



HR BASICS

A Practical Approach

- Employment Law Essentials
- Common HR Mistakes
- On the horizon
- Problem Prevention

But first....a little quiz



Q1: Hiring

FALSE

True or false?

Q2: Disability

FALSE

True or false?

Q3: Harassment

TRUE

True or false?

Q4: Time Off

FALSE

True or false?

Q5: Overtime

IT DEPENDS

True or false?

Which applies?

State

Federal

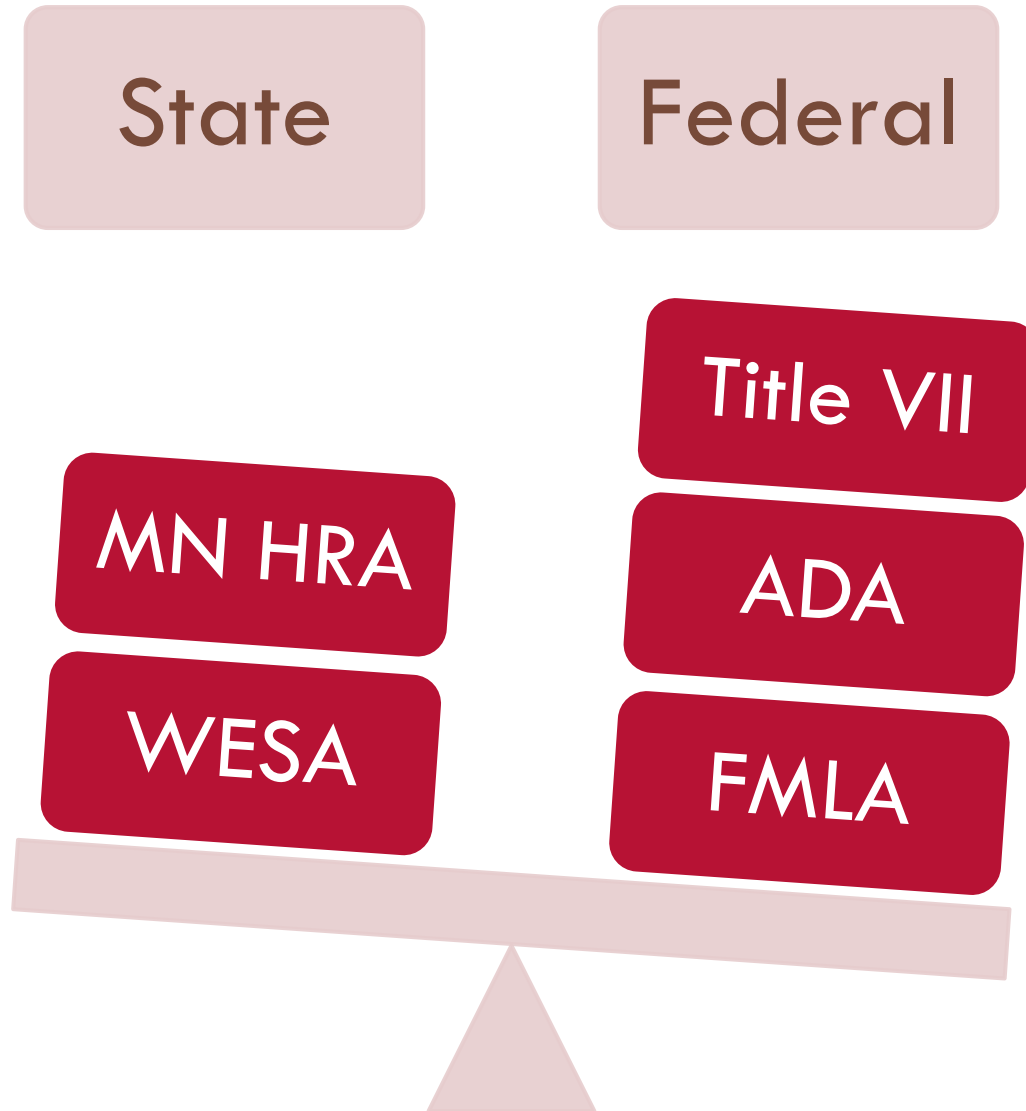
MN HRA

WESA

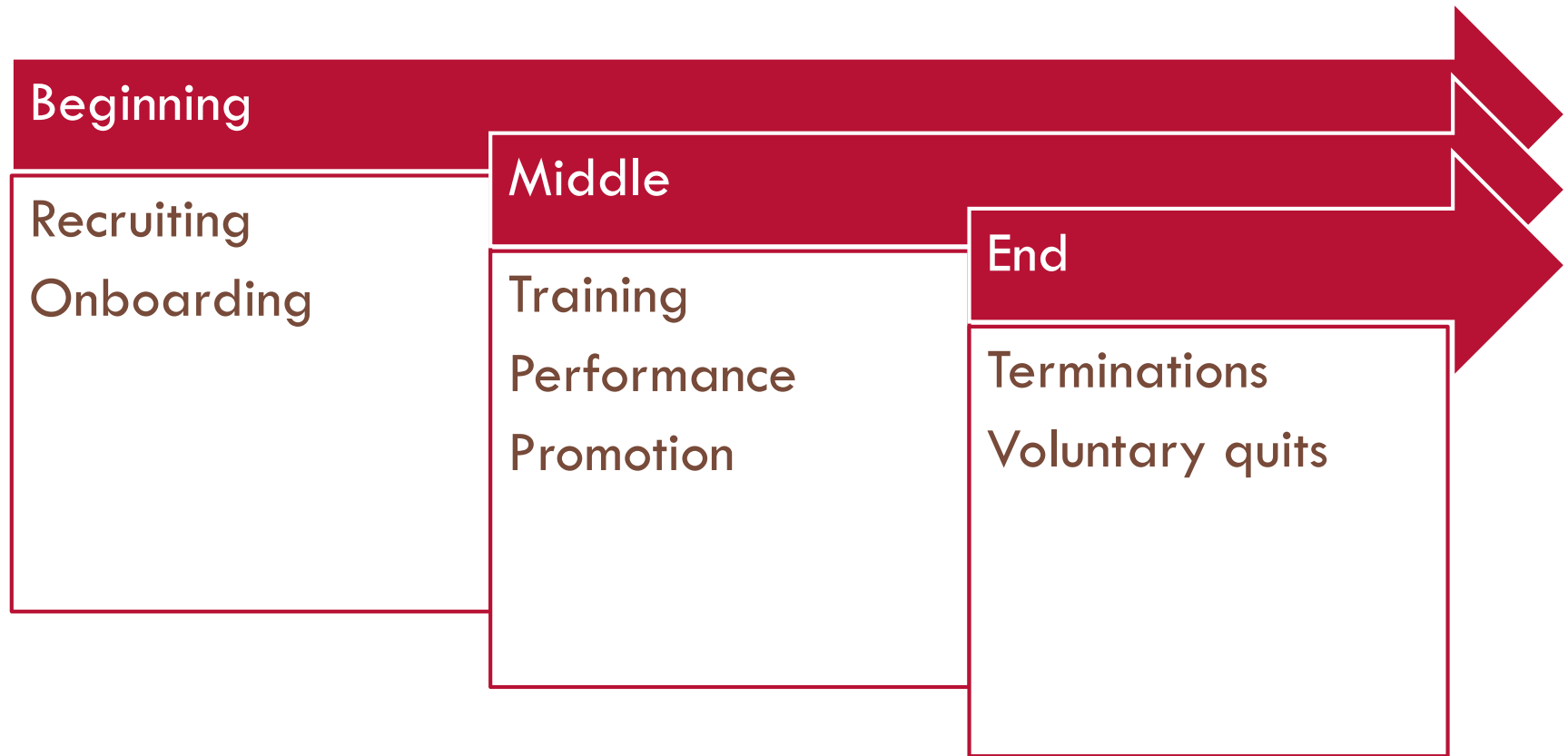
Title VII

ADA

FMLA



The Employee Life Cycle



Employment Law Essentials

Discrimination

Title VII of the 1964 Civil Rights Act
MN Human Rights Act

Discrimination Protections

Federal

- Race
- Color
- Religion
- Sex (Gender)
- Pregnancy (PDA Act)
- National Origin

State. Federal +

- Marital status
- Disability
- Public Assistance
- Age
- Sexual orientation *
- Familial status
- Human Rights commission
- Pregnancy

Harassment Offensive Behavior

Quid Pro Quo
Hostile Environment

Is it harassment?

Quid Pro Quo

1. This for that
2. Based on protected class
3. Tangible employment action
4. Person of authority

Hostile Environment

1. Severe and pervasive speech or conduct
2. Intimidating, hostile or offensive environment
3. Based on protected class
4. Reasonable person standard
5. No tangible employment action required
6. No authority required

Compensation

Fair Labor Standards Act (12/1/16)
Sick and Safety Time (SST)

FLSA Overtime Exemption (current)

Salary Test

- \$455 / week; or
- \$27.63 / hour
(computer professionals only)

+

Duties Test

1. Executive
2. Professional / Creative
3. Administrative
4. Computer professional
5. Outside Sales

FLSA Overtime Exemption (proposed)

Salary Test

- \$913.00 / week(\$47,496); or
- \$27.63 / hour (no change - computer professionals only)



Duties Test

1. Executive
2. Professional / Creative
3. Administrative
4. Computer professional
5. Outside Sales

Sick and Safety Time (SST)

- Minneapolis, St. Paul and Duluth
- All employees earn one hour of SST for every 30 hours worked
- Includes interns and temporary staff
- Non-resident employers required to comply if an employee spends 80+ hours per year in the city
- Capped at 48 hours per year
- Does this apply? Varies by employer size and city

Time Off Work

FMLA

Parental Leave

and many more

Time Off

Required *

- Federal:
 - ▣ FMLA (50 +)
 - ▣ Military
- Minnesota:
 - ▣ Parental Leave
 - ▣ Voting
 - ▣ Many more...

Not required

- Vacation
- Sick
- PTO
- Funeral

* Applicability depends upon employer size

A word about retaliation

DON'T

Employment Law Essentials

Questions

Common HR Mistakes

1. Employee or Independent Contractor

Questions

2. Salaried = Exempt

Questions

3. Recordkeeping

Questions

4. Hostile Environment

Questions

5. Unpaid Interns

Questions

New-ish requirements

WESA (Womens Economic Security Act)

- Employees allowed to discuss wages
- 12 weeks unpaid parental leave (21+ employees)
- Pregnancy and nursing accommodations
- May use PTO to deal with domestic violence issues, school closures, and more (SST)

Wage Theft Law

- Must provide all new employees with a detailed document outlining the specifics of their employment (signature required)
- Existing employees must receive the full notice if there is a change in employment status (e.g., wage).
Signature required
- Sample available on MN DEED website
- After initial notice, employers must provide staff with written notice of changes in status (no signature required)

On the horizon

Stay tuned...

- Sick and Safety Time: statewide
- \$15.00 / hour living wage
- Paid parental and medical leave
- Sexual harassment standard: “severe or pervasive”

Prevention

Prevention / Next Steps

Prevention

Policy

Practice

Culture

Policy

1. Have a policy.
2. Write it down.
3. Keep it current.
4. Be consistent.
5. Keep it simple.

Consider a periodic audit or an outside set of eyes.

Practice

1. Be consistent.
2. If practice changes, tell people when and why.
3. Annual refreshers.
4. Attend trainings and events such as this.

Culture

1. Listen.
2. Be open.
3. Be fair.
4. Address issues.
5. Change your mind when it is the right thing to do.

Prevention / Next Steps

Prevention

Policy

Practice

Culture

Resources

US Department of Labor <https://www.dol.gov/>

MN Department of Labor <http://doli.mn.gov/>

MN Department of Human Rights:

<http://mn.gov/mdhr/employers/laws.html>

Roo website resources:

[Employment Laws by Employer Size](http://www.roosolutions.net/resources.html)

<http://www.roosolutions.net/resources.html>

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Open Discussion



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