



I HATE HR

...but I gotta do it anyway!™

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"I HATE HR... but
I gotta do it anyway!"

What the "Hecht" would Glenna do?

A small business owner recently asked if she could immediately terminate an employee with an "attitude" issue? The owner stated that she wanted to do the "right thing". The employee was well paid, but had to have directions repeated multiple times. When confronted she "copped an attitude". What could she do?

Answer - In an "at will" state you can legally terminate an employee at any time with/without notice. If you want to do the "right thing" then discussions to correct and improve performance are key. Tell the employee that this behavior is not acceptable, document the conversation noting that if the behavior does not improve, this could result in termination.

Corrective action documentation aids the company in EEO charges or unemployment claims.

**For More Information or a
Complimentary Consultation
Contact**

Humanistic Consulting
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OSHA Injury & Illness Summaries Must be Posted on February 1

Employers who are not exempt from this requirement must post OSHA Form 300A, which is a summary of the total number of job-related injuries and illnesses that occurred in the preceding year. Employers must also provide information about the annual average number of employees and total hours worked during the calendar year to assist in calculating incidence rates. The 300A Summary must be posted from February 1 through April 30, 2012, in the area normally used by employers to post employee notices.

A company executive should sign or certify the Summary and complete each line. Even companies who had no recorded injuries or illnesses in 2011 must post the form with zeros in the total line.

Exempt Employers

Employers are exempt from this requirement if they employ ten or fewer employees. Additionally, employers in the industry groups listed below are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements. All employers, even if otherwise exempt because of company size or industry classification, must report to OSHA any workplace injury that results in a fatality or the hospitalization of three or more employees.

To learn whether your type of business is exempt from OSHA posting requirements visit:
<http://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>

A Ban on Hiring Smokers? It's Not That Simple

Baylor Health Care System in Texas recently became the latest employer to enact a tobacco-free hiring policy, meaning that the organization will not hire applicants whose urine tests test positive for nicotine — even if the positive result is caused by the applicant's using nicotine patches. When the Hollywood Casino in Toledo, OH, opens this year, it will also have a tobacco-free hiring policy. But, just because these organizations have decided not to hire smokers doesn't automatically mean that you can.

Smoker Protection Laws

First, you and your supervisors should understand there's no federal law that protects smokers or entitles them to equal protection when it comes to hiring, promotions, etc. That's because the Equal Employment Opportunity Commission doesn't recognize smokers as a protected class. That said, there are 29 states (along with the District of Columbia) that do offer protections for smokers.

If your company is in one of those states, you can't refuse to hire people just because they smoke. In addition, a smoking ban is worthwhile only if smokers quit for good. If people quit until they're hired and then they take up smoking again as soon as they pass the nicotine test it's not an effective cost-cutting tactic. Constant testing would be needed. On the pro side...these policies assist in improving absentee rates and time lost because of smoking-related illnesses.

For assistance with the development of company policies, call us!