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Get Ready For More Business

By: Robin Paggi,
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According to the October issue of Bakersfield Magazine, new business is coming our way, which will, hopefully, generate more business for Kern County employers as well as those relocating to our county. It has been said that opportunity has the uncanny habit of favoring those who have paid the price of years of preparation. The following are some things that employers can do from a human resources perspective to prepare for the opportunity of more business.

Update your job descriptions. More business means more employees. In addition to informing candidates about the duties of the position, accurate and up-to-date job descriptions have a variety of benefits, such as helping employers:

- Develop better interview questions.
- Make better hires.
- Fairly evaluate performance.
- Determine a reasonable accommodation for disabilities.
- Reduce liability by being able to demonstrate why candidates selected were the most qualified applicants.

Review your hiring process to ensure you're in compliance with state and federal laws by asking questions such as the following:

- Are your job applications free of questions about applicants' race, color, sex, gender, pregnancy, sexual orientation, national origin, ancestry, religion, age, marital status, mental disability, physical disability, and medical condition?
- Have your interviewers been trained on how to avoid inappropriate questions and ask only questions that elicit information about the applicant's previous job experience and performance?
- Are your pre-employment tests (such as physical agility, skills, and knowledge) job-related and accurate indicators of whether applicants will be able to perform the jobs for which they are applying?

- Do you conduct background checks? If so, are you providing applicants with the proper notification and waivers?
- Are you providing the legally-required information to new hires, such as their rights to workers' compensation, state disability insurance, and the right to work in a harassment-free environment?

Conduct an HR Department Review to ensure (among other things) that:

- All required notices are posted where all employees and applicants can see them.
- Private information is being stored appropriately.
- Employees are properly classified as exempt and non-exempt and are being appropriately compensated.
- Time worked is being accurately recorded.
- Meal and rest periods are being provided to non-exempt employees.
- The company's Illness and Injury Prevention Program and Emergency Action Plan are up-to-date. (All employers in California are required to have both).
- Safety training is being conducted and properly recorded.
- Workplace accidents are being properly investigated and documented.
- HR personnel are familiar with company and statutory leaves of absence (e.g. sick leave, Pregnancy Disability Leave, California Family Rights Act, Family Medical Leave Act, etc.) and how to manage them.
- Workers' compensation and unemployment claims are being effectively managed.

Create or update your employee handbook. Employers are not required by law to provide a handbook to employees; however, employers are legally required to provide information to their employees about their statutory rights (such as leaves of absence). In addition to providing that information, having a carefully-drafted employee handbook can have the following advantages:

- Provides clear expectations of behavior so there are fewer misunderstandings. Handbooks usually contain information on company policies (such as attendance, dress codes, use of company equipment, etc.) and company procedures (such as how to file a complaint). Employers who clearly describe the behavior they expect from their employees are more likely to get that behavior from them.
- Helps resolve conflicts when misunderstandings do happen.
- Helps supervisors know how to handle complaints, disciplinary actions, leaves of absence requests, etc., and promote consistency on how employee matters are handled.

An employee handbook can be so valuable that the Small Business Administration believes that it "is one of the most important communication tools between your company and your employees."

Train your supervisors. Trained supervisors help to reduce the risk of liability, improve productivity and morale, and reduce turnover. Supervisors should know how to (at a minimum) do the following:

- Model appropriate behavior. This means being knowledgeable about and adhering to company policies and state and federal labor laws.
- Communicate effectively. Supervisors need to be able to give understandable instructions and speak to people in a way that inspires them to perform, instead of inspiring them to complain to HR or governmental agencies.
- Handle disciplinary actions in a way that is consistent with company policy and improves productivity and morale instead of destroying it.

Accurately document performance. Documentation is an invaluable tool in helping employers to avoid lawsuits or to help in their defense if they are sued.

Alexander Graham Bell said that, “Before anything else, preparation is the key to success.” Employers who get their businesses in order now will be ready to hit the ground running when more business comes their way. Opportunity is going to come knocking. Are you prepared to answer?

Contact Robin Paggi at (661) 328-5267 or rpaggi@kleinlaw.com for assistance on any of the items listed above.