

A man in a dark t-shirt and a light-colored apron is smiling and handing a bunch of dark grapes to a woman. They are in a grocery store aisle with shelves of produce in the background. The image has a blue tint.

HR Fundamentals For Independent Grocers

from myHRconcierge
Presented by Chris Cooley
Co-Founder, MyHRConcierge

Co-sponsored by UNFI

About the Presenter

Chris Cooley



Chris Cooley

Principal & Co-founder,
MyHRConcierge

Personal Profile

Solid experience:

- ✓ Principal and Co-founder of MyHRConcierge
- ✓ Finance & accounting executive
- ✓ Ernst & Young
- ✓ Authors “HR and Benefit News”, a monthly column for **The Shelby Report**, a national publisher for grocers and the food trade
- ✓ Spoken at several industry conferences including **The National Grocer’s Association (NGA)**

MyHRConcierge

Human Resource Solutions for Small to Medium Sized Businesses (SMBs)

- ✓ Provides services to SMBs across the US
- ✓ Blends knowledge of your business, workforce, and labor laws
- ✓ Delivers personal service
- ✓ Provides world-class HR services at an affordable price

Contents

Here's what we'll cover.



1. Why HR is Important to Your Bottom Line



2. Compliant Hiring Practices



3. How to Handle Troublesome Employees



4. Perform Compliant Terminations

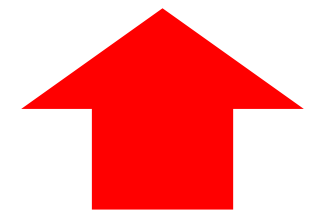


5. How to Tell if You Are Compliant

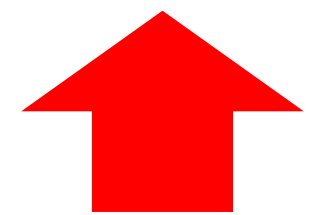
EEOC Charges

Why HR is Important to Your Bottom Line

EEOC Fiscal Year 2018 Results



EEOC filed sexual harassment lawsuits increase 50% over FY 2017



Charges filed with EEOC alleging sexual harassment increased more than 12 percent




EEOC recovered nearly \$70 million for the victims of sexual harassment in FY 2018 versus \$47.5 million in FY 2017

Source: U.S. Equal Employment Opportunity Commission

EEOC Examples in the Grocery Industry

Why HR is Important to Your Bottom Line



U.S. Equal Employment Opportunity Commission

Enter search terms... Search

CONNECT WITH US

Home > About EEOC > Newsroom > Press Releases

PRESS RELEASE
9-28-18

EEOC Sues Rancho San Miguel Market for Disability Discrimination

Local Supermarket Fires Employee Requesting Medical Leave, Federal Agency Charges

FRESNO - Local grocery outlet, PAQ, Inc., dba Rancho San Miguel Market, violated federal law when it fired a deli clerk after she requested an accommodation for a disability, the U.S. Equal Employment Opportunity Commission (EEOC) announced in a lawsuit filed today.



U.S. Equal Employment Opportunity Commission

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PRESS RELEASE
7-26-19

Piggly Wiggly to Pay \$50,000 to Settle EEOC Sexual Harassment and Retaliation Lawsuit

Two Female Employees Harassed and Then Fired After Reporting the Misconduct, Federal Agency Charges

ATLANTA - Rockdale Grocery, Inc., doing business as Piggly Wiggly, will pay \$50,000 and provide other relief to settle an employment discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal



U.S. Equal Employment Opportunity Commission

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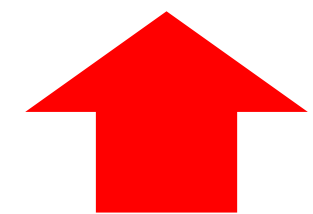
PRESS RELEASE
9-10-18

EEOC Sues Foodtown for Sexual Harassment and Retaliation

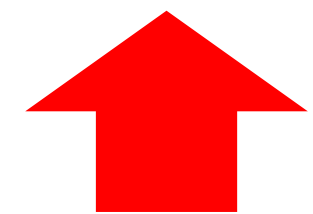
Grocery Store Allowed Manager to Sexually Harass and Then Fire Female Employees Who Resisted His Advances, Federal Agency Charges

NEW YORK - Foodtown Corp., a supermarket in Elmhurst, N.Y., violated federal law by maintaining a hostile work environment where two female workers were sexually harassed by their supervisor and then fired for opposing this misconduct, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

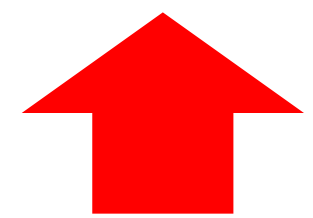
Enforcement Increases Under President Trump



Worksite investigations - 6,093 FY 2018 / 1,716 FY 2017



Criminal arrests - 675 FY 2018 / 139 FY 2017



Administrative work-related arrests – 984 FY 2018 / 172 FY 2017



Penalties can be up to \$2,156 per form

Source: U.S. Immigration and Customs Enforcement

Form I-9

Why HR is Important to Your Bottom Line

US immigration: ICE arrests nearly 700 people in Mississippi raids

🕒 3 hours ago

f     Share



Other Examples

Operational Risk



High Employee Turnover

- Entry level employees can cost 30% - 50% of salary to replace



Health Insurance

- Not properly removing employees from policy



Work Opportunity Tax Credits

- Not providing paperwork within required framework

Common Areas of Concern

Compliant Hiring Practices

-  Ensuring Employment Eligibility
-  Having a Compliant Hire Packet
-  Compliant Job Descriptions

Form I-9

Ensuring Employment Eligibility



I-9 Employment Eligibility Verification Form

- All employees hired after November 6, 1986 must have I-9
- We suggest the I-9 be maintained in a separate file



Common Mistakes

- Re-verification of I-9s
- Section 1 must be filled out no later than the first day of employment
- Employee must be physically present with the document examiner
- Shred Form I-9s when meet time requirements



US Citizenship and Immigration Services Guide “Guidance for Completing Form I-9” Can be Obtained by the following:

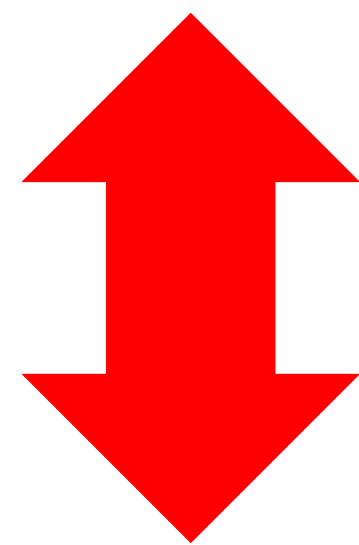
- Go to www.uscis.gov
- Search for Form M-274

- Internet based, free program provided by the US Government
- Compares information from the I-9 to information in the US government records
- Requirements vary by state
- Violations of law can be significant
- Enroll in E-Verify at <https://www.e-verify.gov/employers/enrolling-in-e-verify>

Hire Packet

Having a Compliant Hire Packet

**Make Sure to Follow
Federal and State
Document Retention
Guidelines**



**Sexual Harassment
Training is Required
in Many States**

Hire Packet Documents

Application

Form I-9

W4 Federal Tax Form

State Tax Form (if applicable)

Employee Screening Consents

Handbook Acknowledgement

Other Acknowledgements as Required

Job Description

Other Company Specific Documents

Other State Specific Documents

Job Descriptions Are the Basis for Hiring Decisions

Compliant Job Descriptions



Properly Developed Job Descriptions:

- Increase the quality of new hires
- Used in unemployment cases, lawsuits, etc.
- Justify overtime exemptions
- Justify Affordable Care Act classifications

Components of Job Descriptions

Compliant Job Descriptions

**Fair Labor Standards
Act Status**

**Full Time/Part
Time/Variable Hour**

Skills and Abilities

Duties

Competencies

Physical Attributes

Work Environment

Training is Key to Compliant Policy Enforcement

How to Handle Troublesome Employees

- ✓ Manager training must go well beyond operational training
- ✓ Develop supervisor training program on managing employees
- ✓ Ensure training includes on processes on how to escalate HR issues

Investigate Complaints

How to Handle Troublesome Employees

All Complaints Must Be Taken Seriously

-  Give employees options for reporting grievances and communicate procedure effectively
-  Document all phases in writing
-  File initial report, including date and details
-  Conduct follow-up conversations
-  Decide course of action

Anonymous Tiplines
are great way for
employees to report
issues

What To Do

How to Handle Troublesome Employees

**Consistency!
&
Documentation!**



Institute Uniform Disciplinary Process

- Action should be enforced in an equitable fashion for “like infractions and frequencies”
- Review policy or performance infraction and the consequences
- Move towards a “progressive counseling” with increasing level of consequences for non-improvement or continued violations



Document All Occurrences (Even Verbal Warnings)

- Indicate action taken
- Specify that further occurrences may result in further action taken

Courses of Action

How to Handle Troublesome Employees

Disciplinary

Training

Reassignment of Duties

Periodic Reviews

**Performance
Management**

Termination

Handling Terminations

Perform Compliant Terminations

**Consistency!
&
Documentation!**



Decision to Terminate

- Review the employee's situation to determine the risk associated with the termination
- Conduct a review of employee's personnel file with Human Resources and if necessary a labor attorney to identify possible legal ramifications



Present Termination Notices Professionally

- Always offer termination notices in private setting
- HR or a supervisor level member should be present as a witness in the proceeding
- Let them know how their final pay, if any, will be handled, and all information pertaining to eligible continued benefits such as COBRA
- Always keep it simple, brief and walk them calmly to the exit
- Consider security precautions i.e. lock changes, security guard, etc.

Perform HR Audit

How to Tell if You Are Compliant

Affordable Care Act

**Employee Hiring /
Separation Procedures**

**I-9 and E-Verify
Procedures**

Employee Handbook

**Recruitment and Hiring
Practices**

Workplace Rules

**Supervisor / Employee
Training**

Thank You For Your Attendance



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This webinar has been recorded and will be forwarded to you.