

# **New Employee Paperwork Explained – Part 1: The Application**

Ever wondered if you are doing things right, or doing the right things when you hire a new employee? Then this series is for you! Human Resource Consultant Susan Hayes will cover the hiring paperwork including posting the job, the job application, the job offer letter, the I-9 form, the W-4, and the personnel file.



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## **Once you have made the decision...**

...to fill a new or existing position you will post/advertise the job internally and externally. Larger employers usually post open jobs on a bulletin board that is located where current employees, as well as the public, have access. When there are several hundred employees, possibly in several locations it is hard to get the word out that a job is open. However, smaller employers rarely need to post an available

job because the grapevine works very well and word of mouth will spread the news before you have a chance to announce it.

## **What difference does it make if you post a job?**

The main reason you post a job whether you have 10 employees or 200 employees is to be sure you are not inadvertently discriminating against any class of people. A hiring can be defended only if the job was posted and anyone with skills, knowledge and/or background to do the job had a chance to apply. If the job is not posted, there could be a question as to why certain people did not know. Were only males told that the job was open so a female would not get hired?

I've had to defend hirings in areas of race, gender, age and disability. If there is no proof that the job was made available for anyone with skills, knowledge and/or background, and there is no documentation of the decision process, you might find it hard to defend why you hired an applicant. Job postings and advertisements should be kept for a minimum of one year in order to be compliant with the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), and Fair Labor Standards Act (FLSA).

## **What's the best way to advertise a position?**

Depending on the job and your community, you may advertise your position in different ways. Some practices give referral fees to employees who refer people who are hired. Some programs give 1/2 of the referral fee when the new employee passes the 90-day mark and the other half when the new employee reaches one year. Craigslist is one of the most popular places to advertise positions. Depending on the position you may also want to consider:

- Newspaper
- Employment Security Commission
- Community Colleges – post jobs and also ask teachers for recommendations
- Local or state medical manager groups or listservs
- Specialty job boards or publications (nurses, technologists, mid-level providers)
- Social media such as Twitter, LinkedIn and Facebook

## **How should you describe a position in an advertisement?**

My favorite way to give potential applicants as much information as possible so they can decide if they are a fit for the job is to place a small ad on craigslist.com, the newspaper or other media directing applicants to call a job line at your practice. You can assign a voice mail box as the job line and instruct those interested to call and listen to a description of the requirements for the job, the responsibilities of the job and the benefits of the job. Asking applicants to then email or mail a resume or complete an online application will ensure that your applicant can follow directions!

## **Why do I need to use an application?**

While there is no law that states a potential employee has to complete an application, if you are an employer that is covered by the Fair Labor Standards Act (FLSA) there is **certain information that you must collect.**

## **Who is covered by FLSA?**

Any private employer with two employees or more that engages in interstate commerce activities and has an annual business volume of at least \$500,000 is covered by FLSA. Also covered are hospitals, educational institutions and state and federal

public employers. Individual employees who are engaged in interstate commerce activities even if their employer does not gross \$500,000 a year would be covered also. Interstate commerce is the buying and selling of products and services across state borders.

The application is a quick way to get the information in the beginning of the process and have it together in one place if the applicant is hired. The application also helps you to compare information between applicants that has been standardized. Some resumes are crafted to hide shortcomings and those shortcomings will easily appear when an application is completed.

Some people do not have resumes and the application is an easy way to have information about an applicant's educational and work background in one place with a signature to verify the information. It can also provide legal information to refer to in the future. For instance, if an employee puts on an application that he/she can work any day of the week and then when asked to work on Sunday, claims that he/she cannot, you can go to the application and find the claim in writing.

Most applications no longer require a full social security number. Because the application may pass through many hands, this is one way to protect the applicant's number from inadvertent exposure.

Many employers require even top level position candidates to fill out an application so they have documentation of experience and education. Applicants will need to provide details and dates of past employment and education, as well as detailed information on licenses, credentials and certifications. If the application is completed online, this application information may automatically download to a human resources program, saving the employer time and money.


It's important for the job application to be complete and

accurate. The information that you will independently verify is: Name, Address, City, State, Zip Code, Phone Number, Eligibility to Work in US, Felony convictions, and if under age, working paper certificate.

Applications should be kept in a confidential place for one year in order to be in compliance with ADA, Rehabilitation Act, and Title VII of the Civil Rights Act. However ADEA requires that applications for those over 40 years of age must be kept for two years. The dilemma is: how do you know the age of the applicant if you cannot ask it on the application? **The answer = keep all applications for two years to be safe.**

Read Part 2 in this series [here](#).

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 **ABOUT THE AUTHOR:** *Susan Hayes' undergraduate degree in Psychology from NC Wesleyan College prepared her to weigh objectivity with compassion. Her Masters in Public Health from The University of North Carolina at Chapel Hill and her background in benefits administration have given her a comprehensive understanding of the complexities and scrutiny imposed on businesses, particularly healthcare businesses. Twenty years as a human resource specialist in the healthcare field means that Ms. Hayes is well-positioned to help a healthcare entity of any size find solutions for human resource issues. She can be contacted at **Susan Hayes, MPH, Hayes Consulting, 910-284-1627, hayesconsulting@embarqmail.com.***