

Vanguard University
School for Professional Studies
Degree Program

“Human Resource Management”
BUOM 476

Student Guide

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CATALOG DESCRIPTION

An exploration of the values and perceptions of selected groups affecting social and economic life through an analysis of policies and procedures relating to recruitment, selection, training, development, and compensation of employees. Special attention is given to Equal Opportunity Employment and the Office of Safety and Health Administration legislation through a series of case studies and simulations.

COURSE DESCRIPTION

The student will explore the key elements of the Human Resources Management function through the selection and interview process, equal employment, compensation, orientation, performance evaluations, corrective action programs, and various other human resource dimensions. The class will look at the Human Resource Department and its role and responsibility within a company, as well as the role of the line manager in carrying out Human Resource Management responsibilities.

OVERVIEW

The field of Human Resource Management is entering a new and exciting era. Organizations are now recognizing that effective Human Resource Management can create a competitive advantage in the marketplace. This makes the HR function part of an organization's strategic focus and creates an opportunity for the HR professional to become a strategic business partner within the organization.

To become more efficient and productive, an organization must develop its Human Resources to address changes in the economy and labor market. Effective Human Resource Management requires analysis of the overall needs of the organization, and the implementation of programs to satisfy those needs. Human Resource Management must be integrated with the organization's strategic objectives. The task ahead for HR professionals is to meet that challenge.

During this course, we will concentrate on today's role of the professional in the field of Human Resource Management. As such, we shall focus upon the primary function of Human Resource Management--increasing the effectiveness and contribution of employees in the attainment of organizational goals and objectives. Our analysis will consider strategic planning, organizational goals, job descriptions and evaluation, Human Resources selection techniques, benefits administration, labor/employee relations, grievance procedures, collective bargaining, reasons for joining a union and the ongoing role of the Human Resources function.

LEARNING OUTCOMES

1. The student will possess an understanding of the role of the Human Resource function, of its development, of its characteristic organizational structure.
2. The student will be familiar with the elements of an effective New Hire Orientation program.
3. The student will understand how the compensation programs of the organization are structured and administered.
4. The student will be familiar with the Fair Labor Standards Act (FLSA) and its impact on pay practices and job evaluation.
5. The student will be familiar with techniques for positive counseling and discipline that demonstrate a care and concern for the individual.
6. The student will possess a basic understanding of labor relations, grievance procedures, and common reasons for joining a union.
7. The student will be able to write a job description and explain the job to a potential employee using the job description as a tool.
8. The student will be capable of conducting a selection interview and hiring process that adheres to non-discriminatory guidelines.
9. The student will be able to assist their employees in formulating effective work-related goals and understand the importance of relating the performance appraisal process directly to these goals.
10. The student will understand the dynamics involved in making the proper selection decision including how to evaluate the match between the job requirements and the unique gifts and skills of the applicant.
11. The student will understand the difference between Equal Employment Opportunity (EEO) and Affirmative Action Programs (AAP) and will be aware of the laws affecting EEO.
12. The student will possess knowledge of employee benefit programs, and understand the difference between benefits mandated by law and voluntary benefits regulated by law.

TEXT

Required text:

Mondy, R. Wayne 2010. *Human Resource Management (11th ed.)*. Upper Saddle River, NJ: Prentice Hall, Inc., ISBN 0-13-607728-5.

Student Evaluation

CLASS PARTICIPATION (150 Points)

Class participation involves engaging in classroom discussions, and demonstrating a familiarity with the assigned material. Participation is evaluated according to the quality, not quantity, of participation. Missed classes and tardiness will also affect the class participation grade.

COMPANY INFORMATION (50 Points)

You will be asked to gather Human Resources related information from your current or former employer. You may also search the internet for company policies that are publicly posted.

JOB DESCRIPTION (75 Points)

You will write a job description for the job of your assistant at work. This assignment is due the third week of class. The job description **must** follow the format explained in *Preparing Job Descriptions* (Article #1) in the *Student Guide*.

INTERVIEW QUESTIONS (75 Points)

You will write ten (10) interview questions to be asked of applicants who applied for your assistant's position. This assignment is due the third week of class. The interview questions **must** be written using the behavioral interview style.

QUIZZES (200 Points)

Starting week two you will take four (4) short 10 question multiple choice quizzes weekly. The Quizzes will focus on the chapters assigned to read.

CASE ANALYSIS (225 Points)

Completion of three (3) separate case assignments from the student guide. Each student will read, research, and answer the questions listed with the case. The student will provide reasoning and analysis for the answers to the case. The paper should be at least one page in length and support your answer referring to specific laws.

SUMMARY PAPER (225 Points)

A summary paper is due the first week of the next course. The paper should be no more than six pages in length and double-spaced. Choose **two** of the Learning Outcomes (excluding #1 and 2) and include the following:

1. Discuss and suggest changes that you would make in order to make the Learning Outcome more effective in your company or a company you are familiar with.
2. Identify the key issues to be considered by the Human Resource Manager in implementing the Learning Outcome.
3. Identify the positive benefits attained by the company in the successful implementation of the Learning Outcome.
4. Assess the effectiveness of the Learning Outcome in your company or a company you are familiar with. Discuss why it is or is not effective.
5. Write out each Learning Outcome that you will discuss, and make sure you cover points 1 through 4 for both Learning Outcomes.

SUMMARY PAPER GRADING METHOD

Adult learner's papers will be treated as Junior and Senior college level work. The instructor will evaluate them from that perspective and will make appropriate documented comments and suggestions.

Generally, A's will be given out on those summary papers in which the adult learner exhibits truly exceptional work; B's to those who exhibit work at a level similar to the average Junior and Senior college student. Those who exhibit work that is below the expected level will be given a C. Those who turn in little to no work on their assignments will be given an F.

LATE ASSIGNMENTS

Assignments turned in one week late will be deducted 20% of the points. Assignments turned in late by two weeks will be deducted 50% of the points. Any Assignments turned in later than two weeks from the due date will not be accepted. The Final Exam will not be accepted after the due date.

	<u>Points</u>	<u>Number of Assignments</u>	<u>Total Points</u>
Participation	30	5	150
Company Information	10	5	50
Job Description	75	1	75
Interview Questions	75	1	75
Quiz	50	4	200
Case Analysis	75	3	225
Final	225	1	<u>225</u>
Total			1000

STUDENT EVALUATION

<u>Percentages</u>	<u>Points</u>	<u>Grade</u>	<u>Significance</u>	<u>GPA</u>
93-100%	930-1000	A	Exceptional	4.00
90-92.9%	900-929	A-		3.67
87-89.9%	870-899	B+		3.33
83-86.9%	830-869	B	Above Average	3.00
80-82.9%	800-829	B-		2.67
77-79.9%	770-799	C+		2.33
73-76.9%	730-769	C	Average	2.00
70-72.9%	700-729	C-		1.67
67-69.9%	670-699	D+		1.33
63-66.9%	630-669	D	Below Average	1.00
60-62.9%	600-629	D-		0.67
00-59.9%	000-599	F	Failure	0.00

STUDENT ASSIGNMENTS

WEEK ONE

Read Chapters 1, 2, and 3 in Mondy.

Obtain a copy of your organization's Equal Employment Opportunity statement and turn it in.

WEEK TWO

Read Chapter 4 in Mondy.

Prepare for a Quiz on Chapters 1-3. Ten questions.

Obtain a copy of your organization's Discrimination/Sexual Harassment Policy and gather information on what your organization is doing to provide a harassment-free work place and turn it in.

Respond to Homework Case #1 "Religion in the Workplace" in the Student Guide and turn in your typed paper during class.

WEEK THREE

Read Chapters 5, 6, and 7 in Mondy.

Prepare for a Quiz on Chapter 4-7. Ten questions.

Develop a Job Description for a new assistant, to be used for recruiting for week three's class session. Use the information provided in the article *Preparing Job Descriptions* (Article #1) in the *Student Guide*.

Develop ten (10) selection questions to be used in the structured in-class interview exercise. You will be interviewing applicants for your assistant position. The questions must be typed and turned in during class. The questions are to be behavior based questions.

Gather information on your organization's New Employee Orientation program, summarized, typed and turn in.

WEEK FOUR

Read Chapters 8, 9, and 10 in Mondy.

Prepare for a Quiz on Chapters 8-10. Ten questions.

Prepare answers to Homework Case #2 A and B "FMLA" in the Student Guide and bring to class your typed answers providing detailed justifications.

Prepare and turn in a brief outline describing the benefits offered by your company including:

Group Health	Vacation
Life Insurance	Disability Leave
Profit Sharing	Workers' Compensation
Stock Option Plans	Unemployment Compensation
Educational Assistance	FICA
Pension	Sick Pay

WEEK FIVE

Read Chapters 12 and 13 in Mondy.

Prepare for a Quiz on Chapters 12-13. Ten questions.

Bring to class an example of a grievance procedure that may be found in your organization's Policy Manual or Union Contract. This may be in the form of an Open Door Policy statement or complaint procedures.

Respond to Homework Case #3 Retaliation Claim and turn in during class.

DUE THE FIRST SESSION OF NEXT COURSE:

A summary paper is due the first week of the next course. The paper should be no more than six pages in length and double-spaced. Choose two of the Learning Outcomes (excluding #1 and 2) and include the following:

Discuss and suggest changes that you would make in order to make the Learning Outcome more effective in your company or a company you are familiar with.

Identify the key issues to be considered by the Human Resource Manager in implementing the Learning Outcome.

Identify the positive benefits attained by the company in the successful implementation of the Learning Outcome.

Assess the effectiveness of the Learning Outcome in your company or a company you are familiar with. Discuss why it is or is not effective.

Write out each Learning Outcome that you will discuss, and make sure you cover points 1 through 4 for both Learning Outcomes.

LOGISTICS CHART

Hour	Week 1	Week 2	Week 3	Week 4	Week 5
1	Introduction Course Overview	Discrimination & Harassment	Leaves of Absence	Performance Appraisal	Complaint Procedure Employee Counseling
2	Role of HR Department	Discrimination & Harassment	Leaves of Absence Recruitment Sources	Performance Appraisal Role Play	Employee Counseling & Discipline Corrective Action Scenarios
3	EEO/AAP	Quiz ADA	Recruiting Selection Process	Fair Labor Standards Act	Employee Relations Case Unions
4	Case Study on EEO The Situational Model	Job Description	Selection Process Employee Orientation	Job Evaluation Pay Structure Benefits	Why Employees Join Unions

WEEK ONE

Assignments Due

Read Chapters 1, 2 and 3 in Mondy.

Obtain a copy of your organization's Equal Employment Opportunity statement and turn it in.

Exercise #1: THE BIRTH OF A HUMAN RESOURCES DEPARTMENT

In 2006, Karen and Alice Bloodsworth decided to form a business to advise women executives on financial planning. Their decision coincided with a rapid increase in women executives. By 2010, Alice was still handling all Human Resources records, employment, and compensation for sixty employees in five East Coast cities.

In talking with Karen, Alice listed the following reasons why she thought a Human Resources department should be formed.

- A. "I don't like to do recruiting or interviewing."
- B. "The Human Resources paperwork interferes with my time to line up new accounts."
- C. "Certainly, someone else could do this Human Resources work better."
- D. "I've never had any training in Human Resources work, and I fear I might be unknowingly breaking laws."
- E. "Until we have a Human Resources department, there is no one to whom I can delegate these thankless Human Resources tasks."
- F. "I've done this Human Resources work long enough."

The decision was made to hire a recent graduate of the state university to become Human Resources manager.

What reasons did Alice give that should have been considered in deciding to start a Human Resources department? Which reasons should have been ignored in the decision-making process?

Group Exercise:**Exercise #2: WHOSE JOB IS IT?**

Purpose: One area of confusion in some organizations centers around the question of "Who is responsible for the organization's human resource?" The simple answer is that the Human Resources department is responsible. It is, but Human Resources specialists do not deal with every employee every day. However, supervisors usually come in contact with their employees every day. One can argue that the supervisors are responsible for the well being of the organization, and they are. Both the immediate supervisor and the Human Resources department share responsibility for the well being of the organization's human resource. Thus, a problem that often faces managers is how should this responsibility be shared?

The purpose of this exercise is to consider two specific situations and decide whether the primary responsibility for each situation falls to the supervisor or Human Resources department.

Directions: Each brief situation below identifies a responsibility. Although either the Human Resources department or the supervisor could handle this duty, which of these two do you think should make the final decision? Why?

1. A new employee is about to be hired. Human Resources favors applicant Smith and the supervisor favors applicant Jones. Who should make the final hiring decision? Why?
2. A long-service employee was insubordinate, and the supervisor wants to fire the employee. The Human Resources department wants to transfer the worker to another department. Who should make the final decision? Why?

Exhibit # 1 - California Differences

To assist everyone in California here are some examples of California requirements, which are not required in other states:

- Minors may not work on certain equipment, over eight hours a day, over 48 hours a week or during certain night hours.
- Convictions for use of small amounts of marijuana that are over two years old may not be used for employment decisions.
- Employers may not discriminate based upon sexual orientation.
- Employers may not prohibit the wearing of pants based upon gender.
- Discrimination is prohibited based upon marital status and marriage including spouses working in same department and spouses supervising spouses. There is an exception for proven safety or security reasons.
- Employees must receive one day of rest in seven.
- Employees must be returned to their previous jobs at the end of a workers' compensation leave.
- Employees seeking drug and alcohol rehabilitation must be accommodated.
- Employers must accommodate and assist illiterate employees.
- Volunteer firefighters must be given up to 14 days of leave each year for training.
- Witnesses to domestic violence must be given time off to file complaints, provide evidence and testify in court.
- Employers must provide reasonable accommodation to pregnant employees so that they can perform their jobs including job restructuring and transfer to vacant jobs.
- Tips cannot be counted towards the minimum wage.
- Non-exempt employees must be paid for all travel time, not just travel time during normal work hours.
- Employers must provide and clean any required uniforms.
- Employees 1) who are terminated and 2) who quit and give 72 hours notice, must be paid all wages (salary, vacation pay, etc.) at the time of termination.
- Employees who do not give 72 hours notice must be paid within 72 hours after their last hour of work.
- Employers may not make any deduction from wages or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the shortage, breakage or loss is caused by a dishonest or willful act or the gross negligence of the employee.
- Employers may not deduct loans to employees from the final paycheck unless the employee agrees at that time.
- All vacation pay must be paid off at termination. Vacation pay must be prorated for each hour of employment. "Use it or lose it" policies are unlawful. Vacation pay and accrual may be "capped."
- If an employee reports to work, he/she must be paid for half of their normal shift with a minimum of two and a maximum of four hours reporting pay.
- Agreements, which prohibit post-employment competition, are unlawful.
- Employees must be given access to their Human Resources files.
- Employees must be given copies of any documents that they are required to sign.

- Employees must be given the DFEH sexual harassment notice or the equivalent at time of hire.
- Employers must adopt a formal written Illness and Accident Prevention Program covering every employee.
- Employers are required by civil and criminal law to take steps to insure that all employee medical records are kept confidential.

Exercise #3: NEWSPAPER DISCHARGE CASE

The *Independent* hired Harold Drake six months ago to be the new managing editor.

Drake established quite a good reputation for boosting circulation through hard-nosed investigative reporting at a competing newspaper, and it was considered quite a coup to convince him to join the *Independent*. He has worked his way up through several newspapers.

When Drake was hired, he told Susan Stanford, the publisher, that he needed complete control over news room activities. She assured him he would have it.

As human resource director, you have just been informed that two reporters are grieving their discharges by Drake. Until notification from these reporters, you were not aware that the reporters had been discharged.

The first reporter, Margaret Sandowski, has been employed by the newspaper for 15 years. She is 45 years old, and the rumor is that she is thinking about contacting the EEOC about age discrimination charges.

The second reporter, Jennifer Rumson, has been with the paper for only one year. She began as a trainee and became a features reporter two months ago. Furthermore, Rumson is now saying that she was fired because she refused an invitation to dinner with Jerome Bellini, the features editor.

When you approached Harold Drake about the situation, he lost his temper. He told you the same thing he had said to Sandowski when she was terminated: that he had plans to drastically change the paper's style and she did not fit into his plans. There was no longer room for her, and she lacked the drive to go after the type of story he wanted.

As for Rumson, she was fired because during her two months as a features reporter she showed no improvement in either writing skills or style.

Drake also said that he was not about to have his news room run by anyone else, particularly a government agency.

1. What is your strategy for handling the situation?
2. What measures, if any, should be taken in the future?

Exercise #4: EEO CASE STUDY

A small manufacturing plant with 200 employees located in a rural community 45 miles from a major city makes mixing valves. One of its customers is NASA, for whom it makes the valves that control the mixture of gases used on the space shuttle.

The firm has received a discrimination complaint from the EEOC office charging racial discrimination by a black employee who was discharged for misconduct.

The incident of misconduct involved the employee's submitting a false time sheet stating that he had a doctor's appointment which lasted eight hours and requesting pay for four hours (company policy pays one-half time for hours spent on doctor visits). Upon seeing the entry on the time sheet, the Human Resources Manager questioned that a doctor's visit could last eight hours. She made a phone call to the doctor to see what could take that long and discovered that the employee had had no appointment at all. The employee was then terminated for the fraudulent entry on his time sheet.

The plant is a two-story old brick building with no elevator and in need of some repairs.

1. Discuss the handling of this incident. How might it have been handled differently?
2. What areas will the EEO investigator review when an audit of the complaint is made?
3. This was the only black employee in the company. What can the company do to improve its minority employment?
4. Are there any other EEO laws that could be violated in a plant like this?

WEEK TWO

Assignments Due

Read Chapter 4 in Mondy.

Obtain a copy of your organization's Discrimination/Sexual Harassment Policy and gather information on what your organization is doing to provide a harassment-free work place. Turn in a copy of your policy.

Respond to Homework Case #1 "Religion in the Workplace" in the Student Guide and bring to class and turn in.

Prepare for a Quiz on Chapters 1-3. Ten questions.

Sexual Harassment

Exercise # 5: The Sexual Harassment Compliance Quiz

True or False?

1. Federal sexual harassment law requires employers to take action to prevent sexual harassment in the workplace.
2. Corrective action following a sexual harassment investigation must be sufficient to immediately stop the harassment.
3. An employee can experience sexual harassment without ever being touched by the harasser.
4. An employer is required to investigate any sexual harassment complaints, even if the employer thinks the complaint is petty or silly.
5. Employers are only required to consider sexual harassment complaints that the employee puts in writing.
6. It is not a problem for an employee to have a picture of his favorite *pin-up* in the privacy of his office.
7. Men and women tend to have different ideas about what sexual harassment is.
8. For best results, it is desirable to separate men and women when conducting sexual harassment training.

9. An employer can reduce liability by promptly investigating a sexual harassment complaint and taking corrective action that is reasonably calculated to stop the harassment.

10. Most harassers are blue collar workers.

11. If a customer harasses an employee, it is not as serious as if a co-worker is the harasser.

Exercise #6: THE BOSS

Bill Smith was recently brought in as the head of division of a major retail chain. In doing so he became the immediate supervisor to many people, including Mary Kablotnic, the division accountant.

Bill met with Mary at her desk two times for about one hour each time. He also asked her into his office one time during the week. He closed the door and asked her to sit on the couch next to him. Note that his office also has a table with 4 chairs for business meetings. Their meeting lasted about one hour. He asked her to show him several different spreadsheets and to explain what each one meant. As she explained each spreadsheet, he leaned over toward her to see the rows and columns of numbers. He told her he had forgotten his glasses and he needed to get closer to see better. His left hand touched her thigh. She made no effort to move away.

When she was at her desk, Bill frequently came up behind her and rubbed her shoulders to “help reduce the strain from the Monitor”, and repeatedly inquired about her personal life. On one occasion he asked her to come to his house for a bottle of wine. He leaned out his office one day and said to her “Mary this is your last chance. You had better be nice to me. Your future is in my hands.”

Six months after Bill came to the company, Mary complained to the HR Manager about Bill’s behavior. The HR Manager said she would inform the corporate office.

One month later, Mary was re-assigned to work in the Processing Center from 6:00am to 3:00pm, Wednesday through Saturday each week. After one week in the Processing Center, she called the Division Manager’s Secretary and asked to be transferred back to her old job. The Administrative Assistant called back and said she would not be transferred. She told the Administrative Assistant she was sick and would not be coming in to work that day. Note that another employee, Sam Maswander, also called in sick that night. The employee handbook states that “...when an employee is unable to report to work, she/he must call her/his immediate supervisor prior to the start of the work shift.”

Mary was then fired for failing to call in to her immediate supervisor and report that she would be absent. Sam called his immediate supervisor and was not disciplined.

1. What are the issues in the case?
2. What action would you take in this matter?

ARTICLE #1: PREPARING JOB DESCRIPTIONS

Scope and Purpose

Job descriptions provide an organization with documentation of major responsibilities and duties (nature and level of work), job specifications (knowledge, skills and abilities), and working conditions.

In the design and administration of pay programs, job descriptions are used to

- Ensure that employees are assigned to appropriate jobs.
- Facilitate job-content evaluation.
- Facilitate salary-survey exchanges.
- Explain, and when necessary, defend certain pay-program decisions to employees and outsiders.
- Assist in recruiting efforts.
- Establish performance standards.
- Facilitate organizational design.
- Assist in establishing career paths (succession planning).

Writing job Descriptions: General Recommendations

The descriptions should describe the jobs as they exist *now*, not as they will exist some time in the future. Frequently, planned changes in job content or structure do not occur when, and in the same manner as they were expected to occur. If the structure of a job is changing dramatically at the time the job description is being prepared, or is expected to change in the very near future, it is wise to postpone the preparation of the job description until the restructuring has been completed.

If a job is occupied by more than one person (if there are two or more positions), there may be some differences between the ways in which incumbents perform the work. In this case, incorporate principal elements of the job into a single description. Ignore those minor differences in the way work is performed which may be inappropriate for all job incumbents.

Avoid proprietary names (“Kleenex,” “Jeep” and “Xerox”), as well as references to organizationally specific part numbers or form numbers. These are subject to frequent change, and their inclusion in job descriptions will cause frequent rewriting of descriptions. Similarly, it is advisable to exclude reporting relationships from job descriptions for nonexempt jobs, since the same job may report to many managers/supervisors.

Avoid terminology, which is potentially sexist. Use *he/she* or construct the sentence in such a way that the use of gender specific pronouns is not required.

Writing Sentences for Job Descriptions

To achieve brevity and clarity when writing sentences for job descriptions, a number of conventions are followed.

The sentence structure for the writing of job duties and responsibilities should *be implied subject/verb/object/explanatory phrase*. The implied subject is always the person(s) in the job; for example, “Transports mail to various locations throughout facility” and “Develops annual operating budgets for Engineering and Maintenance Departments.” Explanatory phrases which tell **why, how, where, or how often** the tasks or duties are performed add meaning and are important.

The example sentences in the previous paragraph illustrate two other conventions in writing job descriptions. The *telegraph style* omits unnecessary articles and verbs to enhance brevity. The use of *present tense* adds both clarity and brevity.

Format For Job Descriptions

Job descriptions typically include:

- Job title
- Exemption status
- Organizational unit
- General summary of the work performed
- List of the principal duties and responsibilities
- Discussion of the knowledge, skills, and abilities required in order to perform the job
- Description of the working conditions in which the work is performed
- Disclaimer statement
- Date and approvals by the line manager and human resources.

Job Title

Job titles should describe both the nature and level of the work performed by the job incumbents. Titles such as “Clerk,” “Instructor,” “Analyst” and “Mechanic” indicate the general nature of the work (that is, the principal duties and responsibilities of the incumbents). Other components of the job title such as “Senior,” “Specialist” and “Lead” indicate the level of work. It is often useful to include the department name in the job title for purposes of clarity (“Dental Clinic Aide” or “Quality Control Technician”). Care should be taken to avoid titles, which are demeaning, and/or patronizing (“Helper”) or which overstate the importance of the work performed (“Sanitary Engineer” instead of “Janitor”). Titles, which overstate the importance of the job, can contribute to difficulty in matching jobs to surveys and create pressure to change titles among other job families. Job titles should be stated in a conversational manner (“Stock clerk” rather than “Clerk-Stock” or “Clerk, Stockroom”) and not reflect a sexist or age orientation, such as “Maintenance Man,” “Stewardess,” “Jr. Accountant,” or “Copy Boy.”

Exemption Status

Job descriptions usually indicate whether the job is exempt or nonexempt from the Fair Labor Standards Act (FLSA). This designation is used primarily to indicate if the position qualifies for overtime pay.

Organizational Unit

This section simply indicates the division/department to which the job is assigned (e.g., Finance/Accounts Payable). When a job is found in multiple divisions or departments, this section is typically left blank.

General Summary

The general summary states the general nature, level and purpose of the job. Because this is a summary, it is usually easier to write after completing other sections of the description. The summary should be no longer than four sentences and should provide a general overview of the job in as few words as possible. Information on the responsibility level of the job is indicated by the incumbent's freedom to act ("work independently" or "works under close supervision"). This is especially important in describing non-supervisory jobs.

Principal Duties and Responsibilities

Each job duty or responsibility, which accounts for more than 5 percent of the incumbent's time or is critical to the successful performance of the job should be included in the section. Arrange these job duties and responsibilities in some logical order, such as the sequence in which the job duties are performed, the order of importance, or by the amount of time that the incumbents devote to each item. Follow the general principles for writing sentences in job descriptions. This section of the description should give some indication of the amount of judgment the employee must exercise: the intensity, frequency and duration of physical and mental effort; the types of contacts required; the complexity of the work and analytical skills; the materials and equipment involved in the work; the incumbent's responsibility for the work of others; and the development or enforcement of policy and procedures.

When describing jobs having a similar nature but a dissimilar level of work, indicate the different levels through the use of appropriate modifying words or phrases. Sometimes a table referred to as a "level cutter" is prepared to assist in the writing of job descriptions. A level cutter usually indicates a change in compensable factors from the lowest job level to the highest.

Examples of Modifying words or Phrases (Level Cutters)

Compensable Factors	Lowest Level → Highest Level			
	Interpersonal Skills	Uses normal courtesy	Explains or instructs	Persuades
Independent Judgment	Follows established routines under close supervision	Assigned work with limited employee latitude	Receives general guidance with substantial employee latitude	Employee works independently
Impact of Decisions	Restricted to employee	Impact on unit	Impact on department	Impact on organization
Hazards	Hazard-free environment	Exposure to minor discomfort	Exposure to injury of illness	Life-threatening situations

Knowledge, Skills and Abilities Required

When listing the specific knowledge, skills and abilities required by the job, it is a good idea to state *what* is required, *why* it is required and *how* it is normally acquired. For example, “employee must know how to operate a cash register and must be familiar with the organization’s discount, charge and cash procedures in order to check out merchandise. This is normally acquired through two to three weeks of on-the-job training.”

The levels of general educational development and the knowledge and skills normally acquired on the job should be stated and interpreted as minimums, and should be realistic in view of and supported by the job duties and responsibilities. If these requirements are inflated, they will screen out people who are actually qualified to perform the work. As a result, recruiting efforts become more difficult, and rates of pay become higher.

Physical and special mental abilities required by the job should be listed in this section. These requirements need to be as specific as possible when describing the physical/mental abilities required. Indicate how much (*intensity*) physical/mental ability is exerted, how *frequently the ability is needed*, and for how long (*duration*). For example, “Work requires ability to walk and stand for approximately one-half the work time,” “the physical ability necessary to carry full laundry bags weighing twenty or thirty pounds each from ten to fifteen percent of work time,” or “the mental and visual ability to read and interpret the most complex circuitry blueprints approximately ten percent of work time.”

Working Conditions

This section should give an indication of the physical environment in which the work is performed. Especially important here are any conditions of the physical environment which the employee may find unpleasant or hazardous. The notions of specificity, intensity, frequency and duration are important. Specifically describe what working conditions are unpleasant or dangerous, how unpleasant/dangerous they are, and how frequently and how long incumbents are exposed to the conditions.

Disclaimer Statement

Job descriptions are not intended as, nor should they be construed to be, exhaustive lists of all responsibilities, skills, efforts or working conditions associated with a job. They are intended to be accurate reflections of those principal job duties and responsibilities essential for making fair pay decisions about the job. All job descriptions should contain a disclaimer statement either in the duties and responsibilities section or as a separate paragraph.

Dates and Approvals

The final job description should be approved by the line or staff manager with concurrence by a staff member from Human Resources. The manager's approval signifies that the description is an accurate representation of the job and requirements. The Human Resources Department review indicates that the job has been reviewed for possible exemption from the Fair Labor Standards Act as well as generally accepted standards. The dates on the job description will provide an accurate record of the review dates.

Sample Job Description

TITLE:	Mail Distribution Clerk	FLSA: Nonexempt
Job Summary		
Works under close supervision and performs routine clerical duties.		
Essential Functions		
<ol style="list-style-type: none"> 1. Collects, sorts and prepares all mail for distribution. 2. Logs mail machine meter readings. 3. Operates various mailroom machines on occasion. 4. Performs routine messenger duties on occasion. 		
Job Qualifications		
Education		
High School diploma preferred, but not required		
Experience		
One year or more general office experience		
Skills Required		
Work requires ability to read and interpret data in order to maintain simple records.		
Work requires understanding of organization and location of employees		
Work requires walking or standing over 50% of the time.		
Working Conditions		
Lighting and temperature are adequate, but incumbent must wear ear protection against high noise levels 20% of the time during the operation of the mail machinery.		
Disclaimer		
The above information on this description has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this job.		
Approvals:		

Human Resources	Date	Line or Staff Management	Date
-----------------	------	--------------------------	------

Homework CASE #1

Religion in the Workplace

“Guys, we have a slight problem,” said Foreman Leo Carter in a safety meeting with his team.

“The janitor quit and, I know this is odd, but rather than let the men’s room get all messy, I’ll need each of you to take a different day to clean up,” said Leo. “It’s just for this week, until we hire someone.”

“It’s just one time, for one day, right?” asked one worker. “I’m not looking forward to it, but I’ll do it,” he said and shrugged his shoulders. But worker Habib Rajan was quiet. He figured that Leo was not talking about *him*.

During the week, the other men each took a turn making sure the men’s room on their floor was neat and clean. On Friday, Habib was the only one who had not cleaned the men’s room.

When Leo told Habib that it was his turn, Habib said, “I can’t clean the men’s room, I am one of the highest paid workers here, and cleaning a men’s room isn’t in my job description.” “It isn’t mine either,” said Leo. “But this is about teamwork and cooperation.”

Habib adamantly refused to clean the restroom, saying only that the job was “beneath him.”

As a result, Leo terminated Habib’s employment, saying that the worker was insubordinate and that he wasn’t a team player.

Habib sued the Company, citing religious bias. He said that in Hindu, the predominant faith in India, his “cast,” or group was not allowed to do certain tasks.

Did the Company win? Respond in a one page paper to why you believe the Company won or the Company lost. Provide reasoning and arguments to your answers. Turn in your paper.

WEEK THREE

Assignments Due

Read Chapters 5, 6 and 7 in Monday.

Develop a Job Description for a new assistant, to be used for recruiting for tonight's class session. Use the information provided in the article *Preparing Job Descriptions* (Article #1) in the *Student Guide*. The Job Description is to be turned in.

Develop ten (10) selection questions to be used in the structured in-class interview exercise. You will be interviewing applicants for your assistant position. The questions are to be behavior based questions. Turn in the questions in class.

Gather information on your organization's New Employee Orientation program, summarize and turn in.

Prepare for a Quiz on Chapters 4-7. Ten questions.

Article # 2

Overview of other unique California Leave Laws Human Resource Professionals have to be aware of:

Sick Leave For Ill Family Members

The California Legislature added a new provision of the Labor Code, mandating that employers who provide paid sick leave to their employees must allow employees to use up to half their yearly sick leave entitlement to attend to an ill child, parent or spouse. The amount of leave available is limited to what the employee has accrued; in other words, the employer need not advance sick leave not yet accrued. Employers may not take any adverse actions towards employees who make use of this law.

Spousal Military Leave

This new leave provides protected leave to spouses of active military members, which includes Armed Forces, National Guard, or Reserves. It applies to employers with 25 or more employees. Employee must work at least 20 hours per week. It provides 10 days of unpaid time off when spouse is home on leave from a military conflict (war). The employees must give at least 2 days notice and we may request certification.

Time Off For Victims Of Domestic Violence

Employers may not be discharge, discipline or discriminate against any employee who is a victim of domestic violence for taking time off work to obtain relief “to help ensure the health, safety, or welfare” of the employee or his or her child. Such relief includes but is not limited to restraining orders and other injunctive relief. The employer must not provide paid time off.

Drug/Alcohol Rehabilitation Leave

Employers of 25 or more employees must make reasonable accommodation for any employee who wishes to enter or participate in a drug or alcohol rehabilitation program, unless the time off would create an undue hardship. The employer need not provide paid leave, but the employee must be allowed to use sick leave. In addition, the privacy rights of the employee as to enrollment in rehabilitation must be safeguarded.

Time Off For Literacy Training

Employers of 25 or more employees must also make reasonable accommodation for any employee who reveals illiteracy problem and requests employer assistance with enrolling in literacy education. The employer need not give paid time off, but must give unpaid time off to attend literacy education unless it would be an undue hardship. In addition, the employee's privacy rights as to having an illiteracy problem must be safeguarded.

Time Off For Religious Holidays

Employers subject to Title VII (15 or more employees) or the California FEHA (5 or employees) must reasonable accommodate employees' requests for time off to observe religious holidays. Employers need not grant the time off, if it would cause an "undue hardship" which would require the employer to bear more than minimal additional costs.

Time Off 'For Civic Responsibilities**Voting**

Up to two hours of time off with pay must be granted employees when such time off (combined with non-working time) is necessary to be able to vote in a statewide election. The time must be at the beginning or end of the work shift; whichever will minimize the amount of time off. The employee must generally give the employer two working days notice of the need to take time off, unless the employee did not learn of the need for time off until later.

Service As Election Official

Employees must grant leave for an employee to serve as an election official on Election Day, and cannot discipline the employee for the absence. The leave need not be paid.

Service As Juror Or Witness

An employee is entitled to take time off for jury duty or a court appearance as a witness under subpoena, provided she has given the employer reasonable notice. Employers are prohibited from retaliating. against an employee for taking time off. The leave can be unpaid, but employers are cautioned not to make deductions from exempt employee salaries for partial workweek absences; such deductions render the employee non-exempt and entitled to overtime pay.

Time Off For School Visits

There are two basic types of time off required for school visits. First, all employers must give time off for the parent or guardian of a child suspended from public school, in order to attend school, at the school's request. The employee must give the employer reasonable advance notice and need not be paid for the time-off. (Again, if the absence is for a partial workday, docking an exempt employee's salary may result in loss of the exemption.)

Second, employers of 25 or more at a single worksite must give employees who are parents, guardians or custodial grandparents up to 40 hours of time off each year to visit their child's school or licensed day care. The employee need not be paid for the time off, and may be required to use accrued paid leave. The employee may be required to present documentation of the visit.

Emergency Duty As A Volunteer Firefighter

Employers may not discharge or otherwise discriminate against an employee for taking time off to perform emergency duty as a firefighter. The rule does not apply to employers who are public safety agencies or providers of emergency medical services if the employer determines that the employee's absence would hinder the availability of public safety or emergency medical services.

Military Service

Both state and federal law protect employee absences due to military service. State law requires employers who are members of the National Guard or military reserve to provide a temporary leave of absence without pay (not to exceed 17 days annually) for training or other similar duty.

The federal Uniformed Services Employment and Reemployment Right Act of 1994 (USERRA), guarantees reinstatement to employees who enlist in the military and who return to the job within five years. During such military leave, the employee must be given credit for all seniority he or she would have accrued on the job.

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 (FMLA) was enacted on February 5, 1993 and amended January 16, 2009.

The law became effective on August 5, 1993, for most employers. If a collective bargaining agreement (CBA) is in effect on that date, the Act becomes effective on the expiration date of the CBA or February 5, 1994, whichever is earlier.

On January 16, 2009, the FMLA was amended for the first time and had some significant changes.

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces FMLA for all private, state and local government employees, and some federal employees.

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and, protections for employees who request or take FMLA leave. The law also requires employers to keep certain records.

Employer Coverage

FMLA applies to all:

- public agencies, including state, local and federal employers, local education agencies (schools) and
- private-sector employers who employed 50 or more employees within in a 75 mile radius working 20 or more hours in a workweek in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce - including joint employers and successors of covered employers.

Employee Eligibility

To be eligible for FMLA benefits, an employee must:

- work for a covered employer;
- have worked for the employer for a total of at least 12 months;
- have worked at least 1,250 hours over the previous 12 months; and

- work at a location where at least 50 employees are employed by the employer within 75 miles.

Most federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management and the Congress.

Leave Entitlement

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth of a child
- Adoption or Foster Care
 - Absences required in order for the placement to occur;
 - Attorney meetings;
 - Court appearances;
 - Doctor visits;
 - Going to pick up the child; and
 - Foster care leave applies only to arrangements sanctioned by the state.
- Care for a Loved One
 - Spouse, son, daughter, or parent
- to take medical leave when the employee is unable to work because of a serious health condition.

Serious Health Conditions:

- impatient care;
- pregnancy-related conditions;
- conditions resulting in more than three days of incapacitation;
- chronic health conditions;
- treatment to prevent incapacitation or restorative surgery; and
- long-term conditions

For leave involving incapacity of more than three consecutive, full calendar days, the employee must receive two treatments by a health care provider within 30 days of the first day of incapacity or one treatment that results in a regimen of continuing treatment, with the first treatment in either case occurring in the first seven days.

In the case of chronic serious health conditions, at least two visits to a health care provider per year are required.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently - which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.

FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Also, subject to certain conditions, employees or employers may choose to use accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. The employer is responsible for designating if an employee's use of paid leave counts as FMLA leave, based on information from the employee. In no case can use of paid leave be credited as FMLA leave after the leave has ended.

FMLA Amendment to extend leaves to families of service members

On January 28, 2008, President George Bush has signed into law a defense authorization bill that includes provisions amending the Family and Medical Leave Act to provide:

Six months (26 weeks) of leave for family members caring for military veterans injured while on active duty in the U.S. Armed Forces and

12 weeks of leave to family members of armed services personnel called up to active duty under certain circumstances.

Eligible are employees who have immediate family members or next of kin or nearest blood relative called to active duty, without regard to any medical issues.

It covers leaves to care for members of the Armed Forces, including the National Guard or Reserves,

Members of the military must have suffered a serious injury or illness in the line of duty while on active duty, that may render the members medically unfit to perform the duties of their office, grade, rank, or rating.

The new provision provides up to 12 weeks of leave because of any "qualifying exigency" arising out of the fact that a covered employee's spouse, child or parent is on or has been called to active duty in the Armed Forces.

An employer may require that a request for such leave be supported by certification showing that the service member has been called to active duty.

Seven states (California, Illinois, Indiana, Maine, Minnesota, Nebraska and New York) have passed state family leave laws which are somewhat different than the new federal law.

Maintenance Of Health Benefits

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Job Restoration

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so, the employer must:

- notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
- notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
- offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
- make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

California Family Rights Act –CFRA

The CFRA was written into law after the FMLA was enacted. It follows closely the provisions of the FMLA with a few notable exceptions. The biggest difference is that the CFRA specifically excludes pregnancy as a serious health condition. It does provide protection to women and men who want to bond with their child after the birth of the child, adoption or start of foster care. In addition to this big change, it also allows employees to take bonding leave in less than two week intervals for at least two times.

Pregnancy Discrimination Leave Act - PDL

At the same time the CFRA was written into law, California legislators also introduced the Pregnancy Discrimination Leave to work in conjunction with the CFRA. The PDL applies to associates working for a company with five (5) or more employees. The law provides coverage starting on the first day of employment. It provides job protection to employees being out of work due to pregnancy, childbirth or related conditions. The time allowed to take off is up to four (4) months due to a medical disability related to the pregnancy. This law runs concurrently with the FMLA. Employers may require certification from health care providers.

Exhibit # 2 Sources of Information for Assessing Candidates

Source	Best used for assessing	Pros	Cons
Resume	General requirements Technical skills	Easy – Fast	Candidate's marketing tool
Phone Screen	General requirements Basic knowledge Salary/Availability Fit for position	May eliminate some candidates	Takes some time to prepare and train phone screener
Interview	Technical skills Interpersonal skills Leadership	Can probe to find out information	Time consuming
Tests	General requirements Technical skills Interpersonal skills Leadership	Objective	May be expensive to prepare and validate May require skilled interpretation
Demonstrations & Simulations	Technical skills Interpersonal (job fit)	How they do it is how they are likely to do it.	May be expensive to prepare and validate Not available for all job categories
References	Interpersonal skills Technical skills Leadership	Verify or assess past performance	Subjective Provided by the candidate Former employers may be reluctant to give information

Exercise # 7

Keeping It Legal

Can these questions be legally asked in an interview?	Yes	No
1. What country are you from?	<input type="checkbox"/>	<input type="checkbox"/>
2. What organizations do you belong to?	<input type="checkbox"/>	<input type="checkbox"/>
3. What date did you finish high school?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you have the legal right to work in the U.S.?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you ever been arrested?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever worked for this company before?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you own or rent?	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you have any medical problems that we should know about?	<input type="checkbox"/>	<input type="checkbox"/>
9. Could you perform all the essential functions of this job?	<input type="checkbox"/>	<input type="checkbox"/>
10. What would you do if your spouse was offered a job in another state?	<input type="checkbox"/>	<input type="checkbox"/>
11. Our people rotate weekend shifts. Would this be a problem for you?	<input type="checkbox"/>	<input type="checkbox"/>
12. How many times were you absent from your job due to illness?	<input type="checkbox"/>	<input type="checkbox"/>
13. What schools have you attended?	<input type="checkbox"/>	<input type="checkbox"/>
14. How would you feel about working for someone half your age?	<input type="checkbox"/>	<input type="checkbox"/>
15. May I contact your prior employers about your work performance? <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit #3 - Don't Be Afraid to Ask

Using the STAR method will help you get what you need.

You are basically looking for three pieces of information:

The **S**ituation or **T**ask that the candidate is describing

The **A**ction taken by the candidate

The **R**esult that was achieved

<p>Situation and Task Make sure you understand the situation that the candidate is describing.</p>	<p>“What specifically was the goal that you were trying to achieve?” “Tell me again who was involved on this project.”</p>
<p>Action Make sure you understand what the candidate did. <i>Many candidates will use “we” when describing an action that was taken. Find out who “we” was, and find out what “they” did.</i></p>	<p>“What specifically did you do?” “I’m sorry. When you say ‘we,’ whom are you describing?” “What was your role on that team?”</p>
<p>Result Make sure the candidate is specific about the results. Don’t be afraid to ask for dates, numbers, and quotes.</p>	<p>“What was the actual sales increase based on?”</p>

Interview Guidelines Exhibit # 4

Step	Action
	Final preparation: <ul style="list-style-type: none"> ▪ Make sure the interview is uninterrupted. ▪ Have materials you are providing to the candidate ready. ▪ Have the resume ready. ▪ Review the questions you will be asking.
	Greet the candidate: <ul style="list-style-type: none"> ▪ Greet the candidate warmly by using his or her name. ▪ Ask simple questions. ▪ Keep the discussion light.
	Explain the interview process <ul style="list-style-type: none"> ▪ Address the flow of the interview. ▪ Explain that you will use prepared questions and be taking notes. ▪ Give them the expected time frame for the interview. ▪ Let them know they can ask questions at the end.
	Clarify questions on the resume: <ul style="list-style-type: none"> ▪ What happened during gaps in employment history? ▪ Clarify actual dates, degrees/education on the resume.
	Review recent job history: <ul style="list-style-type: none"> ▪ Give candidates the opportunity to discuss their most recent job history. ▪ Clarify the candidate's roles, responsibilities.
	Ask the behavioral questions: <ul style="list-style-type: none"> ▪ Prepare the candidate for behavior-based questions. ▪ Tolerate silence. ▪ Use the STAR method for probing. ▪ Take notes.
	Answer the candidate's questions: <ul style="list-style-type: none"> ▪ Be prepared to answer questions about the Company, the job, growth opportunities. ▪ Don't get defensive. ▪ Treat each question as a "good question."
	Sell the opportunity: <ul style="list-style-type: none"> ▪ Identify the great things about the position. ▪ For the "not-so-greats," identify benefits that make the job worth it.
	Wrap up the interview <ul style="list-style-type: none"> ▪ Thank candidates for their time. ▪ Tell candidates what will happen next. ▪ Invite candidates to contact you if they have questions. ▪ Escort candidates to their next location.

WEEK FOUR

Assignments Due

Read Chapters 8, 9, and 10 in Mondy.

Respond in writing to Case #2 A and B "FMLA" in the Student Guide and bring to class.

Prepare a brief outline describing the benefits offered by your company including:

- | | |
|------------------------|---------------------------|
| Group Health | Vacation |
| Life Insurance | Disability Leave |
| Profit Sharing | Workers' Compensation |
| Stock Option Plans | Unemployment Compensation |
| Educational Assistance | FICA |
| Pension | Sick Pay |

Prepare for a Quiz on Chapters 8-10 Ten questions.

Exhibit #5:

Questions to Ask during the Performance Appraisal Meeting

What areas of the job are the most challenging for you?

What areas seem routine or boring?

How can we be more productive?

How can we use your skills better?

What areas do you think need development?

What can I do to help you do your job better?

What are your major goals for the coming year?

Exhibit # 6**Effective Performance Appraisal Comments**

Make sure you provide clear, actionable feedback to the associate during the performance appraisal meeting. Associates need to know what to do differently, what to keep doing and what to stop doing. Here are some examples:

Unclear Feedback

You are too aggressive.

You do a good job.

You need to show more initiative.

I find you to be frequently uncooperative.

You have a positive attitude.

You have a bad attitude.

Clear Feedback

I have noticed that others seem intimidated and upset when you raise your tone of voice.

I feel there are areas you excel in, such as initiating the first contact on time.

One of the ways I feel you could show more initiative is to set up your own system for quality control.

I wonder why we often end up arguing with each other when we try to solve a problem. I don't feel that your strong position leaves room for compromise.

I appreciate that you are always willing to pitch in for departmental projects to meet the deadlines.

I have noticed that others seem to avoid asking you any questions, as they seem uncomfortable when dealing with you. This impacts our ability to provide excellent service.

Test your Wage and Hour Knowledge Exercise # 9

Questions

Q Can a manager dock an exempt employee's pay for time spent on jury duty regardless of the number of weeks on such duty?

A

Q Can a manager dock an exempt employee's pay in hourly increments for certain reasons?

A

Q Must a company pay hourly employees who are required to carry cell phones on off duty time?

A

Q Is a company required to pay for holidays, vacations, or sick days?

A

Q Can employees have an "on duty" meal period?

A

Q What are the maximum hours an employee is allowed to work in one 24-hour workday period?

A

Q Do you have to pay an hourly employee for attending elective training?

A

Q Can a manager require an employee to take vacation time?

A

Q What do I do about smokers who take more breaks than non-smokers take?

A

Q Can employees discuss salary information?

A

Q Can companies deduct exempt employees the day after a paid holiday if they are sick?

A

Q Do companies have to pay non-exempt employees who volunteer at fun company functions?

Homework Case # 2 - Respond in complete sentences and support your answers.**Case Study 2A**

1. Steve is a manager of the accounting department of Company XYZ located in California, and has worked for you for three and a half years. The Company has 100 employees, all in the same office as Steve. One day Steve has a heart attack and is rushed to the hospital. He sends a doctor's note that he will be out for the next 2 months.
2. Just before Steve is due to come back to work, you get another note, saying that Steve can return to work but can only work 4 hours per day.
3. Steve's doctor tells you that Steve is expected to fully recover within several months, and at that point should be able to resume all of his previous duties.

Questions: (Please provide support to your answers)

1. Is Steve covered under the FMLA?
2. Does Steve qualify for CFRA with his heart attack?
3. Does he qualify for Workers' Compensation?
4. Does he qualify for ADA?
5. Does he qualify for an intermittent leave?

Case Study 2B

1. Emma works for an Internet start-up company called, DotNet.com. DotNet.com located in California has experienced tremendous growth and now employs 55 employees. Emma works in the Marketing department. She has worked for DotNet.com for just one year. She informs you that she is pregnant and may need some time off in the morning because she is feeling sick and also for doctor's appointments.
2. Rather than having to take time off in the morning, her doctor advises Emma that she needs bed rest.
3. Emma had the baby and now she has been on a leave of absence for 4 months when her doctor releases her to go back to work.
4. Emma decides to spend some time with her newborn baby and stays off work for an additional 4 months.
5. The department manager comes to you and says that he must fill the position as soon as possible to meet client deadlines.

Questions: (Please provide support to your answers)

1. Is Emma covered under the FMLA?
2. Does Emma qualify for CFRA with her pregnancy leave?
3. Does Emma qualify for PDL?
4. Does she qualify for ADA?
5. Does she qualify for an intermittent leave?
6. Is Emma's job protected? Under which provision and for what duration?

WEEK FIVE

Assignments Due

Read Chapters 12 and 13 in Monday.

Bring to class an example of a grievance procedure that may be found in your organization's Policy Manual or Union Contract. This may be in the form of an Open Door Policy statement or complaint procedure.

Respond to Case #3 Retaliation Claim, bring to class and turn in.

Prepare for a Quiz on Chapters 12-13 Ten questions.

Exercise # 10: DEPARTMENT HERO

At 4:45 p.m. on Friday, Mike Henry, an employee in the Accounting Department, walked into the office of Mr. Herschel Jones, department head, and asked to see him privately. Henry told Mr. Jones that he had been elected by the other employees of the Accounting Department, some 75 persons, to speak on their behalf about department practices they wished would be modified or eliminated.

One practice concerned the method with which breaks were monitored. Employees were required to sign out and in again whenever they went to the restroom or took a coffee break. A second practice not well accepted by the employees was the way vacations were scheduled: requests for vacations had to be made in the first two weeks of the year.

Mr. Jones listened attentively and told Henry that since it was so late in the day, he would consider these requests again the first part of next week. During the next week, Henry noticed that Mr. Jones was out of town, and no action was taken concerning his remarks. However, his fellow employees tended to treat him much like a hero for representing them in front of Mr. Jones.

On picking up his check on Friday afternoon, Henry was shocked to find a written warning for insubordination in his envelope.

Be prepared to answer the following questions in class:

What problems or risks exist in the case?

How should these problems be resolved?

What would you do if you were Henry? Why?

Exercise # 11: COMPANY GLOVES

You are the warehouse foreman in a large public warehouse. You have thirty-five people working for you. One frosty October morning you arrive at your desk to find a handwritten note from your boss instructing you to make sure that the workers do not wear company gloves except when they are needed for protecting the hands in unloading items with sharp edges, like olive barrels, and in handling cases of frozen eggs and fruit. They are to provide their own gloves for keeping their hands warm in cold weather.

You think to yourself that this rule is going to cause trouble, but since you believe in being loyal to your boss and the company, you decide to enforce the rule.

A few minutes later you walk out onto the dock where you see Ray Willis (forklift operator) wearing a new pair of company gloves. You explain the glove rule and ask him to turn over the gloves to you. Ray jokingly complies.

About fifteen minutes later you walk back into the warehouse by the number 4 elevator, where you spot another forklift driver, Otto Johnson, wearing company gloves. As you walk up to him, two things occur to you. One, Otto is chief steward and head of the negotiating team. The company and the union are now engaged in negotiations on a new contract. Two, Otto and you are going to have a showdown sooner or later, because he has been challenging your authority ever since you were assigned to this shift. You know that Otto was a chief in the Navy, and you feel that he thinks he is still chief.

You decide that the showdown should be later, after the new union contract is signed. Just then, however, Ray Willis rides by on his fork truck and calls out, "Otto, what are you doing with those company gloves on?"

You have no choice now but to ask that Otto turn over the gloves to you, but Otto refuses to comply with your order.

You ask Otto again to give you the gloves or you will have to suspend him. He says, "No- you didn't give them to me, and I am not going to give them back to you."

"OK, it is now 9:00 a.m. Consider yourself punched out. Go home now and report to the Human Resources office at 10:00 a.m. tomorrow. I'll let you know then if you have a future with the company."

While you are gone to another part of the warehouse to locate a replacement for Otto, Otto goes to the warehouse manager (your boss) and convinces him that you treated him unfairly. Your boss reinstates Otto without consulting you.

When you find out that Otto is back at work, you go to the warehouse manager's office to complain. He tells you that you should not have suspended the man. You suggest that you both consult Mr. Flood, the labor relations manager, but a phone call discloses that Mr. Flood will not

be in his office until the afternoon. Your boss tells you that the man will continue to work until Mr. Flood returns.

At 1:00 p.m. your boss reaches Mr. Flood by phone and tells him the story. Mr. Flood says, "Get that man off the job as soon as possible." You relieve Otto again and tell him to report to the Human Resources office for a hearing at 10:00 a.m. tomorrow.

But Otto does not leave the warehouse. Instead he stays around to try to organize a strike. He circulates a petition to get you fired, and several of the workers sign it, but not a majority. Your boss tells you that if the workers walk out, you will be fired.

By the end of the day, everything calmed down, and the workers have not walked off their jobs.

At 10:00 a.m. the next morning you meet in the Human Resources department conference room with the warehouse manager, the labor relations manager, and the Human Resources manager. Bill Dixon, the union business agent, is with Otto Johnson.

The meeting is opened by Johnson telling his side of the story, which is essentially that you cursed him and talked abusively to him, and that Bill Poor, the elevator operator, could back up his story.

At this point the labor relations manager calls a recess, and the four of you go into another room. He and the Human Resources manager urge that Johnson be reinstated with full back pay and that you apologize to him. You refuse, saying that Johnson and Poor were both lying because (1) you chose your words very carefully because of the contract negotiations, and (2) the elevator operator was too far away to hear what was being said.

You return to the conference room, and the labor relations manager starts talking tough as if management were planning to fire Johnson. This scares Johnson, for he says, "Listen, I'll do anything you say as long as you don't fire me. I need the job; I just bought a new house."

You suggest that Johnson return to work tomorrow with loss of one and one-half days' pay and be placed on probation for six months. He and the union agree to these terms.

1. Was the company glove policy a good policy?
2. Did you handle the supervision of Johnson properly?
3. Was the warehouse manager right in reinstating Otto?
4. Do you think the warehouse manager was justified in telling you that if the men walked off the job, you would be fired?
5. Was the Human Resources manager justified in asking you to return Otto Johnson to the job with full back pay?

Homework Case #3

Retaliation Claim

Worker Daniel Martin was the only one who wasn't laughing. "That joke was tasteless," Daniel told his co-workers. "I'm pretty sick of hearing offensive jokes every day during lunch."

"Lighten up, they're just harmless jokes," they said.

But Daniel didn't think so. In fact, he reported the problem to the Equal Employment Opportunity Commission. News of the complaint eventually got back to Daniel's supervisor, Marcus Langton.

"Listen Daniel," began Marcus. "I don't want you to have to deal with the same guys. I'm having you assigned to another area just to be safe."

"But I've been working in that position for years," protested Daniel. "And I'm good at the job. Not to mention that this job affords me lots of overtime so I can keep up with the bills."

"You'll be just as good in this job. And your pay rate won't change," promised Marcus. .

True enough, Daniel got the same pay rate- but he started getting a lot less overtime. Then, little by little, some of his regular work was assigned to other staff members who held similar jobs.

"Wow, it looks like we've got the work covered in this department," said Marcus. "I just can't justify spending the extra money. I'll have to let you go."

"My lawyers said you might try to get back at me," said Daniels. "I'm suing for retaliation!"

Was the company successful in defending the lawsuit?