



Personnel Management

A Case For Employment Law Compliance

By Tim Twigg, President, Bent Ericksen & Associates

Employment Law Compliance and Human Resources — Is It Important? Simply put: Absolutely!

If you are not current with the ever-changing labor law landscape, you could end up with significant financial liabilities. Personnel issues are a major source of stress for most dentists. Dealing wisely and legally with complex employment issues can be particularly challenging, emotionally draining, as well as potentially costly if mishandled.

Case in point: *One staff member is just not working out. You know that you have tried to make things work, but it's just not a good fit. This employee may not be performing well, or patients may be complaining about his/her comments or attitude, or coworkers may be unhappy with him/her too. You know it would be best for everyone involved if they were not there. How do you handle this delicate situation the right way? Are you on solid legal ground? Have you properly documented everything? Could you be sued for wrongful termination or some form of discrimination or breach of contract if you let the employee go?*

HR issues are a reality and exist even in the best and most stable practices. The challenge is not to let them interfere with your practice goals and patient care. Anything that distracts you from patient care and is not handled within twenty-four hours will have a negative effect on your productivity and profitability.

Case in point: *You are generally happy with your practice and your staff but you notice that one staff member arrives five or ten minutes late each day while another seems to be on the phone a lot with personal calls. The rest of your staff resents the fact that some people are not pulling their weight. They are all good people and they are all competent, so how do you get control of the issues that are distracting all of you from your main purpose?*

Problems and financial liabilities occur when you don't:

stay in compliance with the constantly changing federal and state employment laws, or handle personnel issues properly.

The result of non-compliance or inadvertently mishandling a personnel matter is that an increasing number of dentists are finding themselves in labor board hearings or on the receiving end of an employee lawsuit. Whether it is for unfair termination, mishandling pregnancy leave, not properly paying for overtime, or a sexual harassment or discrimination allegation, **the penalties, fines and/or settlements can easily exceed \$50,000.**

While recognizing the importance of this facet of running a business, most large companies have a staff of human resource specialists to ensure compliance and to avoid costly labor problems. For dentists, it is a different story. First, there is little to no training in the area of employment

law compliance, thus it is foreign and can be quite literally overwhelming. Second, your workforce is not big enough to afford a specially trained human resource staff, thus the task of employment law compliance falls on your shoulders.

So how do you prevent HR issues from getting in the way of your patient focus?

You follow the lead set by your corporate colleagues. While it is not practical to have a full **Human Resources Department** you can still have an **HR Program** in place that establishes policy and protocol for your practice.

For example, a comprehensive, dental office specific Staff Personnel Policy Manual will help you:

- Help avoid costly lawsuits and the stress of litigation
- Assure compliance with State and Federal employment regulations
- Define rights and responsibilities of employer and employees
- Decrease or minimize misunderstandings and reduce stress, and Improve morale and job performance

You might be asking “Is this really necessary? I’ve gotten along okay so far.” Before you decide that you don’t need an HR program, consider your potential liability:

- Do you have accurate, written job descriptions that comply with the Americans with Disabilities regulations?

- Do you have a pregnant employee policy and does it include a Health Hazards During Pregnancy Release Letter?
- Are you an “at-will” employer and does your “at-will” policy information appear in all the prescribed places in your policy manual?
- Does your policy manual clearly define the rules and the consequences of unsatisfactory work conduct?
- Have you established a system of progressive discipline or established a “probationary period” that might negate your “at-will” status?
- Are you confident about what steps to take when terminating an employee to prevent lawsuits or claims of discrimination and/or wrongful termination?
- Do you know how to give or ask for references without fear of legal repercussions?

You should be able to give a resounding ‘yes’ answer to these questions and other HR questions. Don’t wait until you are faced with a difficult situation before you have to learn the hard way how to protect yourself. It only takes one unhappy or disgruntled person to create a legal nightmare for you. Once you have implemented a sound HR Program in your practice, you can feel good about knowing you are giving your staff every protection due to them under the law and every opportunity to be happy and successful in your practice. You will also be giving yourself the gift of peace of mind.

Author Note: Tim Twigg is the President of Bent Ericksen and Associates. For over 25 years the company has been the leading authority in human resources, employment law compliance, and personnel issues, helping dentists successfully deal with the ever-changing labor laws. Tim is a member of the Academy of Dental Management Consultants and the National Speakers Association. To receive a complimentary copy of the company’s quarterly newsletter or to learn more, contact them at 800-679-2760 or at www.bentericksen.com. Locally, Kathy Asted of Asted Consulting Associates is a certified HR compliance consultant representative for Bent Ericksen & Associates. Kathy may be contacted at 763-755-9627.