

# HOT SHEET

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Full-Circle HR

## HR Trends:

- Private-sector jobs grew by 67K in November, continuing a slowing growth trend that began in May.
- The number of lawsuits brought under the Fair Credit Reporting Act (FCRA) will reach an all-time high in 2019; employers who do background checks should ensure they are in compliance with the FCRA.
- Individual HSA maximum contributions are rising for 2020 from \$3,500 to \$3,550; family contributions will increase from \$7,000 to \$7,100; catch up contributions remain at \$1,000.
- Employers are finding that 'Telehealth' can work well in the area of physical therapy; one such program is Virtual Exercise Rehabilitation Assistant (VERA).
- Some employers are opting for mobile coaching apps for managers needing employee relations and leadership coaching when they don't have other available and affordable skilled coaches.
- With the increase of life expectancy, the IRS is considering reducing the required distribution amounts from 401(k) and other retirement plans.

## Candidates Not Chosen

Time and again, I find that while a candidate may not be the right fit at the moment for a certain position, keeping their information in mind and at hand can benefit future recruitment efforts. Communicating with applicants who don't get interviews or offers is an important tool in building your employment pool. This process begins when applicants first respond to a job advertisement, or even just contact you to let you know they are interested in your organization. Additionally, today's candidate may be tomorrow's (or possibly even today's) customer/donor/client.

It doesn't take a lot of time and effort to simply acknowledge receipt of their inquiry. If you promise to keep them apprised of the progress of the search, at least send them a quick notice that the search has been closed (if they were not interviewed). If they were interviewed, it calls for a more complete follow-up, such as a phone call. Surveys by CareerArc show that candidates spend an average of 3-4 hours responding to a job ad. Despite this, 65% of those surveyed said that they never or almost never receive a response to their submission. A minute of your time to acknowledge

## Handling an Employee Resignation an End Date

While this seems like a rare occurrence, those who have had this happen can find themselves unclear about how to handle this situation. Another situation than can happen is an employee provides a two-week notice and then rescinds the resignation during the notice period. Can you still hold them to their notice? How do you handle this situation respectfully and in a way that is in the best interest of your organization? Following are some suggestions for these and other difficult resignation circumstances.

When an employee gives notice but does not provide a final date, you are well within reason, and your rights, to ask for a date so that you can plan for business needs. Additionally, if you have a standard of requesting and accepting e.g. two or four weeks of notice, unless

business needs warrant it, it is best to be consistent with this standard. Clearly document the reasons for any exceptions and be sure that the exceptions do not suggest a discriminatory pattern. If an employee offers an extended notice period carefully consider the business needs and practices, as well as the potential detriment to morale if the employee exhibits 'short-timer' attitude.'

When an employee gives you standard notice, but you would prefer to release them immediately, you may choose to do this, particularly in the case of a salesperson or someone who is going to work for a competitor. Employment attorneys generally recommend that you pay through the standard notice period. If you do not do this, you risk this turning into a termination that may be eligible for unemployment benefits and/or,



them seems not only like a very reasonable trade for you, but also an investment in the future possible relationship. Doing this may give you an advantage as an employer of choice. Another consideration is that candidates talk about their experience with you in their networks and communities. The same survey found that 72% of the applicants shared their job search experience with others. While you may or may not get positive 'advertising' by responding, you are more likely than not to get negative 'advertising' by not

replying to the inquiries. Other suggestions include humanizing your recruitment process by being candid and respectful of each individual's time and effort. For candidates you have interviewed and rejected you could even offer suggestions for them to improve their chances in the future (e.g. an internship or completing their degree). Some recruiters connect with these candidates on LinkedIn and introduce them to others who might be able to offer them other opportunities.

*Our lives begin to end the day we go silent about things that matter.*  
—Martin Luther King Jr.

depending on circumstances, may be construed as a wrongful termination.

When an employee gives notice but refuses to put the resignation in writing, it is wise to document the conversation in writing by following it up with an email. This email should confirm the resignation and the separation date, as well as outline any other details you would like to cover such as transfer of duties and information, etc. Your employee can then either respond to correct any details or accept what you have written. Further, this makes it more difficult for the employee to rescind their resignation or claim that they did not really mean it.

What about that employee that changes their mind? You have a right to rely on the resignation in good faith and end employment

on the agreed upon date. However, you must "act in reliance" on the employee's intentions and start the recruitment process. Particularly in the instance of a key position that cannot remain unfilled or when the employee has been underperforming, you will want to move forward quickly with your plan to fill the position. Begin updating the job description, posting the position, transferring duties, interviewing candidates, etc. Otherwise, the employee may well be free to rescind the resignation.

Other practices to keep in mind in the case of a separation, include conduct exit interviews consistently, collect all company property, notify employees of the status of their benefits, follow your state laws regarding payment of final wages and part as amicably as possible!