HUMAN RESOURCES 203
POLICIES, PROCEDURES, & LEGALITIES

• Clerks Conference - February 5, 2019

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GROUND RULES PLEASE

• R-E-S-P-E-C-T
  • Vegas Rule in Effect
  • This is an opportunity to learn, share ideas
  • Be hard on issues, not each other
  • Cultivate your curiosity – look at things differently
  • "Rent" ideas, buying not required
  • Be flexible
  • Recognize the Valuable Network in the room

ICEBREAKER ACTIVITY

• Spend a few minutes getting to know your classmates!
WHY DO THESE HR TOPICS MATTER IN TODAY’S WORLD?

- Employees are our most valuable resource
- Relationship exists between organizational efficiency & effectiveness
- Differences exist between public and private sector employment
- Maintaining the spirit & intent of labor/employment law is critical
- Policies & practices must be fair, firm and consistent

They Matter Because

- Recruitment and Selection Part I

- RECRUITMENT AND SELECTION
• What is bureaucracy’s most important raw material
  • Human Resources
• Government entities are moving closer to the private sector
• Decentralization, flexibility, agency autonomy, technology

RECRUITMENT
• The process of generating a pool of qualified candidates for a particular job.
  OR
• The process of discovering potential candidates.

HUMAN RESOURCES VS. HUMAN CAPITAL

Resources are the total means available or an available supply that can be drawn on when needed
Capital is defined as any form of wealth employed or capable of being employed in the production of more wealth
IMPORTANCE OF HUMAN CAPITAL

• Human Capital management plays an important role in the recruitment process.
• It ensures that human resource professionals hire individuals who really deserve to be in the organization.
• Recruiting the right talent is of utmost importance. An individual who is not fit for a particular role will not be able to contribute much in the long run.

WALLACE SAYRE

• The most famous comment ever spoken about public personnel management (human resource management) by Wallace Sayre
  • “the triumph of technique over purpose” (1948)
• Point of the quote:
  • Human Resources Managers are often preoccupied with applying volumes of strict rules and regulations while possibly ignoring organizational objectives.

RETENTION OF EMPLOYEES IN GOVERNMENT

• When it comes to retention, the government has something over the private sector: loyalty.
• According to the U.S. Bureau of Labor Statistics, employees for government agencies typically stay in their job for an average of 7.8 years, compared to 4.6 years for non-government jobs.
GOVERNMENT STAFFING PRACTICES

**HISTORY**

- Pendleton Act 1883
  - Created initial merit system
- Spoils system – peaceful revolution
- Early systems were flawed by incompetence and corruption
- Bribery, kickbacks, buying and selling of public positions was commonplace
- This began the theory of “association of public administration with politics and incompetence”

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CIVIL RIGHTS ACT OF 1964

- Civil Rights Act – introduced a critical new value – **social equity**
  - Equity is a process; equality is an outcome of that process
  - Concept that is seldom fully achieved
- The advent of equal employment opportunity (EEO) and affirmative action
  - Recruitment and selection
    - Suffered from scrutiny and therefore required major changes.

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RECRUITING PROBLEMS

- Inadequate salaries
- Poor public image of the public service
- Non-competitive recruiting
- Are these still problems or has public sector changed?
FIRE FIGHTER PROMO VIDEO

https://www.bing.com/videos/search?q=youtube+columbia+county+fire+fighters&view=detail&mid=6F961ECF34D6B97EAE036F961ECF34D6B97EAE03&FORM=VIRE

EMPLOYEE SELECTION

• Process of putting right person on the right job
  • "Organizational Person Fit"

• Matching organizational requirements with skills and qualifications of people

• Selection involves choosing the best candidate with best abilities, skills and knowledge for the required job.
### SELECTION PROCESS

- Selection is the process of interviewing and evaluating candidates for a specific job and selecting an individual for employment based on certain criteria.
  - **Job-relatedness** is one of the most sacred principles of the merit system.

### SELECTION METHOD STANDARDS

- **Reliability**
  - Free from random error
- **Validity**
  - **Job related**
- **Generalization**
  - The validity of a selection method established in one context extends to other contexts
- **Utility**
  - Information provided by selection methods enhances the bottom-line effectiveness of the organization
- **Legality**
  - Should conform to existing laws and precedents

### SALARIES FOR GOVERNMENT WORKERS

- **Federal employees** earn on average 31.86 percent less than their counterparts in non-federal jobs.
- County/city employees earn less than counterparts in non-government jobs.
- What about benefits?
Three federal laws form basis for a majority of suits filed by job applicants:

- Civil Rights Act of 1991
- Age Discrimination in Employment Act of 1967
- Americans with Disability Act (ADA)

Prior to the 1970s, most of the selection and promotion examinations used in government and industry bore little direct relationship to the jobs being filled.

- *Griggs versus Duke Power* – Griggs case verdict limits employers to the use of tests that are job related.

**EEOC** issued:

- *Uniformed Guidelines on Employee Selection Procedures in 1978*

Guidelines provide:

- An expansive definition of test criteria
- Delineates how concepts such as adverse impact will be determined
- Establishes a detailed set of methods for assessing test validity and reliability

- More powerful than Griggs
COGNITIVE ABILITY TESTS

- Tests that include three dimensions
  - **Verbal Comprehension**
    - Person’s capacity to understand and use written and spoken language
  - **Quantitative Ability**
    - The speed and accuracy with which one can solve arithmetic problems of all kinds
  - **Reasoning Ability**
    - Person’s capacity to invent solutions to many diverse problems

UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Provides standards for the proper use of employment testing of discrimination
- To address adverse impact
- Validation
- Record-keeping requirements

Documents a uniform federal position in the area of prohibiting discrimination of employment practices on the basis of race, color, religion, sex, or national origin

CRITERION VALIDITY

- A **predictor** is correlated with criterion as a measure of job performance
- Criterion is a standard, rule, or test on which a judgment or decision can be based
CRITERION VALIDITY

• A measure of how well one variable or set of variables predicts an outcome based on information from other variables

• Will be achieved if a set of measures from a personality test relates to a behavioral criterion on which psychologists agree.

CONTENT VALIDITY

The validation strategy of choice “an equally acceptable strategy in and of itself, not just a poor second choice”

Emphasis placed on the test development process

KSAs required for effective job performance are identified

Test are designed that sample the actual KSAs

CONTENT VALIDITY

• Known as logical validity

• An important research method that refers to how well a test measures the behavior for which it is intended

• Measures what it is supposed to measure!
LEGAL ISSUES

• Over 100,000 EEOC cases in 2011
• Walmart – retailer charged with discrimination against women via a set of subjective and decentralized interview processes that limited their advancement possibilities
• Chick-Fil-A – disparaging remarks regarding gay marriage in 2012 –
  • Never charged with discrimination – but a huge negative backlash

NEGLIGENCE

What is Negligent hiring?

Can avoid negligent hiring by:
  • Pre-employment background checks
  • Employee drug testing
  • Employment physical exams

UNIVERSITY OF GEORGIA
Carl Vinson Institute of Government

Part II

• EMPLOYEE RETENTION

PROMOTING EXCELLENCE IN GOVERNMENT
When it comes to retention, the government has something over the private sector: loyalty.

According to the U.S. Bureau of Labor Statistics, employees for government agencies typically stay in their job for an average of 7.8 years, compared to 4.6 years for non-government jobs.

<table>
<thead>
<tr>
<th>Know what you want</th>
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<tbody>
<tr>
<td>Make a personal connection</td>
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<tr>
<td>Use all your resources</td>
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- A detailed job description will help reduce the number of resumes you receive from unqualified applicants.
- A candidate’s skill set isn’t limited to functional abilities – it also includes how well he or she works in a collaborative environment.
- Hiring is more than just identifying a strong resume or profile – it involves having conversations with applicants to establish a rapport.
- Take advantage of all tools available to you at your organization – for example, human resources can help with the job description, and your employees may be able to offer referrals.

| Training |
| Mentoring |
| Instill a positive culture |
| Use communication to build credibility |
| Show appreciation through compensation and benefits |
| Encourage referrals – promote from within |
| Coaching/feedback |
| Make employees feel valued |
| Foster trust and confidence in senior leaders |
According to strategic planning consultant Leigh Branham, SPHR, 88% of employees leave their jobs for reasons other than pay:

- Seven main reasons why employees leave a company:
  - Employees feel the job or workplace is not what they expected
  - Mismatch between the job and person (reality shock)
  - Too little coaching and feedback
  - Too few growth and advancement opportunities
  - Employees feel devalued and unrecognized
  - Employees feel stress from overwork and have a work/life imbalance
  - A loss of trust and confidence in senior leaders

WHY DO EMPLOYEES LEAVE?

Maybe the most important top 4 are:

- Foster trust and confidence in senior leaders
- Make employees feel valued
- Instill a positive culture
- Use communication effectively to build credibility
  
  - Does ethics and ethical behavior play a part?

HOW TO PRIORITIZE RETENTION METHODS

- Average turnover cost per employee: $1,500
- Total annual cost: $75,000
- Savings from reducing turnover by 5%: $30,000
  (Turnover reduced to 5%; 400 x .05 = 20)
- 50 - 30 = 20 fewer employees turning over
  
  - 20 x $1500 = $30,000
  - Turnover costs also take into account indirect costs. Research indicates that the indirect costs of turnover can be 2 to 5 times higher than direct costs.
  - These costs are more difficult to quantify and assign a dollar figure to, but they are very real.

WHAT DOES A REDUCTION IN TURNOVER ACCOMPLISH?
Study the different generations to see if there is a disconnect among the employees?
Review top management’s approach to retention?
Review salary and benefits – benchmark against other agencies?
Ask the employees???

WHAT WOULD YOU DO TO RETAIN EMPLOYEES?

PART III

PERFORMANCE MANAGEMENT
APPRAISAL SYSTEMS

PERFORMANCE APPRAISAL PROCESS
PURPOSE OF APPRAISALS

- Increase communication
- Establish clear expectations
- Evaluation system
  - Main goal is to identify the performance gap
    - Gap is shortfall that occurs when performance does not meet the standard set by the organization as acceptable
- Feedback system
  - Main goal is to inform the employee about the quality of his or her performance

CRITERIA FOR PERFORMANCE APPRAISALS

- Job analysis
- Job-specific work behaviors
- Communication - essential
- Supervisory training - mandatory
- Documentation
- Monitoring

OBJECTIVES OF PERFORMANCE APPRAISAL

<table>
<thead>
<tr>
<th>EMPLOYEE’S CONCERNS</th>
<th>ORGANIZATION’S CONCERNS</th>
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<tbody>
<tr>
<td>Concrete and tangible particulars about their work</td>
<td>Measuring the efficiency</td>
</tr>
<tr>
<td>Assessment of Performance</td>
<td>Maintaining Organization Control</td>
</tr>
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<td>EMPLOYEE’S DESIRE</td>
<td>ORGANIZATION’S DESIRE</td>
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<tr>
<td>Personal Development</td>
<td>Mutual goals of the employees &amp; the organization</td>
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<tr>
<td>Work satisfaction</td>
<td>Growth &amp; development</td>
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<tr>
<td>Involvement in the organization</td>
<td>Increase harmony &amp; enhance effectiveness</td>
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**5 QUESTIONS TO ASK**

- Why do we appraise?
- What do we appraise?
- Who does the appraising?
- When do we appraise?
- How do we appraise?

**JOB ANALYSIS**

- Foundation for performance appraisal
- Must be clearly understood by employer and employee
- Job analyses delineate job duties and responsibilities

**WHY DO WE APPRAISE?**

- Performance Appraisal Grouped Into 2 Broad Categories
  - **Judgmental**
    - Follow the management systems, or command-and-control model of authority
    - Problems with merit pay
    - Evidence exists that merit pay does not in public sector
  - **Developmental**
    - Focuses on an individual's potential rather than on his or her current level of skill
Why Do We Appraise?

• Answer:
  • Performance appraisal – decision making tool
  • Builds on job-specific criteria
  • Goal-enhancement of organizational effectiveness
  • Allows manager to make rational decisions
  • Contributes to individual’s effectiveness, retention, and validation of personnel techniques
  • Contributes to organization’s effectiveness

WHAT DO WE APPRAISE?

• Used as a means of assessing ethical behavior
• Job-relatedness is chief standard for acceptability of a performance appraisal measurement is judged
• 1978 Uniform Guidelines on Employee Selection Procedures
  • Guidelines incorporate a single set of principles designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of Federal law prohibiting employment practices which discriminate on grounds of race, color, religion, sex, and national origin.
• Performance measures must be
  • Reliable, practical, and controllable
  • Performance standards are heart of all effective appraisal systems

WHO DOES THE APPRAISING?

• Normally - supervisor
• Alternatives to supervisor appraising
  • Use of agency insiders
    • Self-appraisal
    • Peer Review
    • Subordinate Appraisal
    • Multiple Raters
  • Use of outsiders
    • Personnel officials, consultants, assessment centers
WHEN DO WE APPRAISE?

- Need to be based on time period sufficient for the accomplishment of job's responsibilities
- Normally 6 months and one year
- Either anniversary date or focal point (everyone at once)

HOW DO WE APPRAISE?

- Courts have led to the mandating of objective personnel practices
- Extension of Griggs decision to include performance appraisal systems (Connecticut v. Teal, 457 U.S. 440, 1982) broadens that mandate
  - In Connecticut v. Teal the Court upheld Court of Appeals ruling that an employer could not require an examination unrelated to the job as requisite for promotion
  - Performance appraisals must be treated like any other test
  - Must be validated as job related
- Six legal criteria for constructing performance appraisals

PERFORMANCE SYSTEMS DESIGN

- Decision making tool
  - Designs assessment process in a positive manner
- Performance systems are designed to
  - Serve company’s interests
  - Serve employee’s interests
  - Inventory the abilities and resources of employees
  - Lets employee know how well they are doing
  - Stimulates employee to improve performance
• One of the most important reasons for having a performance appraisal system is to establish and uphold the principle of accountability.

• Purpose of performance is actually four-fold:
  • Tell me what you want me to do
  • Tell me how well I have done it
  • Help me improve my performance
  • Reward me for doing well

- GATHER INPUT FROM VARIOUS SOURCES

  • Review performance notes (should be kept all year)
  • Review goals to determine if performance expectations were met
  • Be sure to review prior appraisals to evaluate progress

- ALLOW TWO-WAY INTERACTION

  • Listen to your employee
  • If there are areas that need improvement
    • Encourage the employee to come up with solutions
  • If an employee disagrees with you
    • Allow him/her an opportunity to discuss his/her feelings
  • Be prepared to adjust your views, if appropriate
360-DEGREE APPRAISAL

- Combination of
  - Supervisor
  - Peer
  - Self-Ratings

- Provides more balanced form of appraisal
- Technique useful for developmental purposes
- Must be focused on job-related components

LEGAL STANDINGS

- Griggs Vs. Duke Power
  - Case decided by US Supreme Court, 1971 – Justice Burger’s dissent
  - Legalities under Title VII of the Civil Rights Act of 1964
  - Case originated in lawsuit filed by Willie Griggs & 12 other African-American employees of Duke Power’s Dan River hydroelectric plant –Draper, NC

DISPARATE IMPACT

- Title VII prohibits employer from using a facially neutral employment practice that has unjustified adverse impact on members of a protected class
- Does employer use a particular employment practice that has a disparate impact on the basis of race, color, religion, sex, or national origins?
WRITTEN POSITION DESCRIPTIONS

- Failure to align performance appraisal process with organization’s system of position descriptions
  - Introduces confusion
  - Leads to ineffectiveness
  - Written performance standards help communicate to workers a clearer understanding of their jobs.

KNOWLEDGE, SKILLS, ABILITIES (KSAS)

- Personal traits or characteristics – job knowledge, physical strength, business knowledge
- Activities or work behaviors
- All serve as criteria for assessing performance
- Performance standards meant to anchor appraisal system
  - Appraisal must be objective and legal

SUPERVISORY TRAINING

- Supervisor training mandatory
  - Need instruction on proper use of performance appraisal
  - Grievance and discipline appeal provisions
    - Builds in safeguards against managerial and supervisory abuse
IMPORTANCE OF POSITION DESCRIPTIONS

- Failure to align a performance appraisal system with organization’s position descriptions ---
  - Introduces confusion
  - Leads to ineffectiveness
  - Prevents communication to workers of a clear understanding of their jobs and how they will be evaluated

LEGAL PROTECTIONS

- Equal Pay Act of 1963
- Civil Rights Act of 1964 and 1991
- Executive Order 11375
- Equal Employment Opportunities Act of 1972
- Age Discrimination in Employment Act of 1967
- Civil Service Reform Act of 1978
- Pregnancy Discrimination Act of 1978
- Older Workers Benefit Protection Act of 1990
- Family & Medical Leave Act of 1993
- Lilly Ledbetter Fair Pay Act of 2009 – Ledbetter vs. Goodyear Tire and Rubber Company

Part III

- DIVERSITY
STRATEGIES FOR CAPITALIZING ON DIVERSITY

• The greater the diversity of employees, the greater diversity of ideas!

• Strategies that advance diversity at work
  • Include relying on teams rather than hierarchy
  • Offer cross-functional training that capitalizes on individual differences rather than specializations

A MANAGER’S APPROACH

• Describe . . . Diagnose . . . Prescribe . . . Act
  • Acknowledge the value of diversity in the workplace
  • Remove obstacles encountered by women, minorities, older workers, and physically challenged employees
  • Know how personality differences affect a person’s work
  • Recognize the role values and attitudes play in job performance
  • Help workers build effective careers
  • Develop programs to help workers create work–life balance

WHAT IS HUMAN CAPITAL?

• The skills, knowledge, and experience possessed by an individual viewed in terms of their value or cost to an organization
• How these individuals can create economic value to employers
Creating a work environment where generations can coexist is essential

"Managing generational diversity is key for organizations to gain a competitive advantage and make a positive impact on employee morale"

• 1927-1945 - Silent Generation or Traditionalists
• 1946-1964 - Baby Boomers
• 1963-1981 - Gen X or the Busters
• 1981-2002 - Gen Y or the Millennial
• 2020 - Gen Z or the Digital Generation

• Age: 1925-1945 – Veterans or Traditionalists
• Conservative
• Loyal to their employers
• Most concerned they will have enough retirement to last for their remaining years
• Concern for quality health care
• Long-term care benefits
BOOMERS

- **Age:** 1946-1964 – 32% of Oldest Still Working
  - Baby Boomers - least demanding generation in terms of their employee benefits
    - 71% value their retirement
    - 68% value health care
  - Existing benefits packages benefit this generation
  - 63% plan to work part-time
  - Long term care benefits

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GEN X

- Generation X, sometimes shortened to Gen X, is the name given
- born between the mid-1960s and the early-1980s
- Highest debt load of any generation

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MILLENNIALS

- **Millenials**
  - People born between 1980 and 1995 tend to be drawn to novel experiences, such as eating at an exclusive, pop-up diner;
  - Or, participating in an event that creates originality and excitement
• Baby Boomers (those born between 1946 and 1964) like formal recognition in front of teams or groups.
• Millennials prefer the recognition to reflect a “spirit of fun, with less formality and more frequency,” Allan Schweyer writes in the IRF report Generations in the Workforce & Marketplace: Preferences in Rewards, Recognition & Incentives.
• Members of Generation X (those born between 1965 and 1979) prefer receiving recognition privately or within a small group.

• In the workforce by 2020 - Gen Z or GenEdge
  • Prefer independence
  • Entrepreneurial and diverse
  • Believe they can make a difference
  • A turn towards respect, responsibility, and restraint?
  • Yet another change will be needed for benefit strategies.

Our four-generation workforce provides challenges.
WHERE DOES TEAMWORK FIT IN?

• Most jobs in public and nonprofit sector are judged by components of teamwork.

• Managers need to factor the performance appraisal of subordinates into their own rating.

• Ethical behavior is an important factor in

PART IV

• RECOGNITION

Best Practices For Employee Incentives/Recognition & Rewards

• What is the best way to recognize an employee’s outstanding work:
  • A gift card for a NASCAR driving experience?
  • A thank you card?
  • Asking the boss to attend a meeting with your employees during which you thank them for their specific contributions?

• The answer is it depends.
  • Acknowledging employees’ work and behavior is an important retention strategy, but organizations need to keep in mind generational preferences and the importance of the personal touch.
• Employees can be recognized for a variety of reasons
  • Years of service
  • Outstanding performance
  • Certification or degrees attained, and retirement
  • But even “pat on the back” recognition for an employee, while universally appreciated, needs to keep generational differences in mind (very important), according to a July 2015 report from the Incentive Research Foundation (IRF).

• SAFETY

• Imperative that HR works with Risk Management departments to ensure safety programs are in place

• Routine work can dull alertness and relaxed attitude can replace caution with recklessness
10 REASONS WHY WORKPLACE SAFETY IS IMPORTANT

- Safety programs create productive work environments
- Absenteeism drops when effective safety programs are introduced
- Work premises are kept to higher standards
- A safe work environment produces happier employees
- A company's most valuable asset is protected – its people (human capital)
- Safety programs enable a company to win and retain business customers
- Safe work environments enhance the brand value and goodwill for a company
- Safety reduces business costs and disruption

PROMOTING EXCELLENCE IN GOVERNMENT

ETHICS

- Government is like any other business – we all live in a litigious society
- We must be transparent and forthcoming
- PRIDE
  - Professionalism, Respect, Integrity, Dependable, Excellence

PROMOTING EXCELLENCE IN GOVERNMENT

LEADERS

- “A challenge for leaders in the twenty-first century is attracting and retaining not just employees, but the best employees – and more important, how to motivate them so that they work with passion, energy, and enthusiasm.”