

HR HUMAN RESOURCES OR HEADACHE READY

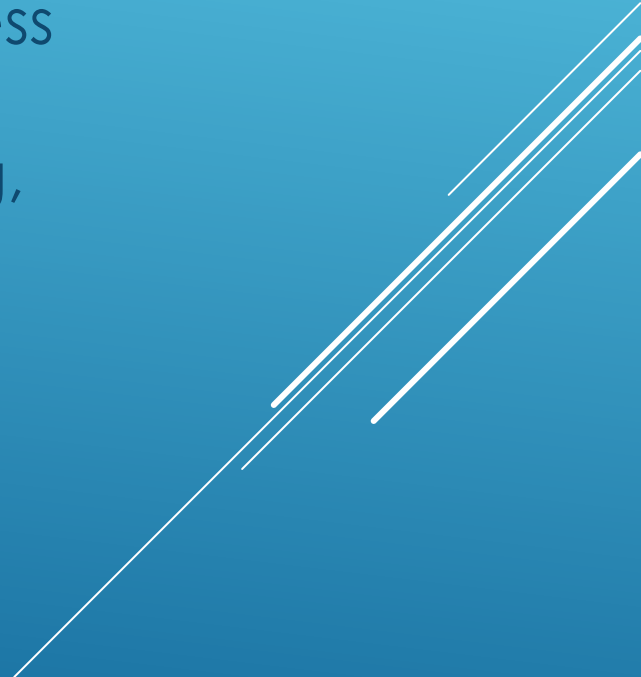
Hit Human Resources issues head on!

Don't let surprises hit you!



WHAT IS HUMAN RESOURCES

Human resources (**HR**) is the department within a business that is responsible for all things worker-related. That includes recruiting, vetting, selecting, hiring, onboarding, training, promoting, paying, and firing employees and independent contractors.

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INTERVIEW DO'S AND DON'TS


▶ The safe questions:

- ▶ It is strongly recommended that you use a standard guide of questions for each applicant.
- ▶ This will ensure you're avoiding questions that are legally not allowed.
- ▶ It will also help protect you from any potential lawsuits related to discrimination.

▶ What to avoid:

- ▶ Race, Color, or National Origin.
- ▶ Religion.
- ▶ Sex, Gender Identity, or Sexual Orientation.
- ▶ Pregnancy status.
- ▶ Disability.
- ▶ Age or Genetic Information.
- ▶ Citizenship.
- ▶ Marital Status or Number of Children

THE NEXT STEPS:

- **Background Checks**
 - **Drug Screens**
 - **Employee records**
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BACKGROUND CHECKS


Criminal-County, Statewide & Federal	SSN Valid-Death Master Index
Kwik Screen-(National Database)	Credit Report
Sex Offender Registry	SOR-National Sex Offender Registry
Education Verification	Motor Vehicle Registration-Driving
Employment verification	TU SSN-Name & Address History

BACKGROUND CHECKS CONTINUED:

Federal law does not prohibit employers from asking about your criminal history. But, federal EEO laws do prohibit employers from discriminating when they use criminal history information.

Some states require employers to consider whether the offense bears a reasonable relationship to the job. ... When asked about criminal arrests and convictions. Texas law also allows applicants to deny the existence of any criminal records that have been expunged by a court order.

The FCRA imposes responsibilities both on employers who request criminal background checks and on the firms that provide them. Employers must:

- **Get the applicant's written consent before requesting a check.**
 - **Give the applicant notice if the employer plans to screen him or her out based on the contents of the report. In this situation, the employer must also give the applicant a copy of the report.**
 - **Notify the applicant once the employer makes a final decision not to consider the applicant based on the report.**
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DRUG SCREENS

Type	Comments
OralStat 6 panel instant saliva test	Immediate Results if negative
OralStat 10 panel instant saliva test	Immediate Results if negative
Urine instant 5 panel	20 minute results if negative
5, 7, 9 or 10 panel urine-lab based	1 to 3 days for results
Hair Folicle	3 to 5 days for results

EMPLOYEE RECORDS

- ▶ General information about personnel files: Federal law does not specifically require employers to maintain "personnel files", and it does not regulate the question of whether and to what extent employers must allow employees to view, copy, or add documents to their personnel files. However, many of the kinds of documentation needed to defend against discrimination claims and lawsuits, and other types of employment actions, are normally kept in personnel files. Some states have laws requiring employers to give certain degrees of access to their files. Other states (such as Texas) leave that up to an employer and employee to work out between themselves. If you are in doubt about the prevailing legal requirements, be sure to consult an attorney.

UNEMPLOYMENT

Unemployment insurance benefits is an employer-paid program that provides temporary financial assistance to workers who are unemployed through no fault of their own and meet Texas' eligibility requirements.

There are three eligibility requirements to collect unemployment compensation in Texas:

- Your past earnings must meet certain minimum thresholds
- You must be unemployed through no fault of your own (as defined by Texas law)
- You must be available to work

Fired employees may still qualify for unemployment benefits if they were fired for reasons other than misconduct.

Misconduct might include:

- Violation of company policy
- Violation of law
- Neglect or mismanagement of position
- Failure to perform work adequately, if capable of doing so

WORKERS COMP

Texas, unlike other states, does not require an employer to have worker's compensation coverage. Subscribing to workers' compensation insurance puts a limit on the amount and type of compensation that an injured employee may receive - the limits are set in the law.

- Under workers' compensation law, an injury or illness is covered, without regard to fault, if it was sustained in the course and scope of employment, i.e., while furthering or carrying on the employer's business; this includes injuries sustained during work-related travel.
- Injuries are not covered if they were the result of the employee's horseplay, willful criminal acts or self-injury, intoxication from drugs or alcohol, voluntary participation in an off-duty recreational activity, a third party's criminal act if directed against the employee for a personal reason unrelated to the work, or acts of God.
- Injured workers must file injury reports within thirty days of the injury, must appeal the first impairment rating within 90 days of its issuance, and must file the formal paperwork for the workers' compensation claim within one year of the injury. If the work-related nature of the injury or illness was not immediately apparent, those deadlines run from the date on which the employee should have known the problem was work-related.

OSHA

(OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION)

- ❖ The nation's main workplace safety and health law is the Occupational Safety and Health Act of 1970.

This requires all private-sector employers to furnish a safe workplace, free of recognized hazards, to their employees, and requires employers and employees to comply with occupational safety and health standards adopted by the U.S. Department of Labor's OSHA division (for the main duty clause of OSHA, see 29 U.S.C. § 654).

Osha Continued:

❖ The Log of Work-Related Injuries and Illnesses (Form 300) is required by the Occupational Safety and Health Administration (OSHA) to classify work-related injuries and illnesses and to record the extent and severity of each case. Employers are required to complete the OSHA Form 300 log unless they are exempt. Employers will also be required to post an annual summary (Form 300A) in their workplaces from February 1 until April 30 of each year.

- OSHA Form 300, Log of Work-Related Injuries and Illnesses
- OSHA Form 300A, Summary of Work-Related Injuries and Illnesses

YOU CAN'T SPELL
HERO



WITHOUT
HR

