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HR 101: Foundations for Small-Town Leadership

Municipal Association of South Carolina
2025 Small Cities Summit
Chris Johnson



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Goals for Today

- Responsibility
- Recruiting and Hiring
- Paying
- Managing
- Leave
- Firing
- Discrimination and Retaliation
- Getting Help
- Questions



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Who's on first...

- **Policy & Procedure**
 - Council Form – Council
 - Mayor/Council – Council (policy)/Mayor (procedure)
 - Council/Manager – Council (policy)/Manager (procedure)
- **Personnel Decisions**
 - Council Form – Council (may delegate)
 - Mayor/Council – Mayor (council may hire administrator to help) subj. to appropriations
 - Council/Manager – Manager subj. to appropriations
- **Budget**
 - Council Form – Council
 - Mayor/Council Form – Council (incl. Mayor)
 - Council/Manager – Council (Manager submits proposal)



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Recruiting and Hiring Issues

- **Casting a wide net - sources for recruiting**
 - Recruiters
 - Websites – Zip Recruiter, Indeed, LinkedIn...
 - Colleges/Schools
 - Trade Publications/Websites
- **State Ethics Act – “No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated.”**



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Recruiting and Hiring Issues

- Background Checks
 - Finance Staff
 - Credit
 - Criminal
 - Recreation Staff (unsupervised contact with minors)
 - Criminal
 - Sex Offender Registry
 - Police
 - CJA – Personnel Change in Status Form
 - Investigative Background Check
 - Employment
 - References/Neighbors/Family
 - Sex Offender Registry
 - Criminal



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Recruiting and Hiring Issues

- Police – See [MASC Rack Card](#)
 - Aptitude Tests
 - Polygraph
 - Psych Exam
 - Physical Fitness
- Bonding
 - Not required by state law
 - Council-Manager Form of Government
 - May require surety bond for manager and other municipal employees
 - Cost paid by municipality
 - Not required
 - Other forms – not mentioned
 - Municipal Code?



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Recruiting and Hiring



- Drivers
 - Police
 - Recreation?
 - Public Works
 - Administrator/Manager?
- Motor Vehicle Records
 - [DMV Form](#)
 - \$10 fee



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Recruiting and Hiring

- Drug Testing
 - CDL/Gas Pipeline – Required
 - Police/Water Treatment – Recommended
 - All others - ??
- Physical Exams
 - After a conditional offer of employment
 - Before starting work
 - What will you do with the information?



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Recruiting and Hiring - Interviews

Wrong

- What happened to your arm?
- Do you have kids?
- Do you plan to have kids?

Right

- This job requires ... Please demonstrate how you would do that.
- This job requires in person work between the hours of ... Can you do that?
- [Crickets...]



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Paying Employees

- Management
 - Primary duty – managing the city or a distinct department
 - Salary
 - Guaranteed
 - At least \$684/week (\$35,568/year)
- Everyone Else
 - Must track time worked
 - Minimum wage - \$7.25/hour
 - Overtime – 1.5 x regular hourly rate
 - Comp time – paid time off at 1.5 hours for every hour
 - Police – special rules



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Paying Employees

- Notice – in writing
 - How much
 - When
 - Where
 - How (Check? Direct deposit?)
 - Deductions
 - Taxes/withholding
 - Insurance and benefits
 - Debts, etc.
 - Paid Time Off
 - Accrual
 - Use
 - Pay at termination?
- “How much do you earn?”
 - First Amendment
 - HR/management personnel
 - FOIA
 - Equal Pay Act (gender)
 - Equal pay for equal work
 - Doesn’t require showing of intent

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Managing Employees

- Performance
 - Evaluations
 - Written feedback and coaching
 - Signed/evidence of receipt
- Discipline
 - Written
 - Progressive?
 - Consistent
 - Signed/evidence of receipt
 - **Don't let things fester**
- Note to File
 - Note to Self: No notes to file
 - Note to Employee



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Leave of Absence

FMLA

- 50 or more employees
- Worked 12 months
- Worked 1250 hours in last 12 months
- 12 weeks of leave in 12-month period
- Serious health condition – self, spouse, parent, child
- Military Caregiver (add'l leave)/Exigency

ADA

- 15 or more employees
- Reasonable Accommodation
 - Interactive process
 - Leave can be accommodation if allows to return to work
- Undue Hardship
 - Factors: number of employees, disruption to operations, cost...
 - Employer must prove



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Leave of Absence

Pregnancy

- 15 or more employees
- Reasonable Accommodation
 - Interactive process
 - Can't require leave if lesser accommodation available
- Childbirth, conditions related to pregnancy, lactation

Military Leave

- 15 days per year for training/call-ups
- Additional 30 days for service during "emergency"
- "...without loss of pay, time, efficiency rating..."
- USERRA
 - Non-discrimination
 - Return to work



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You're Fired!



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Firing

- No surprises
 - Documentation
 - Signed
- Employee's side of the story
- Deliberate
 - Avoid kneejerk reactions
 - Send home overnight
 - Deliberate ≠ delay
- Allow to resign?
- Plan ahead
 - Retrieving personal items?
 - Lock out of IT/computer
 - Keys, car, computer, passwords, accounts...
 - Talking points
- References
 - Designate one person to respond
 - Neutral
 - Dates of employment
 - Positions held
 - Last rate of pay/salary
 - Law Enforcement - immunity



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Applies Throughout

- All employers
 - No discrimination based on
 - Race
 - Sex
 - National origin
 - Military or veteran status
 - No retaliation
- 15 or more employees
 - In addition to the above
 - Color
 - Sex (gender identity, sexual orientation, pregnancy and related conditions)
 - Religion
 - Disability
 - National origin
 - Genetic information
- 20 or more employees
 - Age (40 and over)



Help!



- MASC Retainer Arrangement
 - 15-minute consult
 - Typically not already a client
 - Option to engage for more complex issues
 - Call MASC
 - Call me, mention "MASC retainer"



Questions?

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