

HOT SHEET

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Full-Circle HR



HR Trends:

- Don't forget to check your postings, such as minimum wage (which has gone up to \$13.50/hour) & WA Paid Family/Medical Leave.
- According to SHRM, toxic workplace culture causes 1 in 4 employees surveyed feel dread when thinking about their workplace; 1 in 5 surveyed have searched for a new role because of it.
- As weather-related disasters increase in frequency and severity, employers need to have an action plan in place should one affect their workplace.
- If you haven't already done so, consider adding an EAP to your benefit package; if even one or two employees get something out of it, the low cost is well worth it.
- The U.S. House of Representatives is working on a bipartisan bill that affords pregnant workers the right to accommodation for their restrictions; while many states already afford this, this will be the first time it is considered at the Federal level.
- Washington State's minimum wage is the second highest in the nation with Washington DC at \$14.00.

Making Employees Part of Interviews

A team-based approach to interviewing for new hires is a good way to avoid bias and blind spots and to make a better cultural match. In some instances, this may not be a good approach, an example being during a confidential search or if the candidate requires confidentiality. However, when it is appropriate, it's important that your employees be properly trained on legal issues and on interview technique and evaluation. Here are some tips for how you can make the most of using a team approach to interviewing.

First, be sure your employees are aware that all questions should be directly job

related. This helps avoid asking questions about personal characteristics that could potentially lead to or give the impression of discrimination. You can help avoid missteps in this area by having a structured set of questions, but they will still need to understand legal issues regarding any follow-up questions they may ask. You may want to circulate the questions and the job description prior to the interview so that they can offer input and give some thought to the process. Ask them to consider whether you are captured the options for what is important and the type of candidate you are seeking. This may help you broaden your per-

spective, avoid-ing blind spots and bias.

The interview can be kicked off with the hiring manager making introductions and possibly including a neutral piece of interesting information about the individual that might break the ice, but does not expose you to information that might be considered grounds for discrimination. You might have each person ask a question from the list or have the hiring manager or HR lead the questions and have the other interviewers ask pertinent and legal follow-up questions. Provide a sheet for those who want to take notes to

do so, but collect these at the end of the process.

Be clear with all who participate that their input is valuable to the decision-making process, but the final decision is up to the hiring manager. Solicit feedback in a structured way. You can use a template of the best predictors of success for the position, such as motivation, competency, team skills, and cultural fit. Solicit this feedback immediately following the interview. The hiring manager should speak last in the in order to allow employees to feel they can be honest. Thank them for their help!

A man wrapped up in himself makes a very small package.

—Benjamin Franklin

The Changing Landscape of Marijuana in the Workplace

As more states opt to legalize medicinal and recreational marijuana, navigating the landscape in the workplace becomes more challenging for employers. Experts recommend adapting to the needs of your business, combined with knowledge of the changing laws that might affect your workplace.

In some states, while you can still discipline an employee whose drug test shows positive for marijuana, the form of discipline may be different from use of other substances; it might involve a more corrective approach or use of the interactive process in the case of someone who is using it for medicinal purposes. Additionally, some locations (e.g. Nevada and New York City) prohibit employers from testing new hires for marijuana or

from refusing to hire someone who tested positive for it, with exceptions for safety sensitive jobs.

While marijuana use is still illegal at the federal level, 33 states have approved it for medicinal purposes and 11 states plus Washington DC have approved recreational use. More states including New York are making it a priority for approval in the near future. In response, many employers are moving toward treating a positive marijuana result like alcohol. One complication is that unlike alcohol, marijuana is also used medicinally. An additional challenge with this is length of time this substance remains in the system and differentiating use on the employee's own time and during work time. In Arkansas, where medical marijuana is legal, their approach is that the employer may terminate

an employee for use based on a good-faith belief that the employee was impaired while at work. This means not only a positive drug test, but also observation of impaired behaviors or information from a reliable source that such impairment took place on company property. There is an exception to this requirement for safety sensitive positions. Alaska, Arizona, Delaware and Minnesota state laws prohibit employment discrimination against qualified medical marijuana users. In contrast, Colorado, California, Michigan, Montana, Ohio, Oregon, and Washington can fire someone who tests positive for marijuana, even if it is off-duty and for medicinal purposes. Specifically, in Washington, employers can establish substance abuse policies that do not accommodate medical

marijuana use. Further, they may not only fire employees who test positive but also refuse to hire applicants who test positive for marijuana, even for medical purposes. However, employers should not rest easy in this, some state level discrimination laws have been tested in state courts regarding employees who have been negatively impacted by action taken due to testing positive for marijuana. Experts recommend that employers use a common sense approach, particularly with the challenges of finding and keeping good employees and the ever changing landscape of marijuana legalization. This encourages use of an interactive process, similar to that used in determining a reasonable accommodation in response to a disability.