



# HR Examiner

*Examining practical HR issues business owners  
and managers encounter every day*

## You've Got to Know When to Hire 'Em

November 2009

Lots of Updates

### Another Musical Keynote

Those of you who are human resource professionals seeking an opportunity to network with other HR folks, contribute to a charitable organization and hear me present Personnel Parodies – a keynote linked by many of my fun HR parodies, may want to attend the [HRP-MN Event](#) on Wednesday, December 9th

### Ready To Hire

I had a great time speaking to Joyce Rosenberg of Associated Press a couple of weeks ago regarding an organization's best approach to regrowing their employment population.

I have to admit that it's great fun to see my name printed in an article that receives the kind of exposure AP offers. Some of the websites that included the article include: Google, msnbc, Business Week, ABC news, AARP, Yahoo, Miami Herald, Seattle Times, Salt Lake Tribune, our own [Star Tribune](#), and the newspaper I grew up with – the [Boston Globe](#). (Use one of the links to read the article.)



Joyce and I discussed the importance of employers determining how best to handle staffing once a business turns around. The primary options we discussed

from 4:00 – 7:00 at the Woman's Club in Minneapolis.

Cornerhouse is the organization HRP is supporting with this event. If you haven't heard my hiring, firing, and harassment songs, you're in for a treat. And of course, I'm creating new songs – such as: “In my employee handbook, I wrote this policy” sung to the tune of the 12 days of Christmas.

Click on the link above to learn more about this fun event. I'd love to see you there!

Or if you're looking for a fun program for your organization, I can write custom songs for your event – or perhaps you'd be interested in my keynote: “Melodies to Motivate Managers?”

## HR Mastery

2010 is the 4th year that I'm facilitating monthly HR Mastery groups of human resource professionals. If you're interested in learning more about this great opportunity to learn from and with your peers, call me at 952-996-0975. Groups are forming now!

were whether to hire a regular employee, a temporary employee, a temporary from an agency or an independent contractor to fill the gap. Each option meets a particular need and, of course, comes with its own HR, tax and legal issues.

So how do you choose? Although there's no simple answer, I'll be providing some mini-advice below. Of course, if you are facing this question and need to discuss the best options, feel free to call or email me.

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## So What Should You Include In An Offer Letter?

### Choice 1 – The Employee

- If you believe that the position is going to be long term or a “regular” employee, hiring someone is the traditional approach. (Note – never call it permanent employment, because it implies that you are not an at-will employer.) In this market, you should be able to find just the right person, but be prepared for the extensive number of resumes you'll be screening. And there can be many qualified candidates, so be sure you know exactly what you're seeking from a skills, knowledge, experience and personality fit perspective.
- As you know, be sure to calculate the cost of overhead, benefits, taxes, etc. into your pay formula.
- The most important part of any hire is making sure you don't settle. Find your ideal candidates, interview them multiple times to make sure they are consistently the same person, test their skills with hands-on assessments to make sure they can do what they claim, and check as many references and background information as you can as proof of their track record.

## Another FMLA Legal Change

In case you haven't been following the rapidly changing employment laws, as of October 28, 2009, FMLA eligibility now expands the military caregiver leave to veterans. Here's a link to an article on the change: [CCH on FMLA](#)

### Documentation Question

This past month I received a call from a client who had given an employee a written warning. The employee asked how long the documentation would remain in the personnel file and wanted it removed after a certain period. My response was "NEVER remove documentation!" You want your personnel file to be a complete record of the employee's actions. Once the documentation is destroyed, it cannot be recovered – and the employee is likely to err again coincidentally just after the previous documentation is gone!

So if you want to commend the employee after months of great behavior, add a nice letter to the

- Then make sure you really orient and train them well – invest in them so that they have every opportunity to succeed.

### Choice 2 – The Temporary Employee

- If you hire someone on a short-term basis but pay them through your payroll, it's important to recognize that they are still full-fledged employees. You are obligated to pay their taxes just like any employee. But most importantly, you are obligated to pay their unemployment when the position ends – just like any other employee. Even though you told them the job would end after x period or x project, they are still eligible for unemployment benefits.
- I recommend that you create an offer letter and in it be sure to clarify that the employee is temporary and not in an eligible class for holidays, paid time off and insured benefits.

### Choice 3 – The Agency Temporary

- A "temp" is a great option if you don't want the issues of #2 above but still don't need a regular employee. This option costs more on an hourly basis.
- If you're considering a temp-to-perm arrangement, this is a good option so you can see how effectively the employee works before hiring the person. However, you may have to pay a "hire" fee.
- The range of skills of temporaries, the absence of guarantee that the person will last throughout the assignment, and a "just passing through"

file. But be sure to keep all disciplinary documentation for as long as you retain the personnel file.

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[Arlene@ArleneVernon.com](mailto:Arlene@ArleneVernon.com)

attitude are some of the downfalls of this arrangement.

### Choice 4 – The Independent Contractor

- The most important issue with contractors is ensuring that they are truly independent. Employers should not call employees “contractors” merely to avoid employment costs – it’s just not legal. Check the IRS guidelines and ask yourself the pertinent questions regarding work direction, schedules, tools, etc. If you’re creating most of the above items, it’s more likely to be an employee relationship.

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## About Arlene Vernon

Arlene Vernon, PHR, partners with small businesses as their Human Resource Xpert to create their HR systems and solve their HR problems.

If you have gaps in your HR operation, have an employee problem to solve, or want to enhance your managers' skills, call Arlene today. Learn how HRx can save you time and help you avoid costly HR mistakes. HRx, Inc., Eden Prairie, MN 55344, 952-996-0975, [www.HRxcellence.com](http://www.HRxcellence.com). [Arlene@ArleneVernon.com](mailto:Arlene@ArleneVernon.com)

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