HR BASICS
A Practical Approach

- Employment Law Essentials
- Common HR Mistakes
- On the horizon
- Problem Prevention
But first.....a little quiz
Q1: Hiring

Interviewers should ask each applicant different questions because they have different experience and qualifications.

True or false?

FALSE
Q2: Disability

The Americans with Disabilities Act requires employers to accommodate short and long term disabilities. True or false?

FALSE
Q3: Harassment

Supervisors can be named individually in a discrimination or harassment lawsuit.

True or false?

TRUE
Q4: Time Off

A husband and wife work at the same company. They can each take 12 weeks off of work for the birth of their baby.

True or false?

FALSE
Q5: Overtime

An hourly employee worked 45 hours last week. I have to pay her 5 hours of overtime.

True or false? IT DEPENDS
Which applies?

State
- MN HRA
- WESA

Federal
- Title VII
- ADA
- FMLA
The Employee Life Cycle

Beginning
- Recruiting
- Onboarding

Middle
- Training
- Performance
- Promotion

End
- Terminations
- Voluntary quits
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
1. Employee or Independent Contractor
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
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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.
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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
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Open Discussion