



HRM UPdate

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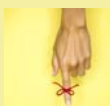
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Don't forget:

**W2 deadline
is
January 31, 2010**



Legal Update, Policy & Practice

Is Your Company FCRA Compliant?

So, you found the perfect candidate for a position you have been trying to fill for the past two months—now it is time to conduct the background check. What happens when your perfect candidate leads to an imperfect situation? Did the background check reveal misrepresentation of education or a disqualifying criminal record? How do you ensure accuracy of school records, or determine that a specific criminal record does not belong to a different individual with the same name and date of birth? These types of concerns can be resolved by implementing the laws required by the Fair Credit Reporting Act (FCRA). The FCRA applies to users of third party providers.

Fair Credit Reporting Act

According to the Federal Trade Commission, the Fair Credit Reporting Act promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. A company using a third party (consumer reporting agency) to conduct their background checks must follow strict guidelines in order to maintain compliance with the Fair Credit Reporting Act.

To begin the process of obtaining a background check on an individual, companies must notify the applicant and obtain authorization to conduct the investigation. Authorization is granted by requiring the applicant to sign a waiver prior to beginning the search. In most cases, the third party vendor can supply the waiver required to conduct the background investigation.

If a company decides not to extend an offer of employment based (in whole or in part) on the findings of the background search, the applicant must be given the opportunity to dispute the results of the check. Several steps must be taken to deny an applicant the intended position once the background check has been completed. The Federal Trade Commission has defined this process as the adverse action process.

Requirements of the Pre-Adverse Action Process

The applicant must be sent a pre-adverse action letter, a summary of his/her rights under the Fair Credit Reporting Act, and a copy of the background check. The pre-adverse action letter states that an offer of employment may not be extended based in part or in whole on information included in the background check. The applicant is given a reasonable amount of time to dispute any findings within the background check that may impact the offer of employment.

Requirements of the Adverse Action Process

If the applicant does not dispute the results of the background check, a similar packet of information is sent. It will contain an adverse action letter, a summary of his/her rights under the Fair Credit Reporting Act, and another copy of the background check. This letter is to inform the applicant that an offer of employment will not be extended based, in whole or in part, on the information provided on the consumer report.

In most cases, the third party vendor that conducted the background check can provide assistance throughout this process in various ways. Consumer reporting agencies will often employ an adverse action team to assist the applicant during the dispute process and inform the company regarding the status of the dispute. The consumer reporting agency can also provide letters, reports, and a summary of the applicant's rights under the Fair Credit Reporting Act. Some companies offer electronic features to automatically generate these documents or handle the entire process in-house.

Although the issue of remaining FCRA compliant can seem burdensome, it is important that the process be followed in order to protect the applicant and your company against errors in court, school, and company records.

Source: *Justifacts Credential Verification, Inc.*, Jim Trusilo and Erin Anderson, Adverse Action Consultants, www.justifacts.com



The "Truth" Is Out There: *How To Find It*

We seldom, if ever, figure out the "objectively" true story in a "he said/she said" scenario. A good investigation can go a long way toward reconstructing something that is close to the "objective" truth. Here are the top 10 rules of interview techniques to help you deal with finding the "true" story.

Rule #1: Set The Stage

The interview should be held in a neutral place, where other employees can't see. This has several advantages. First, other employees don't need to know whether someone is being interviewed. Second, it lessens distractions and allows a fuller opportunity to develop the facts. Third, if the person being interviewed is ultimately terminated because of misconduct, then a jury will look at your company with disfavor if the interview wasn't conducted in a professional setting.

Rule #2: Take Your Time

Getting the facts — the real facts — is not an easy job. That's why interviews should never be rushed. An interview will generally take twice as long as you anticipate. If the interview is too short, you're probably missing important information. Also, it's important to go through a person's statement to re-verify the facts, clear up any misunderstandings, and clarify any ambiguities. That can't be done in five minutes.

Rule #3: Use the "Spot" Principle

Here's the best advice I ever got on taking a statement: Use the "Ned is a first-grade reader" principle. It goes like this: This is Spot. Spot is a dog. See Spot run. The most important part of the principle is that the statement and the interview must proceed chronologically. What happened first, what happened after that, and then what happened next. If the person being interviewed has a hard time going chronologically, that's OK. It's all right to let him bounce around a little bit as long as you bring him back to the chronology.

Rule #4: You Are Not A Tape Recorder

The interviewer should assist witnesses in translating their thoughts. That's not the same thing as putting words in their mouths. Rather, it's helping them say things in a way in which they are comfortable. Some areas, such as estimating distance, time, or numbers, prove difficult for some witnesses.

A witness tends to believe that unless he can be absolutely accurate, he shouldn't speculate. For

instance, you may ask a witness how many times something occurred. The response of "I don't recall" or "I don't remember" should be met with a follow-up question estimating the number at a high range, such as 50, and asking whether it's more or less. When the witness says less, you can then negotiate downward and say, "Well, would it be safe to say not 50 but at least 30?"

Or, for example, you should ask the person to specify which terms he would feel comfortable with in making an estimation. For example, witnesses may be more comfortable estimating distance in terms of car lengths. Also, help the witness develop a mental picture by having him, for example, draw a diagram that can be attached to the statement. Remember that the person reading your report wasn't present during the interview. Take a photograph, draw a picture, or draw a schematic so the person reading the report will have a mental picture.

Rule #5: Get Facts, Not Conclusions

Start with broad, open-ended questions, but follow up with more specific ones. Listen to what is not said as well as what is said, and follow up on all leads and any ambiguous or incomplete responses. Ask questions about exactly what occurred and what the witness saw or heard. Often, interviewers accept conclusions rather than facts. Statements that are merely conclusions — e.g., "Joey is always coming late to work" or "Sally never listens" — are useless. Compare the following:

Bad: Joe and Julie are always cutting up, and I guess Julie finally got mad. Julie was loud and got in Joe's face and let Joe have it. It was about time. She tried to hurt him bad, but Joe wasn't all that bothered.

Better: Joe and Julie often have lunch in the cafeteria together, and I personally have heard them tell stories to one another about dates that they have gone on with other people. On each of these occasions, Joe and Julie laughed at the stories. Once, however, I saw Julie walk up to Joe. She was approximately two or three feet from Joe. They were facing each other. Julie was speaking loudly, but she was next to a noisy machine. She balled her fist up, moved her arm back, and swung the balled-up fist at Joe's face. Joe moved his head out of the way, but Julie's fist made contact with his chin. Joe laughed.

The interviewer must be able to lead witnesses back to the facts, ask for specific examples, and find out if the knowledge is firsthand or hearsay. Even if it is hearsay, it can be used to track down another witness.

The logo for CALU (California University of Pennsylvania) features the letters "CALU" in a bold, white, sans-serif font, centered within a solid red rectangular box.

California University of Pennsylvania is **seeking Companies** searching for eager and motivated students to serve as **interns**.

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- To provide a cost-effective way to recruit potential future employees
- To form a partnership in education with Cal U.

Employers interested in joining with Cal U to find quality interns can contact Cal U's Internship Center Director **Karen Primm** at 724-938-1578 or at primm@calu.edu.

Rule #6: Do Not Editorialize

A common mistake is to ask questions that editorialize, meaning they imply assumptions or conclusions that the interviewer has already reached. For instance, questions like, "Why didn't you come to management sooner?" or "Why didn't you confront the person?" or "Do you have any problems in your personal life?" have a strong tendency to suggest to complaining employee that there is a lack of support. The ensuing lack of trust can make it difficult to obtain information.

Rule #7: Do Not Agree

There is a strong human tendency to debate the merits of a misconduct charge, especially when it's leveled against someone held in high esteem. Declare a mental "time-out," listen to what the witness says, and don't debate the merits of his story.

Questions that begin with "how," "when," and "why" should be asked. Stay away from questions that begin with "why didn't," "why is," "why couldn't," and "maybe." These words often reflect the investigator's assumptions about what the witness did, felt, or thought.

Rule #8: Do Give Due Process

All individuals in the investigative process must be accorded due process, including the individual accused of wrongdoing. Due process simply means basic fairness. Although there's no law that requires it and you are under no general legal obligation to do so, you still have a powerful incentive to provide everyone concerned in the investigation with a full opportunity to be heard. If the matter goes to litigation, you must show that you were fair and evenhanded to all parties.

The person being accused should not be prejudged. He should be allowed every opportunity to explain his version of events and treated with the same courtesies as the employee making the claim. Don't ignore the accused employee's version of the facts. No matter how overwhelming the evidence against him, his story should be thoroughly investigated.

Gaining Cooperation. Frequently, when an employee is faced with a serious accusation, he responds emotionally and becomes defensive. Allow an employee who refused to cooperate an appropriate amount of time to reflect on the situation and provide him with a designated time in which to report back to the interviewer on whether he will cooperate.

If there are costs associated with cooperating with an investigation (e.g., medical exam or drug test), explain that you will pay for them.

Get the Accused's Side of the Story: In an unemotional way, summarize the accusation. The accused should be asked to respond to questions such as the following:

- *"Now that you have heard what the person who raised the complaint had to say, what is your initial response?"*
- *"Now that you have heard the complaint, what can you add that will help me resolve it?"*
- *"What occurred?"*

Get the accused's version. A simple *"I didn't do it"* isn't enough.

Hostile or tough questions should be saved for the end of the interview. They must be asked, but their placement in the interview is crucial. For instance, asking an interviewee at the start of an interview if he placed his hands on someone's breast or stole money from a cash register is generally counterproductive, causing the person to become defensive. Always ask the

accused if the people making the accusation or presenting evidence implicating the employee in wrongdoing have any reason to lie or fabricate their story, and ask why the accused thinks someone would do this.

Rule #9: Close the Interview

Several points should be covered at the conclusion of any interview:

- Always ask if there is any other information that may be relevant that was not brought up, ask if there are any questions that were not asked that should have been.
- Explain that if there is anything the person remembers later, he should immediately contact the interviewer. Explain in detail how he can be reached.
- Go over the main points of information provided during the interview, and request that the interviewee confirm the correctness of the statement. The confirmation must be included in the interviewer's notes.
- Emphasize that the person being interviewed should not discuss the matter with others. Explain that further investigation will be conducted and that the interviewer will be speaking with other individuals.

Before concluding the interview with the employee accused of misconduct, he should be:

- Strongly encouraged to come forward with any additional information and given clear-cut instructions on how to provide additional information;
- Given a time frame within which you believe you will conclude your investigation and within which any further information should be provided;
- Asked to identify all persons he believes should be interviewed as part of the investigation and asked what relevant information each is likely to have;
- Asked to provide all relevant documents and other evidence; and
- Asked if there are any steps that he believes should be taken to ensure a thorough and complete investigation.

Rule #10: Document the Right Way

Some employees prefer to tape-record interviews; however, that is seldom, if ever, a good idea. The presence of a tape recorder often has a chilling effect on the person being interviewed and makes him much less likely to speak freely and openly.

Make notes as detailed and as close to verbatim as possible. They should reflect not only what was said by the interviewee but also the questions that were asked.

Once the notes have been completed, key points obtained from each witness may be typed. Provide a statement or declaration based on the notes from the interview for the witness to sign.

Source: *HRInsight*, November 2009, Vol. 6, No. 7, Bonus Tip Sheet. Author—Michael Maslanka is the managing partner of Ford & Harrison, LLP's Dallas, Texas office. He may be reached at mmaslanka@fordharrison.com.

SHRM Research Findings: 2009 Edition

Throughout the year, SHRM's Research Department studies trends affecting the HR professions. Here are 10 significant findings from research conducted in 2009.

- **Going virtual.** Nearly half of HR professionals expect the proportion of telecommuters to rise in the next five years. (Source: [Workplace Flexibility in the 21st Century Survey Report](#))
- **Stay home.** Three-fourths of employers explicitly told workers to stay at home if they experienced flu and cold symptoms. (Source: [The H1N1 Virus – How Prepared is Your Workplace?](#))
- **Learn locally.** Almost 60% of companies cut travel costs related to professional development. (Source: [Financial Challenges to the U.S. & Global Economy and Their Impact on Organizations: An Update](#))
- **Auto-enrollment.** More than one-third of companies now automatically enroll employees in defined contribution retirement plans. (Source: [The U.S. Recession and its Impact on Employee Retirement Poll](#))
- **White-collar downturn.** Professionals and management positions were hit hard by the economic downturn, with 56% of organizations anticipating layoffs in late 2009 planning to cut such workers. (Source: [SHRM Labor Market Outlook Q4 2009](#))
- **Job security.** HR professionals and employees both placed job security at the top of the list of the “very important” aspects of job satisfaction in 2009. (Source [2009 Job Satisfaction Survey Report](#))
- **Deferred retirement.** Sixty-eight percent of HR professionals said the number of employees

planning to delay retirement due to the recession rose during the past year. (Source: [The U.S. Recession and its Impact on Employee Retirement Poll](#))

- **Recruiting and retention cuts.** Recruitment-related expenses, spot awards and morale and team-building activities are the areas companies are most likely to cut between now and March 2010. (Source: [Financial Challenges to the U.S. & Global Economy and Their Impact on Organizations: An Update](#))
- **Rising health care costs.** One quarter of organizations had initiated a health care strategy, and another 71% had expanded their health care strategies to analyze various health care options to reduce their overall health care costs. (Source: [Programs and Practices to Confront the Workplace Effects of the Downturn in the Economy](#)) In 2008, the average annual cost of health care per covered employee was \$7,033, a 5.4% increase from 2007 average health care cost of \$6,670. (Source: [Customized Benchmarking Database](#))
- **Stagnating starting salaries.** For 13 consecutive months, the rate of increase for wages and benefits packages declined for new hires, compared with the previous year. (Source: [SHRM Leading Indicators of National Employment](#))

Source: SHRM, 2010.

Compensation, Benefits & Rewards

Fact Sheet: COBRA Premium Reduction

U.S. DOL: Employee Benefits Security Administration December 23 2009

The American Recovery and Reinvestment Act of 2009 (ARRA), as amended on December 19, 2009 by the Department of Defense Appropriations Act, 2010 (2010 DOD Act) provides for premium reductions for health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly called COBRA. Eligible individuals pay only 35 percent of their COBRA premiums and the remaining 65 percent is reimbursed to the coverage provider through a tax credit. To qualify, individuals must experience a COBRA qualifying event that is the involuntary termination of a covered employee's employment. The involuntary

termination must occur during the period that began September 1, 2008 and ends on February 28, 2010. The premium reduction applies to periods of health coverage that began on or after February 17, 2009 and lasts for up to 15 months.

What is COBRA?

COBRA gives workers and their families who lose their health benefits the right to purchase group health coverage provided by the plan under certain circumstances.

If the employer continues to offer a group health plan, the employee and his/her family can retain their group health coverage for up to 18 months by paying group rates. The COBRA premium may be higher than what the individual was paying while employed but generally the cost is lower than that for private, individual health insurance coverage.

The plan administrator must notify affected employees of their right to elect COBRA. The employee and his/her family each have 60 days to elect the COBRA coverage; otherwise, they lose all rights to COBRA benefits.

COBRA generally does not apply to plans sponsored by employers with fewer than 20 employees. Many States have similar requirements for insurance companies that provide coverage to small employers. The premium reduction is available for insurers covered by these State laws.

Changes Regarding COBRA Continuation Coverage Under ARRA, as amended by the 2010 DOD Act

The 2010 DOD Act extended the COBRA premium reduction eligibility period for two months until February 28, 2010 and increased the maximum period for receiving the subsidy for an additional six months (from nine to 15 months).

In addition, individuals who had reached the end of the reduced premium period before the legislation extended it to 15 months will have an extension of their grace period to pay the reduced premium. To continue their coverage they must pay the 35 percent of premium costs by February 17, 2010, or, if later, 30 days after notice of the extension is provided by their plan administrator.

Individuals who lost their subsidy and paid the full 100 percent premium in December 2009 should contact their plan administrator or employer sponsoring the plan to discuss a credit for future months of coverage or a reimbursement of the overpayment.

Eligibility for the Premium Reduction:

The premium reduction for COBRA continuation coverage is available to "assistance eligible individuals".

An "assistance eligible individual" is the employee or a member of his/her family who:

- has a qualifying event for continuation coverage under COBRA or a State law that provides comparable continuation coverage (for example, so-called "mini-COBRA" laws) that is the employee's involuntary termination at any point from September 1, 2008 through February 28, 2010; and
- elects COBRA coverage timely.

Those who are eligible for other group health coverage (such as a spouse's plan) or Medicare are not eligible for the premium reduction. There is no premium reduction for premiums paid for periods of coverage that began prior to February 17, 2009.

Assistance eligible individuals who pay 35% of their COBRA premium are treated as having paid the full amount. The premium reduction (65% of the full premium) is reimbursable to the employer, insurer or health plan as a credit against certain employment taxes.

Period of Coverage

The premium reduction applies to periods of coverage beginning on or after February 17, 2009. A period of coverage is a month or shorter period for which the plan charges a COBRA premium. The premium reduction for an individual ends upon eligibility for other group coverage (or Medicare), after 15 months of the reduction, or when the maximum period of COBRA coverage ends, whichever occurs first. Individuals paying reduced COBRA premiums must inform their plans if they become eligible for coverage under another group health plan or Medicare.

Notice Requirements

ARRA, as amended, mandates the provision of certain notices. As part of the COBRA election notice, plan administrators must provide information about the premium reduction to all individuals who have COBRA qualifying events from **September 1, 2008 through February 28, 2010**.

Plan administrators must also provide notice about the changes made to the premium reduction provisions of ARRA by the 2010 DOD Act to individuals who have already been provided a COBRA election notice (unless the

election notice included the updated premium reduction information).

- Individuals who are "assistance eligible individuals" must be provided this notice by February 17, 2010;
- Individuals who experience a termination of employment on or after October 31, 2009 and lose health coverage must be provided this notice within the normal timeframes for providing continuation coverage notices; and
- Individuals who are in a "transition period" (a period that begins immediately after the end of the nine months of premium reduction in effect under ARRA before the amendments made by the 2010 DOD Act, as long as those nine months ended before December 19, 2009 and the premium reduction provisions of the 2010 DOD Act would apply due to the extension from nine to 15 months) must be provided this notice within 60 days of the first day of the transition period.

Expedited Review of Denials of Premium Reduction:

Individuals who are denied treatment as assistance eligible individuals and thus are denied eligibility for the premium reduction (whether by their plan, employer or insurer) may request an expedited review of the denial by the U.S. Dept. of Labor. The Department must make a determination within 15 business days of receipt of a completed request for review. The official application form is available at www.dol.gov/COBRA and can be filed online or submitted by fax or mail.

Switching Benefit Options:

If an employer offers additional coverage options to active employees, the employer may (but is not required to) allow assistance eligible individuals to switch the coverage options they had when they became eligible for COBRA. To retain eligibility for the ARRA premium reduction, the different coverage must have the same or lower premiums as the individual's original coverage. The different coverage cannot be coverage that provides only dental, vision, a health flexible spending account, or coverage for treatment that is furnished in an on-site facility maintained by the employer.

Income limits: If an individual's modified adjusted gross income for the tax year in which the premium assistance is received exceeds \$145,000 (or \$290,000 for joint filers), then the amount of the premium reduction during the tax year must be repaid. For taxpayers with adjusted gross income between \$125,000 and \$145,000 (or

\$250,000 and \$290,000 for joint filers), the amount of the premium reduction that must be repaid is reduced proportionately. Individuals may permanently waive the right to premium reduction but may not later obtain the premium reduction if their adjusted gross incomes end up below the limits. If you think that your income may exceed the amounts above, consult your tax preparer or contact the IRS at www.irs.gov.

This fact sheet has been developed by the U.S. Department of Labor, Employee Benefits Security Administration, Washington, DC 20210. It will be made available in alternate formats upon request: Voice phone: 202.693.8664; TTY: 202.501.3911. In addition, the information in this fact sheet constitutes a small entity compliance guide for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

Recruiting & Retention

Let's Hang On To What We've Got...Career Expert Offers 10 Tips For Staff Retention In The New Year

Employers may have a common resolution in mind as the new year approaches: keeping top performers on board. As we begin to come out of a difficult recession, many companies recognize that their most valued employees will be presented with other opportunities.

It's clear that potential employee turnover is a concern for many chief information officers (CIOs) heading into the new year: 43% of 1,400 CIOs recently interviewed for a Robert Half Technology survey said retaining existing workers will be their number-one staffing priority in 2010.

"Technology teams, in particular, are experiencing rising workloads as businesses move forward with projects previously put on hold," said Dave Willmer, executive director of Robert Half Technology. "Employers need to focus on preventing burnout and keeping their best people engaged at work. This may be a challenge, given that staffing cuts and the reduction or elimination of benefits have left many employees feeling overworked and undervalued."

Willmer added that retention efforts will be paramount to curbing turnover, which often can lead to disruptions in workflow due to lengthy

hiring times and new employee training. Companies may have to work at 're-selling' themselves to existing employees in much the same way they would when promoting themselves to prospective hires."

Willmer offers the following 10 tips for retaining your top performers:

- **Re-recruit your best workers.** Talk with employees about what might enhance their job satisfaction and remind them of the unique benefits provided by your company. Emphasize what your firm has to offer, whether it's a great corporate culture, solid financial standing or strong industry reputation.
- **Invest in professional development.** One in five (21%) CIOs polled for the Robert Half Technology survey said they plan to offer more training and professional development for their staff in 2010. Online learning opportunities, mentoring programs and tuition reimbursement are all good options.
- **Provide opportunities for career advancement.** Structure positions so employees can grow their careers without leaving your firm. Offer promotions to workers who have demonstrated they can succeed at the next level.
- **Recognize excellence.** It seems obvious, but a simple "thank you" and public acknowledgement of your staff's contributions will strengthen their loyalty.
- **Communicate regularly with staff.** Maintain an open-door policy year-round. Workers want to hear about company news, in good times and bad.
- **Provide project support.** Employees who have lost coworkers to layoffs are, in many cases, now doubling down. If hiring is not an option, consider bringing in project professionals to help alleviate workloads.
- **Encourage more team-building activities.** No doubt, many companies have cut back on employee perks, but an occasional group activity, such as a trip to the movies or an offsite lunch, can make them feel more appreciated.
- **Consider compensation.** While not all firms can offer employees increased salaries, there may be potential for spot bonuses at the end of a major project or team accomplishment.
- **Promote work/life balance.** Give staff members the option to follow a flexible schedule or telecommute one day a week. It doesn't cost anything to implement these changes and workers will appreciate the leeway.

- **Evaluate workloads.** While every project may seem like a priority, there are likely some that can take a backseat to more pressing matters.

About the Survey

The national survey was developed by Robert Half Technology, a leading provider of IT professionals on a project and full-time basis, and conducted by an independent research firm. The survey is based on more than 1,400 telephone interviews with CIOs from a random sample of U.S. companies with 100 or more employees. In order for the survey to be statistically representative, the sample was stratified by geographic region, industry and number of employees. The results were then weighted to reflect the proper proportions of the number of employees within each region. The margin of error for this study is +/- 2.6 percent at the 95 percent level of confidence.

Source: Robert Half Technology. With more than 100 locations worldwide, Robert Half Technology is a leading provider of technology professionals for initiatives ranging from web development and multiplatform systems integration to network security and technical support. Robert Half Technology offers online job search services at www.rht.com.



The Regional Internship Center is collaborating with Penn State Greater Allegheny and Penn State New Kensington February 18, 2010 to host an internship fair!

The Regional Internship Center (RIC) is bringing together internship seekers and employers to allow employers to outreach on behalf of their companies and recruit candidates for their internship opportunities.

Penn State Greater Allegheny Internship Fair
When: February 18, 2010
Time: 11 am - 2 pm
Where: Penn State Greater Allegheny
4000 University Drive
McKeesport, PA 15132
Cost: \$30

Lunch will be provided!

Please email or mail the registration form to the RIC by February 12, 2010 and feel free to contact us with any questions at 412-258-2678! Make checks payable to Coro Center for Civic Leadership.

From the HR Helpline...

Q. "Should employees be required to sign an acknowledgment form for the employee handbook? What if the employee refuses?"

A. While not required by law, employers should consider requiring employees to sign the employee handbook acknowledgment form. In addition, employers may require employees to sign an acknowledgment whenever an updated handbook is distributed.

Because an employee handbook outlines the policies and guidelines of the company, it is an important part of the employment process for employees. The purpose of a signed acknowledgment is to demonstrate that the employee has not only received the handbook but also understands the information contained within the handbook. Depending on the language in the acknowledgment form, signing this form can also demonstrate that the employee understands the "at-will" statement and that the employee does not have an "employment contract" with the company. Employers that have proof that an employee received a handbook may find that it becomes critical in legal disputes.

An employer cannot force an employee to sign the handbook acknowledgment. However, if an employee refuses to sign a handbook acknowledgment, an employer does have some options. One option would be to have the employee write "I refuse to sign acknowledgment" in his or her own handwriting. Another option would be to have a company representative write "employee refused to sign acknowledgment" and have the company representative and another witness sign the form. If a legal issue arises, the employer then has documentation indicating that the employee was asked to sign the acknowledgment form and was aware of the handbook.

Employers should make every effort to receive signed handbook acknowledgments from all employees when first hired and at any time the handbook is updated.

Source: SHRM Knowledge Center, November 23, 2009.

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<http://www.irs.gov/pub/irs-pdf/fw4.pdf>



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