Small Business Compliance Guide to Federal Regulations

a Quick Take Tool by HRAnswers.org

Navigating small business, HR and employer requirements can be tricky. With that in mind, our team of experts at HRAnswers.org has prepared this DIY guide to help you identify rules and regulations that might apply to your business, based on how many employees you have.

Each state has additional laws, rules and regulations that may apply to employers. We can help you unravel it all. *Schedule your call with the HRAnswers.org team to discuss how we work with clients to review compliance standards, and practical ideas for maintaining compliance!*

Law / Regulation	Summary	Applies to (by Employee Count)
Immigration Reform and Control Act (IRCA)	Employers are prohibited from hiring and retaining employees who are not authorized to work in the United States. Employers and employees must complete the Form I-9 ("Employment Eligibility Verification Form"). Employers must retain a Form I-9 for each person hired and make it available for inspection by authorized government officers. Resources: Handbook for Employers, Guidance for Completing Form I-9	Employers of all sizes
Equal Pay Act (EPA)	Employers must provide equal compensation to men and women who perform equal work within the same workplace. Resources: Facts about Equal Pay and Compensation Discrimination	Employers of all sizes
Employee Polygraph Protection Act (EPPA)	Prohibits employers from using lie detector tests, either for pre-employment screening or during the course of employment, with certain exceptions. Resources: Employment Law Guide: Lie Detector Tests – a guide by the DOL's Wage and Hour Division (WHD)	Employers of all sizes
Fair Labor Standards Act (FLSA)	Establishes minimum wage, overtime, recordkeeping and child labor standards for employers. Resources: Handy Reference Guide to the Fair Labor Standards Act – a guide by the DOL's WHD	Employers of all sizes

Occupational Safety and Health Act (OSH Act)	Requires employers to provide a safe workplace for their employees. The law created the Occupational Health and Safety Administration (OSHA), a federal agency that sets and enforces protective workplace safety and health standards. Resources: At-a-Glance OSHA – a short guide from OSHA	Employers of all sizes
Employee Retirement Income Security Act (ERISA)	Sets minimum standards for employee benefit plans, including retirement plans, such as 401(k) plans, and welfare benefit plans, such as group health plans. Resources: DOL's Employee Benefits Security Administration's (EBSA) webpage on ERISA compliance	Employers of all Sizes
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits employers from discriminating against individuals on the basis of membership in the uniformed services with regard to any aspect of employment. Resources: USERRA Guide – a guide from the Veteran's Employment Training Service (VETS)	Employers of all sizes
Consumer Credit Protection Act (CCPA)	Protects employees from discharge because their wages have been garnished for any one debt and limits the amount of an employee's earnings that may be garnished in any one week. Resources: Employment Law Guide: Wages and Hours Worked: Wage Garnishment – a guide by the DOL's WHD	Employers of all sizes
Jury Systems Improvement Act	Prohibits employers from discharging or taking other adverse employment action against employees who are summoned to jury duty in federal court. Most states also have their own employment laws regarding jury duty. Resources: 28 U.S. Code Section 1875 (Protection of jurors' employment)	Employers of all sizes

Americans with Disabilities Act (ADA)	Prohibits employers from discriminating against qualified individuals with disabilities in all employment practices, such as recruitment, compensation, hiring and firing, job assignments, training, leave and benefits. Resources: Facts about the Americans with Disabilities Act – an EEOC publication	15 or more employees
Genetic Information Nondiscrimination Act (GINA)	Prohibits employers from discriminating against employees or applicants based on their genetic information. Resources: Facts about the Genetic Information Nondiscrimination Act – an EEOC publication	15 or more employees
Title VII of the Civil Rights Act	Prohibits employers from discriminating in the workplace based on race, color, religion, sex or national origin. Resources: EEOC webpage with links to compliance resources based on type of discrimination (for example, national origin)	15 or more employees
Age Discrimination in Employment Act (ADEA)	Prohibits employers from discriminating against employees or applicants who are age 40 or older based on their age. Resources: Facts about Age Discrimination – an EEOC publication	20 or more employees
Consolidated Omnibus Budget Reconciliation Act (COBRA)	Requires employer-sponsored group health plans to offer continuation coverage to eligible employees and their dependents when coverage would otherwise be lost due to certain events (for example, a termination of employment). Resources: An Employer's Guide to Group Health Continuation Coverage – A resource from the DOL's EBSA	20 or more employees

Family and Medical Leave Act (FMLA)	Requires employers to provide eligible employees with unpaid, job-protected leave for specified family and medical reasons. Resources: The Employer's Guide to the FMLA – a publication of the DOL's WHD	50 or more employees
Affordable Care Act (ACA) – Employer Shared Responsibility	Applicable large employers (ALEs) must offer affordable, minimum value health coverage to their full-time employees. Resources: Internal Revenue Service's (IRS) Questions and Answers on the Affordable Care Act.	50 or more employees

Your Employee Handbook: 2025 Updates & What to Include
By HR Answers

2025 has been a year of watch--see-respond. There have been dozens of state and local regulations passed that impact employers of all types and sizes. Crafting an Employee Handbook that provides your team with clarity on how you approach compliance with each regulation is a key to long-term success. Whether you're crafting your first handbook or an update, make sure to include what matters!

Handbooks 101: Why You Need a Handbook (no matter the size of your business):

1. **Build Trust with Your Employees.** The success of every organization is built on a foundation of trust between employees and their employer — and a key method to establish this trust is through open communication. Specifically, the communication of expectations. A tried-and-true way to communicate expectations consistently across your workforce is to develop and present your team with a well-crafted employee handbook that includes: company policies and workplace and expectations, clears up confusion about when and where work is performed, and what to do if you cannot make it to work, or complete assignments as expected.
2. **Help Outline Solutions.** Ultimately, the employee handbook should help leaders completely avoid conflict with employees in many situations. Employee handbooks provide information on employees' benefits and rights, as well as their responsibilities and obligations to the company. I like to say that it serves as a CEO's "master FAQ"
3. **Facilitate Open Communication.** Your well-crafted, custom handbook will serve to establish trust and a regular, open line of communication between you and your employees; and provide a platform to build and nurture solid relationships between you and your employees.

Important Policies to Consider & Update for 2026

- Updated Telecommute
- Revised Timekeeping for Non-Exempt Employees
- Company Property
- Cybersecurity & Digital Devices
- Social Media
- Data Privacy
- Sick Time & Other Required Leaves
- Leave Donation
- Personal Leave
- Disability Accommodations
- Smoking/Vaping in the Workplace
- Whistle-blower Protections
- Reporting & Solving Problems
- Non-Harassment (related training requirement)
- Civil Workplace (Bullying)
- Drug Testing (considering new rules)
- Pay Transparency for Employees

Ready for a little support crafting your new or updated Employee Handbook? Contact you HR consultant, Niki Ramirez and the HR Answers team at 602-715-1300 or www.hranswers.org.

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Your Employee Handbook: 2025 Updates & What to Include
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Employee Handbook Checklist:
Top 10 Tips for Prepping Your Handbook for 2025

1) _____ **Employee Handbooks are NOT Contracts.** The Purpose of this Handbook policy serves as a disclaimer is what defines the nature of the employee handbook. It should clearly state that the handbook is **not** a contract of employment. This will prevent terminated employees from making claims against your company for a "breach of contract" at some point in the future. Work with a qualified attorney to craft non-competes, non-solicitation agreements, and intellectual property protections (which can cover you **after** an employees leaves your company).
2) _____ **Company Goals, Mission Statement and Core Values.** Employees need to know that they are part of a larger system; and how and where they fit. Use the Employee Handbook to lay a foundation for company goals, share your mission statement and company core values. Set the stage for an incredible employee experience by weaving your company's values, mission and vision in throughout the document. This provides your employees with a sense of unity and common purpose. Paired with a great new employee orientation and on-boarding program, including this important information throughout your handbook will help them develop a sense of belonging and commitment to your organization.
3) _____ **Employment Classifications.** This is one of the policies where every word counts. Use clear definitions to distinguish full-time employees from part-time and seasonal employees. This policy will also inform employees that some employees are "non-exempt" and others are "exempt" and how that may affect their pay. Carefully crafted, the classifications in this section will tie together information related to benefits and perks of employment.
4) _____ **State & Local Leave Policies.** Each state has its own set of rules and regulations related to mandates leaves. Some states require paid sick leave, some require paid "PTO" or "leave for any reason." There are also: family leaves, disability leaves, military leaves, jury duty leaves, bereavement leaves, and others. A comprehensive search of your state's department of labor resources is an important step in the process.
5) _____ **Timekeeping & Pay Policies.** To maintain compliance with various federal, state and local wage and hour laws, companies must define the workweek as the 7-day period which is then used to calculate overtime. State laws must also need to be taken into consideration and articulated in this policy as well. Outline your general pay schedule so that employees may look back and rely on this information as needed. A clear timecard and timekeeping policy is critical in this section. Consider including a policy informing employees as to the proper use of timecards (or time clocks, apps or web-based systems) will be a lifesaver for managers and supervisors when employees are coming and going during the course of the business day. **Also! Watch for new from the US Department of Labor for updates to the Exempt Salary Basis – which could be coming in early 2024.**

6) _____ **General Policies & Procedures.** This is what we refer to as the "nuts and bolts" section of the employee handbook. The section really holds everything together. In this section simplicity is key. You can easily and quickly cover the basics and provide information that employees need so that they can really focus on their work. *In this section, we cover policies from dress codes to telephone use, visitors in the workplace, attendance and punctuality and anything else that we deem pertinent to day-to-day management of your business.*

7) _____ **Non-Harassment and Non-Discrimination Policies.** Employers with 15 or more employees are subject to Federal Civil Rights laws, including Title VII of the Civil Rights Act of 1964 which expressly prohibits workplace discrimination. In this section, we will be clear that your company has a zero-tolerance policy when it comes to harassment or discrimination of any kind. You will provide various, multiple methods that employees can use to voice complaints and the different individuals who workers can turn to if concerns arise. A clear, concise procedure for complaint handling will also be included in this section. Be sure to check your state's training requirements in this area.

8) _____ **Employee Benefits.** This is certainly a hot topic for most employees! These policies will not provide all of the details relevant to each and every employee benefit, but will highlight the different benefits provided (health, vision, dental insurance, etc.). Keeping the language simple and short provides employees with a basic understanding of the benefits provided, and avoids having to update your handbook document anytime that a benefit changes.

9) _____ **Employee Conduct/Behavior Policies.** Use this section to outline and define expected employee conduct, as well as what could be considered misconduct. Explain the potential consequences of such actions but *beware not to bind the company into a plan of action by using absolute statements.* This policy, meant to assist employees in making important decisions about their own conduct, should also highlight the company's right to consider each employee incident on a case-by-case basis to determine appropriate behavior. Taking a well-balanced approach to communicating expectations to employees, this section will communicate that the philosophy of the company is to treat employees fairly and equitably and help them to establish their role as critical and valuable members of the team.

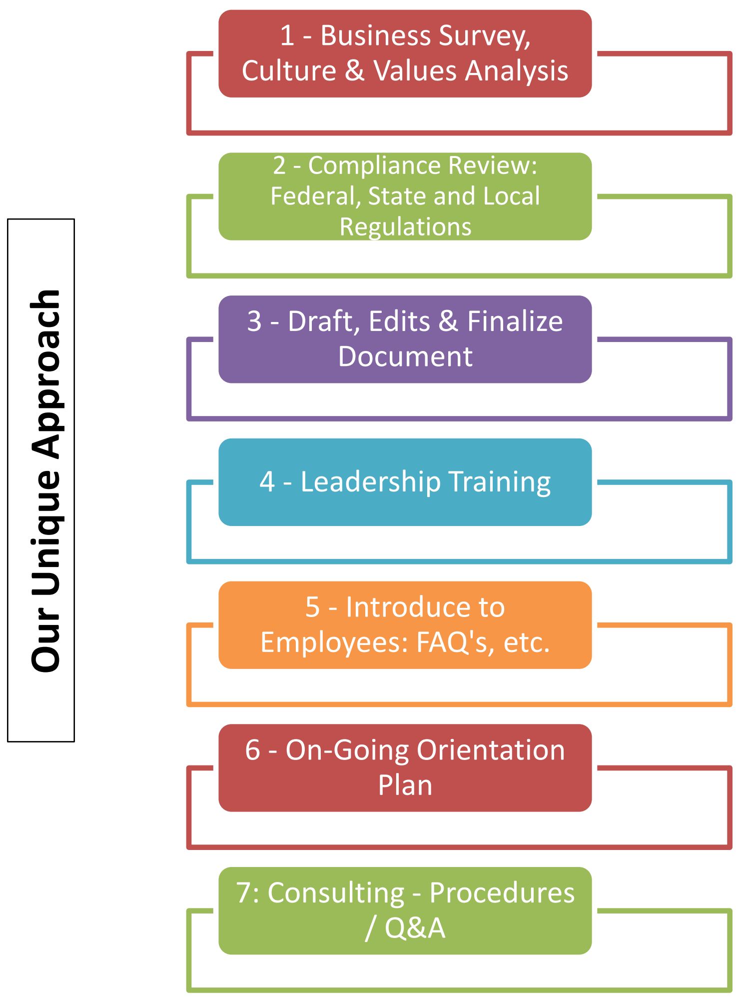
10) _____ **General Safety.** As a steppingstone for additional, more industry-specific, safety training and the communication of the importance of safety in the workplace, a simple, overarching safety policy should be included in the employee handbook. This policy will outline guidelines that apply to every employee, regardless of their position. This general safety section might include policies such as: general safety and accident reporting policy, policy governing weapons in the workplace, information on how to handle inclement weather, etc.

Next Steps

We know this can seem like a lot. We're here to help.

With decades of experience in human resources leadership, the HRAnswers.org team of experts, led by Niki Ramirez, MBA, will take time to expertly coach and guide you through the process of developing and rolling out your new Employee Handbook. This will include key components that you just cannot get anywhere else, such as: a unique business and culture analysis, regulatory compliance review, and training for your team.

Rest assured, we've done this 100's of times over the years. Our framework takes out the "guesswork" and helps you feel confident that you've got a tool that is meaningful for you in your organization, and for your employees; not just a cookie-cutter document that is meant to fill a gap or provide a "shield" for your company. Let's collaborate and craft a document that you're proud of that provides your employees with a sense of belonging and helps them get answers to common questions about how to be successful at work!



Ready for a little support crafting your new or updated Employee Handbook? Contact you HR consultant, Niki Ramirez and the HR Answers team at 602-715-1300 or www.hranswers.org.

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Why have job descriptions?

The success of every organization hinges on the effectiveness and success of their employees. How successful employees are often depends on how jobs are constructed and roles and responsibilities defined properly, employees have an easier time connecting with one another, and supporting cross-functional organizational goals.

Job descriptions are used on a daily basis for many reasons. They are often used as a tool for recruiting, determining salary ranges and levels or grades, establishing job titles and hierarchy, creating employee's job goals and objectives, and conducting performance reviews or dealing with employee relations issues. They can also be used for career planning, creating reasonable accommodations and meeting other legal requirements for compliance purposes.

Who should develop job descriptions?

In order to create the most meaningful and useful job descriptions, human resources professionals, in partnership with managers and business owners, should work with and alongside their employees to draft and update job descriptions. Employees should be encouraged, in their own words, to describe their current position, including: areas of responsibility, specific critical tasks that are completed, job requirements and hazards.

How often do job descriptions need to be updated?

Job descriptions are not meant to be prepared and then forgotten. They should be updated every time there is turnover in a position, or at the very least, every couple of years. Every organization goes through changes. Jobs duties change on a regular basis due to client demands, employees' areas of interest and expertise, among other things; and that is ok! Update job descriptions as often as needed to keep them relevant to the work that is being completed on a day to day basis.

The Society for Human Resources Management ("SHRM") suggests including the following steps when developing and maintaining effective job descriptions:

1. Involve employees by having them complete job analysis forms.
2. Interview employees, asking them specific questions about their job duties and responsibilities.
3. Obtain log sheets from employees with information about each of their tasks and the time spent on each task for at least one full work week.
4. Complete desk audits where you observe employees doing their jobs at different times of the day and days of the week and track what they do and for how long.
5. Interview supervisors and managers, and other employees, clients and customers the employee may interact with while performing the job.
6. Compare the job to other jobs in the department as well as the job grade or job family to show where it falls on the pay scale.

Are you ready to start the process?

Contact your human resources consultant today to begin job analysis, workforce planning, job description design and roll-out!

Niki Ramirez,
www.hranswers.org
480-717-8882

Position / Job Description Development Questionnaire

Name of person completing survey:	Title of person completing survey:
1. What is the job title that will be used for this new position?	
2. Who will this person report to and what is their job title?	
3. Will they supervise other employees? If so, how many?	
4. List their major areas of responsibility:	
5. List their most common daily tasks:	
6. List their most critical tasks (even if not executed daily):	
7. What tasks are they responsible for on a weekly basis?	

Position / Job Description Development Questionnaire

8. What tasks are they responsible for on a monthly basis?
9. What tasks are they responsible for on a quarterly basis?
10. What tasks are they responsible for on an annual basis?
11. What types of independent decisions do the make on a regular basis?
12. What decisions do they refer to their direct supervisor?
13. Are they responsible for preparing an operating budget for their team or department? If yes, describe:
14. Are they responsible for preparing event or project budgets? If yes, describe:
15. Do they have authority for the expenditure of funds? If yes, describe:

16. Do they have authority to open accounts and/or make purchases on behalf of the Company? If yes, explain:
17. What are the physical requirements of the job?
18. Does this job ever require the employee to work under hazardous conditions? If yes, explain:
19. Does the employee use any specialized tools or equipment to do their job? If yes, describe:
20. What is the recommended minimum level of education for the person doing this job?
21. Is the employee required to maintain any licenses or certifications for this job? If yes, explain:
22. What else do you want to tell us about this job?

Submit completed form to: ____

Job Title: ___________________________________

Date: _________________

JOB TASK ANALYSIS

IMPORTANCE SCALE	FREQUENCY SCALE
1 – Not important	1 – Every few months to yearly
2 – Somewhat important	2 – Every few weeks to monthly
3 – Important	3 – Every few days to weekly
4 – Very important	4 – Every few hours to daily
5 – Extremely important	5 – Hourly to many times each hour

TASK DESCRIPTION	IMPORTANCE	FREQUENCY

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Action Verbs to Use in Job Descriptions

Inspect—Critically examine for suitability.

Install—To set up for use.

Interpret—Explain something to others.

Investigate—Study through close examination and systematic inquiry.

Issue—Put forth or to distribute officially.

Maintain—Keep in an existing state.

Monitor—Watch, observe, or check with an eye to reaching agreement.

Notify—Make known to.

Operate—Perform an activity or series of activities.

Participate—Take part in.

Perform—Fulfill or carry out some action.

Place—Locate and choose position for.

Plan—Devise or project the realization of a course of action.

Practice—Perform work repeatedly in order to gain proficiency.

Prepare—Make ready for a particular purpose.

Proceed—Begin to carry out an action.

Process—Subject something to special treatment; handle in accordance with prescribed procedure.

Promote—Advance to a higher level or position.

Propose—Declare a plan or intention.

Provide—Supply what is needed; furnish.

Recommend—Advise or counsel a course of action; offer or suggest for adoption.

Repair—Fix or make usable.

Represent—Act in the place of or for.

Report—Give an account of; furnish information or data.

Research—Inquire into a specific matter from several sources.

Review—Examine or re-examine.

Revise—Rework in order to correct or improve.

Schedule—Plan a timetable.

Secure—Gain possession of; make safe.

Action Verbs to Use in Job Descriptions

Select—Choose the best suited.

Sign—Formally approve a document by affixing a signature.

Sort—To separate or arrange according to a plan.

Specify—State precisely in detail or name explicitly.

Stimulate—Excite to activity; urge.

Submit—Yield or present for the discretion or judgement of others.

Supervise—Personally oversee, direct, inspect, or guide the work of others with responsibility for meeting standards of performance.

Train—Teach or guide others in order to bring up to a predetermined standard.

Transcribe—Transfer data from one form of record to another or from one method of preparation to another, without changing the nature of the data.

Verify—Confirm or establish authenticity; substantiate.

Write—To compose or draft.

SAMPLE JOB DESCRIPTION – EDITS REQUIRED

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Job Title:	**Shift Supervisor**
Reports to:	Store Manager
Safety Designation:	Safety Sensitive
FLSA Status:	Non-Exempt / Hourly
Supervisory:	Yes
Hiring Range:	Hourly rate depends on experience

Job Summary
The Shift Supervisor is responsible for assisting the Store Manager with their daily duties and with a wide variety of operational and supervisory tasks. Supervisors generally work a different shift than the Store Manager to make sure that there is a manager on duty at all times for our customers and employees.

Essential Functions
Supervisory Duties

- Assists with completion of store operational requirements assigning daily duties to employees; and following up on work results regularly with employees during their shift.
- Provides advice and assists with hiring, orienting, and training employees.
- Ensures compliance with company dress codes in areas of personal appearance, cleanliness, and uniforms for themselves and store employees.

Other Duties

- Relays critical information from Store Manager or other members of management to store employees.
- Advises Store Manager of significant events affecting the store. Documents events by completing and filing required incident reports.
- Assists with the preparation of and/or assures that bank deposits are prepared according to company policy.
- Assists with the preparation of and/or assures that all accounting records are completed accurately and on a timely basis.
- Ensures availability of merchandise and services by continually maintaining inventories.
- Assists with ordering of merchandise.
- Helps establish and adheres to pricing policies by reviewing merchandising activities; determining additional needed sales promotion; authorizing clearance sales; studying trends.
- Display strong interpersonal and verbal & written communication skills, including the ability to professionally communicate to your team, customers, colleagues, management and vendors.
- Ensure consistent execution of established safety, security, quality, company, procedures, practices and programs.

Required Knowledge, Skills & Abilities

- Supervisory Skills
- High Level of Energy
- Dependability
- Productivity
- Excellent Customer Service Skills
- Lead by Example
- Ability to Follow & Teach Basic Safety Rules
- Attention to Detail
- Customer Focus
- General Math Skills
- Interpersonal Communication

Could you use help with custom job descriptions? Contact your HR Consultant, Niki Ramirez
(602) 715-1300 or nramirez@hranswers.org

SAMPLE JOB DESCRIPTION – EDITS REQUIRED

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Language Skills
Ability to read and comprehend simple instructions and memos. Ability to effectively communicate one-on-one with customers, co-workers or other visitors. Ability to read and interpret documents such as safety rules, operating and maintenance instructions and procedures manuals. Ability to write routine reports and correspondence.

Math Skills
Ability to add, subtract, multiply, divide, using whole numbers, common fractions and decimals. Ability to computer rate and percent.

Computer Skills
Point of Sale Systems
Inventory Systems
Online payroll and HR information systems

Physical Requirements and Work Environment
Employees in this job are regularly required to: stand for long periods of time. Walk, bend, stoop, grasp, reach with hands or arms, lift at least 20 lbs. on a regular basis in narrow spaces, occasionally lift 50 pounds, talk and hear. Drive personal or company vehicle to shop and perform other operational duties. Employees in this position will occasionally work extended shifts of 10-12 hours, as assigned; and ability to work in varying outdoor climates and in-store cooler environments.

Education and Experience
High school diploma or GED preferred.
3 years of experience in a directly related customer service and cash-handling position.

Schedule Requirements
Ability to work a flexible schedule, including nights and weekends, and be available to assist with coverage with little advance notice, as often as feasible. Shift Supervisors generally work at least 40 hours per week and are eligible for overtime pay.

Certification & Licenses
Must maintain up-to-date food handler training, as required by regulation.
Obtain required alcohol sales training.
CPR and First Aid Certification preferred.

Employee Acknowledgement of Receipt & Review

Employee Name: ___________________________________ Date: __________________________

Employee Signature & Acknowledgement: ____

SAMPLE Employee Benefits & Perks Snapshot

Offering employees a variety of benefits that add value, in addition to their base compensation/salary, is critical when designing your approach to small business total compensation. Providing a variety of meaningful perks and benefits is a tried-and-true strategy for attracting and retaining great employees. The following list is a snapshot of a variety of benefits/perks that small businesses offer their employees. Designing and offering certain types of benefits (like health insurance or retirement plans) may have tax implications in your business. Please consult your financial expert/CPA for questions related to taxable benefits, entity type, etc.

- **Paid Time Off or Paid Vacation Time**
- **Paid Sick Leave**
- **Paid Holidays**
- **Personal Leave**
- **Family Leave**
- **Paid Floating Holiday or Mental Health Day**
- **Flextime Schedules**
- **Telecommute/Work from Home**
- **Reimbursement for the Use of Personal Technology**
- **Mileage Reimbursement for Use of Personal Vehicle**
- **Wellness Reimbursement**
  Reimbursement for items that support employees in the attainment of personal health goals.
- **Medical Insurance (PPO, HMO, HDHP, etc.)**
- **Health Care Stipend (taxable)**
- **Health Saving Account (HRA)**
- **Dental Insurance**
- **Vision Insurance**
- **Life Insurance**
- **Short Term Disability**
- **Long Term Disability**
- **Flexible Spending Accounts (Section 125)**
  Pre-tax, flexible spending accounts for health care and/or dependent care expenses
- **Other Voluntary Insurance Policies**
  Supplemental Voluntary Insurance Products (employee-paid): AD&D, Short-Term Disability, life and accident and illness (e.g., AFLAC), Pet Care Insurance, etc.
- **Employee Assistance Program**
  Provides counseling free to employees and dependents; may provide other supportive services.
- **Qualified Retirement Savings Plan**
  IRA or 401(k)
- **Tuition Reimbursement**
  Assistance to offset the cost of formal continuing education (*college or university* courses in pursuit of a degree) that is directly related to your position with the Company (up to $5,250)

SAMPLE Employee Benefits & Perks Snapshot

- **Training & Professional Development Reimbursement (CEU's)**
  Assistance covering the cost of fees associated with professional development training. This training may support on-going licensing requirements for some employees.
- **Formal Performance Incentives, Pay for Performance & Bonuses**
  Structured program to measure metrics and outcomes; incentives paid based on attainment of goals.

Other Ideas – Perks, Ways to Say Thank You and Express Your Appreciation

- Employee Referral Bonus
- Client Referral Bonus
- Home office furniture allowance/reimbursement
- Company shirts, sweatshirts, and other "swag"
- Technology "upgrades" for longer-term employees
- Gift card for a favorite coffee shop, restaurant or store
- Book allowance (for books, journals or magazines related to professional development)
- Monthly lunches
- Massages (on-site at work location or at a designated spa)
- Quarterly team activities
- Paid Volunteer Day (team or individual)
- Pet Care Reimbursement
- Assistance with the cost of Child or Elder Care
- VIP Parking Spot
- Service Awards (number of clients served, sales, hours worked, length of service, etc.)
- Host an annual Family Day (picnic or party for employees + family)

Designing an effective approach to total compensation can be tricky with so many ideas and options.

No need to tackle it alone – we are here for you.

Schedule your private HR Strategy Session today and work with an HR expert to explore and design your benefits and perks package!

Schedule Your HR Strategy Session Here: *https://go.oncehub.com/NikiRamirez*

Give Us A Call: 602-715-7133 *Email:* nramirez@hranswers.org *Visit the website*: HRAnswers.org

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Exempt vs. Non-Exempt
A Quick Take Tool for Leaders

What is the difference between exempt and non-exempt employees?

The primary difference in status between exempt and non-exempt employees is their eligibility for overtime.

Under federal law, that status is determined by the Fair Labor Standards Act (FLSA). Exempt employees are not entitled to overtime even when they work in excess of 40-hours in a 7-day workweek, while non-exempt employees are eligible for overtime. In order to qualify as exempt, certain criteria must be met. To determine if your employees should be classified as exempt or non-exempt, you can often perform an assessment based on multiple factors including:

- How much money they earn *(salary basis)*
- The type of work they do *(job classification)*
- Their specific responsibilities and job duties *(job duties test)*

State laws may also have different criteria for classification, which also must be followed.

Non-Exempt Employees

Under federal law, non-exempt employees must be paid minimum wage plus overtime pay if they work more than 40 hours in a workweek. Overtime must be paid at 1.5 times the regular pay rate. Employers will also need to consult the state labor laws in the state where the employee is working for additional requirements. **Employees are considered non-exempt unless they qualify for an exemption under federal and/or state law.**

Exempt Employees

Exempt employees are not covered by the overtime provisions within the Fair Labor Standards Act, and are, therefore, not entitled by law to overtime pay. Most employees classified as exempt work in upper-level positions within their organization, such as executive or management positions. Other occupations are classified by definition as exempt, such as outside sales.

Exempt status is *considered advantageous to employers* because it doesn't limit the hours that an employee can work in a given pay period for the salary earned. Exempt employees often work more than the standard 40-hour week. However, it is important to remember that **the job performed by your employee must meet the requirements of the exemption. Employers may not override the exemption requirement just because they do not want to pay overtime.**

For more information and assistance with questions related to employee pay and job design, reach out to the team a HRAnswers.org

- Candidate evaluation sheets should be completed by the interviewer to rank a candidate's overall
- qualifications for a position.
- Under each heading the interviewer should give the candidate a numerical rating and write specific job related comments in the space provided.
- The numerical rating system is based on a scale where a rating of 5 means the candidate scores exceptionally well in that area, and 0 means that the candidate isn't close to meeting the minimum expectation in the rating area.

Candidate's Name: ____________________________________ Position Applied for: ________________

Interviewed by: ____ Date: ____________________________

1) Educational Background – Does the candidate have the appropriate educational qualifications or training for this position?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

2) Prior Work Experience – Has the candidate acquired necessary skills or qualifications through past work experiences?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

3) Technical Qualifications/Experience – Does the candidate have the technical skills necessary for this position?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

4) Customer Service Skills – Did the candidate demonstrate the knowledge and skills to create a positive customer experience/interaction necessary for this position?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

5) Communication Skills – How were the candidate's communication skills during the interview?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

6) Candidate Enthusiasm – How much interest did the candidate show in the position?

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

7) Overall Impression and Recommendation – Final comments and recommendations for proceeding with this candidate.

Exceptional	Very Good	Good	Satisfactory	Poor	Unacceptable
5	4	3	2	1	0

Comments:

35 – 30 points: *strong candidate*
29-25 points: *good candidate*
24 – 20 points: *acceptable candidate*
19 points and Below: *poor candidate*

Total Score:

Interviewing & Hiring Great Team Members Quick Tool

Sample Interview Questions & Top 5 Do's and Don'ts when Interviewing

Making the right hiring decision is critical for your success! Conducting effective interviews is the main strategy used to select new employees for any open position. Consider the sample questions and tips below when crafting your interviewing and selection strategy!

The following questions should help you uncover some of your candidates' attitudes and behaviors which might lead to success in the job!

General: Tell me about your professional background and why you're a good fit for the position. Tell me about your job history?

General: Tell me about education, training or certifications that you've received that make you stand out as the best candidate for this position.

Adaptability: What do you do when priorities change quickly? Can you give me an example of a time when this happened?

Communication: Tell me about a time when you had to speak up, or be assertive, in order to get a point across that was important to you.

Customer Orientation: How do you handle customer complaints? Give me an example.

Listening Skills: When is listening important in your job? When is it difficult to listen?

Interpersonal Skills / Teamwork: What have you done in the past to contribute a teamwork environment? Give specific examples.

Integrity: Have you ever encountered a co-worker stealing at work? How did you react/respond? If you haven't; can you tell me what you would do if you did?

Motivation: Give an example of a time when you went above and beyond what was expected of you at work. How could you go above and beyond to show a client you care?

Personal Effectiveness: It is important to maintain a positive attitude at work, even when you have other things on your mind. Give a specific example of when you have been able to do this.

Problem Solving: Tell me about a time when you disagreed with your supervisor. What did you do/how did you resolve this?

Stress Management: Tell me about the number one thing that stressed you out at your last job and how you dealt with it.

Self-Assessment: Give me an example of an important professional/job related goal that you have set for yourself in the past and tell me about your success in reaching it.

Safety Attitudes: Tell me what you would do if you had an accident at work.

Top 5 Interview Do's and Don'ts

Issue	Avoid Asking	Instead Ask
Affiliations & Religion	• Do you go to church? • Would working on weekends conflict with your religious beliefs? • What social clubs do you belong to?	✓ Do you belong to any professional or trade organizations that you think are relevant to this job?
Age	• When did you graduate from high school? • How old are you?	✓ Are you over the age of 18? ✓ If offered a position with the company, can you provide proof of your age?
Disabilities	• Do you have any disabilities that will prevent you from doing this job? • How much can you lift? • Can	✓ After reviewing the job description, do you feel that with or without a reasonable accommodation you can complete the essential job duties successfully? ✓ After reviewing the physical requirements of the job, listed on the job description, can you perform the duties, with or without reasonable accommodation?
Marital & Family Status	• What was your maiden name? • With whom do you live? • What are your child-care arrangements?	✓ We've discussed the schedule requirements for the job. Are you confident that you are able to meet these requirements? Note: Do not ask about marital status or living arrangements.
National Origin & Citizenship	• Are you a U.S. Citizen? • What is your race? • What languages did you speak at home growing up?	✓ Are you authorized to work in the United States? ✓ What languages do you read or speak? (Note: should be related to essential job duties)

If you have questions, or would like assistance with interviewing and hiring, contact your HR Consultant
(602) 715-1300 or nramirez@hranswers.org

Every new employee arrives on day-1 hopeful! Hopeful that they will be successful and enjoy their new job.
In order to facilitate growth and learning, and therefore success and enjoyment on the job, leaders should consider hosting regular weekly check-ins with new employees for at least their first 6 weeks on the job.
After 6 weeks, the frequency could be reduced to bi-weekly. After 90-days, the meeting can be adjusted from a "New Employee Weekly Check-In" to a regular "1-on-1 Meeting."

Hosting Successful New Employee Weekly Check-ins!

Employees who feel like they have been assimilated and are a part of the team ramp up faster and stay with the company longer. Don't' miss this excellent opportunity to forge a long-lasting, positive relationship.

1) Get Prepared – put these meetings on the calendar. Set aside 30-45 minutes per week. Each week, the session may be shorter, or longer, but plan for at least 30-minutes.
2) Plan Ahead – Make sure that you have a goal for each weekly meeting. Gather materials, documents and resources to share with your new employee before your meeting each week.
3) Stay the Course – Being consistent with these meetings will not only ensure that your new employee has the information they need to be successful at work, it will also ensure that you build a collaborative, open relationship with your team member, which we know will increase overall satisfaction and success.

Week #1

Company Deep Dive: Discuss with your new team member exactly what the Company does; share the mission and vision (if you have one). Share with your employee who your customers are; who you serve, and how you help them. Talk to your new employee about how their particular job helps meet Company goals and supports customers. If your Company has won awards or accolades, discuss these with your employee – you're helping create an Ambassador for your Company – someone who feels like a proud member of the team!

Week #2

Employee Job Description Review: Your employee should have received a copy of their job description during the new hire onboarding process. Take time to read through the employee's job description with them. Ask them what questions they have, if any at this time.

Share with your new employee what you see as the top 5 indicators of success on the job, based on the job description. This will give them duties to hone in on, specifically, as they grow in their position.

Week #3

Employee Handbook & Operational Policies Review: Confirm with your new employee that they received a copy of the Employee Handbook at the time of hire; and/or that they know where to locate an electronic copy of the Handbook. Discuss any key policies in the Employee handbook, or policies/procedures that are specific to your department, or your new employee's new job, that you want them to keep top of mind.

Week #4

Team and Org Chart Review: With 2 to 3 weeks under their belt, your new team member is likely getting more comfortable in their role, and has met a lot of team members. Take a few minutes to review who makes up the larger team/Company. Share a copy of your Organizational Chart, if you have one, displaying the reporting structure across your organization.
Ask your employee if there is anyone in the organization that they haven't met yet, but would like to. Facilitate introductions accordingly.

Week #5

Evaluation Process Review: Take time to discuss your Company's employee performance evaluation process. Show them/share with your new employee the forms that are used to evaluate their performance. Go down the form and discuss how they can aim to be successful in each area of the evaluation.

Week #6

Goal Setting for Success: This week is the conclusion of your 6-week ramp up! Congratulations 😊 Take time in this meeting to set 2 or 3 SMART Goals to help encourage your employee's continued success and growth on the job. Set a deadline to check in on these goals when the employee's (90-day) introductory period comes to a close. Goals should be related to important job duties, or areas where your new employee's contribution is critical. Goals could also be set related to your employee learning, and becoming proficient in, the systems, platforms, and equipment/tools, on the job.
{Refer to the HRAnswers.org Goal Setting Quick Take for more details on this!}

Schedule bi-weekly New Employee Meetings: With your 6-week ramp up behind you, you can now shift to a quick check-in with you every two weeks. Set aside between 20 and 30 minutes to have a conversation with your employee about their continued learning and growth in their new position. You can consider asking them the following questions:

- How are you doing? What are you working on?
- What are you liking most/least about this job?
- What should I do more of to support you?
- What should I stop doing that would help you be more successful?
- What can I do to help you, overall?

What's Next? New Employee Survey (at/around 90-days): when the employee has completed 60 days in their new job, ask them to complete a new hire survey to assess how they feel things are going. Here are some sample questions you may ask:

- The job explained during the recruitment process was accurate.
- This job is what I expected.
- Overall, I have been given enough training to do my job well.
- Were any topics not covered in Orientation that you think should be included?
- What is the most important information a new employee should receive?
- I have received useful feedback from my manager about my performance and progress.
- My manager is supportive of my development and work.
- I understand how my work will be measured or evaluated.

- I have the tools needed to do my job well.
- The workload assigned to me is achievable.
- I have a clear understanding of my objectives and tasks and what I am expected to accomplish.
- I know who to go to with questions about how to do my job.
- I have supportive co-workers.
- I believe my ideas are valued.
- I feel welcome and like a part of the team.

New Employee 90-Day Review: Whether it is a formal process, or more of an informal conversation, it is important to provide feedback to your employee regarding how they are progressing in their new role. Put it on the calendar early on so that it doesn't sneak up on you, and the employee knows to expect a conversation at/around their 90-day anniversary.

Contact your HR consultant if you could use a little assistance with on-boarding, new employee orientation and training.
602-715-1300 or nramirez@hranswers.org

Disciplinary Action Considerations & Procedures Quick Take for Leaders

Dealing with an employee who is not meeting performance goals or behavior expectations can be challenging for any leader. There are general considerations that should be made when moving through the coaching and disciplinary process, and actions that leaders can take to help an employee correct their behavior or improve their performance. Before taking the next step, consider the list and ideas, below:

General Considerations Checklist / Best Practice

- ✓ The employee has been trained properly to complete the task that is an issue. *If not, consider training.*
- ✓ The employee was provided with prior warning or training on employment policies. *If not, consider informing the employee of the expectation, rule or policy.*
- ✓ The supervisor has collected facts about the issue/situation. *If not, gather information and facts before taking action.*
- ✓ The employee has been provided with an opportunity to explain their actions. *If not, have a conversation.*
- ✓ The facts that were collected have been documented in writing for the supervisor's private file. *Documentation is key.*
- ✓ The employee's file and prior disciplinary action has been reviewed to consider past disciplinary action and performance. *If not, review the employee's file for a reminder of their employment record with the company.*
- ✓ The disciplinary action recommended is consistent with company policies, practices and procedures. *Review policies.*
- ✓ The disciplinary action recommended is consistent with how other employees have been treated in the past. *If not, consider why you'd take a different approach with this employee versus others.*
- ✓ The recommended action is reasonable, related to the offense and the employee's previous performance history.
- ✓ The manager has presented the employee with documentation and obtained their signature after reviewing with them in person (for written warnings, performance improvement plans, etc.).
- ✓ If an employee refuses to sign disciplinary documentation, the direct supervisor and another member of the management team should sign as a witness and note on the form: "Employee refused to sign".
- ✓ A copy of all final documentation is placed in the employee's file.

***Prior to* meeting with an employee to deliver notice of disciplinary action, leaders must prepare.**

- Review the employee's job description.
- Gather facts and speak to the employee to get their side of the story before making decisions.
- Consider similar situations or issues that have arisen in the past (with other employees).
- Look at supervisor's private notes regarding this employee (training, performance, behavior).

Running the Disciplinary Action Meeting

Step in the Process	Point to Highlight / Make
Identify specific issues you have with the employee's performance/behavior and how they are affecting the business.	Detail the difference between what they are doing and what you expect. Stay focused on the facts. Refer to previous disciplinary action taken (verbal warning, written warning, Plan for Improvement). Tell them how their issue is affecting business.
Give the employee a chance to respond.	Ask the employee to tell you: "Why do you think you are having this issue/problem?" Ask them for additional comments. Take notes while they talk.
Provide them with the documentation of disciplinary action and review with them and restate your expectations for change and improvement.	Verbal warning, written warning, final counseling memo, Plan for Improvement, etc. Tell them that you expect them to take ownership of the problem and take steps to fix it. Ask them: "How can I help you improve?"
Ensure the employee understands the plan / action being taken.	Ask them questions: what, how and when will you improve? Ask: "Can I get your commitment to work on this and make an improvement?"

After the meeting: Observe your employee's behavior and follow up. If they have improved, acknowledge that and reinforce improved performance and/or behavior. However, if the employee is not improving, seek advice from your HR consultant and/or follow through with the "next step" that you outlined with the employee (further disciplinary action, suspension, demotion, transfer to new location/position, termination).