

# ESSENTIALS OF EMPLOYEE RELATIONS

Best Practices and Real-World Applications



The Essential Building Blocks of a Human Resources Library



**J. J. Keller**  
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# Essentials of Employee Relations

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# Essentials of Employee Relations

## Introduction

This manual is divided into three broad areas: recruiting and hiring, management and development, and the eventual departure of employees. Through each phase, employers have opportunities to improve employee relations – or cause damage to the relationship.

Positive employee relations begins with first impressions made during the advertising, interviewing, and onboarding process, which are covered in the first section of this manual. By the time a job offer has been extended, the company already has a considerable investment in the new hire. Making a good impression can encourage that person to stay, and it's the first step in developing a positive relationship. The impressions an employee develops during the first phase of employment will affect that employee's attitude toward the company.

The second section covers the employment relationship, from maximizing performance and minimizing conflict to developing employees for future success. Of course, employee relations will suffer if employees do not feel appreciated, so rewards and recognition are covered as well. Finally, if conflict develops, the employer may have to manage the problems and possibly impose discipline or take corrective action.

The final section recognizes that, sooner or later, everyone who works for an employer will leave. The employee might quit, get fired, or retire after years of service. Whatever the reason, employee departures are inevitable. The manner in which a departure is handled is likely to become known by other employees, potentially impacting their attitude toward the company.

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# Recruiting and Hiring

## Planning and Advertising



### Introduction

Planning for new hires, whether hiring replacements for departing employees or creating a new position, begins with defining the position. In the case of replacement employees, employers might assume that the position is already well defined — and it might be, but if the job description has not been updated for several years, or if the replacement employee will have different duties than the former employee, then the responsibilities and expectations of the position will still need to be defined.

The job description is typically a good starting point, and can be used to help create postings or advertisements for the position. But before a company begins to consider hiring, it must determine if hiring is the best option.

For some positions, using contract employees or independent contractors may be preferable, especially if the job duties are peripheral to the company's core business, or if the job requires specialized knowledge. For other positions, hiring through a temporary staffing agency might be preferable, especially if the job duties do not require specialized skills or the position only needs to be filled for a limited duration.

If the company determines the directly hiring an employee is the best option, it will need to describe the position to potential applicants. This requires identifying the various terms and conditions of employment. Will the position be part time, full time, seasonal, temporary, or some other category? Will the position be exempt, nonexempt, hourly, salary, commission, or some other manner of compensation?

Once the basic structure has been determined, the actual compensation (or potential earnings, in the case of commissions) will have to be competitive to attract qualified candidates.

Finally, the company can create an advertisement that will hopefully “sell” the position to potential applicants. In many cases, employers might start by posting a job opening internally or providing an opportunity for current employees to recommend candidates. If these searches are not successful, the company may start posting on websites, newspapers, or other media (which might even include billboards along a highway).

# Recruiting and Hiring: Planning and Advertising

Even the selection of advertising media may depend on the nature of the position, since some media outlets are more likely to reach the desired audience. For example, advertising online might be more effective in finding candidates for a computer programmer, as compared to advertising in a newspaper.

Selection of media must also consider the geographic area from which candidates are sought. A company looking to hire a new CEO may search a much larger area than a company looking to hire a janitor.

For these reasons, the job planning, job description, compensation structure, and advertisements are all intertwined. These are the issues covered in this chapter.

2

## How Do You Define and Measure Cultural Fit?

Have you ever walked into a meeting on casual Friday and found two or more employees wearing the same (or similarly themed) graphic t-shirts? Would you be able to carpool with your coworkers to a university alumni meeting? Do you regularly run into colleagues at the same stores, restaurants, or entertainment venues?

It's arguably human nature to want to surround ourselves with people who are like us. We unconsciously tend to gravitate toward like-minded individuals with similar hobbies and backgrounds, so it isn't surprising that hiring in some ways can be a bit like choosing friends. After all, there is certainly a lot to be said for the cohesive teamwork that can be achieved when coworkers get along.

But when recruiters and hiring managers look only for employees with a similar background and working style as the rest of the team, it can create a culture of sameness in a company where talented potential candidates are disqualified because they wouldn't "fit in" with the rest of the group.

Cultural fit, warns Lauren A. Rivera, an associate professor at Northwestern University's Kellogg School of Management, "has become a new form of discrimination that keeps demographic and cultural diversity down, all in the name of employee enjoyment and fun."

In her 2015 New York Times op-ed titled "Guess Who Doesn't Fit In at Work," Rivera goes on to say that cultural fit can work, but personal similarity among colleagues is not the key. She asserts that organizations that use cultural fit for a competitive advantage in hiring have a culture that is aligned with business goals, and they use measurable data to understand what types of traits and behaviors predict on-the-job success.

Companies that want to use cultural fit as part of hiring criteria, but also want the advantages in skill, employee retention, innovation, and profit that a diverse workforce can provide, should consider the following:

**Clearly define your culture.** What is your company strategy, vision, and mission? What is your organizational pace? How do decisions get made in your company? What specific employee behaviors or traits best support the organizational style and goals? (i.e., Who is successful in your company, and why?)

**Consistently communicate culture.** While it is important for potential employees to know your company culture during recruiting endeavors, don't forget to engage with current employees as well. Communicating your core values and mission can help reinforce commonalities and shared perspectives instead of focusing on personal similarities.

**Create formal procedures to measure fit.** Don't leave the fit assessment up to the gut feeling of the hiring manager. When left without a tool for measurement, humans tend to define merit in their own image. Consider using skills tests and personality assessments in addition to interviews. Use a standardized interview process, and incorporate behavior-based questions that related to the company's core values. Also consider multiple interviews or panel interviews, so more than one person's point of view is taken into account.

# Recruiting and Hiring: Planning and Advertising

**Provide guidance on weighing criteria.** Understanding how to weigh criteria when choosing the best job candidate is not intuitive for most hiring managers. Don't just tell interviewers what qualities or traits would best fit within the company culture. Also provide guidance about how to weigh these different qualities, and how to weigh them against other qualifications like skill, knowledge, and experience. Too often, employees are hired because of charisma and likeability, which end up being poor indicators of future performance.

These simple strategies can go a long way toward increasing not only the diversity of hires in your organization, but also to creating the kind of company culture that will make those hires feel like they fit right in.



## Cross Reference

For more information on cultural fit and avoiding bias in hiring, see **Selection and Interviewing**.

## Job Descriptions and Classification

The employees brought in today directly impact the company's operations tomorrow. Furthermore, the way employers handle the hiring process can mean the difference between happy employees and disgruntled employees, productive employees and unproductive employees, compliance with government regulations versus non-compliance, and being the victim of a civil suit versus staying out of the courtroom.

Creating job descriptions (and keeping them updated) can be a time-consuming process. However, the value they provide throughout the employment relationship, from creating advertisements to handling discipline for failing to meet expectations, makes them well worth the effort.

The job description can also help to classify an employee as exempt or nonexempt, and help compare the compensation offered to ensure that it is competitive.



## Best Practice

### How job descriptions help

A properly written job description can help an employer:

- In recruiting, as the job duties and responsibilities in the job description can serve as a basis for writing targeted job advertisements.
- Hiring the right applicant, since interviewers using the job description will be able to obtain more useful, specific information from applicants.
- Clarify the position, providing a clear idea of the responsibilities of the position and who the position reports to.

## Recruiting and Hiring: Planning and Advertising

- During performance appraisals, so that employees know what is expected of people in that position.
  - Comply with Americans with Disabilities Act (ADA) requirements, in that the job description can be evidence.
- 

### Creating the Job Description

One of the first steps in creating a new position is writing a job description. If the position already exists, review the description to ensure that it's accurate. Job descriptions provide a framework of a position's duties, responsibilities, working conditions, and physical requirements for both applicants and employees.

The job description is a position summary including a list of specific job duties or essential functions, position qualifications, required education and experience, necessary skills and abilities, responsibilities, reporting requirements, working conditions, physical requirements, and supervisory responsibilities (if applicable).

One of the most important aspects of developing and using a job description is that it brings a level of consistency to positions. Employees know what to expect of the job and what the job expects of them.

A properly written job description also brings consistency to candidate screening, recruiting, and hiring. Well-written job descriptions help applicants understand the scope of the position, which results in a better fit between the employee and the job. Conveying job expectations and requirements in a written job description can help attract qualified and interested candidates.

Poorly written descriptions — those that don't accurately reflect the requirements of the position — can attract the wrong candidates and end up costing valuable interview time. Even worse, a candidate who doesn't fit the job is more likely to leave and find another job, meaning the company must start over with the advertising process to hire a replacement.

Established job descriptions can also help quickly replace or hire workers in the case of turnover, or when there's an increase in business demands. The job description can be used as a basis for writing targeted job advertisements, and can be used again during interviews to obtain information relevant to the responsibilities of the position. Staffing and career planning are simplified by using standard format job descriptions. For example, employees who wish to transfer or advance can be evaluated based on the duties of the current position, compared to the duties of the desired position.

Job descriptions provide a framework of a position's:

- Job title,
- Exempt/nonexempt status,
- Position summary,
- Qualifications,
- Duties,
- Essential tasks,
- Responsibilities,
- Reporting requirements,
- Working conditions,

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- Physical requirements, and
- Supervisory responsibilities.

Though their format varies, most job descriptions should contain certain elements. They should provide a summary of what duties and responsibilities the position requires, including the required hours of work. They should also spell out other requirements for the position, such as the knowledge, skills, experience, and education required.

Job descriptions can also spell out expected quantity or production standards so applicants know what to expect, and help screen out applicants who could not meet those standards. Job descriptions should also contain a statement that when duties and responsibilities change, the job description will be reviewed and subject to change. Make sure they actually get updated if something changes.

HR can also use job descriptions in reviewing an employee's job performance during the appraisal process. Staffing and career planning are also simplified by using standard format job descriptions.

Larger employers benefit from having job descriptions when they need to standardize job functions across multiple locations and throughout the organization.

Also, some employers will have unique job titles that are specific to their industries, while others will have many job titles that are extremely similar, such as organizations with numerous clerical and administrative positions.

### What should be in a job description?

Even though the format of job descriptions varies from company to company, there are common elements that should be part of most job descriptions. The job description should contain a complete summary of what the job-holder is expected to do. It should also spell out the qualifications for the position. The job description should contain:

- Job title, name, or code number as applicable;
- Department or area in which the job is located;
- The hours and/or shifts that the employee is expected to work;
- The supervisor the position will report to;
- Relationships to other jobs and the purpose of contact with outside agencies and personnel;
- Principle duties (i.e., essential functions of the job — the reason the job exists);
- Nonessential functions of the job;
- The quality and quantity of work expected from an individual holding the position;
- Special working conditions such as overtime, or as-needed work;
- Knowledge, skills, and experience;
- Educational requirements, if any;
- Certification or licensing required, and whether the certification or licensing can be earned while employed;
- Physical requirements and how often they are performed (for example, must lift 35 pound boxes for two to three hours per day, three days a week);
- Equipment familiarity required (e.g., computer, server maintenance, PDA); and
- A statement that when duties and responsibilities change and develop the job description will be reviewed and subject to changes of business necessity.



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The list of job tasks is the heart of the job description, identifying all of the tasks the employee is required to perform. It should be thorough in scope, but broken down by activity such as setting up machinery, moving materials, placing parts on a line, and so on. For each task, the employer also should identify the following four characteristics:

1. Equipment/Weights/Measures (physical set-up of the job),
2. Physical Demands (standing, sitting, lifting, bending, and so on),
3. Frequency (how often a specific task is to be performed), and
4. Essential Functions (identify whether the job task is an essential function).

The job description may also spell out established quantity or production standards for the position. If there are expected production goals, these are legitimate for inclusion in the description, and the employer can screen out applicants who could not meet those standards.

Also describe the environmental conditions of the position. For example, a sales job for a company located in an office park might identify environmental conditions as “indoors, temperature controlled, sealed window office.”

List all necessary personal protective equipment required for the position, as some individuals may not be able to wear it.

### Accurate job descriptions

Having accurate job descriptions for all employees can benefit the company in a number of ways. Here is a list of some of them:

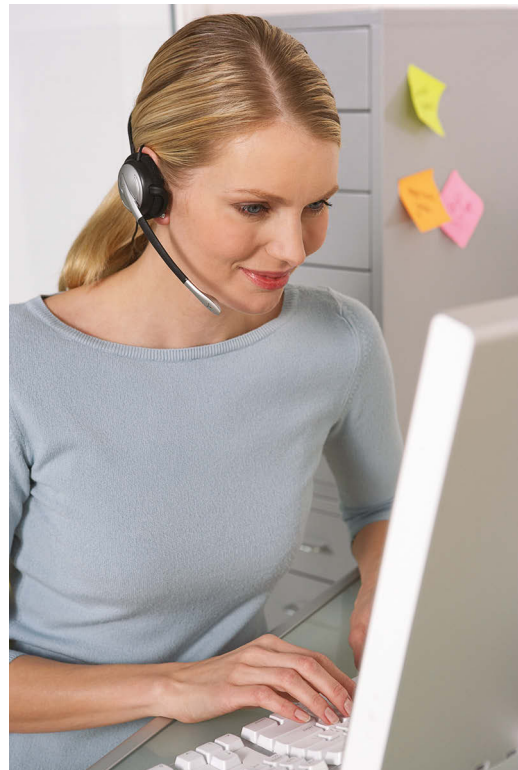
**1. Workers' compensation.** An accurate job description can help determine whether an employee with a work-related injury can perform his job, at what level, and what restrictions may be necessary.

Suppose an employee hurt his back (or other body part) at work. He goes to the doctor and returns with a slip that says he can only perform light duty work, with no definition of what that means. That doesn't do much good, particularly if the company doesn't have any light duty work available.

However, having the employee go to the doctor with a copy of his job description which details the frequency and type of physical labor that is required is invaluable for helping the doctor determine which of those job duties the employee can and can not do.

**2. ADA accommodation.** A qualified individual is one who can perform the essential functions of a job with or without reasonable accommodation. A good job description should outline which are the essential functions of a position. That way, if an employee has medical work restrictions that prevent him or her from performing the essential functions of the job, the employee is no longer a qualified individual with a disability under the meaning of the Americans with Disabilities Act (ADA), assuming no accommodation can be provided.

The ADA does not require that an employer have written job descriptions. However, if discrimination claims arise, the Equal Employment Opportunity Commission will look at the job description and will consider the list of essential functions as part of the evidence in the claim.



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**3. Determining status under the Fair Labor Standards Act.** Many lawsuits have been filed claiming that certain employees were treated as exempt employees (they didn't receive overtime) when in actuality their jobs should have been classified as nonexempt, and they should have received overtime. The majority of these cases hinge on the job duties test, particularly on what constitutes an employee's primary duty.

For example, sometimes administrative employees are classified as exempt when they should not be. Just because an employee performs some duties that would qualify the job as exempt does not make him or her exempt if the majority of the employee's duties are, in fact, of the nonexempt variety. Job titles alone won't determine this — but an accurate job description can help employers make the determination. A good job description will give the percentage of time the employee will likely spend performing certain functions, and this can be helpful in defending a wage claim for overtime based on misclassification.

**4. Employee performance.** An employee who has an accurate job description knows what is expected of her. The employee can't come back later and say she didn't know what was expected in terms of job responsibilities, or was not aware of expectations. The job description can also be used in performance reviews or discipline. Employers can point to specific job duties where the employee needs work or specific functions that she is not performing.



### To Illustrate

#### When job descriptions aren't accurate

In some cases, job descriptions do not accurately reflect the duties performed on the job, but employers still rely on them for various reasons.

Court cases often involve employees who were classified as exempt from overtime based on the duties outlined in the job description. However, when the employees sued for back overtime pay, the court (or the jury) may accept their description of the actual daily work. If the work those employees claim to perform on a daily basis does not support the exempt status, the company can be liable for back pay.

Similarly, employers have found themselves in court for claims of disability discrimination. The Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations that would allow an employee to perform the essential functions of the job. This may include excusing the employee from performing non-essential functions. If an employee's request to be excused from certain duties is denied (because the company claims they are essential) but those duties are not even included in the job description, the company will have a greater burden in showing justification to deny the requested accommodation.

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#### Applying competencies

It's extremely important that employers identify what is expected from employees in particular positions, and one method of doing this is a competency-based performance management system. While it may seem like an intimidating term, competencies can be understood as the knowledge, skills, abilities, and characteristics required to be successful in a particular job or organization.

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When used as a part of performance management, relevant competencies are identified for the organization as a whole as well as for each position. These competencies consistently reappear within an organization and throughout an employee's career, which helps to translate an organization's overall vision into its daily operations.

Workforce planning is necessary to ensure the staffing levels are strategically aligned with the company's business priorities. Effective workforce planning exposes talent deficiencies and needs, identifies recruiting issues, and clarifies organizational and employee development priorities. Workforce planning is the highest level at which employers can identify the critical workforce skills and competencies that the organization expects all employees to personify. For example, in a service business, active listening and good communication skills (both oral and written) are probably among the essential competencies.

Once a workforce plan has identified the competencies that are most valued by the organization, seek to create job descriptions that both include and expand upon them. Job descriptions should not only carefully describe each position and the competencies required to successfully perform them, they should also take into account how each job works to accomplish the organization's overall mission. Assigning competencies to each position helps develop a framework on which employees can depend to accurately illustrate the expectations of a position.

Once job descriptions are developed based on relevant competencies, design the interview process to identify applicants who most embody those competencies defined as being integral for each job. For example, if a job requires the ability to work well under pressure, ask applicants how they have managed stress or dealt with deadlines in their previous experiences.

The same competencies that drive the interview can also direct much of the feedback an employee receives regarding his or her performance. When it comes time for a formal performance review, employees should be evaluated on how well they have demonstrated the identified competencies in their day-to-day work.

Employers who utilize competency-based performance management can also create a 360 degree feedback program (a tool which surveys multiple individuals to gather feedback on an employee's performance) based on the competencies most desired for the job each individual holds.

When used consistently, competencies can permeate almost every facet of an organization. They make it simple for everyone in an organization to understand what the expectations are for each employee, and for the business as a whole. Giving careful consideration to the competencies assigned to individual positions is the best way to ensure that the company has the right people for the right jobs.



### Must an employee's qualifications match the job description?

*An employee recently retired. When you reviewed the job description before advertising the open position, you made a few updates to the job requirements to stay current with trends in the marketplace. During the review, you realized that Larry, a long-time employee who consistently is a top performer in the same position, doesn't meet the current education requirements of the job description. Is it OK to allow him to remain in the position?*

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