

HR for the Business Manager

Michigan School Business Officials

Annual Conference – 2024

Wednesday, April 24, 2024, 9:20 a.m. – 12:20 p.m.

Amway Grand Room A02

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Agenda

- Labor Market Overview
- Current/Future Trends
- Issues Facing Schools
- Talent Acquisition, Compensation & Retention
- Onboarding
- Succession Planning
- Major Laws & Regulations
- DEI&B

A blurred background image of a business meeting. Four people are seated around a white table, smiling. In the foreground, the back of a woman's head with long brown hair is visible, looking towards the group.

Labor Market Overview

Introduction

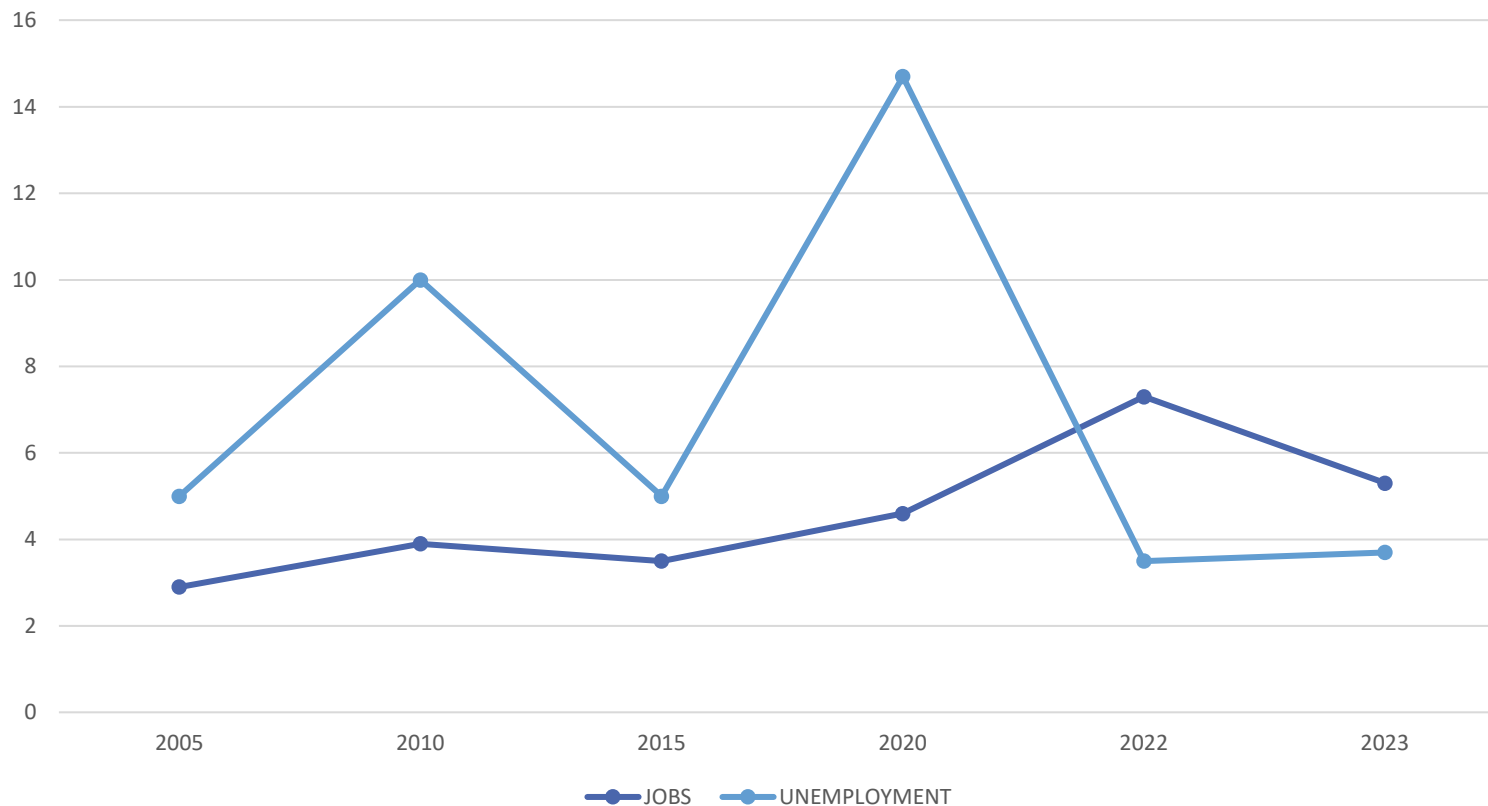
- In a competitive marketplace, “human capital is an organization’s only sustainable competitive advantage.” (Barney, J. 1991. Firm Resources and Sustained Competitive Advantage. *Journal of Management*, 17 (1), 99 – 120).
 - Is working for a school system attractive to a potential applicant?
 - What are your current hiring practices?
 - What special recruiting tactics have been effective in making great hires?
 - Who is responsible for Human Resource practices?

Hiring Statistics

- In a recent study, 85% of HR executives state “the single greatest challenge in workforce management is creating or maintaining their companies’ ability to compete for talent” (Aberdeen Group Inc. / Human Capital Institute).
- Teacher turnover costs the nation’s districts \$7 billion annually for recruiting, hiring and training (National Commission on Teaching and America’s Future).
- Recruiting via social media is growing with 84% of organizations using it currently and 9% planning to use it.(Society of Human Resource Management).

Current Environment

Jobs & Unemployment





Current Environment

Some Perspective

- February 2020 – MI unemployment – 3.5%
- April 2020 – MI unemployment – 23.6%
- July 2009 – MI unemployment – 15.9% Great Recession
- May 1933 – MI unemployment – 24.9% Great Depression
- February – 2024 MI unemployment – 3.9% (US – 3.8% in March)

Current Trends

- Shifting demographics
 - Mobile society = higher turnover
 - Remote/hybrid models
- Talent shortages
 - Lack of qualified candidates
 - Competition with other organizations
- Reduced employee loyalty
 - “Job hopping” no longer a stigma
- Artificial Intelligence (AI) Impact



Current Trends - continued

- Talent shortage mitigation
 - Fit job to candidates not candidates to job
 - Hire for attitude, train for skills
- Wage inflation – WorldatWork data
 - Average salary increases for educational institutions in Michigan – 5.2% (2023 actual), 5.2% (2024 projected), salary range adjustments 2.6% (2024 projected)





Artificial Intelligence – AI

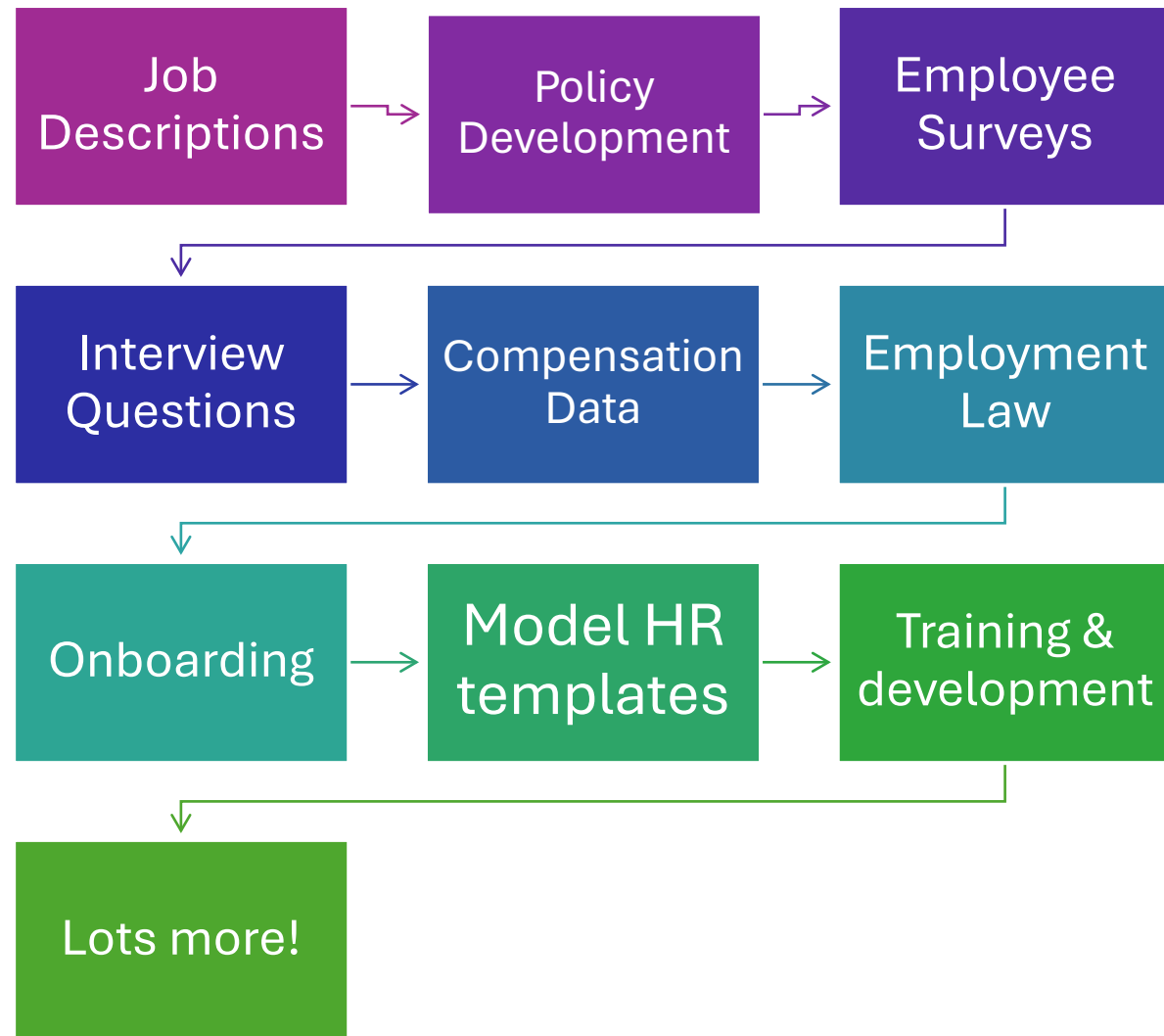
- Large Language Models (LLM's) – accesses vast amounts of data & produces human like responses to input
- 2018 – Open AI received Microsoft investment
- 2020 – ChatGPT3 was released – natural sounding text, summarized information, language translation, etc.
- 2022 – ChatGPT 3.5 – free version released
- 2023 - Chat GPT 4 paid version released


HR Implications

- A tool that can make HR applications more efficient and effective
- Access to data and communicate it in a natural, useable format
- Instant access to information from numerous sources
- Must have ways to ensure compliance with policies, regulations, laws, etc.
- Organizations should have policies on appropriate uses
- Concerns about effect on jobs
- Bias/discrimination/ethical issues
- Information is not audited for accuracy and timeliness



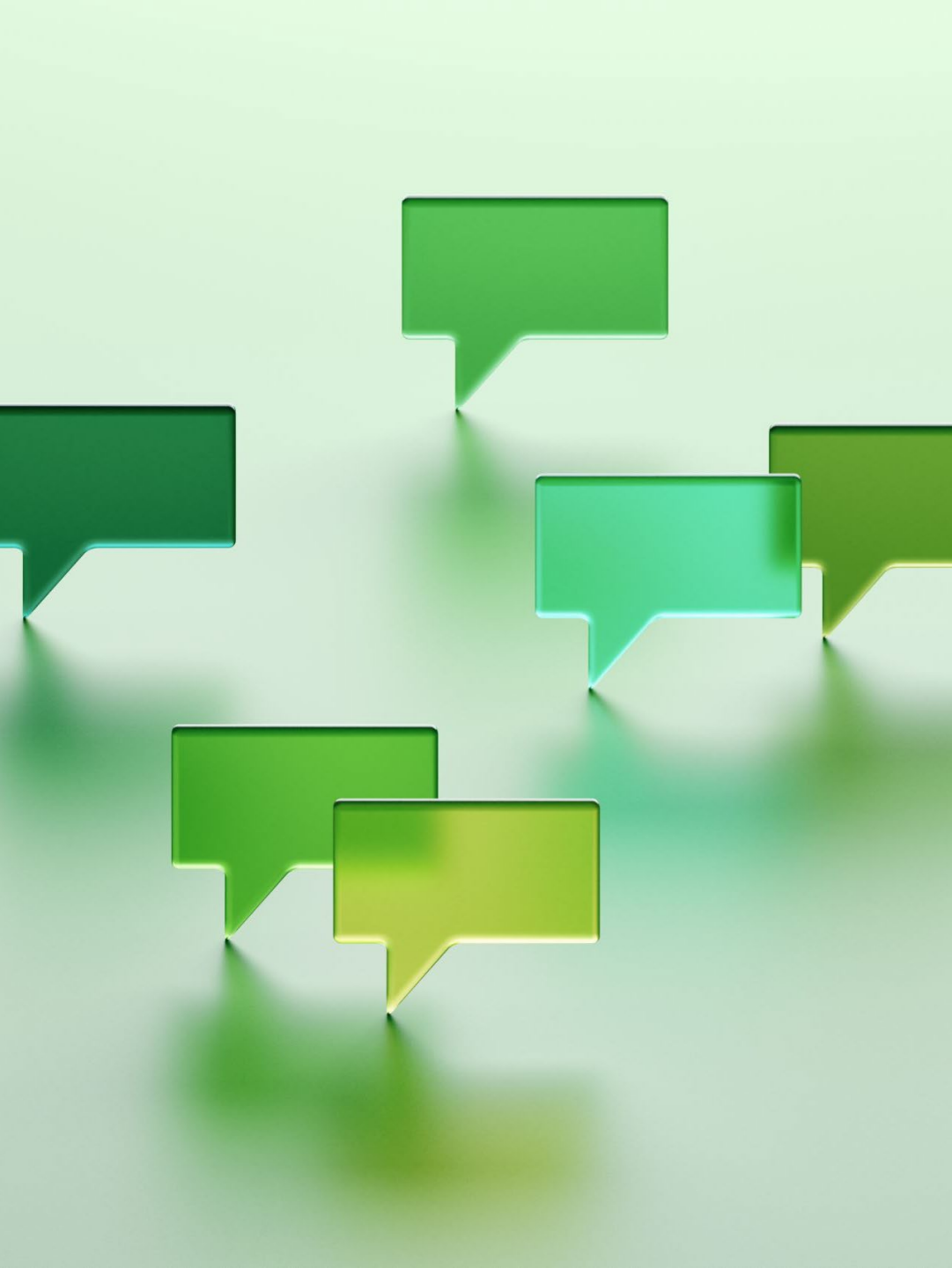
Potential HR Uses





In five slides including content, create a PowerPoint on how to use ChatGPT for human resources applications. Include how it can be used to develop job descriptions, employee policy manuals, employee attitude surveys, interview questions.





Utilizing ChatGPT for HR Applications

- Brief overview of ChatGPT's capabilities in natural language processing.
- Introduction to the various HR applications covered in the presentation.

Developing Job Descriptions

- With ChatGPT, crafting job descriptions becomes a streamlined process. By providing key details such as job title, responsibilities, qualifications, and any specific requirements, ChatGPT can generate comprehensive job descriptions tailored to your needs.
- This saves HR professionals valuable time and ensures consistency across job postings.
- Additionally, ChatGPT can help optimize job descriptions for search engines, enhancing visibility and attracting top talent.
- By leveraging ChatGPT for job description creation, HR teams can focus on higher-value tasks such as candidate engagement and talent development.



Creating Employee Policy Manuals

- ChatGPT simplifies the creation of employee policy manuals by transforming input policies, regulations, and guidelines into well-organized documents.
- Whether it's outlining company policies on code of conduct, benefits, or safety procedures, ChatGPT ensures clarity and consistency in policy communication.
- HR professionals can easily update and revise policy manuals as needed, keeping them aligned with evolving organizational requirements.
- This efficient process minimizes errors and ensures that employees have access to up-to-date information, fostering a culture of compliance and transparency within the organization.





Conducting Employee Attitude Surveys

- ChatGPT facilitates the design and implementation of employee attitude surveys, enabling HR teams to gather valuable insights into employee satisfaction, engagement, and overall morale.
- By generating survey questions tailored to specific areas of interest, such as work environment, leadership effectiveness, or career development opportunities, ChatGPT ensures the collection of relevant data.
- HR professionals can analyze survey responses to identify trends, strengths, and areas for improvement within the organization, informing strategic decision-making and employee engagement initiatives.
- ChatGPT's ability to generate surveys efficiently and analyze responses effectively empowers HR teams to foster a positive and supportive work culture.



Generating Interview Questions

- ChatGPT streamlines the process of generating interview questions by automatically creating relevant and insightful questions based on input criteria such as job requirements, desired skills, and company culture.
- These tailored interview questions help ensure that candidates are assessed consistently and fairly across all stages of the recruitment process.
- HR professionals can customize interview questions to align with the specific needs of each role and evaluate candidates on the criteria most important to their success within the organization.
- By leveraging ChatGPT for interview question generation, HR teams can optimize their recruitment processes, identify top talent more effectively, and ultimately make better hiring decisions.

Superintendent's Corner

Concerns

- Educating students post-COVID
- Student mental health
- Social media and AI
- Organizational Culture
- Retirements/Attrition-“Where will I find new staff?”
- Negotiations (PERA changes)
- Funding, utilizing ESSER \$, funding cliff



Concerns

- Navigating changing evaluation systems
- Communication with constituents
- Perception of public education/politics
- Library books and contentious board meetings





What makes your school a great place to work?

The importance of “selling” an applicant. Crafting your district’s message!

STATE AND FEDERAL LAWS, MDE/USDE RULES AND REGULATIONS, FEDERAL AND STATE COURT DECISIONS



BOARD OF EDUCATION POLICY



ADMINISTRATIVE GUIDELINES, FORMS



EMPLOYEE HANDBOOK, STUDENT HANDBOOK, ATHLETIC HANDBOOK, TRANSPORTATION HANDBOOK, STUDENT CODE OF CONDUCT

Governance

Freedom of Information Act (FOIA)

- What is this?
 - Law of disclosure.
 - What information is protected?
- What does this mean?
 - Upon proper notice, requires the disclosure for inspection or copying most public records.
 - Predates email, texting, “tweets,” cell phones and other modern communication equipment.
 - Does not require the district to create reports or projections which did not exist prior to the request.



What is the timeline?

- If you are unsure, obtain legal counsel.
- You have five days to reply, but can extend to ten if needed.
- If denying a request state a reason (i.e. student names and addresses).
 - Provide a right to repeal your denial.
- Keep all requests and responses on file for one year.
- You can charge for employee time and for copies to assemble a response.
 - Advise the person in advance.
 - May request up to 50% in advance for a large request.



Public Employment Relations Act (PERA)

- Mandates a public employer must bargain collectively with representatives of its employees who have been selected by a majority of the employees in an appropriate unit.
 - Can be voluntarily recognized—typically a union.
- Can request information that must be compiled by the employer so the union can prepare or continue to bargain.



Public Employment Relations Act (PERA)

Within 30 days, employer must provide:

- Name, address, phone number
- Classification
- Work email
- Hire date
- Status (full/pt time)
- ID #

These topics must be bargained.

- Collecting union dues (Janus decision still applies)
- Teacher placement
- Layoff and recall
- Teacher observations and evaluations
- Discipline and discharge decisions
- Merit pay
- Ineffective teacher notices
- Intergovernmental agreements

No longer prohibited

- Increased pay/benefits before an agreement is reached
- Retroactive wages/benefits



Talent Acquisition, Compensation & Retention in the Post-COVID Era

Employer Branding

- “Jobvite polled over 1,600 talent acquisition professionals and found that the labor market continues to gain strength, that a shortage of skills is still recruiters' biggest challenge and that employer branding is forecast to take the biggest slice from the recruiting budget.” (SHRM)

TOP 10 REASONS EMPLOYEES LEAVE



1. Career development – 22%
2. Work life balance – 12%
3. Management treatment – 11%
4. Relocation – 10%
5. Compensation & benefits – 9%
6. Well being (physical, emotional, family) – 8%
7. Job characteristics changes – 8%
8. Involuntary – termination/layoff – 6%
9. Retirement – 6%
10. Work environment – 5%

SURVEY: EMPLOYEES WHO RECENTLY QUIT

What could have kept them at the organization?



89%

Clearer Guidelines

79%

More effective training

68%

Friendlier environment

<1%

Free food & perks

Types of Job Seekers

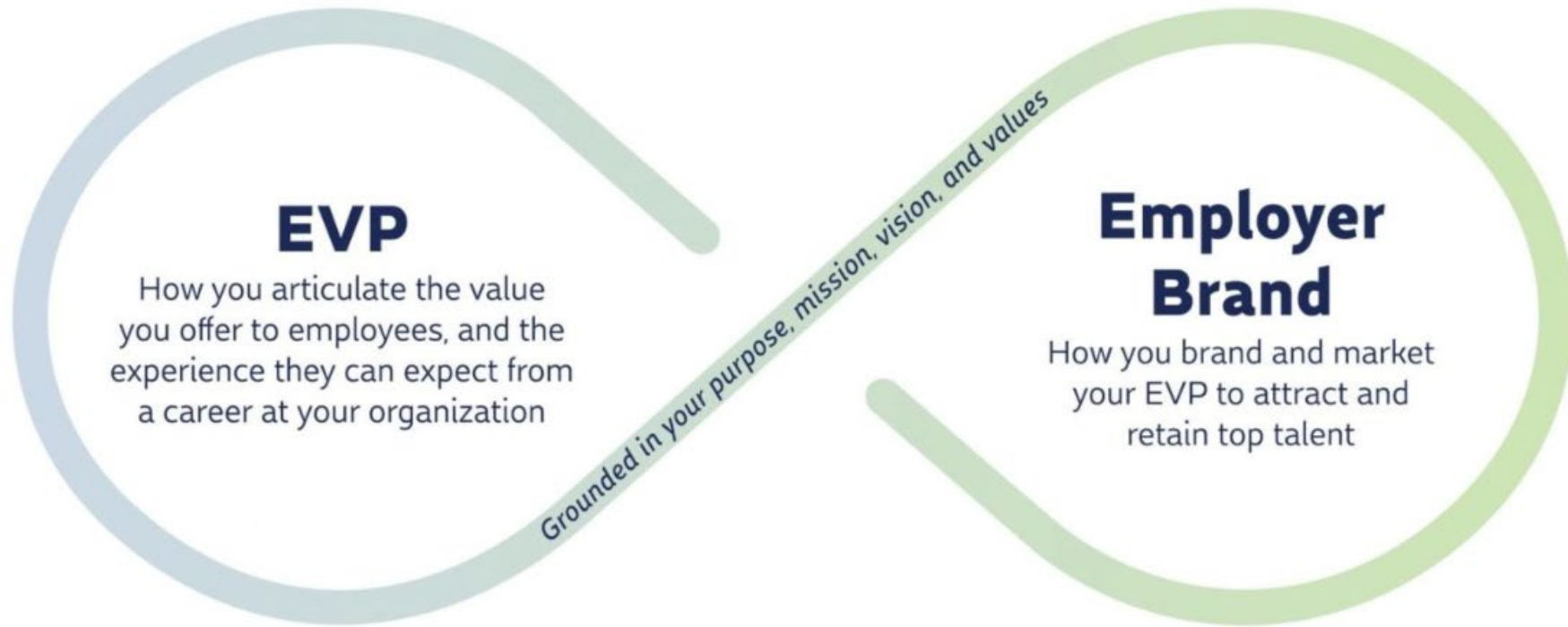
- Active Job Seekers: people who need a job and are actively looking for information about job openings.
- Passive Job Seekers: currently employed and are not actively seeking another job, but could be tempted by the right opportunity.
 - Many high-qualified candidates are usually in this group, although it may be difficult to find them and interest them in your job opportunity.
 - 80% of successful candidates at HSLLC are passive job seekers.

Strategic Staffing 4th edition © 2020
Chicago Business Press.

What is your employee value proposition (EVP)?

- The balance of rewards and benefits that are received by employees at work.
- Employer branding.
- What do your employees say?
 - Employee engagement / satisfaction survey.
 - Exit interviews.





What is an Employee Value Proposition and how is it connected to Employer Brand?

Employee Value Proposition



Compensation and Benefits

- Competitive Salary
- Paid Time Off
- Paid Holidays
- Paid Sick Leave
- Paid Parental Leave
- Medical Insurance
- Dental Insurance
- Prescription Insurance
- Vision Insurance
- Life Insurance
- Retirement

- Accounts Payable
- Full Retirement Benefits



Career Growth

- Raises
- Career Advancement Opportunities
- Leadership Growth Opportunities
- Paid Journeyman and Apprenticeship Programs
- Professional Development
- Tuition

- Reimbursement
- Internship and Mentorship Opportunities



Corporate Culture

- Collaboration and Team Spirit
- Social Responsibility
- Trust
- Work Life Balance
- Longevity Service Awards
- 40 Plus Year Employees
- Hometown People, Hometown Power
- Utility of the Future

- Community Partner



Wellness

- Corporate Challenges
- Free, State of the Art Fitness Centers
- On-site and Off-site Fitness Classes
- Financial and Retirement Advising
- Book Club
- Golf League
- Group 5K and Race Participation

- Employee Assistance Program
- Environmentally minded



Diversity, Equity & Inclusion

- Corporate Diversity, Equity and Inclusion Program
- Fostering an Environment of Belonging
- Corporate Diversity Initiatives
- Recognition of Diversity as a Business Driver
- Diversity Training
- Sponsor

- Community Diversity Events
- Ethnic Food Festival

EVP Example

Current Strategy

- What do you do to attract applicants?
- What are your most common openings?
- What are the most difficult positions to fill?



Talent Acquisition- Best Practices Process

1. Up to date position description(s)
2. Identify and execute a successful sourcing campaign
3. Credential review
4. Telephone screens
5. On-site interviews
6. Assessments
7. Hiring department interview
8. Background / reference checks
9. Employment offer





Why use job descriptions?

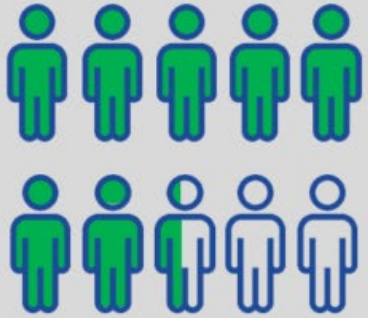
- Legal reasons.
- Simplifies the hiring process.
- Provides guidelines for what is expected from the position.
- Communicates major duties / responsibilities.
- Establishes a basis for performance evaluations.
- Assists in benchmarking jobs for compensation purposes.
- Improves employee onboarding and training / development opportunities.



WE'RE
RING

Position Advertising

- What materials do you require from the applicant?
 - Resume
 - Cover Letter
 - References
 - Performance Evaluation
 - Work Sample
- Institutions must be committed to creatively targeting as many diverse labor sources as possible.
- Are there any specialized job boards where potential applicants may see your posting?
- Are there any internal employees that may know about a good candidate?
 - Is there a reward for a successful referral?
- Where have previous employees come from / how did they learn about the position?



73% of millennials found their last position directly through a social media platform

1 in 2 office workers can contribute social media to the success of finding their last job



 Job Description Library

Social Media

Most popular social media platforms for job search



LinkedIn is the **number 1** social media job search platform with **90%** of **job seekers** using it

 Job Description Library

Social
Media

41%

of candidates want to see employee testimonials when researching companies in their job search.

68%

of millennials visit a company's social media properties specifically to evaluate an employer's brand.

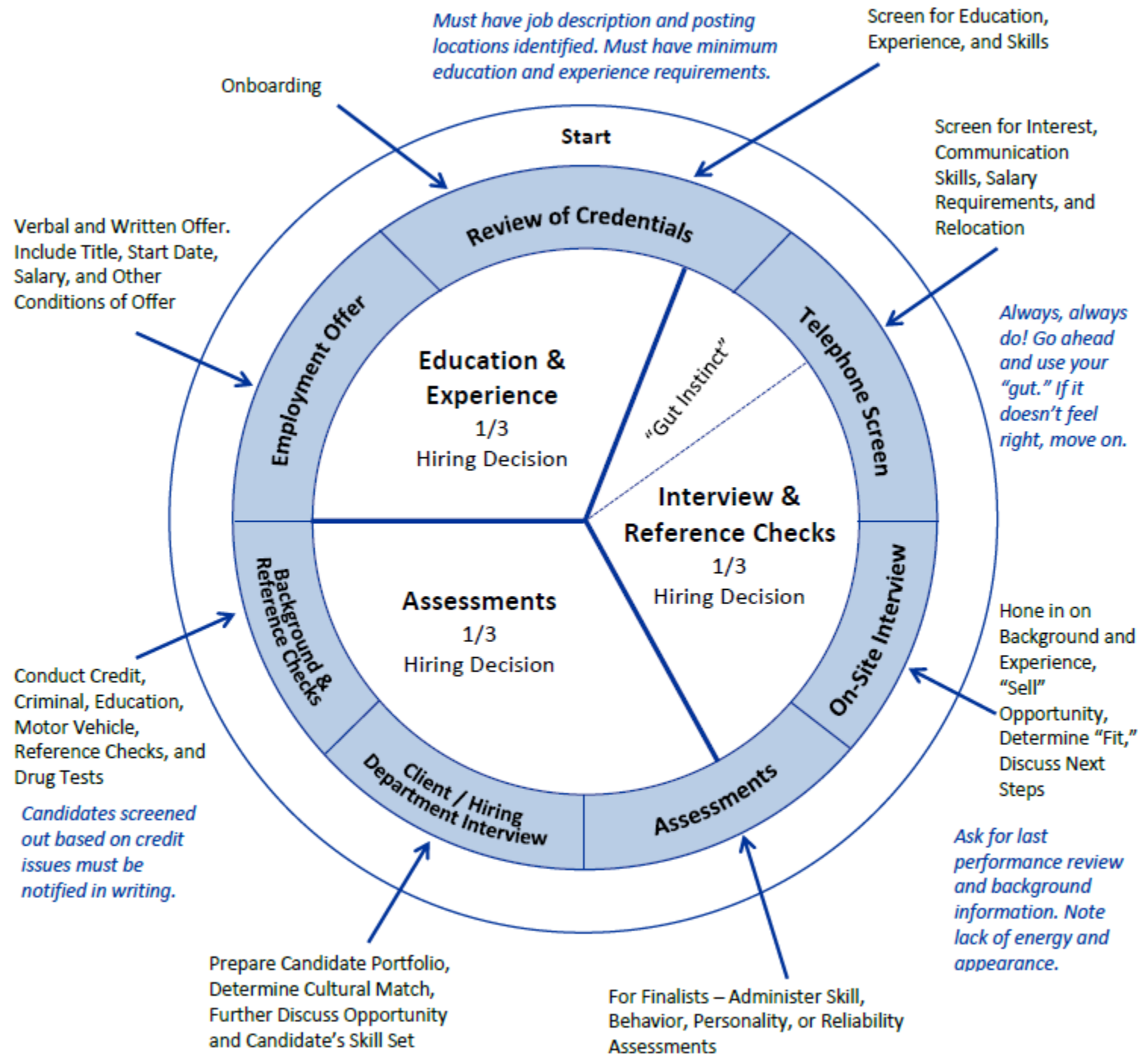
Social Media



Leverage All Avenues to Recruit Top Talent

- Social Media
- “Traditional Advertising.”
- Other sourcing resources:
 - Previous applicants
 - How did current employee find out about openings?
 - Networking with other / nearby school systems.
 - Previous applicant notification system.
 - Pure Michigan Talent Connect.
 - Community newsletter.
 - Internal referral program.
 - Associations (MSBO)

What does a good process look like?



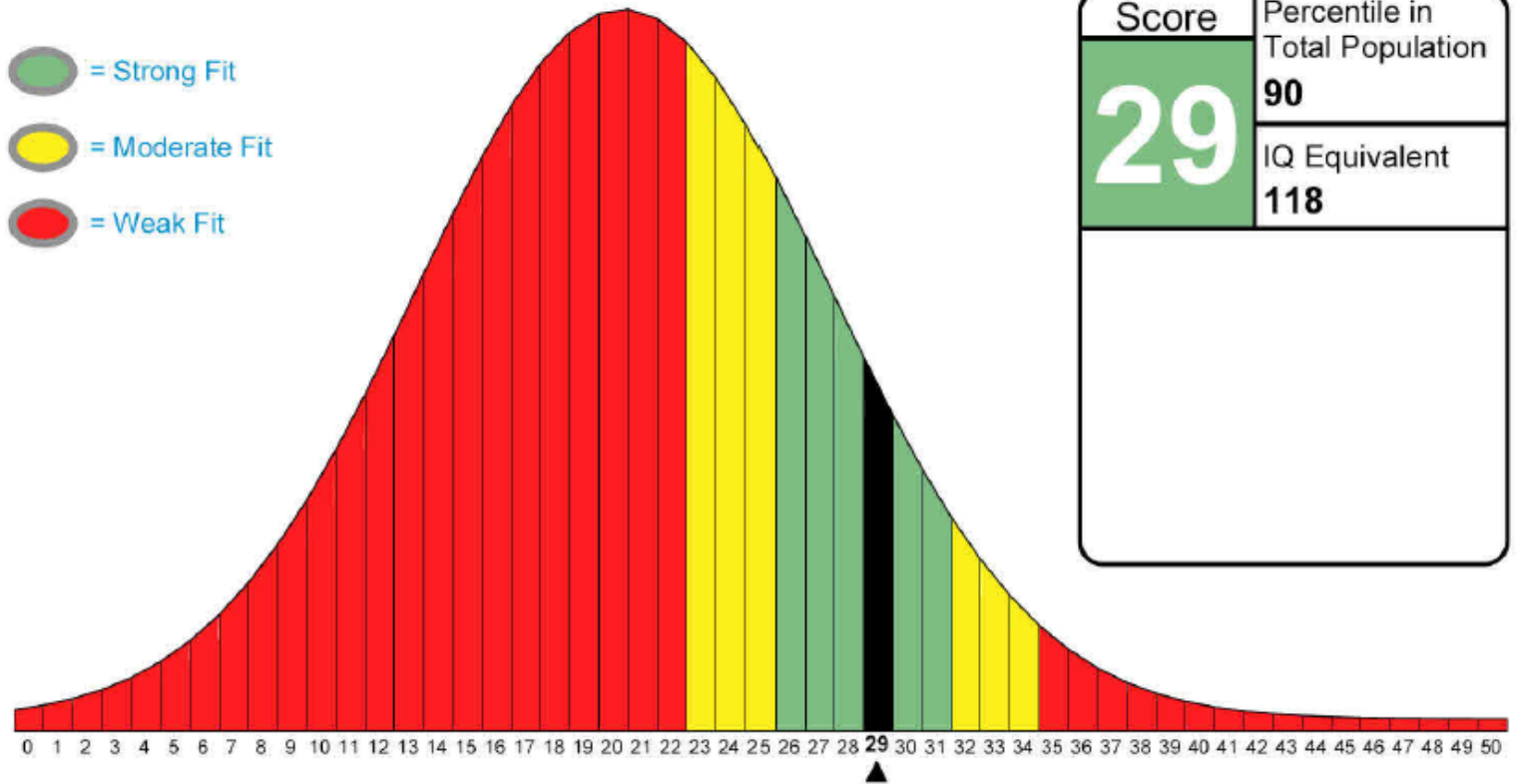
Assessments

- What kind of assessments should I use?
 - Personality
 - Employee Reliability
 - Mental Acuity
 - Leadership
 - Skill (e.g. Microsoft Word / Microsoft Excel)
- Use assessments that tie closely to job duties or organizational values and only assess final candidates.
- Most accurate predictor when examining potential candidates.



Cognitive Ability Assessment

-  = Strong Fit
-  = Moderate Fit
-  = Weak Fit



Score	Percentile in Total Population
29	90
	IQ Equivalent
	118

Personality and Mental Acuity

Mental Aptitudes		1	2	3	4	5	6	7	8	9	
Mental Acuity	Slow to Learn						[● - ● - ● - ●]			9	Fast to Learn
Business Terms	Uninformed					[● - ● - ● - ●]	6				Knowledgeable
Memory Recall	Unaware					[● - ● - ● - ●]				9	Aware
Vocabulary	Limited					[● - ● - ● - ●]		7			Strong
Numerical Perception	Imprecise						[● - ● - ● - ●]		8		Accurate
Mechanical Interest	Indifferent				4						Interested

Personality Dimensions		1	2	3	4	5	6	7	8	9	
Energy	Restless					[● - ● - ● - ●]	6				Calm
Flexibility	Flexible				[● - ● - ● - ●]		6				Rigid
Organization	Disorganized	1			[● - ● - ● - ●]						Planful
Communication	Reserved				[● - ● - ● - ●]	5					Interactive
Emotional Develop.	Impatient					[● - ● - ● - ●]	6				Tolerant
Assertiveness	Cooperative					[● - ● - ● - ●]	6				Authoritative
Competitiveness	Team Player				[● - ● - ● - ●]					9	Individualist
Mental Toughness	Sensitive				[● - ● - ● - ●]				8		Tough
Questioning/Probing	Trusting				[● - ● - ● - ●]	4					Skeptical
Motivation	Security					[● - ● - ● - ●]				9	Recognition

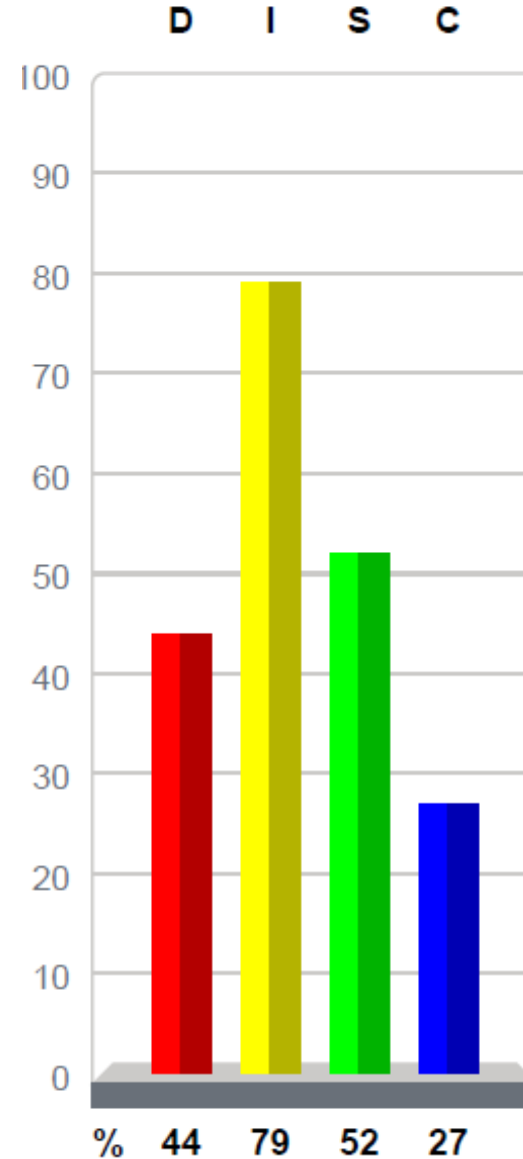
Validity Scales		1	2	3	4	5	6	7	8	9	
Distortion	Frank Answer	[● - ● - ● - ● - ●]					6				Exaggerates
Equivocation	Chose Alternate	[● - ● - ● - ● - ●]			4						Chose Middle



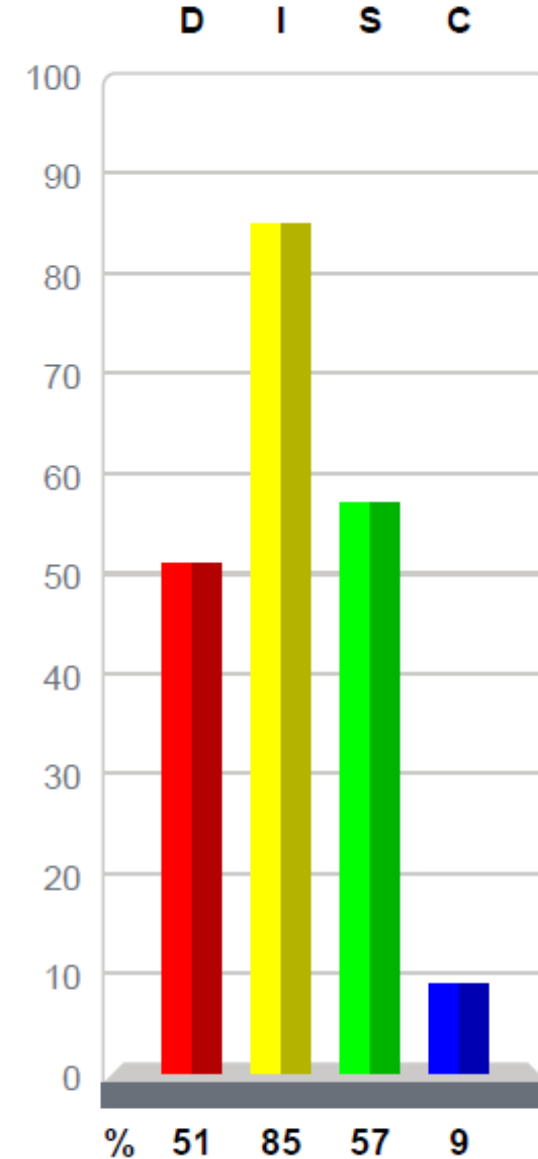
Leadership

4/15/2024

Graph I



Graph II



Review and Selection

- Guidelines:
 - Use specific criteria based on the skills, knowledge and abilities identified in the job description.
 - What skills are transferrable?
 - Could this candidate learn new skills?
 - How does this candidate fit into our future plans?
 - Assign weight to each criterion to objectively evaluate candidates.
 - Look at the entirety of the candidate's application:
 - (1/3) - Interview / Reference Checks
 - (1/3) - Education / Experience
 - (1/3) - Assessments





Compensation

- Why is pay important?
- How do you determine new employee pay rates?
- How do you know where you stand in the market?
- What is your pay strategy?
- What are some of your most pressing compensation issues?
 - Pensions
 - Healthcare contributions



General Compensation Review

- What are your benefits as a percent of payroll? (SHRM- 47%)
 1. Voluntary (19%) – medical / dental / vision / prescription plans, and flexible spending accounts.
 2. Mandatory (18%) – unemployment, workers compensation and social security.
 3. Pay for time not worked (10%) – vacation, holidays, personal days, bereavement and sick leave.
- What is “Total Compensation?”
 - Why is this important?
 - Do you share this with employees?

Total Reward Elements

Total Rewards are the policies, programs, and practices that provide employees with something of value in return for their contributions to the business objectives and goals of the organization.



Total Compensation



Why conduct a labor market study?

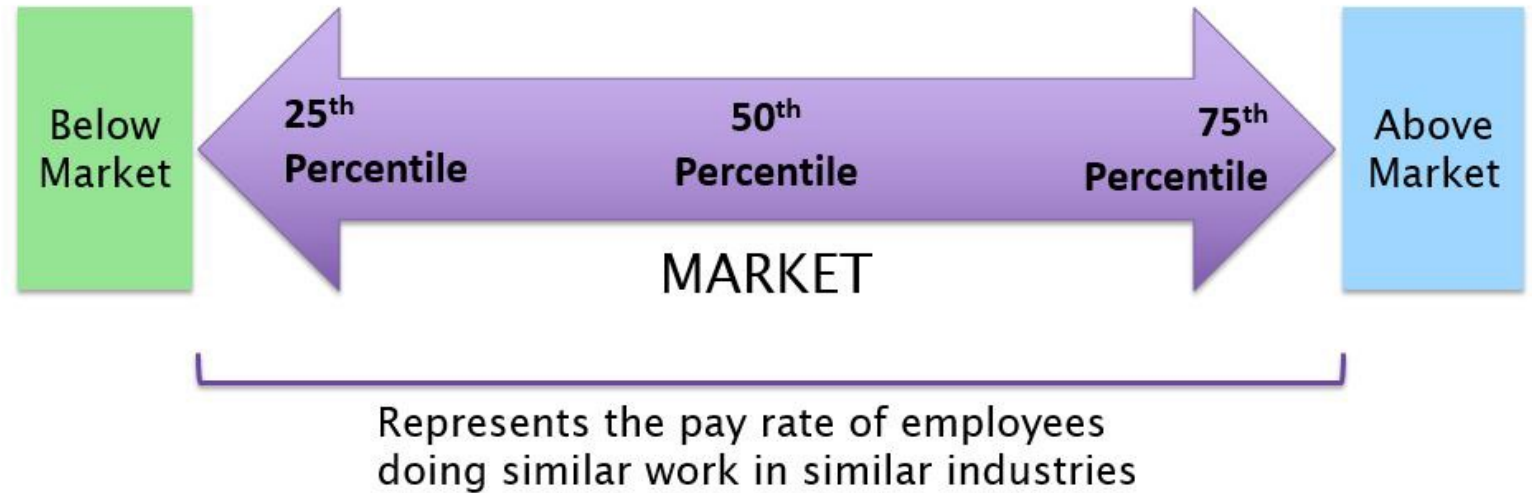
1. Internal Equity.
 - Appeals mechanism for employees.
 2. External Equity.
 - Attract, retain, and motivate the best.
- What about position descriptions?
 - How frequently should one review their compensation structure?
 - Full scale review vs. benchmarking?
 - Types of pay systems:
 - Job Evaluation / Compensable Factors.
 - Multiple tracks?
 - Knowledge Based Pay.



Steps to conduct a labor market study

- 1) Identify your pay policy (lead, match, lag).
- 2) What / how many labor sources will you use?
 - Sources: similar organizations, other employers, published salary survey data.
 - Potential data sources: WorldatWork, SHRM, State of Michigan, BLS, etc...
- 3) Are your position descriptions up to date?
- 4) Match positions with data sources.
- 5) Benefits offset?
- 6) Compa-ratios and weighting to determine the competitive labor market rate.
 - Performance / longevity considerations?
- 7) Salary ranges vs. steps.
- 8) When to recommend changes in pay.

Determining Salary Range Minimums and Maximums



Example:

Midpoint = \$50,000 and spread = 20%.

Minimum: $50,000 / 1.1 = \$45,455$.

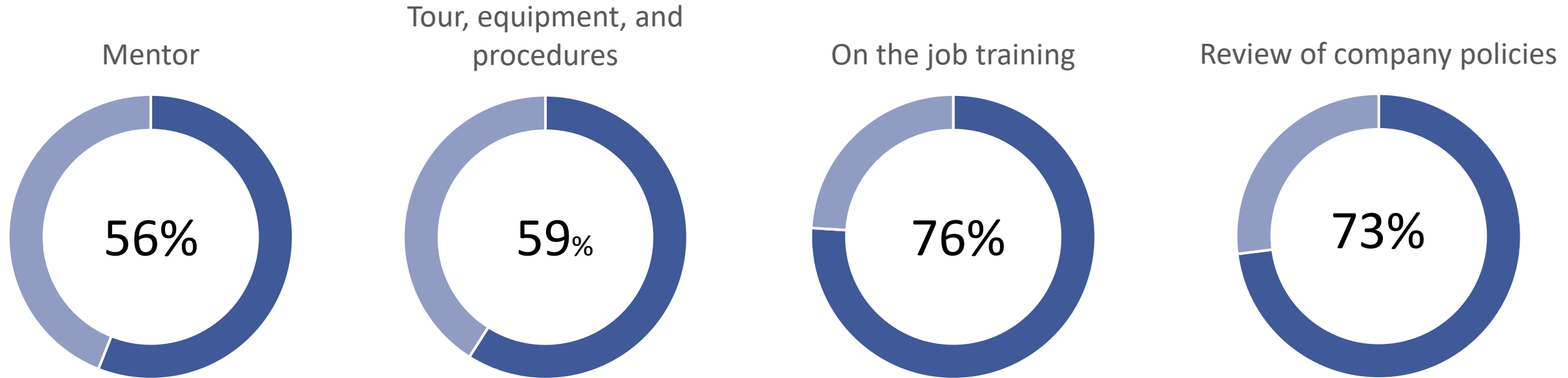
Maximum: $\$45,455 * 1.2 = \$54,545$.

Range = \$45,455 – 54,545.



Onboarding

What do new hires want their first week on the job?



New hires want to learn how to do their job within their first week in order to start doing meaningful work and contribute as quickly as possible.

What is Onboarding?

- Provide employees the knowledge and tools necessary to succeed in new position.
- The bridge between the hiring process and productivity.
- Pre-employment through the end of the first year.
- Manager to take charge of the onboarding process.
- Employees are deciding if they like the company, culture, and position.

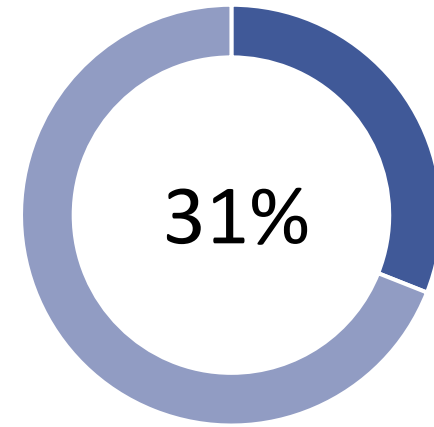


Importance

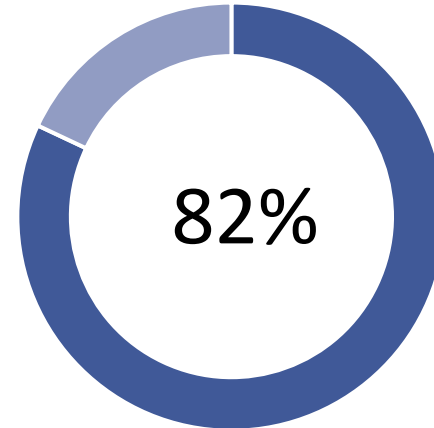
- Onboarding is crucial to ensure high retention.
- Successful onboarding programs can lead to:
 - higher job satisfaction
 - increased employee participation and performance
 - lower turnover rates within an organization

Did you know?

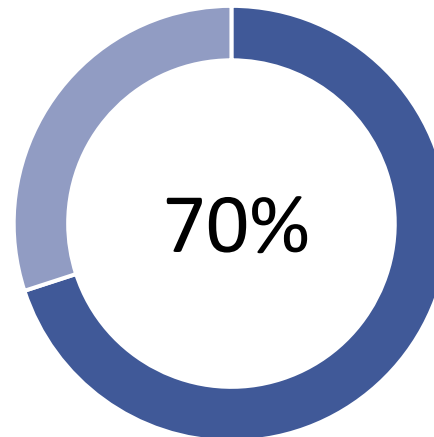
31% of people have quit a job within the first 6 months.



Companies with a strong onboarding process improve new hire retention by 82%.



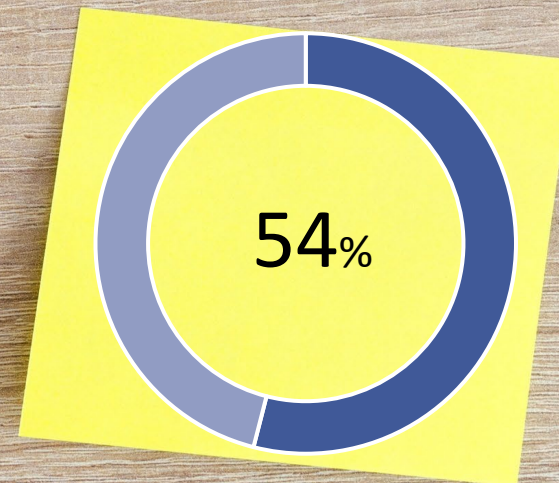
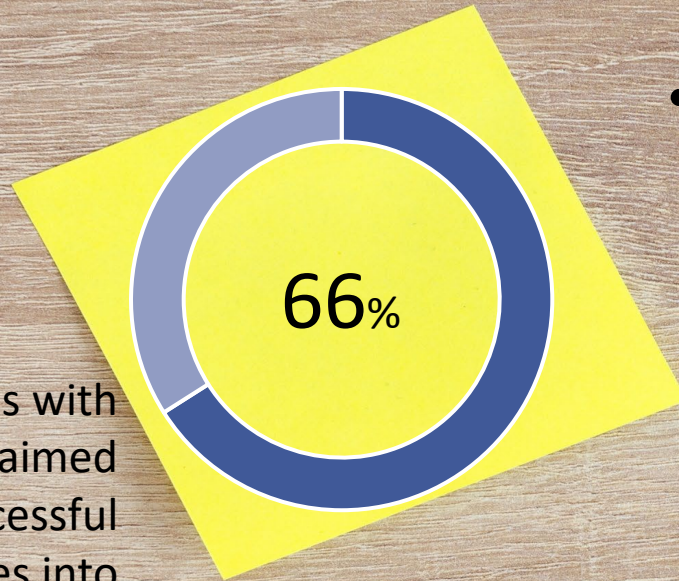
Companies with a strong onboarding process improve new hire productivity by over 70%.



Goals of Onboarding

- Teach new hires about the mission, vision, values and culture of the organization.
- Proper onboarding ensures that new employees fully understand their roles and how they relate to the organization's operations.

66% of companies with onboarding programs claimed a higher rate of successful assimilation of new hires into company culture.

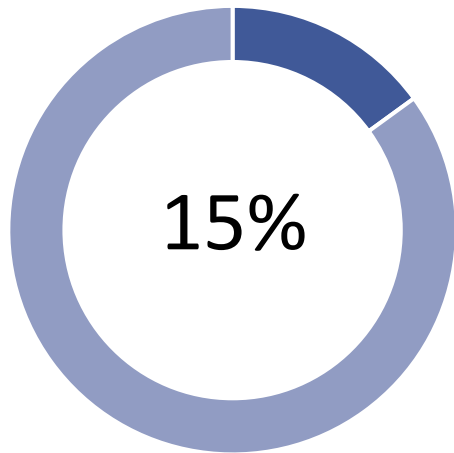


54% of companies with onboarding programs reported higher employee engagement.

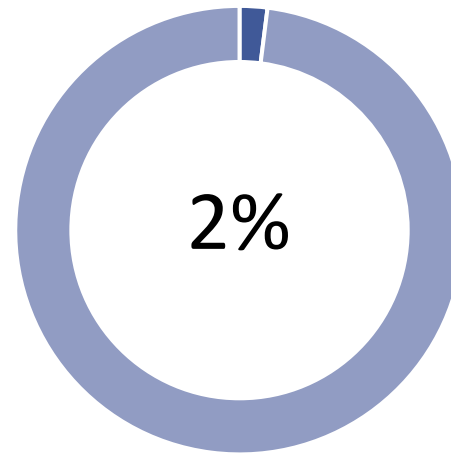
Engagement

- Three critical drivers of employee engagement: onboarding, talent development, and talent retention.

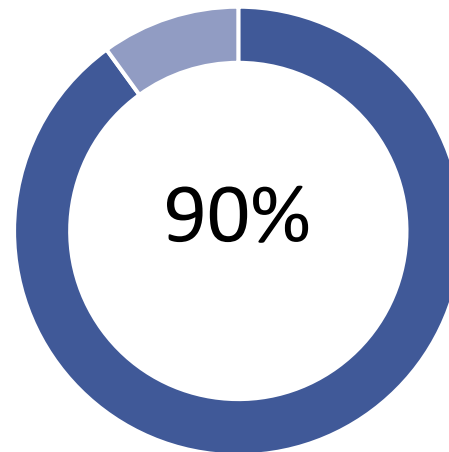
Did you know?



Only 15% of employers continue onboarding programs after the first month.



Only 2% of employers continue onboarding programs after the first 6 months.



90% of employees decide if their new job is the right fit for them within the first 6 months.

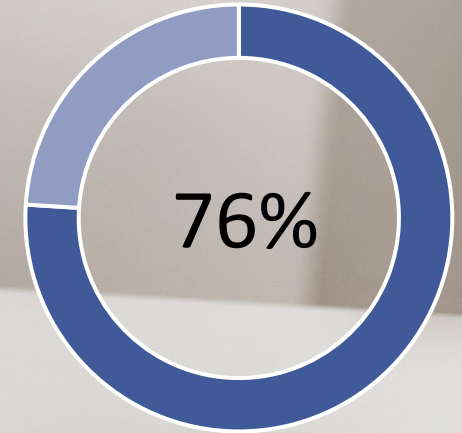


Culture

- Honesty during the hiring process about company culture, type of work, management style, and responsibilities.
- Direct communication
 - Set up weekly check-in's and answer any questions that may arise.
- Create an emotional connection between the new hire and the organization.

Training

- Develop clear guidelines and training plans.
 - Extend onboarding programs longer than an employee's first week.
- Review organized, relevant, and well-timed content.
 - Content is only valuable if new employees know how to apply it.
- Review onboarding progress periodically.
 - First week, 30, 60, 90 days, 1 year

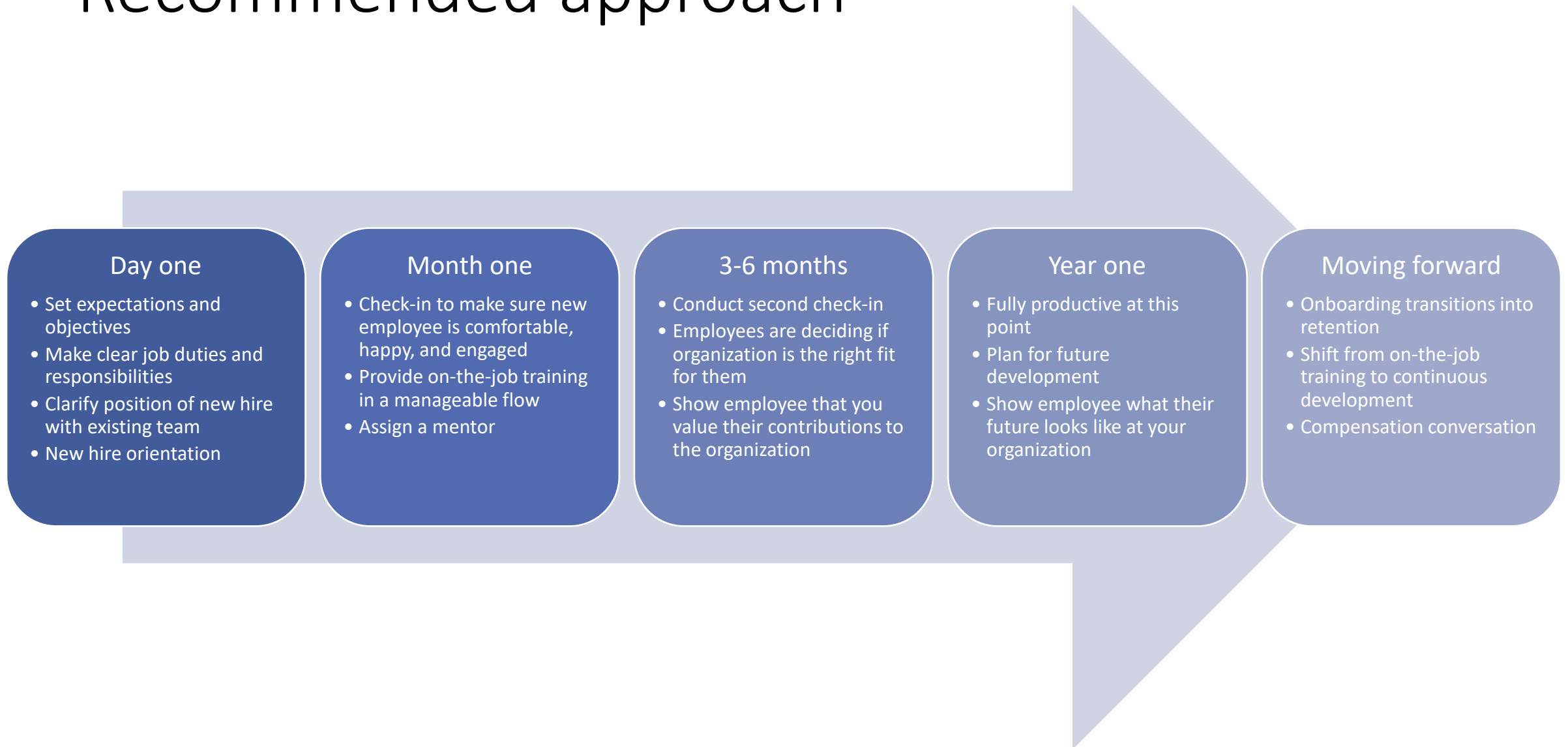


76% of new hires agree that on-the-job training is the most important thing a new employee needs to get up to speed and begin contributing quickly.

Mentorship

- Management and mentors need to provide early feedback and clear expectations.
- New employees seek belonging and collaboration with other employees.
- Help employees make personal connections with co-workers.

Recommended approach



The background of the slide is a photograph of a business meeting. In the foreground, a man with a beard and glasses, wearing a dark blue suit and a patterned tie, is looking at a tablet held by a woman in a light-colored blazer. They are both smiling. In the background, another man in a suit is standing near a green chalkboard, holding a document. The setting is a bright office with large windows.

Succession Planning

A photograph of a man with dark hair and a beard, wearing a dark shirt, resting his head on the keyboard of a laptop. The scene is dimly lit, suggesting a late evening or night. The laptop screen is visible on the left side of the frame.

Why is This Such a “Hot Topic?”

- Difficult topic to discuss.
- Lack of internal employee development.
 - Managers feel employees are not ready.
 - Employees feel they don't have promotional opportunities.
- Increased Turnover
 - Retirements
 - Burnout
 - Pursue new career opportunities
 - Work-from-Home
 - More money

Current Trends

- Shifting demographics
 - Mobile society = higher turnover
- Increasingly specialized positions
 - Position specific knowledge
- Talent shortages
 - Lack of qualified candidates
 - Competition with other organizations
- Economic instability
 - Limited resources/downsizing
- Reduced employee loyalty
 - “Job hopping” no longer a stigma



Examine and Evaluate Potential

- The future may not be like the present or the past.
 - What trends could impact the organization?
 - What are the organization's strategic objectives and future incumbent requirements?
 - Analyze external sources for talent





Steps Involved in Succession Planning

1. Identifying legal and diversity issues to consider.
2. Establishing present and future leadership roles and objectives.
3. Selecting key employees.
4. Evaluating the strengths, weaknesses and readiness for succession in key employees.





Steps Involved in Succession Planning (cont.)

5. Planning for the individual development of and ways to retain key employees.
6. Identifying emergency positions without successors.
7. Planning for positions that cannot be filled internally.

A diverse group of smiling people of various ages and ethnicities, including a woman in a wheelchair, standing together. The image is overlaid with a semi-transparent dark grey filter.

Step 1: Identify Legal and Diversity Issues

- When positioning employees for succession, avoid “like-me” approaches.
- Top-performing organizations rely on diverse workforces and leadership.
- Discrimination laws require inclusion of all qualified employees regardless of race or gender.

Step 2: Establishing Present and Future Leadership Roles and Objectives

- Ask questions to assess what tomorrow's school district and roles may look like:
 - How will the state of schools and the economy today affect the business operations of the next one to five years?
 - Which operations are critical to the future of the district?
 - Will workload change?
 - Will staffing levels change?
 - What skills and abilities will be needed?





Step 3: Selecting Key Employees

- The incumbents in key positions identify employees available for succession into their positions.
- Develop a profile of candidates: a history of performance reviews and accomplishments, including years of relevant experience, education and credentials.
- Cross-departmental leadership/key decision-makers must be involved throughout the planning process to represent their selections and discuss concerns with one another.
- Temporarily or permanently close identifiable gaps in the event of an emergency replacement of a candidate in another department.



Step 3: Selecting Key Employees (cont.)

- Selection is based on available candidates. Some available candidates will be ready, whereas some will not meet the demands of critical positions. In some cases, no identifiable candidate will be available for succession.

Step 4: Evaluating the strengths, weaknesses and readiness for succession in key employees.

- Once you identify candidates for succession and the skills required for current and future succession, you can use assessment tools to determine skill deficiencies that may presently exist.
- Approaches include:
 - 360-degree surveys.
 - Leadership evaluations by an independent third-party consultant.
 - Existing performance review information and feedback from management.



Step 5: Planning for the Individual Development and Retention of Key Employees

- Create action plans for developing strengths and reducing weaknesses.
- Common action plans include:
 - Leadership development programs and skill-specific educational programs, such as finance for nonfinancial managers.
 - Internal mentoring program.





Develop a Plan to Train and Mentor Employees

- What gaps were uncovered when analyzing the work and people needed for the future and evaluating potential?
- Determine current supply and anticipated demand.
- Internal employees should be provided with an Individual Development Plan (IDP) to narrow gaps between what the individual does now and what they must do in the future to function at a higher level of responsibility.

Step 6: Identifying Emergency Positions without Successors

- Emergency positions are those in which no successor is available or no successor with developmental potential exists.
- When a succession plan has a vacancy, the organizational operations may be at risk in the event of a departure.



A hand is shown holding a wooden block with the letter 'P' above a stack of three wooden blocks with the letters 'L', 'A', and 'N' from top to bottom. The background is a light blue gradient.

P

L

A

N

Step 7: Planning for Positions That Cannot Be Filled Internally

- If no successor exists, the district will need to consider external recruitment strategies and develop a recruitment plan, and in the interim, consider cross-departmental succession opportunities.
- This situation can be beneficial in that it allows the employer to bring fresh and diverse talent into the district.



Keeping the Plan Current

- How will the plan be kept current?
- Develop a recurring time frame, whether semiannually or annually.
- Determine the effectiveness of the existing plan.
- Determine whether the current plan still meets the organizational objectives.
- Determine whether the candidates have changed, and make necessary adjustments in the plan.
- Assess and develop new candidates.

EMPLOYMENT LAW



Benefits

Skill

Promotion

Career



MAJOR LAWS AND REGULATIONS



Safety



COMPENSATION

WORKING HOURS

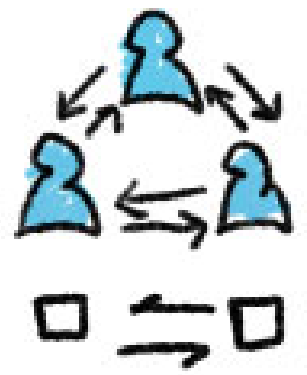
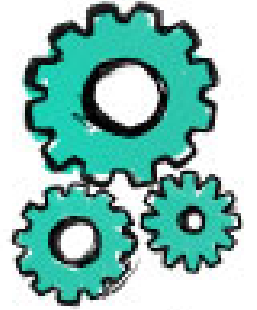


Travel

Bonus



AGREEMENT



Types of Employment Relationships

Employee: someone hired by another person or business for a wage or fixed payment in exchange for personal services, and who does not provide the services as part of an independent business; employment contract can be *explicit* or *implicit*.

Independent contractor: performs services wherein the employer controls or directs only the *result* of the work.

Contingent workers: any job in which an individual does not have a contract for long-term employment:

- Temporary workers
- Leased workers
- Part-time and seasonal workers
- Unionized workers (e.g., hiring electricians for a project from a union hall)
- Outsourced work

Employment at Will

Definition: either party can terminate the employment relationship at any time, for just cause, no cause, or any cause that is not illegal, with no liability as long as there is no contract for a definite term of employment.

Following formal discipline and termination procedures whenever possible is still advised to help avoid discrimination and wrongful termination claims.

Best used as a legal defense to keep the organization from being forced to follow its own policies inflexibly.

Federal or state discrimination protection supersedes employment at will.

Just Cause Employer

As a policy, will not terminate employee without certain circumstances or “causes”.

The causes and process involved in disciplinary actions are generally specified adopted by employer formally.

Labor Unions

Legally representing workers, organizing employees and negotiating the terms and conditions of union members' employment.

The conditions of employment are contained in a contract called a collective bargaining agreement or a collective employment agreement.

TABLE 3-2 • Summary of Federal Laws Relevant to Staffing

Law or Executive Order	Who Is Covered	General Provisions	Further Information
Title VII of the Civil Rights Act of 1964	Private employers with at least 15 employees; labor unions; employment agencies; educational institutions; local, state, and federal governments	Prohibits discrimination based on race, color, religion, sex (both women and men), or national origin	http://www.eeoc.gov/policy/ http://www.eeoc.gov/facts/qanda.html http://www.dol.gov/oasam/regs/statutes/2000e-16.htm http://www.eeoc.gov/eeoc/history/35th/1990s/civilrights.html
The Civil Rights Act of 1991	Private employers with at least 15 employees; labor unions; employment agencies; educational institutions; local, state, and federal governments	Amended the Civil Rights Act of 1964 to provide the right to a jury trial for discrimination claims and provides monetary damages in cases of intentional employment discrimination. It introduced the possibility of emotional distress and punitive damages and limited the amount of jury awards.	https://www.eeoc.gov/eeoc/history/35th/1990s/civilrights.html https://www.eeoc.gov/laws/statutes/cra-1991.cfm
Executive Order 11246 of 1965 and Executive Order 11375 of 1967	Federal contractors with contracts exceeding \$10,000	Prohibits discrimination and establishes affirmative action to promote diversity in race, color, religion, sex, or national origin	https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm https://www.dol.gov/ofccp/regs/statutes/eo11246.htm

Pregnancy Discrimination Act of 1978	Private employers with at least 15 employees; labor unions; employment agencies; educational institutions; local, state, and federal governments	Pregnancy, childbirth, or related medical conditions. (Defines pregnancy as a temporary disability that requires accommodation). Pregnancy, childbirth, and related medical conditions must be treated the same way as other temporary illnesses or conditions are treated. ³¹	www.eeoc.gov/facts/fs-preg.html
Americans with Disabilities Act (ADA) of 1990	Private employers with at least 15 employees; local, state, and federal governments	Qualified individual with or perceived as having a disability	http://www.eeoc.gov/policy/ https://www.ada.gov/ http://www.eeoc.gov/laws/types/disability.cfm
ADA Amendments Act (ADAAA) of 2008	Private employers with at least 15 employees; local, state, and federal governments	Instructs courts and employers to adopt a broad standard when determining whether an individual is considered disabled.	http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm
Title II of the Genetic Information Nondiscrimination Act of 2008	Private employers with at least 15 employees; labor unions; employment agencies; educational institutions; local, state, and federal governments	Prohibits discrimination on the basis genetic information.	https://www.federalregister.gov/articles/2010/11/09/2010-28011/regulations-under-the-genetic-information-nondiscrimination-act-of-2008

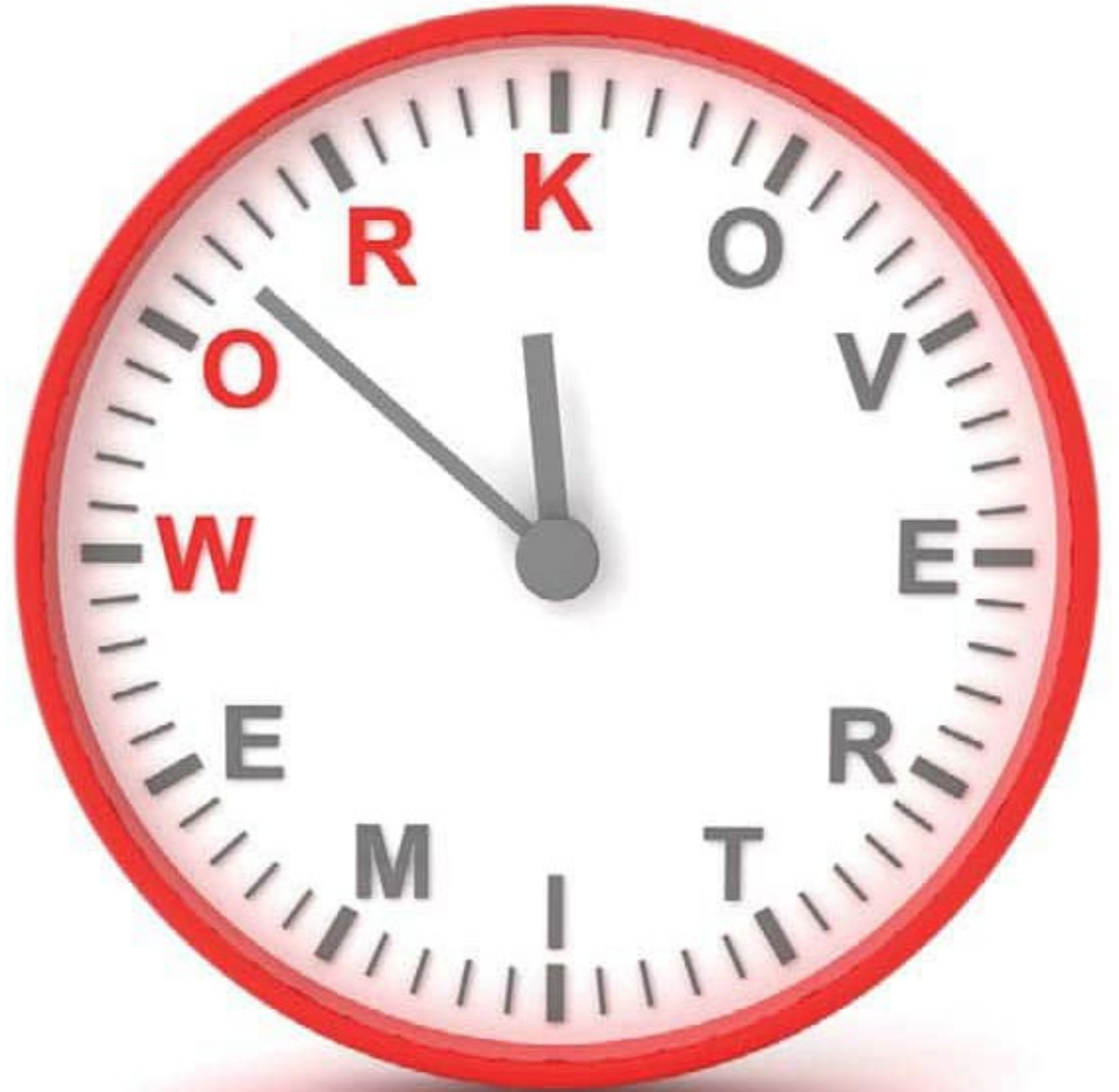
TABLE 3-2 • Summary of Federal Laws Relevant to Staffing

Law or Executive Order	Who Is Covered	General Provisions	Further Information
Rehabilitation Act of 1973	Federal contractors with contracts exceeding \$2,500 must engage in affirmative action.	Individuals with a disability.	http://www.eeoc.gov/laws/types/disability.cfm
Age Discrimination in Employment Act of 1967	Private employers with at least 20 employees.	Protects people 40 years of age or older.	www.eeoc.gov/policy/adea.html http://www.eeoc.gov/laws/types/age.cfm
Immigration Reform and Control Act (IRCA) of 1986	Employers with at least four employees must verify the employment eligibility of everyone hired.	Citizens, U.S. nationals, and aliens authorized to work in the United States are eligible for employment.	https://www.eeoc.gov/eeoc/history/35th/thelaw/irca.html
Worker Adjustment and Retraining Notification Act (WARN) of 1988	Employers with at least 100 employees not including employees who have worked less than 6 months in the last 12 months and not including employees who work less than 20 hours per week.	Must provide 60 days advance notice of covered plant closings and covered mass layoffs of 50 or more people (excluding part-time workers).	www.doleta.gov/layoff/warn.cfm

TABLE 3-2 • Summary of Federal Laws Relevant to Staffing

Law or Executive Order	Who Is Covered	General Provisions	Further Information
The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994	All members of the uniformed services (including noncareer National Guard and Reserve members, as well as active duty personnel)	Ensures that members of the uniformed services are entitled to return to their civilian employment after their service.	www.dol.gov/elaws/userra.htm
Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) (Amended in 2002 by the Jobs for Veterans Act)	Any contractor or subcontractor with a contract of \$25,000 or more with the federal government	Prohibits discrimination against and requires affirmative action for disabled veterans as well as other categories of veterans.	https://www.dol.gov/ofccp/regs/compliance/vevraa.htm
Fair Credit Reporting Act of 1970 (reformed by the Consumer Credit Reporting Reform Act (CCRRA) of 1996)	Employers who conduct credit checks for employment purposes (e.g., if an employee handles money, which may require being bonded)	Employers must disclose in advance the company's intention to obtain a credit report and obtain written permission from the applicant or employee. The applicant or employee must receive a copy of the report and a written description of their rights under this Act before action is taken based on the report.	https://www.congress.gov/bill/104th-congress/house-bill/561 https://library.nclc.org/fcr/010406-0

FLSA Fair Labor Standards Act



FLSA

Created in 1938 to establish regulations for:

- Minimum Wage
 - As of 2018, minimum wage = \$9.25, 2019 = \$9.45, 2020 = \$9.65
- Number of hours which may be worked in a standard workweek.
 - 40 (See Department of Labor Fact Sheet #22 for what constitutes “Hours Worked”)
- Equal Pay
 - Prohibits gender based discrimination.
- Overtime Pay
 - Requires employers to pay at least time and a half to covered nonexempt employees who work in excess of 40 hours per week.
- Record Keeping
 - Every employer must keep certain records for each nonexempt worker.
- Child Labor
 - Minimum age requirement for youth to be employed outside of school hours (nonagricultural = 16, agricultural = 14).



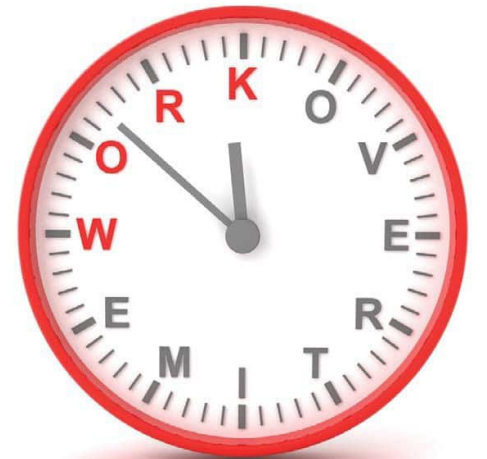
Exempt vs. Nonexempt Summary

Exempt:

1. Do not need to track time.
2. Do not get paid for overtime.
3. Regularly supervisor and have management responsibilities (i.e. hiring / firing authority and delegation of assignments).
4. Often exercise independent judgment with regards to matters of significance.
5. Are paid a salary.

Nonexempt:

1. Must track time.
2. Do get paid overtime.
3. Does not supervise or have management responsibilities.
4. Do not exercise independent judgement regarding tasks that have a substantial impact on the business.
5. Are typically paid hourly.



The Three Exemption Tests

Salary Level / Basis:

Is the employee compensated on a salary basis at a rate greater than \$684 per week (\$35,568 annually) ?

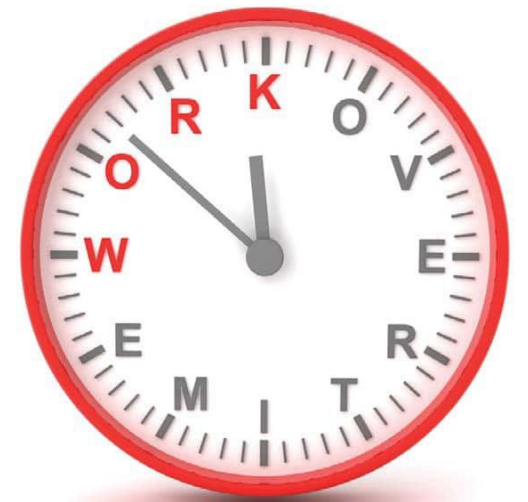
Job Duties:

Is the employee's primary duty the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customer?

Discretion and Independent Judgement:

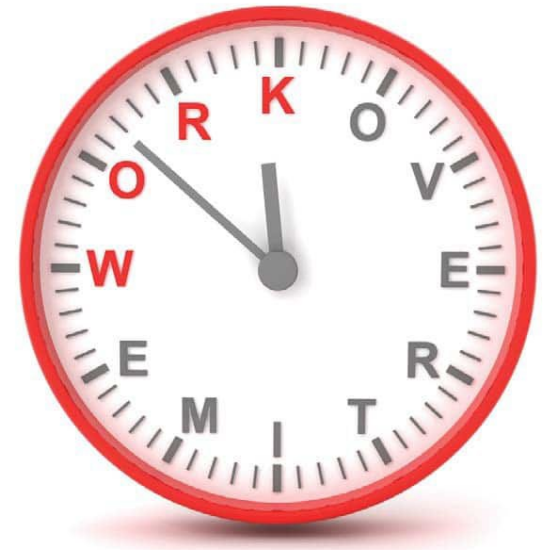
Does the employee's primary duty include the exercise of discretion and independent judgement with respect to matters of significance?

Each position must pass all three tests in order to be considered exempt.



Sample of Common Exemption Categories

1. Executive
2. Administrative
3. Professional
4. Computer/Technology
5. Outside Salespersons
6. Highly Compensated Employees



	Current Regulations
Salary Level / Basis	\$35,568 (annually), \$684 (weekly), \$17.00 (hourly)
Highly Compensated Employees Total Annual Compensation Level	\$107,432
Automatic Adjusting	Every 3 years
Bonuses	Up to 10% of standard salary level can come from non-discretionary bonuses, incentive payments, and commissions, paid quarterly.
Job Duties Test	Is the employee's primary duty the performance of office work related to the general business operations of the employer or the employer's customer?
Discretion and Independent Judgement Test	Does the employee's primary duty include the exercise of discretion and independent judgment with respect to matters of significance?

EEOC

Equal Employment Opportunity Commission

- What does this mean?
 - Laws prohibiting workplace discrimination.
 - Investigates complains based on race, color, national origin, religion, sex, age, disability, etc...
 - Stems from the National Civil Rights Acts of 1964.
 - In Michigan, it is the Elliot Larson Civil Rights Act.
- What is the purpose?
 - Prevent discrimination in hiring decisions.
 - Prohibits harassment based on the protected classes mentioned above.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Enforces the following federal statutes:

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Pregnancy Discrimination Act of 1978
- Title I and V of The Americans with Disabilities Act (ADA) of 1990
- Sections 501 and 503 of the Rehabilitation Act of 1973
- Sections 102 and 103 of The Civil Rights Act of 1991
- The Equal Pay Act of 1963
- The Genetic Information Nondiscrimination Act of 2008 (GINA)

The EEOC receives over 90,000 charges each year. Even companies with large, sophisticated staffing functions are vulnerable.

The EEOC encourages and facilitates voluntary compliance through tailored programs to meet the needs of employers and through programs to educate the public on EEO laws.



HARASSMENT

Sexual Harassment Title VII, Civil Rights Act of 1964 (Elliot Larson Civil Rights Act)

Definition

- Prohibits harassment based on the protected classes mentioned previously.
- Harassment or assault?
- Quid pro quo versus hostile work environment.
- Preventive Measures
 - Anti-Harassment Policy.
 - Address issues immediately and thoroughly.
 - Communicate actions and results.
 - Maintain confidentiality when possible.



ERISA

Employee Retirement Income Security Act

- What does this mean?
- What is the purpose?
 - Establishes a minimum standard for pension plans in private industry.
 - Provides rules on the federal income tax effects of transactions associated with employee benefit plans.
 - Enacted to protect the interests of employee benefit plan participants.
 - Requires disclosure of financial and other plan information to beneficiaries.
 - Establishes standards of conducts for plan fiduciaries.
 - Provides remedies and access to federal courts.



FMLA FAMILY MEDICAL LEAVE ACT

Circumstances

Medical certifications

FMLA

- Federal statute that applies to employers with 50 or more employees.
- Provides healthcare coverage for 12 weeks in a year when the employee is off work for a qualifying event.
- Unpaid.
- Must have worked 1,250 hours in previous 12 months.
- May be taken intermittently.
- May use calendar, fiscal or rolling year.
- Employer has the right to run FMLA leave concurrent with sick leave, but not with workers comp.



FMLA QUALIFIERS

Incapacitation due to pregnancy, prenatal medical care or child birth.

To care for a child after birth, placement for adoption or foster care.

- Does not require a biological or legal relationship (2010 Wage and Hour Division clarification).

To care for the employee's spouse, son, daughter, or parent who has a serious health condition.

For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave.

Americans with Disabilities Act (ADA)

- Employee or employer may initiate (usually starts with a request for an accommodation from employee).
- Employer asks for medical certification of the disability.
- Investigate the concern using an Independent Medical Exam (IME).
- Employer determines what is a “reasonable accommodation”.
- If the condition cannot be reasonably accommodated, result may be leave or disabled permanently—which may result in a lawsuit filed by employee.



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Personnel Files – What Should Be Included

- Individual Personnel File
 - Application / resume
 - Current position description
 - Employment contract
 - Emergency contact information
 - Certificates related to the position
 - Handbook acknowledgement forms
 - Direct deposit authorization



Personnel

Personnel Files – What Should Be Included

- Individual Personnel File
 - Benefits enrollment forms
 - Personnel change forms
 - Commendations / disciplinary notices
 - Performance evaluations
 - Notices of termination, layoff or leave of absence
 - Records of property listed to the employee
 - Training history
 - Compensation records
 - Attendance records (if applicable)




Personnel

Confidential – Limited Access File

- Medical records
- Investigation records
- EEO / invitation to self-identify a disability or veteran status
- Interview notes
- Employment test results
- Reference check notes
- Background check information
- Drug test results
- Child support / garnishment information
- Workers' compensation claims
- Request for employment / payroll verification

A photograph of a file folder with a label that reads "Personnel". The folder is made of brown cardboard and has a white label with the word "Personnel" printed in a black, serif font. The folder is part of a larger set of folders, with others visible in the background, some labeled "Clients". The background is slightly blurred, focusing attention on the "Personnel" folder.

Personnel



Personnel

Can The Employee Inspect This File?

- Bullard-Plawecki Employee Right To Know Act .
- In Michigan:
 - Employers with 4 or more employees.
 - Upon written request, employers must allow employees to view their personnel records. Employers are allowed to charge employees a reasonable copying fee. "Personnel record" means a record kept by the employer that identifies the employee, and that is used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action.
- Employee's right to insert rebuttal
 - If employee disagrees with any information in personnel record and cannot reach an agreement with employer to remove or correct it, employee may submit a written statement explaining his or her position.



Public Access to File

Representatives of government or law enforcement agencies, during their business, may be allowed access to file information. This decision will be made at the discretion of the Human Resource Department in response to the request, a legal subpoena, or court order.



Workplace Safety

- Before a claim occurs:
 - Train supervisors and employees.
 - Praise / celebrate safety.
 - Ask MiOsha or a safety consultant to do a practice audit or conduct a training.
 - Listen for issues.
 - Talk to your employees.
 - Add a mandate to report a workplace injury in your Handbook.



Diversity, Equity, Inclusion & Belonging

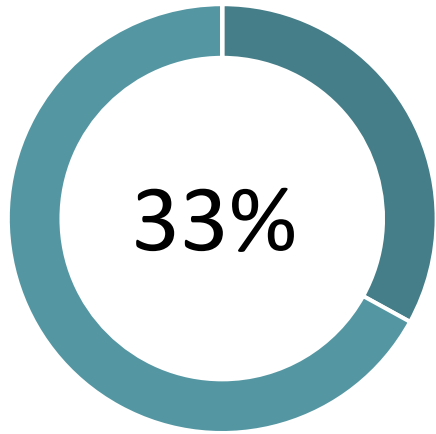


Introduction

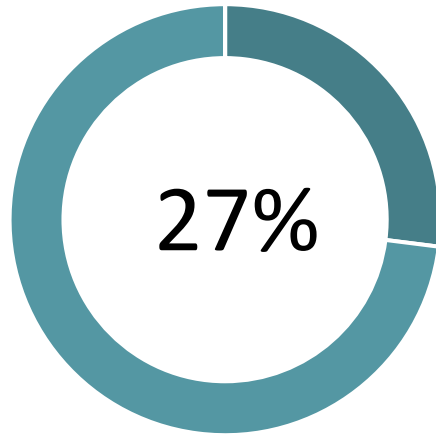
- DE&I is a priority to which CEOs are committed, but organizations are struggling to make real progress.
- DE&I has never been more of a priority in the workplace than it is today.
- The most successful DE&I initiatives are sustainable.
 - Strategy is supported by the entire organization, is measurable over time, and is embedded into existing processes.

Details

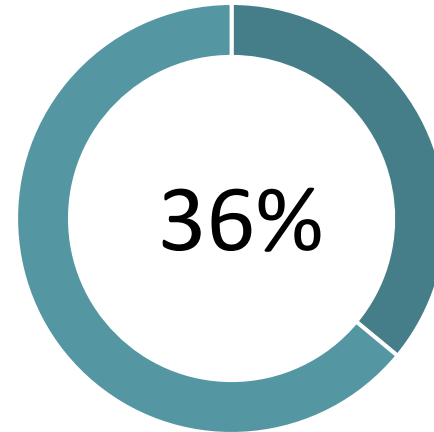
- DE&I was reported as the top talent management priority for CEOs, but are struggling to determine how to promote DE&I.



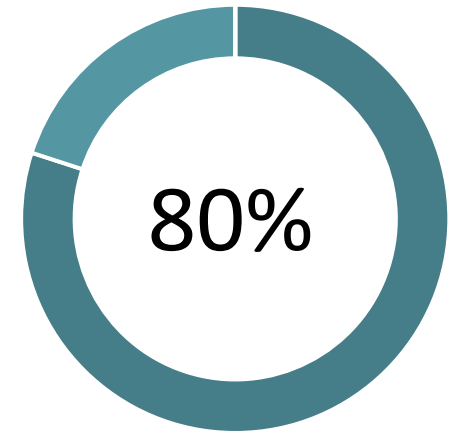
33% of employees agree that they have the ability to influence inclusion at their organization.



27% of employees feel that their organization informs them of opportunities to promote inclusion in their day-to-day work.



36% of organizations report that their organization has been effective at building a diverse workforce.



80% of organizations rate themselves as ineffective at developing a diverse and inclusive leadership bench.

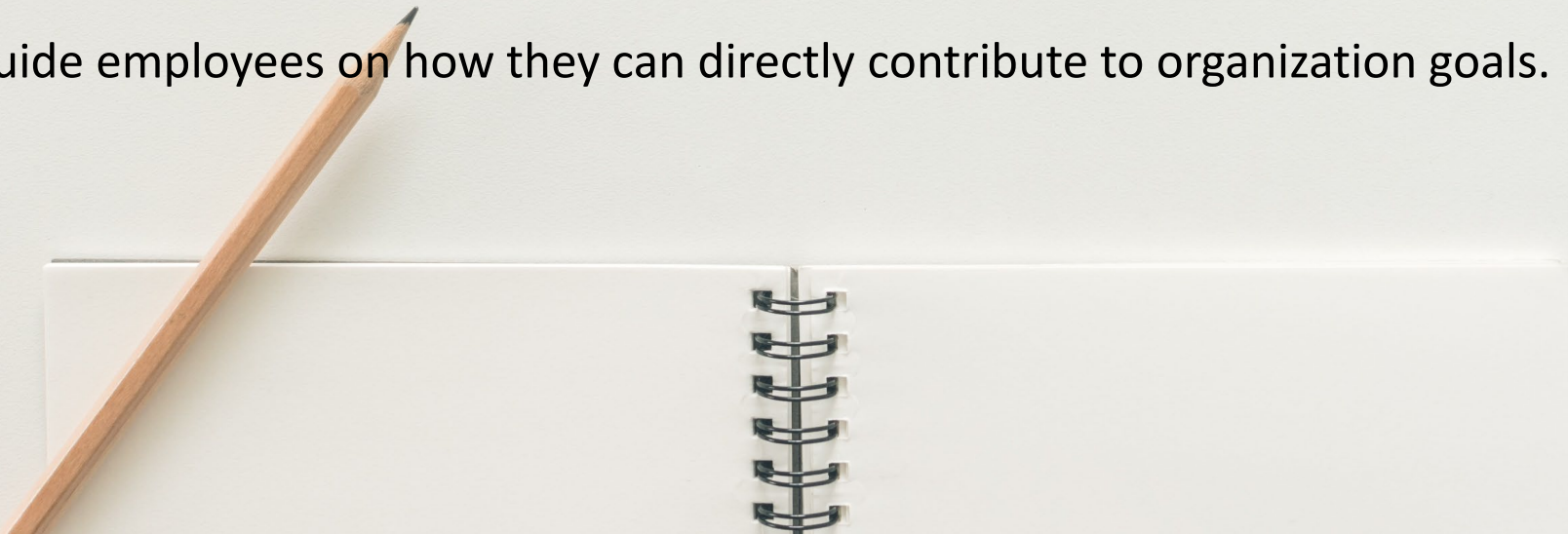


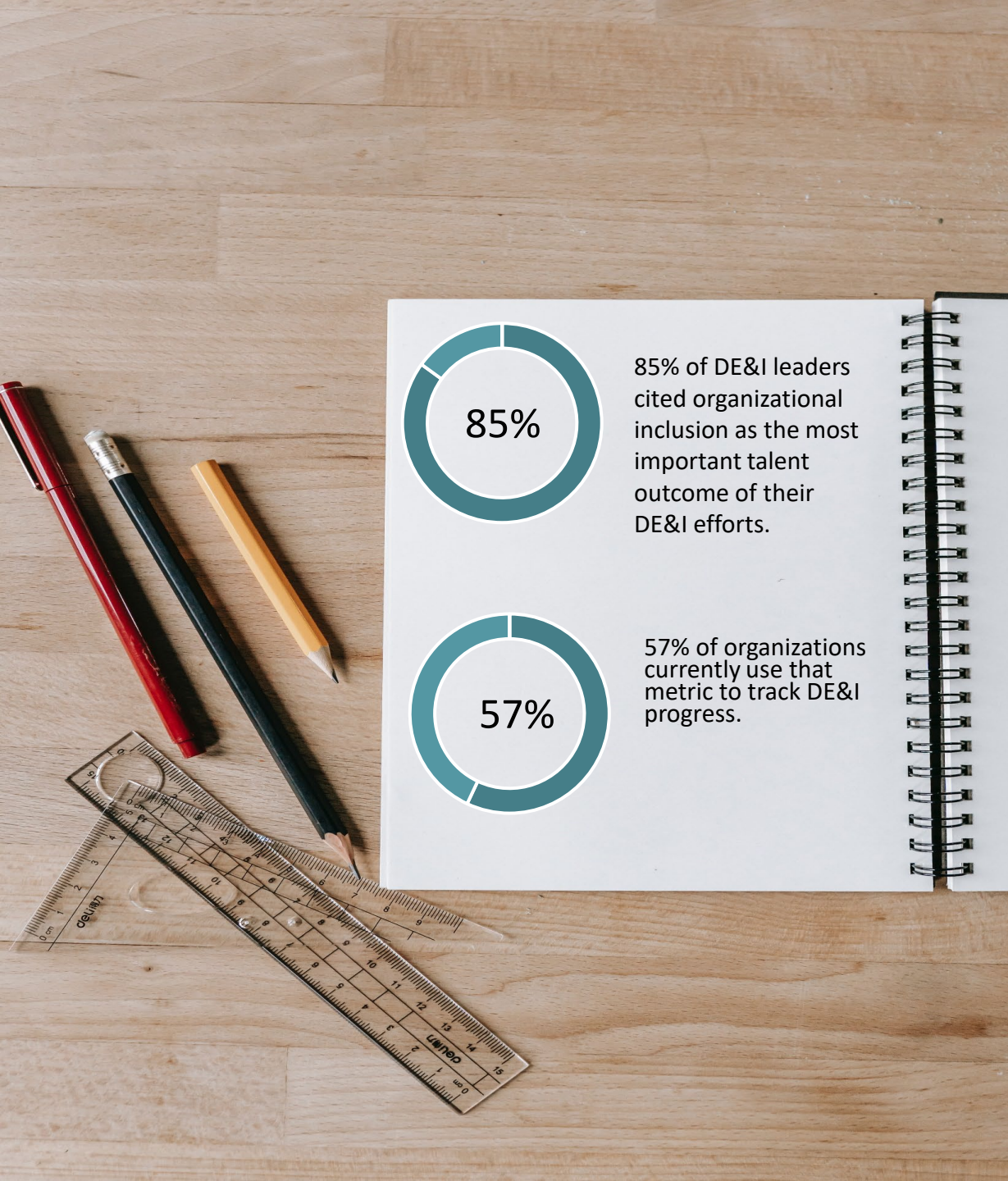
Sustainable Initiatives

- Organizations that are able to enact sustainable D&I strategies can achieve meaningful results including:
 - 20% increase in organizational inclusion,
 - 6.2% increase in on-the-job effort,
 - 5% increase in employees' intent to stay with the organization,
 - 3% increase in individual employee performance.

Step 1 – Focus on Employees

- Take an employee-centric approach.
 - Concentrate on what is relevant to unique employee base and promote employee ownership.
- Determine specific organizational and employee challenges to enable HR and DE&I leaders to design a relevant strategy.
- Communicate through clear messaging that promotes organization wide ownership of DE&I goals.
 - Guide employees on how they can directly contribute to organization goals.





Step 2 –Track Progress

- Organizations can measure their ability to foster an inclusive work environment by testing their initiatives along seven key dimensions including:
 - fair treatment, decision making, trust and diversity, and more.
- Tailor approach to ensure they are developing and implementing the strategies that will have the most impact.



- 65% of DE&I leaders are primarily using people to champion DE&I efforts
- 67% of DE&I leaders believe that leveraging processes is more effective at achieving DE&I goals.

Step 3 – Embed Into Existing Processes

- Talent management processes are the most susceptible to bias, and should be the starting point for embedding DE&I.
 - i.e. succession planning, recruiting, performance management.
- Look at other key business functions and their processes for opportunities.
 - i.e. finance, accounting, operations.
- Sustainable strategies enable organizations to make real progress.
 - Necessary to create the diverse workforces needed to collaborate, innovate, and grow.

Harassment

- Harassment is defined as a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990.
- Age, disability, race, religion, sex, veteran status, sexual orientation and gender identity, national origin, genetic information and sexual orientation (gender, identity, or expression), pregnancy (current pregnancy, past pregnancy, potential pregnancy, medical condition related to pregnancy or childbirth including breastfeeding/lactation, having or choosing not to have an abortion, and contraception).

Michigan Codifies LGBTQ Protection into State Civil Rights Law

- On March 16, 2023, Governor Gretchen Whitmer signed into law a bill amending Michigan's Elliott-Larsen Civil Rights Act (ELCRA) to expressly prohibit discrimination based on "sexual orientation" and "gender identity or expression".
- Senate Bill 4 defines "sexual orientation" as "having an orientation for heterosexuality, homosexuality, or bisexuality or having a history of such an orientation or being identified with such an orientation", and defines "gender identity or expression" as "having or being perceived as having a gender-related self-identity or expression whether or not associated with an individual's assigned sex at birth".
- The bill takes effect being June 19, 2023.



Thank you for your participation!

THANK YOU!

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