

BEST PRACTICES FOR HIRING AND FIRING

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HIRING AND FIRING OUTLINE

I. Major Red Flag Events

- Application Process
- The interview
- Offers of Employment
- Pre-Employment Processing i.e., background checks, drug tests, medical examinations
- I-9 Forms, etc.
- Discipline
- Termination

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II. Application Process

- Ensure Application Document(s) is proper e.g. Application, Job Description, etc.
- Review process for posting notice of opening or advertising
- Review process for reviewing applications and deciding who to interview
- Define your objective

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III. The Interview

- Determine who will participate
- Ensure those involved know of legal limitations
- Ensure questions are proper
- Objective vs. Subjective observations of interviewee
- Ensure control of any documentation of process
- Be consistent
- Consider what you need to know to make a good decision as opposed to everything else
- References / Social Media Posts

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IV. Offer of Employment

- Verbal or Written
- General or Specific
- Conditional
- Communication of Process to your potential new employee

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V. Pre-Employment Processing

- Background checks - FCRA
- Drug Testing
- Medical Questionnaires
- Medical Examinations
- I-9 Forms
- E-Verify

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vi. Discipline

- Handbooks and other written policies
- Communication of what is expected
- Communication regarding when and how employees not meeting expectations – consequences
- Documentation
- Performance Reviews
- Progressive Discipline
- Consistent Application of Rules
- Be aware of applicable legal principles – (call someone before you act if there is any question)

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vii. Termination

- Be sure you know and can articulate with precision your reason
- Check your facts
- Ensure consistent application of rules
- Investigate promptly if necessary
- Documentation
- Follow-up documentation e.g., unemployment documents
