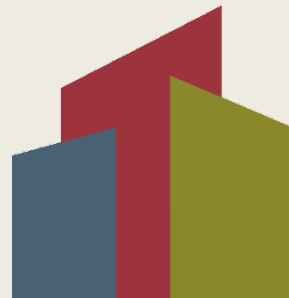
Recruitment

- Goal - find best match for the job
- Fair and open hiring process
- Must base on specific requirements of job
- Internal vs. external recruiting



Selection Sequence

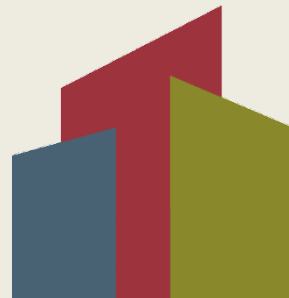
- Application and resume
- Written and performance tests
- Interviews
- Background checks
- Probationary Period





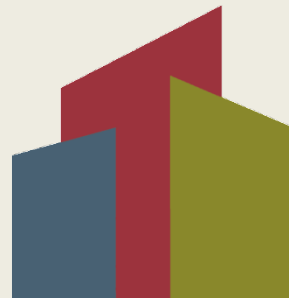
Preparing for a candidate interview

- Review job application and résumé
- Review and/or develop a job description
- Identify personal biases
- Identify questions to ask
- Make sure you know what questions are and are not legal to ask of candidates



Interviewing the applicant

- Introduce yourself
- Use applicant's name
- Create informal, comfortable atmosphere
- Review job description and provide information about job
- Listen carefully
- Give applicants time to ask about job





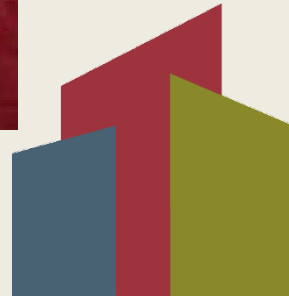
Off-limits:

- Race
- Age
- Religion
- Color
- Place of birth
- Disability
- Marital status
- Children



RELIGION
SEXUALITY
MARITAL STATUS
AGE
GENDER
POLITICS
PREGNANCY
DISABILITY

UNLAWFUL INTERVIEW QUESTIONS





Legal Alternative Examples

DO NOT ASK -

- What is your birthplace?
- What is your religion?
- Do you have disabilities?

INSTEAD -

- Are you legally able to work in the United States?
- Can you meet the work schedule for this job
- Is there any reason you would not be able to perform the essential functions of this job?

Conditional Job Offer



PRE-EMPLOYMENT PHYSICALS

determine abilities
& limitations

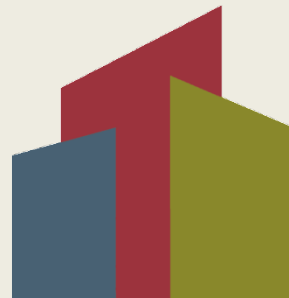
POWER OF THE PROBATIONARY PERIOD



**This business is a
Drug Free Workplace!**

**We Conduct
Drug Testing**

- Pre-employment
- Random
- Post-accident
- Reasonable suspicion
- Return-to-duty




Employee Orientation

- Tour & introductions
- Organization's policies and procedures
- Department
- Job



Training

developing the skills, experience, and abilities that employees need to perform their jobs and improve their performance. Training involves the development of skills, and abilities, specific





Evaluating Performance

“

“By the work one knows the
worker”

-Jean de la Fontaine

EMPLOYEES WANT TO KNOW.....

EMPLOYEE 1



WHAT AM I
SUPPOSED TO
BE DOING?

EMPLOYEE 2



HOW WELL AM I
REQUIRED TO DO
IT?

EMPLOYEE 3



WHAT DO YOU
THINK OF MY
PERFORMANCE?

EMPLOYEE 4



HOW WILL I BE
REWARDED?

EMPLOYEE 5



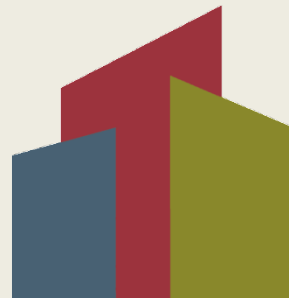
HOW CAN I
IMPROVE MY
PERFORMANCE?





Characteristics of a legally acceptable performance appraisal system

- Developed from systematic analysis of jobs
- Up-to-date job descriptions
- Specific, job-related behaviors
- Clear communication
- Trained supervisors
- Written documentation



Conducting an evaluation interview

- Purpose and specific goals
- Review appraisal
- Specific examples of performance – outstanding, good and not-so-good
- How to improve
- Employee feedback
- Summary and game plan



Motivators for High Performance





Developing and Maintaining Discipline

“The state of discipline of any group of people depends essentially on the worthiness of its leaders.”

-Henri Fayol

Most poor performance and inappropriate conduct results from

- Boredom, idleness, or lack of interest in the work
- Misunderstanding of rules and standards
- Unfairness or the perception of unfairness
- Personal problems



Supervisors sometimes produce performance or behavior problems by

- Enforcing rules unfairly or inconsistently
- Ignoring poor performance
- Paying more attention to poor conduct than to good work
- Adding more work to an employee who has done good work, thereby overloading the employee



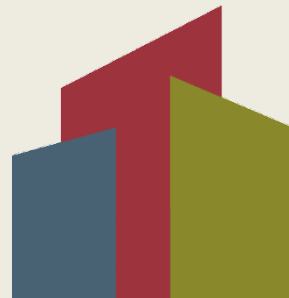
Steps to strengthen self-discipline

- Issue clear, reasonable rules
- Set a good example
- Clearly communicate expectations
 - What work is to be done
 - What the expected level of quality is
 - When the work should be finished
 - Why the work is being done
- Keep complete employee records





Steps for dealing with rule violations



When deciding what action to take, consider the following:

- How serious was the offense?
- Have any precedents been set for how to proceed?
- What are the possible effects of your action, both good and bad?
- What is the least severe penalty that will still convince the employee that the behavior will not be tolerated?
- *The purpose of disciplinary action is to change an employee's behavior, not to punish the employee.*

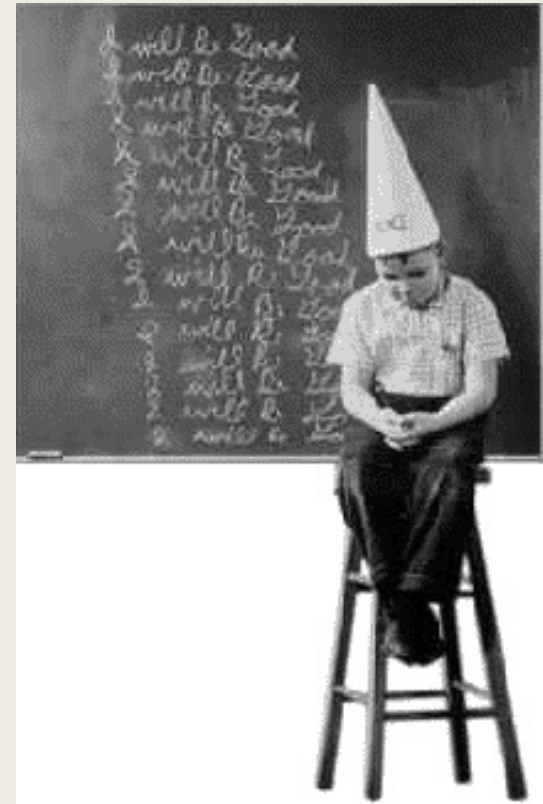


Possible disciplinary procedures

- **Least severe**

- Informal talk with a caution
- Verbal warning
- Written warning
- Suspension
- Salary reduction
- Demotion
- Dismissal

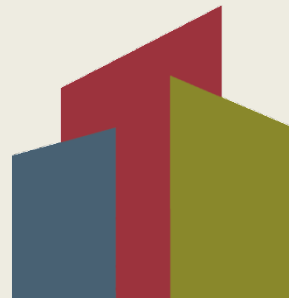
- **Most severe**





The disciplinary interview

- Know what disciplinary action is appropriate beforehand, but be prepared to change your mind if the employee provides new information
- Conduct the interview in private, free of interruption
- Be fair, calm, and businesslike
- Encourage the employee to talk, and listen carefully to his or her explanation
- Have facts organized and at hand
- Keep the discussion focused



If the answer is termination...

- Tell employee the real reason for the termination
- Consider separation package and resignation option
- Do not make defamatory statements about dismissed employee to co-workers, future employers or third parties
- On other hand, do not affirmatively mislead prospective employers by providing only favorable information
- Be careful of discrimination claims





Resolving Employee Complaints and Grievances

**“The search in the settling of disputes
should always be for the best future
activities of the parties involved.”**

Mary Parker Follett

Gripes, complaints, and grievances

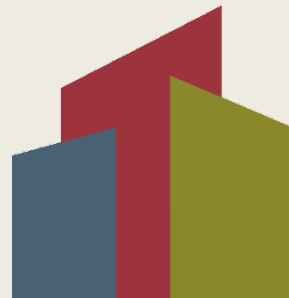
- People *gripe* to let off steam. They usually do not expect a change.
- *Complaints* require action. Some complaints are minor and can be settled on the spot.
- If they are not handled satisfactorily, gripes and complaints can become *grievances*.
- A *grievance* is usually a written expression of an employee's dissatisfaction with something beyond his or her control.
- *Formal grievances* must be resolved through a formal, step-by-step process.





Causes of grievances

- Work assignments
- Working conditions
- Problems with co-workers
 - Discrimination
 - Sexual harassment
- Problems with the supervisor
- Personal problems



Steps for handling a grievance

- Interview all affected parties
- Question and listen attentively to the employee
- Get additional facts and verify statements made by the employee
- Keep accurate records to show that the grievance was investigated thoroughly
- Assess alternatives
- Make your decision promptly
- Explain your decision to the employee
- Follow up



Create an Ethical Organization

“Government is a trust, and the officers of the government are trustees: and both the trust and trustees are created for the benefit of the people.”

- Henry Clay



Characteristics of an Ethical Organization

- Everyone treated with honesty and respect
- Frequent, open, honest, and compassionate communication
- Fair and objective criteria for employee recruitment, hiring, evaluation, and promotion
- Confidentiality
- Provision of needed training, resources, and supervision
- Reflection of honesty and integrity



Thank You!

This presentation was prepared by Community Builders, Inc., a Wyoming-based consulting firm specializing in community and economic development - Bobbe Fitzhugh and Joe Coyne, Principal Consultants - www.consultCBI.com, under contract and in cooperation with the Wyoming Association of Municipalities.

