

# Finding The Right Fit



A Hiring and Retention Resource

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# Introduction to Finding the Right Fit

Today's businesses face many challenges that threaten their bottom line. Some of these challenges are beyond the control of the business, but many are not. How employees are hired and managed has a big impact on the success of a business. In fact, hiring the wrong person for a job can be very costly. Finding the right "fit" when filling an opening takes planning, preparation and patience.

The information in this booklet has been put together to help you with your human resource needs related to recruitment, hiring and retention of employees. It is a product of the **Business Services Program** of the Montana Department of Labor and Industry - Workforce Services Division. We hope this resource is useful in the operation of your business.

## **WHAT IS THE BUSINESS SERVICES PROGRAM?**

Every local Job Service Workforce Center in the state has one or more staff available to provide Business Services. These services are meant to meet the broader needs of our business customers - those that go beyond our traditional service of matching applicant's with job openings.

Business Services provide assistance in a variety of Human Resource management areas. Examples of services include assistance with developing job descriptions, sample policies for employee handbooks and performance appraisal systems. Job Service staff can also provide mandatory employment posters, general information on employment and human rights laws and local labor market information.

## **ALL SERVICES ARE PROVIDED AT NO COST.**

To learn more about Business Services, call your local Job Service office. Go to <http://wsd.dli.mt.gov/service/officelist.asp> to locate a Job Service office near you or [http://wsd.dli.mt.gov/service/employer\\_resources.asp](http://wsd.dli.mt.gov/service/employer_resources.asp) to view online resources for businesses.

## **YOUR OPINION MATTERS TO US**

The Department is always seeking ways to improve our services and products. We invite your feedback on this resource as well as the services provided by the Business Services staff in our local Job Service offices.

Comments and suggestions can be directed to:

- Your local Job Service Manager
- The Department's Business Services Coordinator in Helena – 406-444-9081

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The information in this book is not intended to be and should not be used as a substitute for specific legal advice, since legal opinions may only be given in the context of specific factual situations.

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# Basic Employer Requirements

**Overview:** The following is a list of basic employer requirements. There may be other requirements based on business classification.

## **1 – 4 Need to be done before an employee is hired**

1. **Federal Identification Number - Social Security & Federal Income Tax Withholdings**
  - Required if you have employees
  - Forms available at customer service desk at Federal Building in Helena or call 1-800-829-1040 (I.R.S. Web Site: [www.irs.gov](http://www.irs.gov))
2. **Unemployment Insurance – Department of Labor**
  - Call (406) 444-3834 to receive a packet by mail
  - Complete and submit registration forms
  - Ask for letter stating employees are covered by Unemployment Insurance (posting requirement)
3. **State Income Tax Withholdings – Department of Revenue**
  - Call (406) 444-6900 to receive a registration form by mail or fax
  - Complete and submit registration forms
  - Can submit electronically at:  
[www.mt.gov/revenue/forbusinesses/electronicfiling/efileforbusiness.asp](http://www.mt.gov/revenue/forbusinesses/electronicfiling/efileforbusiness.asp)
4. **Workers Compensation Insurance – Carrier of your choice**
  - Must have coverage on employees – shop around for best deal
  - Have coverage before employee starts working
  - Ask for letter stating employees are covered by Workers Compensation Insurance (posting requirement)
5. **Required Employment Posters**
  - Contact your local Job Service Workforce Center – <http://wsd.dli.mt.gov/service/officelist.asp>
6. **W-4**
  - Have employee fill out right away
  - Used to determine number of deductions or exemptions they will claim
  - Will be used to determine amount of Federal and State Income tax withheld per paycheck
7. **I-9 Proof of Authorization to work in the U.S.**
  - Should be completed on the first day the employee starts work
  - Back of form has list of approved documents
  - Sign form verifying documents were checked
8. **Montana New Hire Reporting Program**
  - Must be submitted within 20 days of employee start date
  - New hire information can be called in, mailed, faxed or submitted on CD or diskette. Refer to the Appendix for more details on how and where to submit new hire information.

Additional information:

- To register a business name call the Secretary of State/Business Services Bureau: (406) 444-3665
- For information on occupational and professional licensing call Montana Department of Labor and Industry: (406) 841-2300



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## Section One

### THE HIRING PROCESS

#### GETTING STARTED...

Employers are faced with the most costly part of doing business when it comes to employees. Hiring the “wrong” person for a job is very costly. It is important that you follow a process that will afford you the opportunity to select people who have the best chance of success in performing the job. Take the time necessary to find people with the right aptitudes as well as attitudes that reflect your values.

Employers need to spend some time prior to advertising for an employee reviewing the Hiring Sequence and figuring out their Cost of Turnover. Taking time upfront to complete a job analysis and have a written job description will save time and money as the hiring process continues.

#### THE HIRING SEQUENCE

A guide to help you through the hiring process

- ✓ Define the duties and what it takes to do them—  
Review or develop your written job analysis and job description. Ask yourself and your employees “what skill and experience is needed to do the job?”
- ✓ Create a recruitment plan—  
Include where you are going to advertise, how long the job will be open, how to apply—application and/or resume, time lines for recruitment
- ✓ Advertise your job opening—  
Use any resource available such as your local Job Service Workforce Center, word of mouth, and Internet sites such as <http://jobs.mt.gov>
- ✓ Develop your screening criteria—  
Include pre-screening process, interview questions and evaluation criteria
- ✓ Screen applicants—  
Using the same criteria for all applicants select the most qualified individuals and schedule interviews
- ✓ Conduct the interview—  
Ask the same questions of all applicants
- ✓ Check references—  
Remember to ask only for job related information
- ✓ Make the job offer to the successful candidate—  
Remember to notify all applicants the position has been filled
- ✓ Welcome the new employee to your organization

## COST OF TURNOVER

Turnover is costly. Once you know the true cost of turnover, reducing it will become a high priority in your business. Enthused, loyal employees with the right talents increase your profits. No decision is as important as the decisions about people because they determine the limits of how far your organization can go.

Turnover costs can be divided into four categories:

**Separation:** may include pre-separation costs of an employee's slower work pace, increased absenteeism, sabotage, unemployment insurance, litigation, severance, COBRA benefits continuation costs, the cost of conducting exit interviews, lost opportunities in sales and service and expenses such as overtime pay for employees who pick up the slack.

**Replacement:** may include advertising, recruiting, referral bonuses, relocation expenses, sign-on bonuses, processing paperwork, testing, interviewing, reference and background checks, as well as time and material for new hire orientation.

**Training:** includes the time and effort from trainers, supervisors and coworkers.

**Productivity:** harder to quantify, but includes increased error rates, lost productivity due to the learning curve, lost customers and decreased morale as well as possible opportunity losses and reputation effects.



### TURNOVER COST FORMULA

High turnover can sabotage your company's bottom line. If you have to replace one full time employee you pay \$8.00 per hour, it could cost you as much as \$5,408.00. Multiply that by the total number of employees you replace each year and it can have a dramatic effect on your bottom line.

To estimate the cost of turnover in your firm, use the following process:

Select a department or job function that has a lot of turnover. Use an actual number or - lacking exact statistics - estimate the number of people who left the job or department during the past 12 months. Write that number below on Line 4.

The average cost of turnover is 25 percent of an employee's annual salary (Line 1) plus the cost of the benefits (Line 2) you provide. Typical benefits amount to about 30 percent of wages. *[Total cost of a complete benefit package on top of payroll]*

The total cost per employee (Line 3) is the total of Line 1 and Line 2.

1. Annual wage: \_\_\_\_\_ x .25= \_\_\_\_\_
2. Annual wage: \_\_\_\_\_ x .30= \_\_\_\_\_ x .25= \_\_\_\_\_
3. Total turnover cost per employee (add lines 1&2): \_\_\_\_\_
4. Total # of employees who left: \_\_\_\_\_
5. Total cost of turnover (multiply lines 3 and 4): \_\_\_\_\_

Here's an example:

1. Annual wage:  $\$16,640 \times .25 = \$4,160$
2. Annual wage:  $\$16,640 \times .30 = 4,992 \times .25 = \$1,248$
3. Total turnover cost per employee:  $\$4,160 + \$1,248 = \$5,408$
4. Total number of employees who left: 5
5. Total cost of turn over:  $\$5,408 \times 5 = \$27,040$



Source: *Saratoga Institute & Kemper-Tregoe Inc*

## JOB ANALYSIS

Knowing your needs before you advertise and hire a new employee can be of benefit for any employer. Conducting a Job Analysis and writing an accurate Job Description for all positions may seem like an unnecessary task. It will be time well spent in the long run. Involving current employees in the process will lead to better results.

Job Analysis:

- Is the process of describing in detail and of prioritizing the important tasks, which make up a job and the knowledge, skills and abilities required to perform those tasks.
- Helps to ensure that selection procedures are job-related and treat applicants fairly.
- Saves the employer time, money and energy. The more that is known about the job specific tasks, the better the chance of selecting the best-qualified applicant.
- Focus on four major questions during a job analysis:
  - What physical and mental tasks does the job accomplish?
  - How is the job done?
  - Why is the job done?
  - What qualifications are needed for this job?

*A Job Analysis Thus Provides A Summary Of A Specific Job's...*

Duties and responsibilities

Relationship to other jobs

Knowledge and skills

Working conditions of unusual nature

A very helpful web site for employers to use when completing a job analysis is <http://online.onetcenter.org> This site is a comprehensive database of worker attributes and job characteristics.

## ESSENTIAL FUNCTIONS

### Why do I need to consider the essential functions of a job?

Title I of the Americans with Disability Act (ADA) protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he has a physical or mental impairment that substantially limits a major life activity. The Act also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. An individual with a disability must be qualified to perform the essential functions of a specific job with or without reasonable accommodation in order to be protected by the ADA. In the State of Montana ADA applies to any employer with an employee.

The individual must:

- Satisfy the job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with the employer's right to hire the best-qualified applicant. The ADA simply prohibits you from discriminating against a qualified applicant because of a disability. Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully examine each job to determine which functions or tasks are essential to performance.

Factors to consider in determining if a function is essential include:

- Whether the reason the position exists is to perform that function
- The number of other employees available to perform the function or among whom the performance of the function can be distributed
- The degree of expertise or skill required to perform the function

One question to ask yourself is "Can my business continue to operate if this task is not done or can someone else perform the task?"

Here are some examples given on the EEOC web site:

*An employer is recruiting for a proofreading position. Part of the application process is a written test for a proofreading. The employer does not have to offer this test in a different format (e.g., orally) or hire an applicant who has dyslexia because reading is an essential function of the job.*

*A deaf applicant applies for a file clerk position. The essential functions for this job are to file and retrieve written materials. While the job description states that the clerk must also answer the phone, in practice the clerk rarely does this because other employees have responsibility for this duty. The employer cannot reject an applicant of not being able to answer the phone since that is not an essential part of performing this job.*

## BASIC JOB ANALYSIS OUTLINE

Job Title: \_\_\_\_\_

Reports to: \_\_\_\_\_

FSLA Status: \_\_\_\_\_

Prepared/Approved Date: \_\_\_\_\_

**Summary:** Briefly explain the general purpose of the job as well as expected interactions and relationships with other employees, departments, customers and clients.

**Essential Duties and Responsibilities:** List major job duties and responsibilities. Include quality, quantity and safety factors.

**Supervisory Responsibilities:** If applicable.

**Competencies:** To perform the job successfully, an individual should demonstrate job specific competencies from the areas of intellectual, interpersonal, leadership, organizational and self-management.

**Qualifications:** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Specify a skill level for each area.

**Education and/or Experience**

**Language Skills**

**Mathematical Skills**

**Reasoning Abilities**

**Computer Skills:** List specific system or software required to perform the essential duties of this job

**Certificates, licenses, and registrations:** Professional licensing, drivers, special endorsements if applicable.

**Other Skills, Abilities and Qualifications:** Equipment, machines and programs individual must be able to operate or have a specific level of proficiency.

**Physical Demands:** Demands representative of those that must be met to successfully perform the essential functions of the job. Consider the frequency or the percentage of time the person would be doing actions such as sitting, bending, standing, walking, climbing, driving, pushing, pulling and lifting.

**Work Environment:** Describe characteristics of the environment representative of those an employee would encounter while performing the essential duties of this job. The percentage of time spent indoors or outdoors along with other relevant details like exposure to temperature extremes, chemicals, dust, fumes and heights.

## JOB DESCRIPTION

- A job description is a summary of the important facts about a particular job. It states in a clear, concise way, the information in a job analysis.
- Many employers choose to use the written job description because they find it provides them with the greatest utility of all job documentation methods.
- Depending on how detailed they are, job descriptions can be used directly or indirectly to:

- Assign work & document work assignments
- Help clarify missions
- Establish performance requirements
- Assign titles and/or pay levels to jobs
- Recruit for vacancies
- Explore reasonable accommodations
- Train employees
- Check for compliance with legal requirements related to equal opportunity, equal pay, overtime eligibility, etc
- Make decisions on job restructuring



## SETTING WAGE RATES

An accurate job description is the base needed to compare jobs. It makes clear the relative amounts of work required and qualifications needed. This will allow you to establish fairer wage rates and salaries. Some principles to consider include:

- Equal pay for equal work
- Fairness in application of these principles
- Higher pay for work requiring more knowledge, skill or physical exertion
- Reasonable pay, in comparison to pay for similar work in other organizations
- Total earnings reflect, in some way, the employee's contribution to the organization
- Over qualified employees are generally not paid more than a qualified employee in the same position

One general but fairly effective rule of thumb you can follow when determining rates is to pay the most important non-supervisory job as well as or somewhat better than the job receives elsewhere and do the same for the least important full-time job. Rates for all other jobs in-between can then be set in a reasonable way.

Labor market information regarding wage rates in Montana are on the Internet at <http://www.ourfactsyourfuture.org>

## SAMPLE JOB DESCRIPTION

### LOCAL GENERAL STORE

Job Title: Cashier  
Reports To: Business Owner  
FLSA Status: Non-Exempt  
Prepared/Approved Date:

#### **Summary:**

This position is responsible for front area of store, including waiting on customers in store, operating cash register and accepting payment for purchases. Other duties include: prepare orders for shipping, stock front displays, daily cleaning following closing checklist, and other duties as assigned.

#### **Essential Duties and Responsibilities:**

- Wait on customers in the store
- Ring in purchases using PLU system
- Accept payment for purchases, count change back
- Dust displays, keep neat and orderly
- Cleaning of areas following check list for closing
- Selective cleaning as assigned
- Prepare orders for shipping

#### **Competency:**

To perform the job successfully, an individual should demonstrate the following competencies:

- **Customer Service** - Responds promptly to customer needs; Responds to requests for service and assistance
- **Interpersonal Skills** - Listens to others without interrupting
- **Oral Communication** - Speaks clearly and persuasively in positive or negative situations
- **Teamwork** - Balances team and individual responsibilities
- **Attendance/Punctuality** - Is consistently at work and on time
- **Dependability** - Follows instructions, responds to management direction

#### **Qualifications:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

#### **Education and/or Experience:**

Less than high school education; or up to one month related experience or training; or equivalent combination of education and experience.

**Language Skills:**

Ability to read and comprehend simple instructions, short correspondence and memos. Ability to write simple correspondence. Ability to effectively present information in one-on-one and small group situations to customers, clients and other employees.

**Mathematical Skills:**

Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume. Ability to make change and count back to customer.

**Reasoning Ability:**

Ability to apply common sense understanding to carry out simple or detailed written or oral instructions. Ability to deal with problems involving a few concrete variables in standardized situations.

**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel; reach with hands and arms; talk or hear; taste or smell. The employee is frequently required to stoop, kneel or crouch and occasionally required to climb or balance. The employee must frequently lift and/or move up to 25 pounds, occasionally up to 50 pounds.

**Work Environment:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.



## **HIRING FOR TALENT**

### **Doesn't Anyone Want To Work Anymore?**

The workforce is changing. Employers are realizing that in addition to having the skills to do a job, employees need to be able to fit into the workplace and get along with co-workers. A Research and Analysis Bureau survey found Montana employers highly value positive work habits and attitudes. They said these are the most difficult skills and qualities to find when hiring new employees. Surveyed employers said it's harder to find workers with positive work habits and the ability to work with minimal supervision than those with basic writing, technology and math skills.

In the past, an organization's value was in hard goods—value that could be measured in inventory and equipment. However in today's knowledge-based economy it is the utilization of talents, knowledge, skills and abilities that gives the organization its value.

Talent is any recurring pattern of thought, feeling, or behavior. Most individuals establish about 13 innate talents or strengths by about age 13. Understanding that each person possesses these enduring patterns of thought, feeling and behavior is incredibly liberating as you then realize you aren't responsible for changing people's behavior. By finding out people's talents, you can match people to what they normally, naturally are good at and enjoy doing. You can develop a talent profile to assist you in putting the right people in the right jobs. This helps you to hire right and adjust your current workforce to make the most of it.

## **EMPLOYEE GENERATIONS AND VALUES**

Traditionalists, Baby Boomers, Gen X-ers, Millennials, Emergent Workforce, Traditional Workforce, Values, Generational Myopia...what does it all mean to me?

In recent years many studies have been done to try to understand the changing workforce. Dealing with attitudes, values and motivations of individuals of different generations in the same work place is becoming more important as more and more workers are getting older and being replaced by younger workers.

Are those Gen X-ers all that different from the Baby Boomers (or older) who are hiring them? The answer, for the most part, is yes. Failure to recognize difference usually results in **GENERATIONAL MYOPIA**: the mistake we make when we apply the values & attitudes of our own generation to someone of a different generation.

Lou Harris & Associates, together with Interim Personnel Services, did a study of today's workforce over a two-year period and came up with some very interesting

findings. They have termed the collective results as a definition of the Emergent Workforce. These values are seen as the aftermath of downsizing and they are not limited to Gen-Xers. The mindset identified in the study has seeped into every generation and it is projected to become the view of the majority of the workforce.

EMERGENT WORKFORCE	VALUES	TRADITIONAL WORKFORCE
Defined as a contribution	<b>Loyalty</b>	Defined as tenure
Viewed as a vehicle for growth	<b>Job Change</b>	Viewed as damaging to a career
Employees responsibility to pursue	<b>Career Path</b>	Company's responsibility to provide
Based on level of performance	<b>Advancement</b>	Based on length of service
Rejected as driver of commitment	<b>Job Security</b>	Required as driver of commitment

<b>DEFINING THE GENERATIONS</b>			
TRADITIONALISTS 1922-1945	BABY BOOMERS 1946-1964	GEN-XERS 1965-1980	MILLENNIALS 1979 - 1994
AKA: Seniors, Silent Generation, WWII Generation	AKA: Boomers	AKA: Thirteeners, Baby Busters, MTV Generation	AKA: Generation Y, Nintendo Generation
They are hardworking, economically conscientious and trusting of the government. They grew up being very optimistic about the future and held a strong set of moral obligations.	Grew up during a time of economic prosperity against a backdrop of rebellion. They entered the workforce optimistic and driven. They worked relentlessly in the pursuit of goals.	They are discouraged and disheartened. They are technologically adept, clever and resourceful. They are comfortable with change and are clear about the meaning of balance in their lives. In other words, they work to live, not live to work.	They are optimistic about the future and realistic about the present. They have an easy attitude toward gender stereotyping. They are resilient and believe that hard work and goal setting are sure tickets to success.
Core values			
<ul style="list-style-type: none"> <li>• Dedication/sacrifice</li> <li>• Hard work</li> <li>• Conformity</li> <li>• Respect for authority</li> <li>• Duty before pleasure</li> <li>• Adherence to rules</li> </ul>	<ul style="list-style-type: none"> <li>• Optimistic</li> <li>• Team oriented</li> <li>• Personal gratification</li> <li>• Health &amp; wellness</li> <li>• Personal growth</li> <li>• Involvement</li> <li>• Work</li> </ul>	<ul style="list-style-type: none"> <li>• Diversity</li> <li>• Thinking globally</li> <li>• Balance</li> <li>• Technoliteracy</li> <li>• Fun</li> <li>• Informality</li> <li>• Self reliance</li> <li>• Pragmatism</li> </ul>	<ul style="list-style-type: none"> <li>• Optimistic</li> <li>• Civic duty</li> <li>• Confidence</li> <li>• Achievement</li> <li>• Sociability</li> <li>• Morality</li> <li>• Street Smarts</li> <li>• Diversity</li> </ul>

## Section Two

### JOB APPLICATIONS

#### KEEPING IT LEGAL IN MONTANA....

What information do you want to capture about applicants with your company application? Skill level? Experience? Knowledge? To get what you want you have to learn to ask the right questions, the right legal questions that is. Think about it! Questions that are not job-related such as where a person was born, marital status, what kind of transportation the person uses, etc., give you absolutely no help in making the best hiring decision. If you ask these types of questions, you are setting yourself up for discrimination claims. Remember, when you ask job seekers for an application you are telling them **“what you need them to know.”** When you request a resume they are telling you **“what they want you to know.”**



#### IS YOUR APPLICATION LEGAL?

The key to lawful employment inquiries is to ask only about those areas that will provide information about the person’s ability to do the job, with reasonable accommodation. Do not assume that applications are legal because you bought them at a reputable store. You are responsible for the legality of your applications and keeping them updated as laws change. There are currently cases pending with the Montana Human Rights commission concerning discrimination and illegal applications. More and more applicants are asserting their rights...now is a good time to closely scrutinize your application.

You can require additional materials be submitted with your application as appropriate such as:

- Resumes, transcripts, licenses and certificates (or copies), and answers to supplemental questions.

Supplemental questions are inexpensive tools employers can use to screen large numbers of applicants quickly and consistently. Answers are screened against suggested responses. Applications without completed supplements can be eliminated. Recommendations for writing supplemental questions include the following:

- Limit to 3-5 questions for most jobs
- Limit responses to no more than 300 words for most questions
- Let applicants know if their written communication skills will be evaluated
- Avoid specific, in-house terminology or procedures in suggested responses

Before recruiting, develop questions and determine acceptable answers that will provide the kind of information you are seeking. Ask questions about specific job duties, knowledge, skills and abilities found in your job description. Questions about past experience rather than theoretical questions usually result in more valuable responses. Devise a rating scale, assigning an appropriate weight to each question relative to the importance of the duty being assessed.

Based on ratings, the applicants can be grouped, for example: best qualified; qualified; and did not meet minimum qualifications. Then, additional tools such as job related testing (typing, 10-key, written tests, agility, etc.), interviews and reference checks can screen the best qualified.

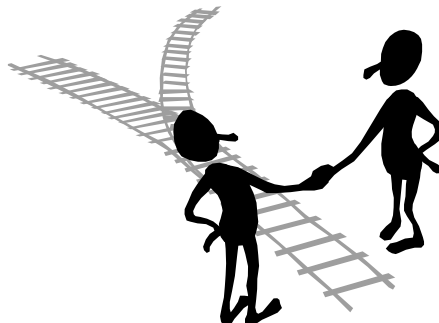
**COMMON SELECTION PRACTICES AND PROBLEMS**  
USED IN THE APPLICATION, ADVERTISEMENT OR INTERVIEW PROCESS

Questions on applications for employment and interview questions should be related to the skills, experience and education important to perform the job.

	ACCEPTABLE	UNACCEPTABLE
AGE	To require proof that the applicant is of legal working age, <u>after hire</u>	To require birth or baptismal certificates. It is unlawful in Montana to discriminate against applicants of <u>any age</u>
BIRTHPLACE	None	To ask birthplace of applicant
ARREST AND CONVICTION	To inquire about convictions for crimes  Should include disclaimer that a conviction is not an automatic bar to employment	To inquire if applicant has ever been arrested
CHILDREN	To ask numbers and ages of children, <u>after hiring</u> , for insurance purposes	To ask whether applicant has children, who cares for them or whether applicant plans to have more
CITIZENSHIP	To ask if applicant is legal to work in the United States	To ask for proof of citizenship or work permit before hire
DISABILITY	It is best to not ask any question related to any type of disability.  To ask how an applicant can do a particular and specific essential job function	To ask whether applicant or any member of the applicant's family has a disability or has had any of a list of diseases  To ask if the applicant is pregnant  To ask any health related questions

EDUCATION	To inquire into the academic, vocational or professional education of an applicant and the schools attended	To require a high school diploma or other educational attainment when no direct relationship exists between the requirement and successful job performance  To ask dates of attendance or completion of education
EXCLUSION BECAUSE OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, MARITAL STATUS, POLITICAL BELIEF, AGE, PHYSICAL OR MENTAL HANDICAP	None	Any practice or inquiry that intentionally discriminates against applicants because of race, sex, creed or national origin, marital status, political belief, age, physical or mental handicap
MARITAL STATUS	To ask marital status, <u>after hiring</u> , for insurance purposes	To ask marital status, name or occupation of spouse prior to hiring
MILITARY	To ask whether military experience has any relationship to the job for which the applicant has applied	To inquire into an applicant's general military experience or type of discharge
NAME	To ask whether applicant has ever worked under a different name or to request information relative to a change of name or nickname to enable a work record	To ask original name of applicant whose name has been changed by court order or otherwise  To ask maiden name of a married woman  To ask names and dates if applicants have worked under another name
ORGANIZATIONS	To request information for job related professional organizations	To inquire into non-work related club or organizational membership
PHOTOGRAPH	To require for identification purposes <u>after hiring</u>	To request photographs prior to employment

PHYSICAL CHARACTERISTICS	To explain manual labor, lifting or other requirements of the job  To show how the job is performed  To require physical exam, at the employer's expense, <u>after a job offer has been made</u>	To ask height or weight (except where it can be justified by business necessity)
REFERENCE CHECKS	To inquire about work experience and qualifications	To request clergy or personal recommendations
RELIABILITY, ATTENDANCE	To inquire about availability of applicant to work to meet business needs	To inquire about family size and status
RELIGION	To inform applicant of the scheduled work week for the position	To inquire into an applicant's religious affiliation, church pastor or holidays observed
SEX	To ask, only if the employer has a bona fide occupational qualification or for reporting if files are kept separate from personnel forms available to those who make the hiring decisions	To make pre-employment inquiry which expresses any limitation, specification or discrimination about sex unless based on bona fide occupational qualification  To imply that favorable employment consideration will be given in exchange for sexual favors from the applicant
TESTING	To use for selection when tests have been validated for the position	To use when no direct relationship exists between test and position



## Montana's Discrimination Laws

### Montana Human Rights Act & Governmental Code of Fair Practices

#### Unlawful to discriminate in:

- Credit
- Education
- Employment
- Financing
- Housing
- Insurance
- Public accommodations
- State and local governmental services and employment

#### Because of:

- Age
- Marital status
- National origin
- Physical or mental disability
- Race/color
- Religion/creed
- Sex (including pregnancy, maternity and sexual harassment)
- Familial status (housing only)
- Political beliefs or ideas (public employees)



## APPLICATION FORMS

An application form provides you with the first opportunity to set forth the employment relationship. A copy of a generic application is available at the end of the Appendix.

Review your application forms and ask yourself the following questions:

- Will the answer to this question, if used in making a selection, have the effect of screening out a significant number of minorities, members of one sex or any other protected group members?
- Is the information really needed to judge an applicant's qualifications for the **job in question**?

## RESUMES

### Why Are Resumes So Different?

#### Types of Resumes

- **Reverse chronological:** This type of resume lists experiences in a time sequence with the most recent experience first. This format works best for people who have had no gaps in employment and are well on their way up their career ladder.
- **Functional:** This type of resume lists experiences by skill areas. For example, skill areas might include supervision, marketing, and customer service. Then, under each of these categories skills can be described that have been gained from work and volunteer experiences. This form can be very effective for those who have held several of the same kinds of positions, those who wish to focus on skills to change to another position, or for those who are returning to the workforce after a prolonged absence. Dates of employment can be eliminated.
- **Combination:** This type of resume is a “combination” of the reverse chronological and the functional. It lists experiences by skill areas and also includes employers and dates of employment.

### CHECKLIST FOR REVIEWING RESUMES OR APPLICATION FORMS

- ✓ Review the job description(s) for the position(s) you are attempting to fill. Note minimum requirements needed and refer to them often as you review resumes/applications.
- ✓ Ignore the applicant's name, address or personal information to limit subconscious biases.
- ✓ Attempt to ignore superficial issues such as style, typographical areas in favor of content, unless such issues are directly related to the position for which they are applying. Such scrutiny may unintentionally rule out members of protected classes.
- ✓ Check work experience for applicability to the position for which they are applying, length of time in each position, promotions or awards received, reason for leaving each position.
- ✓ Note gaps in employment, but do not assume they were caused by negative reasons.
- ✓ Check educational background for qualifications necessary to successful job performance.
- ✓ Note special skills (i.e. computer software, office equipment).
- ✓ Note on a separate piece of paper any pertinent questions that arise when reviewing the resume/application and ask those during a telephone screen/interview.
- ✓ Divide resumes into 3 groups – one for those that closely match job requirements and for which a telephone screen is appropriate, one for those who meet some requirements and

may be considered secondarily and one for those who do not meet the requirements at all.

- ✓ If necessary, screen the top group again to further narrow down the candidates. On average, about 10 resumes per open position should be sufficient.
- ✓ During telephone screening briefly describe the position, location, hours and salary range (if appropriate) and ask if the candidate is still interested in being considered. If so, ask for brief clarification on any important questions raised during your initial review.



## TESTING

It is common for employers to ask applicants to undergo other procedures, such as testing, as part of their selection process. Employees affect an organization's performance and profitability. Hiring or promoting people who are unsuitable costs time, money, and potential new business. Carefully developed and administered employment tests can provide organizations with a way to decide systematically and accurately which people have the ability to perform well on the job, will not turnover, won't engage in counterproductive behaviors, or will be able to learn from training programs. Tests can also benefit individuals who are better matched to positions for which they are suited and in which they will wish to remain.

### Before you begin testing:

1. Be certain that tests are job-related and an accurate predictor of performance in the job.
2. Only use tests that are valid and do not discriminate against any group of applicants.
3. Administer the same tests under the same conditions to all applicants for the same position.
4. Accommodate people with disabilities by modifying the test or testing conditions or eliminating the testing requirement.
5. Do not rely solely on tests for making decisions about candidates; use them as one component of your overall selection procedure.

### SOME REASONS TO USE TESTING

- Testing leads to savings in the decision-making process. Employment tests can be a cost effective way to pare down the applicant pool. Tests can make the decision process more efficient because less time is spent with individuals whose characteristics, skills, and abilities do not match what is needed. However, some tests do require more time upfront with individuals to determine who is and who isn't qualified. In these cases, tests can still result in savings from not training and compensating individuals whose productivity would be low or who would not remain on the job.
- The costs of making a wrong decision are high. For certain employment decisions, a wrong decision can be very costly in terms of training costs, errors made by a poor

performer, costs of replacement, etc. For these types of decisions, investing in testing may be seen as a particularly worthwhile endeavor if testing reduces the number of wrong decisions.

- The job requires attributes that are hard to develop or change. Tests are often used for assessing characteristics that cannot be developed through training, but are acquired over long periods of time or even a lifetime.
- Hard-to-get information can be obtained more easily and efficiently. One important advantage of using employment tests is that they can often provide information about an individual that is not easily obtained using other methods, or that would be much more costly to obtain by other means.
- Individuals are treated consistently. Using standardized tools in employment decision-making ensures that the same information is gathered on each individual and used in a similar way in decisions. Employers often turn to testing because of the unfairness of less standardized processes, in which individuals are not all treated in a similar way and similar information is not gathered on all individuals. Subjective biases can easily creep into decisions if the process for making decisions is not standardized.
- There are a lot of applicants. Sometimes the sheer number of individuals to consider for an employment decision leads an employer to choose testing as the most efficient and fair means of making a decision in a timely manner.

#### SOME REASONS NOT TO TEST

- Costs.
- Fear of legal action. Sometimes concerns are raised about the legality of using tests in hiring. As with any other method of making employment decisions, tests can be scrutinized if there is a belief that discrimination in employment decisions has occurred. Before using a test, it is important to anticipate whether or not adverse impact might occur and to consider ways that minimize any exclusionary effects while preserving the ability to make valid inferences based on test scores.
- Practical constraints. Tests may not be the best choice if not many individuals are being considered in a particular employment decision, if the resources to properly administer the test are not available, or if the timing and logistics of the decision-making process preclude the use of an appropriate test.
- The current decision-making process would not be improved upon by the addition of a test.

Resource: [www.siop.org/workplace](http://www.siop.org/workplace) - SHRM website



## Section Three

### INTERVIEWING

#### The Interviewing Sequence....

If you don't know exactly what you are looking for, you'll probably never find it. At the very heart of the ability to do an effective job interview is excellent knowledge of the job duties, the skills, the experience and the aptitude that are necessary to perform the job well. The total cost of a poor hiring decision is more than lost time and money...other byproducts include low efficiency, poor morale, high absenteeism, and frequent turnover. This section will cover the following subjects:

- **PREPARING FOR THE INTERVIEW**
- **CONDUCTING THE INTERVIEW**
- **EVALUATION & FOLLOW UP**
- **INTERVIEWING AND HIRING PEOPLE WITH DISABILITIES**

There are number of types of interviews you can utilize to determine if the individual is a good fit in your organization. The following are suggested types:

- **Performance Interview**--This type of interview has an individual perform a specific task related to the job they are applying for.
- **Behavioral Interview** --The behavioral job interview is based on the idea that past performance is the best indicator of future behavior, and uses questions that probe specific past behaviors.
- **Structured Interview**--This type of interview is very straightforward. The interviewer uses a set of standard questions that are asked of all candidates.
- **Unstructured Interview** --This type of interview is where questions are asked about the applicants' interests, educational background, previous work experience or other subjects.
- **Telephone Interview**--This type of interview is used to eliminate candidates based on essential criteria such as employment objective, education, or required skills.
- **Technical Interview**--This type of interview uses technical questions, which are design to measure applicants' analytic or problem-solving skills.

#### PREPARING FOR THE INTERVIEW

Review your job description and extract 6-10 major tasks of the job. From these major tasks identify the most important qualifications for the position and then determine how you will measure those qualifications through the interviewing process.

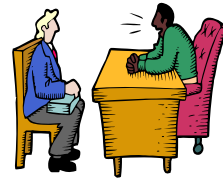
As appropriate, consider questions that elicit the following: motivation, related job experience, team player, ability to learn, technical skills, related job experience, attitude, availability, flexibility, ability to communicate, and cooperation.

Once you have decided on 10-15 general and specific job-related questions you plan to use in the interview and have developed standards for rating of responses, you need to transfer these questions to an interview form. This assures that all candidates are asked the same questions and provides you a means of rating candidates and taking notes.

Before interviewing, identify any problems you have had with the position and develop screening tools to address those concerns. If certain aspects of the job cause people to leave, mention them during the interview, as it's better the person refuse the job than to start and quit.

Set your minimum limits, and then consider them carefully. For example: Is high school education mandatory for satisfactory completion of duties? Will you consider similar job experience or training instead? Be sure your minimum standards are based on true need...not bias...otherwise you may lose the opportunity for a qualified, stable employee.

## CONDUCTING THE INTERVIEW



The interviewer's job is to maintain subtle control of the interview while:

1. Eliciting the behavior that will help make a hiring decision.
2. Carefully observing that behavior.
3. Interpreting how the behavior relates to the requirements of the job.

Assessing the applicant's ability to do the job is the most important objective of the interview. However, the successful interview should also give the applicant information about the job and working conditions in the company. It should also create goodwill in the applicant toward the job and the company, even if the applicant is not hired.

Interviewing is hard work! Watch out for "**halo effects**." This happens when you allow a prominent characteristic to overshadow other evidence in an interview. To avoid this, pay close attention to everything the applicant says, and then make careful, independent ratings of the applicant's response to each question.

**Don't dwell on the negative.** Placing greater emphasis on negative information than on positive information defeats the purpose of the interview and again can result in a snap decision or judgment.

It is your responsibility and in your own best interest to keep the applicant from volunteering information which has no bearing on the selection process. If an applicant volunteer's information about a spouse, kids, religion, etc., **STOP** the flow of information, courteously explain your reason for interrupting, and assure the applicant that your company does not base its hiring practices on that particular subject area. If this person does not get the job, he or she can file a complaint saying that you learned during the interview, for example, that she was divorced, with children, and you refused to hire her for that reason. If discriminatory information is inadvertently revealed during the interview, do not tell others or enter this information anywhere on your application or evaluation forms. If you are interviewing an individual with a disability, see the sub-section on this topic before proceeding.

Avoid leading questions such as, "You left school to go to work?" It is easy for the applicant to answer, "Yes," even though the real reason might have been expulsion.

Consider having more than one person interview your applicants. People often tend to hire people like themselves because they feel comfortable with them. In reality, businesses thrive more on diversity because different skills, ideas and points of view strengthen an organization. Another option is a “group or panel interview” in which several people interview each applicant at the same time, taking turns asking questions. Be attentive and try not to show feelings to responses given, other than to acknowledge. Try the mirror technique where you restate the last part of the answer as though it was a question (example: “and then they told you, you were fired?”). Mirroring is especially useful because it asks a question without revealing the interviewer’s bias regarding the answer. Look interested as though you would like to hear more. If that does not work, simply request more information by saying something such as, “Tell me more about” or “What happened then?” When you are unclear what the applicant is saying, try rephrasing what you think you heard to make sure communications are clear. After interviewing, **BE SURE TO CHECK REFERENCES** and use any legal job-related testing you have.

## TEST YOURSELF

Once again, when you are asking questions during the interview, be very careful that you are not asking illegal or discriminatory questions that can be used by the applicant to file a complaint, if you decide not to hire them. Following is a short test of your knowledge of what may be a suspect question.

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### SELECT THE SUSPECT INTERVIEW QUESTIONS

(See end of Interviewing Section for answers)

1. What are your strengths with respect to making decisions?
2. You have an unusual name. What nationality are you?
3. Would you be willing to work for a person who is younger than you?
4. Are you physically able to do this job?
5. Describe how you would handle a complaint from an upset customer?
6. Describe your public speaking experience?
7. Are you supplementing your household income?
8. What do you know about our company?



## EVALUATION AND FOLLOW-UP

Once you have completed the interviews of all applicants, you will need to review results to determine which applicants meet your minimum qualifications and are the best fit for your organization.

This sub-section will cover the following topics:

- ❑ Reference Checking
- ❑ Criminal Background Investigations
- ❑ Making an offer
- ❑ Non-selection letters



## REFERENCE CHECKING—FREQUENTLY ASKED QUESTIONS

### **Why should I spend my time checking job references?**

The best predictor of success on the job is past performance.

### **Aren't most employers reluctant to give references?**

They shouldn't be as long as they provide relevant, factual information. Giving and getting job references is a legitimate business activity in which both parties have an interest and/or liability. Even verifying the dates of employment and the job duties gives you some credible information. Asking appropriate, non-threatening questions with gentle persistence can also go far in obtaining more information. Should a previous employer fail to warn you about critical, safety-sensitive situations, that employer may have liability if you hire a person who repeats a similar activity at your business. Document that you asked questions even if the employer won't answer.

### **Some applicants just look suspicious. Is it okay to check references on just those individuals?**

Be consistent and fair in the treatment of all applicants to avoid discrimination claims. If you check references on any applicants, check references on all applicants.

### **Is it okay to check references without telling an applicant that you are?**

Some applicants may not even apply if you let them know through job announcements or advertising that you will be checking references. You should get permission from applicants before contacting previous or current employers by asking for a written release on your job application.

### **Should I ask for personal references?**

Asking for personal references may be suspect for discrimination as applicants often list religious contacts. Besides, savvy applicants only list personal references that will give positive responses and personal references will probably not have relevant job performance information.

### **When other employers call me for references, I'm not sure with whom I'm talking or what to say.**

Good point! You can ask the person calling what the questions will be and tell the person you will pull the personnel file and call back. This gives you time to prepare responses and allows you to verify who is calling through a callback procedure.

### **Which questions should I answer?**

Answer only those questions that are objective and relevant. You have no obligation to answer improper questions. Don't volunteer information. Ask why the person needs certain information if you don't know. Answer questions evenly and unemotionally. Ask for more specifics if you don't understand a question.

## **TIPS ON CHECKING REFERENCES**

- Prepare reference questions ahead of time so you can consistently ask the same question about all applicants.
- Call or write to each reference given.
- Suggest that the person gather information and call you back if he/she seems unprepared.
- Document all information that you receive.
- Also document unsuccessful tries at gathering information to protect you from negligent hiring claims.
- If you can't get the requested information from references, ask the job applicant for more information or to clear the way for you with the references he or she gave.
- Ask factual and objective questions – not opinions.
- Don't make a job offer until you've completed your reference checking.

## **QUESTIONS TO ASK WHEN CHECKING REFERENCES**

- **Employment History:** Ask about positions held, dates of employment, promotions, job duties, performance, attendance records, and termination or separation reasons.
- **Performance:** Avoid subjective appraisal information – base on written evaluations. How well did the employee perform? Overall, was performance satisfactory? Unsatisfactory? Does your file show your company's overall evaluation of the employee?
- **Conduct:** Did the employee have an acceptable attendance record? Does your file show any documented disciplinary problems? Follow up and probe any responses – What was the nature of the problem? What was the resolution? Was it corrected?
- **Termination or separation:** Why did the employee leave? Is the employee eligible for rehire? (More objective than "would you rehire?") If not, why not? Does the file show the reason not eligible? Is there a termination fact sheet or an exit interview?
- **Closing:** Is there anything else we should know about this applicant?



## TIPS ON PROVIDING REFERENCES

- Have all departing employees sign a reference release that releases you, and all your agents, from all liability in connection with disclosure of employment-related information to prospective employers.
- Have a policy specifying who in your business can give references, as you may be liable for references given out by other employees.
- Ask the person calling what the questions will be, and tell the person you will pull the personnel file and call back. This allows time to prepare how you will answer questions and also gives you an opportunity to verify who the caller is through callback procedure.
- Communicate facts supported by documentation, not opinions. You can cite specific examples that are documented.
- Avoid subjective and broad statements.
- Be concerned with what happened while the person was employed by you – not what the person did before you hired.
- Be sure you have the facts – not suspicions – before giving out negative or sensitive information.
- Give information in good faith – true (factual, objective) and without malice. Maintain records in personnel files documenting who contacted you, what questions were asked and how you answered them.

## CRIMINAL BACKGROUND INVESTIGATIONS

Be sure to inform applicants if you will be conducting a background investigation and get expert assistance. Advertising background checks in your job announcement may prevent questionable applicants from even applying. Make sure these investigations are carefully planned, justified and executed. If someone was only arrested and not convicted, the law does not view this as adequate grounds for denying employment.

Even a conviction is not always grounds for denying employment. It could be challenged based on how long ago it happened, how serious the infraction was or how relevant it is to the job for which the person is applying. You could also be challenged if you subject only certain applicants to background checks.

To conduct a criminal background check you may call the Department of Justice, Criminal Records Division at (406) 444-3625.

<b>Applicant Information Release</b>	
<p>I hereby authorize any person, educational institution, or company I have listed as a reference on my employment application to disclose in good faith any information they may have regarding my qualifications and fitness for employment. I will hold (Your Business), and former employers, educational institutions, and any other persons giving references free of liability for the exchange of this information and any other reasonable and necessary information incident to the employment process.</p>	
Signed:	_____
Date:	_____

## MAKING AN OFFER

Once you have made a decision to hire an individual, you need to contact that individual as soon as possible; otherwise you may lose them to another company. Be prepared to discuss salary, benefits, and other reasons someone may want to work for your company (i.e. in-house daycare, bonus programs, staff recognition, advancement opportunities, etc). Prior to making the offer, you need to determine the salary range being paid for the particular occupation in your area, and be willing to negotiate the starting salary.

The job offer should be made in person if possible, however, it can be made over the phone and followed up with a letter.

## NOTICE OF NON-SELECTION

Letters should be sent, or a personal telephone call made, to all applicants. A positive experience is important for your job applicants because, in the future, they may be your customer or part of your next applicant pool. In addition to recognizing the applicant's interest in your job opening the letter should confirm the position requirements, justify your hiring decision and acknowledge the applicant's interest.

Non-selection letters should:

- Begin and end on a positive note.
- Refer to the specific job for which the applicant was considered.
- Be professional and sincere.
- State briefly why the applicant was not selected.
- Be signed by the appropriate person.
- Be mailed to the applicant's home address.

When writing a non-selection letter to external candidates, one need not refer to the candidate hired or his or her qualifications. It is important, however, to let the applicant know that s/he has been considered for your position, but another more qualified candidate has been selected. Put yourself in the applicant's place. A simple letter of acknowledgement provides closure to what could be a very stressful search and respects the applicant's feelings.

Examples of two non-selection letters can be found in the Appendix.



## INTERVIEWING AND HIRING PEOPLE WITH DISABILITIES

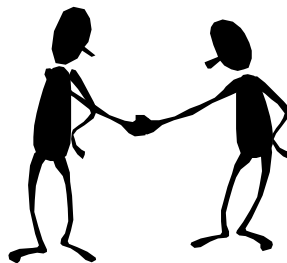
People with disabilities are the nation's largest minority, and the only one that any person can join at any time. If you do not currently have a disability, you have about a 20% chance of becoming disabled at some point during your work life. People with disabilities cross all racial, gender, educational, socioeconomic, and organizational lines. Companies that include people with disabilities in their diversity programs increase their competitive advantage. People with disabilities add to the variety of viewpoints needed to be successful and bring effective solutions to today's business challenges. The American economy is made stronger when all segments of the population are included in the workforce and in the customer base.

Hiring the right person for the right job starts with conducting an effective job interview. As in any interview, you are interviewing a person with skills and abilities to determine if that individual is the best fit for your job opening. The following guidelines ensure that persons with disabilities are afforded a fair and equitable opportunity to present their job qualifications.

### Reminders For Interviewing Individuals With Disabilities

1. Your company's application and interviewing procedures should comply with the Americans with Disabilities Act (ADA). The ADA prohibits disability-related questions or medical exams before a job offer is made.
2. Make sure your company's employment offices and your interviewing location(s) are accessible to applicants with mobility, visual, hearing or cognitive disabilities.
3. Be willing to make appropriate and reasonable accommodations to enable a job applicant with a disability to present him or herself in the best possible light. When setting up the interview explain what the hiring process involves and ask the individual if he or she will need reasonable accommodations for any part of the interview process.
4. Do not let a rehabilitation counselor, social worker or other third party take an active part in or sit in on an interview unless the applicant requests it.
5. Make sure that all questions asked during the interview are job-related. Speak to the essential job functions regarding the position for which the applicant is applying, as well as why, how, where, when and by whom each task or operation is performed. Do not ask whether or not the individual needs an accommodation to perform these functions, because such information is likely to reveal whether or not the individual has a disability. This is an ADA requirement to ensure that an applicant with a disability is not excluded before a job offer is made.
6. Relax and make the applicant feel relaxed. Don't be afraid of making mistakes. At the same time, remember that candidates are expected to assume an equal share of the responsibility for making your interaction with them successful.

7. Do not speculate or try to imagine how you would perform a specific job if you had the applicant's disability. If the applicant has a known disability (either because it is obvious or was revealed by the applicant) the employer may ask an applicant to describe how he or she would perform a certain job function if it is an essential part of the job. In addition, the employer may ask the individual if he or she needs reasonable accommodations and if so what type of accommodation.
8. Concentrate on the applicant's technical and professional knowledge, skills, abilities, experiences and interests, not on the disability.
9. Disability related questions and medical examinations are prohibited under ADA at the pre-employment offer stage. After a real job offer is made, the offer may be conditioned on the results of disability related questions and/or medical examinations, but only if the examination or inquiry is required for all entering employees in similar jobs and only if all medical information is kept confidential. Disability related questions and medical examinations at the post-offer stage do not have to be related to the job. However, if the offer is withdrawn, the employer must show that the individual could not perform the essential function of the position or would pose a direct threat.
10. If testing is part of the interview process, make sure the test does not reveal information about physical or mental impairments. Make sure it is not a medical examination. Other tests, which demonstrate the applicant's ability to perform actual or simulated job tasks, are permitted under the ADA. Inform the applicant before the interview that a test will be part of the interview process. The applicant can then request an accommodation such as a different format for written tests.
11. If you are not prepared to make a commitment to hire her or him immediately, the usual reasons given to applicants who are not hired at the close of the interview apply: "Thank you for coming in, we will notify you in a few days of our decision."
12. An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and scope of its operation.



## **ANSWERS**

### **SELECT THE SUSPECT INTERVIEW QUESTIONS TEST**

Questions **2 & 7** are suspect because...

Both are in violation of Title VII of the Civil Rights Act of 1964 which protects individuals against employment discrimination on the basis of national origin as well as race, color, religion and sex. Any question that asks a candidate to reveal information about his or her national origin, citizenship, age, marital status, disabilities, arrest record, military discharges, or personal information is a violation of the act.

Question **3** is suspect because...

The question is in violation of the The Age Discrimination in Employment Act of 1967 (ADEA). The federal law protects individuals who are 40 years of age or older from employment discrimination based on age. In the State of Montana the act applies to individuals of any age, so long as they are in compliance with Child Labor Regulations, and to all employers. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment -- including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

Question **4** is suspect because...

Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

## Section Four

### RESOURCES FOR MANAGING YOUR EMPLOYEES

#### They're On The Payroll - Now What?

There are many things you can do as an employer to help your employees succeed in their jobs. The first place to start is with new employee orientation. The orientation process is a place where you as the employer can review the responsibilities of the employee, and also answer any questions they may have about their new job. This is also a great time to review the company benefits, take care of any necessary paperwork and even assign a co-worker to help mentor the new employee on their first day. These steps will get your employee off to a great start.

#### NEW EMPLOYEE ORIENTATION

When you first hire someone it is good to have a checklist of all the details of the job, benefits and responsibilities of the employee. Having a checklist, and reviewing that checklist with the employee can make a difference. A copy of a sample checklist is available in the appendix.



#### REQUIRED FORMS

Every employer must complete some basic forms when they hire employees. They are the W-4, I-9 and New Hire Report form. Of these forms, the New Hire Report form is the only one that is not kept by employers. Specifics on retention of employee records can be found in the Appendix.

The forms can be obtained at your local Job Service Workforce Center or on-line at:

- W-4                                    [www.irs.ustreas.gov](http://www.irs.ustreas.gov)
- I-9                                        [www.uscis.gov](http://www.uscis.gov)
- New Hire Report            [www.mt.gov/revenue/formsandresources/forms.asp](http://www.mt.gov/revenue/formsandresources/forms.asp)

## UNWRITTEN RULES OF THE WORKPLACE

New employees may not understand the unwritten rules of your workplace. Many people base their belief systems on behavior that is appropriate in their home, but not in the workplace. These social beliefs can lead to conflict. Some examples are:

### Social Rules

- Enjoy Life. Life should be fun.
- You should be appreciated for who you are.
- Family comes first.
- Personal appearance should be a personal decision – I have a right to express myself.

### Professional Rules

- Work is work; we are not here to have fun.
- You are paid for showing up on time and doing your job. Don't expect a pat on the back for doing the minimum.
- Work should come first, don't let your home and family issues get in the way.
- Dress for the job.

Most successful employees are able to separate work identities from home identities and understand that there are professional expectations in their business. For them, the difference between acceptable and unacceptable behavior is "common sense." However, many new employees (especially those new to the workforce) do need help and advice in understanding the unwritten rules of your workplace.

## PERSONNEL FILES

No federal or state law requires an employer to maintain personnel records as such; however, various federal and state laws mandate that certain records be kept. For organizational purposes as well as legal protection, you should keep separate, up-to-date personnel files. The chances of becoming involved in legal actions related to hiring, supervision or firing decrease when personnel records are maintained correctly.

## EMPLOYEE HANDBOOKS

Should I or Shouldn't I?



Employers often wonder whether they should have an employee handbook or not. Putting together a useful handbook can be a lot of work. However, keep in mind that there are a number of resources and tools available to ease the burden. These include computer software programs, staff at local Job Service Workforce Centers and consultants for hire to help you with this task.

One major area of concern is legal issues. Will you be able to keep your handbook up to date? Will you and your supervisory staff consistently follow your own policies? Consistency in following your own policies is very important concerning discrimination and wrongful discharge laws. If you don't follow your own written policies, you are probably better off not having an

employee handbook. However, keep in mind that even without a handbook, your employees can still file wrongful discharge and/or human rights complaints if they perceive they are being treated unfairly and inconsistently.

A well-written handbook can create a positive image for your business and can be useful as a consistent tool for informing employees about your philosophies, expectations, policies and procedures. Many times not communicating this information leads to confusion and hard feelings among your employees.

If you decide to write an employee handbook, seek legal advice before finalizing your handbook. You don't want a document that will tie your hands or weaken a court case because of wording. Also be careful of the tone your words create. Reading a handbook can instill a sense of pride, trust and fairness or it can instill a sense of suspicion, and threats. Employees who feel they are treated fairly are more likely to be motivated and loyal. A threatening tone can "undo" any good you are trying to achieve.

## **ACKNOWLEDGEMENTS & DISCLAIMERS**

Consider having a conspicuous disclaimer that states your employee handbook is not intended as a contract nor does it encompass all company policies and procedures and stating that you reserve the right to make changes. Make sure employees easily understand the language used in your disclaimer and that it is prominently displayed in your handbook.

It's also important to get a signed, dated acknowledgement of receipt of handbook from each employee for your personnel files. This statement should say that they have received, read and understand the information in the employee handbook.

Samples of a Disclaimer, an Acknowledgement of Receipt and Outline of an Employee Handbook are available in the Appendix

## **MOTIVATING EMPLOYEES**

### **Respect, Recognition and Reward**

The success of your business can almost always be traced back to motivated employees. From productivity and profitability to recruiting and retention, hardworking and happy employees help your business. Unfortunately, motivating people is far from an exact science. There's no secret formula, no set calculation, no work sheet to fill out. In fact, motivation can be as individual as the employees who work for you. One employee may be motivated only by money. Another may appreciate personal recognition for a job well done. Still another may work harder if she has equity in the business.

But you can boil down employee motivation to one basic ideal – find out what your employees want and find a way to give it to them or to enable them to earn it. A good way to do this.....ASK.

## Life Balance

It's important to understand what motivation is and what it is not. Traditional expectations of loyalty and a lifetime job have changed due to factors such as merging, downsizing, rightsizing, globalizing and outsourcing. In addition, today's workforce as a whole is more educated, savvy and likely to ask what's in it for me rather than show blind loyalty. Today, employees want a balance between their work life and personal life...they also want meaning and purpose!

Good benefits, vacation and salary plans often attract and retain employees, but they are not employee motivators unless they provide workers a stake in the future success of the organization based on their performance.

Although it's important to have competitive salaries and benefits, your real payback will come from inspired and motivated employees. Examples of plans that can motivate include stock purchases, ownership plans, profit sharing, commission, and cash bonus plans.

Do not confuse employee morale boosters with employee motivators. Activities such as drawings for free parking places, free pizza on Fridays, or use of the company car on weekends are employee morale boosters and can raise the morale of employees so they feel good about the company they work for. However, they are not employee motivators because they are not directly tied to an increase in performance.

An employee with good morale is not necessarily a motivated employee. For example, an employee who socializes with others 1-2 hours a day may have good morale, but will also probably have the worst production levels of any employee in the department. Employees are motivated when they can directly affect their own pay or lifestyle.

## Motivation Fundamentals

- **Select the Right People for the Job** - Take the time to find people with the right aptitudes as well as attitudes that reflect your values. Start with an accurate job description and make sure you use the probationary period to assess their "fit" with your organization.
- **Recognize and Value your Employees** - Once you have hired the right people, take steps to keep them. Warmly welcome them, spend time with them, then show appreciation towards them as long as they work for you. The longer they are with you the more valuable and irreplaceable they become.
- **Train** - Employees don't automatically know what is expected of them. Teach them what they need to know to do the job right. Develop trust by providing the training necessary to succeed in their jobs. Minimal performance frequently results from employees not knowing that anything more is expected of them. Continue to offer employees training opportunities to develop new skills
- **Communicate** - Listen and respond to employee needs. Share business goals and seek input from employees to connect them to where they fit into the organization's goals.

- **Develop a Sense of Ownership and Empowerment** – Empower your employees by providing them the resources, information and authority to make decisions. Provide clear expectations.
- **Require Accountability** - Responsibility brings out the best in people. Hold employees to a high, but realistic standard. Be honest and coach them if necessary. Provide honest feedback on how they are doing.
- **Enrich Employees' Jobs** - If you want motivated employees, give them motivating work. Everyone should have at least part of his or her job be interesting and challenging. Find out what tasks your employees enjoy most and use this information in future work assignments.

## MOTIVATIONAL ZAPPERS

Tolerating poor performance takes advantage of high performing employees  
 Withholding critical information for employees to perform their work  
 Promoting internal competition between employees  
 Underutilizing the talents and capabilities of staff  
 Treating employees unfairly or inconsistently  
 Criticism instead of constructive feedback  
 Unproductive meetings  
 Unclear expectations  
 Unnecessary rules  
 Company politics  
 Inflexibility



## Ideas for Rewards (other than money)

Flexible hours	Internet connections
Health screening programs	Preventative medical benefits
Health club membership	Employee assistance plans
Daily planners/organizers	Weekend getaways
Additional time off	Trips, additional vacation time
Free calling card minutes	Free car wash
Dinner at a nice restaurant	Free housecleaning
Skill development opportunities	Gift certificates
Lattes/espressos	Child care certificate
Fruit basket	Lunch with the boss
Tickets-theatre, sports, concerts, movie	

## TRAINING AND DEVELOPMENT

The most profitable companies with the greatest investor value are those that devote significant financial resources to training, according to American Society for Training and Development research. Training is an investment in your most valuable resource, your employees.

Who should you train? Workers – those new to the workforce and those who have been in the workforce for years – benefit from training and need to continually upgrade their skills. Studies have shown that employees who receive regular training from their organization are more productive and develop a strong sense of loyalty, morale and tend to stay with an organization. The true value of training lies with the follow-through from management in order to gauge whether the training has been successful.

There are many places you can get help providing the training your company's employees need. Check out local colleges, adult education programs and your local Workforce Center for resources and information. Many of these organizations will conduct needs assessments for you and direct you to ways to provide the optimum training for your organization and industry.

Some things to think about include: Are you making any major changes to your business process? Will these changes impact your employees? What information or training would help your employees to be successful on the job? How do you get your employees to "buy in" to any changes? What would be the best way to get the information and training to your employees? How is employee performance – is it up to your standards? Are you and your staff utilizing the current technology available?

Differentiate yourself from your competition; train your employees to be the best!



## LEGAL CONSIDERATIONS

There are a number of laws that employers need to keep in mind when hiring and retaining employees. Some of the laws are unique to Montana and they include the Montana Wrongful Discharge From Employment Act, the Montana Human Rights Act, the Montana Wage Payment Act and the Montana Workforce Drug and Alcohol Testing Act. Currently the Montana Department of Labor enforces the Wage Payment Act, and the Human Rights Act. The Montana Wrongful Discharge Act and the Montana Workforce Drug and Alcohol Act are not enforced by any state agencies. These acts are civil matters for which you can be sued.

### **The Montana Wrongful Discharge From Employment Act**

Montana's wrongful discharge statute provides the following: (1) an employee can be discharged only for good cause after completing the employer's probationary period; however, during an employee's probationary period, employment may be terminated for any reason considered sufficient by the terminating party; (2) employers that have written personnel policies must follow those policies in making a discharge; (3) an employee who wins a wrongful discharge suit may collect lost wages and fringe benefits for a period of up to four years from the date of discharge; and (4) arbitration is encouraged to save the expense of lawsuits, and an employer may benefit if it offers arbitration to a discharged employee. By enacting the statute,

Montana has eliminated employment-at-will as to discharges, since an employee can no longer be terminated merely at the will of the employer. Wrongful discharge will exist in three types of situations:

- (1) if the discharge is in retaliation for refusing to violate public policy or reporting a violation by the employer;
- (2) if the discharge is not for good cause and the employee has completed the probationary period; or
- (3) if the discharge involved an employer's violation of its own written personnel policies.

The good cause requirement for discharges means that employers must be prepared to document all terminations. Good cause is defined as reasonable, job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason.

The state of Montana has also instituted a presumptive probationary period of six months, which states that during a probationary period of employment, the employment may be terminated at the will of either the employer or the employee on notice to the other for any reason or for no reason. If an employer does not establish a specific probationary period or provide that there is no probationary period prior to or at the time of hire, there is a probationary period of 6 months from the date of hire. You can read the exact language of this law at:

<http://data.opi.mt.gov/bills/mca/39/2/39-2-904.htm>

### **Montana Human Rights Act**

The Montana Human Rights Act says that employers may not base their hiring decisions on the race, creed, religion, color, national origin, age, physical or mental disability, marital status or sex of the job applicants, unless the reasonable demands of the position require an age, physical or mental disability, marital status or sex distinction.

The Montana Human Rights Bureau enforces this act. The text of this law is available at:

[http://data.opi.mt.gov/bills/mca\\_toc/49.htm](http://data.opi.mt.gov/bills/mca_toc/49.htm)

### **Montana Wage Payment Act**

The Wage and Hour Bureau of the Montana Department of Labor enforces the Montana Wage Payment Act. The act:

- Defines Wages
- Establishes when wages are due and payable.
- Limits withholdings of wages to room, board and other incidentals furnished by the employer as part of the employment agreement.
- Provides a penalty for failure to pay wages when due and payable in an amount up to 110 percent on wages not paid as specified above.
- Voids any contract between an employer and employee that does not comply with the wage and hour laws.
- Assigns the responsibility of administering wage and hour laws to the Commissioner and gives investigative powers to his representatives.
- Provides for a mediation process to resolve cases prior to an administrative hearing.
- Provides for an administrative hearing in those cases that are not resolved informally.

You can read more about this law at: <http://erd.dli.mt.gov/laborstandard/wagehrlawspayact.asp>

## Drug Testing

Montana statute does not mandate drug and alcohol testing. Montana law does require all employers using drug and alcohol testing to adopt procedures developed by the DOT (49 Code of Federal Regulations, part 40). Montana law also restricts testing to ensure only employees involved in certain hazardous; security, safety, or fiduciary positions are subject to testing.

You can read more about this law at: <http://wsd.dli.mt.gov/service/drugman.asp>

Federal laws that may impact your business include:

- **Age Discrimination in Employment Act (ADEA)**

Under Federal Law the act applies to employers with at least 20 employees and workers over the age of 40. *In Montana, the act applies to all employers with at least one employee and workers old enough to work per Child Labor Laws.*

- **Americans With Disabilities Act (ADA)**

Under Federal Law the act applies to employers with at least 15 employees. *In Montana, the act applies to all employers with at least one employee.*

- **Civil Rights Act of 1964, Title VII**

Under Federal Law the act applies to employers with at least 15 employees. *In Montana, the act applies to all employers with at least one employee.*

## Contact Phone Numbers

For Questions Regarding...	Contact	Address	Phone
Discrimination	Department of Labor and Industry Human Rights Bureau	P.O. Box 1728 Helena, MT 59624-6518	1-800-542-0807
Starting a Business	Secretary of State	Room 260, Capitol P.O. Box 202801 Helena, MT 59620-2801	406-444-2034 Fax: 406-444-3976 E-mail: <a href="mailto:sos@mt.gov">sos@mt.gov</a>
State Business Income Taxes	Department of Revenue	P.O. Box 8021 Helena, MT 59604	406-444-6900
Unemployment Insurance	Department of Labor and Industry Unemployment Insurance Division	P.O. Box 8020 Helena MT 59624-8020	406- 444-3783
Wages	Department of Labor and Industry Wage and Hour Bureau	PO Box 6518 Helena, MT 59604-6518	406-44-5600
Workers Compensation Insurance	Department of Labor and Industry Workers' Compensation Claims Bureau	1805 Prospect Avenue P.O. Box 8011 Helena, MT 59624-8011	406- 444-6543

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# Appendix

## **FORMS & QUICK REFERENCE TOOLS**

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- **RECORD RETENTION REQUIREMENTS**
- **SAMPLE GENERIC APPLICATION**

## **JOB ANALYSIS QUESTIONNAIRE**

**Job Title:**

**Reports To:**

**FSLA Status:**

**Prepared/Approved Date:**

**SUMMARY:** Briefly describe the general purpose of the job as well as expected exchanges and relationships with other employees, departments, customers and clients.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:** List major job duties and responsibilities. Include quantity, quality and safety factors.

### **SUPERVISORY RESPONSIBILITIES:**

Does this job have supervisory responsibilities? \_\_\_Yes \_\_\_No

Are there subordinate supervisors reporting to this job? \_\_\_Yes \_\_\_No

If yes, how many subordinate supervisors report to this job? \_\_\_\_\_

What are the names of the departments supervised by this job?

How many employees, in total, report to the subordinate supervisors? \_\_\_\_\_

Are there other non-supervisory employees who report directly to this job? \_\_\_Yes \_\_\_No

If yes, how many employees are directly supervised by this job? \_\_\_\_\_

**COMPETENCIES:** To perform the job successfully, an individual should demonstrate the following competencies:

**EDUCATION and/or EXPERIENCE:** Select the level of education and/or experience needed to successfully accomplish the essential duties of this job.

- Level 1 No prior experience or training.
- Level 2 Less than high school education; or up to one month related experience or training; or equivalent combination of education and experience.
- Level 3 High school diploma or general education degree (GED); or one to three months related experience and/or training; or equivalent combination of education and experience.
- Level 4 One year certificate from college or technical school; or three to six months related experience and/or training; or equivalent combination of education and experience.
- Level 5 Associate's degree (A. A.) or equivalent from two-year college or technical school; or six months to one year related experience and/or training; or equivalent combination of education and experience
- Level 6 Bachelor's degree (B. A.) from four-year college or university; or one to two years related experience and/or training; or equivalent combination of education and experience.
- Level 7 Fifth year college or university program certificate; or two to four years related experience and/or training; or equivalent combination of education and experience.
- Level 8 Master's degree (M. A.) or equivalent; or four to ten years related experience and/or training; or equivalent combination of education and experience.
- Level 9 Doctoral degree (Ph. D.) or equivalent; or more than 10 years related experience and/or training; or equivalent combination of education and experience.

**LANGUAGE SKILLS:** Select the level of language (ability to read, write, and speak) needed to successfully accomplish the essential duties of this job

- No Skill No skills needed.
- Minimum Ability to read a limited number of two- and three-syllable words and to recognize similarities and differences between words and between series of numbers. Ability to print and speak simple sentences.
- Basic Skill Ability to read and comprehend simple instructions, short

- correspondence, and memos. Ability to write simple Correspondence. Ability to effectively present information in one-on-one and small group situations to customers, clients, and other employees of the organization.
- \_\_\_ Intermediate Ability to read and interpret documents such as safety rules, operating and maintenance instructions and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of customers or employees of organization.
- \_\_\_ High Skill Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.
- \_\_\_ Very High Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.
- \_\_\_ Highest Skill Ability to read, analyze, and interpret the most complex documents. Ability to respond effectively to the most sensitive inquiries or complaints. Ability to write speeches and articles using original or innovative techniques or style. Ability to make effective and persuasive speeches and presentations on controversial or complex topics to top management, public groups, and/or boards of directors.

**MATHEMATICAL SKILLS:** Select the level of mathematical skills and abilities needed to successfully accomplish the essential duties of this job.

- \_\_\_ No Skill No skills needed.
- \_\_\_ Minimum Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume, and distance.
- \_\_\_ Basic Skill Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.
- \_\_\_ Intermediate Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.
- \_\_\_ High Skill Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.
- \_\_\_ Very High Ability to apply advanced mathematical concepts such as exponents, logarithms, quadratic equations, and permutations. Ability to apply mathematical operations to such tasks as frequency distribution, determination of test reliability and validity, analysis of variance, correlation techniques, sampling theory, and factor analysis.

\_\_\_\_ Highest Skill Ability to comprehend and apply principles of advanced calculus, modern algebra, and advanced statistical theory. Ability to work with concepts such as limits, rings, quadratic and differential equations, and proofs of theorems.

**REASONING ABILITY:** Select the level of reasoning skills and abilities needed to successfully accomplish the essential duties of this job.

\_\_\_\_ No Skill No Skill needed.

\_\_\_\_ Minimum Ability to apply common sense understanding to carry out simple one- or two-step instructions. Ability to deal with standardized situations with only occasional or no variables.

\_\_\_\_ Basic Skill Ability to apply common sense understanding to carry out detailed but uninvolved written or oral instructions. Ability to deal with problems involving a few concrete variables in standardized situations.

\_\_\_\_ Intermediate Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

\_\_\_\_ High Skill Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

\_\_\_\_ Very High Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables

\_\_\_\_ Highest Skill Ability to apply principles of logical or scientific thinking to a wide range of intellectual and practical problems. Ability to deal with nonverbal symbolism (formulas, scientific equations, graphs, musical notes, etc.,) in its most difficult phases. Ability to deal with a variety of abstract and concrete variables.

**COMPUTER SKILLS:** List specific system or software required to perform the essential duties of this job.

**CERTIFICATES, LICENSES, REGISTRATIONS:** List the licenses, certificates, or registrations that are required to perform the essential duties of this job.

**OTHER SKILLS and ABILITIES:**

**OTHER QUALIFICATIONS:**

**PHYSICAL DEMANDS:**

How much on-the-job time is spent in the following physical activities? Show the amount of time by checking the appropriate boxes below.

	AMOUNT OF TIME			
	NONE	UNDER 1/3	1/3 TO 2/3	OVER 2/3
Stand				
Walk				
Sit				
Use hands to finger, handle, or feel				
Reach with hands and arms				
Climb or balance				
Stoop, kneel, crouch, or crawl				
Talk or hear				
Taste or smell				

Does this job require that weight be lifted or force be exerted? If so, how much and how often? Check the appropriate boxes below.

	AMOUNT OF TIME			
	NONE	UNDER 1/3	1/3 TO 2/3	OVER 2/3
Up to 10 pounds				
Up to 25 pounds				
Up to 50 pounds				
Up to 100 pounds				
More than 100 pounds				

Does this job have any special vision requirements? Check all that apply.

- Close vision (clear vision at 20 inches or less)
- Distance vision (clear vision at 20 feet or more)
- Color vision (ability to identify and distinguish colors)
- Peripheral vision (ability to observe an area that can be seen up and down or to the left and right while eyes are fixed on a given point)
- Depth perception (three-dimensional vision, ability to judge distances and spatial relationships)
- Ability to adjust focus (ability to adjust the eye to bring an object into sharp focus)
- No special vision requirements

Make notes on the specific job duties that require the physical demands selected above.

**WORK ENVIRONMENT:**

How much exposure to the following environmental conditions does this job require? Show the amount of time by checking the appropriate boxes below.

	AMOUNT OF TIME			
	NONE	UNDER 1/3	1/3 TO 2/3	OVER 2/3
Wet or humid conditions (non-weather)				
Work near moving mechanical parts				
Work in high, precarious places				
Fumes or airborne particles				
Toxic or caustic chemicals				
Outdoor weather conditions				
Extreme cold (non-weather)				
Extreme heat (non-weather)				
Risk of electrical shock				
Work with explosives				
Risk of radiation				
Vibration				

How much noise is typical for the work environment of this job? Check the appropriate level below.

- Very quiet (examples: forest trail, isolation booth for hearing test)
- Quiet (examples: library, private office)
- Moderate noise (examples: business office with computers and printers, light traffic)
- Loud (examples: metal can manufacturing department, large earth-moving equipment)
- Very loud (examples: jack hammer work, front row at rock concert)

Make notes on the specific job duties that are affected by the environmental conditions selected above.

**ADDITIONAL INFORMATION:** Include any other information that will aid in the preparation of an accurate description of this job.

**QUESTIONNAIRE PREPARED BY:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Basis for knowledge of job:

Hold job now       Supervise job       Other, explain:

# SAMPLE INTERVIEW RATING FORMS

## Sample #1

Applicant Name \_\_\_\_\_

Interviewer \_\_\_\_\_ Date \_\_\_\_\_

This position requires you to (specify job skills, basic duties, essential functions)

You will be asked questions relating to these areas. When answering, be as specific as possible, giving examples from your previous training and work experience.

(numerical rating 1 lowest to 5 highest)

Interview Question #1 1 2 3 4 5

Interview Question #2 1 2 3 4 5

Interview Question #3 1 2 3 4 5

Interview Question #4 1 2 3 4 5

Interview Question #5 1 2 3 4 5

Comments:

Recommended for Hire:    yes                    no                    not sure

**Sample #2**

CANDIDATE'S NAME: \_\_\_\_\_

POSITION INTERVIEWED FOR: \_\_\_\_\_

INTERVIEWER'S NAME: \_\_\_\_\_

DATE OF INTERVIEW: \_\_\_\_\_

NOTE: Your rating of the candidate should be based on your observations as to how well the candidate responds to the questions contained in this rating form as they relate to the position in question. You are encouraged to review the significant duties and responsibilities of the position thoroughly, prior to the beginning the interview.

1. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
2. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
3. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
4. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
5. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
6. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
7. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
8. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding
9. (insert interview question) Comments by rater: Rating: ___ weak ___ satisfactory ___ more than satisfactory ___ outstanding

OVERALL RATING:

The overall rating of the applicant must be based on the judgment of how well they responded to the questions used and must be related to only job relevant factors to the position in question.

ITEM A

Based on the interview, I consider the applicant for this position as being:

- 1. \_\_\_ Much less than satisfactory
- 2. \_\_\_ Less than satisfactory
- 3. \_\_\_ Satisfactory
- 4. \_\_\_ More than satisfactory
- 5. \_\_\_ Much more than satisfactory
- 6. \_\_\_ Outstanding

ITEM B

What do you consider as the applicant's strong points for this position?

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ITEM C

What do you consider as the applicant's weak points for this position?

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ITEM D

In Item A above you rated this applicant on a scale of 1 to 6. What are the reasons for the rating you gave?

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Interviewer Signature \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_

(NAME OF COMPANY)

## **SAMPLE APPLICANT NON-SELECTION LETTERS**

### **Sample #1 – Not Interviewed – Possible future interest**

Applicant Name  
Address

Dear \_\_\_\_\_

Thank you for your interest and application for the position of \_\_\_\_\_  
We were impressed with the number of qualified candidates who applied for this opening. We have completed the interviewing process and have filled the position. Although you were not chosen for this position, we encourage you to reapply should the position open again.

Sincerely,

Company Representative  
Title

### **Sample #2 – Not Interviewed—No Future Interest**

Applicant Name  
Address

Dear \_\_\_\_\_

Thank you for the interest you've shown in considering a (type of position) position with (COMPANY NAME).

Your qualifications have been reviewed by company management. While your background is an interesting one, we have received a number of applications from people whose qualifications more closely match the needs of our business.

We would like to thank you once again for your interest in (COMPANY NAME), and wish you continued success in the pursuit of your career objectives.

Sincerely,

Company Representative  
Title

# SAMPLE NEW EMPLOYEE ORIENTATION CHECKLIST

Employee name: \_\_\_\_\_

Date of hire: \_\_\_\_\_

Topics to discuss:

- \_\_\_\_\_ Salary
- \_\_\_\_\_ Employee benefits: (individualized to the business - benefits available might include vacation, sick leave, paid time off, paid holidays, health and life insurance, profit sharing plan, retirement plans. Include specifics regarding eligibility, effective dates, etc.)
- \_\_\_\_\_ Work schedule
- \_\_\_\_\_ Time sheets
- \_\_\_\_\_ Pay schedule
- \_\_\_\_\_ Workplace safety
- \_\_\_\_\_ Procedures for getting office supplies and other purchases
- \_\_\_\_\_ Telephone, fax
- \_\_\_\_\_ Computer usage
- \_\_\_\_\_ Parking
- \_\_\_\_\_ Breaks, restrooms
- \_\_\_\_\_ Procedure and who to call when not able to work

Documents for employee:

- \_\_\_\_\_ Employee Welcome Letter
- \_\_\_\_\_ Employee Handbook
- \_\_\_\_\_ Safety Practices
- \_\_\_\_\_ Emergency Procedures
- \_\_\_\_\_ Keys

Forms to read, sign and return:

- \_\_\_\_\_ Employee Acknowledgement Form
- \_\_\_\_\_ Employment Eligibility Verification (Form I-9)
- \_\_\_\_\_ Employee Withholding Allowance Certificate (Form W-4)
- \_\_\_\_\_ New Hire Report Form (to be completed by employer)
- \_\_\_\_\_ Individual Employee Training Documentation (workplace safety)
- \_\_\_\_\_ Employee Data Sheet (emergency contact information)

Orientation information completed:

Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

## REQUIRED FORMS TO COMPLETE WHEN HIRING AN EMPLOYEE

- W-4
- Form I-9
- New Hire Report

### W-4 Employee Withholding Allowance Certification Information

Purpose: To determine the number of deductions or exemptions the employee wishes to claim, for the purpose of determining the amount of Federal and State Income Tax withheld per paycheck.

What to do with the form: Maintain with payroll records.

Where to obtain the form: [www.irs.gov](http://www.irs.gov) or the local Job Service Workforce Center.

### Form I-9

Purpose: The Immigration Reform and Control Act made all U.S. employers responsible to verify the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986. To implement the law, employers are required to complete Employment Eligibility Verification form (Form I-9) for all employees, including U.S. citizens. The form must be completed within 3 days of hire.

#### Required Information:

Employee: Complete Section 1, sign and date.

Employer: Complete Section 2, sign and date. Employees must present an original document or documents that establish identity and employment eligibility within three (3) business days of the date of employment begins. Employees can choose which document(s) they want to present from the lists of acceptable documents on the back of the form. Check the web site below for the most current list of acceptable documents.

What to do with the form: No filing with the Bureau of Immigration and Customs Enforcement is required. The form must be kept by the employer for either three years after the date of hire or for one year after employment is terminated, whichever is later. The form must be available for inspection by authorized U.S. Government officials.

Where to obtain the form: <http://uscis.gov/graphics/formsfee/forms/i-9.htm> or the local Job Service Workforce Center.



## **TAX CREDIT PROGRAMS for EMPLOYERS & EMPLOYEES**

### **WORK OPPORTUNITY TAX CREDIT & WELFARE-TO-WORK**

The Federal Work Opportunity Tax Credit (WOTC) allows a tax credit up to \$2,400 on wages paid during the worker's first year on the job and the Welfare-to-Work (W2W) tax credit grants up to \$8,500 over the first two years of employment. Both tax credits are available to private, for-profit employers who hire workers from specified targeted groups. The number of new hires who can qualify the employer for these credits is unlimited.

The programs offer a Federal tax credit when hiring individuals that belong to one of the groups listed below:

- Qualified Families with Dependent Children (AFDC)/Temporary Assistance to Needy Families (TANF)
- Qualified Ex-Felons
- Qualified Food Stamp Recipient
- Qualified Supplemental Security Recipient (SSI)
- Vocational Rehabilitation Referral
- Qualified Veterans
- High Risk Youth living within an empowerment zone or enterprise community (EZ/EC)
- Qualified Summer Youth living within an EZ/EC
- New York Liberty Zone Business Enterprise

Employers must apply for and receive certification from the State WOTC Coordinator that their new hire is a long term welfare recipient or a member of one of the WOTC target groups before they can claim the WOTC or W2W tax credit on their federal tax return. Application for tax credit must be sent to the State WOTC Coordinator within 21 days of new hire start date.

STATE WOTC COORDINATOR 406-444-9046 or <http://wsd.dli.mt.gov/wotc/wotc.asp>

### **EARNED INCOME TAX CREDIT**

The Earned Income Tax Credit (EITC) is a refundable Federal tax credit for eligible taxpayers who work, but don't earn high incomes. The EITC delivers billions of dollars to millions of low income taxpayers—many of whom rely on the credit to lift them above the poverty line. To qualify, a taxpayer must meet certain rules and file a tax return, even if the taxpayer doesn't owe any tax or didn't earn enough money to require filing a return. If the taxpayer qualifies and claims the credit, they could pay less federal tax, no tax, or even get a tax refund.

The EITC has no effect on certain welfare benefits. In most cases, EITC payments will not be used to determine eligibility for Medicaid, supplemental security income (SSI), food stamps, low-income housing, or most Temporary Assistance for Needy Families (TANF) payments.

The EITC Assistant is available on-line at [www.irs.gov](http://www.irs.gov) to help a taxpayer determine if they are eligible for the tax credit.

# **SAMPLE OUTLINE OF EMPLOYEE HANDBOOK**

Lists of topics to include are not all inclusive.

## **I. Introduction and Employer Expectations**

Instill a sense of pride, trust and fairness by using language that creates a positive image for your business. Examples include the following: a letter from the CEO, the company history, organizational charts, welcoming comments, mission statements, philosophies, top priorities, statements as to why employees are important and how they make a difference.

## **II. Workplace Policies**

- A. Policy Statements such as those concerning Equal Employment Opportunity (EEO), Family Medical Leave Act (FMLA), AIDS, Sexual Harassment, American with Disabilities Act (ADA), Affirmative Action.
- B. Work Rule Policies regarding areas such as—dress codes, attendance, scheduling, travel, smoking, parking, tardiness, substance abuse, telephone usage, uniforms, name tags, vehicle usage, safety, accident reporting, confidentiality, outside employment, use of business equipment, security/loss prevention, housekeeping requirements for work areas, food/drink in work areas.

## **III. Employer Policies**

- A. Employee Categories—definitions of various categories (i.e., temporary, part time, full time, salaried, exempt, non-exempt, etc. and your requirements such as probationary periods, number of hours worked to qualify for benefits).
- B. Hours Worked—define work week as well as policies concerning shift work, break and meal periods, flexible working hours, overtime, pay periods, scheduling, travel, etc.
- C. Hiring, Promotion and Layoff Policies
- D. Employee Conduct Standards
- E. Personnel Records—describe what they contain, where kept, if open to the employee and under what conditions.
- F. Performance Evaluations—how performance will be appraised, how frequently and by whom.
- G. Training Policies and Procedures
- H. Drug Testing Procedures (if allowed by law)
- I. Discipline Procedures—define various forms of discipline, including verbal warning, written warning, suspension, disciplinary probation, demotion and termination. Be cautious of listing possible offenses and expected punishment as they may lock you into a particular response.
- J. Grievance Procedures—if an employer maintains a written internal procedure, the employee must first exhaust those procedures prior to filing an action under the Wrongful Discharge Act. (The employer must provide the discharged employee a copy of those procedures within 7 days of the date of discharge). An established grievance procedure can be an effective tool for minimizing claims of wrongful discharge.

## IV. Employee Benefits

Describe your benefits as well as any required employee contributions and/or eligibility requirements. Seek expert advice as these can afford important contractual benefits and are often the subject of dispute and litigation. Have a conspicuous disclaimer in easily understood language that states that your employee handbook is not intended to encompass all company policies and procedures and stating that you reserve the sole discretion to change, cancel, amend or make exceptions. Obtain a signed, dated acknowledgement of receipt of your employee handbook from each employee for your personnel files as well as sign-offs on amendments and updates. These statements should say that they have received, read and understand the information.

Two important cautions when developing company policies:

1. Be sure to consult applicable bargaining agreements.
2. Be sure your policies do not violate any existing employment laws

Seek legal advice before finalizing your handbook. You don't want a document that will tie your hands or weaken a court case because of wording.

### **SAMPLE HANDBOOK DISCLAIMER AND ACKNOWLEDGEMENT**

#### Sample #1

I have received and understand the company's Employee Policy Handbook in its entirety and acknowledge its contents. I understand if I have any questions about the policies and procedures, I should ask my manager for clarification. I further understand that this manual is not an employment contract, and that the policies stated are guidelines for employees. I also acknowledge that the handbook will need periodic revision and that my employer retains the right to amend the handbook. I agree to follow the guidelines set forth in the manual as a condition of my continued employment and understand that my failure to do so may result in disciplinary action including termination of my employment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### Sample #2

We want every employee to be fully aware of the various policies and benefits available at \_\_\_\_\_ . Please sign below to tell us you have received and understand this handbook.

I understand that this handbook does not create a contract and that provisions of this handbook may be modified or eliminated at any time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# SAMPLE EXIT INTERVIEW FORM

EMPLOYEE NAME \_\_\_\_\_ DATE \_\_\_\_\_

TITLE OR FUNCTION \_\_\_\_\_ DEPT \_\_\_\_\_

What did you like best about your current position? \_\_\_\_\_

\_\_\_\_\_

What did you like least about your current position? \_\_\_\_\_

\_\_\_\_\_

What did you like best about the company? \_\_\_\_\_

\_\_\_\_\_

What did you like least about the company? \_\_\_\_\_

\_\_\_\_\_

What are your feelings about your supervisor? \_\_\_\_\_

\_\_\_\_\_

Why are you leaving the company at this time? What company and position are you going to (if applicable)? \_\_\_\_\_

\_\_\_\_\_

What comments do you have about the company's salary and benefits? \_\_\_\_\_

\_\_\_\_\_

What suggestions do you have for improvement of your current position, or other aspects within the company? \_\_\_\_\_

\_\_\_\_\_

What other comments would you like to make? \_\_\_\_\_

\_\_\_\_\_

Interview conducted by \_\_\_\_\_ on \_\_\_\_\_

Interviewer's remarks: \_\_\_\_\_

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## **MAINTENANCE OF PERSONNEL FILES AND RECORDS**

One important issue that employers face today is the use and maintenance of personnel files. What should be kept in a personnel file? What items should be filed separately? Who should have access to these files?

Although employers have an undeniable right and need to oversee and regulate their business, their right to inquire and obtain information about their employees is limited to the right to privacy. There is no federal or state requirement that an employer maintain personnel files as such. However, various federal and state laws mandate that certain records must be kept. Therefore, when an employer is drafting or updating its policy or procedures regarding those records to maintain in personnel files and how long those records should be kept, it is necessary to review various applicable laws.

### **POLICIES ON PERSONNEL FILES**

Adopting a written policy will allow supervisors and the human resource department to be consistent with replies when employees request access to their files. Consider including the following items in your policy:

- Ensure that your policy complies with applicable laws.
- Define personnel files, both as the term is used within your organization, and according to applicable law.
- State where, when, how often, and under what circumstances workers can review or copy their files. To maintain the integrity of records, access should be permitted under some type of supervision.
- Provide an opportunity for employees to rebut or challenge information.
- Specify who is authorized to inspect personnel files.
- Review records. Periodically, you should audit employment records and remove or correct irrelevant, outdated, misleading or inaccurate information.

### **WHAT TO KEEP IN A PERSONNEL FILE**

#### **THE FOLLOWING SHOULD BE KEPT IN A BASIC PERSONNEL FILE:**

Records Related to Employment, such as:

- Employment applications and resumes
- College Transcripts (as applicable)
- Job Descriptions
- Records relating to hiring, promotion, demotion, transfer, layoff, rate of pay, other forms of compensation, and educational and training records
- Records relating to other employment practices
- Letters or recognition
- Disciplinary notices or documents
- Performance evaluations
- Test documents used by employer to make employment decisions
- Exit interviews
- Termination records

THE FOLLOWING ITEMS SHOULD BE MAINTAINED IN SEPARATE FILES:

**Medical records**-The American with Disabilities Act requires employer to keep medical records separate. Many states have privacy laws to protect employees. All medical records including physical examinations, medical leave, worker' compensation claims, and drug and alcohol testing.

**Equal/Employment Opportunity**-In order to minimize claims of discrimination, it is important to keep source documents that identify an individual's race and sex in a separate file. Additionally, if internal/external charges are investigated, it is recommended that these files also be maintained separately.

**Immigration (I-9) Forms**-It is recommended that these forms be maintained chronologically by year. Keeping this information in a separate file reduces the opportunity for auditors to pursue and investigate unrelated information.

**Invitation to Self-Identify Disability or Veterans Status**-This information is required to be maintained by federal contractors. Laws prohibit employment decisions on the basis of certain protected class, however, managers have the right to access employees' file for a number of operational issues. Unless there is a need to know for accommodation purposes these files should be maintained separately to reduce a potential source of bias.

**Safety Training Records**-OSHA may audit companies training records; keep this information separate will protect the employer from an auditor pursuing and investigating other information in the personnel file.

<b>TYPE OF FILE</b>	<b>WHO MAY HAVE ACCESS</b>
Personnel	Employee Supervisors with a need to know Former employee Human Resources
Medical/Confidential	Human Resources Supervisors as needed for reasonable accommodations Government/legal agencies conducting investigation relevant to medical issues
Payroll	Payroll staff Human Resources Auditing/investigating agencies
I-9	Human Resources Auditing/investigating agencies

	<b>RECORD RETENTION REQUIREMENTS</b>	
Laws	Records/Reports	Retention Requirements
Age Discrimination in Employment Act (ADEA)  *Applies to employers with at least 20 employees	Payroll or other records, including those for temporary positions showing employees, names, address, dates of birth, occupations, rates of pay and weekly wage  Applications, personnel records relating to promotions, demotions, transfer, selection for training, layoff, recall, or discharge; job advertisement and posting; copies of employee benefit plans, seniority system and merit system  <b>IN MONTANA ALL EMPLOYERS, NO AGE LIMIT, MINIMUM OR MAXIMUM</b>	<b>Three years</b> for payroll or other records showing basic employee information  <b>Two years</b> for applications and other personnel records  Where a Charge or lawsuit is filed, all relevant records must be kept until "final disposition" of the charges or lawsuit
Americans with Disabilities Act (ADA)  *Applies to employers with at least 15 employees	Applications and other personnel records (e.g. promotions, transfers, demotions, layoffs, terminations) requests for reasonable accommodation.  <b>IN THE STATE OF MONTANA, APPLIES TOO ALL EMPLOYERS WITH AT LEAST 1 EMPLOYEE</b>	<b>Two years from making the record or taking the personnel action</b>  Where a charge or lawsuit is filed, all relevant records must be kept until "final disposition"
Civil Rights Act of 1964, Title VII  *Applies to employers with at least 15 employees	Applications and other personnel records (e.g. promotions, transfers, demotions, layoffs, terminations), including records for temporary or seasonal positions.  Requires the filing of an annual EEO-1 Report  <b>IN THE STATE OF MONTANA, APPLIES TO ALL EMPLOYERS WITH AT LEAST 1 EMPLOYEE</b>	<b>One year from making the record or taking a personnel action</b>  Where a charge or lawsuit is filed, all relevant records must be kept until "final disposition" A copy of the current EEO-1 Report must be retained
Consolidation Omnibus Budget Reconciliation Act (COBRA)	Provide written notice to employees and their dependents of their option to continue group health plan coverage following "qualifying events", such as the employee's termination, layoff or reduction in working hours, entitlement to Medicare, and the death or divorce of the employee (that would cause dependents to lose coverage under the employers' plan	
Davis Bacon Act  Service Contract Act  Walsh-Healy Public Contracts Act  Applies to Federal Contractors	Records containing the following information for each employee: Basic employee data to include name, address, social security number, gender, date of birth, occupation and job classification Walsh-Healy requires the retention of current work permits for minors Compensation records to include: <ul style="list-style-type: none"> <li>▪ Amounts &amp; dates of actual payment</li> <li>▪ Period of service covered</li> <li>▪ Daily and weekly hours</li> <li>▪ Straight time and overtime hours/pay</li> <li>▪ Fringe benefits paid</li> <li>▪ Deductions and additions</li> </ul>	<b>Three years from the end of the contract</b>  Walsh-Healy requires the retention of data with respect to job-related injuries and illnesses, specifically logs with dates and summaries and details of accidents

Laws	Records/Reports	Retention Requirements
Employee Retirement Income Security Act (ERISA)	Maintain, disclose to participants and beneficiaries, and Report to the Department of Labor, IRS, and the Pension Benefit Guaranty Corporation (PBGC) certain reports, documents, information and materials. Except for specific exemptions, ERISA's reporting and disclosure requirements apply to all pension and welfare plans, including: <ul style="list-style-type: none"> <li>▪ Summary plan description (updated with changes and modifications)</li> <li>▪ Annual reports</li> <li>▪ Notice or reportable events (such as plan amendments that may decrease benefits, a substantial decrease in the number of plan participants, etc.)</li> <li>▪ Plan Termination</li> </ul>	Employers must maintain ERISA-related records for a minimum of <b>six years</b>
Employee Polygraph Protection Act	Polygraph test and the reason for administering	<b>Three years</b>
Equal Pay Act	Payroll records including time cards, wage rates, additions to and deductions from wages paid, and records explaining sexually based wage differentials	<b>Three years</b>
Executive Order 11246  Applies to Federal Contractors	Requires the preparation of an Affirmative Action Plan (AAP) for Minorities and Women  Applications and other personnel records that support employment decisions (e.g. hires, promotions, terminations) are considered "support data" and must be maintained for the AAP	AAPs must be updated annually: and documentation of good faith efforts must be retained for <b>two years</b> . Personnel or employment records must be retained for <b>two years</b> . If there are less than 50 employees or contract is less than \$150,00, the retention period is <b>one year</b>
Fair Labor Standards Act (FLSA)	Payroll or other records containing the following information for each employee: Employee's name; home address; date of birth (if under 19 years of age); gender; time of day/day of week for beginning of workweek; regular hourly rate of pay or other basis of payment (Hourly, daily, weekly, piece rate, commission on sales, etc); daily hours worked; total hours for each work week; total daily or weekly straight-time earnings (exclusive of overtime premiums); total additions to and deductions from wages for each pay period; total wages per pay period; date of each payment of wage; period covered by the payment.  For executive, administrative, and professional employees, or those employed in outside sales, employers must maintain records which reflect the basis on which wages are paid in sufficient detail to permit calculations of the employee's total remuneration, perquisites including fringe benefits.	For at least <b>three years</b>

Laws	Records/Reports	Retention Requirements
Family & Medical Leave Act (FMLA)	<p>Records containing basic employee data as required by FLSA and dates of leave taken by eligible employees. Leave must be designated as FMLA leave</p> <p>For intermittent leave taken, the hours of leave</p> <p>Copies of employee notices and documents describing employee benefits or policies and practices regarding paid and unpaid leave</p> <p>Records of premium payments of employee benefits</p> <p>Records of any dispute regarding the designation of leave</p>	<b>Three Years</b>
<p>Federal Insurance Contribution Act</p> <p>Federal Unemployment Tax Act</p> <p>Federal Income Tax Withholding</p>	<p>Records containing basic employment data.</p> <p>Compensation records to include:</p> <ul style="list-style-type: none"> <li>▪ Amounts &amp; dates of actual payment</li> <li>▪ Period of service covered</li> <li>▪ Straight time and overtime hours/pay</li> <li>▪ Annuity and pension payments</li> <li>▪ Fringe benefits paid. Tips</li> <li>▪ Deductions and additions</li> </ul> <p>Tax records to include:</p> <ul style="list-style-type: none"> <li>▪ Amount of wages subject to withholding</li> <li>▪ Agreements with employee to withhold additional tax</li> <li>▪ Actual taxes withheld and dates withheld</li> <li>▪ Reason for any difference between total tax payments and actual tax payments</li> <li>▪ Withholding forms (W-4, W4-E)</li> </ul>	<b>Four years</b> from the date tax is due or tax is paid
Immigration Reform & Control Act (IRCA)	INS Form I-9 (Employee Eligibility Verification Form) signed by each newly-hired employee and the employer.	<b>Three years</b> after date of hire <b>or one year</b> after date of termination, whichever is later.
Occupational Safety & Health Act (OSHA)	<p>A log of occupational injuries and illnesses</p> <p>A supplementary record of injuries and illnesses</p> <p>Post a completed annual summary of injuries and illnesses</p> <p>Maintain medical records and records of exposure to toxic substances for each employee</p>	<p><b>Five Years</b></p> <p><b>Employee's job tenure plus thirty years</b></p>
<p>Rehabilitation Act of 1973</p> <p>Applies to Federal Contractors</p>	<p>Personnel employment records (e.g.; requests for reasonable accommodations, results of physical exams, job advertisements and postings, applications, resumes, tests, test results, interview notes and records regarding hiring, assignment, promotion, demotion, transfer, layoff, terminations, rates of pay or terms of compensation and selection for training apprenticeship)</p> <p>Data on complaints of disability discrimination and action taken.</p> <p>Requires an Affirmative Action Plan for individuals with disabilities</p>	<p><b>Two Years</b></p> <p>(Note: If a contractor has fewer than 150 employees or a contract of less than \$150,000 the retention period is only <b>one year</b>.)</p> <p>Where a charge of lawsuit is filed, all relevant records must be kept <b>until "final disposition.</b></p> <p>AAPs must be updated <b>annually</b>; no current requirement to retain expired plans</p>

Laws	Records/Reports	Retention Requirements
<p>Uniform Guidelines on Employee Selection Procedures</p>	<p>For employers with 100 or more employees, records showing the impact of the selection process for each job, maintained by sex for each racial or ethnic group that constitutes at least 2% of the labor force in the relevant labor area or 2% of the applicable workforce.</p> <p>For employer with less than 100 employees, records showing for each year the number of persons, promoted, terminated, applicants hired for each job by sex and where appropriate by race and national origin.</p> <p>Records including applications, tests, and other types of selection procedures used as a basis for employment decisions, such as hiring, promotion, transfer, demotion, training and termination.</p> <p>Adverse impact analysis of selection process must be conducted annually</p>	<p>Where adverse impact is found in the selection process, records must be maintained for <b>two years</b> after the adverse impact is eliminated.</p> <p>For federal contractors, during a compliance review from the Department of Labor's Office of Federal Contract Compliance Programs, data for the prior year's analysis must be available, and for the current year if a contractor is six months into its AAP plan year. (See also Executive Order 11246)</p>
<p>Vietnam Era Veterans, Readjustment Assistance Act.</p> <p>Applies to Federal Contractors</p>	<p>Personnel/employment records (see Rehabilitation Act of 1973 above)</p> <p>Affirmative Action Plan for covered veterans.</p> <p>Requires the filing of the annual VETS-100 report.</p> <p>Job openings for positions must be listed with the state employment service</p>	<p><b>Two years</b> (Note: If a contractor has fewer than 150 employees or a contract of less than \$150,000 the retention period is only <b>one year</b>)</p> <p>AAPs must be updated <b>annually</b>; no current requirements to retain expired plans.</p> <p>A copy of the current VETS-100 report must be retained.</p>

# Employment Application

Date: \_\_\_\_\_

Do you need any accommodation to participate in the application or interview process?  Yes  No

(Insert Company Logo Here)

We are an equal opportunity employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status, or disability.

## Personal Data

Name \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Present Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_ - \_\_\_\_\_ Message Phone ( ) \_\_\_\_\_ - \_\_\_\_\_

Driver's License: Operator  CDL

## Employment Desired

Position \_\_\_\_\_

Are you employed now? \_\_\_\_\_ If so may we inquire of your present employer? \_\_\_\_\_

Are you available for  Full Time  Part Time  Temporary or Summer  Day Shift  Night Shift

## Education

Check the highest school year completed  8  9  10  11  12  13  14  15  16

Name of school beyond High School \_\_\_\_\_

Training Length \_\_\_\_\_ Date Completed \_\_\_\_\_

Major \_\_\_\_\_ Vocational Training \_\_\_\_\_

Are you a Veteran of Military Service  Yes  No

## Work Experience

Company Name \_\_\_\_\_ Address \_\_\_\_\_

Job Description (duties, skills, equipment used) \_\_\_\_\_

Dates of employment: start \_\_\_\_\_ end \_\_\_\_\_ Phone # \_\_\_\_\_

Reason for leaving \_\_\_\_\_ Who to Contact: \_\_\_\_\_

**Work Experience - continued**

Company Name \_\_\_\_\_ Address \_\_\_\_\_

Job Description (duties, skills, equipment used) \_\_\_\_\_  
\_\_\_\_\_

Dates of employment: start \_\_\_\_\_ end \_\_\_\_\_ Phone # \_\_\_\_\_

Reason for leaving \_\_\_\_\_ Who to Contact: \_\_\_\_\_

Company Name \_\_\_\_\_ Address \_\_\_\_\_

Job Description (duties, skills, equipment used) \_\_\_\_\_  
\_\_\_\_\_

Dates of employment: start \_\_\_\_\_ end \_\_\_\_\_ Phone # \_\_\_\_\_

Reason for leaving \_\_\_\_\_ Who to Contact: \_\_\_\_\_

**ADDITIONAL INFORMATION**

Volunteer Work \_\_\_\_\_

Summary of work experience or additional information (Such as special skills, licenses, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

References (names of persons not related to you): \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone # \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Notice to applicants:** *Information that you provide on this application is subject to verification. Previous employers may be contacted as references.*

# State of Montana Department of Labor and Industry

The purpose of the  
Department of Labor and Industry  
is to promote the well-being  
and opportunities of  
Montana's workers and employers,  
and to uphold the  
rights and responsibilities of both.

