



CLIENT ALERT EMPLOYMENT & LABOR

Eight HR Fall Cleaning Tips

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For me, setting clocks back is one of the tell-tale signs of autumn. In the spirit of “fall cleaning,” here are eight tips for a happy (and legally compliant) workplace.

- 1. Review and update personnel policies and employee handbooks.** You don’t have to review them all in one year, but have a process in place to review and revise (as needed) at least a portion of your policies each year. Pay particular attention to policies that have been impacted by recent changes in the law (e.g., the Department of Labor’s final rule updating the overtime regulations).
- 2. Train your managers. Train your employees.** Sexual harassment and other EEO training needs to be reinforced. Managers in particular need training on when matters should be brought to the attention of HR.
- 3. Audit and update your position descriptions.** This is important for many reasons, but two in particular are wage and hour issues (proper classification) and ADA issues (essential job functions).
- 4. Review and update your record retention policies.** When was the last time you looked at your record retention policies? Have your policies been updated to reflect the maintenance and purging of electronically stored information?
- 5. Draft a social media policy.** Social media is everywhere and can no longer be ignored. Yet it is still novel to many managers and employees. Many employees do not understand how their off-duty online activities can impact their jobs. Consider, for example, employees who blog or tweet about their jobs. Put a social media policy in writing and train employees on what the policy means. The law with respect to social media and employment-related issues is fluid, but we are beginning to see some consistency about which employer policies are problematic.
- 6. Audit wage and hour compliance.** The U.S. Department of Labor is seeking additional funding and staff to improve enforcement of wage and hour laws. Some examples of common practices that may attract unwanted attention:

- Not recording all hours worked, including time spent working before and after a shift;
- Denying pay for meal breaks during which an employee is not completely relieved of all duties;
- Failing to combine hours worked for overtime purposes by an employee in more than one job classification for the same employer within the same workweek;
- Failing to segregate and pay overtime hours on a workweek basis when employees are paid on a bi-weekly or semi-monthly basis;
- Failing to pay for travel from shop to work-site and back.

7. Make sure your I-9 forms are in order. Make sure your I-9 forms are filed separately from personnel files and that terminated employees' I-9 forms are kept separate from the I-9 forms for active employees. I-9 forms for terminated employees can be labeled with a retention date and you can remove and shred any I-9 form that is past the retention date.

8. Don't forget the interaction among FMLA, ADA, employer policies, and (if applicable) collective bargaining agreements. When employees request leave, particularly for their own serious health condition, this can implicate FMLA, employer leave policies, collective bargaining agreements, and trigger the ADA interactive process. It is important to understand how this all fits together and not to overlook any one of them.

About the Author: Ms. Grubbs focuses her practice on labor and employment and employee benefits law. Ms. Grubbs is available to answer your questions about how to stay in compliance and avoid litigation. Contact her at rgrubbs@wispearl.com or (610) 825-8400.

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