HUMAN RESOURCES OPERATING MANUAL FOR MANAGERS

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INTRODUCTION

Congratulations for being a leader at Whitts Barbecue. This Human Resources Operations Manual (HR Ops Manual) is intended to help you, as a manager, to handle employee issues, from hiring to firing (an unfortunate fact of life in the HR world). This manual cannot cover every situation that may arise because people can be unpredictable. When in doubt, contact the Human Resources representative for your location.

PRE-EMPLOYMENT PHASE

Job Descriptions

It is extremely difficult to hire the “right” person if you don’t know what you’re looking for. Job descriptions describe the types of tasks to be performed and the skills and experience necessary to do the job. The key tasks are the “essential duties”. Any job applicant who can’t perform the essential duties, with or without a reasonable accommodation, is not “qualified” for the job.

After an up-to-date job description is created you are ready to post the open position.

Posting the Job (Job Ads)

Job ads should include key requirements (“essential duties”) of the job and avoid adjectives that might accidentally screen out applicants in protected classes.

- Examples of words that may screen out applicants: mature, vigorous, energetic, clean record, female/male (unless gender is a requirement of the job).
- Examples of words that are less likely to screen out applicants: friendly, hard-working,

You have many choices of where to post your job ads. The most successful place to post job openings in on the Company’s Facebook page. Another option is Tennessee’s website, www.jobs4tn.gov which is searched by individuals receiving unemployment benefits.

Employment Application

Whatever method used by potentially willing workers it is important to have them complete an employment application. The application will provide a base line for comparing job applicants because it provides the same basic information on each applicant.

Review Job Candidates

Pick a day or a time during the workday when you have time to review the employment applications received from job applicants. Do NOT share the contents of the employment applications with co-workers. Employment applications are confidential and contain personal information (name, address, etc.) of the applicant which should not be shared with your employees.

Employment applications are an opportunity to screen out the individuals who clearly lack the necessary experience or skills that are required to do the job. Please note that this is a judgment call. A person who lacks experience but is highly recommended by someone you trust, like a current employee, should be considered for an interview. The applications of unqualified candidates should be shredded so that the applicants' personal information cannot be stolen out of the garbage.

Applicants with the basic knowledge, skills, and abilities (KSA) to do the essential duties of the job should be interviewed. As noted above, an inexperienced person recommended by a trusted source should also be considered for an interview. After identifying qualified job candidates, begin contacting them to set up job interviews.

Interviewing Job Candidates

Interviews may be conducted via telephone or in-person at the restaurant or Commissary, or virtually using an internet-based service, such as Zoom, Microsoft Teams, or Google Meets.

Interviewing questions must be based on the job requirements. Questions related to an Equal Employment Opportunity "protected class" will be deemed discriminatory unless there is a job-related reason for asking. EEO protected classes include race, color, ethnicity, national origin, sex (gender or sexual orientation) religion, age, or pregnancy.

Don't Ask:

- Are you [Jewish, Muslim, Baptist, Hari Krishna]?
- Do you believe in God?
- Are you planning to start a family?
- Are you disabled?

Do Ask:

- Our restaurant is open on Saturday. If you are hired, will you be able to regularly work on a Saturday?
- If hired, will you be able to routinely work between the hours of 7 am to 8 pm?
- This job requires you to stand during most of an 8-hour shift. If you are hired, will you be able to meet these requirements?
- This job requires you to routinely lift 20 lbs. If you are hired, will you be able to do that?

See Appendix for Sample Interviewing Questions

Background checks – Pre-Offer

After you have interviewed all the likely job candidates, it's time to move to the next stage of the hiring process. Background checks should be completed on job applicants who survive the first cull of applications, meaning the ones with the knowledge, skills, and abilities to do the job.

At a minimum, check each job applicant's personal references. Incomplete or outdated contact information for personal references is a sign of sloppiness or lack of sincerity. Besides, anyone who can't find at least three people, not including their mother, to say nice things about them to a potential employer is probably not going to be a good hire. A lack of friends could be a sign that the person is not easy to get along with and if hired, could upset the rest of your team. Move on to the next candidate.

After you have contacted the personal references of the job candidates you interviewed, set aside the candidates whose personal references couldn't be verified. Now you are ready to take one of the following steps.

Step 1 -

Conduct a second round of interviews with the best qualified candidates and include co-workers in the interview. This second round of interviews is mainly to get a sense of how well the job candidate will fit in with the rest of your team. A second round of interviews may be a good idea if you have two or three stellar job applicants and it's difficult to choose between them. On the other hand, you can ignore your co-workers (you're in charge, after all) and select step 2.

Step 2 -

Make an offer of employment to the selected candidate.

Offer of Employment

The job offer should include the hourly rate/salary amount, a tentative work schedule, and the proposed starting date for the new hire. It is a good idea to put a time limit on the offer. For example, tell the job candidate that if you do not hear from them within [three days/five days/a week, or whatever is appropriate], you will assume the job offer has been rejected.

By putting a time limit on the offer, you will be able to quickly move on to the runner-up job candidate.

Once the job offer is accepted, there may be a short delay in the start date. Job applicants who are currently employed generally need to give at least two weeks-notice that they are resigning. Think of it this way. Job applicants who don't give a two-week notice to their old employer will probably do the same to you some day, so a brief delay in the start date can be a good thing for you.

ON-BOARDING PHASE

After the job candidate accepts your offer of employment, you may want to conduct some additional background checks, depending on the type of job to be done by the new hire. Before beginning these background checks, be sure to obtain a signed consent from the new hire.

See Appendix for the Consent Form (form provided by Sterling Talent Solutions).

Background Checks - Post-Offer

An offer of employment should always be contingent upon the job applicant passing a required background check.

- Dept. of Motor Vehicles (DMV) checks must be completed if the specific job duties require driving company vehicles or driving a personal vehicle on company business. The insurance company providing the commercial auto policy will insist on a DMV check.

If the new hire fails the background check, contact the individual to let them know and briefly explain the issue or problem. Ask the new hire if she or he would like two or three days to clear up the matter. There may be an innocuous reason they failed, such as a typos in the request for a background check or even a case of mistaken identity.

Example:

John Q. Smith applies for a job. When you run a DMV report, you type in John Smith. The report shows 5 DUI's for John P. Smith – not the guy you're trying to hire.

First Day on the Job

First of all, celebrate that the new hire showed up ready to work on the first day. Apparently, "ghosting" (not showing up) is a huge problem. Most of the first day on the job for the new hire will be devoted to completing paperwork required by law.

Verification of Citizenship

The first bit of paperwork that should be completed is verifying the new hire's work status. Federal law requires employers to verify that an individual can legally work in the U.S. Individuals can legally work if they are a U.S. citizen, a legal alien resident (holding a "green card") or have a valid work visa.

Form I-9: This form is provided by the U.S. Citizenship and Immigration Service (USCIS) and must be completed within three (3) days from the hire date.

To access the on-line writable pdf of the I-9 form, go to www.uscis.gov/i-9. Scroll down to "Forms and Document Downloads" and click on the version that says "Form I-9 Basic Version (For printing and use on mobile devices)".

You can fill in the form online and then print it for signatures.

- Enter the employee's information in Section 1 on the first page of the form.
- On the second page in Section 2, the employer's representative must enter the details of the documentation presented by the employee as proof that the employee
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After the information is entered, print a copy of the completed form. The employee must sign the form in the presence of the employer's representative. The completed form must be stored in a confidential "Form I-9" folder as part of the employee's personnel records.

E-Verify: In Tennessee, employers with more than 50 employees must also obtain an e-Verify report on the employee within three (3) days of the date of hire. The e-Verify system is an automated database maintained by the USCIS.

Obtaining an e-Verify report will be handled by Renee Dunlap or a senior manager designated by her.

When a new employee is hired, it is critically important that you contact Renee Dunlap or her designee on the new hire's first day of work and provide the information they need to obtain an e-Verify report. Promptly sending them the required information will ensure that the Company complies with the deadlines for this verification process.

As a hiring manager, your responsibilities for the e-Verify process will be completed at this point. If there are any follow up questions related to this verification process, Renee Dunlap or her designee will work directly with the employee to resolve the issues or questions.

Form W-4

This IRS form must be completed by the new employee showing the employee's number of dependents. Based on the number of dependents entered in the W-4, the payroll processor will be able to withhold the correct amount of federal income tax from each paycheck.

Direct Deposit of Payroll Checks

The new employee must also complete an authorization for direct deposit of their payroll checks. This is a requirement of the payroll vendor that processes payroll for Whitts Barbecue. The new hire will need to provide an unsigned, voided blank check for her/his personal bank account. The voided blank check must be attached to the direct deposit request form.

See Direct Deposit form (form provided by Paychex).

Employee Handbook

Each new employee must also be given a copy of the employee handbook. Allow them a day or two to read (or not read) the handbook. But within one week of the date of hire, they must sign and return the Acknowledgement form, acknowledging that they received a copy, have read it, and agree to be bound by its terms and conditions.

The Acknowledgement form is at the back of each copy of the handbook.

State Reporting Requirements

There is one final step to be taken with the on-boarding paperwork. That is to notify the State of Tennessee Department of Labor and Workforce Development that Whitts Barbecue has a new employee.

To comply with this legal requirement, go to the website: https://tnnewhire.gov and follow the prompts to enter the information about the new hire. The new hire must be reported within 20 days of the date of hire.

Paychex handles this new hire reporting as part of their payroll services for Whitts Barbecue.

ON-GOING EMPLOYMENT PHASE

Orientation of the New Employee

After all the on-boarding paperwork is completed with the new hire on the first day of work, the employee will need a little help getting adjusted to the workplace. First, of all, introduce the new employee to her/his co-workers.

Then take the new employee on a tour of the restaurant so they become familiar with the layout. This is also a good time to point out the area where the new employee will work. Remind them again of what their key job duties are.

Consider assigning a current employee as a “mentor” to show the new employee how things are done. Showing a new employee how things are done includes basic training on any equipment the employee will be using. It also means demonstrating how routine procedures are done, from wiping up spills to cleaning tables to working the cash register. It includes communicating the unwritten rules of the workplace, like how employees interact with each other and with customers.

Mentors should be chosen with care. They should be out-going, friendly and willing to help others. They must be tolerant of mistakes and patient in helping the new employee learn new processes and equipment operation. It should be someone who remembers their own struggles when they were new on the job.

New employees are much more likely to stay if they receive training support and are assisted with integrating into the workplace.

Performance Issues

Of course, people are people and that means conflicts and problems will arise on the job. This is the reason that you gave the new employee a copy of the Employee Handbook and had them sign the Acknowledgement form. Whether or not they took the time to read the handbook, they are bound by it.

Employees often fail to live up to the expectations set in the Employee Handbook. Many of these lapses are minor and you should be able to easily correct the problem with counseling. However, one performance lapse can have severe legal repercussions.

Timesheets. Employees must accurately report the hours they work on their timesheet. This is especially important for hourly workers who are owed overtime pay if they work more than 40 hours in a workweek. To avoid negative attention from federal or state authorities, it's important to stress to employees that they must accurately report their working hours on their timesheet.

Another serious no-no is allowing co-workers to sign in or sign out for each other. It's a red flag that an employee is not accurately reporting their attendance. Clocking in or out for another employee is a violation of federal law.

Violations of company policies. Employees are expected to comply with all the policies set out in the Employee Handbook. However, people are people and drama in the workplace happens all the time. This is where you earn your stripes as a manager and learn patience.

Serious errors in judgment related to bullying, harassment, and less than civil behavior toward co-workers or (worse) patrons needs to be nipped in the bud. You may not be aware of these actions immediately because it is unlikely that you will witness the bad behavior personally. That is particularly true if the employee or employees make comments on their personal Facebook page or on Instagram.

Once the matter is brought to your attention, you will need to investigate the matter. If you need assistance, contact the HR representative or the owner of your restaurant for assistance. The goal is to ensure that employees and patrons have a good experience.

Performance counseling. When performance issues arise, review the Employee Handbook for the specific policies with which the employee is not complying. Meet confidentially with the employee to discuss where they need to improve. Be as specific as possible and provide specific examples of what they need to do to meet acceptable levels of performance.

This is an opportunity to coach the employee to help her/him to do better. (If you lose them, you have to go to the hassle of finding a replacement. As a result, turning a mediocre, failing employee into a solid, dependable employee is worth the effort.)

Follow the steps in the Progressive Counseling Policy in the Employee Handbook.

See Appendix for the Progressive Counseling form.

TERMINATION OF EMPLOYMENT

Inevitably employees will leave. Some leave voluntarily for a variety of reasons. Wish them well and, if they give their two weeks-notice, they may be eligible for re-hire.

The difficult situations involve employees who violate the expectations and requirements of employment as set out in the Employee Handbook. If these employees do not respond to progressive counseling, they will most likely need to be fired. Depending on the nature of the offense, an employee may need to be fired immediately. For example, fighting with a co-worker or a customer is grounds for immediate termination.

Assuming the employee does not need to be fired immediately, coordinate with the soon-to-be-former employee to set their last day of employment.

See Appendix for Termination Checklist.

Last Day

On the employee's last day of employment, you should meet confidentially with the employee to obtain any company property they may have, such as keys to the restaurant or a company van. This is also the time to confirm when they will receive their final paycheck.

The employee will need to confirm their residential address so that a W-2 can be mailed to them the following January. They will need the W-2 to pay their personal taxes in the year following the end of their employment.

If the employee was receiving any employee benefits, such as health insurance, the final day's meeting should be used to explain what happens to their coverage after their employment ends. If the employee was enrolled in health insurance, their options include signing up for COBRA coverage, obtaining an individual policy from the Marketplace, or enrolling in their new employer's group health plan.

Before the employee leaves, give her/him a completed copy of the Tennessee Separation Notice (Form LB-0489) signed by a company representative. Keep a copy in the employee's personnel file. This form does not need to be sent to the Tennessee Dept. of Labor and Workforce Development.

Former employees often use the Separation Notice as proof that thy are unemployed when they apply for unemployment benefits. Whitts Barbecue can also refer to the form when contesting the award of unemployment benefits. (Even employees who are fired for cause and who are not eligible for re-hire will probably be awarded unemployment benefits. Just be prepared for this outcome if you contest an unemployment claim.)

See Appendix for TN form LB-0489.

Reporting the Termination

If the employee was receiving any employee benefits, the carrier will need to be notified of the date of termination. This will allow the carrier to follow up with the employee, such as offering COBRA coverage to employees who were on the group health plan. Notifying the carrier will also mean that Whitts Barbecue no longer is required to pay the premium owed for the terminated employee.

You will also need to notify the State of Tennessee when an employee leaves the company.   To do so, go to www.jobs4tn.gov and log into the Whitts Barbecue employer account. Once logged into the employer account, follow the prompts to report the termination of employment.

Questions? Contact your location's HR representative for assistance.

Whitt's Barbecue is a family-run Nashville tradition. Our first location in Nashville opened March 1, 1978 on Antioch Pike. With over 40 years of experience in hickory smoked barbecue we know we do it right. We hope you'll come give us a try for yourself.

Since 1978!

Appendices to Operations Manual

- Employment Application form
- Sample Interviewing Questions
- Consent to Background Check (Sterling form)
- New Hire Checklist
- Progressive Counseling Form
- Termination Checklist
- Separation Notice (Form LB-0489)
- Employee Handbook

Appendices to Operations Manual

- Form I-9
- W-4
- Direct Deposit Authorization form (Paychex form)
- Employee Handbook (Show the new hire where the "employee" copy is stored at the work location.)