

Alabama League of Municipalities



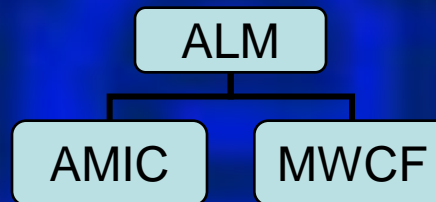
ALM Services

Perry Roquemore, Executive Director

Individual Services
to
Member
Municipalities

- Research to help local officials in duties
- Legal opinions from the League's four attorneys
- Publication of the Monthly Magazine – “The Alabama Municipal Journal”
- Weekly legislative bulletins when legislature is in session
- Large Web page
www.alalm.org

Alabama League of Municipalities



- The Alabama Municipal Insurance Corporation has been a service of the ALM since 1989
- The Municipal Workers Compensation Fund has been a service of the ALM since 1976



Loss Control Services



- On-site Consultations with Follow-up Written Reports and Recommendations
- Specialized Law Enforcement Risk Control
- Loss Analysis and Trending
- Newsletters, Technical Resources
- Employment Practices Hotline
- Video Library
- Skidcar Training
- F.A.T.S. (Fire Arms Training System)

Questions?





Hiring, Firing & Retention

By

Richard Buttenshaw

What's the problem?

- Employment practices are a minefield
- Numerous State and Federal Laws
- Equal Employment Opportunity
- Discrimination
- Wrongful Termination
- Privacy
- Keeping the good ones

People just sue more than they used to !

Labor Law Posters

- Post in major locations (not just City Hall)
- Posters can be downloaded free from:
 - Federal Dept of Labor posters:
 - www.dol.gov
 - Click on “compliance assistance”, then “compliance tools”, then “elaws Workplace Poster Advisor” and finally “Poster Place”
 - State of Alabama posters:
 - <http://dir.alabama.gov>
 - Click on “downloads” and then “posters”
 - Child Labor Law poster:
 - www.alalabor.state.al.us
 - Fact sheets are at:
 - www.dol.gov/elaws
 - Overtime rules are at:
 - www.dol.gov
 - Click on “fair pay overtime rules and fair pay resources”



Hiring



- Job opening & job description
- Planning to screen candidates
- Interviewing
- Checking references
- Background checks
- New hire orientation

Job Opening & Job Description

- Sections of a job description:
 - Objective
 - Why is the individual employed
 - Authority
 - Outlines the area and limits of authority
 - Responsibilities
 - Describes the duties and essential functions
 - Includes knowledge, skills and abilities needed
 - Performance
 - Describes the level of acceptable performance
 - Qualifications
 - Years of experience, certifications and training
 - Salary Range

Planning to Screen Candidates

- **Complying with the law:**
 - Americans With Disabilities Act (ADA)
 - Equal Pay Act
 - Civil Rights Act
 - Age Discrimination Act (ADEA)
 - Fair Credit Reporting Act
 - Immigration Reform and Control Act
- **Use standard application form**



During employment remember Fair Labor Act and FMLA

Interviewing

- Guidelines for asking legal questions:
 - Ask only job related questions
 - Do not ask questions of minority groups that would not be asked of every person
 - Do not set unnecessary conditions of employment
 - Do not ask questions which solicit information about religion or national origin
 - Do not ask broad background questions which are only marginally related to job requirements
 - Ask permission to do background checks and drug test
 - If in doubt, do not ask the questions

Common Interviewing Mistakes

- **Halo Effect**
 - Tendency to attribute (accurately or not) a host of positive characteristics to people we feel present a positive or professional image
- **Expectation Gap**
 - Caused by overselling the position
 - The difference between the reality of the position and what the candidate needs to hear in order to take the job
- **Interviewer talks too much**

Checking References & Background Checks

- Check references
 - Only confirms employment and dates
- Motor Vehicle Record (MVR)
 - On hire and every 3 years
 - Acceptable record policy
- Credit checks
- Criminal background check

Do **NOT** use NCIC system

Other Pre-employment Checks

- **Drug testing**
 - Pre-employment, post-accident and random
 - Be aware of the 4th Amendment issues
- **Pre-employment physicals**
 - Relevant to the job
 - Be aware of ADA restrictions

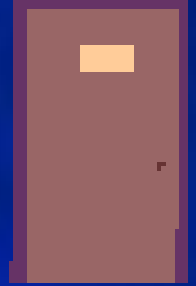


New Hire Orientation

- Go over job description
- Gave new employee a copy of:
 - Employee Handbook (sign off)
 - Safety Manual (sign off)
 - Other documentation (e.g. health insurance)
- Go over the employee handbook
- Give safety orientation
- Introduce to key employees
- Let them ask questions



Firing



- Performance appraisals
- Termination process
- Termination or exit meeting
- Documentation





Performance Appraisals

- Agree on performance expectations
- Measure performance
- Evaluate performance
- Communicate performance
- Use standard form
- How often ?
 - Probation period – every 30 days
 - At least once a year

Termination Process

- “At Will” or “Due Process” group?
- Be clear on the reasons
 - Discuss with manager
- Develop written guidelines
 - Predetermined series of warnings
 - Procedures for:
 - exit interviews
 - return of property
 - final pay and benefits continuation



Termination Process

- Be consistent and administer fairly
- Maintain quality documentation
 - Keep performance evaluations
 - Keep records of all warnings or suspensions
 - Follow up oral warnings with a written record
- Make sure you are not violating a State or Federal law
 - Check with your own attorney
 - Employment Practices Hotline and League attorneys

Termination Meeting



- Choose the right time and place
- This is not a discussion session
 - Be clear and specific with the reasons
 - Be sympathetic
 - Discuss benefits and references
 - Discuss property return and last day details
- Document the meeting
- Have a separate meeting with the other staff

Termination Process Resources

- “Due Process and Public Personnel Discipline”
- “Practical Guidelines for Discipline and Dismissal”
- “Employment Termination Checklist”

These handouts are from the
ALM “Selected Readings” publication



Retention



- The cost of constant turnover:
 - Cost of the poor employee
 - Screening new applicants
 - Interviewing
 - Training
 - Bad for morale

Question: How do you keep the good employees?



Why do people stay ?

- Pay
- Benefits
 - Retirement plan and health benefits
- Incentive programs
 - See Alabama Statute 11-40-22
- Job satisfaction
- Career progression



Resources

- Alabama League of Municipalities
 - 1-334-262-2566
 - Attorneys and video library
- Employment Practices Hotline
 - 1-800-864-5324 (handout)
- Your own city attorney
- “Labor Laws Affecting Municipalities”
 - ALM publication (handout)
- “Establishing a Merit System”
 - ALM publication (handout)
- www.toolkit.cch.com/tools/tools.asp
 - Business Owner’s Toolkit (sample forms)

Summary

Remember a warm body is **NOT**
better than no body at all.....



...as you may get a bit of a surprise !

Questions?



Thank You.