To Hire or Not to Hire

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March 2, 2013
Indiana Small Farm Conference
Step 1

• Determine Labor & Management Needs
  – Business objectives
  – Current and long run problems
  – Strengths and weaknesses of current work force
Step 2

• Develop a Job Description
  – Job Title
  – Brief Summary of the job
  – Detailed listing of major tasks under 3-7 headings
  – Listing of knowledge, skills and abilities to do the job
Step 3

• Building a Pool of Applicants
  – Word of mouth
  – Help wanted ads
  – Walk-ins
  – Posters and flyers
  – Local schools
  – Social Media
Recruiting Applicants

• 1) promoting the positive attributes of the farm and the available position

• 2) providing information about what will enable a potential candidate to succeed in the position - the competencies.
Step 4
Review Applications & Select Those to be Interviewed
Step 5

• Prepare for interviewing:
  – Who will be on the interview team?
  – Formal interview versus informal discussion
  – What questions will be asked?
  – How will interview evaluations be recorded?
  – Where will the interview be conducted?
Good Interview Questions

• Can not be answered yes or no
• Encourage applicants to talk about themselves
• Encourage applicants to use their own words
• Cover a variety of topics
• Include some “what if” situations
Know What You Can Ask and What You Can’t!

Ask only about those things which are unquestionably related to the job an any applicant’s ability to perform the job.
Step 6

• Check References
  – Legal advice not to respond
  – Oral rather than written
  – Same questions for all references
  – Pay attention to tone of voice
  – Use form to record information
Step 7

• Make a Selection
  – Selection biases:
    • Halo Effect:
      – “She drives a Ford, prefers goats and is a Cubs fan. My kind of person.”
    • Stereotyping:
      – “People who grew up on dairy farms like cows.”
Step 8

• Hire a Person
  – Oral Offer
  – Written offer to follow
  – Show enthusiasm
  – Notify all others who were interviewed
  – Prepare for the new employee’s first day on the job
Step 9

• Train the New Hire
  – Show them in person step by step
  – Standard Operating Procedures
  – Show them again
  – Most important step
Step 10

• Performance Appraisals
  – Do appraisals regularly
  – Have a standardized appraisal system
  – Focus on present and future work
  – Set goals for improvement
  – Promptly use corrective action
  – Switch paradigms
    • Feedback given respectfully is necessary and helpful, not harmful
Fun

All other things being equal.........

People will work where they have fun!!!!!

Gary Maas
Legal Requirements of Farm Employees
Businesses with Employees

• Register for an Employer identification Number (EIN) with the IRS
• Apply to withhold taxes with the Indiana Department of Revenue
• Register for an unemployment insurance account with the Indiana Department of Workforce Development Unemployment Insurance Division.
• Obtain worker’s compensation insurance from a private agent.
Businesses with Employees

• Obtain and post the following posters:
  – Your Rights Under the Fair Labor Standards Act
  – Employee Polygraph Protection
  – Your Rights Under the Federal Family and Medical Leave Act
  – Indiana Minimum Wage Law
  – The Law
  – Equal Opportunity is the Law
  – Safety and Health Protection on the Job
  – Notice of Teen Work Hour Restrictions
  – Indiana Employment and Training Services Act
  – Worker’s Compensation Notice
Key Employment Laws and Provisions

• The larger the company the more laws that govern it.

• Employers should understand the laws and provisions that govern the workplace.
One or More Employees

- Federal and state wage and hour laws
- Equal Pay Act of 1963
- Sexual harassment prohibitions
- Unemployment and disability insurance
- Immigration Reform and Control Act (IRCA)
- Child labor laws
- Time-off provisions
- Posting and notice requirements
- Occupational Safety and Health Administration (OSHA)
- Uniformed Services Employment and Re-Employment Rights Act (USERRA) of 1994
Fifteen or More Employees

• Title VII of the Civil Rights Act of 1964
• Pregnancy Discrimination Act of 1978
• Americans with Disabilities Act (ADA)
Negligent Hiring and Retention

• Injured third parties can sue employers if an employee committed a crime even if the employee was not engaged in the furtherance of the employer’s business.

• Conduct thorough reference and background checks.
Hiring

• Indiana New Hire Reporting Center
  – [https://newhirereporting.com/in-newhire/](https://newhirereporting.com/in-newhire/)
  – Personal Responsibility and Work Opportunity Reconciliation Act of 1996

• Require all employees to complete the Internal Revenue Service Employee’s Withholding Allowance Certificate (Form W-4)
IRCA: Form I-9

- Must be completed by all new hires on day they start work
- Must review documents to establish employee’s identity and eligibility to work in US
- Properly complete Section 2 within 72 hours
- Retain for 3 years after hire or 1 year after terminations
- Have form available upon request for INS, DOL, or OSC
Hiring Minors

• If employing minors
  – Obtain and submit a signed Employment Certificate from the school corporation the minor attends before employment begins
  – Indiana Department of Labor Bureau of Child Labor
Employee vs. Independent Contractor

• Independent contractors:
  – Control both the outcome of a project and the means of accomplishing it
  – Offer their services to the public at large—not just to one company

• If you control or otherwise are able to control not only what’s done but also how its done, then the worker is probably an employee.
Employment Data Retention

• A critical part of hiring and termination.
• The paper record you create and save will help you avoid legal liability or at least reduce its risk.
Hire Right

“If you hire the right kind of employees, you still have time for an afternoon nap.”

Warren Buffet