



# Certified Apartment Manager (CAM) Human Resource Management Module

For Certified  
Apartment Property  
Supervisor (CAPS)  
Candidate Reference

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# Human Resource Management

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# Chapter 1

## Employment Laws

### Chapter Overview

**In this chapter** The table below lists the topics in this chapter.

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## Background on Employment Laws

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**What the laws cover**

Employment law covers virtually everything from hiring, terms and conditions of employment, termination, and the post employment relationship.

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**Employer responsibility**

As an employer, it is your responsibility to know and understand all federal, state and local employment laws.

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**Purpose**

Many federal and state laws effect and help shape the entire employment relationship. Understanding what the law requires can help apartment owners, managers and employees develop realistic expectations at the beginning and during the employment relationship and hopefully avoid misunderstandings, conflict and legal entanglement.

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**What is not covered in this material**

Your state and local jurisdictions may also have laws that apply to labor and employment which are not covered in this material.

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## Fair Credit Reporting Act (FCRA)

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**Overview**

Because many on-site employees are required to handle money as well as expensive tools and equipment, such employment responsibilities are a permissible reason for an apartment owner or manager to obtain a consumer report. Employers requiring credit reports must comply with the federal Fair Credit Reporting Act.

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**Who this law covers**

This law covers:

- consumer reports obtained from consumer reporting agencies on applicants and employees, and
  - all employers regardless of size.
- 

**What this law says**

This law requires that employers:

- obtain written notice to, and authorization of the subject of the report, and
  - taking an adverse employment action due to information contained in a consumer report advise the applicant and provide a statement of FCRA rights, and the name and address of the consumer reporting agency that provided the report.
- 

**Who enforces this law**

This law is enforced by the Federal Trade Commission (for Credit Reporting Agencies (CRA), creditors and others, including employers).

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**How to comply**

To comply with this law, follow these guidelines.

- Make job applicants aware that a consumer report will be requested, and they must sign a written authorization agreeing to the credit search.
  - If you reject an employment applicant due to information received from a consumer reporting agency, you must give them written notification, and provide them with a copy of the report, a copy of their rights, and the credit reporting agency contact numbers.
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## Title VII of the Civil Rights Act of 1964, as Amended

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**Who this law covers**

This law covers all employers with at least 15 employees.

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**What this law says**

This law prohibits discriminatory practices because of race, color, religion, sex, or national origin in recruiting, accepting applications, interviewing, hiring, training, reviewing, promoting, and terminating employees. In other words, throughout the entire employment process, you must make sure that similarly situated employees are treated equally.

---

**Who enforces this law**

This law is enforced by the Equal Employment Opportunity Commission (EEOC).

---

**How to comply**

To comply with this law, follow these guidelines.

- In advertisements and job descriptions, avoid words suggesting any preferences with regard to race, sex, religion or national origin. For example, advertise for a “maintenance person” rather than a “maintenance man,” or a “leasing consultant” rather than a “leasing girl” so as not to suggest a preferred sex.
  - Advertise in publications with as wide a circulation base as possible.
  - Make sure that your application form complies with the law. Title VII prohibits either verbal or written questions regarding national origin, religion, sex, children, or other personal data that do not relate to job qualifications. State laws may also restrict allowable questions on application forms.
  - Ensure that job interviews are as uniform as possible by doing the following.
    - o Give each applicant equal time and attention.
    - o Use the same set of questions for each applicant for the same position.
    - o Take notes during the interview to document your hiring decision.
    - o Focus on job-related issues and legitimate business interests during the interview.
    - o Avoid phrasing questions that might imply discrimination such as “Do you plan to have children?” or “Is your husband’s employer likely to transfer him?” Instead, ask “Is there any reason you might not stay with this company for the next few years?” or “What are your career objectives?” or “Where do you see yourself in five years?”
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## Title VII of the Civil Rights Act of 1964, as Amended, Continued

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**What record keeping is required**

No specific recordkeeping is required, however, if records are created, they must be maintained for one (1) year from the creation date or the date of taking personnel action, whichever occurs later. Applicable records regarding hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship must be maintained as well as application forms.

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## The Civil Rights Act of 1991

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**What this law covers**

This law covers all employers with at least 15 employees.

---

**What this law says**

This law says that anyone suing for intentional discrimination based on race, color, sex, religion, national origin, age or disability is allowed to recover compensatory and punitive damages up to \$300,000, based on the size of the employer.

Note: This law is designed to address shortcomings of Title VII of the Civil Rights Act of 1964 as amended.

---

**Who enforces this law**

This law is enforced by the Equal Employment Opportunity Commission.

---

**How to comply**

To comply with this law, follow these guidelines.

- Proceed cautiously with adverse employment actions.
  - Avoid situations where an applicant or employee can assert emotional distress or willful discrimination.
  - Ensure that tests are validated for neutrality and do not create an adverse impact for minorities or females.
- 

**What record keeping is required**

All records must be retained for one year (the same as for Title VII of the Civil Rights Act of 1964).

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## Age Discrimination in Employment Act (ADEA)

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**What this law covers**

This law covers all employers with at least 20 employees.

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**What this law says**

This law prohibits employment discrimination due to the employee or applicant being 40 years or older.

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**Who enforces this law**

This law is enforced by the Equal Employment Opportunity Commission (EEOC).

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**How to comply**

To comply with this law, follow these guidelines.

- In the recruiting, application process, or interviewing of job applicants, do not use questions regarding age, or questions, which would reveal age.
  - Don't advertise for a "recent college graduate," which suggests only young people need apply. State "college degree required" instead.
  - Always consistently consider job performance in performance reviews and promotions.
  - Consider that mature and experienced employees can be valuable assets to your property and company.
- 

**What record keeping is required**

Basic payroll records must be kept for three (3) years from date of action.

Records to be kept for one (1) year include:

- job applications
  - resumes
  - forms of job inquiries, and
  - documentation regarding promotions, demotions, transfers, training selection, layoff, recall, or discharge.
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## Title I of the Americans with Disabilities Act

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**Who the law covers**

This law covers all employers employing at least 15 employees.

---

**What the law says**

This law prohibits employment discrimination against qualified applicants or employees with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position.

---

**Who enforces the law**

This law is enforced by the Equal Employment Opportunity Commission (EEOC).

---

**How to comply**

To comply with this law, follow these guidelines.

- In interviewing and making hiring decisions regarding individuals with disabilities, be careful that your decision is based on the individual's ability to do the job, not on their disability. State the requirements of the specific job and ask the applicant if she or he can satisfy these requirements. You may also ask applicants to describe or demonstrate how they would perform job tasks.
  - Make sure your job descriptions focus on the essential functions so that a person with a disability isn't eliminated from being considered for a job because of an inability to perform a marginal job duty.
  - Avoid questions in job applications and interviews that focus on possible disabilities.
  - Defer medical exams and medical inquiries until after you've made a conditional offer of employment.
  - If a question, inquiry, examination or test screens out someone, the exclusionary criteria must be "job-related and consistent with business necessity".
  - Remember that reasonable accommodations include: making existing facilities readily accessible (if not already, to comply with public accessibility laws), restructuring the job, creating part-time or modified work schedules, modifying equipment, or providing readers or interpreters.
  - If an applicant with a disability is not hired for safety reasons, you must demonstrate that the individual poses a "direct threat" to himself or others. This means that the individual poses a substantial threat to self or others, and that risk cannot be reduced or eliminated through reasonable accommodation.
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## Title I of the Americans with Disabilities Act, Continued

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**What record keeping is required**

Records that document health or medical condition must be maintained in a separate, confidential file from standard employment records. Access must be limited to supervisors, managers, safety workers, workers' compensation administrators and insurance company representatives.

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## Fair Labor Standards Act (FLSA)

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<b>Who the law covers</b>	This law generally covers all employers with at least two employees.
<b>What the law says</b>	This law sets requirements for minimum wage and overtime, plus regulates the employment of child labor.
<b>Who enforces the law</b>	This law is enforced by Enforced by the Wage & Hour Division of the Department of Labor.
<b>How to comply</b>	To comply with this law, follow these guidelines.

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The most common dispute under the FLSA that you may encounter involves overtime. Various exemptions apply to certain jobs, such as domestic helpers, seasonal amusement park employees, farm workers on small farms, and baby sitters. Most site level employees are non exempt and thus entitled to overtime pay. Community managers are likely exceptions and exempt. Most maintenance supervisors and service managers are non exempt and also entitled to overtime pay.

### Exempt Employees

Federal overtime rules do consider some occupations as exempt, including executives, administrative positions with independent judgment and discretion, professionals, or outside salespeople.

An executive has the primary duty of managing the business or part of it, regularly directs the work of at least two full-time employees; has the authority to hire, fire, and promote; and exercises discretion.

An administrative position must exercise independent judgment and discretion and do work in support of an executive-exempt employee and that relates to management policies and general business operations.

A professional employee has a college degree or a graduate degree and does work that requires advanced knowledge in a specialized field of learning, such as doctors, lawyers, teachers, accountants, scientists, computer programmers, and engineers.

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## Fair Labor Standards Act (FLSA), Continued

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**How to comply,  
(continued)**

An outside salesperson is someone who regularly works away from the employer's regular place of business making sales and taking orders. S/he must spend at least 80 percent of his/her time in sales activities, including doing paperwork, making deliveries, and collecting money.

As a general rule, these exempt employees must fit the above definitions and also must be paid on a "salary basis." That means that the employee is not paid on the basis of hours worked, but instead by the pay period. If pay is deducted for an absence from work of less than a day, the person will no longer be considered to be a salaried employee. Usually, our industry has the property supervisors and on-site manager positions defined as exempt, and all other on-site positions defined as hourly. Maintenance supervisors and administrative assistants are also occasionally exempt.

### Non-Exempt (Hourly)

For non-exempt employees, make sure that actual time worked is documented, and that they are paid accordingly. Do not allow overtime to be used as "compensatory time" unless adjustments to work hours are made within the same work week.

In most cases, minimum wage will be less than the prevailing wage for any employment position in the property management industry. The reasonable value of meals, lodging, or merchandise can count toward an employee's wages.

If you hire youths (minimum age of 14) for part-time or summer help, you must follow the federal and state regulations for age and hours, and pay minimum wage. Minors below age 18 may only work 3 hours on school days and no more than 18 hours a week, or 8 hours on non-school days and no more than 40 hours a week.

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## Fair Labor Standards Act (FLSA), Continued

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**What record keeping is required**

Basic employment records must be kept for a minimum of three (3) years, and supplemental records must be kept for at least two years.

The FLSA doesn't address records being kept in two (2) locations, such as the corporate office and the on-site office, but will most likely consider the records used by payroll personnel as the documents subject to record-keeping requirements.

Reference: See Chapter 3 for detailed suggestions regarding on-site record keeping.

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## FLSA Overtime Rules

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**Who the law covers**

Apartment firms with gross annual sales or business volume of at least \$500,000, employ at least two workers and are involved in interstate commerce must comply with the regulations.

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**What the law says**

A U.S. Department of Labor (DOL) regulation has changed the way that covered employers, including apartment firms, calculate overtime pay. The rules, went into effect in August, 2004 and represent the first attempt in 50 years to modernize the FLSA.

The FLSA generally requires that employers pay their employees at least the federal minimum wage of \$5.15 (or more in some states and localities) and one and a half times the employee's regular pay for every hour worked in excess of 40 in a single work week.

Some workers are exempt from those requirements, for example, executive, administrative and professional employees aren't covered. Outside sales personnel, skilled computer workers and highly compensated employees are also exempt from these requirements. Collectively, these workers are "exempt employees." The following table describes the positions that are exempt from these requirements.

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## FLSA Overtime Rules, Continued

**What the law  
says,  
(continued)**

<b>Exemption</b>	<b>Description</b>
Executive	An employee's "primary duty" must involve managing some aspect of the employer's business. Exempt executives do not need to spend all, or even half, of their time on exempt duties. The employee's executive-related "primary duty" must simply be the most important one the employee has.
Administrative	<p>An employee's primary responsibilities must involve "office" work or other non-manual duties that directly relate to the employer's operations or "management policies." The employee must exercise independent judgment on important subjects.</p> <p>To determine if an employee qualifies for this exemption, ask the following questions.</p> <ul style="list-style-type: none"> <li>• Is the type of work performed related to the business's operations or management?</li> <li>• Does the employee's primary duty involve exercising discretion regarding significant issues?</li> </ul>
Professional	An employee's primary duty must be intellectual in nature, require "advanced knowledge" and involve the exercise of discretion and judgment. Advanced knowledge must cover a field of "science or learning" customarily acquired by specialized study. The regulations note that both instruction and work experience may suffice in some cases; however, the professional exemption generally includes jobs in which employees acquire skills through education. Some examples cited by DOL are lawyers, doctors, scientists, teachers, engineers and registered nurses.
Highly-compensated Employees	Workers who earn at least \$100,000 annually, and who are paid on a salary basis, are also exempt from the overtime provisions so long as they primarily perform office work and "customarily and regularly" perform at least one duty of an executive, administrative or professional nature.

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## FLSA Overtime Rules, Continued

### What the law says, (continued)

Note: Employees' job titles do not determine their exempt status; their salary and duties do. Thus, simply adding the word "manager" to employees' titles, for example, does not make them exempt from overtime unless their job duties truly reflect those of an exempt employee.

The table below describes the three tests that are used determine whether an employee is eligible for overtime pay, according to DOL's updated regulations.

Test	Description
Salary (Compensation Level)	Generally, if employees earn less than \$455 per week, or \$23,660 annually, they are eligible for overtime pay even if the worker meets one of the exemptions discussed below. Conversely, if employees earn more than the \$455 per-week threshold, they can be exempt from the FLSA's overtime requirement, but only if the employee also meets the salary basis and duties tests.
Salary Basis Test	Even if an employee earns \$455 per week or more, the employee must also be paid on a salary basis (rather than an hourly rate) and perform the duties of a bona fide exempt executive, administrative or professional worker to be exempt from overtime requirements. In other words, exempt employees generally must receive their full, pre-determined salary for any week in which they work, regardless of the number of days worked or how well they performed.
Duties Tests	There are essentially three duties-related exemptions from overtime requirements: one for executive employees, one for administrative employees and one for professional employees.

The rules include many examples of duties that qualify as executive in nature, including the authority to hire, fire, advance or promote. Even if the employee does not make the final decision on these matters, he or she may qualify as exempt if he or she makes recommendations on such employment issues that carry "particular weight."

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## FLSA Overtime Rules, Continued

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**What the law says,  
(continued)**

Particular weight may be shown even if other employees have greater influence over such matters. That authority may be demonstrated where part of the employee's job is to make those recommendations or suggestions, and by the frequency with which they are sought or relied upon.

Other examples of qualifying responsibilities include control over other employees' wages or hours, directing other employees' work, budget planning and responsibility for legal compliance.

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**Who enforces the law**

This law is enforced by enforced by the Wage & Hour Division of the Department of Labor.

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**How to comply**

Apartment firms and independent rental owners must review their position descriptions and compensation levels carefully to ensure that employees are properly classified and compensated under the updated Fair Labor Standards Act.

Proactively consulting legal counsel and a professional human resources team regarding exempt and non-exempt status will help to avoid costly investigations and litigation in the future.

---

**What record keeping is required**

Independent rental owners who tend to hire fewer employees to perform wide-ranging responsibilities are particularly encouraged to perform regular compliance audits with attention to the tests, as well as other related provisions of the FLSA rules dealing with housing benefits, recordkeeping requirements and properly determining overtime wages.

---

## Equal Pay Act

<b>Who the law covers</b>	This law generally covers all employers with at least two employees.
<b>What the law says</b>	<p>This law requires employers to pay equal wages to male and female employees who are performing similar work of equal skill, effort, and responsibility.</p> <p>This law does allow for differences in pay if the inequality results from a seniority system, a merit system, or a system that measures the quality or quantity of production, or on some factor other than sex.</p>
<b>Who enforces the law</b>	This law is enforced by the Equal Employment Opportunity Commission (EEOC)
<b>How to comply</b>	To comply with this law, make sure that you do not pay an individual more or less because they are or are not “head of household” or because they are male or female.
<b>What record keeping is required</b>	No specific recordkeeping is required, but because the act does focus on a type of discrimination it is suggested that records be maintained under the requirements for Title VII of the Civil Rights Act of 1964, which is one (1) year from date of making the record or taking the personnel action involved, whichever occurs later

## Occupational Safety and Health Act (OSHA)

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**Who the law covers**

This law covers private sector employers with limited exceptions for some requirements.

Reference: See the *Risk Management Reference Guide* for additional information.

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**What the law says**

This law regulates workplace safety and health.

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**Who enforces the law**

This law is enforced by the Occupational Safety and Health Administration.

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**How to comply**OSHA requirements

OSHA requires you to do the following.

- Provide employees a workplace free from recognized hazards to health and safety.
- Comply with the safety and health standards promulgated by OSHA, including:
  - o implementing a safety program daily
  - o practicing the Hazard Communication Standard which requires you to give information to your employees about the hazardous chemicals they may come into contact with or handle.
- For employers with 11 or more employees, maintain a log and summary of all injuries and illnesses, as well as supplemental records detailing the incidents.
- Provide periodic safety training to give employees updated information and ensure that safe work procedures are practiced.
- Report any job related fatality or injury requiring hospitalization of five (5) or more employees to OSHA within 48 hours of the accident.

Suggested guidelines

In addition, to comply with this law, follow these guidelines.

- Conduct periodic inspections of offices, storage facilities, and maintenance shops to make sure they comply with your safety program. They should be clean and organized, and properly maintained.
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## Occupational Safety and Health Act (OSHA), Continued

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**How to comply,  
(continued)**

- Maintain Material Safety Data Sheets (MSDS) in a binder and have them readily accessible to all employees. An MSDS provides pertinent safety and health-related information regarding hazards associated with handling, storage, use, transportation and exposure to a hazardous material, chemical, or substance. The manufacturer and distributor/vendor are responsible for providing you with the MSD sheets of materials, chemicals, or substances that are purchased for your property.
  - Requires that all employees read and understand your safety policies and receive instructions in how to work safely before they start a job.
  - Provide personal protective equipment (PPE) and make sure it is used as standard operating procedure.
- 

**Potential  
consequences  
of failure to  
comply**

The consequences of noncompliance include penalties for violations, which vary depending on the seriousness of the violation. For example, a less serious violation which is unlikely to cause serious harm or death might be fined up to \$1,000. Willful, repeated, or uncorrected violations may cost your company thousands of dollars in penalties.

OSHA looks at several factors to determine penalties, including:

- the seriousness of the hazard
- your history of violations
- whether good faith effort has been made to comply, and
- the size of your company and business.

Note: OSHA may issue citations to employers for failing to adhere to any of the record keeping rules and regulations.

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**What record  
keeping is  
required**

Employers must make all records deemed necessary to enforce OSHA or prevent occupational injuries and illnesses available to the Department of Labor and the Department of Health and Human Services.

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## Occupational Safety and Health Act (OSHA), Continued

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### **What record keeping is required, (continued)**

#### Required records

Employers are required to maintain accurate records of:

- work-related deaths, injuries and illnesses
- employees exposed to potential toxic materials or harmful physical agents which are required to be monitored and measured under the statute, and
- safety training efforts and employees attending the training.

Note: OSHA requires employers to make medical records and records of exposure to toxic substances or harmful physical agents available to current or former employees.

#### Required forms

There are three elements to the OSHA record keeping system.

- The OSHA log (Form No. 200), which classifies injuries and illnesses, notes the outcome of each occurrence, and summarizes occupational injuries and illnesses. Incidents must be recorded within six (6) working days after an injury or illness case.
- The supplementary record (OSHA Form No.101) is to be completed within six (6) days after notification of an illness or injury.
- The annual summary must be prepared at the end of each calendar year and includes a copy of the year's total injuries and illnesses from the log. The summary must be prepared even if there are no injuries or illnesses and recorded in the OSHA Form No. 200 log. The summary must be posted, in a location where employees are certain to view it, no later than February 1<sup>st</sup> of the following year and is to remain in place until March 1<sup>st</sup>.

#### Length of record maintenance

Records are to be maintained at each physical location for a period of five (5) years following the end of the year to which the annual records refer.

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## Employee Retirement Income Security Act (ERISA)

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<b>Who the law covers</b>	This law covers employers whose pension and welfare plans are “qualified” under the federal tax laws.
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<b>What the law says</b>	This law regulates employee pension and welfare benefit plans.
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<b>Who enforces the law</b>	The Secretary of Labor has responsibility to investigate violations and file lawsuits.
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<b>How to comply</b>	<p>To comply with this law, follow these guidelines.</p> <ul style="list-style-type: none"><li>• Know the basics of your company retirement or pension plan.</li><li>• Appoint a plan administrator (someone who is responsible for following through on the law’s requirements).</li><li>• Plan administrators are required to give employees a summary plan description (usually in booklet form) within 90 days after they begin participating in the plan.</li><li>• Know who your plan administrator is so that you can refer eligible employees with questions regarding their pension plans.</li></ul>
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<b>What record keeping is required</b>	Records must be kept for six (6) years supporting the data in Summary Plan Descriptions and related welfare pension reports. The employer keeps these records and the Summary Plan is provided annually to employees or can be obtained from the employer upon request.
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Note: Records needed to determine eligibility for benefits must be retained as long as relevant.

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## Immigration Reform and Control Act (IRCA)

<b>Who the law covers</b>	This law covers all employers with three or more employees.
<b>What the law says</b>	<p>This law:</p> <ul style="list-style-type: none"><li>• prohibits discrimination with regard to hiring, recruiting, or discharging employees based on national origin or citizenship status, and</li><li>• prohibits employers from hiring illegal aliens and requires verification of work eligibility status through the processing of an I-9 form.</li></ul>
<b>Who enforces the law</b>	This law is enforced by the Office of Special Counsel for Immigration-Related Unfair Employee Practices of the Department of Justice and the Immigration and Naturalization Service (INS).
<b>How to comply</b>	<p>To comply with this law, follow these guidelines.</p> <ul style="list-style-type: none"><li>• Do not refuse to hire an individual because you believe they may not have legal employment status. Let the verification process of the I-9 form determine eligibility.</li><li>• Do not ask to see more or different documents than those required for completion of the I-9.</li></ul> <p><u>Caution:</u> It is illegal to refuse to honor documents offered by the employee that appear to be genuine.</p>
<b>What record keeping is required</b>	The I-9 and supporting documents must be completed within 72 hours after hiring. The I-9 form along with copies of supporting identification and work authorization documents must be kept for three (3) years after the employee is hired or one year after termination, whichever is later. Company policy, in compliance with INS requirements, will advise on the verification documents required.

## National Labor Relations Act (NLRA)

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<b>Who the law covers</b>	This law covers all private sector employers that have an impact on interstate commerce.
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<b>What the law says</b>	This law regulates the labor management relationship and prohibits discrimination based on union activity.
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Note: Unionization sometimes begins because employees are dissatisfied with some aspects of their work life. .

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<b>Who enforces the law</b>	This law is enforced by the National Labor Relations Board (NLRB).
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<b>How to comply</b>	To comply with this law, follow these guidelines.
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- If you have employees that are members of a union or participate in union organizing activities, you need to be familiar with the law and/or the collective bargaining agreement specifics. Consult your company Human Resources department or Legal counsel relative to your responsibilities in this regard.
  - You are prohibited from interfering, restraining, or coercing employees in regard to union participation, membership or concerted activities protected by the Act.
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<b>What record keeping is required</b>	No specific recordkeeping is required, however, because this law is a consequence of employer actions, written reprimands or disciplinary action documents might be subject to review in the case of a dispute.
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## Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

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**Who the law covers**

This law covers all employers.

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**What the law says**

This law prohibits employment discrimination because of an employee's or applicant's past, current, or future military obligations. It also requires employers to reinstate employees to their former jobs upon honorable completion of military duty.

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**Who enforces the law**

This law is enforced by the Office of Veterans' Employment and Training Service (VETS) of the Department of Labor.

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**How to comply**

To comply with this law, follow these guidelines.

- If you have an employee who is a member of the “uniformed services” and is called into service, allow an unpaid leave of absence (per the law, may be up to five (5) years).
  - When an employee is honorably discharged, reinstate them into their former position, and allow the time absent to accrue toward seniority, benefits and other provisions of employment.
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**What record keeping is required**

No specific recordkeeping is required, however all employment records that are retained may be subject to review should a claim be filed.

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## Jury Systems Improvement Act

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**Who the law covers**

This law generally covers all employers.

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**What the law says**

This law prohibits an employer from disciplining or discharging an employee because she/he has been called to serve on a federal jury.

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**Who enforces the law**

This law is enforced by the Department of Justice.

Suits may be filed in Federal District Court.

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**How to comply**

To comply with this law, you must grant unpaid leave to employees performing federal jury service and reinstate employees to their jobs when jury service is over.

Note: Although the law addresses federal juries, it may be a good idea to allow unpaid leave for any jury summons because similar laws may exist at the state level.

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## Employment Polygraph Protection Act

<b>Who the law covers</b>	This law covers private sector employers except for security firms, and pharmaceutical manufacturers, distributors, and dispensers.
<b>What the law says</b>	This law prohibits employers from requiring applicants to submit to polygraph examinations. The law does permit polygraph testing of certain employees suspected of involvement in a workplace incident (for example, theft, embezzlement, and so on) that results in economic loss to the employer.
<b>Who enforces the law</b>	This law is enforced by the Secretary of Labor, who may bring court actions and assess civil penalties.
<b>How to comply</b>	<p>To comply with this law, follow these guidelines.</p> <ul style="list-style-type: none"><li>• Do not use polygraphs as a means of pre-employment screening.</li><li>• Carefully evaluate whether the facts allow for an employee polygraph in the event of a workplace incident resulting in an economic loss.</li></ul>
<b>What record keeping is required</b>	<p>A copy of any statement that was provided to employees, relating the specific incident being investigated that resulted in the economic loss to the employer must be retained for three (3) years.</p> <p>Also the basis for testing, records of employer loss, nature of employee's access to person/property being investigated or any other records relating to the incident or testing must be retained for three (3) years.</p>

## Family and Medical Leave Act (FMLA)

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**Who the law covers**

This law covers all employers that employ 50 or more employees at a worksite or at all worksites combined within a 75 mile radius.

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**What the law says**

This law requires employers to grant employees up to 12 weeks of unpaid leave during any 12-month period because of the birth or adoption of a child, because the employee has a serious health condition, or because the employee has to care for a parent, spouse or child with a serious health condition. In addition to a total “time away from work” leave, this act also allows for reduced work hours or days.

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**Who enforces the law**

This law is enforced by the Secretary of Labor with complaints filed with the local office of the Wage and Hour Division of the Department of Labor.

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**How to comply**

To comply with this law, follow these guidelines.

- Ensure that your company has a policy regarding this law that clearly defines the limitations and requirements for the employee and the employer.
  - If health insurance is provided, continue it during the leave, with no extra charges to employees. Premium amounts paid by the employee by deducting from their checks must continue to be paid by the employee, or a payback arrangement may be made.  
Note: Employers are not required to pay employees during the leave period.
  - Reinstatement the employee to the same or equivalent position when she/he returns to work within the 12 weeks of FMLA leave.
  - Display a poster titled “Your Rights Under the Family and Medical Leave Act of 1993” in the workplace and ensure that your employee handbook explains the FMLA.
  - Provide written guidance on employee rights and responsibilities to anyone who requests leave. A booklet called *Compliance Guide to the Family and Medical Leave Act* is available from the Wage and Hour Division of the U.S. Department of Labor.
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*Continued on next page*

## Family and Medical Leave Act (FMLA), Continued

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### **Tips for a company policy**

A company policy should include the following.

- A definition of leave time and whether it is flexible, intermittent, or continuous.
  - Guidelines for advance notice requirements. Many, but not all, reasons for leave will give the employee enough time to allow for a 30-day notice to their employer. Other leave requests, such as medical emergencies will not result in advance notice to the employer.
  - Detail certification or documentation requirements. Employees with a serious health condition should provide certification from their doctor stating date condition started, length of time the condition is likely to last, diagnosis of the condition, treatment prescribed, and whether inpatient treatment is required. The U.S. Department of Labor has an optional form (WH-380 Certification of Physician or Practitioner) for doctors to use in certifying medical conditions under FMLA.
- 

### **What record keeping is required**

Keep the following records on file and available for review for three (3) years:

- payroll data
  - leave documents
  - employer's notices describing leave benefits and policies
  - premium payments
  - records of disputes, and
  - medical records (which must be kept separate).
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## Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), as amended

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**Who the law covers**

This law covers all private sector employers with 20 or more employees (except for churches and synagogues) with a group health plan.

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**What the law says**

This law allows for the extension (for 18 months or 29 months if disabled at the time of the loss of coverage) of group insurance coverage to employees and/or their dependents on a self-pay basis, who would otherwise lose their coverage due to reduced work hours, termination, leave, or any other discontinuation of employment. The ex-employee has 60 days following the notice to elect in writing to continue their coverage.

A 1989 amendment allows coverage for former employees whose medical condition keeps them from immediately getting coverage under a new plan.

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**Who enforces the law**

This law is enforced by the Secretary of Labor, who has the right to investigate complaints, violations, and file a lawsuit.

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**How to comply**

To comply with this law, follow these guidelines.

- Notify the employee of their right to continue coverage, within 14 days from employee separation date.
  - Require a return receipt for all notices, initial and on-going.
  - Collect the ex-employee premium each month.
- Note: If the ex-employee fails to send the payment when due or within the grace period, coverage may be canceled.

Your human resource department, payroll administrator, or insurance company will most likely be responsible for compliance with COBRA.

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**What record keeping is required**

There are no official record-keeping requirements; however, the employer should keep records of the steps taken and letters sent to employees to notify them of their rights to extend health benefit coverage at their own expense.

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## Health Insurance Portability and Accountability Act of 1996 (HIPAA)

<b>Who the law covers</b>	This law covers all employers who provide health coverage.
<b>What the law says</b>	This law provides standards for an employee's new group health plan to limit or exclude pre-existing conditions. Previous employers are required to provide a Certificate of Creditable Coverage, which documents for the new health plan the prior plan's creditable medical coverage. This Certificate of Creditable Coverage will come from the prior health insurance carrier after notification by the former employer of the employee's termination.
<b>Who enforces the law</b>	This law is enforced by the Secretary of Labor, who has the authority to investigate complaints, violations, and file suit.
<b>How to comply</b>	Compliance with this law is more the responsibility of the employer's medical insurance company.
<b>What record keeping is required</b>	The plan administrator for the employer is responsible for providing HIPPA documentation. If you are the designated plan administrator, make sure that you have copies of employee enrollment documents, and any correspondence from/to the insurance company.

## Workers' Compensation

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<b>Who the law covers</b>	This law covers all employees who work at the property.
<b>What the law says</b>	There are many common elements from state to state, but each state has its own insurance system to deal with employee claims originating from workplace injury or illness.
<b>Who enforces the law</b>	This is regulated at the state level and there is no national system. State laws define benefits, compensable injuries, filing claims, etc. State laws define compensable injuries, cash benefit levels, benefit eligibility waiting periods, and filing, contesting and settling claims procedures.
<b>How to comply</b>	Check with your state agencies responsible for workers compensation administration.
<b>What record keeping is required</b>	Check with your state agencies responsible for workers compensation administration.

---

## Federal Posting Requirements

### Location of postings

Many federal labor and employment laws require that notices must be conspicuously located in work locations available to employees. Multiple locations, such as on-site offices, are required to post notices in each office. Employee notices may be posted near time clocks, in designated department locations, or in break rooms.

Note: The notices or postings must not be altered, defaced, or covered by other material.

### State requirements

Individual states may also require the federal and state postings be in more than one language, such as Spanish. Check the requirements in your state.

### Postings

The following table defines the posting that are required by federal law.

Law	Posting
Fair Labor Standards Act	"Your Rights Under The Fair Labor Standards Act"
Title VII of The Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 (ADEA)	"Equal Employment is The Law"  <u>Caution</u> : Failure to post this notice is punishable by a fine up to \$100 for each separate offense.
Employee Polygraph Protection Act	"NOTICE - Employee Polygraph Protection Act".  <u>Caution</u> : Failure to post this notice could result in civil penalties of up to \$10,000.

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## Federal Posting Requirements, Continued

### Postings, (continued)

Law	Posting
OSHA	“Job Safety & Health Protection”
Americans with Disabilities Act of 1990	<p>A notice, which is included in the “Equal Employment is The Law” poster.</p> <p><u>Caution:</u> Failure to post this notice is punishable by a fine of up to \$100 for each separate offense</p>
Family and Medical Leave Act	“Your Rights under the Family and Medical Leave Act of 1993”
Equal Pay Act	<p>A posting, which is included in the “Equal Employment is The Law” poster.</p> <p><u>Caution:</u> Willful violations of the EPA may be prosecuted criminally and the violator fined up to \$10,000. A second conviction for such a violation may result in imprisonment.</p>

### Where to get the posters

All of the federal required posters are available from various Federal agencies, but are also available from human resource product catalogues and many general supply and office supply vendors. The purchased posters are usually laminated.

## Chapter 2

### Compensation and Benefits

#### Chapter Overview

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**In this chapter**     The table below lists the topics in this chapter.

Topic	See Page
Compensation Basics	2
Base Salary	3
Benefits	4
Incentive/Variable Pay	5
Employment, Pay and the Apartment Industry	9
Payroll Processing	10
Employee Records	11

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## Compensation Basics

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### **Total pay package**

Employees typically want to know how compensation is determined, understand what components make up the total pay package, and, in general, learn as much as they can about the company's policies and guidelines.

It is necessary for employees to recognize that compensation is more than just salary or hourly wage. The employer contributes on behalf of the employee for benefit coverage, unemployment insurance, workers compensation, and a variety of other special programs that enhance the total compensation package. Total cash compensation (salary, benefits, incentive/variable pay, recognition and reward programs, and additional benefits) are often targeted to be within a range of benefits provided by other companies employing like personnel.

Example: One company may target that total cash compensation will be in the top 75 percentile meaning that only 25% of other like organizations will pay higher and better.

All employees should understand their total pay situation. An understanding of the total pay package contains two key components:

- an explanation of the various components that are part of your pay, and
  - where to go with questions or to get assistance (most likely your Human Resources operation).
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## Base Salary

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<b>Definition</b>	<p>Your base salary or hourly rate of pay is the first part of your total pay. Often, companies establish base salary levels with pay ranges comparing ranges within the organization as well as other property management companies.</p>
<b>Salary surveys</b>	<p>To determine what other property management companies might pay for comparable jobs, surveys both formal and informal are often conducted. The purpose is to analyze how base salary compares to other companies or in the industry nationwide and to compare how total cash compensation (base salary plus benefits and incentives) compares to national or regional market data.</p> <p>Sometimes, the survey is of peers in your community and in other instances it can be as detailed and widespread as the National Multi Housing Council's annual "Survey Report on National Apartment Management Compensation and Benefits Practices" conducted by Watson Wyatt Data Services.</p> <p>Comparable job matches are determined based on job descriptions rather than job titles since requirements from company to company may vary. Sometimes "benchmark" positions are used which are jobs that are comparable across different companies.</p>
<b>Base salary determination</b>	<p>Base salaries are sometimes targeted at the median (50th percentile), using the salary results. . In other words, 50 % of the base salaries would be higher and 50% would be lower.</p> <p>Base salary determinations are also sometimes divided into ranges within larger property management companies to take into account experience, property size, and performance within the job, for example:</p> <ul style="list-style-type: none"><li>• high quality work performance can move one up the pay scale quickly in some organizations, and</li><li>• knowledge and prior experience with other property management firms may allow base salary to start at higher levels</li></ul> <p>Pay increases based on merit are individual driven in most cases. The employee is evaluated on how well you do your job and how well you meet pre-determined objectives.</p> <p>Newer employees without community manager experience (often, internal promotions) may be paid at the lower end of the salary range.</p>



## Benefits

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**Employer contributions**

An important part of your total pay, and one that is becoming increasingly important, are the contributions made by the company toward the cost of employee benefits.

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**Average cost per employee**

The 2004 data in the 2005 NMHC survey revealed that the average cost of employer-sponsored benefits packages that included the eight most common welfare and retirement benefits now averages more than \$5100 per employee.

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**Impact of medical costs on compensation**

Medical benefit costs continue to be the largest share of the cost of employer-sponsored benefits packages, with double digit or near double digit increases in the past four to five years.

The mix of compensation continues to change as a result. It is estimated that by 2015, health care benefits will be the equivalent of 25% of an employee's wage according to "The American Workplace 2005: The Changing Nature of Employee Benefits" published by the Employment Policy Foundation.

More and more employers are looking to employees to share these cost increases. The size of annual pay increases may be tempered by the need to balance increased benefit costs. The need to control costs competes with the need to attract and retain quality personnel. It is estimated that benefit costs including medical costs (vision, dental, prescription, as well as basic health), contributory retirement programs, employer contributions to Social Security and unemployment programs, life insurance, and short and long term disability options add 30-40% to basic payroll costs; that is a \$1.00 in pay costs the employer a \$1.30 to a \$1.40.

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**Value of benefits**

Benefits remain a significant and important part of the total compensation package and it is vital that the employee understand the value of those benefits provided by an employer and what it means to each individual. Benefit packages should not be ignored when making decisions on where to go to work and whether to change jobs. Base salary alone should not be the issue. Total compensation including benefits should be.

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## Incentive/Variable Pay

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<b>Definition</b>	Incentive or variable pay is pay that varies with individual performance and sometimes with team performance. Most apartment management companies have variable or incentive based pay available to employees at the community level.
<b>Leasing commissions</b>	<p>The most common form of this type of compensation are the leasing commissions paid to on-site leasing personnel for leasing to and moving in new residents. Such compensation is often paid as a percentage based on the rent obtained on the new lease for the term of the lease.</p> <p><u>Example:</u> If a 12 month lease for rent of \$1000 per month is signed and the leasing commission called for in the established program is .1%, then the leasing professional will earn \$120. (\$1000 rent x 12= \$12,000 x .01).</p> <p><u>Note:</u> Variable incentive pay should be for move ins, not leases.</p>
<b>Concessions</b>	<p>Many companies also incorporate any concessions given into the calculation. Selling with concessions will reduce variable pay for leasing professionals under this system of calculation.</p> <p><u>Example:</u> Continuing with the above example, if the resident signed a 12 month at \$1000 per month, but with one month free, the calculation would be \$1000 rent x 11 months, one month free = \$11,000 x .01 = \$110.</p>
<b>Flat rate compensation</b>	<p>Other organizations provide extra compensation for leasing results with flat rates that do not take into account the rent being obtained.</p> <p><u>Example:</u> Some leasing professionals are paid a flat rate of \$25 to \$75 per lease that moves in.</p>
<b>Lease renewal</b>	Lease renewal compensation programs are also part of variable/incentive benefits availability. Most such programs for leasing personnel are tied to renewal leases at rents higher than paid previously on the expiring lease; that is the higher the rent increase on renewal, the higher the commission. Exceptional leasing personnel can often earn big incentives to such an extent that they may make more money than any other employee including possibly the community manager.

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## Incentive/Variable Pay, Continued

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**Team performance**

Team performance goals are often used to promote teamwork, strengthen leasing efforts, or enhance occupancy. If such targets are achieved team bonus payments are provided ranging from cash to paid days off work to company paid outings.

Example: Team performance goals may include fixed numbers of leases or move ins for a month, a quarter, or by a specific date.

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**Incentive programs for community managers**

Although performance evaluation systems may vary greatly, it is common in the apartment management business to provide incentive/variable pay opportunity to community managers to increase their total compensation, based on “pay for performance” concepts that measure property results against budget goals or prior year performance for performance. The following describes these incentive programs.

- Public REIT’s often provide quarterly compensation pay incentives to drive performance based on the standard quarterly reporting requirements for the public markets.
  - Many of these incentive programs are measured strictly on an objective numbers basis result such occupancy goals met or not, expenses within budget or not, etc.
  - Some systems have subjective components allowing community managers to be not totally tied to objective criteria.
  - Other performance evaluation systems may be totally subjective without any required objective measurement criteria.
  - Incentive compensation has another important result in that it can focus site personnel better on customer/resident needs. Some incentive programs find ways to measure resident satisfaction surveys as part of compensation determination.
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**Incentives for maintenance personnel**

More and more apartment management companies are finding ways to reward maintenance personnel with variable/incentive compensation to encourage teamwork and to recognize the major contribution made by maintenance talent to resident satisfaction and resident retention. Merely recognizing maintenance as part of the team has huge impact even if the money is not always major.

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## Incentive/Variable Pay, Continued

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**Incentives for maintenance personnel, (continued)**

Example: Establishing a renewal pool of \$25-\$50 per renewal to be divided quarterly among all the maintenance personnel and providing cash awards for the “perfect” move in meaning no call back for items in the apartment made ready for resident move in. Minor move in damage by the resident is not held against the maintenance technician.

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**Free or discounted housing**

Most apartment management companies provide free housing or housing discounts of some type to their employees and this must be part of the consideration as to total compensation and benefits.

Sometimes, rent free apartments are provided to community managers and/or maintenance supervisors as part of their total compensation package. Obviously, this can add \$8000-\$14,000 annually to compensation package of the employee, depending on the market rent of the unit provided.

Many apartment management companies provide apartment discounts for employees in the range of 10-20% off the current scheduled rent at the time of move in. Sometimes the bigger discount requires that the employee live at the property where they work. Regardless, it remains a benefit that is available to a great many of the employees in the apartment management business.

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**Reward and recognition**

Money alone is not always the major factor when one evaluates total compensation. Survey after survey shows that pay is not the most important factor motivating employees. The 2005 NMHC Compensation and Benefits survey found:

- a 38% turnover for the prior 12 months for nonexempt positions (mainly maintenance and leasing personnel) which was a drop from 48% in the previous year. Approximately 80% of the replacement hires in the industry come from competitors, keeping the average employee turnover rate constantly churning.
- a 17% turnover rate among exempt (community managers and regional supervisory personnel) employees. This compares to 25% in the year prior. Voluntary turnover was higher than involuntary turnover.

The same survey found that the most oft cited reason (36%) why people left their job was a real or perceived lack of career opportunity. Pay was cited as the second most important reason followed by work/life issues.

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## Incentive/Variable Pay, Continued

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**Reward and  
recognition,  
(continued)**

It has often been said that people do not quit their jobs, but rather quit their bosses. Non-monetary rewards and incentives are important employee retention tools. Educational opportunities, mentoring, and other development oriented programs play integral roles as well. The total work experience plays a major part along with compensation and benefits in what employees perceive as the total rewards available to them.

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## Employment, Pay and the Apartment Industry

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### **Economics of rental housing**

Rental housing is a major force in the United States economy. Here are a few facts.

- More than 30% of U.S. households are renter occupied.
  - Rental households in structures with two (2) or more units house over 48 million residents, generating almost \$200 billion in rental revenue.
  - Employment in the apartment industry totaled almost 700,000 jobs in 2004.
  - Employment is predicted to rise almost 2% per year through 2010.
- 

### **Profile of the typical apartment manager**

The typical apartment manager:

- operates an apartment community with 248 apartment homes
- leads a team of six (6) on-site staff
- executes an annual operating budget in excess of \$2 million, and
- maintains a real estate asset valued at more than \$12 million.

## Payroll Processing

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**Legal requirements**

Most states generally require employees be paid weekly, biweekly, semimonthly or monthly. There are no federal requirements, regarding the processing time between a payroll period and the actual payday.

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**Time sheets**

Time sheets are used to track time worked.

Reference: See the Toolbox for a sample Bi-Weekly Time Sheet.

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**Time sheet processing**

Most employers need at least one to several days to gather time sheets, calculate wages to be paid, and prepare and distribute paychecks.

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**Employee notification of payroll periods and pay days**

Make sure your employees understand when the payroll period ends and when they can expect their checks.

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**Vacation, sick, and holiday time**

There is no law that requires employers to provide the benefits of paid vacation, sick or holiday time. Employers have become accustomed to offering these benefits in an effort to competitively attract new employees. Any time away from work should be documented on the employee timesheet.

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## Employee Records

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**General  
employee files**

General employee files should contain:

- hiring information
  - payroll related information
  - authorization(s), agreements
  - performance related records, and
  - correspondence.
- 

**Additional  
records**

Separate files should be maintained for benefit records, sick time records, and any health or medical condition related documents.

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**Confidentiality**

To protect confidentiality, employee files should be kept in a locked filing cabinet in all locations. Privacy of employee records refers to the collection, use, access, dissemination, retention, and confidentiality of all data maintained on employees.

Note: Medical related files should be maintained as confidential documents at all times to comply with ADA, with access for supervisors, first aid personnel and state workers' compensation investigators as permitted by the ADA.

Confidential employee files should contain:

- benefits records
  - sick time taken
  - workers' compensation documents, and
  - correspondence related to health or medical.
- 

**Restricted  
access**

The Human Resource manager has a special responsibility to develop a system, which strictly limits HR employees' access to records other than those for which they have a business need to know.

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*Continued on next page*



## Employee Records, Continued

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**Restricted access,  
(continued)**

Access to employee records should be restricted to:

- HR employees with a business need to know
  - the direct supervisor or departmental manager of an individual employee with a business need to know, and
  - company executives with a business need to know.
- 

**Employee access to their own records**

Access by employees to their own personnel records is governed by state laws, which vary substantially. At least sixteen states have laws, which require employers to grant access to records to employees (and sometimes ex-employees). In at least eight states, the law also gives employees the right to inspect and insert rebuttal information into the file if they feel anything is not accurate.

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**Storage location**

All original employee paperwork should be maintained at the location where payroll checks are generated, usually at a corporate office. Employee records that have documentation regarding employee health should be kept separately from other records in the corporate office, maintained as confidential records, and not be kept on site.

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**Duplicate records**

Whether or not to maintain duplicate employee files usually will depend upon the size of your company. If your company is small and depends upon the on-site manager to maintain attendance, vacation, and other such records, duplicate copies of employee timesheets, the latest payroll change notice, and the latest performance appraisal may need to be maintained in the on-site office. Larger companies that have Human Resource departments and payroll software, that tracks accrued vacation, etc., may not want on-site offices to maintain additional employee files.

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## Chapter 3

### Employee Relations & Staffing

#### Chapter Overview

**In this chapter** The table below lists the topics in this chapter.

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New Hire Orientation	3-36
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## Position Descriptions

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### Overview

The position descriptions listed below reflect the major positions for site personnel and the principal supervisor (regional manager) for community managers/property managers. The annual National Apartment Management Compensation and Benefits Survey, conducted by Watson Wyatt Data Services on behalf of the National Multi Housing Council, uses these position descriptions for data gathering.

Reference: See the *Resource Materials* document, provided to all students for use during and after CAM classes, for full position descriptions.

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### Regional Manager

The Regional Manager is responsible for all operational and financial aspects of an assigned portfolio of properties with 2,400-5,000 units. Portfolio size may range from 2-10 properties depending on size and complexity.

The position directs and coordinates all activities of the properties in their portfolio to ensure that company and/or owner (if applicable) financial and business objectives are achieved.

Results are achieved through successful implementation of comprehensive programs, initiatives and strategies that promote the achievement of optimum performance by the properties within their portfolio.

The position reports to the Vice President - Property Operations. It manages two or more Senior Property Managers and/or Property Managers who supervise on-site personnel. Incumbents may also have responsibility for asset management and have Asset Managers reporting to them.

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### Senior Property Manager

The Senior Property Manager's (SPM) responsibilities are the same as the Property Manager with one exception – the SPM oversees two or more properties.

The SPM is responsible for all operational and financial aspects of each assigned property and meeting company goals in those areas.

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## Position Descriptions, Continued

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**Senior Property Manager,  
(continued)**

Results are achieved by facilitating the optimum performance of each assigned property in areas such as personnel management, leasing, collections, resident services, maintenance, revenue enhancement, capital improvements, information reporting and compliance with all applicable laws and company policies.

The position reports to the Regional Manager - Property Operations and supervises all on-site personnel in the leasing and maintenance areas of each assigned property.

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**Property Manager**

The Property Manager is responsible for all operational and financial aspects of a property with 300-500 units and meeting company goals in those areas.

Results are achieved by facilitating the optimum performance of the property in areas such as personnel management, leasing, collections, resident services, maintenance, revenue enhancement, capital improvements, information reporting and compliance with all applicable laws and company policies.

The position reports to the Regional Manager - Property Operations and supervises all on-site personnel in the leasing and maintenance areas.

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**Assistant Property Manager**

The Assistant Property Manager (APM) is responsible for the efficient operation of the assigned property under the direction of the Property Manager. The APM works closely with the Property Manager in preparation for movement into a Property Manager position. The APM assumes responsibility for the operation of the property in the absence of the Property Manager. On a daily basis, the APM performs the tasks associated with the operation of the property including

- leasing
- collections
- resident services
- maintenance, and
- actions to ensure compliance with all applicable laws and company policies.

The position reports to the Property Manager (or Senior Property Manager, if applicable) and generally has no supervisory responsibilities unless the Property Manager is unavailable or away from the property.

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## Position Descriptions, Continued

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**Leasing Manager**

The Leasing Manager:

- supervises a staff of Senior Leasing Consultants and Leasing Consultants
  - is responsible for developing and implementing a leasing plan to attract new residents and retain current residents, and
  - is accountable for training staff, budgeting, scheduling, and managing all personnel matters regarding hiring, termination, performance reviews, and service issues with residents and clients.
- 

**Leasing Consultant**

The Leasing Consultant's primary responsibility is the performance of all activities related to apartment rentals, move-ins, and lease renewals. The Leasing Consultant

- interacts directly with prospective and current residents to achieve maximum occupancy, including generating and handling traffic, leasing apartments, qualifying prospects, preparing lease documentation, and completing move-in paperwork and procedures
- performs all of the above in accordance with applicable laws and company policies, and
- assists with the company's on-going relationship with the residents throughout their tenancy.

The position may report to the Leasing Manager, the Property Manager or Senior Property Manager and has no supervisory responsibilities.

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**Maintenance Manager**

This maintenance position oversees the efforts of a property with more than 500 units in the areas of inspection, maintenance and repair. This position's time is involved in the direct management of the on-site maintenance staff at each assigned property.

The position is responsible for ensuring that the physical aspects of each assigned property meet the company's established standards and any applicable laws. This is done for safety, appearance and operational efficiency reasons and must fall within the budgeted financial goals.

This position leads the on-site maintenance staff in diagnosis of problems and repair in areas such as HVAC, electrical, plumbing, pool, carpentry, dry walling, exterior structural, and appliance.

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## Position Descriptions, Continued

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### **Maintenance Manager, (continued)**

The position reports to either the Regional Manager - Property Operations or the Property Manager and supervises all on-site personnel in the maintenance area.

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### **Maintenance Technician**

This position functions in a support role to the Maintenance Manager. It is responsible for ensuring that the physical aspects of the property meet the company's established standards and any applicable laws.

The Maintenance Technician diagnoses problems and makes repairs in areas such as HVAC, electrical, plumbing, pool, carpentry, dry walling, exterior structural, and appliance. Incumbents may be certified in one or all of the skilled trades in which they are responsible.

The position reports to the Maintenance Manager and has no supervisory responsibilities.

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### **Make Ready/Main-tenance Assistant**

This position:

- handles service requests for repairs and improvements
  - assists with preparing or prepares vacant apartments for market ready condition
  - performs various non-technical functions such as maintaining exterior lighting, ground equipment repair and preventative maintenance, caulking, touch up painting, pool maintenance, lock repairs, etc.
  - provides assistance to the maintenance staff as needed, and
  - reports to Maintenance Manager.
- 

### **Groundskeeper**

The Groundskeeper is responsible for the overall upkeep of the property landscape and the exterior image. Duties include:

- cleaning of the driveways, parking lots, curbs, dumpster areas, exterior hallways, or any other public areas
- maintaining the property (flowerbeds, plants, and grass areas)
- snow removal, and
- pool cleaning or routine pool maintenance.

The position reports to the Maintenance Manager or Property Manager and has no supervisory responsibilities.

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## Position Descriptions, Continued

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**Painter**

This position is responsible for painting the interior and/or exterior areas of the property. This includes such tasks as:

- assistance with scheduling of make ready units
- preparing of the area to be painted
- painting designated areas
- cleaning up of areas after painting, and
- maintenance of the inventory of painting supplies and equipment.

The position reports to the Maintenance Manager or Property Manager and has no supervisory responsibilities.

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**Housekeeper**

The Housekeeper is responsible for cleaning and maintaining the appearance of property models, vacant units and public access areas including the office and clubhouse, cleaning apartments after move-out and preparing them for new residents.

This position is also responsible for the maintenance of the inventory of cleaning supplies and equipment.

The position reports to the Maintenance Manager or Property Manager and has no supervisory responsibilities.

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## Recruitment

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**Current employees as candidates**

As you begin your search the first place to look is within your own organization. Do you have someone ready for a promotion? Is there an employee at another property owned by your company available to transfer to your community?

Competent, experienced company employees should be given an opportunity to apply for open positions. Some companies achieve this by compiling and posting a list of available positions on a regular basis. This approach improves employee morale, as they do not feel that they will always be in the same job with no possibility of advancement.

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**Current residents as candidates**

Some of the best employees were first apartment residents. Remember to include residents in your overall recruitment program. Send a flyer or keep a constant reminder in your monthly newsletter.

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**Networking**

Quite literally, put the word out to everyone you know. Call other managers in the area and tell them about the job opening. Some apartment associations have job banks or registries for their members. Networking among residents, friends, business employees, company peers and family can produce positive results in your search.

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**Employee referral programs**

By offering employees a recruitment bonus or referral fee, you can involve every employee in your search. Referral programs usually offer a cash bonus from \$100 to \$500. Some companies provide a sliding scale for the bonus based upon the new employee's salary/position or the total number of people referred within a twelve-month period. Bonus payments can be tied to the longevity of the new employee. For example, 25% is paid when the employee is hired, 50% after six months of service and the last 25% after one year of service. Usually, the hiring employee is eliminated as a bonus recipient.

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**Advertising**

Using print media, such as the classified section of the local newspapers and apartment association publications, is a popular method of attracting new employees. The advertisement should be succinct in format and attractive to the reader.

When placing advertising remember to consider using minority, women's and/or neighborhood publications.

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## Recruitment, Continued

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### Advertising, (continued)

Watch for the following when placing the advertisement.

- Never use language that would indicate a preference, limitation or specification for a particular protected class.
- Always use the Equal Employment Opportunity (EEO) abbreviation, logo or the wording “equal opportunity employer” on every ad.
- Avoid using narrow or limited recruitment sources.
- Keep job title sex neutral, e.g. maintenance person rather than maintenance man.

More and more companies are using their internet web page to advertise for new employees. The internet works for you 24 hours a day and there is room for attractive graphics and information about your company, benefits, and job openings.

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### Employment agencies

The following types of employment agencies can be helpful in finding candidates.

- State unemployment agencies are always a source and may be especially beneficial when unemployment is high. This agency is often a good source for unskilled labor.
- Temporary agencies that specialize in apartment employees are common in the industry. The best part about using a temporary employee is the opportunity to know more about the person before making a long-term employment commitment. If you are happy with the person you can usually hire them through the agency. If the person doesn't work out, call the agency for a replacement.
- Employment placement firms (also called executive recruiters) are excellent sources for specialized positions such as property supervisors and management company executives.

Note: Both types of employment agencies handle the recruiting and screening of candidates, and require payment of a fee for a hired candidate, which is usually based on the new employee's salary.

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## Recruitment, Continued

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**Considerations before using an agency**

Ask these questions to help you find a professional temporary or placement agency. Add your own questions to the list.

- Is the agency a member of a professional association for employment agencies?
  - Is the agency a member of your local apartment association and a member of the National Apartment Association?
  - How are candidates screened and tested?
  - How long has the agency been in business in your area?
  - Does the company provide workers' compensation for its temporaries?
  - Are staff members professional, personable and friendly?
  - What is the agency's success record for prior candidates (placement and retention)?
  - Are they genuinely interested in you as a client?
  - What type of guarantee do they offer?
- 

**Unsolicited resumes and applications**

Federal unemployment laws do not require employers to consider unsolicited resumes or applications. If your company does not consider unsolicited resumes or applications, implement a procedure to notify applicants.

Suggestions for notification include:

- posting a notice in the office, and
- placing a statement on your employment application.

The notice should state that you only accept resumes or applications when job vacancies exist.

For example, a postcard that says "Thank-you for your resume.

\_\_\_\_\_ Management Company does not consider unsolicited resumes or applications for positions with our firm. If you desire to apply, you must (describe procedure)." Keep a copy of the notification for your records. You may discard the unsolicited resume or application.

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**Record keeping**

All resumes submitted must be retained for one year after the date received by the company.

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## Employment Application

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**Professional design**

A professionally designed employment application is a critical tool for the hiring process. It must be designed to provide needed information for employers but must not include information that may be considered discriminatory in any way.

Reference: See the Toolbox for a sample Application for Employment.

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**What should an application contain?**

A good application may contain information to legally request the following:

- work history, including salary history, dates of employment for previous positions, names of previous employers
  - education, including names of schools and/or degrees obtained (but not years of attendance/ graduation)
  - whether the applicant meets federal/state minimum working age
  - whether the applicant can perform the essential functions of the job with or without reasonable accommodations
  - whether the applicant uses or has used another name that the employer needs to know to verify work records
  - documentation to verify employment eligibility in the U.S.
  - whether the applicant has any potential conflict of interest, and
  - other information approved/required by state law.
- 

**What cannot be on an application?**

Do not ask any information regarding the following:

- information regarding the applicant's sex, sexual preference, practices or orientation
  - physical details of weight or height, unless a bona fide occupational qualification exists
  - marital/divorce status
  - age, other than if applicant meets minimum state age work requirements
  - attendance or graduation dates at schools
  - if the applicant is pregnant, has children or needs child care arrangements
  - military, reserve or Federal/State Guard status, unless necessary if related to ability to perform the job
  - membership in organizations that might reveal race, ethnicity, sex or religion
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## Employment Application, Continued

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**What cannot be on an application?, (continued)**

- questions regarding health or medical condition
  - religious affiliation
  - U.S. Citizenship or citizenship of another country
  - questions regarding the applicant's opinion about supervisors or co-workers of different races or of the opposite sex, and
  - attitude toward labor organizations.
- 

**Certifications and authorizations by the applicant**

The following are sample applicant certification statements to consider including on the application form.

Note: All are in compliance with federal regulations; however, make sure that they comply with the employment laws for your state.

- I certify that all information provided in this application is true, correct and complete. I understand that any false, misleading, or incomplete information or omissions will disqualify me from further consideration for employment and will result in my dismissal, if discovered at a later date.
  - I authorize the investigation of any or all statements contained in this application. I also authorize, whether listed or not, any person, school, current employer, past employers and organizations to provide information about me that may be useful in making a hiring decision. I release such persons and organizations from any legal liability in making such statements.
  - I understand that I may be asked to take job-related written tests and skill tests (if applicable) for the job for which I am applying. If I refuse to be tested, I understand that I will not be further considered for employment.
  - I understand that illegal use of drugs is prohibited. If I am given a conditional offer of employment, I understand I will be asked to submit to substance abuse testing by a firm that is chosen and paid for by the employer to detect the illegal use of drugs.
  - I understand that if I receive a conditional offer of employment, I may be asked to have a medical exam by a physician that is designated and paid by the employer.
  - I authorize and give consent to the employer to obtain information from all law enforcement and other governmental agencies, military authorities, and private companies concerning my conduct, including traffic and criminal violations.
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## Employment Application, Continued

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### Certifications and authorizations by the applicant, (continued)

- If required by the employer, I agree to produce my driver's license or other government issued identification card to verify my identity.
  - I understand that, should I be employed, employment shall be subject to an entry period of \_\_\_\_\_ days from date of hire. I further understand that completion of the entry period will not result in any employment contract, or employment for any specific term, but that I shall remain employed solely on an at-will basis and that either the company or I may terminate my employment relationship without notice or requirement of cause.
  - I understand that in order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in company offices and facilities is strictly forbidden.
- 

### Employer statements and/or disclaimers

The following are sample applicant disclaimers and authorization paragraphs to consider including on the application form.

Note: All are in compliance with federal regulations; however, make sure that they comply with the employment laws for your state.

- We are an Equal Opportunity Employer and we comply with applicable federal, state and local laws, which prohibit discrimination against qualified applicants and employees.
  - We do not discriminate on the basis of race, color, religion, national origin, sex, age, disability, or any other status protected by law or regulation. It is our intention that all qualified applicants be given equal opportunity and that selection decisions will be based on job-related factors.
  - This application for employment will remain active for \_\_\_\_\_ months from date signed. If not hired within \_\_\_\_\_ months, or if you desire employment in another position, it may be necessary for you to complete another application form in order to receive further consideration.
  - The position for which you are applying requires reliable attendance and dependable performance during work hours.
  - A drug free workplace and an equal opportunity/affirmative action employer (use only if you have an affirmative action plan).
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### Record keeping

All applications submitted must be retained for one year after the date received by the company.

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## Interview Guides

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### Overview

Developing a basic interview guide will help keep the interview process organized and consistent for all applicants. Use the job description and job profile to develop the guide. A separate guide for each job position is optimum. Learning the applicant's strengths and weaknesses is the ultimate goal of the interview.

Reference: See the *Resource Materials* document, provided to all students for use during and after CAM classes, for interview guides and full position descriptions. Use these guides to prepare interview guides for the job positions at your community.

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### Open questions

Questions should be developed that allow the applicant to expand upon the skills and qualities possessed to do the work. Questions should be focused on the following topics.

#### Knowledge and skill ability

- For what tasks in your last job did you have full responsibility?
- Describe equipment with which you have worked.

#### Achievements

- What has been your most satisfying career accomplishment? Why?
- Tell me what you expect your past employers to say when we call for references.

#### Stability

- How would you describe your past record of job stability – good, average, or poor? Why?
- What are the things you look for in a job?

#### Education

- Describe the most important courses or classes you have taken. How have you used what you have learned?

#### Attitude

- If you could have changed things at your last company, what would you have changed? Why?
- Do you prefer to work independently or with others?
- What is the best way to handle problems and complaints that arise on the job?

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## Interview Guides, Continued

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**Open questions,  
(continued)**Interest in the job

- What prompted you to apply for this job?
- What do you feel you will enjoy most (least) about this job?

Expectations

- Describe your job here (responsibilities, title, pay level, etc.) 18 months from now.
- What are the things you hope to gain from this job?

Note: During the hiring process, properly screen job applicants and make sure that you are hiring ready, willing, and able workers who are not looking for an opportunity to take advantage of the system through worker's compensation claims.

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**Review list**

At the end of the guide list major points that you want to remember to emphasize. This would include information such as:

- Information about the company
  - Opportunities within the company
  - Information about the property
-

## How to Conduct an Interview

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**Overview**

The first interview introduces the applicant to the company and helps you discover the skills and knowledge that the applicant will bring to a position with the company. The interview helps you identify the applicant's accomplishments, what was liked and disliked about past experiences, and how they will behave on the job. Your success or failure to conduct good interviews directly relates to your preparation time.

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**ADA rules on accommodations**

To comply with the Americans With Disabilities Act, reasonable accommodations must be made for applicants with a disability that prevents them from participating in the standard application/interview process.

In addition you should be sensitive to the needs of disabled individuals when scheduling and planning interviews. Consider factors such as weather conditions and physical obstacles for applicants who use a wheelchair. The applicant may require extra time for the interview and assistance in transportation and scheduling. Disabled applicants are entitled to reasonable accommodations, not preferential treatment.

Examples:

- It may be necessary to provide a pencil and paper or sign language interpreter to interview a hearing impaired person applying for the position of housekeeper.
  - If your office is upstairs and you are interviewing a person with impaired mobility for the position of bookkeeper, it would be necessary to accommodate the disabled person by conducting the interview downstairs.
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**ADA restrictions on interview questions and medical exams**

The Americans with Disabilities Act restricts the use of medical examinations and inquiries prior to making a conditional job offer to a candidate, and prohibits discrimination on the basis of test results or information provided in response to such tests or inquiries.

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## How to Conduct an Interview, Continued

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### **ADA restrictions on interview questions and medical exams, (continued)**

In the limited circumstances where such exams and inquiries are acceptable after a job offer has been made, maintain information obtained as a result of the exam or inquiry on separate forms and in confidential files apart from personnel records. The documents must be treated as confidential medical records and may not be used to discriminate against an applicant or employee.

Note: The ADA does provide, however, that supervisors, managers, and safety personnel may be informed, if necessary, because of potential emergency treatment or restrictions on work or duties.

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### **Tips for interviewing**

The following suggestions will make interviews more successful.

- Carefully review the job description for the position to be filled. Consider the technical skills and physical requirements as well as the interpersonal skills desired.
  - Study the resumes/applications. Watch for the frequency of job changes, unexplained gaps in employment and reasons for leaving previous jobs. Look for spelling errors and if included, a clear and concise cover letter. In addition, look for promotions that show a pattern of increasing responsibility. As you study the application/resume outline questions or concerns that come to mind.
  - Use the examples found in the *Resource Materials* document, provided to all students for use during and after CAM classes, to develop a job specific interview guide. At the end of the guide list all of the points that you should explain to each applicant. This would include specific information about the company as well as benefits, work requirements, hours, salary and job performance expectations.
  - Use the telephone to schedule interviews and to pre-screen applicants. Telephone screening allows you to make a limited evaluation regarding an individual's potential as an employee. Allow enough time to get to know the applicants and learn some basic information. Ask open ended but qualifying questions such as, "How soon are you available to start to work?" or "Why do you want to change jobs?" Watch for "deal killers". For example, if the applicant requires a higher salary than is allowed by your budget, confirm this is the minimum that will be accepted, explain that your salary level is below the minimum and do not extend an invitation for a personal interview. Be consistent with your questions.
  - Have all pre-hire forms prepared for each applicant. If a skills test is required have the test and/or equipment ready.
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## How to Conduct an Interview, Continued

### Tips for interviewing, (continued)

- The setting should be pleasant and comfortable. This includes a table in a private area to complete required paperwork, good lighting and pens. Remember the location must be accessible to persons with disabilities. If your office is hectic and offers no privacy, conduct the interview in a model or vacant apartment.
- Prepare a filing system for all the applications or resumes that have responded to advertising and other promotional activities. Federal law requires that they must be retained (not necessarily as an active application) for a minimum of one year after the date the application/resume is submitted. An easy way to file such documents is in a tickler file prepared in calendar order. Check the file each month and destroy all applications or resumes from the corresponding month of the previous year. It is acceptable to file applications for all job positions in the same monthly folders.

### Prohibited interview questions

Asking questions on the employment application form about the applicant's national origin, race, color, marital status, sex, age, religion, or disability should be avoided.

For example, most employers do not hire minors, and asking an applicant if he or she is over a minimum acceptable age is appropriate. For age discrimination claims, the federal statute and most state statutes define the protected age group as 40 years of age or older.

The following table describes the questions you cannot ask in an interview, and suggests alternative questions.

Subject	You "May NOT" Ask	You May Ask
Age	How old are you? What is your date of birth?	If hired, can you provide proof of minimum age?
Arrests/ Convictions	Have you ever been arrested?	Have you ever been convicted of a crime?
Birthplace	Where were you born? What country are you from?	If hired, can you provide employment eligibility verification?
Citizenship	Are you a U.S. citizen?	If hired, can you provide employment eligibility verification?

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## How to Conduct an Interview, Continued

### Prohibited interview questions, (continued)

Subject	You “May NOT” Ask	You May Ask
Drugs/Alcohol	Have you ever participated in a drug rehabilitation program?	Are you currently using illegal drugs?
Education	When did you graduate? What year did you graduate?	List of academic, vocational, or professional education.
Height/Weight	How tall are you?	No acceptable questions.
Marital/Family Status	Are you married?	No acceptable questions.
	Do you have any children?	
	How many children do you have?	
	What are the ages of your children?	
	Are you pregnant?	
	Are you single? Divorced? Widowed?	
Military Record	Were you honorably discharged from the military?	Are you a veteran of the Armed Forces?
National Origin/Ancestry	Where were you born? What country are you from?	Fluency in language if it is job related.
Race/Color	What is your ethnicity?	No acceptable questions.
Religion	What church do you attend?	Shift availability. Are you available to work weekends/holidays?
Residence	Do you own or rent? Do you own your home?	Present address.

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## How to Conduct an Interview, Continued

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### Prohibited interview questions, (continued)

Subject	You “May NOT” Ask	You May Ask
Sex (gender)	Are you male or female?	No acceptable questions.
Disability	Do you have a disability?	Can you perform the essential functions of the job with/without reasonable accommodation?
	If so, explain the nature or severity of your disability.	
	Have you filed any claims for workers’ compensation?	
	If so, identify the dates and nature of any workers’ compensation claims you have filed.	
	How did you become disabled?	
	How did you lose your limb?	
	Did the loss of your limb cause impairment?	
	What is your prognosis?	
	How often will you require leave for treatment of your disability?	

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## How to Conduct an Interview, Continued

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### Prohibited interview questions, (continued)

Subject	You “May NOT” Ask	You May Ask
Disability (cont’d)	Have you ever had or been treated for any of the following conditions or diseases (followed by checklist of various conditions & diseases).	Can you perform the essential functions of the job with/without reasonable accommodation?
	Have any of your dependents ever had or been treated for any of the conditions listed above?	
	Please list any conditions or diseases for which you have been treated in the past three years.	
	Have you ever been hospitalized? If so, for what condition?	
	Have you ever been treated by a psychiatrist or a psychologist? If so, for what condition?	
	Have you ever been treated for any mental condition?	
	Is there any health-related reason you may not be able to perform the job for which you are applying?	
	Have you had a major illness in the last five years?	

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## How to Conduct an Interview, Continued

### Prohibited interview questions, (continued)

Subject	You “May NOT” Ask	You May Ask
Disability (cont’d)	How many days were you absent from work because of illness last year?	Can you perform the essential functions of the job with/without reasonable accommodation?
	Do you have any physical or mental defects that preclude you from performing specific kinds of work? If yes, describe such defects and specific work limitations.	
	Do you have any disabilities or impairments that may affect your performance in the position for which you are applying? If so, identify any accommodations that would enable you to perform the job.	
	Are you taking any prescribed drugs?	
	Have you even been treated for drug addiction or alcoholism?	
	Are you involved or have you been involved with an individual who has been diagnosed with the HIV virus?	
	Do you wear contact lenses?	

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## How to Conduct an Interview, Continued

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**Interview  
process**

The table below describes the interview process.

Stage	Description
1	<p><u>Begin the interview.</u></p> <p>At the beginning of the interview, the interviewer should do the following.</p> <ul style="list-style-type: none"><li>• Welcome the applicant to your apartment community.</li><li>• Introduce yourself.</li><li>• Ask the applicant to be seated.</li><li>• Break the ice. Establish an informal conversation to build a rapport with the applicant.</li><li>• Offer coffee or a cold drink.</li><li>• Briefly describe the job.</li><li>• Describe the kind of person (characteristics, skills) you want in the job position.</li><li>• Explain the interview process.</li></ul>

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## How to Conduct an Interview, Continued

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### Interview process, (continued)

Stage	Description
2	<p><u>Gather information.</u></p> <p>The interviewer should keep the following in mind while gathering information from the candidate.</p> <ul style="list-style-type: none"><li>• Use the previously prepared interview guide to aid in asking the relevant questions.</li><li>• Limit your own conversation. Be an excellent listener.</li><li>• Think like the applicant. Understand their point of view.</li><li>• Ask one question at a time.</li><li>• Do not interrupt. Even a long pause does not mean the applicant has finished answering your question.</li><li>• Concentrate on the applicant's responses.</li><li>• Make sure technical questions are pertinent and that you know the correct answers.</li><li>• Use language that the applicant understands.</li><li>• Avoid yes or no questions.</li><li>• Take notes. They will be a valuable source later as you evaluate various job candidates.</li><li>• Observe non-verbal behavior. Watch for body language that is inconsistent with the verbal response to your questions.</li><li>• Look for signs of exaggeration. Beware of attempts to gloss over negative experiences.</li><li>• Avoid using questions that are illegal, inconsistent or unplanned.</li><li>• Be objective. Avoid mental arguments. Do not react to answers that make you uncomfortable.</li><li>• At the conclusion make sure you clearly understand the strengths and weaknesses of the candidate.</li></ul>

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## How to Conduct an Interview, Continued

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### Interview process, (continued)

Stage	Description
3	<p><u>Conclude the interview.</u></p> <p>The interviewer should do the following when concluding the interview.</p> <ul style="list-style-type: none"><li>• Allow the applicant to ask more questions or request further information.</li><li>• Let them know when they can expect to hear from you.</li><li>• Thank the candidate for the opportunity to meet with them.</li><li>• As with any guest, escort the applicant to the door and issue a friendly farewell message.</li></ul>

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## Pre-employment Testing

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**Overview**

It is common practice in the property management industry to conduct pre-employment tests such as skills tests, honesty tests, aptitude tests, medical tests and drug tests. Every person applying or interviewing for like positions requiring tests should be tested.

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**Skills testing**

Skills tests are legal if they are genuinely related to the job duties to be performed. For example, a senior level maintenance person may be required to pass a written maintenance test. On the other hand, a groundskeeper who occasionally performs light maintenance tasks such as changing a light bulb would not be required to pass such an exam.

Office personnel, who prepare correspondence, write newsletters, prepare leases and other documents may be required to take a brief spelling test. If preparing and making bank deposits, calculating prorated rents and adding fees are required, a simple math test may be administered.

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**Aptitude and honesty testing**

Make sure that all aptitude and honesty tests have been screened scientifically for EEO validity and that they correlate to job performance. Do not include any question that would be deemed discriminatory in any way and/or do not infringe on the applicant's privacy.

Written honesty tests are still legal in some states. Because on-site employees have access to residents apartments it is acceptable to use such an exam if allowed by your state. Evaluate the test for non-discriminatory questions, EEO validity and request documentation establishing the test's accuracy and validation.

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**Medical exams**

The Americans with Disabilities Act requires that medical exams may be conducted only after a conditional offer of employment is made. If you require one person to take a medical exam make sure that all persons in that job position take the same type of exam. The scope of the medical exam can vary for different job titles. In other words, leasing consultants may not be required to have the same medical exam that is required for maintenance personnel.

Note: The ADA requires that medical exam question documentation be maintained in confidential files separate from payroll files.

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## Pre-employment Testing, Continued

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**Medical exams,  
(continued)**

To avoid disability discrimination claims, consistently document all medical inquiries and responses. If you do not hire someone based on the findings of the medical exam, be prepared to document how the medical facts relate to the person's ability to do the work or how the facts demonstrate a direct threat to health and safety that cannot be reasonably accommodated.

To comply with ADA, if you withdraw the conditional offer of employment based on the results of the exam you must document both of the following.

- No reasonable accommodations could be made or all accommodations would cause undue hardship.
  - The decision was job-related and consistent with the necessity of your business; and/or the person was a direct threat to health and safety of himself/herself or others.
- 

**Substance  
abuse testing**

Substance abuse testing, also called drug testing, is allowed in many states. As an employer you have the right to have a drug-free workplace. Drug tests should be administered only after a conditional offer of employment is made. Applicants must be informed in writing, usually on the application, that a drug screen is required. Again, consistency is the key, testing must be required of all employees. Applicants should be given a written copy of the company drug policy and required to sign a consent form prior to submitting to the test.

The Americans with Disabilities Act prohibits discrimination against persons because of a previous drug problem if the person has ceased using drugs and can provide evidence of participation in a drug rehab program.

Pre-employment testing must not discriminate against a member of a protected class. Testing must be consistent for all employees.

Note: Do not rely on the application statement regarding drug testing as consent for the actual drug test.

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## How to Evaluate a Potential Employee

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### Analyze the data

Upon completion of the interview take the necessary time to evaluate the information you have gathered. Think carefully about the applicant's responses to your questions. Be objective. You may like a particular candidate because of their personality or charisma. Consider the job to be accomplished and the skills necessary to be successful in that job.

Dee Hock, the former Chairman of VISA, suggests hiring and promoting criteria in the following order:

- integrity
- motivation
- capacity
- understanding
- knowledge, and
- experience.

He goes on to say “Without integrity, motivation is dangerous; without motivation, capacity is impotent; without capacity, understanding is limited; without understanding knowledge is meaningless; without knowledge, experience is blind.” Experience is not difficult to provide and is put to effective use by people with all the other qualities.

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### Questions to consider

As you review all of the information at hand consider the following:

- How were the applicant's verbal communication skills?
  - Do the applicant's skills match the job requirements?
  - Did the applicant's behavioral characteristics agree with the qualities listed in the position description or job profile?
  - Reflect on the applicant's appearance and over all professionalism. Did they meet your company standards?
  - Did the applicant meet company requirements for education, experience, and technical skills?
- 

### Interview evaluation form

An interview evaluation form is an excellent tool to aid in evaluating job candidates. It focuses on the relevant issues for apartment management employees. Attach the form to the employment application and file. It serves as documentation that all applicants were evaluated on the same criteria.

Reference: See the Toolbox for a sample Interview Evaluation form.

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*Continued on next page*

## How to Evaluate a Potential Employee, Continued

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### Verify references

Keep the following in mind when verifying reference.

Note: If your employment application does not include a statement giving you permission to check all references, prepare a special document. Refer to the statement on an employment application.

- Make sure that when checking references that you are consistent in your inquiries.
- Questions should be related to the skills, attendance, prior performance, job duties, conduct, approach to the job and ability to work with others.
- Check the same number of references for all candidates. It could become an issue of discrimination if, for example, you check more references for a female job candidate that you did on a male candidate for the same job.
- Do not request information that is not pertinent to the job. An example of a non-job related question is “Did the applicant ever file a Workers’ Compensation claim or discrimination suit against your company?”
- Some employers will give no information or very limited information over the telephone. Make it clear that all information is confidential and you are only interested in job related facts. If you emphasize that you are only trying to make an objective and informed hiring decision, you may more easily obtain the information you need. If the previous employer only provides dates and position of employment, document that, then try to obtain a reference from a co-worker, subordinate, or supervisor.
- Remember to respect the privacy of the applicant and do not share information gained from references with other staff members.
- If you intend to conduct a credit report on the applicant, you must comply with the requirements of the federal Fair Credit Reporting Act (FCRA) and any state laws governing background investigations.
- Keep written documentation of every reference called.

References: See the Toolbox for a sample Reference Verification Worksheet and Application for Employment.

---

### Second interviews

If you narrow your selection to one or two candidates, a second and sometimes a third interview should be conducted. In some companies this interview is conducted by or in conjunction with a higher-level manager.

The second interview is also another opportunity to sell your company/property to the applicant.

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*Continued on next page*

## How to Evaluate a Potential Employee, Continued

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**Second interviews, (continued)**

The results of your analysis should be used to plan the second interview. These tools include the:

- employment application
  - skills test(s)
  - maintenance checklist (if applicable)
  - position description
  - job profile
  - interview evaluation form, and
  - reference verification.
- 

**Do not make promises**

Be careful however not to make false, misleading or exaggerated promises or statements. Courts often rule that if you make a promise to an applicant who reasonably relies on that promise, you are obligated to keep it. What you see as an expression of optimism may appear to the applicant as a promise.

Do not say: “If you come to work with our company as a Leasing Consultant, within a year you will probably be promoted to a Manager.”

Instead say: “Our company always tries to promote from within. As a Leasing Consultant you will have an opportunity to apply for any job opportunities as a Manager.”

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**Pre-employment screening agencies**

Screening applicants prior to employment is particularly important in the apartment industry because management companies and owners are subject to lawsuits based on “negligent hiring” or lawsuits claiming damages for violent crimes committed by employees. The claim will be that the criminal act could have been avoided if management had been thorough in prescreening employees.

Earlier in this chapter, employment prescreening tools such as the employment application, skills tests, aptitude and honesty tests, medical exams and drug screens were discussed. Other tools include credit history reports, rental history, criminal history (local, state and federal) and driving record.

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*Continued on next page*

## How to Evaluate a Potential Employee, Continued

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### **Pre-employment screening agencies, (continued)**

It is common industry practice to use a screening firm for pre-employment screening. Fees vary, often based on the turnaround time desired by the potential employer. A good background investigation firm should have several years of experience, excellent references and carry errors and omissions insurance.

These firms can research and provide a report on background information relative to the potential employee including the following.

- Work history. They can inquire from previous employers about the candidate's work skills, honesty, work ethic, punctuality, time off and skill ability.
  - Credit history. These reports show the candidate's credit history. Notification requirements that must be provided to the candidate if employment is denied based on the credit report information.  
Reference: See the subtopic "How to comply" in the topic "Fair Credit Reporting Act (FCRA)" in Chapter 1 for additional information.
  - Public records. Records may not encompass all information desired but can include information about bankruptcies, foreclosures and unpaid judgments.
  - Driving record. If driving is required, driving records including tickets and accidents can be obtained.
  - Rental history. Rental history may be obtained from previous/present landlords.
  - Criminal history. Some screening firms may only have access to local information (try to have your screening firm check the counties/states where the candidate has lived and worked).
  - Personal references. Telephone verification of personal references should be conducted by the agency.
-

## How to Hire an Employee

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**Conditional offer of employment**

A conditional offer is made contingent upon receipt of satisfactory references and results of all company required tests and background checks.

At a meeting with the candidate all details of the offer should be explained. This is the time to thoroughly explain the following information.

- Salary and benefits. Some companies give the candidate an offer letter.
  - Conditions/Contingencies. The offer may be made contingent upon results of certain conditions, for example, drug screen, physical exam, criminal background check, licenses or degree verification.
  - Special Requirements. This includes requirements such as relocation, living on site, travel requirements, on call time, etc.
  - Employment start date. Verify the date employment is to start.
  - Acceptance deadline. If the candidate needs time to make a decision, set a deadline to respond to your offer.
  - Confirmation of Employment-at-Will. An offer letter is not a contract.
- 

**Denial letter**

If you deny an applicant due to the results of a poor credit report, you are required by law to send the applicant written notice.

Reference: See the subtopic “How to comply” in the topic “Fair Credit Reporting Act (FCRA)” in Chapter 1 for additional information.

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**Thank you letters**

It is good business practice to send a thank you letter to all applicants who submit a resume, complete an application or have interviewed for the available position.

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**Paperwork**

The interim period between acceptance of employment and the start date is a good time to start the applicant on filling out the required post-hire paperwork. The applicant can take the new-hire package with him/her and bring back completed on their first day of work to be reviewed with their supervisor.

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*Continued on next page*



## How to Hire an Employee, Continued

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### Checklist

The New Employee Paperwork Checklist may be used as the cover sheet for a New Hire Packet.

Reference: See the Toolbox for a sample New Employee Paperwork Checklist form.

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## Employee Handbook

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<b>Overview</b>	The most crucial document to provide an employee is a well-prepared, current employee handbook.
<b>Purpose</b>	<p>The purpose of the handbook is to communicate:</p> <ul style="list-style-type: none"><li>• company policies and practices</li><li>• company history, mission and philosophy, and</li><li>• employment-at-will status of employee and employer.</li></ul>
<b>Writing style</b>	<p>Follow these guidelines for writing the employee handbook.</p> <ul style="list-style-type: none"><li>• An employee handbook should be written in simple, clear language.</li><li>• It should impart a tone that is friendly yet authoritative.</li><li>• It should be visually attractive and user friendly.</li><li>• It should be easy to use, with a table of contents, a question and answer section, an index, a glossary of company terms, an organizational chart or other items to convey company culture.</li></ul>
<b>Employment-at-will clause</b>	<p>An employment-at-will clause should be included in the employee handbook. It is a disclaimer stating that the handbook is not an employment contract and the employer or employee may terminate employment, at any time, for any reason, with or without cause or notice.</p> <p><u>Reference:</u> See the topic “Background on Termination” in Chapter 6 for additional information.</p>

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*Continued on next page*

## Employee Handbook, Continued

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**Sample outline** Following is a comprehensive list of management issues and policies that may be included in an employee handbook.

- Principles and Practices of Employment
  - o Contract Disclaimer
  - o (Employment-at-Will)
  - o Equal Employment Opportunity statement
  - o Americans with Disability Act statement
  - o Proof of US Citizenship statement
  - o (I-9 Form Compliance)
  - o Fair Housing Policy and Acknowledgement
  - o Ethics Statement
  - o Conflict of Interest
  - o Employment of Relatives
  - o Confidentiality Statement
  - o Recruiting Practices
  - o Grievance Procedures
  - o Rehire Policy
  - o Transfer/Promotion Policy
- Employee Benefits
  - o Insurance Benefits
  - o Benefit Eligibility
  - o COBRA
- Timekeeping and Payroll
  - o Status
  - o Exempt/Non-Exempt
  - o Full or Part Time
  - o Permanent or Temporary
  - o Timekeeping
  - o Overtime
  - o Rest & Meal Periods
  - o Payday Schedules
  - o Pay Procedures

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*Continued on next page*

## Employee Handbook, Continued

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**Sample outline,  
(continued)**

- Absence From Work
    - o Vacation
    - o Holiday
    - o Sick
    - o Personal
    - o Family Medical Leave
    - o Military Leave
    - o Personal Leave
    - o Jury Duty – Witness Duty
    - o Voting Leave
    - o Worker’s Compensation Absence
    - o Bereavement Leave
    - o Civic Activities
  - Employee Conduct
    - o Employee Safety
    - o Harassment Policy & Complaint Procedure
    - o Alcohol & Drug-Free Workplace Policy
    - o Weapon Policy
    - o Smoking Policy
    - o Grooming & Attire (Dress Code)
    - o Use of Bulletin Board
    - o Use of Telephones
    - o Use of Computer Hardware, Software, Internet
    - o Use of Keys
    - o Solicitation and Distribution of Literature
    - o Performance Evaluations
    - o Discipline Procedures
  - Termination Policy and Procedures
    - o Involuntary Termination
    - o Resignation
    - o Severance Pay
    - o Vacation Pay Upon Termination
  - Miscellaneous
    - o Acknowledgement of Receipt of Handbook
    - o Mileage Reimbursement
    - o Travel Reimbursement
    - o Living on Site
    - o Leasing Bonuses
    - o Tuition Assistance
-

## New Hire Orientation

### Purpose

Your objectives are to:

- make the employee feel welcome
- introduce company policies/procedures, and
- establish a positive working relationship for the future.

Time spent now will set the tone of success for the employee, so arrange your schedule so that you have enough time.

### Expected outcome

By the end of the orientation the employee should be totally immersed into the “ins and outs” of the company, the property and acquainted with other team members.

### Scheduling orientation

All new employees should be given an orientation their first day on the job.

### Location

The orientation should be held in a private setting where it will not be interrupted.

### Checklist

A new employee orientation checklist will help you keep in mind all the various subjects to discuss during the orientation meeting.

Reference: See the Toolbox for a sample New Employee Orientation Checklist form.

### Process

The table below describes the orientation process.

Stage	Description
1	<p>The HR representative gives the employee an employee handbook and the employee acknowledges receipt of the handbook by signing the appropriate form.</p> <p><u>Note:</u> An employee handbook is a crucial ingredient in establishing and enforcing employee policies and procedures.</p> <p><u>Reference:</u> See the topic “Employee Handbook” in this chapter for additional information.</p>

*Continued on next page*

## New Hire Orientation, Continued

### Process, (continued)

Stage	Description
2	<p>The HR representative and the employee complete the required paperwork.</p> <ul style="list-style-type: none"> <li>• The HR representative carefully explains each form/document that the employee is required to sign.</li> <li>• The employee completes the necessary employment paperwork.</li> <li>• The HR representative reviews the paperwork carefully to ensure that all has been properly prepared.</li> </ul> <p><u>Note:</u> The employee may have completed the paperwork prior to the orientation, if it was provided.</p> <p><u>Reference:</u> See the topic “Record Keeping” in this chapter for information on the requirements for maintaining paperwork. See the Toolbox for a sample New Hire Paperwork Checklist for a list of the types of paperwork that may be required of a new hire.</p>
3	<p>The HR representative provides pertinent information about the company, including the following topics.</p> <ul style="list-style-type: none"> <li>• Property owner/ownership structure such as a REIT, partnership, single owner, government assisted, etc.</li> <li>• Company philosophy/goals, for example, high-end community with strong commitment to customer service, management of government-assisted communities or middle income residents with focus on value for rent dollar, etc.</li> <li>• Who’s who in the organization? For example, “Mr. Johnson is the president of our company. If he calls for me always try to locate me immediately.” Or, “Daniel Andrews is our asset manager and Jenny Jones is the bookkeeper for our property.” This information is particularly important for leasing personnel, as they are usually responsible for answering the phone. If your company is large, a detailed explanation of the organization chart is helpful.</li> </ul>
4	<p>The HR representative discusses in detail the employee’s job description plus any goals, objectives and job expectations.</p>

*Continued on next page*

## New Hire Orientation, Continued

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**Process, (continued)**

Stage	Description
5	<p>The HR representative discusses any other items, including, but not limited to:</p> <ul style="list-style-type: none"><li>• company benefits</li><li>• pay schedules and recording time worked</li><li>• office hours and scheduled work hours</li><li>• on-call time and/or weekend duties</li><li>• lunch breaks</li><li>• emergency procedures</li><li>• company/property dress code</li><li>• office appearance</li><li>• office etiquette</li><li>• prohibition against workplace harassment</li><li>• reporting requirements</li><li>• performance evaluations</li><li>• key control policies</li><li>• policy on smoking and/or eating in the office</li><li>• company safety standards/policy</li><li>• reporting injuries</li><li>• OSHA requirements</li><li>• use of personal protective equipment, and</li><li>• safety meeting attendance requirements.</li></ul> <p><u>Note:</u> Many of the above items may be included in an Employee Handbook.</p>

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*Continued on next page*

## New Hire Orientation, Continued

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### Process, (continued)

Stage	Description
6	<p>The HR representative introduces the employee to the staff and the physical aspects of the property.</p> <p><u>Reminder:</u> When introducing each staff member, the HR representative also provides a brief description of the staff member's job. For example, "George, this is Judy. Judy is the assistant manager and is responsible for collecting and posting rents. She is also the person in charge of the community when I am out of the office."</p> <p>During the tour, the HR representative discusses particular nuances of the property, including:</p> <ul style="list-style-type: none"><li>• problem areas</li><li>• areas that require special attention</li><li>• location of apartments occupied by disabled residents, and</li><li>• what to focus on during an emergency such as a fire, etc.</li></ul>

### Mentors

Consider assigning another employee to be a mentor as support for the new employee. The mentor can answer questions, teach specific tasks and help the employee grow into a strong member of the property management team.

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## Record Keeping

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**When to compile the documents**

The forms and compiled records are the beginning core of the employee files and should reflect all steps of the pre-hire, hire, and employment process. Once the applicant has accepted the position, you must begin to compile the pre-hire and post-hire paperwork.

Note: The future employee can take the new-hire package with them and bring back completed on their first day of work to be reviewed with their supervisor.

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**Data destruction rules**

Data destruction rules were also enacted as part of FACTA.

Specifically, these rules require firms that use consumer reports or information derived from such reports to take reasonable measures to protect against unauthorized access to such data during disposal. This includes credit reports and scores, employment background checks, and residential records.

Papers that include consumer information may be burned, pulverized or shredded. Electronic media (for example, e-mail and computer files) must be destroyed or erased so that such information cannot be read or reconstructed.

Access to applicant files can be limited and files can be reviewed to ensure that the company's record retention policy has been followed.

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**Check your state laws**

The sample forms, policies and acknowledgements included in this book are generic in nature and may not comply with the laws in every state. If you are not sure whether they are appropriate for your company, consult a qualified employment attorney.

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**Pre-employment documents**

Pre-employment documents consist of:

- Notice and Authorization Regarding Consumer Report
  - Job Description Acknowledgement
  - application and resume
  - employment tests and result
  - Interview Evaluation form, and
  - Reference Verification Worksheet.
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*Continued on next page*

## Record Keeping, Continued

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**Pre-employment documents, (continued)**

References: See the Toolbox for a sample Notice and Authorization Regarding Consumer Report, a sample Application for Employment, and a sample Reference Verification Worksheet. See Chapter 3 for short form position descriptions with accompanying acknowledgements. See the *Resource Materials* document, provided to all students for use during and after CAM classes, for full position descriptions.

---

**Employment documents**

The employee should complete new hire forms either just prior to the first day of work or on the morning of the first day. These are generally compiled into a package commonly referred to as the “new hire packet,” which includes the following documentation.

- Employee Change Form
- W-4 Forms, Federal and State (if applicable)
- I-9 Form (must be completed in the presence of the verifying company representative, usually the manager)
- Workers’ Compensation form
- State-required Forms, and
- Employee Policy/Benefit Documents

Reference: See the Toolbox for sample forms.

---

**Employee Change form**

The Employee Change form is the document that informs the payroll administrator as to the new employee’s basic information, job title, job location, rate of pay, start date, temporary or permanent, full-time or part-time, and all other pertinent data that is needed to enter the new employee on payroll and generate a payroll check.

Many companies have one form that communicates a new hire, a payroll change such as promotion, rate increase, transfer, leave of absence, and termination to the payroll administrator. Other companies use a separate form for each action. If you do have separate forms, it might be a good idea to color code the forms to avoid confusion.

Reference: See the Toolbox for a sample Employee Change form.

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*Continued on next page*

## Record Keeping, Continued

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**W-4 form**

The Federal Form W-4 must be completed by the employee for the employer to withhold the correct amount of Federal income tax. Because the form date changes from year to year, it has not been included in this material. A current form may be downloaded from [www.irs.gov](http://www.irs.gov). Further, each state has a similar form for use in withholding for state income tax purposes where there is state income tax.

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**I-9 form**

The Form I-9 was developed for verifying that persons are eligible to work in the United States to comply with the Immigration Reform and Control Act. The form has two purposes:

- verify identity, and
- employment eligibility.

When you hire any person to perform labor or services in return for wages or other remuneration you and the employee must complete the Form I-9. This requirement applies to everyone hired after November 6, 1986.

It will be necessary for you to re-verify employment eligibility for current employees if their original Form I-9 work-authorization document date has expired. You may use Section 3 of the Form I-9 or, if Section 3 has already been used for a previous re-verification or update, use a new Form I-9.

If you use a new form, you should write the employee's name in Section 1, complete Section 3, and retain the new form with the original. The employee must present a document that shows either an extension of the employee's initial employment authorization or new work authorization. If the employee cannot provide you with proof of current work authorization, you cannot continue to employ that person.

The Form I-9 is available for downloading at [www.usdoj.gov](http://www.usdoj.gov).

Reference: See *Handbook for Employers – Instruction for Completing Form I-9* (from the Department of Justice – Immigration & Naturalization Service, form M-274). This handbook, which can be ordered online, provides details and examples for each of the accepted documents for identity verification and employment eligibility.

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## Record Keeping, Continued

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**Workers' compensation notice**

Many companies may not have a new hire document for workers' compensation. Each state has its own workers' compensation statute and the details vary from state to state. In fact, some states don't require that employers provide workers' compensation insurance for their employees, in which case an acknowledgement should be signed. Other states allow an employer to self-insure. Several states also allow for employers to choose between the state fund or a private insurer.

If your state does not require workers' compensation insurance or a private plan of some type, and your company does not provide coverage, you must notify your employees and they must sign the notice. Remember, this is to be used only if your company does not carry workers' compensation insurance.

Reference: See the Toolbox for a sample Notice and Acknowledgement of No Workers' Compensation Insurance notice.

---

**Employee Equipment and Supplies Agreement**

The Employee Equipment and Supplies Agreement details the equipment/supplies that each new employee receives and their responsibility for returning when and if employment ends.

Reference: See the Toolbox for a sample Employee Equipment and Supplies Agreement form.

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**Back Support Belt Acknowledgement form**

New maintenance, housekeeping, or grounds keeping employees who may be lifting per their job descriptions sign the Back Support Belt Acknowledgement form. Some companies require all employees to read and sign the agreement in the event that they may be subject to any lifting.

Reference: See the Toolbox for a sample Back Support Belt Acknowledgement form.

---

**Proof of Automobile Liability Coverage form**

In the event that your uninsured maintenance person accidentally runs into and damages a resident's vehicle while driving from apartment-to-apartment on your property, who do you think the resident will hold accountable?

Employees who make bank deposits, shop for office, hospitality, or maintenance supplies, transport other employees or residents, or simply drive within your property should be driving with a current driver's license and liability insurance.

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*Continued on next page*

## Record Keeping, Continued

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**Proof of Automobile Liability Coverage form, (continued)**

This form requires that they comply with the law, and also may protect your company and property from any recourse due to an accident that an employee may have resulting in injury to persons and/or damage to property. The form also documents that the employee has a valid driver's license. Each new employee should sign the form.

Reference: See the Toolbox for a sample Employee General Information and Proof of Automobile Liability Coverage form.

---

**Acknowledgement of Employee Fair Housing Compliance form**

This form should be signed by all new employees acknowledging that they have read your company fair housing policy, understand it, and agree to follow it.

Reference: See the Toolbox for a sample Acknowledgement of Employee Fair Housing Compliance form.

---

**Harassment policy**

It is a good idea in today's work environment to have a harassment policy and acknowledgement signed by all new employees.

Reference: See the Toolbox for sample Sexual and Other Unlawful Harassment Policy, Acknowledgement of Harassment Policy, and Acknowledgement of Harassment Inservice/Training forms.

---

**Electronic systems policy and acknowledgement**

With most of our properties now using computing and networking resources, it has become necessary to govern and audit use of those resources. Computers and networks can provide access to resources within and outside your company as well as the ability to communicate with other users worldwide.

Such open access is a privilege, and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations and contractual obligations, such as software copyright agreements.

Reference: See the Toolbox for sample Electronic Systems Policy and Acknowledgement Electronic Systems Policy forms.

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*Continued on next page*

## Record Keeping, Continued

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**Substance Abuse Policy and Acknowledgement form**

This policy is a prescription and over-the-counter medications statement. Remember that the Americans with Disabilities Act prohibits discrimination against persons because of a previous drug problem if the person has ceased using drugs and can provide evidence of participation in a drug rehab program.

Reference: See the topic “Substance Abuse” in Chapter 4 for additional information. See the Toolbox for a sample Substance Abuse Policy and Acknowledgement form.

---

**Handbook Acknowledgement Statement**

It is common practice during the new employee orientation to review the company policies and rules included in the Employee Handbook. The new employee then signs a written statement acknowledging:

- receipt of the handbook
- acceptance of responsibility for reading and complying, and
- understanding where to direct questions.

Reference: See the Toolbox for a sample Handbook Acknowledgement Statement.

---

**Employee Lease Agreement Addendum**

All employees living on site should have a lease agreement, which is usually set-up on a month-to-month term. Employees living on site should be subject to the same occupancy rights and restrictions as other residents. Employee occupancy should not be based on a verbal agreement.

If your company and/or property has employees living on site, it is a good idea to have a written agreement in addition to the lease agreement which details in writing the conditions and limitations of their occupancy. When employment ends, this agreement states that the employee and other occupants will vacate within 7-30 days.

Reference: See the Toolbox for a sample Employee Lease Agreement Addendum.

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**Additional forms and policies**

You may have other forms and policies, depending on your state laws and your specific needs.

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## Chapter 4

### Employee Management

#### Chapter Overview

**In this chapter** The table below lists the topics in this chapter.

Topic	See Page
Limiting Employer Liability	4-2
Communication Skills	4-4
Leadership Skills	4-5
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## Limiting Employer Liability

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### Tips on limiting liability

Keep the following in mind to help limit liability.

- Periodically review, re-evaluate, and revise all written company policies, employment applications, employee handbooks, training materials, performance review forms, and any form letters offering or terminating employment.  
Reference: See the topic “Employee Handbook” in Chapter 3 for helpful points on writing an employee handbook.
- Document actions to establish a “paper trail.” Maintain inclusive personnel files regarding hiring, exit interviews, counseling, reprimands, warnings, probationary notices, performance reviews, attendance records, commendations and awards, and any oral reprimands. If you have a file full of problems with an employee, assume that this file may end up in court.
- Periodically train and re-train recruiters, supervisors, managers, interviewers and personnel staff. Make sure they know company policy changes, and what or what not to say, and how to document.
- Establish progressive disciplinary procedures and make sure that they are evenly enforced. Progressive discipline communicates your expectations to the employee and provides written warning of failure to perform consequences. Many potential problems can be resolved before they happen, plus employee morale is higher when they know that they will have an opportunity to improve their performance.
- Make sure that performance reviews are fair, candid, accurate, on time, and comply with company policy. This feedback is the best tool that an employee can have for improving performance and providing a plan for future action.
- Employees should be required to read and acknowledge that they understand, sign, and date crucial employment documents.
- Consistently apply all company policies. Even-handed enforcement provides a basic comfort level for all employees because they know that they will not be treated differently.
- A confidential and effective internal problem solving or grievance procedure should be in place and should be well publicized to all employees, especially managers and supervisors. Due to the importance of this issue more information is provided later in this chapter.

### When to seek legal advice

It is much better to be pro-active rather than reactive. Start now by establishing a relationship with an employment attorney before there is a complaint or problem.

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## Limiting Employer Liability, Continued

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**When to seek  
legal advice,  
(continued)**

Consulting with an attorney before taking an adverse employment action can assist the organization in formulating lawful policies and procedures, confirming that proposed actions do not violate employment laws, and minimizing liability exposure.

Consult with attorneys who specialize in representing management for employment issues. Check with the local or state bar association for a list of such specialists, or talk with another management company that uses an attorney for employment advice.

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## Communication Skills

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**Overview**

Effective communication is key to your success. As the leader of your community, your communication skills will set the example for your staff.

---

**Written communication**

Your written communication represents you and the professional image of your company. Communication through letters, memos, and reports will be a large part of the supervisor's responsibility.

Keep the following in mind for written communications.

- Choose your audience and write as if you were speaking to them.
  - Organize your thoughts and words.
  - Get right to the point.
  - Write easily understood sentences with simple words.
  - Make it clear how you want the reader to respond.
  - Review what you have written for clarity and proof for errors.
- 

**Verbal communication**

Verbal communication is important when leading people. You should speak directly and clearly about the goals you have set when correcting or complimenting a member of your staff.

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**Listening skills**

Listening skills enable the property supervisor to let the speaker's message, including intent and attitudes, filter through. This helps in determining if the speaker has any unstated needs.

Some good listening tips include the following.

- Pay attention.
  - Do not daydream.
  - Avoid reacting to emotional words.
  - Avoid interrupting the speaker, if possible.
  - Keep listening even if the topic does not interest you.
  - Do not be distracted by the speaker's delivery or appearance.
  - Avoid jumping to conclusions.
  - Avoid planning your response when you should be listening.
  - Repeat what you heard to assure accurate understanding.
  - Take notes of important points.
-

## Leadership Skills

---

**Definition**

Leadership is the ability to influence others. Peter Drucker, the noted management expert and author, says effective executives:

- ask what needs to be done
  - ask what's right for the organization
  - develop action plans
  - take responsibility for decisions
  - take responsibility for communicating
  - focus on opportunities, not problems
  - run productive meetings, and
  - think and say “we”, not “I”.
- 

**Purpose**

Understanding others is the best way to help yourself, as well as others, reach personal and professional goals. Successful leaders have developed skills along the way to help them achieve their goals. Leadership requires energy, a great deal of mental and emotional effort. Effective leaders, according to Dr. John C. Maxwell, foster relationships with people who stimulate their thinking, make them laugh, and encourage and inspire them. The leadership skills we will be discussing are management, managing stress and ethical behavior.

---

**Management skills**

In your role as supervisor, you will be responsible for resolving conflicts, problem solving, setting goals and helping your staff reach them. It is your responsibility to keep your staff productive, maintain optimal working conditions and use resources in the best way. Managing yourself - your ethics, character, principles, goals, motivation, and conduct are vitally important.

Here are some ideas to use in reaching these goals.

- Supervisors should anticipate problems and solve them before they affect productivity. They can do this through:
    - o communication
    - o planning
    - o organizing
    - o control, and
    - o evaluation.
  - Supervisors should learn to assess a situation in both formal and spontaneous ways.
- 

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## Leadership Skills, Continued

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### **Management skills, (continued)**

- Supervisors should subscribe to a local or regional business publication so that they have a sense of the business trends in the areas for which they are responsible.
  - Supervisors should develop a full range of skills and provide on-going training for the staff.
  - In our industry, the income is generated at the site level. Be on site regularly, examining operations, affirming site personnel, correcting the course as needed, looking at the product and the market, providing feedback, setting goals, listening and answering questions.
- 

### **Managing stress**

A supervisor's role can be very stressful because of time and energy demands. Here are some stress-reducing tips.

- Do not live on any of the properties you supervise.
  - Avoid hiring people who will have a negative effect on the goals. Negative people destroy morale, anger residents, cause turmoil, and frustrate other employees
  - Have friends outside the industry so you can get away from talking business.
  - Have a hobby that helps you forget about work.
  - Regular exercise reduces stress.
  - Get yearly physical exams.
  - Get plenty of sleep.
- 

### **Ethical behavior**

The property supervisor must follow specific rules of conduct and understand their fiduciary responsibility to the owner. This means the property supervisor holds the owner's assets in trust and it would be illegal to misappropriate money for personal gain.

Here are some tips for ethical behavior.

- Do not make secret income at the expense of the owner.
  - Keep the owner informed of all material facts.
  - Even when you disagree with the owner, you must obey lawful instructions.
  - In the case of an emergency, you must act in the owner's interest.
  - You must act in the owner's interest and not your own.
  - Do not gossip internally or externally with company employees, peers or residents.
-

## Delegation

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**Overview** Delegation is more than simply scheduling work. It is an important ingredient in the overall process of employee supervision. Should you fail to delegate properly, your efforts will be wasted and you will lead a team of disorganized employees.

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**Purpose** When you delegate properly, you are:

- helping employees grow in their jobs, and
- organizing and using your resources in the best way to accomplish the objectives for your community.

---

**Definition** When you delegate you pass your authority to do a specific task to an employee. You then hold that person accountable for the completion of the task.

---

**Signs of poor delegation** Signs of poor delegation include:

- high employee turnover
- missed deadlines
- unclear lines of authority
- conflicts between employees
- poor time management of yourself and your employees
- constant need for crisis management, and
- no time for outside activities.

---

**Tips on effective delegation** To delegate effectively, keep the following in mind.

- Select the right person for the right job. Consider the demands of the task and the interests, skills and goals of your employees. Employees will enjoy their work more where they have the talent, knowledge, and skill to excel. People enjoy their work more when they perform well.
- Take a look at past performance. Employees who have met or exceeded your expectations in the past may be ready for additional responsibility.
- Spread delegated work to as many of your employees as possible. Avoid delegating work to new employees until they have the opportunity to settle into their job and learn their immediate responsibilities.

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## Delegation, Continued

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### Five components of effective delegation

There are five main components to effective delegation.

- Determine the task to be delegated. Identify the primary purpose and goals of the task. Make sure the goals are measurable, clear and realistic. Develop the standard of performance used to measure results. Outline and explain the goals of the task and the steps required for completion.
  - Keep the lines of communication open between you and the person handling the task. Give employees honest feedback and solicit their questions and comments. Involve them in the process. Employees will support better what they help create. Provide praise and encouragement while completing the task.
  - Keep the employee motivated, especially if the task is boring or difficult. The work delegated should be meaningful and employees should feel responsible for the work delegated.
  - Supervise and maintain ultimate control over the task without taking it over. Provide the necessary resources and information for task completion. Anticipate potential problems and advise the employee how to handle them. Address any concerns immediately. Help the employee improve skills through training, monitoring progress and coaching for performance improvement.
  - Evaluate whether or not the goals of the delegated task were met. Also evaluate the employee completing the task to determine if they can handle increased responsibility and authority. Listen to the feedback provided by the employee and ask for suggestions on ways to improve task completion in the future.
-

## Conflict Resolution

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**Overview**

Occasional conflict between employees is inevitable when people work together on a daily basis. Respect the differences in your employees' personalities, deal with conflicts constructively and enjoy the satisfaction of determining the correct solution.

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**Healthy vs unhealthy conflict**

Conflict can be healthy if it causes employees to explore new ideas, test their beliefs or stretch their imagination. It is unhealthy when it is avoided, handled improperly, or results in workplace animosities between employees.

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**Sources of conflict**

Conflict results when employees have:

- different needs, values or objectives
  - different perceptions or motives
  - different expectations, and/or
  - an unwillingness to work through issues or compromise.
- 

**Basic conflict resolution**

The following table describes the basic approaches to resolving conflict between employees.

Approach	Description
avoidance	If the conflict is minor, sometimes it is best ignored. Interference can often cause even more conflict.
accommodate	If a solution can be reached with an easy accommodation, give it a try. It is not always worth risking damage to relationships or causing more conflict.
win/lose	You really are in charge and occasionally you get to win and the employee must lose.
compromising	All parties give a little and a compromise is reached. Often there is more than one way to reach a goal.
problem solving	Open communication can help develop a mutually beneficial solution for all parties.

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## Employee Complaints

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**Manager and supervisor responsibility**

Managers and supervisors should be aware that their duty is to protect the company's best interests, whether in terms of:

- the practical implications of handling employee complaints correctly, or
  - the legal consequences of handling them incorrectly.
- 

**Complaints are opportunities**

When an employee files a complaint, consider their feedback as an opportunity to:

- improve the company
  - prevent the problem from compounding, and
  - keep the consequences to a minimum.
- 

**What to do when an employee files a complaint**

Do the following when an employee files a complaint.

- Take complaints seriously.
  - Conduct an investigation, regardless of whether or not you agree with an employee's allegations or not. Your perception could be wrong just as easily as the employee's. It is critical to research all perspectives.
  - Document every step of the investigation and every conversation.
- 

**What not to do when an employee files a complaint**

Keep the following in mind when an employee files a complaint.

- Do not take retaliatory action towards the bearer of the news.
- Do not take any adverse action against a complaining employee, or the timing of any such actions.
- Do not try to build a case against an employee who has filed a complaint. A court may view such reprimands, discipline reports or negative performance reviews as retaliation.

Example: An employee who files a grievance regarding health or safety issues may have a higher rate of absenteeism. Postponing discipline for the absenteeism would be a good idea in this instance. Before taking adverse action, you may want to consult an attorney familiar with labor law.

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## Employee Complaints, Continued

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**What to do if no action will be taken**

If the investigation determines that an employee's complaint does not have merit, and no action will be taken, make sure that you have:

- asked the employee for suggested actions
  - documented the investigation
  - informed the employee as to the results, and
  - expressed thanks for the concern.
-

## Sexual Harassment

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**Definition**

Harassment is defined as behavior offensive to individuals or groups. It can include unwelcome sexual advances, uninvited suggestive comments, and sexist, racist, or religious slurs. Essentially, it is any behavior that is seen as creating a hostile, intimidating, or offensive work environment.

---

**Policy**

Ensure that your company has a workplace harassment policy and a work environment free of discrimination, intimidation, or harassment based on age, gender, race, color religion, national origin, disability, sexual orientation, veteran status, martial status, and any other basis prohibited by law. Several states now require employers have a written policy that details remedies and provide periodic training for sexual harassment. The very nature of harassment may make it hard to detect unless the employee being harassed makes a complaint. Sexual misconduct and harassment is both a serious charge and serious offense. An effective sexual harassment policy requires the example and the support from senior company personnel in positions of authority.

Reference: See the Toolbox for a sample Sexual and Other Unlawful Harassment Policy, an Acknowledgement of Harassment Policy form, and an Acknowledgement of Harassment Inservice/Training form.

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**What employees should do**

Any employee who believes they have been the subject of harassment of any type should tell the harasser that their conduct is unwelcome. At the same time, tell their supervisor, the next level manager, or report it directly to Human Resources. This is the necessary and appropriate course of action. If an employee feels they are being discriminated against because other employees are receiving favored treatment in return for sexual favors, the employee must report this.

---

**Investigation**

A confidential and timely investigation should be conducted. This investigation and its results need to also protect the employee from any retaliation or any adverse impact on that individual's employment with the company.

Reference: See the topic "Employee Complaints" in this chapter for additional information on the procedures to follow for investigating complaints.

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## Sexual Harassment, Continued

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**Timeliness**

Do not wait to take action. These issues have a negative effect on the productivity of your workplace and the morale of other employees. Many court cases have been lost because management failed to respond promptly to an employee's complaint. Disciplinary measures from warnings to employment termination should be addressed in the company's employee handbook.

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## Substance Abuse

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<b>Overview</b>	Some of the difficult issues one might encounter in managing people are because of substance abuse problems that affect job performance.
<b>Policy</b>	<p>Ensure that your company has a substance abuse policy.</p> <p><u>Note:</u> Before you use one of the sample policies, confirm that it meets the legal requirements and procedural obligations for drug testing in your city/state.</p> <p><u>Reference:</u> See the Toolbox for sample Substance Abuse Policy and Acknowledgement Form.</p>
<b>Timeliness</b>	Whether the issue is drugs, alcohol, or any other problem, do not wait to take action. These issues have a negative effect on the productivity of your workplace and the morale of other employees. Many court cases have been lost because management failed to respond promptly to an employee's complaint.
<b>When you suspect substance abuse</b>	<p>When you face a behavior or performance problem that you believe may be the result of substance abuse, do the following.</p> <ul style="list-style-type: none"><li>• Do not accuse the employee, even when it seems the employee's performance or behavior is visible evidence.</li><li>• Deal with the misconduct or performance problem itself in the same manner as you would for any other employee.</li><li>• Discuss the consequences of continued problems, and offer assistance by means of a counseling interview.</li><li>• Do not accept excuses or allow yourself to be manipulated. Employees with substance abuse problems can be skillful in denying a problem and changing the focus and direction of a conversation.</li></ul>

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## Substance Abuse, Continued

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**Confronting the employee**

Sometimes an immediate confrontation may be necessary. If an employee reports for work and appears to be under the influence of either drugs or alcohol, do the following.

- Make sure witnesses are present. Do not take action alone.
  - Follow company policy. If your policy allows for an immediate substance abuse test, inform the employee that it is required. If they refuse to be tested, let them know that they may be subject to termination.
  - Do not allow the employee to drive if you determine that they are in no condition to do so. Call a family member or arrange for transportation outside of the company.
  - Document the incident.
-

## Workplace Violence

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**Profile of a typical offender**

The typical workplace violent offender is male, over 35, with significant job tenure, socially isolated, chronically disgruntled, and resentful of authority. He views change with suspicion, externalizes blame and may have a history of substance abuse. A profile of such an offender is simply a generalization. Anyone can commit acts of violence in the workplace. Within the apartment industry, potential situations might include a disgruntled resident or employee, or a domestic violence situation either with a resident or an employee.

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**Tips on preventing workplace violence**

Some of the tips on preventing workplace violence, offered by experts on workplace violence, include the following.

- Create a corporate environment that is healthy and welcoming and promotes respect for others. Make sure that your company and property does not tolerate negative gossip, bullying, racism, or sexism.
  - Use sound and consistent hiring practices to help identify potential problem applicants. Check criminal, work, education, and credit histories. Be kind, tactful, and respectful of the dignity of applicants that are denied employment.
  - Use subcontractors and temporary personnel agencies that use the same hiring standards as those used by your company.
  - Use the highest level of physical security in your workplace as is practical and possible.
  - Design and implement a violence prevention program that conforms to your company size and needs. If possible, have an expert audit your property to identify and problem-solve vulnerable areas. Include a list of behaviors that violate company policies, and procedures for reporting.
  - Know the warning signs of potential problems. Seventy-five percent of employees committing violent acts have displayed clear warning signs prior to the actual event.
  - Train on-site employees to identify potential problems, and to respond to developing violent situations.
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## Workplace Violence, Continued

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### **Tips on handling workplace violence**

Some of the tips on handling workplace violence, offered by experts on workplace violence, include the following.

- If you are faced with an out-of-line aggressive resident or employee, warn others and leave the area immediately and call the police. Do not attempt to reason with a violent individual. Avoid taking any actions that might trigger a violent response.
  - Take all complaints seriously and intervene quickly and effectively. Make sure a zero-tolerance policy is enforced.
  - If an incident is reported, consider placing the employee on administrative leave with pay while a detailed investigation is performed. A fitness for duty examination that includes a drug test and psychological evaluation might be required before the employee is permitted to return to work.
  - Conduct termination interviews privately, as respectfully as possible. Assist the employee in “picking up the pieces” by offering employment counseling or providing sources for job search assistance.
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## Workers' Compensation Claims/Issues

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**Handling claims and issues**

Workers' compensation laws provide funds to pay for medical expenses and replace income lost as a result of employment injuries and illnesses. The employer need not be negligent for workers to be compensated. Employers are liable even if they are not at fault. In fact, the employee may be compensated even if his or her own negligence contributed to an accident. An employer's insurance company pays scheduled benefits for work-related injuries and illnesses. Individual state laws dictate an employer's liability, rates, and reporting requirements.

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**Injuries that are not covered**

Workers are generally not compensated for injuries that are:

- intentional or self-inflicted
  - the result of an employee's horseplay or voluntary intoxication (either alcohol or drug-induced)
  - the result of voluntary participation in off-duty recreational, social or sports events
  - the result of "acts of God", unless a person's job exposes him or her to a greater than ordinary risk of injury from such acts, or
  - inflicted by someone else for personal reasons unrelated to employment.
- 

**Amount paid**

The amount of money paid for an injury or illness varies from state to state and is based on the type of injury or illness. Employees off work receive a weekly benefit based on their regular salary, generally in the 50% to 66% of normal wage range. Payments continue to the employee as long as they are unable to work due to the injury or illness. All medical expenses associated with the injury or illness are also paid, usually including rehabilitation treatment.

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**Guidelines for processing claims**

The following are general guidelines for processing of workers' compensation claims.

- The employee must notify their supervisor as soon as possible after the injury or illness occurs.
  - Employees might be required to get immediate medical attention at a pre-arranged health care provider.
  - A drug test is generally required.
  - The employee's supervisor must complete a report within 24 hours of the accident.
- 

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## Workers' Compensation Claims/Issues, Continued

### Guidelines for processing claims, (continued)

- A claim is filed with the employer's insurance agent.
- An Employer's First Report of Injury form is completed and submitted to the state.
- A medical release is required for the employee to return to work.

### Contested claims

If an employer contests a claim, it is usually filed with the state workers' compensation commission, which holds a hearing regarding entitlement. The commission's decision can be appealed to a state court.

### Responsibility for cost of program

The cost of providing workers' compensation is the responsibility of the employer. The insurance costs cannot be deducted from an employee's wages.

### Preventing claims

Do the following to prevent injury and illness-causing accidents.

- Use safety related work practices throughout the workplace.
- Have a safety training program in place.
- Provide personal protective equipment.
- Conduct periodic property inspections.
- Have a zero tolerance policy for failing to obey safety rules and regulations.

### What to do when an accident occurs

Once an accident has occurred that results in an injury or illness, it is critical that the facts be documented. Your role in an accident investigation process is very important. You must do the following.

- Ensure that the injured employee receives prompt medical treatment
- Control or isolate any hazardous areas to prevent injury to anyone else.
- Interview the employee and any witnesses.
- Gather and report accurate and timely information.
- Identify possible causes of the accident and suggest corrective actions.
- Communicate with other staff

Reference: See the Toolbox for a sample Accident Investigation Report form, Signed Statement of Witness form, and Employee Statement of Injury form.

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## Workers' Compensation Claims/Issues, Continued

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**Timing is critical**

The timing and gathering of information is very important. This should be completed immediately after attending to the injured person and taking steps to protect the area and employees from further harm. Even a short delay of a few hours could result in people forgetting some detail of what they saw or becoming biased in their view after listening to others. Additionally, physical conditions (which may provide information) could be disturbed.

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## How to Motivate Employees

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**Purpose of motivating employees**

Employees want companies that show appreciation and value their efforts. Positive behavior and achievements need acknowledgement.

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**Understand your employees needs**

Different needs motivate different people. Your job is to learn and use the appropriate motivation technique for each individual on your management/maintenance team. Learn what motivates each employee and then use this information.

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**Create a supportive environment**

Begin by creating a supportive environment for your employees by doing the following.

- Resist the urge to chastise an employee when a mistake is made. Do not emphasize mistakes over achievements.
  - Inspire people to use their own ideas while clearly defining your expectations for job performance.
  - Trust and respect your employees. There is an old saying “People who do not trust others often cannot be trusted.” Show your trust and respect by including employees on property operating decisions, providing good direction, and follow through on their requests.
  - Focus on your employee’s positive accomplishments and build upon those accomplishments. If you believe that your employees can be superior performers, soon they will believe it too. Catch your employees doing things right and reward them accordingly.
  - Acknowledge performance. Statistics show that the number one motivator of people is recognition. Money is important and it is the right of every employee to be fairly compensated for work performed. Simply assuring that your employees receive annual raises is not enough to keep today’s employees motivated.
- 

**Incentive programs**

For an incentive program to work and have a lasting effect, it must focus on job performance.

Motivation programs work best if rewards are:

- matched to the person
  - matched to the achievement, and
  - timely and specific.
- 

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## How to Motivate Employees, Continued

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### **Tips on creating a motivational program**

Make your own list of motivational ideas. Brainstorm and write down everything that comes to mind. Use the list when you are trying to develop your next motivational program.

Use the following ideas to help you develop a motivational program for your employees.

- Reward small accomplishments. Give praise immediately and tell the employee specifically what they did right.
- Invite the employee into your office just to say thank-you.
- Have your supervisor call and issue a word of thanks to your employee.
- Write personal thank-you notes.
- Make a “success collage” using photographs of employees working on a project and display in the employee area of the office.
- Create a “yearbook” to display in the office. Again, use pictures of your staff at work.
- Make a “goal poster” listing property goals and list star performers who excelled in achieving those goals.
- Hide short Post-it notes of praise in a desk drawer or other obscure work area location (be careful to not invade their privacy). Imagine the feel-good surprise they will receive.
- Buy lunch for the staff upon achieving specific goals.
- Celebrate a personal accomplishment with a short (15 minute) staff meeting. Serve refreshments and praise for a job well done.
- Give a day off to shop during the holiday season.
- Send a thank-you e-mail.
- Remember birthdays. Celebrate with a card signed by all other staff members and perhaps a cake.
- Trade jobs. Become the groundskeeper for a day, etc.
- Invite employees to breakfast one hour before the normal arrival time. Serve breakfast, decorate the facility, play upbeat music and provide employees with million dollar bills of praise and/or outline a new contest, goals, etc.
- Distribute “funny money” to employees throughout the year for achieving a series of short-term goals. Give the money to people when you catch them doing things correctly. At the end of the designated time period purchase a variety of gifts. Hold an auction and allow the employees to buy the gifts with their money.

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## How to Motivate Employees, Continued

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### **Tips on teambuilding**

To build your team:

- team leasing goals
  - marketing brainstorming
  - new awards program
  - recognize employee of the month
  - job sharing and/or job exchanges
  - introduce new marketing promotion
  - holiday theme lunch for the staff, and
  - decorate the office for holidays.
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## On-Site Employee Guidelines

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**Overview**

Rental concessions or rent discounts are common incentives given to apartment industry employees.

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**Advantages of on-site staff**

On-site staff serves as a benefit to both the employee and the owner. Having staff on-site has the following advantages:

- Staff may live rent-free or with reduced rent which is a compensation benefit.
  - On-site staff does not have to commute to work everyday.
  - On-site staff provide more “eyes and ears” to watch the property after hours.
  - Someone will be available for after-hours problems and can provide faster emergency service.
  - There’s a lower rate of employee absenteeism.
  - On-site staff sees the community “through the eyes of residents.” For example:
    - o Is parking adequate?
    - o Is outside lighting sufficient?
    - o Are maintenance and repairs completed in a timely manner?
  - Residents are impressed that staff likes the community enough to live there.
- 

**Tips for working with on-site employees**

Remember these tips for on-site employees.

- Employees should sign an apartment lease. The lease should contain a special provision addendum stating the terms of occupancy, vacating the premises if employment ends, rental payments, and rental discounts.
  - A copy of the lease and addendum should be filed in the resident history file and the original should be filed in the employee’s personnel file. The third copy should be given to the employee.
  - Employees should set a positive example for residents and should not be allowed to ignore property rules, i.e. swim after posted pool hours, play music too loud, etc.
  - Employees should comply with property occupancy guidelines.
  - Employees should comply with property parking requirements and vehicle limits.
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## On-Site Employee Guidelines, Continued

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**Tips for  
working with  
on-site  
employees,  
(continued)**

- Employees should not utilize property storage rooms for personal use.
- Employees should be strongly encouraged to purchase renter's insurance.
- Employees should not make a habit of transferring from one apartment to another. Supervisory permission should be required prior to a transfer.
- Employees should be required to pay pet deposits.
- If rent is not deducted from the salary, require and enforce prompt payment of rent.

Note: Establishing firm guidelines prior to the employee moving to the property will help avoid numerous problems later.

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## Chapter 5

### Performance Management

#### Chapter Overview

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**In this chapter**     The table below lists the topics in this chapter.

Topic	See Page
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Task Training	5-7
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Professional Development	5-12
Performance Evaluation	5-13
Employee Counseling	5-18
Disciplinary Problems	5-21
Suspension/Administrative Leave	5-23

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## Employee Training

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**Overview**

Employee training is a key ingredient to your success as an apartment manager. Training is a skill and like any other job skill must be learned. Learning to train employees is a crucial ingredient to your success as an apartment manager. It is serious business and one that can have significant consequences, for the employee and the manager, if not handled properly. If you have employees who cannot do their job your first question should be “Have I trained them properly?” Or, “Does this person need more training?”

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**Prioritize training**

One of the biggest mistakes managers make is to assume that training is to be scheduled when everything else is finished and more time is available. In the fast paced world of managing apartments there is never enough time and always too many tasks waiting for completion.

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**Benefits of training**

Training provides many benefits and rewards for both the employee and the company. Consider the following benefits of training.

Benefit	How It Helps
Training reduces expenses.	If your staff knows how to do their job the right way, expenses will be reduced. For example, a properly trained make-ready technician will be less wasteful with supplies and more efficient with time spent, thereby reducing the cost of making an apartment ready for occupancy. If people are properly trained, employee turnover expenses, such as employment testing, employment agency fees and even legal fees to handle wrongful termination or fair housing lawsuits, will be reduced.

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## Employee Training, Continued

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### Benefits of training, (continued)

Benefit	How It Helps
Training helps provide consistent service to your residents.	Your staff will improve their skills to work with people. Residents stay happier when they receive the consistently excellent service they expect.
Training saves time.	A well-trained staff is more prepared and more eligible for promotion opportunities. It is personally rewarding to watch employees that you have trained and nurtured be promoted to higher paying positions and more responsibility.
Training creates a team spirit.	As you show your concern for employees through quality training, you help motivate them and keep their morale high. Training and motivational programs are often combined to create a powerful personal improvement experience. Training programs can provide more fun while at work thereby reducing stress and increasing productivity.
Training helps solve problems.	Not all training is fun and games. Training should be used to correct operational and/or maintenance problems. This should include safety training to correct bad habits and paperwork/computer training to correct administrative errors.

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## Employee Training, Continued

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### Benefits of training, (continued)

Benefit	How It Helps
Training is for everyone.	Focus your training efforts on every job level. Start new employee training on the employee's first day. Train existing employees to upgrade their knowledge level and provide long-term professional development.
Training aids supervision.	Isn't it easier to supervise a staff that you have trained? The training process helps you bond with employees as you guide them to succeed. They learn that you are not just the boss but also a caring coach who will help them work toward personal goals. This relationship, developed during training, makes supervising the employee a much easier task.

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**Training adults** Consider these points when training adults.

- Adults are experienced learners.
- Adults want practical, useful information and skills to do a better job.
- Adults prefer to be active, not passive, learners.
- "Life" always intervenes. Adults have very real pressures and responsibilities during the time they are being trained; training should be clear and direct.

Regardless of the type of training needed, planning is paramount. Present the training and evaluate the process upon completion. Failing to plan your training activities is a sure way to have your training programs fail.

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*Continued on next page*

## Employee Training, Continued

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**New employee orientation**

Orientation is a form of training.

Reference: See the topic “New Hire Orientation” in Chapter 3 for additional information.

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**Skills assessment**

Determining employees’ skills is part of determining the training that will be appropriate. Once you know what your employees can and cannot do, you will know what type of training to provide.

Shopping reports are an effective way to monitor the skills of leasing consultants. Use a professional shopper that is accustomed to evaluating leasing skills. Many shoppers now do video reports and audio taped telephone reports.

Use the report to discuss the consultant’s strengths and weaknesses, company closing ratio standards, etc. Compare the original report with reports obtained later to analyze and gauge the consultant’s progress. Use the reports to plan training programs for needed improvements.

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**Training program topics**

The following is a list of ideas to stimulate your imagination for topics to cover in your staff meetings/training programs.

Safety

- handling a fire on site
  - using personal protective equipment
  - understanding material safety data sheets
  - reporting an accident
  - safety in the maintenance shop
  - preparing for a hurricane
  - severe winter weather alerts
  - blood borne pathogens
  - electrical cord safety and lock-out/tag-out program
  - employee injury
  - work place violence
  - safety inspections
- 

*Continued on next page*

## Employee Training, Continued

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**Training  
program topics,  
(continued)**Company/Property Policies/Procedures

- understanding employee insurance
  - employee handbook review
  - harassment in the workplace
  - resident retention ideas
  - maintenance for office staff members
  - how to properly take a service request
  - understanding the computer system
  - accepting packages for residents
  - pool school
  - keeping the community clean, clean, clean
  - move-in file preparation/administration
  - delivering superb customer service
  - how to use the guest card
  - business etiquette
  - fair housing compliance
-

## Task Training

### When task training is appropriate

Training for motor tasks is sometimes called “hands-on” or “one-on-one” training. It is best done on the actual equipment used on the job, for example, a computer, key machine, etc.

It is always tempting to expect an employee to understand how to do a specific task by telling them what to do. This process causes employees to stumble along trying to figure things out. Consequently a lot of time and energy is wasted.

### Show and tell

The best approach is to show and tell about the task at hand. Consider this concept: “Tell me and I will not remember. Show me and I think I will remember. Involve me and I will understand.”

### Different learning styles

Some employees are reluctant to get involved in the skills-learning process and are anxious to get their hands on the computer, equipment, etc., as soon as possible. Having the employee “hear it, see it and say it” is crucial to the adult learning process. It is an excellent use of your time to conduct task training in this manner.

### Task training process

The table below describes the task training process.

Stage	Description
1	The employer tells the employee about the task and what to do and then demonstrates the procedure.  <u>Note:</u> As you demonstrate and explain each part of the task remember to discuss not only what you are doing, but also how and why.
2	The employee tells the employer about the task and the employer demonstrates the procedure following the employee’s instructions.
3	The employee tells the employer about the task and the employee demonstrates the procedure.

## Group Training

### When group training is appropriate

Use staff meetings and/or group training programs when several employees need to learn the same information.

### Group training process

The table below describes the group training process.

Stage	Description
1	<p><u>Before the meeting</u></p> <p>The following suggestions will help the trainer structure staff meetings or training sessions.</p> <ul style="list-style-type: none"> <li>• Determine the objectives and the time needed for the meeting. Perhaps it will be a short meeting concerning changes in a policy or procedure or maybe a full-blown training session on how to use safety equipment is in order.</li> <li>• Identify the staff members that need to attend the meeting. Sometimes you may need only the office personnel and other times the whole staff may need to attend.</li> <li>• Make arrangements for the meeting facility. Staff meetings are usually held in the office or clubroom. Training sessions may be held in a remote facility or another location on the property. For example, if you are teaching employees on the proper use of a fire extinguisher, it would be appropriate to hold the training session in an outdoor location such as a parking area/garage.</li> <li>• Prepare the facility and arrange for necessary equipment, supplies and refreshments.</li> <li>• If you are not personally conducting the meeting arrange for a speaker/trainer. If you need the assistance of other employees make sure that you give them enough time to prepare.</li> <li>• Prepare and have all participants sign an attendance record for each meeting. Maintain them in a permanent file and elsewhere as your company requires.</li> <li>• Start and end the meeting on time. Participants should know in advance approximately how long the meeting will last.</li> </ul>

*Continued on next page*

## Group Training, Continued

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### Group training process, (continued)

Stage	Description
2	<p><u>During the meeting</u></p> <p>The trainer's role is to keep the meeting moving smoothly and provide the missing elements necessary to meet predetermined objectives by making an effort to do the following.</p> <ul style="list-style-type: none"><li>• Start promptly and follow the agenda.</li><li>• Answer questions clearly.</li><li>• Limit unnecessary conversation.</li><li>• Defuse conflict between participants.</li><li>• Clarify required action and make applicable assignments.</li><li>• Encourage interaction by asking participants to answer appropriate questions.</li><li>• Use visual aids, such as handouts, workbooks, overhead transparencies, to keep employees interested.</li><li>• Summarize discussions.</li><li>• Close the meeting by recapping decisions, assignments and deadlines.</li></ul>
3	<p><u>After the meeting</u></p> <p>The trainer's job is not complete until they have done the following.</p> <ul style="list-style-type: none"><li>• Evaluated the results of the meeting/training.</li><li>• Prepared and distributed a summary of the meeting. This should include all action items identified.</li><li>• Take any action agreed to.</li><li>• Follow-up on all action items.</li></ul>

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## Procedure Manuals

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**Keep  
procedure  
manuals  
updated**

Procedure manuals are essential tools in apartment management and should be updated on a continuing basis. Procedures change regularly as your company increases or decreases in size, property ownership changes and as laws and local codes change. When procedures change, the manuals should be updated.

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**Standard  
operating  
procedure  
manuals**

Even the smallest company should have a standard operating procedures manual. Larger companies expand materials to become a company library of manuals. In addition to company prepared manuals, other “off the shelf” manuals or books are valuable resources.

Examples:

- Texas Apartment Association’s crime awareness manual entitled The Bluebook
  - Apartment Association of Greater Dallas’ Fair Housing Compliance for Apartments
  - Georgia Apartment Association Resident Shield - Crime Awareness Manual
- 

**Manuals for  
purchase**

Smaller companies have purchased generic apartment procedure manuals on computer disks and customized them to suit their needs. It is the best of both worlds...professionally written materials, on disk, already legally correct, ready to be customized.

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*Continued on next page*

## Procedure Manuals, Continued

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**Topics covered in manuals**

Regardless of the size of your company or the number of manuals, specific subjects should be covered. Consistent and legally correct treatment of prospects, applicants, residents, visitors, and employees cannot be overemphasized.

Manuals should include information on:

- advertising and marketing
  - leasing
  - rent collection and eviction
  - resident retention and administration
  - maintenance
  - office procedures
  - personnel and payroll, and
  - safety.
- 

**Reviewing and revising policies and procedures**

Every policy and procedure should be reviewed and, if necessary, revised to be nondiscriminatory. Two areas of discrimination that should be considered the “litmus test” for every policy and/or procedure in the company are the difference in treatment or impact. Think about these a moment.

- **Treatment.** Emphasize in your written materials the fair treatment of all people. Use nondiscriminatory language in instructions, guidelines, forms, newsletters, notices, etc.
  - **Impact.** The old saying “actions speak louder than words” has never been more true. If the impact of a policy or procedure effects members of a protected class more harshly or excludes them, it is discrimination. Make sure that only valid business reasons are used when designing policies and procedures.
- 

**Access to manuals**

All on-site employees should have ready access to all procedure manuals. The manuals should be user friendly and easy to understand. Use the manuals when training new employees and in planning subjects to discuss in staff meetings.

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## Professional Development

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### Overview

It is not possible to teach employees everything they need to know without the aid of professional programs. Apartment leasing, management and maintenance consist of a myriad of details, skills and legal aspects.

The consequences for poorly trained, uninformed personnel can be far reaching. It can cost the owner, you personally, and the employee, time and money. For example, federal fair housing law can assess a financial penalty against an employee as well as the owner if a claim is validated.

Note: Mandatory training about all laws that affect the apartment industry should be required of all managers and employees.

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### Certification programs

Your local apartment association, through affiliation with the National Apartment Association and its National Apartment Association Education Institute provides programs and certifications designed to keep members informed and current on all federal and state laws.

Your employees should be encouraged to attend local seminars and training programs. Certification programs require a long- term commitment from the employee including continuing education requirements. These programs require attendance at training sessions, homework, and testing.

These certifications include the following.

- National Apartment Leasing Professional (NALP)
  - Certified Apartment Manager (CAM)
  - Certified Apartment Property Supervisor (CAPS)
  - Certified Apartment Maintenance Technician (CAMT)
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## Performance Evaluation

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**Overview**

The usefulness of a performance evaluation system can be lost unless the results are communicated clearly and effectively to all employees. The evaluation should be communicated in ways meant to encourage employees to take positive actions to improve their overall performance and effectiveness.

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**Purpose**

The purpose of the evaluation is to:

- review prior performance
- review job standards
- review supervisor expectations
- get feedback from the employee, and
- set goals for future performance.

Clearly written and successfully concluded performance evaluations not only protect your company from potential legal challenges, they help build a shared sense of open communication, a greater sense of team, and increased accountability.

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**Wage increases**

Evaluations may or may not be accompanied by a wage increase. If the evaluation is below expectations, a wage increase would not be warranted. Performance evaluations are sometimes conducted so as to not be part of the wage increase process.

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**Who does the evaluation?**

Evaluations can be conducted by

- employee
  - co-workers
  - supervisor, and/or
  - subordinates.
- 

**Three-level evaluations**

A three-level evaluation program generally includes self, peer, and supervisor participation.

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## Performance Evaluation, Continued

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### Common evaluation methods

Some of the common evaluation methods follow.

- Management by objectives involves setting objective goals that are assigned priority and weight. Supervisory employees primarily use this method.
- Essay evaluation concentrates on a written, general description of the employee's abilities.
- Ranking evaluation rates employees according to a schedule. This method is usually used as a peer appraisal, conducted by co-workers.
- Checklist evaluation rates the employee on each of a number of characteristics, such as quantity and quality of work, thoroughness, cooperation with peers, and so on. The sum of the weighted points assigned to these check statements is the score.
- Checklist evaluation using weighting gives the individual a rating from 1 to 5, is then multiplied by the importance of the job performance area for the score.
- Conventional rating scales rate the employee on a number of traits or qualities. A mark is placed in the block where the descriptive phrases most nearly correspond with the actual performance, such as superior, above average, average, below average.

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### The performance evaluation process

There are two (2) phases to a traditional performance evaluation:

- writing the evaluation, and
- the performance evaluation conference.

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### Tips on writing the evaluation

When writing performance evaluations, be clear, specific, and honest. You will defeat the purpose of the evaluation by not addressing a performance deficiency. Formally documenting your perceptions of someone's work can be potentially confrontational. Because most of us don't willingly seek out confrontation, the negatives sometimes get left out or glossed over during a review. And again, don't reward the employee with a below standard performance with a salary increase or with an increase similar to those performing satisfactorily.

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*Continued on next page*

## Performance Evaluation, Continued

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**Tips on writing the evaluation, (continued)**

Remember that you are creating a formal record of past performance, and it should be accurate. If an employee's performance is unsatisfactory let them know. Document specifics that led to this point, and give the employee clearly defined objectives for reaching a higher level of performance.

Reference: See the Toolbox for a sample Employee Appraisal form.

---

**Employee input**

Whenever possible, share responsibility of performance evaluations with your employees. Ask them to self-evaluate their job performance and your role in assisting them. Employees usually will appreciate the opportunity to provide their perceptions of how they've done, what they plan to do, and how you can help. In most cases, employees will be harder on themselves than you would have been.

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**Tips for a successful evaluation conference**

The following tips will help you set up a successful evaluation conference

- The objective is to encourage communication by making the employee comfortable.
  - Set the tone for the conference by establishing the right atmosphere.
  - The review should be in a private setting, preferably at a table rather than from behind a desk.
  - Consider the timing. Friday might not be a good day for a review of poor performance. A day followed by another work day may give this employee an opportunity to begin the improvement process.
  - Be physically and mentally prepared for the performance review. How you feel can affect the delivery of the review and the outcome.
- 

**Evaluation categories**

All evaluations will fall into one of the following categories:

- performance unsatisfactory – not correctable
  - performance unsatisfactory – correctable
  - performance satisfactory – limited advancement, or
  - performance good to excellent – promotion possible.
- 

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## Performance Evaluation, Continued

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**Potential outcomes**

One of the following outcomes will result from the evaluation.

- For good and excellent performance employees that can be promoted, help them prepare for advancement
  - For satisfactory performance but limited advancement, work with the employee to overcome the limitations and help them grow. If they need more training, suggest some course study goals.
  - For correctable unsatisfactory performance, list the areas that need correction, and then set goals for accomplishing them.
  - For unsatisfactory performance, not correctable, termination may be the only answer. Consider whether the individual might improve performance in another position. Make your decision and set limited objectives.
- 

**Potential problems**

There are several communication problems that can undermine a performance evaluation.

- Lack of a clear message by using words that are too general. Be specific and cite actual occurrences.
  - Lack of clarity in the supervisor's motivation. Make sure the employee knows what you want them to do.
  - Failure to be honest regarding poor performance or misconduct. Do not let fear of hurting the employee's feelings get in the way of communicating critical comments. Find a way to verbalize criticism in a constructive and positive manner. Fair criticism is never resented.
  - Resistance and defensiveness from the employee. If the employee denies, excuses, or uses elaborate explanations, listen, then direct the conversation back on track. Ask the employee for their suggestions on how to improve communication, and how to improve their performance. If the employee becomes emotional during the appraisal meeting, stop and reschedule another meeting.
- 

**Address issues in a timely manner**

Do not wait until the performance review to bring up poor performance or misconduct. The review process should not have surprises. If you are doing your job well, performance deficiencies should be communicated at the time that they happen, not in the next review.

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## Performance Evaluation, Continued

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### Employee expectations

Successful performance evaluations benefit both the employee and the employer. Employers expect employees to accept goals and responsibilities and to correct behavior and performance problems. But employees have expectations also. They expect you to do the following.

- Keep them informed on company objectives and strategy
  - Tell them how they are doing on their jobs.
  - Support them when they need your help.
  - Give credit for projects done well.
  - Give constructive criticism.
  - Not give unfair or spur-of-the-moment criticism in evaluation reviews.
  - Show a sympathetic interest in their problems without becoming too involved in their private lives.
  - Be honest about their chances for advancement.
  - Help them improve job skills.
  - Motivate them to better job performance.
- 

### Monitoring performance

Some managers and supervisors view the evaluation as the final step in the process. The performance review is ended with a handshake and a pat on the back, the completed form signed and filed and not viewed again until review time next year.

Remember that the performance review is not the end. It should be the beginning or continuation of goal-setting. It is important to evaluate employees from time to time to monitor their progress in reaching goals set during the review process.

For those employees who are performing below expectations, you must make sure they understand that their job is in jeopardy. Do not wait until the next review to let them know they have continued to perform poorly.

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## Employee Counseling

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**Overview**

To soften the negative connotations usually associated with the term “discipline,” many employers now prefer to use the term “counseling” when disciplinary action is necessary.

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**Cause for counseling interview**

The counseling or disciplinary meeting differs from the performance evaluation in that it is a response to unacceptable action or behavior.

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**Purpose of a counseling meeting**

You should never lose sight of the primary purpose of a counseling meeting. It should be to discuss a problem with an employee and arrive at a plan for resolution. Rather than constructive criticism, the counseling interview should focus on corrective criticism. It should not be to provide written documentation for a termination.

---

**Benefits of counseling employees**

When you counsel employees on a consistent basis, you are performing three functions that benefit your company.

- The very act of enforcing the rules strengthens them.
  - Imposing penalties reminds all employees that rules, expectations, and requirements exist and there are consequences if they are not followed.
  - Employees will learn the penalties associated with offenses.
- 

**Tips for a successful counseling meeting**

The following tips will help you conduct a successful counseling session with an employee.

- Keep in mind that the general rules for the counseling interview are the same as for other interviews.
  - Find a private place where phone calls and interruptions are minimal.
  - Be mentally and physically prepared.
  - Schedule at a time of day that is not stressful for either of you.
  - If you anticipate a problem, arrange to have a witness present.
- 

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## Employee Counseling, Continued

### Employee Counseling forms and log

All counseling, including verbal, should be documented in writing. An employee counseling log should be maintained to record who is being counseled, for what infraction, and the result.

Reference: See the Toolbox for sample Employee Counseling and Re-Evaluation of Previous Counseling and Employee Actions forms and a sample Counseling Log.

### Counseling interview process

The table below describes the counseling interview process.

Stage	Description
1	<p><u>Before the interview</u></p> <p>The employer should:</p> <ul style="list-style-type: none"> <li>• investigate and confirm all the facts</li> <li>• ensure that everyone has been interviewed</li> <li>• ensure that all allegations have been investigated</li> <li>• look at the prior work record of the employee, and</li> <li>• ensure you have all needed items for the interview, such as performance evaluations, prior disciplinary actions, basic employment data, etc.</li> </ul>
2	<p><u>During the interview</u></p> <p>The employer should do the following in a typical counseling interview.</p> <ul style="list-style-type: none"> <li>• Outline the problem.</li> <li>• Get the facts.</li> <li>• Allow time for the employee to talk.</li> <li>• Outline changes required.</li> <li>• Develop a follow-up plan.</li> <li>• Close the interview on a positive note.</li> </ul> <p><u>Note:</u> It is a good idea for both the employer and the employee being counseled to sign the counseling/discipline statement.</p>

*Continued on next page*

## Employee Counseling, Continued

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### Counseling interview process, (continued)

Stage	Description
3	<u>After the interview</u>  Once the interview has concluded, don't forget follow-up. Make it a point to check with the employee from time-to-time to ask how they are doing

---

### Emotional responses

When dealing with an emotional response from an employee, do the following.

- Monitor what you say, how you say it, and your physical expressions during the counseling session.
- Watch your facial expressions, body language, gestures, and eye contact.
- Convey sincerity when offering the proposed plan for resolution, but be firm and up-front about the consequences of failure to improve.

Note: If an employee becomes abusive or out of control, end or postpone the counseling interview.

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### Complaints

If an employee complains about any unfair or unlawful treatment, do the following.

- Listen. Don't assume that the complaint is an idle threat.
  - Notify your supervisor and/or Human Resource Department.
  - Begin compiling any written documentation that applies to the complaint.
  - Begin investigating immediately as directed by your supervisor.
-

## Disciplinary Problems

### Sources of disciplinary problems

Many employee discipline problems are the consequence of:

- employee job performance (unable to meet deadlines, inability to get along with others, failure to follow directions, and so on)
- environment of company (hazardous working conditions, not having proper tools or equipment, and so on), or
- activities away from the job (drug or alcohol addiction, physical illness, marital problems, child-care problems, transportations problems, etc.

### Step counseling process

Where termination is not warranted for a first offense, counseling of employees should be handled in a progressive manner. The table below describes a typical step counseling process.

WHEN the employee...	THE employer...
incurs the first violation	gives a verbal warning.
incurs the second violation	gives a written warning.
incurs the third violation	gives a written warning with probationary period and/or suspension.  <u>Note:</u> Suspension should not be used as a disciplinary tool without prior discussion of the situation with Human Resources.
incurs the fourth violation	terminates employee.  <u>Reference:</u> See Chapter 6 for more information on termination.

### Discipline

When handling discipline and consequences, do the following:

- Try, as much as possible, to be consistent in administering discipline and its consequences.
- Do not ignore an infraction from an above-average performing employee in one instance and reprimand another employee for the same infraction. Although no two employees and no two offenses are really the same, deal fairly.

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## Disciplinary Problems, Continued

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**Discipline,**  
(continued)

- Discuss the problem and your proposed solution with your supervisor or another manager to make sure that your view is reasonable and objective.
  - Make the counseling action taken match the offense. Willful misconduct is much more serious than infractions resulting from misunderstanding or lack of knowledge.
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## Suspension/Administrative Leave

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### Cause for suspension or leave

When an employee is involved in a serious occurrence, such as a harassment complaint, a suspension or administrative leave may be imposed. Generally, a suspension or leave is only imposed when it is deemed in the company's best interests for this person to not be present during an investigation.

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### Continuation of pay

If the employee is an hourly, non-exempt status, suspension pending investigation generally is without pay. Pay usually continues for exempt or executive employees.

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### Investigate on a timely basis

A suspension or leave pending investigation requires that the investigation be concluded on a timely basis. Let the employee know the projected completion time when they are counseled.

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### Determination process

The table below describes the suspension/leave determination process.

Stage	Description
1	The employer gathers the facts.
2	The employer interviews others involved.
3	The employer seeks legal assistance, if necessary.
4	The employer makes the determination.

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### Termination

If the determination is to terminate the employee, have a third party present during the termination interview.

Reference: See Chapter 6 for more information about termination.

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### Record keeping

Document comments made for the employee's file in case of any repercussions.

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## Chapter 6

### Termination

#### Chapter Overview

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**In this chapter**     The table below lists the topics in this chapter.

Topic	See Page
Background on Termination	6-2
Voluntary Termination	6-4
Involuntary Resignation	6-5
Exit Interviews	6-9
Resignation/Termination Log	6-11
Final Payment of Wages	6-12
Unemployment Compensation	6-13
Responding to Reference Requests	6-15

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## Background on Termination

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### Reasons for termination

Leaving your job is usually for one of the four following reasons:

- fired (involuntary termination)
- laid off
- quit (resignation, voluntary termination), and
- retired.

Reference: See the Toolbox for sample Reason for Termination forms.

---

### Employment-at-will

The legal concept that governs how employment may be terminated is called employment-at-will. This means that you have no written agreement or contract that dictates the length of employment or the reasons why employment might end.

Employers can cease at-will-employment without notice or cause (so long as they comply with federal and state laws that still govern the employment relationship, e.g. discrimination). At-will employees are likewise free to leave their job at any time. Most apartment industry employees are considered employees-at-will.

Reference: See the *Legal Aspects and Responsibilities Reference Guide* for additional information.

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### Exceptions to employment-at-will

Exceptions to the employment-at-will concept are:

- federal and state anti-discrimination laws
- anti-retaliation laws
- whistle-blower protection laws, and
- state common law exceptions, such as public policy exception.

Note: Some states have enacted laws that protect workers from being arbitrarily fired and require “good cause”.

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### Potential litigation

When terminating an employee, do not assume that a signed employment-at-will acknowledgement will protect you from litigation. Make sure that your termination does not contradict any of the exceptions listed above.

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## Background on Termination, Continued

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**Informing  
employees**

The employment-at-will relationship should be stressed to all new employees, and statements regarding this relationship can be included in the application, the employee handbook, the operations manual, or in a separate acknowledgement form to be signed by the employee.

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## Voluntary Termination

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**Notice**

Employees are not required by law to give any type of notice before quitting. However, as a matter of common courtesy, it is usually a good idea to do so.

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**Resignation letter**

Whether leaving with or without notice, any employee voluntarily resigning should be requested to submit a written letter of resignation that details the reason for leaving, the intended last day of work, and the employee's and supervisor's signatures.

Reference: See the Toolbox for a sample Letter of Resignation form.

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## Involuntary Resignation

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### Overview

Discharging an employee should be a decision that is carefully planned, even where there are reasons for immediate dismissal, such as theft, assault, or other serious infractions. In most terminations, based on progressive misconduct or non-performance, there should be a “paper trail” documenting the circumstances leading to the decision to terminate an individual.

---

### Questions to consider before terminating an employee

Before terminating an employee, whether for a single incident or following prior counseling, carefully consider the following questions.

- Is the reason for discharge job-related?
  - Is the reason for discharge consistent with the company’s policy and practice?
  - Other than cases of serious misconduct warranting immediate termination, does the record show the employee was given fair notice of what was expected of them, and an adequate opportunity to correct the perceived problem in performance or conduct? If not, there may be good reason to give a final warning and another chance to the employee.
  - Have the progressive steps from counseling to discharge been met?
  - Are you sure of the facts behind the proposed discharge, and are they supported by hard evidence rather than hearsay and speculation?
  - Have you been procedurally fair, i.e., have you confronted the employee with the reason you are considering discharge or discipline, afforded the employee fair opportunity to respond or explain, and to give their side of the story, before you make and announce your decision? Is this step accurately and adequately documented?
  - Has the employee made any claim of employer wrongdoing? If so, don’t ignore the claim. Get the employee’s story and investigate the claim. The employee may be obligated to cooperate with any reasonable investigation.
  - Has the proposed decision been reviewed objectively by someone other than the immediate supervisor to assure adequacy of the basis for discharge, consistency of approach, and sufficiency of documentation?
  - Is documentation of the incidents and misconduct proper and adequate? Will it support this termination?
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## Involuntary Resignation, Continued

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**Questions to consider before terminating an employee,**  
(continued)

- Is this termination retaliatory? Is there any indication that it might be considered a termination in retaliation for an employee's whistle blowing, workplace injury claim, complaining about a manager's actions, or complaints about employee safety? Even if the termination is not so motivated, are there any facts or circumstances surrounding the termination that makes it appear retaliatory?
- Has the employee's privacy been invaded? To accomplish the termination, is it necessary to invade the employee's privacy? For example, have you searched an employee's locked desk or based your termination decision on the employee's personal life, or his life outside of work?
- Is there a pending governmental investigation or complainant? Has the employee recently filed a complaint with the Equal Employment Opportunity Commission or another federal or state agency?
- Is the employee a member of a protected class, pregnant, a union activist, or a member of any other protected group?
- Is there any argument that the discharge was because the employee refused to participate in an illegal act or an act that may be considered against public policy?
- Does the employee live on site? Do you anticipate a problem with the employee vacating the apartment as agreed in the Employee Lease Agreement Addendum or expect retaliation by damaging the premises?
- Is the employee long term? Terminating long-term employees should automatically raise a red flag. Courts and juries are likely to ask why you didn't take action to terminate a long-term employee sooner if it claims that the employee was not performing adequately. The mere fact that an employee has longevity does not mean they can never be discharged—but it does mean you should have substantial documentation to support the discharge.
- Have company policies been followed?
- Is this employee particularly sensitive in some area so that your conduct is likely to upset the employee more than it would another person?
- What is the timing of the termination? Is it near in time to suspicious events, for example, shortly after the employee's recovery of worker's compensation benefits?
- Are you being honest about the reasons for termination? Are you prepared to tell the employee the real reason for termination? This is no time for face-saving for the employee. Employees should be told the real reason, a reason which you can substantiate with documentation and other evidence.

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*Continued on next page*

## Involuntary Resignation, Continued

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**Questions to consider before terminating an employee, (continued)**

- Is there any indication of extreme or outrageous circumstances? This is especially problematic where there was an altercation between the employee and his supervisor.
- 

**Tips for a successful termination process**

The following tips will help you set up a successful termination process.

- Know precisely why the employee is being dismissed (again, making sure the reasons are non-discriminatory).
  - Set a private appointment somewhere in a private office to ensure control and privacy. Under no circumstances should a dismissal be done on the telephone or in front of other people.
  - Although there is never a good time to dismiss, the best when might be early Tuesday or Wednesday which are preferable to 5:00 on Friday afternoon.
  - How to conduct the meeting is to keep it brief, getting the bad news across in the first sentence, and remain focused.
  - Let the dismissed employee discuss his feelings without interruption; yet do not relinquish control of the meeting.
  - Do not get angry or argue with the employee.
  - If you anticipate an angry or violent response, arrange to have a neutral third party person (preferably your supervisor) attend the termination meeting.
  - Have the final check, including any benefits, vacation, or severance prepared in advance if possible.
  - If the employee lives on site, review the Employee Lease Agreement Addendum requirements for vacating the apartment with the employee.
  - Be sure the employee is clear on benefits such as group insurance continuation, pension plan electives, etc.
  - Offer professional assistance, such as a counselor or an out-placement service, if appropriate.
  - Assist the employee in leaving the property, and offer to let them gather personal belongings at the end of the day when everyone has left, or at another time. Assist them in avoiding embarrassment.
  - While employees may respond with shock and anger, it rarely reaches the violence level anticipated or feared by managers.
  - After the termination, avoid discussions with other employees regarding the change. Be respectful of the employee; if necessary, briefly inform staff that the employee has left the company.
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*Continued on next page*

## Involuntary Resignation, Continued

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**Wrongful  
termination  
claims**

If you have terminated an employee and they claim wrongful termination, harassment or discrimination, investigate their complaint and respond to the ex-employee on the results.

One legal case after another illustrates a very important precedent:

Do not wait until you have been notified of legal action to investigate. Start the investigation as soon as the complaint has been made. A case can be lost before it begins simply because the employer failed to listen to and investigate an employee's complaint. The courts look for and expect the employer to make a reasonable, appropriate, and timely response to an employee complaint.

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## Exit Interviews

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**Purpose of exit interview**

There are three purposes for an exit interview:

- for voluntary terminations, to determine what steps the company can make to prevent further loss of employees
  - to determine where the employee or management went wrong if the termination is involuntary, and
  - to give the employee an opportunity to express their perspective on why they are leaving.
- 

**Responsibility**

The exit interview gives the employer an opportunity to take the sting out of the termination and “defuse” an angry employee. An employee who feels that someone was willing to listen to their point of view may be less inclined to pursue legal action.

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**Tips for a successful exit interview**

The following tips will help you set up a successful exit interview.

- It is very important for you to be prepared.
- The employee’s file should be reviewed before the interview, and should include all performance reviews and disciplinary procedures.

Reference: See the Toolbox for a sample Exit Interview Guide.

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**Timeliness**

The exit interview should be scheduled at the time of the termination. This lets the employee know that they will have time to think about the termination and provide a response. An angry employee may accept the termination better if they know an exit interview will be conducted.

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**Who conducts the exit interview?**

In most cases, someone other than the individual handling the termination should conduct the exit interview. If an employee is leaving because of this person, a third party interviewer will make it easier for an employee to discuss the conflict.

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**Involuntary terminations**

Although some employers may feel it is redundant, it is a good idea to conduct an exit interview (possibly by mail) for involuntary terminations, except in the instance of extraordinary misconduct such as stealing, selling drugs, or violence toward another employee.

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*Continued on next page*

## Exit Interviews, Continued

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### **Involuntary terminations, (continued)**

Below are some of the reasons for conducting an exit interview for involuntary termination.

- To discover an unknown cause (which may prevent a future recurrence).
- To learn of any problems that the employee may have had with the company that may be corrected.
- To learn of any misunderstanding between the employee and their supervisor to avoid future situations.

The objective during the first part of the interview should be to make the employee comfortable and willing to talk.

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## Resignation/Termination Log

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**Purpose of log** Whether your company uses or does not use payroll software that is capable of tracking employment separations, a Resignation/Termination Log should be used for responsible recordkeeping. One log should be maintained for all company terminations and for all job positions for an ongoing time period. If your company has a Human Resource department, it should be maintained wherever all termination paperwork is processed.

If your company is small and you, the on-site manager, are responsible for processing employee paperwork, then you should maintain the log. The log can be used internally to periodically review and monitor for separation patterns and trends. Internal reviews of such patterns and trends can be beneficial in highlighting problem areas and avoiding future litigation.

Reference: See the Toolbox for sample Resignation/Termination Log form.

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## Final Payment of Wages

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**Legal requirements**

Federal law requires that payment of final wages be made when they are next due; at the next regular payday.

Almost every state has a law that sets a deadline for paying accrued wages when employees leave, usually called wage payment statutes. Some states require that final wages must be paid no later than the next regular pay period. Others set a specific time period from the date of separation, such as within three days of termination.

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**Wages due**

Wages are generally defined as everything due, such as earned but unpaid salary, unused vacation pay, severance pay, and commissions due. Check your state laws for what is required for final wages dues.

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**Severance**

There is no legal requirement for severance pay, unless it is required by policy or contract with the employee. If an employer is inclined to offer severance, it makes sense to be more generous with long-time employees than with those who have been with the company for just a year or two. Besides severance, another benefit to offer might be a continuation of health insurance premiums for a limited time.

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**Vacation and sick time**

Some states require vacation or sick time be treated as wages and must be included in an employee's final paycheck. Within these states, the employer isn't allowed to set a policy forcing employees to forfeit unused vacation or sick time once it has accrued. The key legal issue is whether the time has accrued. Check with state law to learn what is and isn't legal.

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## Unemployment Compensation

<b>Definition</b>	When workers are unemployed due to acts or circumstances that are not voluntary resignation or termination due to misconduct, such as layoff, they may be entitled to receive unemployment compensation.
<b>Purpose</b>	The unemployment insurance system is administered by states to provide workers and their families with weekly income during periods of unemployment.
<b>Funding the program</b>	State and federal taxes paid by employers fund the system. Individuals who are self-employed or independent contractors generally are not eligible for unemployment compensation as they usually do not pay taxes into the fund pool.
<b>Eligibility requirements</b>	<p>Certain eligibility requirements must be met for workers to receive unemployment compensation. Requirements vary from state to state, but generally the following criteria determine eligibility.</p> <ul style="list-style-type: none"><li>• The unemployed worker must have earned a minimum amount of wages within a specified period and/or worked for a minimum period in the recent past.</li><li>• The unemployed worker must register for work with the state unemployment office.</li><li>• The unemployed worker must be able and available for work.</li><li>• The unemployed worker must be actively seeking employment.</li></ul>
<b>Disqualifying events</b>	<p>Once eligibility requirements have been met, the worker may still be denied benefits because of a disqualifying event, such as a voluntary resignation without good cause or involuntary termination due to misconduct.</p> <p>Some states only allow the disqualification to last for a specified length of time, after which a worker can receive unemployment compensation. The definition of good cause can vary greatly among states. Most states require that the good cause be due to the employer, such as bad working conditions. The definition of misconduct also varies by state. Examples of misconduct might be violating acknowledged company rules or insubordination.</p>

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## Unemployment Compensation, Continued

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**Length of benefit**

Usually, unemployment compensation benefits last for 26 weeks and may be extended in some cases. The unemployment compensation amount varies by state. Generally the amount is 50% of the worker's weekly wage not to exceed a specified cap, which is usually based on the state's average weekly wages for all workers. Because of the cap, most workers receive much less than 50% of their weekly wage.

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**Starting benefits**

The worker must file a claim for benefits at their local state unemployment office. After the worker files the initial claim, they are typically required to periodically report (either in person or by telephone for some states) to verify job search efforts and continued eligibility.

Note: An employee may file for benefits immediately after termination. If the claim is not disputed, there will be little lapse in uncompensated time.

---

**Employer notification**

When a terminated employee files a claim for unemployment compensation benefits, the employer is sent a notice. Because on-site employees generally list their employment address as the property, the claim notice is usually sent to that address. The notice is the employer's opportunity to dispute or agree to the terminated employee's claim.

On-site offices should be instructed:

- where the notices should go for response (whether the Human Resource Dept., their supervisor, etc.), and
- that timely response is important...don't let the notice sit on a desk until it is too late to dispute the claim.

Note: Failing to respond within the time limit will result in the claimant receiving benefits, whether or not they are justified.

---

**Disputing a claim**

When an employer disputes a claim decision, the state agency may require a hearing to listen to both the employer and the claimant state their case (often, the hearing is by telephone). It is very important for on-site staff to forward the hearing notice to the appropriate person as soon as it is received.

Failing to respond to the hearing notice within the time limit will result in the employer losing the right to dispute the claim.

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## Responding to Reference Requests

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### Legal requirements

Employers are generally not legally required to provide a reference for terminated employees. A few states have statutes that require service letters. At the request of the terminated employee, a service letter must be provided that states the nature of the employee's job, the length of employment and the reason for separation.

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### Tips on providing references

When providing references, you must be aware of certain legal implications. The legal issues to be avoided when giving references are blacklisting and defamation.

- Blacklisting consists of intentionally trying to prevent someone from obtaining employment.
- Defamation occurs when one person's false statement communicated to a third party injures the reputation of another person. If the false statement is spoken, it is called slander. If it is written, it is called libel. False statements to a prospective employer with the intent of causing an applicant to lose the job constitutes interference with a prospective employment contract.

The premise behind these actions is that the employer's statement is false. Truthful statements concerning a former employee usually will not subject an employer to liability for defamation, or interference with a contract. Additionally, most states recognize a defense called qualified privilege. If you provide a factual reference in good faith to someone with a legitimate reason to ask for it, such as a prospective employer, you will most likely not be liable under the qualified privilege defense.

---

### Discrimination

Discrimination occurs where employers provide different forms of referrals based on the employee's race, ethnicity, sex, etc. When giving a reference, do the following.

- Stick to facts of which you are certain are based on a reasonable investigation.
  - Lay aside personal feelings about the former employee.
  - Make statements "in good faith."
  - Make sure that you and the person to whom you are disclosing the information share a common interest.
  - Limit your statements to employment matters and to not making personal comments.
- 

*Continued on next page*

## Responding to Reference Requests, Continued

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**Who can give a reference?**

Many companies have policies regarding who is and who is not authorized to give references. Generally, a human resource representative rather than an on-site person should supply references. In the apartment industry, the most common and telling question that a reference might ask is “Is this person eligible for re-hire?”

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## Toolbox

### Overview

**In this Toolbox** The following documents are provided in this Toolbox.

Topic	See Page
Bi-Weekly Time Sheet	Toolbox-2
Application for Employment	Toolbox-3
Interview Evaluation Form	Toolbox-9
Reference Verification Worksheet	Toolbox-11
New Employee Paperwork Checklist	Toolbox-12
New Employee Orientation Checklist	Toolbox-13
Notice and Authorization Regarding Consumer Report	Toolbox-14
Employee Change Form	Toolbox-15
Notice & Acknowledgement of No Workers' Compensation Insurance	Toolbox-16
Employee Equipment and Supplies Agreement	Toolbox-17
Back Support Belt Acknowledgement	Toolbox-18
Employee General Information/Proof of Automobile Liability Coverage	Toolbox-19
Acknowledgement of Employee Fair Housing Compliance	Toolbox-20
Sexual and Other Unlawful Harassment Policy	Toolbox-21
Acknowledgement of Harassment Policy	Toolbox-22
Acknowledgement of Harassment Inservice/Training	Toolbox-23
Electronic Systems Policy	Toolbox-24
Acknowledgement of Electronic Systems Policy	Toolbox-25
Substance Abuse Policy and Acknowledgement Form	Toolbox-26
Handbook Acknowledgement Statement	Toolbox-28
Employee Lease Agreement Addendum	Toolbox-29
Accident Report	Toolbox-30
Signed Statement of Witness	Toolbox-34
Employee Statement of Injury	Toolbox-36
Employee Appraisal Form	Toolbox-38
Employee Counseling	Toolbox-41
Re-Evaluation of Previous Counseling and Employee Actions	Toolbox-42
Counseling Log	Toolbox-43
Reason for Termination Forms	Toolbox-44
Letter of Resignation	Toolbox-46
Exit Interview Guide	Toolbox-47
Resignation/Termination Log	Toolbox-48

## Bi-Weekly Time Sheet

		From:				To:					
Employee:				Property:				Position:			
WEEK 1								HOURS			
Day	Date	In	Out	In	Out	In	Out	Worked	Vacation	Sick	Holiday
Monday											
Tuesday											
Wednesday											
Thursday											
Friday											
Saturday											
Sunday											
<b>TOTAL</b>											
WEEK 2								HOURS			
Day	Date	In	Out	In	Out	In	Out	Worked	Vacation	Sick	Holiday
Monday											
Tuesday											
Wednesday											
Thursday											
Friday											
Saturday											
Sunday											
<b>TOTAL</b>											
<b>TOTAL</b>											
<b>TOTAL</b>											
Payroll Period Totals:								Regular Hours			
								Overtime Hours			
I certify that these hours are true and correct:								I have checked and approved this timesheet:			
EMPLOYEE:								MANAGER:			
DATE:								DATE:			



## Application for Employment

We are an Equal Opportunity Employer and we comply with applicable federal, state and local laws and ordinances which prohibit discrimination against qualified applicants and employees.

Position(s) Applied For: _____ How did you learn about us? <input type="checkbox"/> Advertisement <input type="checkbox"/> Employment Agency <input type="checkbox"/> Friend <input type="checkbox"/> Relative <input type="checkbox"/> Employee Referral <input type="checkbox"/> Walk-In <input type="checkbox"/> Other _____	Date of Application: _____
---	----------------------------

### Personal Information

Last Name	First Name	Middle Name	Social Security Number
Have you ever used another name for work, business or school? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain _____			
Current Street	City	State	Zip
Home Phone Number:	Current Work Number:		
Permanent Street (if applicable)	City	State	Zip
Are you at least 18 years of age? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Have you ever filed an application with us before? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No			
Have you ever been employed with us before? <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No			
On what date would you be available for work? _____			
Are you available to work: <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Temporary <input type="checkbox"/> Overtime <input type="checkbox"/> Weekends			
Are there any hours or days that you cannot work? _____			
Can you travel if the job requires it? <input type="checkbox"/> Yes How often? _____ <input type="checkbox"/> No			
Can you relocate if the job requires it? <input type="checkbox"/> Yes Geographic Preference: _____ <input type="checkbox"/> No			
Do you currently use illegal drugs (for example: marijuana, cocaine, heroin, crack, speed, LSD, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Will you agree to be tested for the current illegal use of drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Have you ever been convicted, pled guilty or received court-ordered community service, deferred adjudication, probation or pre-trial diversion for any crime (misdemeanors and felonies)? <input type="checkbox"/> Yes <input type="checkbox"/> No You may be asked to verify any criminal record. If yes, please list all misdemeanors and felonies (other than parking tickets and minor driving violations) for which you have been convicted, pled guilty or received court-ordered community service, deferred adjudication, probation or pre-trial diversion.			
Year	Location	Type of Crime	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
(Conviction of a crime does not automatically prohibit consideration for employment).			
Have you served in the United States military <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, list dates of service _____, highest ranks held _____ Rank at discharge _____			

**Employment Application - Page 2 of 6****Education**

	Name and Address of School	Circle Number of Years Completed	Did you graduate?	Degree(s) received or Subject(s) studied
Elementary School		1 2 3 4 5 6 7 8		
High School		9 10 11 12		
College		1 2 3 4 5 6		
Trade or Vocational School		1 2 3 4		
Honors/Awards Received:				
Indicate all languages you can speak, read and/or write				
<b>Language</b>	<b>Speak</b>	<b>Read</b>	<b>Write</b>	
English	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Describe any specialized training, apprenticeship, skills and extracurricular activities which would assist in considering you for employment.				
_____				
_____				
_____				
_____				

**Licenses and Certifications**

Do you have any professional or vocational licenses (real estate, plumbing, electrician, air conditioning, pest control applicator, etc.) or certifications (such as, CAM, CAMT, CAPS, NALP or CPM) that relate to the job for which you are applying?

☐ Yes ☐ No If yes, please describe below.

License or Certification	From what city, type of state agency or organization	Date Issued (if applicable)	License Number
_____	_____	_____	_____
_____	_____	_____	_____

ave you ever had a license or certification (if any) revoked, suspended or curtailed? ☐ Yes ☐ No

If yes, please explain

\_\_\_\_\_

\_\_\_\_\_

**Employment Application - Page 3 of 6****Driving Record****Please answer the following questions if the position you are applying for requires driving a motor vehicle:**

Do you have a valid Driver's License? <input type="checkbox"/> Yes <input type="checkbox"/> No	Driver's License Number	Expiration Date	State of Issue
--	-------------------------	-----------------	----------------

1. Do you have any restrictions or endorsements on your license? (Please list) \_\_\_\_\_

2. Have you been convicted of or pled guilty to any traffic related offense within the past five years? ☐ Yes ☐ No

If yes, list all traffic violations: \_\_\_\_\_

3. Have you had your driver's license suspended or revoked or had your driving privileges modified by a court of law?

☐ Yes ☐ No

4. Please list all states from which you hold or have held a driver's license: \_\_\_\_\_

**Employment Experience****Provide all employment information for the past 10 years, or 5 employers, whichever is greater.**

We contact an applicant's current and previous employers for verification of references.

Are you currently employed? ☐ Yes ☐ No May we contact your current employer at this time? ☐ Yes ☐ No If no, please explain \_\_\_\_\_**(Permission to contact your employer for a reference check will be required before hiring.)**

Employer		Dates Employed		Work Performed
		From	To	
Address				
Telephone Number(s)		Hourly Rate/Salary		
		Starting	Final	
Job Title	Supervisor's Name			

Reason for Leaving ☐ Resigned with Notice ☐ Quit without Notice ☐ Terminated ☐ Laid Off ☐ Other \_\_\_\_\_

Employer		Dates Employed		Work Performed
		From	To	
Address				
Telephone Number(s)		Hourly Rate/Salary		
		Starting	Final	
Job Title	Supervisor's Name			

Reason for Leaving ☐ Resigned with Notice ☐ Quit without Notice ☐ Terminated ☐ Laid Off ☐ Other \_\_\_\_\_

# Employment Application - Page 4 of 6

## Employment Experience

Employer		Dates Employed		Work Performed
		From	To	
Address				
Telephone Number(s)		Hourly Rate/Salary		
		Starting	Final	
Job Title	Supervisor's Name			
Reason for Leaving <input type="checkbox"/> Resigned with Notice <input type="checkbox"/> Quit without Notice <input type="checkbox"/> Terminated <input type="checkbox"/> Laid Off <input type="checkbox"/> Other _____				
Employer		Dates Employed		Work Performed
		From	To	
Address				
Telephone Number(s)		Hourly Rate/Salary		
		Starting	Final	
Job Title	Supervisor's Name			
Reason for Leaving <input type="checkbox"/> Resigned with Notice <input type="checkbox"/> Quit without Notice <input type="checkbox"/> Terminated <input type="checkbox"/> Laid Off <input type="checkbox"/> Other _____				
Employer		Dates Employed		Work Performed
		From	To	
Address				
Telephone Number(s)		Hourly Rate/Salary		
		Starting	Final	
Job Title	Supervisor's Name			
Reason for Leaving <input type="checkbox"/> Resigned with Notice <input type="checkbox"/> Quit without Notice <input type="checkbox"/> Terminated <input type="checkbox"/> Laid Off <input type="checkbox"/> Other _____				
Please explain all periods of unemployment between the above jobs _____				
_____				
_____				
Have you ever been terminated from employment or asked to resign by any employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide employer(s) and explanation _____				
_____				
_____				
_____				
_____				

# Employment Application - Page 5 of 6

## References

### Not relatives or acquaintances of less than 2 years

Name

Address

Telephone Number(s)

Name

Address

Telephone Number(s)

Name

Address

Telephone Number(s)

Name of present landlord \_\_\_\_\_ City \_\_\_\_\_ Phone \_\_\_\_\_

Name of previous landlord \_\_\_\_\_ City \_\_\_\_\_ Phone \_\_\_\_\_

Name of next previous landlord \_\_\_\_\_ City \_\_\_\_\_ Phone \_\_\_\_\_  
(Limit to landlords in previous 24 months)

## Additional Information

### Other Qualifications

Summarize special job-related skills and qualifications acquired from employment or other experience.

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### Specialized Skills

Check Skills/Equipment Operated

☐ Computer

☐ FAX

Production/Mobile  
Machinery (list):

Other (list):

☐ Copy Machine

☐ Spreadsheet Software

☐ Calculator

☐ Word Processing Software

☐ Typewriter

State any additional information you feel may be helpful to us in considering your application.

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### Emergency Contact

In case of emergency contact \_\_\_\_\_  
Address Work Phone Home Phone

**Note to Applicants: DO NOT ANSWER THIS QUESTION UNLESS YOU HAVE BEEN INFORMED ABOUT THE REQUIREMENTS OF THE JOB FOR WHICH YOU ARE APPLYING.**

Are you capable of performing the activities involved in the job or occupation of which you have applied with or without a reasonable accommodation? ☐ Yes ☐ No

A description of the activities involved in such a job or occupation is attached.

## Applicant's Authorization

I give the employer and authorized representatives the right to make a thorough investigation of any of the information I have provided and to perform reference/background checks. These investigations may involve contact with my family, current and former business associates and neighbors, as well as public authorities and others with whom I am acquainted.

Any conditional offer of employment may require that I undergo and pass a physical examination and/or substance abuse evaluation provided at the employer's expense, by a physician or approved by the employer. I understand that if I refuse to be tested, or if the drug test results are positive for the use of illegal drugs, I will not be considered for employment.

I understand that the employer may request that I take job-related written and skill tests (if applicable) for the job for which I am applying. I understand that if I refuse to be tested I will not be considered for employment.

I authorize all current and former employers, educational institutions and military authorities, whether or not listed on the application, to furnish the employer with complete information concerning my employment, academic transcripts, and service records. The information requested may include inquiries regarding my work habits, other related activities, abilities, character and the cause of my separation.

I release each of the above references and the employer and authorized representatives from any liability for damages that may result from the furnishing of or the use of any of this information.

I understand that, should the employer employ me, my employment is "at will". Employment at will means that I may resign my employment at any time, with or without reason or cause and that I may be terminated at any time by the employer, with or without reason or cause, with or without prior notice. The employer will not be liable for any wages, salary, or other benefits other than those earned prior to the termination of my employment. No written or oral offer of employment, or other benefits related to employment will be viewed as establishing an employment contract.

If employed, I will abide by the employer's current and continually modified policies, procedures and/or rules. I understand that the employer requires reliable attendance and job performance, I understand that the employer may require that I work various shifts and/or schedules. I understand that any employment is subject to a change in conditions, wages, benefits and company policies.

I understand that if the employer extends a conditional offer of employment, I may be asked to sign the following authorizations and/or documents:

- ▶ Authorization for Medical Exam
- ▶ Authorization to Test for the Current Use of Illegal Drugs
- ▶ Authorization to Obtain Consumer Reports (as required by the federal Fair Credit Act)
- ▶ Driver's License or other identification
- ▶ Federal I-9 Form including verification of right to work

I certify that all statements contained in this application (including attachments, if any) are true, correct and complete. If the employer, during its investigation of my application, or later if I am employed, discovers that statements have been omitted or are false, incomplete or misleading, I understand that I may receive no further consideration for employment and that this will result in grounds for dismissal.

**I understand that completion of this application does not mean that I have been offered employment or an employment contract.**

Applicant's Signature

Social Security Number

Street Address

Driver's License Number (or other identification)

City/State/Zip Code

State Issuing Driver's License Number (or other ID)

# Interview Evaluation Form

Name of Applicant: \_\_\_\_\_

Position Desired: \_\_\_\_\_

Rate each applicant's qualifications based solely on the job description of the current job opening. Check the appropriate column and add any comments you wish to make.

**1 – Does not meet requirements for the position**

**2 – Meets some of the requirements for the position**

**3 – Meets requirements for the position**

**4 – Exceeds requirements for the position**

CATEGORY	1	2	3	4	COMMENTS
Work History					
Technical Ability					
Education					
Job Stability					
Communication Skills (Verbal response, body language)					
Appearance (Cleanliness, neatness, grooming)					
Advancement Potential					
Overall Evaluation					

Would you recommend for hire? Yes ☐ No ☐ If no, why? \_\_\_\_\_

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**Recommended Position:** \_\_\_\_\_

**Candidate accepted/rejected offer:** \_\_\_\_\_

**Starting Salary:** \_\_\_\_\_ **Starting Date:** \_\_\_\_\_

**Company/Location:** \_\_\_\_\_

**Interviewed By:** \_\_\_\_ **Date:** .



## Reference Verification Worksheet

<b>Community:</b>	<b>Date:</b>
<b>Applicant Name:</b>	
<b>Position Under Consideration:</b>	

*Two references required per applicant.*

REFERENCE 1					
Company:		Phone:		Supervisor:	
Employment Dates	From:			To:	
Position Held:			Ending Wage/Salary:		
Reason for Leaving:		<input type="checkbox"/> Resigned with notice <input type="checkbox"/> Asked to Resign		<input type="checkbox"/> Quit with notice <input type="checkbox"/> Terminated <input type="checkbox"/> Other _____	
Eligible for Rehire:	Yes	No			
Rank the Applicant: <i>Circle appropriate letter.</i>					
Trustworthy	A	B	C	D	F
Promptness	A	B	C	D	F
Work Habits	A	B	C	D	F
Initiative	A	B	C	D	F
Teamwork	A	B	C	D	F
Reliability	A	B	C	D	F
Follows Directions	A	B	C	D	F
Comments:					
Name & Title of person supplying information:					

REFERENCE 2					
Company:		Phone:		Supervisor:	
Employment Dates	From:			To:	
Position Held:			Ending Wage/Salary:		
Reason for Leaving:		<input type="checkbox"/> Resigned with notice <input type="checkbox"/> Asked to Resign		<input type="checkbox"/> Quit with notice <input type="checkbox"/> Terminated <input type="checkbox"/> Other _____	
Eligible for Rehire:	Yes	No			
Rank the Applicant: <i>Circle appropriate letter.</i>					
Trustworthy	A	B	C	D	F
Promptness	A	B	C	D	F
Work Habits	A	B	C	D	F
Initiative	A	B	C	D	F
Teamwork	A	B	C	D	F
Reliability	A	B	C	D	F
Follows Directions	A	B	C	D	F
Comments:					
Name & Title of person supplying information:					

Person calling for references: \_\_\_\_\_

## New Employee Paperwork Checklist

Employee Name:		Position:	
Community:		Immediate Supervisor:	
Salary Offered:	Start Date:	Today's Date:	

### PRE-EMPLOYMENT

Notice and Authorization Regarding Consumer Report	
Employment Application	
Resume (if available)	
Maintenance Skills Checklist and/or Tests	
Reference Verification	
Authorization by Employment Applicant	
Employment Testing	
Job Description Acknowledgement	
Other Documentation	

### EMPLOYMENT DOCUMENTATION

	Employee Change Form (signed by employee and supervisor))
	Federal Tax Form W-4
	State Tax Form (if applicable)
	I-9 Form (completed by employee & manager)
	I-9 Documents
	Workers' Compensation Form (if applicable)
	Other

### EMPLOYMENT POLICIES

Employee Equipment/Supplies Agreement	
Back Support Belt Agreement	
Proof of Automobile Liability Coverage	
Ack. Of Employee Fair Housing Compliance	
Substance Policy Acknowledgement	
Employee Handbook Acknowledgement	
Harassment Policy Acknowledgement	
Electronic Systems Acknowledgement	
Other	

### EMPLOYEE LIVING ON-SITE

	Lease
	Employee Lease Agreement Addendum

### BENEFITS

Benefits List	
Benefit Plan Enrollment Form (full-time only)	
Health Insurance Enrollment Card	
Optional Dependent Coverage	
Dental Care Enrollment	
Other	
Other	

Complete and attach all applicable information and return to your immediate supervisor within 48 hours of the first day of employment.

## New Employee Orientation Checklist

Employee Name:		Date:
Person Giving Orientation:		Property:
Handouts Received:		
Budget:	Monthly Stmt.:	Operation Manuals:

### DISCUSSED

#### COMPANY ORIENTATION PERFORMANCE

#### JOB

	Y E S	N O		Y E S	N O
Company Goals; Philosophy			Review Job Description		
Review Organization			Discuss Expectations, Goals		
Names, Phone Numbers			Time Sheets & Pay Schedule		
Interaction with Owner/Client			Office Hours & Scheduled Work Hours		

#### EMPLOYMENT POLICIES

#### SAFETY

	Yes	No		Yes	No
Review the Employee Handbook			Safety Policy (including reading Safety Indocctrination Lecture)		
Discrimination & Fair Housing			Specific Job Rules		
Drug Policy			Use of Personal Protective Equipment		
Dress Code			Participation in Safety Meetings		
Key Policies			Reporting Unsafe Meetings		
Reporting Requirements & Deadlines			Review MSDS Book		
Office Appearance			Making Safety Suggestions		
Smoking/Eating Policies			Assisting in Accident Investigation		
Property Office Etiquette			Unusual Job Conditions		
Emergency Procedures			Reporting of Injuries/Accidents		
Benefits					
Budget & Monthly Statement					
Review Performance Evaluation Criteria					
Harassment Policy					

The above items were discussed with me today, and I had an opportunity to ask questions. I understand the company policy and position on these items.

Signed: \_\_\_\_\_  
(Employee)

Signed: \_\_\_\_\_  
(Person Conducting Orientation)

Date: \_\_\_\_\_

Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## Notice and Authorization Regarding Consumer Report

\_\_\_\_\_ has chosen to conduct a form of consumer report, [OPTIONAL: a criminal record check *or* retail credit history *or* a criminal record check and retail credit history], on all applicants who are extended conditional job offers and on employees at certain times during employment. These checks are performed under the Federal Fair Credit Reporting Act to ensure a safe working environment.

\_\_\_\_\_ requires, as a condition of employment, that all applicants who receive a conditional job offer consent to the consumer report and provide certain identifying information to facilitate the record check process. \_\_\_\_\_ may also conduct consumer reports at certain times during employment, such as when employees receive their annual performance evaluation or apply for transfer or promotion. Failure to consent to [OPTIONAL: the criminal record checks *or* credit history *or* criminal record credit history checks] will result in ineligibility for employment or termination of employment.

I acknowledge receipt of this notice and authorize \_\_\_\_\_ and its agents to obtain consumer reports on me, including [OPTIONAL: criminal record checks *or* credit history checks *or* criminal record and credit history checks], as part of \_\_\_\_\_'s background investigation for employment purposes. I understand that this consumer report will be obtained under the federal Fair Credit Reporting Act and will be used to determine my suitability for employment. I authorize any person, organization, governmental authority or other party to release and disclose information and cooperate in the obtaining and producing of consumer reports on me. If I am hired, this authorization shall remain valid and shall serve as an ongoing authorization for \_\_\_\_\_ and its agents to obtain consumer reports on me, including criminal record [OPTIONAL: and credit history] checks, for employment purposes at any time during my employment.

I release \_\_\_\_\_ and its agents from any and all claims, damages and liabilities from conducting consumer reports and obtaining and utilizing information about me pursuant to this authorization.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name of Applicant

# Employee Change Form

(To be completed by manager)

Employee #:		Community:		Payroll Period Beginning:	
Name:		Last:		Middle:	
Employee Social Security Number:				Telephone Number:	
<b>New Hire/Rehire</b> <input type="radio"/> New Hire <input type="radio"/> Rehire <input type="radio"/> Leave of Absence Return					
Position:			First Day Worked:		
Hourly Wage:			Annual Wage (Managers):		
Address:					
		Birthday (Day/Month):			
Check appropriate employment classifications: <input type="radio"/> Full Time <input type="radio"/> Part Time <input type="radio"/> Temporary					
<i>If living on-site:</i>					
Apartment #:		Current Market Rate \$:		Check one:	
Apartment Type:		Move-In Date:		<input type="radio"/> Union	<input type="radio"/> Non-Union
<b>Change</b> <input type="radio"/> Rate <input type="radio"/> Contract <input type="radio"/> Position					
Effective Date:					
New Address:		New Apt. Type:			
		Current Market Rate: \$			
		Payroll Deduction: \$			
<input type="radio"/> Employee Moved Off Property					
Property Transfer		From:		To:	
Position Change		From:		To:	
Wage Change		From:		To:	
Reason? ( <i>Check one</i> )		<input type="radio"/> Promotion		<input type="radio"/> Position change	
		<input type="radio"/> Term of Service		<input type="radio"/> Other:	
		<input type="radio"/> Pay Increase			
<b>Leave of Absence</b>					
Type of Leave					
Check all that apply: <input type="radio"/> Medical (Non-FMLA) <input type="radio"/> FMLA (Family Medical Leave) <input type="radio"/> Military <input type="radio"/> Education <input type="radio"/> Other:					
Approximate length of leave:		DATES From:		To:	
Income during my leave:					
<input type="radio"/> Yes, I elect to use all my accrued vacation and sick time during my leave and I am aware that the company policy states that I will not accrue vacation or sick time while I am on an unpaid leave of absence.					
<input type="radio"/> No, I do not wish to use my accrued vacation and sick time during my leave.					
Return to Work					
Return to work date:		<input type="radio"/> Doctor's release has been approved and is attached to this form.			
I acknowledge that all of the information on this form is true, correct and complete and contains no omissions.					
Employee Signature:				Date:	
<b>Authorization</b>					
<input type="radio"/> YES, I am submitting a complete set of new-hire paperwork. All documents are enclosed. I accept responsibility for the timeliness and accuracy of this paperwork. I understand that missing, late, or incomplete paperwork may result in a delayed paycheck for my employee.					
Manager Signature:				Date:	
<input type="radio"/> YES, I have performed a second audit of this new-hire paperwork. I understand that by signing this I am verifying that it is accurate and complete.					
Supervisor:				Date:	

## Notice & Acknowledgement of No Workers' Compensation Insurance

\_\_\_\_\_ does not have workers' compensation insurance coverage to protect its employees from damages of work-related illness or injury.

I understand that in the event of any on-the-job injury, I am to:

Report the matter immediately to my supervisor;

Complete an accident report in detail;

If necessary, go to the company's designated medical clinic;

Inform my supervisor of my expected recovery time; and

Not return to work until released to do so by the company's designated medical clinic.

I understand that the company will not make any payments in connection with an injury that is not clearly sustained on the job in the proper performance of duties and reported at the time it occurs. Bills from non-designated medical providers will not be paid by the company.

I also agree that any payments voluntarily made by the company in connection with an on-the-job injury are not intended to be, and will not be understood to be, any admission of liability by the company.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## Employee Equipment and Supplies Agreement

Name:	Community:
New Hire Date:	Transfer Date:
Immediate Supervisor:	

Below is an itemization of company possessions currently held by \_\_\_\_\_ and date each item was distributed.

Item	Description		Date Issued	Date Returned
Keys	Clubroom	# _____		
	Office	# _____		
	Model	# _____		
	Other	# _____		
	Other *	# _____		
Pager	Phone	# _____		
Radios		# _____		
Uniforms	Men's	# _____ Qty. _____		
		# _____ Qty. _____		
		# _____ Qty. _____		
	Women's	# _____ Qty. _____		
		# _____ Qty. _____		
		# _____ Qty. _____		
I.D. Badges	_____			
Procedures	_____			
Manuals	_____			
Equipment	_____			

**\*If further itemization of key distribution is required, please attach separate sheet.**

I understand that the above stated items are company property and must be returned upon request or termination of employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date Issued

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date Returned

\_\_\_\_\_  
Date

## Back Support Belt Acknowledgement

I, \_\_\_\_\_, hereby acknowledge receipt of \_\_\_\_\_ back support belt(s). I have read and understand the instructions for the proper use and care of the back support belt. I also understand that this belt is company property and will be returned to the company upon termination of employment.

I understand that this belt is to be worn at all times as part of my uniform and that reporting to work without wearing this belt will result in my being sent home without pay until I return to work with the belt.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Date Returned



## Employee General Information/Proof of Automobile Liability Coverage

Name: Last:		First:		Middle:	
Home Address:					
City, State, Zip:					
Home Phone: Area Code:		Number:		Birthdate: Mo: Day: Year:	
Marital Status:		Spouse's Name (if married):			
In an emergency, contact:					
Name:					
Address:					
City, State, Zip:					
Home Phone: (AC):		Business Phone: (AC):		Number:	
Number:					
I, _____, do hereby offer proof of current automobile liability coverage:					
Insurance Carrier:					
Policy Number:					
Effective Date:					
Driver's License Number:					
Expiration Date:					
Automobile:					
Make/Model/Year/Color/License (State & Number):					
I, _____, do hereby state that I do not have current automobile liability coverage and/or a valid driver's license.					
I understand that without proof of valid automobile liability coverage and a valid driver's license, I cannot operate a motor vehicle while working at the property or while performing property business.					
EMPLOYEE:		Date:			
Manager/Supervisor:		Date:			

## Acknowledgement of Employee Fair Housing Compliance

**This company is strongly committed to Equal Housing Opportunity. Fair housing practices enhance the company's reputation in the industry and thereby help contribute to its success.**

**Because of this commitment, all employees must read the Fair Housing Non-Discriminatory Operating Policy. After reading through the regulations, ask your immediate supervisor any questions you may have concerning them to assure your understanding. You will be required to sign the statement below and return it to your supervisor as a part of your "new employee" package.**

**This company requires employees to strictly comply with all federal, state and local fair housing laws. Failure to do so will result in disciplinary action up to and including termination. Additionally, the company asks that if you observe other employees acting in a manner that is not consistent with the regulations, you confidentially discuss the situation with your supervisor.**

-----

**I, \_\_\_\_\_, have been given a copy of the Fair Housing Non-Discriminatory Operating Policy of \_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_. I certify that I have read and understand the regulations contained therein. I will comply with them and understand that violation will result in disciplinary action up to and including termination.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date Signed

## Sexual and Other Unlawful Harassment Policy

\_\_\_\_\_ is committed to providing employees a workplace that is free from harassment, in any form.

Harassment can take many forms, and may be, but is not limited to: actions, written or spoken words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic. Sexual harassment towards an employee, resident, or vendor may include unwelcome sexual advances, requests for sexual favors, stalking, other verbal or physical contact of a sexual nature when such conduct creates an intimidating environment, prevents an individual from effectively performing the duties of their position, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly. Any conduct of a sexual nature (including sexually abusive, vulgar or offensive language) that interferes or could interfere with an employee's performance or creates, or could create a working environment that is intimidating, hostile or offensive to an individual employee, or employees, is prohibited.

Harassment by individuals outside of the company such as vendors, or residents should be reported to your manager or supervisor.

Any employee may report an incident of harassment to their supervisor, or if that person is inappropriate, to the next level of management. Employees can address concerns and make reports without fear of reprisal or retaliation.

Each employee is personally responsible for ensuring that his/her workplace is free from harassment, in any form.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

## Acknowledgement of Harassment Policy

I acknowledge receipt of \_\_\_\_\_ Harassment Policy. I understand that it is my responsibility to read and comply with this policy.

If I have questions about this policy, I should ask my supervisor or Human Resources.

I understand that the Company is an equal opportunity employer and prohibits discrimination, harassment or intimidation of any employee. If I believe I am a victim of suspected discrimination, harassment or intimidation by any employee or contractor of the Company, or property resident, I should promptly notify my supervisor, the Human Resources Director, or any other administration official.

The Company will investigate complaints of harassment, discrimination or intimidation and, where appropriate, take corrective action sufficient to terminate the conduct. I understand that if I engage in discrimination, harassment or intimidation while employed by the Company, I will be subject to disciplinary action, up to and including termination of employment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Employee Name

## Acknowledgement of Harassment Inservice/Training

I acknowledge that I have participated in an inservice/training program conducted by \_\_\_\_\_ regarding its equal employment opportunity and harassment policies. I understand that \_\_\_\_\_ is an equal opportunity employer and prohibits discrimination, harassment or intimidation of any employee on account of race, color, creed, sex, age, religion, national origin, or disability.

I understand that I must refrain from any conduct, which has the purpose or effect of discriminating, harassing or intimidating other employees or creating a hostile work environment. If I violate the Company's equal employment or harassment policies I understand that I will be subject to disciplinary action, up to and including termination of employment.

If I am subject to or observe acts of suspected discrimination, harassment or intimidation, I should promptly notify my supervisor, Human Resources, or any other administration official. The Company's commitment to a discrimination and harassment free workplace can be a reality only if all employees, including me, report suspected incidents so that the Company can investigate and, where appropriate, take corrective action.

I agree to comply with the Company's policies regarding equal employment and a harassment free workplace.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Print Employee Name

## Electronic Systems Policy

Electronic systems shall be used only in support of the Company business activities. Electronic systems include, but are not limited to computers, software, internal and external communication networks (internet, commercial online services, bulletin board systems, telefax and e-mail systems), voice mail and telephones.

The content of electronic messages, documents and graphic images shall conform to the Company ethical and business standards. The use of electronic systems for activities such as stating personal or political views, communicating inappropriate or sexually explicit or offensive statements, soliciting employees, communicating destructive (virus) programs or conducting personal business is prohibited. The use of profanity, derogatory epithets, innuendo or sexual, threatening or abusive language is also prohibited. If employees receive any inappropriate or offensive electronic communications, they should immediately notify their supervisor or Human Resources.

All electronic systems and data (including e-mail, computer data, telefaxes and voice mail) are the property of the Company and considered the Company records. In order to maintain the security, integrity and business purpose of its electronic systems and to the fullest extent permitted by applicable state and federal laws, the Company reserves the right to log into, intercept and read the entire content of any electronic message, telephonic telefax or voice mail communication. Data transmitted or stored in the Company systems as well as matters that have been deleted by users are also included. Electronic communication and data should not be considered private.

Employees may not place any private or personal software on the Company computer systems. Users must comply with software licenses, copyrights and all other state and federal laws governing intellectual property. Electronic systems may not be used to send (upload) or receive (download) copyrighted materials, proprietary information, trade secrets or similar materials without prior authorization.

Employees who violate this policy or use electronic systems for improper purposes are subject to disciplinary action, up to and including termination.

## Acknowledgement of Electronic Systems Policy

*I acknowledge that I have received a copy of the Electronic Systems Policy of \_\_\_\_\_ (“Company”). I understand it is my responsibility to read, understand and comply with this policy.*

*I understand that all electronic communication and data including voice mail, electronic mail, facsimile transmissions, telephonic communications and computer data are the property of the Company and do not constitute private communications. I understand that the Company’s electronic systems may only be used for business purposes and that all communications must conform to the Company ethical and business standards.*

*I also understand and acknowledge the company/organization’s right to maintain the security of its electronic systems and to log into, intercept and read the entire content of any electronic messages or data transmitted or stored in the company/organization’s electronic systems to the fullest extent permitted by applicable federal and state laws.*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Employee Name (Print)*

\_\_\_\_\_  
*Employee Name (Signature)*

## Substance Abuse Policy and Acknowledgement Form

Note: Before you use the sample policy, confirm that it meets the legal requirements and procedural obligations for drug testing in your city/state.

Because creating a healthy and safe work environment is a top priority of this company, this substance abuse policy has been established to help keep employees healthy, productive, and free of injury.

This policy demonstrates our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk – not only to the individual but to other employees and the company's future as well. In addition to emphasizing the company's belief that safety and health is essential, the policy also underscores our firm commitment to a drug-free workplace.

Our substance abuse policy addresses five areas.

- Substance Abuse Testing – All final candidates given a conditional job offer are required to consent and submit to testing for the current illegal use of drugs. If the individual's test results are positive, he or she will not be considered for employment and the conditional job offer will be withdrawn. Any employee who suffers a job-related accident involving property damage or injury will be required to undergo a drug test. If there is a reasonable suspicion that an individual is using or dealing drugs, he or she will be required to undergo a drug test.
- Education/Communication Programs – Education is one of the most important weapons against drug and alcohol abuse. Our employee awareness and education programs include the following provisions:
  - o Distributing our substance abuse policy to all employees. The policy must be signed by the employee.
  - o Educating employees about the severity of the drug and alcohol problem.
  - o Increasing employee understanding of the negative impact drug and alcohol abuse has on family life.
  - o Training managers and supervisors on the signs and symptoms of drug and alcohol abuse, including how to make appropriate interventions and how to help a troubled employee.
- Disciplinary Guidelines – The company restricts certain items and substances from being brought on or being present on company premises, and prohibits employees and others working on company premises from reporting for work or from working with detectable levels of drugs or alcohol in their systems.

*The term "company premises" includes company offices, work locations, desks, lockers, living areas, restrooms, storage areas, shops, parking lots, and any vehicle engaged in company operation. Random searches of company premises, including desks, personal effects, and employee vehicles parked on company premises will be conducted at any time. Prohibited items will be confiscated and turned over to law enforcement officials when appropriate. Any employee found in possession of any of the items or substances prohibited by this policy should be removed from the company premises and will be subject to disciplinary action, up to and including discharge. Any employee who refuses to comply with a search or investigation as described in this policy will be subject to discipline, including discharge.*



- Employee Assistance Program – The company offers an employee assistance program that is totally confidential and available to all employees and their immediate families. The program provides professional services to those employees whose job performance is, or may be, adversely affected by alcoholism, emotional difficulties, drug dependence, family discord, or other personal problems.
- Prescription and Over-The-Counter Medications – The normal use of over-the-counter medications and the legal use of prescription drugs, as ordered by a licensed physician, are not prohibited. An employee must have a prescription drug in the original container which identifies the drug, dosage, prescription date, and prescribing physician. Restrictions on the use of prescription drugs and over-the-counter drugs must be observed by employees. When a physician or other healthcare professional prescribes a drug, the employee is required to ask the prescriber whether the drug could affect the employee's ability to perform his or her duties safely and efficiently.

Any employee who is taking over-the-counter medications or prescription drugs must inform his or her direct supervisor prior to beginning work if: (1) the employee obtains or has knowledge from a physician or other healthcare professional indicating a prescription drug or over-the-counter medication could affect the employee's ability to perform his or her assigned duties safely and efficiently or create a direct threat or harm to the employee, co-workers, patients, or visitors; or (2) the employee has knowledge from warning labels or other sources that the prescription drug or over-the-counter medication may impair his or her ability to safely perform assigned duties or create a direct threat or harm to the employee, co-workers, patients or visitors.

All employees who fail to report as required by this policy will be subject to appropriate disciplinary action.

I have read and understand the above Substance Abuse Policy and agree to abide by it.

---

Employee Signature

---

Date

## Handbook Acknowledgement Statement

I have received a copy of the employee handbook and understand that it is my responsibility to read and understand company policies, rules, and procedures, including those set out in this handbook. I further understand the company's policies and rules are subject to change, modification, and amendment by the company president from time to time without advance notice.

I acknowledge that this handbook is not a contract of employment between the company and me for any specific time period. The employment relationship between the company and all employees is based on mutual consent and can be terminated at any time, either by myself or the company without notice or requirement of cause.

I understand that I am responsible for complying with the policies, rules, and procedures of the company, including those set out in this handbook. Nothing contained in this handbook is intended to violate or restrict any rights of employees guaranteed by state or federal laws. I also understand that any time I have questions regarding a policy, rule, or subject outlined in this handbook, I should ask my supervisor or human resources department for an explanation or assistance.

\_\_\_\_\_  
Name of Employee (Print)

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date

## Employee Lease Agreement Addendum

**COMMUNITY:** \_\_\_\_\_

This addendum is attached to and becomes a part of the Apartment Lease Contract dated \_\_\_\_\_ between \_\_\_\_\_ Resident (Employee) and \_\_\_\_\_ Apartments for apartment number \_\_\_\_\_, located \_\_\_\_\_ (address).

Resident (Employee) agrees that the occupancy of the above apartment is a benefit of employment with \_\_\_\_\_. Should employment terminate for any reason, Resident (Employee) and all other occupants of apartment shall have seven (7) days to vacate the apartment.

- ♦ Resident (Employee) understands the need to carry renter's insurance.
- ♦ Resident (Employee) must obtain approval from the District/Regional Manager before transferring from one apartment to another.
- ♦ Resident (Employee) must pay rent as stated on the lease.
- ♦ Resident (Employee) must abide by all community policies.
- ♦ Disruptive or noisy behavior by employee or their guest(s) may cause employee to be disciplined up to and including termination and/or required to move from the property.

**Resident (Employee):** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# Accident Report

1. In the event of serious injury, call <b>911</b> . 2. Complete and sign this form. 3. Immediately send this completed form to the corporate office.																												
Property:																												
Manager/Supervisor Completing Report:																												
Name(s) of Injured:																												
Position(s):																												
Scheduled Hours Per Day:		Scheduled Days Worked Per Week:																										
Date of Incident:	Day of Week:	Time of Day:	AM	PM																								
Date Reported to Manager:		Location of Incident:																										
Description of Incident:																												
<b>Circle the body part claimed to be injured (if appropriate, circle Right or Left):</b>  <table border="0"> <tr> <td>Back</td> <td>Ankle – R or L</td> <td>Shoulder – R or L</td> <td>Finger(s) – R or L</td> </tr> <tr> <td>Hip – R or L</td> <td>Foot – R or L</td> <td>Upper Arm – R or L</td> <td>Side – R or L</td> </tr> <tr> <td>Buttocks</td> <td>Neck</td> <td>Elbow – R or L</td> <td>Head – What part?</td> </tr> <tr> <td>Upper Leg – R or L</td> <td>Eye – R or L</td> <td>Wrist – R or L</td> <td></td> </tr> <tr> <td>Knee – R or L</td> <td>Abdomen</td> <td>Hand – R or L</td> <td>Other – What?</td> </tr> <tr> <td>Lower Leg – R or L</td> <td>Chest</td> <td></td> <td></td> </tr> </table>					Back	Ankle – R or L	Shoulder – R or L	Finger(s) – R or L	Hip – R or L	Foot – R or L	Upper Arm – R or L	Side – R or L	Buttocks	Neck	Elbow – R or L	Head – What part?	Upper Leg – R or L	Eye – R or L	Wrist – R or L		Knee – R or L	Abdomen	Hand – R or L	Other – What?	Lower Leg – R or L	Chest		
Back	Ankle – R or L	Shoulder – R or L	Finger(s) – R or L																									
Hip – R or L	Foot – R or L	Upper Arm – R or L	Side – R or L																									
Buttocks	Neck	Elbow – R or L	Head – What part?																									
Upper Leg – R or L	Eye – R or L	Wrist – R or L																										
Knee – R or L	Abdomen	Hand – R or L	Other – What?																									
Lower Leg – R or L	Chest																											
<b>Circle the nature of the claimed injury:</b>  <table border="0"> <tr> <td>Bruise</td> <td>Dislocation</td> <td>Puncture</td> <td>Fracture</td> <td>Other</td> </tr> <tr> <td>Burn</td> <td>Abrasion or scrape</td> <td>Strain or Sprain</td> <td>Infection</td> <td></td> </tr> <tr> <td>Cut</td> <td>Foreign body in eye</td> <td>Rash</td> <td>Pulled muscle</td> <td></td> </tr> </table>					Bruise	Dislocation	Puncture	Fracture	Other	Burn	Abrasion or scrape	Strain or Sprain	Infection		Cut	Foreign body in eye	Rash	Pulled muscle										
Bruise	Dislocation	Puncture	Fracture	Other																								
Burn	Abrasion or scrape	Strain or Sprain	Infection																									
Cut	Foreign body in eye	Rash	Pulled muscle																									

If appliance/tool involved; describe:		
Did employee violate a safety rule or procedure?	YES	NO
If "Yes", describe:		
Was an unsafe act by the injured employee involved?	YES	NO
If "Yes", describe:		
Medical attention offered?	YES	NO
Medical attention received?	YES	NO
If facility first aid only – describe:		
Is employee losing time?	YES	NO
Estimated time loss:		

Name of clinic/doctor:		Address:	
City:	State:	Zip:	Phone Number:
<b>WITNESSES</b>			
Name:		Address:	
City:	State:	Zip:	Phone Number:
Name:		Address:	
City:	State:	Zip:	Phone Number:

Job assignment or duties being performed at time of incident:
Special circumstances or encumbrances:
Details of how the accident occurred:
Equipment affected or damaged:
Direct cause of accident:
Indirect cause of accident (including program elements):
Corrective action implemented:
Follow up on corrective actions:


## Signed Statement of Witness

Name of Witness:		Age:	Home Phone No.:
Address:		City:	State: Zip:
Place of Employment:		Work Phone No.:	
Relationship to Injured Person:			
Date of Alleged Incident:		Time of Incident:	<input type="checkbox"/> AM <input type="checkbox"/> PM
This statement concerns my knowledge of an alleged incident to the following named individual:			
Describe the incident in detail (who, what, when, where, how much):			
Describe any property injuries or personal injuries:			
Describe any prior injuries or disabilities of the injured person that are known to you:			
Were police called? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> No Knowledge			
Was EMS called? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> No Knowledge			



Did injured party go for medical treatment? ? ☐ YES ☐ NO Where?

I have read the above statement and it is true, correct and complete to the best of my knowledge and belief.

Signature of Witness: \_\_\_\_\_ Date: \_\_\_\_\_

## Employee Statement of Injury

This report is to be completed in its entirety by the employee no later than 24 hours following injury date, or as soon as practical.		
Name:	Age:	SS No.:
Address:		City:
State:	Zip:	
Property:		
Date Incident:	Time of Incident:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Day of Week:	Time Work Shift started:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Area Where Injured:		Name of Manager:
Date Injury Reported to Mgr.:	Time Reported:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Describe appliance/equipment involved:		
Describe what you were doing at time of incident:		
Describe how the incident/injury occurred:		
Was a safety device applicable?	Was it used?	
Describe it:		
Describe nature of injury:		
Body part involved:	Any other part injured:	YES NO
If "YES", explain:		

Have you had a same or similar injury before:		YES	NO
If "YES", give details:			
Name of Clinic/Doctor:		Phone No.:	
Probable length of time off work due to this injury:			
Have you been released to return to work?		YES	NO
If "YES", date returned to work (attach copy of physician release form):			
The information is correct and complete.			
Signed: _____ Witness: _____ Date: _____			
<b>WITNESSES:</b>			
Name: _____		Name: _____	
Address: _____		Address: _____	

# Employee Appraisal Form

Employee Name:	Property:
Position/Title:	Date:
Supervisor Conducting Review:	

**Ratings:** 1= Not Acceptable      2=Improvement Necessary      3=Acceptable  
4=Exceeds Requirement      5=Outstanding

I. DESCRIPTION OF DUTIES/ACCOUNTABILITIES	
List the major responsibilities for your position. For assistance, refer to your job description.	
1)	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
2)	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
3)	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
II. ACCOMPLISHMENTS/RESULTS	
Employee's contribution to project objectives. Comment on special projects or objectives and how the results met, exceeded or failed to meet the requirements of the job.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
III. GENERAL JOB ELEMENTS	
1) <b>Job Knowledge</b> – Understanding of technical aspects of the position.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:

Appraisal, Pg. 2

2) <b>Planning and Organizational Abilities.</b>
--

Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
3) <b>Results</b> – Quality, quantity and timeliness of work performed.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
4) <b>Decision Making</b> – Timeliness and sound judgment when making decisions.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
5) <b>Communications</b> –Written and oral reports.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
6) <b>Supervisory Skills</b> – Includes training and motivation of staff, taking corrective action when necessary, coordinating schedules and activities.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
7) <b>Resident Relations</b> – Consistent, friendly attitude, satisfaction of complaints, pursuit of collections/rule violations, etc.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
8) <b>Sales Ability</b> – Attitude, sales presentation, closing techniques.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:

Appraisal, Pg. 3

9) <b>Professionalism</b> – Appearance, attitude, attendance, punctuality.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:

10) <b>Relations with Co-Workers</b> – Cooperative team worker/flexible.	
Employee 1 2 3 4 5	Supervisor 1 2 3 4 5
Comments:	Comments:
<b>IV. EMPLOYEE COMMENTS</b>	
1) Are you personally satisfied with your job performance?	
2) What are your strengths/weaknesses in performing your job?	
3) Do you have interests or skills you feel your employer is not utilizing?	
4) What are your personal/professional goals for the coming year?	
5) Other comments or suggestions you may have concerning your work, environment, or supervision?	
<b>IV. SUPERVISOR'S COMMENTS</b>	
1) General statement concerning employee's job performance:	
2) Areas/skills to be improved upon or developed during the next rating period:	
<b>SIGNATURES</b>	
Employee:	Date:
Reviewing Supervisor:	Date:



## Re-Evaluation of Previous Counseling and Employee Actions

Employee Name: \_\_\_\_\_ Property: \_\_\_\_\_

Supervisor: \_\_\_\_\_

1. I have made the following observations of your conduct since your counseling statement of \_\_\_\_\_ (date):

2. You have/have not met the necessary standards for correcting this offense:

\_\_\_\_\_  
Supervisor Date

I have read and received a copy of the above statement.

\_\_\_\_\_  
Employee Date

\_\_\_\_\_  
Witness (if necessary) Date

### COPY DISTRIBUTION

☐ Employee ☐ Personnel File ☐ Supervisor ☐ \_\_\_\_ ☐ \_\_\_\_



## Counseling Log

**Facility:**

**Location:**

**Page No.**\_\_

All verbal counseling should be documented in writing and filed in the employee's personnel record and recorded on the Counseling Log.

Employee Name	Date of Counseling	Department/ Unit & Position	Type of Counseling					Reason for Counseling	Manager/ Supervisor Responsible
			Oral*	Written	Probation	Suspension	Termination		

## Reason for Termination Forms

Two sample forms have been provided which document the reasons for termination. One form is for a voluntary termination, the other for an involuntary termination.

### *Voluntary Termination Form*

#### REASON FOR TERMINATION

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ Property Name: \_\_\_\_\_  
Last Day Worked: \_\_\_\_\_

#### RESIGNED VOLUNTARILY

Identify the reason(s) for termination:

- ☐ 1. Job Completed
- ☐ 2. Relocation
- ☐ 3. Military Service
- ☐ 4. Return to School
- ☐ 5. To Accept Other Work
- ☐ 6. Objected to Duties or Working Conditions
- ☐ 7. Job Abandonment  
(Last Day worked \_\_\_\_\_)
- ☐ 8. Not Returning from Leave of Absence  
(Last Day worked \_\_\_\_\_)
- ☐ 9. Not Returning from Maternity Leave  
(Last Day worked \_\_\_\_\_)
- ☐ 10. Other \_\_\_\_\_

Would you recommend this person for rehire in your department or another?

☐ YES ☐ NO

If "No", give brief reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ YES, I have enclosed the employee's letter of resignation

#### NOTICE

Indicate the amount of notice the employee gave:

- ☐ 2 weeks or more
- ☐ less than 2 weeks

☐ YES, I informed the employee the company policy states that, "Accrued vacation will not be paid regardless of years of service, if insufficient notice is given, (less than two weeks)

☐ Employee was released before the end of notice. Please pay accrued vacation.

Explain why employee was released: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please check the appropriate boxes to reflect your analysis of the terminating employee:

	POOR	FAIR	AVERAGE	GOOD	EXCELLENT
Quality of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quantity of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adaptability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attendance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### AUTHORIZATION

\_\_\_\_\_  
Employee's Direct Reporting Manager

\_\_\_\_\_  
Date

#### PAYROLL DEPARTMENT USE ONLY

Date of Hire: \_\_\_\_\_

Accrued Vacation Hours Payable: \_\_\_\_\_ Date Vacation Hours Paid: \_\_\_\_\_

☐ YES, I have performed a manual audit of this figure.

*Involuntary Termination Form***REASON FOR TERMINATION**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ Property Name: \_\_\_\_\_

Position: \_\_\_\_\_ Rate of Pay: \_\_\_\_\_ per: ☐ month ☐ hour ☐ other

Last Day Worked: \_\_\_\_\_

**DISCHARGED****REQUIRED: Description of the final incident which resulted in termination:** \_\_\_\_\_**Identify the reason(s) for termination:**

- ☐ A. Unsatisfactory Performance  
☐ B. Neglect of Job Duties or Responsibilities  
☐ C. Assault or Threatened Assault  
☐ D. Conviction of a Crime  
☐ E. Being Under the Influence of Drugs or Alcohol While at Work  
☐ F. Breach of any Duty to the Company  
☐ G. Breach of Confidential Information  
☐ H. Theft or Fraud  
☐ I. Endangering Self or Others  
☐ J. Falsifying documents  
☐ K. Insubordination  
☐ L. Possession of Weapons on Site  
☐ M. Unsatisfactory Attendance  
☐ N. Destruction of Property  
☐ O. Harassment  
☐ P. Solicitations or distributions  
☐ Q. Violation of Company Policy  
☐ R. Layoff  
☐ S. Other \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**List the prior Warning Dates:**

\_\_\_\_\_ ☐ Verbal  
 \_\_\_\_\_ ☐ Written

Date

\_\_\_\_\_ ☐ Verbal  
 \_\_\_\_\_ ☐ Written

Date

\_\_\_\_\_ ☐ Verbal  
 \_\_\_\_\_ ☐ Written

Date

**Other Significant Dates:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- ☐ **YES, I have attached a copy of all warning and incident documentation to this form. (REQUIRED TO PROCESS FINAL CHECK)**

**Would you recommend this person for rehire in your department or another?**☐ YES ☐ NO

If "No", give brief reasons: \_\_\_\_\_

**Please check the appropriate boxes to reflect your analysis of the terminating employee:**

	POOR	FAIR	AVERAGE	GOOD	EXCELLENT
Quality of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quantity of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adaptability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooperation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attendance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHORIZATION**

Employee's Direct Reporting Manager \_\_\_\_\_

Date \_\_\_\_\_

# Letter of Resignation

I \_\_\_\_\_ voluntarily resign my position with \_\_\_\_\_ because:

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---



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---

I have accepted another position with \_\_\_\_\_

I have been dissatisfied with my job because \_\_\_\_\_

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My last day of work will be: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

# Exit Interview Guide

Employee Name \_\_\_\_\_

Property/Position \_\_\_\_\_

Last Day Worked/Date of Interview \_\_\_\_\_

What prompted your decision to leave? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you could have changed any one thing about your job, what would it have been? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Would you consider working for us again? Why or why not?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How would you rate these items:

	<u><b>Excellent</b></u>	<u><b>Satisfactory</b></u>	<u><b>Unsatisfactory</b></u>
Compensation	_____	_____	_____
Benefits	_____	_____	_____
Training	_____	_____	_____
Supervisory Support	_____	_____	_____
Working Conditions	_____	_____	_____
Safety	_____	_____	_____
Upper Management	_____	_____	_____
Job Challenge	_____	_____	_____
Job Security	_____	_____	_____
Location	_____	_____	_____
Policies & Procedures	_____	_____	_____
Advancement	_____	_____	_____
Opportunities	_____	_____	_____
Cooperation of Co-Workers	_____	_____	_____

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Interviewer's Signature & Date

## Resignation/Termination Log

Period Covered: \_\_\_\_\_ to \_\_\_\_\_ Page \_\_\_\_\_

Location/Property: \_\_\_\_\_

Employee Name	Position and Department	Date of Separation	Type* of Action	Reason**	Name of Responsible Official

\*Voluntary resignation (R); Termination (T); Requested Resignation/In Lieu of Termination (RR).

\*\*If the employee resigned in lieu of termination, so indicate and provide reason for requested resignation

## Activity #1: Interview Questions

### Instructions

Place a check mark in the space provided to show whether you think the question is legal or illegal to ask in an interview.

Legal	Illegal	Question
		1. You know how one's perspective about his/her job changes when you get past forty, don't you?
		2. That's an interesting pronunciation of your last name. What nationality is that?
		3. I see from your application that you're a skier. Have you gone to any singles ski weekends near here?
		4. I guess anyone who was in the Special Forces must have an honorable discharge. Do you?
		5. Who cares for your children?
		6. You look pretty young to have had all this experience. What year did you graduate from school?
		7. What physical handicaps do you have?
		8. Do you plan to have more children?
		9. You say you contribute a lot of your spare time to church activities. What kinds of activities do you participate in and what church is it?
		10. Do you own your home? Rent? Live with your parents?
		11. You're from a tough neighborhood. Were you able to survive without any problems with the police?
		12. How much do you weigh?
		13. What clubs and organizations do you belong to?
		14. Would your husband be caring for your children in the event your job required you to be away overnight?
		15. Since you're a woman, do you feel you will be able to sell effectively to men?
		16. What type of military discharge did you receive?
		17. What would you do if your husband got a job in another state?
		18. Do you think someone of your race would have a problem working in this area?
		19. Any history of mental disorders in your past?
		20. That's a beautiful diamond you have. Are you engaged?
		21. An attractive woman like you must be married. Are you?
		22. Do you think being a male will be helpful in dealing with this type of clientele?
		23. Where was your wife born?
		24. Is it "Miss" or "Mrs." Jones?
		25. Please don't be offended by this standard question. Have you ever been arrested?
		26. Since you're a woman, do you think that you'll have any difficulty learning the technical material involved or relating it to a totally male group of customers?

## Instructions

**1.**

**2.**

**3.**

4.

**5.**

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HO #3



**INTERVIEW GUIDE FOR ASSISTANT MANAGER****CANDIDATE:****DATE:****COMMUNITY:****INTERVIEWED BY:**

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**BACKGROUND REVIEW**

1. Why will this position help you achieve your career objectives?
2. In your last job, for which tasks did you have full responsibility?
3. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many people were affected?
4. What would your past/current employer have to do to keep you?
5. What was your favorite/least favorite part about your last position?
6. What do you expect your previous employers to say when we call to check your references?
7. Tell me about your educational background (include formal education, additional programs or courses taken on the job, major area of study, and grades). How will your background contribute to your success in this position?
8. How has your last job prepared you for this job? What would your boss say is an area you could improve?
9. What percentage of the time did you spend bookkeeping at your last position?

**COMPUTER/BOOKKEEPING SKILLS**

1. How did you use a computer in your work? What software programs are you proficient in? How did you use these software programs?
2. How did you go about learning how to use the computer systems in your previous jobs?
3. Tell me about a difficult situation you have had with a co-worker in the past. What was the outcome?
4. Describe for me the methods you have used in the past to collect rents or past due accounts, and to minimize delinquencies. Which methods do you think worked best?

5. What is the hardest/most challenging part about bookkeeping for you?

**ADMINISTRATIVE**

1. How much time did you spend in your previous job doing paperwork for either property management or program compliance? Describe the paperwork you had to complete -- what types of paperwork did you enjoy doing or dislike?
2. What types of reports (property and program-related) did you have to generate, and how often? How were those reports used in your business?

**CUSTOMER SERVICE**

1. Some people are easier to interact with than others. Tell me about an instance in which you had to handle a particularly difficult resident or customer. How did you handle it?
2. From past experience, what do you think is the best way to handle problems and complaints from customers?
3. Give me an example of a time when you went "out of your way" to help a resident or customer. What was the situation, and what specifically did you do or say?
4. Did you make suggestions in any previous job to improve morale, increase output, or increase customer satisfaction? What were they?
5. Can you think of an incident when you should have done more than you did to solve a complaint or issue? What held you back from doing it?

**FOLLOW - UP**

1. Everyone can miss a deadline from time to time. When was the last time you missed a deadline because you failed to follow up on something? How did you handle it?
2. Describe to me how you organize your workday. What types of "tools" or methods have you used to manage your time? (Look for the use of "to do" lists, calendars, tickler files, and so on.)

**DECISION MAKING**

1. Give me an example of a really *good* decision you have made? What about a decision you later regretted?
2. What types of decisions did you make in your last position, without first checking with your manager? On what types of decisions did you ask for input prior to making a decision?

### **RISK TAKING AND ACTION ORIENTATION**

1. Sometimes we have to act quickly, without the benefit of having a policy or procedure to follow. Give me an example of a time when you had to act quickly -- on your own -- and what happened in that situation.
2. Can you recall an instance in which you had to take a risk on the job? What was the situation, and what made it risky. What happened?

### **CHANGE AND STRESS**

1. Describe a change that took place in your last job, which you found difficult to understand or accept. What was the situation, and how did you adapt to the change?
2. What types of activities create stress for you on the job? What did you do to cope or manage the stress?

### **PROBLEM SOLVING AND CONFORMITY**

1. Think of a difficult or challenging problem you had to solve on your last job. Walk me through the process you used for solving that problem. What was the outcome?
2. Tell me about a disagreement you had with your last manager or other property personnel. What was the situation and what did you do?

### **MOTIVATION / ATTITUDE**

1. Do you see yourself as a leader or a team member? Why?
2. What would you do if your supervisor made a decision with which you strongly disagreed?
3. How does this job compare with others you have applied for?
4. What do you expect from the company that hires you?
5. What are the things you look for in a job?
6. What are your career goals? Where do you want to be in 5 years?
7. What motivates you to be successful?

### **SUMMARY**

1. How does the position with our company "fit" with your overall career goals?
2. In addition to what you have already told me, is there anything else you would like me to know about yourself to help me with my hiring decision?

- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision; and how he or she will be informed of the decision.
- ☒ Thank the candidate.

[illegible]

# **INTERVIEW GUIDE FOR LEASING COORDINATOR AND/OR LEASING CONSULTANT**

**CANDIDATE:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_  
**COMMUNITY:** \_\_\_\_\_  
**INTERVIEWED BY:** \_\_\_\_\_

## **BACKGROUND REVIEW**

1. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many others were affected?
2. What would your past/current employer have to do to keep you?
3. What was your favorite/least favorite part about your last position?
4. In your last job, for which tasks did you have full responsibility?
5. What do you expect your previous employers to say when we call to check your references?
6. What would your boss say is an area you could improve?
7. How has your last job prepared you for this job?

## **LEASING / SALES (*For Experienced Applicant*)**

1. Think about a specific sales situation or imagine one, and tell me what you did or would do to “close” the sale.
2. How many prospects/applicants do you handle in a day? How did prospects/applicants come to your business (appointments, walk-ins, etc.)? What was your closing ratio – how many sales did you close on the average week or month?
3. Describe the application and waitlist process you used at the community where you worked?
4. How did your sales efforts affect the profitability of your office or place where you worked?
5. What computer programs are you proficient in?

**LEASING / SALES (*For Inexperienced Applicant*)**

1. Tell me a time when you successfully negotiated being put in charge of a final decision.
2. Define an opportunity in which you appropriately took advantage of the situation.
3. Give me an example of a time when your energy level and focus created a very positive result.
4. Prioritize your day of errands.
5. Outline the steps you've taken recently to convince an individual to do a task for you.
6. Walk me through a scenario in which you properly diffused a potentially negative exchange between two individuals in the recent past.
7. Describe a time when you were not satisfied with the final outcome of a situation.
8. What steps did you take to rectify the situation?
9. List the ways in which you exhibit active listening skills.
10. What types of team activities have you participated in?
11. What computer programs are you proficient in?

**ADMINISTRATIVE**

1. How much time did you spend in your previous job doing paperwork for either property management or program compliance? Describe the paperwork you had to complete – what types of paperwork did you enjoy doing and dislike?
2. What type of reports (property and program-related) did you have to generate, and how often? How were those reports used in your business?

**CUSTOMER SERVICE**

1. Describe an instance in which you handled a difficult resident or customer. What was the outcome?
2. Did you make suggestions in any previous job to improve morale, increase output, or increase customer satisfaction? What were they?
3. Can you think of an incident when you should have done more than you did to solve a complaint or issue? What held you back from doing it?

**FOLLOW - UP**

1. Everyone can miss a deadline from time to time. When was the last time you missed a deadline because you failed to follow up on something? How did you handle it?
2. Describe to me how you organize your workday. What types of “tools” or methods have you used to manage your time? (Look for the use of “to do” lists, calendars, tickler files, and so on.)

**DECISION MAKING**

1. Give me an example of a really *good* decision you have made? What about a decision you later regretted?
2. What types of decisions did you make in your last position, without first checking with your manager? On what types of decisions did you ask for input prior to making a decision?

**RISK TAKING AND ACTION ORIENTATION**

1. Sometimes we have to act quickly, without the benefit of having a policy or procedure to follow. Give me an example of a time when you had to act quickly -- on your own -- and what happened in that situation.
2. Can you recall an instance in which you had to take a risk on the job? What was the situation, and what made it risky. What happened?

**CHANGE AND STRESS**

1. Describe a change that took place in your last job which you found difficult to understand or accept. What was the situation, and how did you adapt to the change?
2. What types of activities create stress for you on the job? What did you do to cope or manage the stress?

**PROBLEM SOLVING**

1. Think of a difficult or challenging problem you had to solve on your last job. Walk me through the process you used for solving that problem. What was the outcome?
2. Tell me about a disagreement you had with you last manager or other property personnel. What was the situation and what did you do?

**MOTIVATION / ATTITUDE**

1. Do you see yourself as a leader or a team member?
2. What would you do if your supervisor made a decision with which you strongly disagreed?

- ## SUMMARY

- ## TO CLOSE OUT THE INTERVIEW

- Notes:**

[illegible]



## INTERVIEW GUIDE FOR LEAD MAINTENANCE TECHNICIAN/SUPERVISOR

**CANDIDATE:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_  
**COMMUNITY:** \_\_\_\_\_  
**INTERVIEWED BY:** \_\_\_\_\_

### BACKGROUND REVIEW

1. Describe your key responsibilities and accomplishments in your previous position(s).
2. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many people were affected?
3. Tell me about your educational background (include formal education, technical training, any additional training taken on the job). What licenses and permits do you currently hold and (if appropriate), when do they expire?
4. What would your past/current employer have to do to keep you?
5. What was your favorite/least favorite part about your last position?
6. In your last job, for which tasks did you have full responsibility?
7. What do you expect your employers to say when we call to check your references?

### SERVICE REQUESTS

1. Describe the processes you have used to organize, prioritize, and complete routine maintenance/service work (repairs, work orders, etc.).
2. About how many Service Requests (work orders, etc.) did your maintenance staff handle on an average day? What types of requests did you and your staff handle?
3. How did you monitor and track the quality of service work done by you and your staff? Tell me about the methods you used, and what information you could obtain from those methods?
4. What was your average response time to a Service Request?
5. What do you find to be the most difficult items to repair?
6. Describe the types of interactions you had with customers or residents in your previous position.

7. Can you give me an example of a time when one of your staff members developed a performance problem, and what you did to correct the situation?

### **MAINTENANCE SHOP**

1. Tell me about a maintenance “shop” you actually set up and managed. How was it organized, and how did you make it cost-effective and efficient?
2. How often did you order equipment, tools, and supplies in your previous position? Tell me the process you used placing orders, bidding costs, and managing costs.
3. Tell me how you have implemented an inventory control system? Was it automated or “computerized?” (Determine if the candidate has had any experience in automated inventory control systems.)

### **MAKE READIES**

1. On average how many make readies did you turn monthly? How quickly were you able to turn them?

### **BUDGET / COST CONTROL**

1. Describe your experience in budget forecasting and budget management. What was the service/maintenance budget at your last job? How did your service operation perform against budget?
2. Tell me about something you did as a service manager to enhance cost control, and describe the results your ideas had on the business.
3. Give me an example of what you did when needed funds and parts were not available.

### **RESIDENT / CUSTOMER SERVICE**

1. Describe the types of interactions you personally had with customers or residents in your previous position(s).
2. Describe the types of interaction you had with the office staff in your last position. How regularly did you meet with the office manager? What did you find to be the most difficult situations to handle with the office staff?
3. Give me an example of a particularly difficult customer/resident situation in which you were involved, and tell me how you handled it.
4. What steps would you take to assure that a response was made to a Service Request within 24 hours?

## **STAFF MANAGEMENT**

1. What experience have you had in hiring service/maintenance professionals? Tell me how you went about choosing your staff.
2. Can you give me an example of a time when one of your staff members developed a performance problem, and what you did to correct the situation?
3. Explain how you have distributed workload across your staff. Walk me through the process you have used for assigning work to make sure everything gets done.
4. Were any of your staff members promoted due to your guidance and development?

## **SAFETY**

1. Describe for me the most serious safety-related situation you have ever handled. What was the situation, and how did you handle it?
2. What programs, plans, or ideas have you implemented to improve and ensure the safety of you, your staff, and others?

## **PREVENTIVE MAINTENANCE**

1. Describe the types of “preventive” maintenance projects you have supervised. How did you go about planning and completing these projects?
2. Can you think of an instance in which failure to plan or complete preventive maintenance caused your service operation some problems? What was the situation, and how did you handle it?

## **WORKING WITH CONTRACTORS / VENDORS**

1. How many outside contractors or vendors did your last community or business deal with on a regular basis, and what were they? What was your role in working with the contractors?
2. Can you recall an instance when you were dissatisfied with the work provided by a contractor or vendor? Tell me how you handled that?

## **MOTIVATION / ATTITUDE**

1. What would you do if your supervisor made a decision with which you strongly disagreed?
2. What do you expect from the company that hires you?
3. What are your career goals? Where do you want to be in 5 years?

4. What motivates you to be successful?

### **SUMMARY**

1. Describe what you believe the primary purpose of a service operation should be. Give me some examples of objectives or goals you have set which reflect this purpose.
2. What else would you like me to know about you prior to my making this hiring decision?

### **TO CLOSE OUT THE INTERVIEW**

- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision; and how he or she will be informed of the decision.
- ☒ Thank the candidate.

### **Notes:**

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## INTERVIEW GUIDE FOR ASSISTANT MAINTENANCE TECHNICIAN AND/OR MAKE-READY TECHNICIAN

**CANDIDATE:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_  
**COMMUNITY:** \_\_\_\_\_  
**INTERVIEWED BY:** \_\_\_\_\_

### BACKGROUND REVIEW

1. Describe your key responsibilities and accomplishments in your previous position(s).
2. What made you decide to leave your last position?
3. What certifications and licenses do you currently have? When do they expire? Describe your educational background (formal education, technical training, any additional training completed on the job).
4. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many people were affected?
5. What would your past/current employer have to do to keep you?
6. What was your favorite/least favorite part about your last position?
7. What do you expect your previous employers to say when we call to check your references?

### MAKE READIES/SERVICE REQUESTS

1. Describe the types of Service Requests and maintenance requests you typically handled on your last job. How many did you handle on the average day?
2. What kind of interruptions did you encounter when you were on a call, or when you were in the field completing maintenance work? Pick an example of a common interruption you encountered, and tell me how you handled it.
3. What make-ready responsibilities did you have in your past position(s)?
4. What did you do to ensure the quality of your work?
5. Can you describe a maintenance or Service Request you had to perform strictly according to procedures?

**KNOWLEDGE / SKILL ABILITY**

1. What did you do to ensure the quality of your work?
2. What was your average response time to a Service Request?
3. What types of Service Requests do you find to be the most difficult to complete?
4. Describe the types of interactions you had with customers or residents in your previous position.
5. How much of your workload involved working with another member of the service/maintenance staff? Describe some of the projects or work you had to do with others.

**TIME MANAGEMENT**

1. Describe how you organize your typical workday. What methods or techniques did you use to make sure you accomplished all of your work?
2. How often did your work schedule get thrown off track because of an "emergency?" Give me an example of a time when you had to stop what you were doing to handle the emergency, and tell me how you handled the situation.

**RESIDENT / CUSTOMER SERVICE**

1. What would you say was your strength or talent when it comes to customer service? Describe for me a situation which reflects your use of that strength.
2. Describe the types of interactions you had with the office staff. Give me an example of a problem you may have had communicating with the office staff, and tell me how you handled it.
3. What was the most "stressful" interaction you have had with a customer or resident? What made that situation particularly difficult, and how did you handle it?

**CURB APPEAL / AMENITIES**

1. What were some of the more "boring" tasks you had to complete as part of your last job? How did you cope with the boredom of doing those tasks?
2. Give me some examples of work you did, or projects you undertook, which demonstrate your willingness to show initiative.

**EMERGENCY / SAFETY**

1. Describe some of the emergency situations you've had to deal with as a maintenance/service professional. What was the most serious situation you've faced, and how did you handle it?
2. What are some steps or precautions you have taken to ensure your own safety as well as the safety of others and of the business?

**TEAMWORK / RELIABILITY**

1. How much of your workload involved working with another member of the service/maintenance staff? Describe some of the projects or work you had to do in pairs or with others.
2. In what ways have you worked to promote "teamwork" with the others, including the office staff and the people who worked on the service/maintenance staff?
3. What were your work hours on your previous job? How many times were you late in the last year? What about other absences?

**MOTIVATION / ATTITUDE**

1. What would you do if your supervisor made a decision with which you strongly disagreed?
2. What do you expect from the company that hires you?
3. What are your career goals? Where do you want to be in 5 years?
4. In addition to everything you have told me, what else should I know about you?

**SUMMARY**

1. What do you think is the primary purpose of the service/maintenance area? How does the service/maintenance area contribute to the financial success of the business?
2. What else would you like me to know about you prior to my making this hiring decision?

**TO CLOSE OUT THE INTERVIEW**

- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision, and how he or she will be informed of the decision.
- ☒ Thank the candidate.

## INTERVIEW GUIDE FOR GROUNDSKEEPER

**CANDIDATE:**

**DATE:**

**COMMUNITY:**

**INTERVIEWED BY:**

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### BACKGROUND REVIEW

1. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many people were involved in that?
2. What would your past/current employer have to do to keep you?
3. What was your favorite/least favorite part about your last position?
4. What do you expect your employers to say when we call to check your references?
5. What were some of the more “boring” tasks you had to complete as part of your last job? How did you cope with the boredom of doing those tasks?

### KNOWLEDGE / SKILL ABILITY

1. What types of things do you feel would be important to pick up off the grounds?
2. What areas of the grounds are the most difficult for you to clean?
3. How often do you think the grounds should be picked up?
4. Describe the types of interactions you had with customers or residents in your previous position.
5. How much of your workload involved working with another member of the service staff? Describe some of the projects or work you have to do with others.

### MOTIVATION / ATTITUDE

1. What would you do if your supervisor made a decision with which you strongly disagree?
2. What do you expect from the company that hires you?
3. In addition to everything you have told me, what else should I know about you?



- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision, and how he or she will be informed of the decision.
- ☒ Thank the candidate.

## This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## INTERVIEW GUIDE FOR HOUSEKEEPER

**CANDIDATE:**

**DATE:**

**COMMUNITY:**

**INTERVIEWED BY:**

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### BACKGROUND REVIEW

1. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many others were affected?
2. What would your past/current employer have to do to keep you?
3. What was your favorite/least favorite part about your last position?
4. What do you expect your previous employer to say when we call to check your references?

### KNOWLEDGE / SKILL ABILITY

1. How many one (1) bedroom apartments do you think you can clean in a day? Week?
2. What areas of an apartment are the most difficult for you to clean?
3. What products would you use to clean mildew and water buildup in a shower?
4. What do you find to be the most difficult cleaning requests to complete?
5. Describe the types of interactions you had with customers or residents in your previous position.
6. How much of your workload involved working with another member of the service staff? Describe some of the projects or work you had to do with others.

### MOTIVATION / ATTITUDE

1. What would you do if your supervisor made a decision with which you strongly disagreed?
2. What do you expect from the company that hires you?
3. In addition to everything you have told me, what else should I know about you?

- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision, and how he or she will be informed of the decision.
- ☒ Thank the candidate.

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## INTERVIEW GUIDE FOR PAINTER

**CANDIDATE:**

**DATE:**

**COMMUNITY:**

**INTERVIEWED BY:**

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### BACKGROUND REVIEW

1. Tell me what was happening when you left your last position(s). Why did you leave? If downsized, how many people were involved in that?
2. What would your past/current employer have to do to keep you?
3. What was your favorite/least favorite part about your last position?
4. What do you expect your previous employers to say when we call to check your references?
5. What were some of the more “boring” tasks you had to complete as part of your last job? How did you deal with the boredom of doing those tasks?

### KNOWLEDGE / SKILL ABILITY

1. Are you used to spray rig painting or rolling? How much experience have you had with both or either?
2. What experience have you had with two-color trim painting?
3. What experience have you had with texture painting?
4. Do you prefer indoor or outdoor painting?
5. Describe the types of interactions you had with customers or residents in your previous position.
6. How much of your workload involved working with another member of the service staff? Describe some of the projects or work you had to do with others.

### MOTIVATION / ATTITUDE

1. What would you do if your supervisor made a decision with which you strongly disagreed?
2. What do you expect from the company that hires you?
3. What do you want to be doing in 5 years?

4. In addition to everything you have told me, what else should I know about you?

**TO CLOSE OUT THE INTERVIEW**

- ☒ Tell the candidate about the position, and respond to any questions the candidate may have.
- ☒ Explain the next step in the hiring process, when you expect to make a decision, and how he or she will be informed of the decision.
- ☒ Thank the candidate.

**Notes:**

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## Activity #4: Sexual Harassment Quiz

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**Instructions** Read each question below and circle either True or False.

1. Sexual harassment means bothering someone in a sexual way.  
True    False
2. Sexual harassment must involve sexual touching.  
True    False
3. Sexual harassment is unwanted sexual attention that takes place within the confines of the workplace.  
True    False
4. Sexual harassment can occur anytime, anywhere, between any two people.  
True    False
5. If the harasser is a co-worker, not a boss, it is not considered sexual harassment.  
True    False
6. If the harasser is a contractor or vendor, not a boss, it is not considered sexual harassment.  
True    False
7. In order to establish the criterion of “unwelcome” a victim must inform the harasser that the behavior is unwanted.  
True    False
8. Supervisors are held to the same standard of conduct as non-supervisory employees.  
True    False

## Activity #5: The Human Touch Performance Appraisal Worksheet

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**Instructions**

Read the questions and write your answer in the space provided.

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1. How will daily communication with the employee help him or her overcome apprehension about the appraisal?

- 
2. Can a performance appraisal be done without an up-to-date job description, performance standards, or specific objectives?

- 
3. Does every employee need feedback? Why or why not?

- 
4. How does being candid and specific help the employee?
- 

*Continued on next page*

## **Activity #5: The Human Touch Performance Appraisal Worksheet, Continued**

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5. Why is it important to evaluate the performance, not the person?

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6. In what ways can you help put the employee at ease in order to reduce his or her fear or apprehension?

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7. Why is it important that you evaluate yourself before you begin to evaluate others?

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## Activity #6: Counseling/Discipline Cases

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**Substance  
abuse**

A manager noticed that a maintenance employee smells of alcohol. She approaches the employee and asks if he has been drinking. The employee denies that he was. She does not notice any other signs that he may have and thinks that there may be a possibility he was drinking the night before and as can happen, the smell is still with him. She reminds him of the Company policy of no drinking during business hours.

At the end of the week she stops by the maintenance shop and notices a couple of empty beer cans in the trash barrel. She pages the employee and asks him to join her at the shop. When he arrives, she notices a strong odor of mints and his eyes are a bit glassy. She again asks him if he has been drinking. He again denies it. She inquires about the empty cans and points out the other signs that she observes. She asks him one more time. If he admits, he can keep his job, if he is lying, he will be terminated. He will be tested and if he refuses the test he will be terminated. With that said, he admits that he had a couple of beers at lunch.

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*Continued on next page*

## Activity #6: Counseling/Discipline Cases, Continued

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### Harassment

A male maintenance mechanic starts an affair with a female single Mom resident. The manager has no idea the affair is going on. One day she receives a phone call from the resident who wants to file a harassment complaint against the mechanic. Her complaint alleges that the mechanic has been calling her and knocking on her door to ask her out. He even left notes under her door. She made it quite clear that she has no interest in him and she wants him fired. The Manager asks her to send her something in writing with the specifics such as dates and times and anyone who may have been a witness to her accusations. Also, to bring a copy of the notes.

The Manager then calls in the mechanic and informs him of the charges. He admitted to having an affair with her but he broke it off the week before and she is very angry at him and is only out to get him.

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*Continued on next page*

## Activity #6: Counseling/Discipline Cases, Continued

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**Performance issues**

A property manager and a part time assistant manager are the only two people who work in the office of an elderly apartment complex. The other staff members include a maintenance person and a part time cleaner. The assistant managers' work is showing a lot of inaccuracies and the manager points them out to her. Though a little defensive, they both agree to more training. After the training, the manager finds again that the assistant manager's work has not improved.

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**Violence**

A maintenance mechanic goes to his Property Manager and complains about his supervisor. The supervisor was recently observed screaming at a contractor who didn't clean up after doing a job. He has also been unpleasant to the staff and they have been walking on egg shells since he threw his tool belt across the room the previous week.

The Property Manager had noticed a change in the supervisor and knew he was going through a difficult divorce but had no idea that his behavior was so bad.

She calls the maintenance supervisor to her office for a counseling interview. She inquires as to how things are going and he responds fine. After pointing out what she has heard, he becomes angry and starts raising his voice. She quiets him down and suggests that he may need to take some time off to deal with issues that are going on in his personal life. He said he doesn't need anything and just wants to go back to work.

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*Continued on next page*

## Activity #6: Counseling/Discipline Cases, Continued

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**Attendance issues**

A long term employee recently returns from maternity leave. It is her first child and she is excited about returning to work. Things are off to a good start but after the first month the assistant is coming in late and leaving early. One morning when her assistant again calls to say she is running late. A new resident is scheduled to pick up keys at 9:00 and she needs her assistant to be there to take care of it because she is scheduled to be in court for an eviction. This is not good customer service. She cannot ignore it any longer. She needs to talk to her assistant.

Later that day she calls her assistant into her office. She reminds her of how her work is great, that she is a terrific assistant but her attendance issues are a real concern. Her assistant responded by crying. After calming down she explained that the problem was with her day care provider. She could only drop her baby off at a scheduled time and the baby had to be picked up by a certain time or she would be charged an additional fee for every minute she was late.

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*Continued on next page*

## Activity #6: Counseling/Discipline Cases, Continued

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### Theft

A leasing agent, against company policy, takes cash for a deposit on an apartment. She puts the cash in her desk drawer and leaves the office to show the model apartment. After lunch she decides to go the bank and get a money order for the money that is in her desk drawer. When she opens the drawer, the money is missing. She reports it the manager.

The manager now has an employee who has not complied with company policy, and she has a theft to investigate.

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## Module 3: Human Resource Management - Skill Check #1

### Instructions

Read the questions below and write your answers in the space provided. In the How to Comply column, your answers **can be abbreviated**—there is no need to write full sentences. This skill check covers information in Chapter 1 of the Human Resource Management Reference Guide. You may use your book to complete this skill check. Once complete, your instructor will provide you with an answer key and you will grade yourself.

Employment Law	What it covers	How to Comply
Fair Credit Reporting Act		
Title VII of the Civil Rights Act of 1964, as Amended		
The Civil Rights Act of 1991		

*Continued on next page*

## Module 3: Human Resource Management - Skill Check #1, Continued

Employment Law	What it covers	How to Comply
Age Discrimination in Employment Act (ADEA)		
Title I of the Americans with Disabilities Act		
Fair Labor Standards Act (FLSA)		

*Continued on next page*

## Module 3: Human Resource Management - Skill Check #1, Continued

Employment Law	What it covers	How to Comply
FLSA Overtime Rules		
Equal Pay Act		
Occupational Safety and Health Act (OSHA)		

*Continued on next page*



## Module 3: Human Resource Management - Skill Check #1, Continued

Employment Law	What it covers	How to Comply
Employee Retirement Income Security Act (ERISA)		
Immigration Reform and Control Act (IRCA)		
National Labor Relations Act (NLRA)		

*Continued on next page*

## Module 3: Human Resource Management - Skill Check #1, Continued

Employment Law	What it covers	How to Comply
Uninformed Services Employment and Reemployment Rights Act of 1994		
Jury Systems Improvement Act		
Employment Polygraph Protection Act		

*Continued on next page*

## Module 3: Human Resource Management - Skill Check #1, Continued

Employment Law	What it covers	How to Comply
Family and Medical Leave Act (FMLA)		
Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)		
Health Insurance Portability and Accountability act of 1996 (HIPAA)		

*Continued on next page*

**Module 3: Human Resource Management - Skill Check #1, Continued**

Employment Law	What it covers	How to Comply
Worker's Compensation		

## Instructions

1. What components make up an employee's total cash compensation?

2. Describe how base salaries are determined.

3. What are the different components that may be included in a benefits package?

*Continued on next page*

## Module 3: Human Resource Management - Skill Check #2, Continued

- 
4. List the typical criteria leasing professionals, managers and maintenance personnel typically have to receive incentive/variable pay.

- 
5. List the average salary or salary range for the positions below:

Position	Salary/Salary Range
Property Manager	
Assistant Apartment Manager	
Leasing Manager	
Leasing Consultant	
Maintenance Supervisor or Manager	
Maintenance Technician	

- 
6. Explain how employee records should be stored to maintain confidentiality.

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*Continued on next page*

## **Module 3: Human Resource Management - Skill Check #2,** Continued

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7. List the types of employees who should have access to employee records.
-

## Module 3: Human Resource Management - Skill Check #3

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**Instructions**

Read the questions below and complete the answers. This skill check covers information in Chapter 3 of the Human Resource Management Guide. You may use your book to complete this skill check. Once complete, your instructor will provide you with an answer key and you will grade yourself.

---

1. What recruitment options are available to assist you in finding candidates?

- 
2. Write T for True or F for False for the statements below:

<b>An employment application should contain information on.....</b>	<b>True (T) or False (F)</b>
work history, including salary history, dates of previous employment and name of previous employers	
whether the applicant has potential conflict of interest	
their marital/divorce status	
whether the applicant meets the federal/state minimum working age	
their attendance or graduation dates at school	
if the applicant is pregnant or has children	
whether they have documentation to verify employment eligibility in the United States	
physical details of their weight and height, unless a bona fide occupational qualification exists	

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*Continued on next page*



## Module 3: Human Resource Management - Skill Check #3, Continued

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2. Write T for True or F for False for the statements below:, (continued)

<b>An employment application should contain information on.....</b>	<b>True (T) or False (F)</b>
their education, including names of schools and/or degrees obtained ( but not years of attendance/graduation)	
memberships in organization that might reveal race, ethnicity, sex or religion	
their military, reserve or Federal/State Guard status, unless necessary if related to ability to perform job	
whether the applicant uses or has used another name in previous employment	
whether the applicant can perform the essential functions of the job with or without reasonable accommodations	
information regarding the applicant's sex, sexual preference, practices or orientation	
Age, other than if the applicant meets minimum state age work requirements	

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3. What accommodations may need to made for people with disabilities during the interview process?

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*Continued on next page*

## **Module 3: Human Resource Management - Skill Check #3,** Continued

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4. List the ways you can evaluate a potential employee once an interview has been conducted.

- 
5. What is the purpose of an employee handbook?

- 
6. List what should be covered with a new employee during the new hire orientation.

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*Continued on next page*

## Module 3: Human Resource Management - Skill Check #3, Continued

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7. In the table below, list the pre-employment and employment documents that should be retained in an employee's file.

Pre-employment Documents	Employment Documents

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## Module 3: Human Resource Management - Skill Check #4

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**Instructions**

Read the questions below and complete the answers. This skill check covers information in Chapter 4 of the Human Resource Management Guide. You may use your book to complete this skill check. Once complete, your instructor will provide you with an answer key and you will grade yourself.

---

1. What are the benefits of consulting with an attorney before taking any adverse employment actions?

- 
2. What things should you keep in mind when preparing written communications?

- 
3. List five (5) things you can do to improve your management skills.
- 

*Continued on next page*

## **Module 3: Human Resource Management - Skill Check #4,** Continued

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4. List seven (7) things you can do to reduce your stress.

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5. List five (5) things you can do to ensure you behave ethically.

---

6. What are the five (5) components of effective delegation?

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*Continued on next page*

## Module 3: Human Resource Management - Skill Check #4, Continued

7. In the table below, describe the five approaches to resolving conflict.

Approach	Description
Avoidance	
Accommodate	
Win/Lose	
Compromising	
Problem Solving	

8. In the table below, select True (T) or False (F) for the following statements on how to handle employee complaints.

What I should do when an employee files a complaint	Select True (T) or False (F)
Take the complaint seriously.	T    F
Conduct an investigation, regardless of whether or not you agree with an employee's allegations.	T    F
Take retaliatory or adverse action against the employee	T    F
Document every step of the investigation and conversation	T    F
Build a case against the employee.	T    F

*Continued on next page*

## **Module 3: Human Resource Management - Skill Check #4,** Continued

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9. What can a company do to make their sexual harassment policy effective?

---

10. List what you can do if you suspect an employee has a substance abuse problem.

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11. List four things you should do when confronting an employee with a potential substance abuse problem.

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## **Module 3: Human Resource Management - Skill Check #4,** Continued

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**12.** How can you help to prevent workplace violence?

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**13.** What are some tips to keep in mind when handling workplace violence?

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**14.** What can you do to prevent worker's compensation claims.

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*Continued on next page*



## **Module 3: Human Resource Management - Skill Check #4,** Continued

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**15.** List what you can do to create a supportive work environment for employees.

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**16.** What must an effective incentive program focus on?

---

**17.** What tips can you use to effectively work with on-site employees?

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## Instructions

1. What are the six (6) benefits of training?

2. What points should you consider when training adults?

3. What method can you use to conduct a skills assessment of your employees?

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## Module 3: Human Resource Management - Skill Check #5, Continued

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4. What is task training and when should it be used?

---

5. When is it appropriate to conduct group training?

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6. In the table below, list what should be done before, during and after group training to make it successful.

Before Group Training	During Group Training	After Group Training

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*Continued on next page*

## Module 3: Human Resource Management - Skill Check #5, Continued

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6. In the table below, list what should be done before, during and after group training to make it successful., (continued)

Before Group Training	During Group Training	After Group Training

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7. What are the two (2) things you should look for when reviewing and revising all policies and procedures?

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8. What can you do to help your employees with professional development?

---

9. What are the two phases of the traditional performance evaluation?

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*Continued on next page*

## Module 3: Human Resource Management - Skill Check #5, Continued

- 
10. Fill in the blanks.
- When writing a performance evaluation you should be \_\_\_\_\_,  
\_\_\_\_\_ and \_\_\_\_\_.
- 
11. List four (4) things you can do to avoid potential problems during a performance evaluation conference.
- 
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- 
12. What is the purpose of a counseling meeting?
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13. What information should be logged as a result of a counseling meeting?
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## Module 3: Human Resource Management - Skill Check #5, Continued

14. In the table below, list what should be done before, during and after a counseling meeting to make it successful.

Before Counseling Meeting	During Counseling Meeting	After Counseling Meeting

15. Fill in the table below to describe the step counseling process.

When the employee...	The employer...
incurs the first violation	
incurs the second violation	
incurs the third violation	
incurs the fourth violation	

16. What are four (4) tips for handling discipline and consequences in the workplace?

*Continued on next page*

## **Module 3: Human Resource Management - Skill Check #5,** Continued

---

17. Under what condition would you impose a suspension of leave?

---

18. Describe the suspension/leave process.

---

## Instructions

1. What is employment-at-will?

**2.** What are the exceptions to employment-at-will?

**3.** What questions should you consider before terminating an employee?

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## **Module 3: Human Resource Management - Skill Check #6,** Continued

- 
4. Review the Tips for Successful Termination. List five (5) ways you can make the termination process go smoothly?

- 
5. What are the three (3) purposes of an exit interview?

- 
6. What is due to the employee in his or her final payment of wages?

- 
7. What are the eligibility requirements for an employee to receive unemployment benefits?
-



# **CAM** Human Resource Management

## Introductions

- Your name
- Where you work
- Your job responsibilities
- How long you have been in the industry
- What you hope to get from this class

Module 3: HR Management

2

## Agenda

### Day 1

- Employment Laws
- Compensation and Benefits
- Employee Relations and Staffing
- Employee Management

### Day 2

- Performance Management
- Termination

Module 3: HR Management

3

## Employment Laws Related to:

- Pre-employment
- Hiring Process
- Post-employment

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Chapter 1

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## Federal Credit Reporting Act (FCRA)

- When conducting background checks on employees, you must notify them and get their permission to obtain a credit report.
- If the employee is not hired based on something in his or her report, you must provide
  - the contact information for the Credit Reporting Agency, and
  - a Statement of FCRA Rights

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5

## Title VII of the Civil Rights Act of 1964, as Amended

In all stages of the employment process, you may not discriminate because of

- Race
- Color
- Religion
- Sex, or
- National origin.

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Chapter 1

6

## Civil Rights Act of 1991

- Anyone suing for intentional discrimination can recover damages up to \$300,000, based on size of employer
- Applies to employers with 15 or more employees

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Chapter 1

7

## Age Discrimination in Employment Act (ADEA)

- Prohibits employment discrimination to applicants or employees who are 40 or older
- Applies to employers with 20 or more employees

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Chapter 1

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## Question for discussion

- You are looking to fill a leasing agent position. Your ideal candidate would be someone with a lot of energy. A recent graduate would be an excellent fit. In posting a recruitment ad, can you advertise for a "recent college graduate"?

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Chapter 1

9

## Title I of the Americans with Disabilities Act (ADA)

- Prohibits employment discrimination against disabled applicants or employees who can perform the essential functions of the job, with or without reasonable accommodation
- Applies to employers with 15 or more employees

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Chapter 1

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## Question for discussion

- The best qualified applicant is handicapped and needs wheel chair accessibility. What kinds of reasonable accommodations might you make to hire this person?

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Chapter 1

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## Fair Labor Standards Act (FLSA)

- Sets requirements for minimum wage and overtime eligibility
- Regulates child labor
- Applies to employers with 2 or more employees

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Chapter 1

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## FLSA Overtime Rules

As of August 2004:

- Does not apply to "Exempt" employees
- Employees must be paid at least federal minimum wage
- Employees must be paid 1.5 times their regular hourly rate for every hour over 40 in a work week

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Chapter 1

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## Federal Minimum Wage

- Most positions in our industry are paid above minimum wage (the value of meals, lodging or merchandise can be included in this calculation)
- Youths (14-17 years of age) hired as part-time or summer help must receive minimum wage, and are subject to a limit on the number of hours worked per week

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## Overtime calculations

- Be sure actual time worked is documented
- Do not allow overtime to be used as compensatory time unless adjustments are made to work hours within the same week
- Be aware of state-specific laws about overtime

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Chapter 1

15

## Equal Pay Act

- Requires employers to pay equal wages to male and female employees who perform similar work (equal skill, effort, responsibility)
- Applies to employers with 2 or more employees

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Chapter 1

16

## Occupational Safety and Health Act (OSHA)

- Requires employers to have a safety program to protect employees from hazards
- Requires information to be accessible to employees about hazardous materials they may use
- Requires periodic safety training
- Requires documentation of workplace injuries

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Chapter 1

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## Employee Retirement Income Security Act (ERISA)

- Regulates employee pension and welfare benefit plans
- Applies to employers whose pension and welfare plans are "qualified"

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Chapter 1

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## Immigration Reform and Control Act (IRCA)

- Prohibits employment discrimination based on national origin or citizenship status
- Requires the processing of an I-9 form to prevent the hiring of illegal aliens
- Applies to employers with 3 or more employees

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## National Labor Relations Act (NLRA)

- Regulates the labor management relationship
- Prohibits discrimination based on union activity
- Applies to private sector employers that have an impact on interstate commerce

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Chapter 1

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## Uniformed Services Employment and Reemployment Rights Act (USERRA)

- Prohibits employment discrimination because of an applicant's or employee's military obligations
- Requires employers to reinstate employees to their former jobs after honorably completing military duty

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Chapter 1

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## Question for discussion

- You have an active associate who is a member of the "uniformed services" and is called into service. Are you allowed to terminate since they will be leaving their job? Why?

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## Jury Systems Improvement Act

- Prohibits an employer from disciplining or terminating an employee for being called to serve on a federal jury

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Chapter 1

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## Employment Polygraph Protection Act

- Prohibits employers from requiring applicants to submit to a polygraph exam
- Applies to private sector employers except:
  - Security firms, and
  - Pharmaceutical manufacturers, distributors and dispensers

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Chapter 1

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## Family Medical Leave Act (FMLA)

- Requires employers to grant up to 12 weeks of unpaid leave during a 12-month period for:
  - Birth or adoption
  - Employee's serious health condition
  - To care for a parent, spouse, or child with a serious health condition

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## FMLA, continued

- May be "total time away from work" leave, or reduced work days or hours
- Applies to employers with 50 or more employees at a worksite or at all sites within 75 mile radius

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Chapter 1

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## Question for discussion

- A maintenance employee hurt his back and has been off work for 3 weeks. The property is struggling to respond to service requests and has a backlog. The employee is still in physical therapy and is not sure when he will return to work. Can another worker be hired to replace him?

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## Consolidated Omnibus Budget Reconciliation Act (COBRA)

- Allows for the extension of group health insurance coverage to employees and/or dependents on a self-pay basis who would otherwise lose coverage
- Applies to private sector employers with 20 or more employees with a group health plan

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## Health Insurance Portability and Accountability Act (HIPAA)

- Provides standards for an employee's new group health plan to limit or exclude pre-existing conditions
- Applies to all employers who provide health coverage

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Chapter 1

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## Worker's Compensation

- Insurance system dealing with employee claims originating from workplace injury or illness
- State laws define benefits, compensable injuries, cash benefit levels, waiting periods, filing and contesting claims procedures

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Chapter 1

30

## Federal Posting Requirements

- Notices about federal laws must be posted where employees can see them such as:
  - Near time clocks
  - In break rooms
  - In designated department locations
- Some states require notices to be in more than one language (e.g., Spanish) so be aware of your state's requirement.

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Chapter 1

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## Skill Check #1

### Chapter 1- Employment Laws

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Chapter 1

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## Total Cash Compensation

- Salary
- Benefits (e.g. health insurance)
- Incentive/variable pay
- Recognition/reward programs
- Additional benefits

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Chapter 2

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## Base Salary Determination

- Use survey data (e.g. NMHC)
- 2 methods to determine salary:
  - Method 1: Target the median (middle)
  - Method 2: Create ranges based on experience and performance

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Chapter 2

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## Benefits Package

- Average annual cost of benefits per employee in 2004: \$5100
- Benefits components:
  - Medical insurance
  - Retirement programs
  - Social Security contributions
  - Unemployment programs
  - Life insurance
  - Short and long-term disability insurance
- Benefits add 30%-40% to payroll cost

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## Incentive/Variable Pay

- Pay changes with your performance
- Leasing professionals
  - New leases
  - Lease renewals
- Community managers
  - Meeting annual performance goals
- Maintenance personnel
  - Resident satisfaction/retention

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Chapter 2

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## Employee Records: Storage and Access

- Store in locked filing cabinet(s)
- Separate health and non-health records
- Access limited to:
  - HR
  - Direct supervisor
  - Executives
- Employee access varies by state

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Chapter 2

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## Skill Check #2

Chapter 2:  
Compensation and Benefits

Module 3: HR Management  
Chapter 2

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## Recruitment Methods

- Your employees
- Residents
- Networking
- Employee Referral Program
- Advertising
- Employment agencies
- Unsolicited resumes/applications

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Chapter 3

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## Application for Employment

- Your application should contain:
  - Work history
  - Education history
  - Whether the applicant meets the minimum legal working age
  - Whether the applicant can perform the essential job functions with or without accommodations

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Chapter 3

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## Application for Employment, continued

- Whether the applicant has an alias or maiden name that may be important in a background check
- Documentation to verify employment eligibility in the U.S.
- Anything else required by state law

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Chapter 3

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## Interview guides

- Use the job description and profile to develop the guide
- The guide should be consistent for all applicants
- A separate guide should be developed for each position
- The ultimate goal is to learn about the candidate's strengths and weaknesses

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Chapter 3

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## Tips for Interviewing

- Carefully review the job description and position to be filled
- Study the resumes/applications
- Develop an interview guide that is specific to the position – be sure to include things you want to tell the applicants as well

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Chapter 3

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## Tips for Interviewing, continued

- Use the telephone to pre-screen applicants
- Have all pre-hire paperwork and/or tests ready for each applicant to complete
- Create a private, comfortable setting
- Create a file system to save all resumes and applications received for one year

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## Activity #1

- Place a check mark in the appropriate space to show whether the question is legal or illegal to ask during an interview.

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## The Interview Process

Begin the interview by:

- Introducing yourself
- Starting an informal conversation to build rapport
- Offering a coffee or cold drink
- Describing the job and skills you are looking for
- Explaining the interview process

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Chapter 3

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## The Interview Process, continued

To gather information during the interview:

- Use your interview guide
- Be an excellent listener
- Ask one question at a time
- Take notes
- Observe non-verbal behavior
- Look for signs of exaggeration or attempts to gloss over the negative

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## The Interview Process, continued

Conclude the interview by:

- Asking the applicant if he or she has any questions for you
- Tell him or her when they can expect to hear from you
- Thank them
- Walk them out

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## Activity #2: Video "More Than A Gut Feeling"

- Watch the video
- Think about questions that you can ask that would help you get the information you are looking for during an interview

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## Activity #3: Interview Guide

- Create an interview guide with your team for the position you were assigned
- Use the following from the book to help:
  - sample position descriptions (p. 3-2)
  - sample Interview guide questions (p. 3-13 and handout), and
  - lawful questions (p. 3-17).

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Chapter 3

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## Pre-Employment Testing

- Skills testing
- Aptitude and honesty testing
- Medical Exams
- Substance abuse (drug) testing

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Chapter 3

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## Evaluating a Potential Employee

- Evaluate the interview
- Verify references
- Conduct a second interview
- Use a pre-employment screening agency

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Chapter 3

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## Employee Handbook

- Purpose is to communicate:
  - Company policies and practices
  - Company history, mission, philosophy
  - Employment-at-will status of employee and employer

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Chapter 3

53

## New Hire Orientation

- Make the employee feel welcome
- Introduce the employee to company policies and procedures
- Establish a positive work relationship

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Chapter 3

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## Skill Check #3

### Chapter 3: Employee Relations and Staffing

Module 3: HR Management  
Chapter 3

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## Leadership Skills

- Managing your staff
- Managing your own stress level
- Behaving ethically

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Chapter 4

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## Effective Delegation

- Determine the task
- Keep communication open
- Keep the employee motivated
- Supervise without taking control of the task
- Evaluate whether the goals were met

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Chapter 4

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## Approaches to Conflict Resolution

- Avoid
- Accommodate
- Win/Lose
- Compromise
- Problem solve

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Chapter 4

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## Handling Employee Complaints

- Take complaints seriously
- Conduct an investigation in every case
- Document all steps of the investigation and all conversations
- Do not take any adverse action without consulting with HR and legal counsel

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Chapter 4

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## Definition of Sexual Harassment

- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitutes sexual harassment when:

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Chapter 4

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## Definition of Sexual Harassment, continued

- Submission or rejection of this conduct explicitly or implicitly affects an individual's employment
- Submission or rejection of this conduct by an individual is used as the basis for employment decisions affecting the individual
- Such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment

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Chapter 4

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## How Harassment May Happen

- The victim or harasser may be a man or woman
- The harassment doesn't have to be of the opposite sex
- The harasser can be a supervisor, a co-worker or a non-employee
- The victim doesn't have to be the person harassed but could be anyone affected by the offensive conduct

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Chapter 4

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## How Harassment May Happen, continued

- Can be actual offers such as "If you go to bed with me, I will make sure you get your raise." or implied from unwelcome touching or grabbing.

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Chapter 4

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## How Harassment May Happen, continued

- Can be conduct that makes the workplace sexually charged but isn't directly aimed at a person, such as:
  - displaying pornographic or sexual posters/pictures, or
  - using profanity

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Chapter 4

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## Preventing Sexual Harassment

- Have a policy and communicate it
- Provide periodic training to the staff
- Be sure that management behaves in a way that supports your policy

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Chapter 4

65

## Activity #4: Sexual Harassment

- Read each question
- Select true or false

Module 4: Fair Housing

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## When You Suspect Substance Abuse

- Do not accuse the employee
- Deal with the employee as you would any other employee
- Have a counseling interview to discuss the consequences of continued problems and offer assistance (EAP)
- Do not accept excuses

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Chapter 4

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## Confronting the Employee

- Be sure witnesses are present
- If your policy calls for a drug test, send the employee for the test
- If the employee refuses the test, tell them they may be terminated and send them home
- Arrange for transportation home
- Document the incident

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Chapter 4

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## Domestic Violence Situations

- A disgruntled employee or resident
- A domestic violence situation with an employee or a resident

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Chapter 4

69

## Worker's Compensation- Preventing Claims

- Use safety-related work practices
- Have a safety training program
- Provide personal protective equipment (PPE)
- Conduct periodic inspections of property
- Have a zero tolerance policy for failing to obey safety rules

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Chapter 4

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## Worker's Compensation- What to do when an accident occurs

- Get the employee medical treatment
- Control hazardous areas to prevent injuries to anyone else
- Interview the employee and witnesses
- Gather and report information
- Identify causes and corrective actions
- Communicate with other staff

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Chapter 4

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## Creating a Supportive Environment

- Emphasize achievements not mistakes
- Inspire people to use their own ideas
- Trust and respect your employees
- Focus and build on positive accomplishments
- Acknowledge performance

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Chapter 4

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## Incentive Programs

- Program must focus on job performance
- Rewards must be matched to the person and the achievement
- Rewards must be timely and specific

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Chapter 4

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## Skill Check #4

### Chapter 4: Employee Management

Module 3: HR Management  
Chapter 4

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## Performance Evaluation

- Communicate clearly and effectively to encourage employees to improve
- May or may not be tied to wage increases
- May involve input from supervisors, co-workers, direct reports, and self

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Chapter 5

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## The Performance Evaluation Process

Two (2) stages are:

- Writing the evaluation
- Conducting the performance evaluation conference

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Chapter 5

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## Tips for a Successful Evaluation Conference

- Make the employee comfortable
- Establish the right atmosphere
- Find a private setting
- Consider the time of day
- Be physically and mentally prepared for the conversation

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Chapter 5

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## Performance Evaluation: Potential Outcomes

- Promotion
- Additional training
- Goal setting
- Transfer to another position that better suits the employee
- Termination

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Chapter 5

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## Performance Evaluation: Potential Problems

- Lack of clear message
- Lack of clear direction
- Failure to be honest about poor performance
- Resistance or defensiveness on the part of the employee

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Chapter 5

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## Activity #5: Video – “The Human Touch Performance Appraisal”

This video will take about 25 minutes. Following the video we will complete a worksheet about what you saw.

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Chapter 5

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## Employee Counseling

- In response to unacceptable behavior
- Discuss problem and determine plan for resolution
- Focus on corrective criticism

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Chapter 5

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## Documentation

- Always document any type of counseling, including verbal
- Maintain a counseling log to record:
  - Who is being counseled
  - The reason for the counseling
  - The result

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Chapter 5

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## Disciplinary Problems

- Step counseling process:
  - First offense- verbal warning
  - Second offense- written warning
  - Third offense- written warning with probationary period
  - Fourth offense- termination

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Chapter 5

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## Tips for Handling Discipline

- Be consistent
- Be fair
- Discuss the situation with your supervisor or another manager
- Match the consequence to the offense

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Chapter 5

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## Suspension Determination Process

- Gather the facts
- Interview others that were involved
- Seek legal assistance, if necessary
- Make your decision

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Chapter 5

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## Activity #6: Counseling/Discipline

- Work with your group to determine the steps you would take to deal with the employee in your scenario
- Assign a spokesperson for your group to discuss what you decided

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Chapter 5

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## Skill Check #5

Chapter 5: Performance Management

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Chapter 5

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## Reasons for Termination

- Fired (involuntary termination)
- Laid off
- Quit (resignation, voluntary termination)
- Retired

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Chapter 6

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## Employment-At-Will

- Legal concept governing length of employment relationship
- Usually not in writing
- Allows employer or employee to terminate relationship anytime
- Still subject to state and federal employment laws and regulations

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Chapter 6

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## Employment-At-Will Exceptions

- Federal and state anti-discrimination laws
- Anti-retaliation laws
- Whistle-blower protection laws, and
- State common law exceptions, such as public policy exception

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Chapter 6

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## Voluntary Termination

- Employee notice not required by law
- Employee should be requested to resign in writing
- Resignation letter should have reasons and be signed

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Chapter 6

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## Involuntary Termination Overview

- Done with great caution even in extreme circumstances
- Paper trail when possible for other misconduct or nonperformance

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Chapter 6

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## Successful Termination Tips

- Know precisely why the employee is being dismissed
- Set a private appointment
- Best time might be early midweek
- Keep it brief, getting the bad news across in the first sentence, and remain focused

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Chapter 6

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## Successful Termination Tips, continued

- Let the dismissed employee discuss his feelings
- Do not get angry or argue with the employee
- Include third party if needed
- Have the final check
- If the employee lives on site, review the Employee Lease Agreement

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Chapter 6

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## Successful Termination Tips, continued

- Be sure the employee is clear on benefits
- Offer professional assistance if appropriate
- Assist them in avoiding embarrassment
- It rarely reaches the violence level
- Briefly inform staff that the employee has left the company.

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Chapter 6

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## Wrongful Termination Claims

- Investigate any wrongful termination claims
- Get back to the ex-employee
- Do not wait for legal action to initiate your investigation

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Chapter 6

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## Exit Interviews - Purpose

- For voluntary terminations
- To determine where the employee or management went wrong
- To get employees opinion

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Chapter 6

97

## Exit Interviews Responsibility and Tips

- Builds good will with employee
- Be prepared for exit interview
- Review employee's file before exit interview

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98

## Exit Interviews – Timeliness and Who

- Schedule at time of termination
- Someone other than the immediate supervisor should conduct the exit interview

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## Exit Interviews – Involuntary Terminations

- Still have exit interview if possible
- May discover unknown facts
- Learn of employee's work problems
- Uncover misunderstandings

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Chapter 6

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## Resignation/Termination Log

- One log for all terminations
- HR should handle if it HR exists
- On-site manager should handle for smaller companies

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Chapter 6

101

## Final Payment of Wages

- Legal requirements
- Wages due
- Severance
- Vacation and sick time

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Chapter 6

102

## Unemployment Compensation

- Definition and purpose
- Funding
- Eligibility
- Disqualification
- Start and length
- Notification
- Disputing

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Chapter 6

103

## Responding to Reference Requests

- Legal requirements
- Tips on providing references
- Discrimination
- Who can give a reference

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Chapter 6

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## Activity #7: Termination

- Work with your group to determine the steps you would take to deal with the employee in your scenario
- Assign a spokesperson for your group to discuss what you decided

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## Skill Check #6

Chapter 6- Termination

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Chapter 6

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