



news FLASH

Bourgon HR Solutions is pleased to announce that effective 9/16/09, they have established a business partnership with Lee F. Murphy Insurance Group in St. Paul, MN. Bourgon HR Solutions is managing an exclusive toll-free hotline and website for employee relations issue resolutions. This service is being made available to all business clients of Lee F. Murphy Insurance Group.

hr QUIZ

Should you check out potential employees on social-networking websites?

Issue: As a result of the soaring unemployment rate, you may be swamped with an ever-growing swell of job applicants-and a larger pool of qualified candidates vying for a few open positions. You may be tempted to turn to some of the more popular social-networking sites on the internet to learn more about these job applicants. Is there any reason you should avoid this type of informal background check?

Answer: With the proliferation of social-networking sites like Face Book and My Space, employers are becoming more aware of new information obtainable via the internet about their employees and potential job applicants. However, when looking up information on the internet, employers need to be aware of potential claims against them such as federal and state discrimination, and invasion of privacy claims.

The following are potential areas of concern for employers:

In the legal-to-search social-networking sites on the internet as part of a background check? No law actually prohibits employers from searching social-networking websites to conduct their own background checks of current employees or job applicants. As mentioned above, employers need to be aware of the potential for both discrimination and invasion of privacy claims.

Can employers terminate an employee or refuse to hire a job applicant based on information found on the internet? Yes, as long as the employer does not use the information learned from the internet in a discriminatory manner or in a way otherwise prohibited by law.

Can employers use background screening firms to conduct background checks on all applicants or job candidates? In general, it's a good idea to at least do a criminal background check on all viable job applicants. Background screening firms will work with employers to comply with federal and state background check laws and make recommendations as to the types of background checks employers should have done based upon the job requirements and duties.



THE DON'TS AND DO'S OF GOOD DOCUMENTATION

When it comes to documentation, we suggest you adhere to the following don'ts:

- Don't express personal opinions, accusations or judgments.
- Don't use generalities, overstatements or exaggerations.
- Don't reach conclusions without all the facts.
- Don't ever attempt to reach a legal conclusion in your documentation.
- Don't use descriptive words such as "weakness", "inadequacy", or "failure" – focus instead on the actual behavior.
- Don't use absolute expressions such as "always", "never", "every time", and "invariably" unless they are completely accurate.
- Don't record anything that you have not already communicated to the employee.

The more documentation that you substantiate, the higher your credibility.

Here is the list of documentation do's:

- Do create contemporaneous documents, including full name and full date at least once before using shorthand and never, ever back-date documents.
- Do obtain employee's signature to verify the discussion and goals, wherever possible.
- Do keep the documents themselves clean and fresh.
- Do use a professional tone both in the writing and in the document itself.
- Do avoid bias.

understanding FURLOUGHS

A furlough, typically defined as a temporary layoff for work, is often considered by employers as a layoff alternative.

Furloughs allow employers to keep people employed and maintain institutional knowledge during a time of financial hardship. They can result in much-needed cost savings without having to incur financial and emotional costs of layoffs and can leave an organization better prepared to take advantage of an anticipated upswing in financial performance.

What is a Furlough? A furlough is either a voluntary or involuntary unpaid leave of absence from employment. In the private sector, assuming that the targeted workforce terms and conditions of employment are not governed by a collective bargaining agreement or individual payment contracts, employers may choose to utilize furloughs



as a means to saving money for their company through planned or emergency procedures to reduce payroll costs. This reduction is normally effectuated on an hourly, daily or weekly basis.

How does this differ from layoffs? Generally a workforce layoff constitutes a group termination and the employees selected to participate in the layoff are usually not expected to return to work; in contrast, furloughs contemplate that the employees will remain with the company but at a reduced labor cost.

How are furloughs implemented? For private employers there are no special implementation procedures. Rather, furloughs can be planned as a means of saving money or utilized in an unexpected emergency. However, an employer is wise to provide employees with an advanced notice. Many states require such an advanced notice under the general notice requirements of their wage payment laws and some specify amount of notice for their reduction in compensation.

Why do employers turn to furloughs rather than other practices such as layoffs?

Furloughs allow employers to retain its experienced workforce while appreciating the savings associated with the reduced labor costs.

experienced

EFFECTIVE HR DECISIONS ARE NEVER MADE BY TAKING A STAB IN THE DARK. STOP SETTling FOR TEMPORARY FIXES AND LET US HELP. AS FORMER FORTUNE 500 SENIOR EXECUTIVES IN THE HUMAN RESOURCES FIELD, WE CAN ASSIST SMALL BUSINESSES IN EFFICIENTLY WORKING THROUGH HR ISSUES AND STAFFING CHANGES.

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