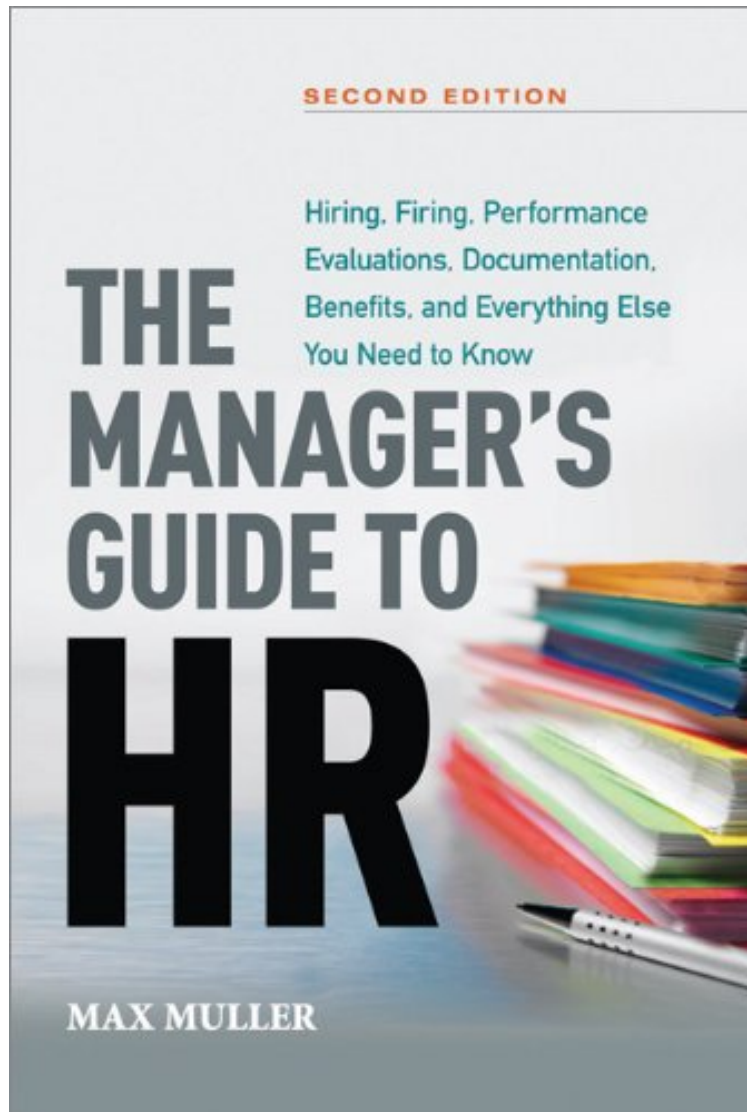


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The Manager's Guide to HR: Hiring, Firing, Performance Evaluations, Documentation, Benefits, and Everything Else You Need to Know

Max Muller

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Managing people is a tricky business—and managers and small business owners need a clear understanding of the essentials of human resources to survive. The original edition of *The Manager's Guide to HR* provided readers with a plain-English introduction to the regulations, rights, and responsibilities related to hiring and firing, benefits, compensation, documentation, performance evaluations, training, and more. But much has changed since then. Extensively revised, the second edition covers all the key areas and brings readers up to speed on current developments in employment law, including: • How social media is changing the recruitment landscape • Shifting labor standards regarding compensation and benefits • The National Labor Relations Board's stance on work-related employee speech on social media • The Employee Retirement Income Security Act • New record-keeping requirements • Amendments to the Family and Medical Leave Act and the Americans with Disabilities Act • And more Featuring step-by-step guidance on everything from COBRA compliance to privacy issues, this trusted resource is now—once again—the most up to date.

"The book is ideal for workplace leaders and managers at companies of all employee sizes." --Eric Jacobson on *Management and Leadership* "This book is a desktop must-have. It shows you what you need to know about hiring, firing, evaluation, documentation, and benefits" --Big Ideas for Small Business "not only balanced and authoritative, but it is also concise and clearly organized — a valuable manual for HR directors and personnel in any organization." --Soundview Executive Book Summaries About the Author MAX MULLER is an attorney who has specialized in human resources law for more than 30 years. He has presented thousands of human resources seminars for premier organizations including the American Management Association. Excerpt. copy; Reprinted by permission. All rights reserved. PREFACE When I wrote the first edition of *The Manager's Guide to HR*, my objective was to present, in accessible language, key legal information managers need to know in order to treat their direct reports in an equitable and legal manner. The success of the first edition suggests I achieved my objective; however, the law is organic. It expands, contracts, morphs, and often goes off in surprising directions. And so, this second edition continues to take you down the path laid down by the first edition and lights the way to the future with revised, new, and expanded information. Among other things, Chapter 1, "Hiring," now includes: Information related to how employers are using social media sites (e.g., LinkedIn) in their recruitment efforts The definition of an "Internet Applicant" under the guidelines of the Office of Federal Contract Compliance Programs (OFCCP) In Chapter 6, "Employment Laws," information related to the Americans with Disabilities Act has been revised and updated, and the Equal Employment Opportunity Commission's (EEOC) Guidance regarding the use of criminal background check information has been added. Information on the EEOC's Americans with Disabilities Act "interactive process" The United States Citizenship and Immigration Services (USCIS) checklist titled "Common Mistakes Every Employer Needs to Avoid," related to Form I-9 In Chapter 2, "Performance Evaluations," a section dealing with common rating errors made by reviewers has been added. Also, the section titled "Employee Self-" has been rewritten. A significant amount of material related to cross-training has been added to Chapter 3, "Training." Amendments to the Family and Medical Leave Act (FMLA) went into effect after the first edition of this book was published. Consequently, Chapter 4, "Benefits," has been revised and updated accordingly. In addition, sections have been added related to the Employee Retirement Income Security Act (ERISA), a federal law that sets minimum standards for pension plans in private industry, and the Uniformed Services Employment and Reemployment Rights Act (USERRA), a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers. Important changes have been made to Chapter 5, "Compensation," including: Bringing information into alignment and conformity with the Department of Labor (DOL)'s Final Rule dealing with (1) the fluctuating workweek method of calculating overtime, and (2) tip pooling and tip credits Introduction of the Patient Protection and Affordable Care Act (PPACA)'s break time requirements for nursing mothers A discussion of the differences between the Internal Revenue Service (IRS)'s "common law" view of who qualifies as being an independent contractor vs. the "ABC Test" of who an independent contractor is as followed by some 23 states for state unemployment tax purposes Expansion of material related to the DOL's views regarding rounding related to early clock-in Inclusion of a discussion related to misclassification of who is or is not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and, significantly, how to conduct an internal classification audit In Chapter 8, "Privacy Issues," a new subsection dealing with the use of the Internet in undertaking background checks has been added, as has a major section dealing with the National Labor Relations Act (NLRA) and employer social media and other Internet policies. Information has been added to Chapter 10, "Documentation and Records Retention," relating to the EEOC's Final Rule extending the existing recordkeeping requirements under Title VII and the ADA to entities covered by Title II of the Genetic

Information Nondiscrimination Act (GINA). That's it. Enjoy. Max Muller * Excerpted from THE MANAGER'S GUIDE TO HR, Second Edition, by Max Muller. Copyright copy; 2013 by Max Muller. Published by AMACOM Books, a division of American Management Association, New York, NY. Used with permission. All rights reserved. <http://www.amacombooks.org>.