

Employee Issues and Legal Compliance:

Utilization of Resources and Addressing Workplace Issues

In Part I of this two-part white paper series on employee issues and legal compliance, we wrote about the changing nature of federal laws and how HR managers in the healthcare and medical industry can stay informed, connected, and compliant. In Part II, we'll look at delegation of duties and how to mitigate risk by utilizing new hires and outside HR agencies.

Delegate and utilize inside resources when you can. Delegation of any business process is a win-win for all involved, given that delegation of duties allows you the freedom to make the best use of your time and skills, and it also allows members of your HR team the opportunity to develop their own skills and increase their value to the organization. However, some HR managers have difficulty “letting go” and delegating efforts to their team members.

It's understandable that some HR managers may be initially opposed to

delegation of duties, especially given that the process often requires a lot of up-front effort. In many respects, a delegated duty is little more than a training opportunity—where the HR manager is giving a member of the team a new job or duty to fulfill and the HR manager is tasked with ensuring that the team member understands the importance and details of the duty, as well as the expectations of the manager. And, as with any training situation, there is some up-front time, effort, and guidance involved in the process. Of course, once the team member fully understands the particulars of the duty and can perform the task without supervision, the HR manager is afforded time in their workday to concentrate on more important aspects of the job—such as employee issues and legal compliance concerns.

Although there are numerous little tasks that the average HR manager could easily delegate to team members—freeing up valuable time—letting

team members be the eyes and ears of the organization is one of the more advantageous. Healthcare facilities, as with any business large or small, benefit from having an HR presence outside of scheduled meetings and briefings. To this end, your HR team members can be of great help—building rapport among employees, listening to whatever may be on their minds, getting a sense of how they think things are going, and making sure that HR processes are in line with their interests at all times. And when it comes time to redefine internal HR policies and procedures, your team members can be your “experts group,” providing you with valuable feedback gained from their experiences with employees across the organization.

Make Your Delegation of Duties More Effective

- Let senior staff members in the organization know that you will be delegating tasks

- Select HR team members who understand the importance of the specific job detail
- Choose only those who have the skills and ability to do the job effectively
- Delegate to those who are closest to the work, as they likely have an intimate knowledge of the work and its challenges
- Match the amount of responsibility with the amount of authority
- Let the team member know how this duty benefits his or her own goals and interests
- Make sure that your expectations for the job are clearly understood by your employees
- Clearly define the role and the responsibility for the team member
- Establish a process by which the team member can measure his or her own success
- Avoid “upward delegation” when there is a problem; let the HR team member provide solutions to

problems and help them come to the best conclusions

- Determine intervals at the end of which the team member is expected to report on their effort
- Allow the selected team member to shuffle his or her own responsibilities or workload in order to carry out new duties
- Monitor progress and provide constructive feedback at regular intervals
- Provide additional support and resources when needed

Address workplace issues

immediately. The HR manager in a practice or a larger healthcare facility is constantly on the lookout for problems related to employee behavior or performance. In some cases, these problems are merely derelictions of duties that result in disciplinary action or termination for the employee. In other, more serious, cases they may stem from unacceptable conduct or behavior

that sometimes results in consequences to the entire organization due to the fact that they touch upon legal concerns such as workplace violence, bullying, or sexual harassment. Here, concerns for the “offended party” must motivate the HR team to act quickly and strategize an appropriate response. Speed is always a concern when issues involving violence or harassment arise, due simply to the fact that the organization is ultimately liable for conduct and actions of the people they hire and manage.

Addressing employee concerns helps protect the organization from greater risks and liabilities stemming from poor HR practices. Cases of workplace violence and harassment have gone before the U.S. Supreme Court. The U.S. Equal Employment Opportunity Commission (EEOC) rigidly enforces laws forbidding workplace discrimination and looks for signs of retaliation against those who report such offenses. So, by addressing employee concerns (large

or small) in a timely manner, with tools and policies that have been designed to handle such cases well in advance, you're helping to create a workplace environment where people are valued and respected and protected.

Recognize when it's time to hire qualified help—and act on it. No single HR manager can do the work of an entire team. Recruiting, hiring, training, performance management, salary and benefits administration, as well as numerous other HR functions only serve to keep the organization operating at a basic level. Organizational development, policy recommendations, and compliance with regulatory rules—which are higher-level responsibilities for the HR manager, directly related to employee issues and legal compliance—require a methodical, skillful approach. There must be time enough for the HR manager to read, analyze, and interpret all legal requirements and legislation. And if there's little time in the workday

to accomplish these goals, the HR manager may inadvertently be putting the organization at risk.

Fortunately, quality HR staff members can be easily sourced through any number of professional staffing or online resources. Online job boards such as [HospitalDreamJobs.com](https://www.hospitaldreamjobs.com) offer an effective set of tools for posting job descriptions and identifying top candidates. But although online job boards offer a powerful recruitment solution to HR managers—with job-matching technology that helps them connect to highly-qualified job seekers—the biggest hurdle some face is in acting quickly enough to secure the employment of top candidates.

According to a survey performed by [RealMatch.com](https://www.realmatch.com), the primary reason top candidates turn down offers is because the practice or hospital HR manager didn't act quickly enough to call the applicant back for a follow-up interview. Over 40% of those surveyed had rejected

a job offer because the HR department sat on résumés for too long before calling the applicant back. Of course, acting fast does not mean rushing the process. An HR manager who is trying to fill a position has good reasons to avoid the temptation to rush a hire. Rarely does a hospital or healthcare facility benefit from hiring the first warm body that walks through the door. That said, none benefit from letting résumés pile up on a desk and collect dust. In other words, act fast when it comes to calling back top candidates, but take the time to hire smart.

Overwhelmed? Hire a third-party agency to handle your HR needs.

There are many third-party groups that offer a flat monthly rate for a complete range of HR services. When cost is a consideration, this can be significantly less than the expense incurred by creating an internal HR department from scratch. Among other things, HR outsourcing can help to shorten the amount of time your HR team

spends dealing with federal and state employment laws. Tasks covered by a third-party HR group (sometimes known as a professional employer organization) may include, but not limited to:

- Defining policies and best practices
- Developing guides for interviewing, hiring, terminating
- Developing performance management tools
- Distributing state and federal HR news and compliance info
- Drafting step-by-step compliance guidelines
- Education on sexual harassment or violence in the workplace
- Employee training and development
- Employment forms, docs, checklists, tools
- Handling worker's compensation concerns
- Implementing COBRA and FMLA
- Managing payroll services (direct deposit, check mailing)
- Recruiting and hiring

- Running background checks
- Taxes, health insurance and 401K deductions

In the end, hiring a third-party HR team will allow you to hand over many of the day-to-day administrative tasks to a company of experts who are qualified to help you handle your HR needs. At the same time, many third-party HR groups will share or assume many employer-related liabilities. This, of course, mitigates the risk you have with future employment-related legal concerns.

Conclusion: Human Resources is a major administrative component with a broad subset of interests and functions. In a busy healthcare practice or hospital, there's no doubt that a variety of employee issues and legal compliance concerns will come up on a weekly basis. As such, it's understandable if an HR team isn't sure about how to correctly and efficiently handle each employee issue or complaint.

Unfortunately, issues such as workplace injuries, violence, and harassment carry with them a number of liabilities for the organization. And, as the practice or organization grows, so will the need for efficient, consistent systems that help define HR responses and decisions to these issues and many more.

As stated earlier, it is the job of every HR manager to know the law and keep the organization compliant. This allows the HR team to respond to workforce issues correctly the first time. When this task is too daunting, your HR department may need to hire a third-party specialist or consulting group to handle legal compliance or HR tasks. Handle what you can, delegate to others, and use outside experts when needed—that's the best advice someone with a wealth of experience in the industry could give you.

Major Research Links

<http://smallbusinessesdoitbetter.com/2013/12/operating-a-small-business-without-a-dedicated-hr-department/>

<http://www.strategichrinc.com/legal-compliance.htm>

http://www.mohave.edu/documents/SBDC/Resources/HR%20_Employment_Law_Compliance_Guide_AZ_Employers.pdf

<http://www.strategichrinc.com/hr-audit.htm>

<http://www.shrm.org/Advocacy/GovernmentAffairsNews/HRIssuesUpdatee-Newsletter/Pages/default.aspx>

http://www.hr.com/en/communities/benefits/healthcare_legislation_and_compliance/

http://www.pebblehr.com/#!/page_Solutions

<http://www.greenoughgroup.com/wp-content/uploads/2011/07/GCG-HR-Audit.pdf>

<http://www.shrm.org/TemplatesTools/hrqa/Pages/WhatisanHRAudit.aspx>

<http://ipma-hr.org/sites/default/files/pdf/hrcenter/HR%20Audit.pdf>

http://humanresources.about.com/od/motivationsuccess/a/manage_systems.htm

<http://www.dol.gov/compliance/guide/minwage.htm#RRN>

http://www.hrscopy.com/site/small_businesses

<http://www.suny.edu/compliance/topics/Topics%20In%20Compliance.cfm>

<http://www.teamonelogistics.com/nearly-all-carriers-making-changes-for-health-care-law-tcp-says/>

<http://www.valencerg.com/hr-services-2/>

<http://hrpmsi.com/cost.php>

<http://www.evancarmichael.com/Human-Resources/3362/Operating-Without-A-Human-Resources-Department.html>

http://www.realmatch.com/what_we_do

<http://www.villanovau.com/human-resource-management-challenges/>

<http://www.dol.gov/whd/flsa/>

http://www.mindtools.com/pages/article/newLDR_98.htm

<http://ucsfhr.ucsf.edu/index.php/pubs/hrguidearticle/chapter-9-delegation/>