

# Basics of Human Resources

MASA Great Start

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# TOPICS

**Hiring Practices:** Background Checks; Discrimination; Blind Spots; Nepotism; Veteran's Preference

**Compensation Practices:** Comparable Work/Pay Equity; Collective Bargaining ; At Will Employees

**Health & Safety:** Workers' Compensation; Safety Committees

**Benefits Administration:** Eligible Employees, HIPAA

**Employee Conduct:** Investigations, Tennessen Warnings

# Hiring Practices

## Background Checks

Required for all employees - MN BCA only; FBI recommended

Cost to employees unless district policy

Permissive for volunteers; consider proximity to students

Many private companies offer this comprehensive service.

## Disqualifying Information:

No clear requirement; Judgement is required; Protection from discrimination claims related to background check

# Costs – Background checks

<b>Background Check Fees</b>	
<b>FBI*</b> (includes Minnesota & FBI)	
General (e.g. Security Guard, Child Protection etc.)	\$33.25 (\$15+\$18.25)
Charitable Non-Profit**/Volunteer***	\$24.25 (\$8 + \$16.25)
Charitable Non-Profit**/Employee	\$26.25 (\$8 + \$18.25)
*Must have U.S. AG approved statutory authority to conduct FBI check	
*Fingerprints required	
**Must supply copy of 501 (c) 3	
***Volunteer Child Protection or Serve America Act only	
<b>Minnesota</b>	
Self (MN Only)	\$8.00
Charitable Non-Profit** (MN Only)	\$8.00
General/Statutory (MN Only)	\$15.00
**Must supply copy of 501 (c) 3	
<b>Fingerprinting Service</b>	
Per Card	\$10.00

# Hiring Practices, Continued

**Check for policy on nepotism**

**Be aware of discrimination blind spots**

**Posting, Interviews, Recruitment**

**Be aware of your Title IX Designated Coordinator (It may be you!)**

# Hiring Practices, Continued

## **Veteran's Preference**

**Veterans of US armed forces (active duty) are given preferential treatment in hiring under certain situations:**

**Must provide DD214**

**During hiring process: Must use 100 point scale to select for interview; veterans receive additional 10 points (creating a preference)**

**In order to receive preference, must meet minimum qualifications - Make sure job descriptions are complete before posting**

**When in doubt, interview!**

**Terminations - Veterans have a right to choose a veteran's preference hearing; must be on paid leave during interim period. Always check to see if employee set for termination is a veteran - If so, seek counsel!**

# Compensation Practices

## Comparable Worth/Pay Equity

Background: All public jurisdictions, including school district must eliminate any gender based wage inequities in compensation. MN DOER oversees compliance.

All jobs are evaluated and assigned points based on KSA (knowledge/skills/abilities) and level of independent decision making.

# Comp Worth/Pay Equity, continued

Reporting schedule is established by statute and enforced by DOER

Compensation studies can be conducted by professional services contracts.  
(Springsted, Bjorklund, School Management Services, MN state rating system, others) Eliminates internal bias or conflict.

This is based on the position requirement, not the person's skills.

Resources: Pay Equity Coordinator, MN Department of Employee Relations,  
651 296 2653. [www.doer.state.mn](http://www.doer.state.mn)

# Collective Bargaining

PELRA (Public Employee Labor Relations Act) established rights of specific groups to organize and collectively bargain.

## Timelines/Legal Notices

Notice of Intent to Negotiate; Notice of Intent to Strike; Notice of Representation/Decertification; Unit Determination Hearing

# Collective Bargaining, continued

## At-Will Employees

Employees that do not have continuing contract rights, or are not covered under collective bargaining are at-will. They can be terminated for cause, or due to changes in district need without layoff restrictions.

Most administrators and many non-licensed positions are in this category.

It may be wise to meet with these groups to gather input regarding their employment, although is is not binding.

# Janus vs. AFSCME (Supreme Court 2018)

Free Speech case (First Amendment) - Right of employee to be free of political speech/positions of the union

Affects MN Fair Share requirement; Districts cannot discuss the pros/cons with new employees

Non-union employees are still covered by CBA

The union (Ed MN) is still the exclusive representative

Districts and unions may not negotiate different terms for non-union members, or they would lose their exclusive representative status

# Health & Safety

This is often considered a buildings & grounds area of responsibility, but it is actually a significant component of employee relations. Districts must have an identified safety manager, which may be provided through ECSU, Ed District, or private/independent contractor. Districts must also have an employee driven safety committee that meets at least quarterly to address training, procedures, PPE (Personal protective equipment) and prevention of injury.

Note: Pay attention to Special Education staff - primary cause of injury

OSHA - Refers to employees only (not students) Significant fines following random inspections Annual reporting - OSHA 300

# Workers Compensation

Districts must have a procedure in place for the reporting of workplace injuries.

Consider a Return to Work policy for chronically injured.

Know what your district EXPERIENCE MODIFICATION RATIO is. This is a calculation based on your district injuries in relation to comparable districts & the expected rate of injury. It is used to calculate your premium rate increase, and can vary widely. You can challenge injuries that remain “on the books” and affect your experience modification ratio.

# Benefits Administration

Health    Dental    Life Insurance    Long-term Disability

Eligibility is based on contract with the provider AND collective bargaining agreements. Cannot reduce the aggregate benefit without approval of groups.

HIPAA - privacy portion impacts providers, especially when you are self-insured

COBRA requirements must be met

This is a complicated, and fluid area of responsibility. Consider outside consultation.

# Employee Conduct

Most terminations are not due to inability to perform the job, but rather are the result of interpersonal skills, attendance, chemical use, insubordination, and/or inappropriate conduct.

**INVESTIGATE!** Always give the employee an opportunity to explain conduct. Always interview others involved.

Tennessen Warning - Always provide warning as to the purpose of the investigation. Have union rep if the employee is in represented group.

# Employee Conduct, continued

## Progressive Discipline

Sequence of: *Verbal Warning - Written Warning - Paid Suspension - Unpaid Suspension - Termination*

The **concept** is a good practice in many/most situations, and provides good defense to terminations.

This is a term that is supported by many unions. DO NOT commit to this process in collective bargaining agreements, other than in general terms. The concept can/should be applied, but do not bind yourself to it, as it could limit you in severe cases.

# RESOURCES

MN Bureau of Mediation Services 651 649 5423

MSBA

MASA

State Negotiators

MASPA (Assoc. of School Personnel Administrators) [www.mnasma.org](http://www.mnasma.org)

ECSU/Ed Districts