



Heights Chamber of Commerce Breakfast (February 11, 2016)

Top 10 HR Mistakes to Avoid in 2016

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#10: Failing to Give FMLA Notices

- If your company is covered by FMLA, you must post notices and comply with the law
- You do not need to provide FMLA benefits to new employees, but should have an alternative policy
- Give notice under FMLA for any illness, even if covered by Workers' Comp, as soon as you realize the employee will be out for more than a few days
- Be consistent

#9: Mis-classifying employees as contractors

- Feds and TWC watching for employees mis-classified as contractors
- This is an especially bad time to do this

#8: With the 2008 slump, many employers dropped or reduced training

- EEOC still expects that regular EEO training will be done
- At a minimum, managers should be trained annually
- Safety training at least monthly is highly recommended
- Be sure to document all training
- Pay for training time may be required for non-exempts

#7: Non-competition issue not resolved

- This is still a tough area to enforce
- Confidentiality is an easier path
- Post-employment restrictions are unlikely to be enforced by Texas courts

#6: Employment record-keeping not complete

- Missing Employee Handbook receipt
- Missing I-9 form and supporting documents
- Missing employee confidentiality form

#5: Watch for bullying and violent tendencies in the workplace

- Unhappy employees can lead to violence
- Hiring unstable or aggressive employees
- Counsel or terminate managers who bully
- Train managers to watch for bullying behavior of others

#4: Lunchtime hours tracking

- Hot area for FLSA enforcement today
- Be sure non-exempt employees clock in and out at least 4 times each day

#3: Not monitoring the unemployment claims of former employees/ contractors

- More contractors are trying to get unemployment
- More employees quit and then still try to claim unemployment
- Not managing unemployment claims can cost your company

#2: Insufficient or no vetting of new employees

- Every new employee is an opportunity, but also a risk
 - Run a background check for every new employee – criminal, education, licensing, and former employers
 - Routine pre-employment and pre-placement drug tests are still relevant
- *Special Note* - EEOC and Criminal Background Checks

#1: Tolerating poor performance over a long period of time

- Failing to monitor new employee performance
- Failing to provide prompt progressive discipline
- Failing to document verbal and then written warnings
- Failing to terminate employees at the right time

Bonus Tip

- If your company does any business that is funded by Federal money, watch out!
- Make sure you comply with the many contract terms that may require you to have a written AAP, contact local Vets and minority hiring agencies, and track employment and hiring closely.

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