Test Your Knowledge of Employment Compliance

4-Minute Mini Quiz

Just answer Yes or No to these questions.
Your answers identify regulatory, compliance and personnel management risks within your practice.

1. Are all employees required to keep daily records of hours worked, such as time cards or electronic records, regardless of their method of compensation? YES / NO
2. Do you maintain three (3) types of personnel files—a separate I-9 file and one "Regular" file and one "Confidential" file for each employee? YES / NO
3. Do you know your state's specific requirement and protocol to follow when an employee (or former employee or his/her attorney) asks to review his/her personnel file? YES / NO
4. Has your policy manual been updated within the last 12 months with pertinent policies and protocols related to newly implemented employment laws to ensure compliance and asset protection? YES / NO
5. As an "at-will" employer, is an updated version of the "at-will" prerogative correctly stated on your job application, in your employment agreement and in the recommended sections of your policy manual? YES / NO
6. Do each of your employees sign an "Employee Acknowledgment" form establishing your "at-will" rights (if applicable) and also committing them to established policies like professional conduct, HIPAA safeguards and records confidentiality? YES / NO
7. Are you correctly following the most current wage & hour requirements for paying employees' wages while attending or traveling to and from seminars, lectures or workshops? YES / NO
8. Are you up-to-date on the requirements for each different type of leave of absence, i.e. pregnancy, personal, family, work-related injury, jury duty, military, etc.? YES / NO
9. Do you know the currently recommended procedure to follow if a pregnant employee says she cannot or will not take x-rays and/or work with nitrous oxide? YES / NO
10. Have your job descriptions been recently updated for each position to comply with the Americans with Disabilities Act (ADA) regulations? YES / NO
11. Does your personnel policy manual/employee handbook include the most current breastfeeding rights and requirements pertinent to every employer? YES / NO

Assessment continued on next page

12. Has your personnel policy manual/employee handbook been updated to include policies pertaining to: body piercings, tattoos, social media, personal cell phone and cell phone camera use during work hours? YES / NO

13. Are you performing background checks, or having background checks performed, before hiring any new staff member? YES / NO

14. Have you reviewed your policy manual recently to confirm that it does not contain contradictory and/or undermining language related to progressive discipline policies, probation or permanent employee status? YES / NO

15. Are you aware of the three (3) key components to follow in order to minimize the risks of unemployment, workers' compensation, and wage & hour claims when utilizing a skills assessment (a.k.a. the "working interview") in the hiring process? YES / NO

16. Are you up-to-date on the guidelines and your documentation responsibilities to prevent "protected class" discrimination claims? YES / NO

17. When hiring, do you have a reference request form and do you obtain every candidate's authorization to check references, as well as consistently perform reference checks before you hire to help avoid allegations of "negligent hiring"? YES / NO

18. Are you up-to-date with an established and written protocol to prevent and/or correctly manage a "hostile work environment" harassment claim? YES / NO

19. Did you know that, regardless of your "at-will" employment status, you can no longer terminate an "at-will" employee if it is deemed a violation of the employee's civil rights, right against retaliation or the public interest? YES / NO

20. Do you properly pay overtime to all non-exempt employees, including office managers and hygienists, regardless of whether they are paid per hour or a salary, when they work more than 40 hours in a week (or more than the daily permitted hours if required by your state regulations)? YES / NO

21. Are you clear on your rights as an employer regarding "protected concerted activities" and disciplinary action as it relates to an employee's work-related posts on Facebook or other social media sites? YES / NO

22. (California only) If you have chosen to use an Alternate Workweek Schedule to prevent having to pay costly overtime, did you install it using the required 7-step process? YES / NO

How did you do?

The correct answer to each question is "Yes".
A "No" to any question indicates an area of risk or potential liability where the practice is not in compliance with state or federal requirements.

Guide to Successful Partnerships

Considering a partnership with one or more doctors, or looking to improve an existing agreement? This can be a fantastic opportunity for mutual growth and success. However, partnerships can sometimes lead to challenges, including resentment and legal disputes. Use this guide to set clear expectations for a positive, growth-oriented partnership from the outset and into the future.

It's crucial to discuss key topics with your partner(s). If any conflicts or misalignments arise, consider consulting Bent Ericksen & Associates or an experienced coach for guidance.

Your practice is a reflection of your hard work, and it should be both rewarding and fulfilling!

Vision & Growth

- [ ] What are your short term and long term growth goals?
- [ ] What are your individual Values? Have you completed a Values Exercise? If not, consider completing one and discuss your results.
- [ ] How aggressively do you want to expand the team, the number of operatories, additional locations?
- [ ] What are your priorities now? How do you think your priorities will change over time?
- [ ] What motivates you to get up in the morning?
- [ ] How much vacation time do you want to use each year? In what length (small amounts here and there vs long vacations)? Are you OK taking work phone calls/emails while on vacation or do you want to fully unplug?
- [ ] What amount of money do you want to earn?
- [ ] How many days do you want to work each year? How many per week? What hours per day?
- [ ] How do you feel about outside consultants or outsourcing certain aspects to others?
- [ ] How do you feel about spouses/partners having input on the growth and vision of the practice?

Practice Culture

- [ ] What adjectives would you use to describe how you want it to feel in the practice?
- [ ] Will your office be family-friendly? How would you define "family-friendly" and what are some specific attributes or examples?
- [ ] How often will you hear laughter in the office?

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- [ ] How often will you hear mutual problem-solving conversations?
- [ ] Will you and the patients have fun together, or will it be strictly professional?
- [ ] Is it OK if the patients and employees call you by your first name?
- [ ] Is it OK to post pictures of your car, house, lifestyle, fancy vacations, etc. on social media?
- [ ] What mix of kids/adults do you want to see? What type of dentistry/cases are you passionate about?
- [ ] What do you think about CE for the team and for yourselves?
- [ ] What do you think about technology and adopting new software or equipment?
- [ ] Will we take the on-call emergency calls or will one of our team members?

Personality Styles

- [ ] What are your own personality traits (you should be able to describe at least some of your own styles, traits, etc.)?

  Examples:
  - Introversion vs Extroversion
  - Urgent vs Patient
  - Dominating vs Collaborative
  - People-pleasing
  - Decision-making style/pattern

  Recommendation: each person completes a "Drake P3 Assessment"* and then review a "Team Analysis" to compare how you might work best together.

- [ ] What does "Fair" mean to you?
- [ ] Ask yourself and then share: "Do I trust people until they break it, or do you have to earn my trust?"
- [ ] How do you most often think/behave/operate in these areas? (It's important to be honest about how you truly react/respond, especially when times are tough, as opposed to how you think you "should" behave or how you aspire to behave. This is about knowing yourself, as a starting point for collaboration and growth.)

  - Growth Mindset – Fixed Mindset
  - Scarcity – Abundance
  - Proactive – Reactive
  - Craving the approval of others
  - Victim Mentality – Taking Responsibility
  - Optimism - Pessimism

*The Drake P3 is an online communication & behavior personality assessment tool.
Learn more at **BentEricksen.com/Drake-P3-Assessments**

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Compliance and Risk Tolerance

- [ ] What is your own personal risk tolerance?
- [ ] Do you want to operate by-the-book or play in the gray in one or more areas?
- [ ] How strictly do you want to adhere to OSHA, HIPAA, and HR/Employment regulations?
- [ ] Let's say you learn that the practice should have been paying overtime to certain workers and you owe back-pay of a few thousand dollars. Would you prefer to pay it out or wait-and-see and then deal with it?

Employee Relations

- [ ] How will we make our practice unique and stand out from the crowd? Why should a high-quality candidate choose our practice?
- [ ] How will we treat our employees?
- [ ] Will both of us be involved in the HR side of the practice?
- [ ] Do you view employees as a Resource or as an Expense?
- [ ] Should employees just be grateful to have a paycheck? Do we have an obligation as the leaders to support them emotionally and financially?
- [ ] How will we divide the HR duties? Payroll, Hiring/Interviewing, Resolving Disputes, Training, Performance Reviews, Organizing Team Meetings/Activities/Events, etc.
- [ ] Is it OK for us to date or have physical relations with our employees (yes, this is a good thing to discuss!)
- [ ] Will spouses/partners or other family members be able to work for the practice?
- [ ] Will we allow our friends to work for the practice?
- [ ] How will we handle specific complaints from employees regarding how one of us handled a situation and/or complaints of harassment or discrimination?
- [ ] How will we handle complaints made against a spouse/partner, family member or friend who is working in the practice?
- [ ] How will we handle complaints about a patient's inappropriate behavior towards an employee or doctor?
- [ ] Will we establish wage/pay scales for each position?
- [ ] Is it appropriate for us to be friends with our employees and hang out during non-work hours?

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- [ ] What is your opinion about bonus/incentive plans for employees?
- [ ] Have you had any bad experiences with employees and you want to avoid repeating those situations in the future?
- [ ] How do you feel about serving alcohol at company events?
- [ ] How supportive/understanding/compassionate will we be with our employees, when they are facing challenging life circumstances? Examples: pregnancy, family drama, medical conditions, etc.

Note: Some of these circumstances may be legally protected by applicable federal/state law.

How will we communicate and resolve differences of opinion

- [ ] How will we work through conflict?
- [ ] How will we break a "tie" between us?
- [ ] Is it OK for us to raise our voices at each other? Only in private when others are not around?
- [ ] Are we permitted to swear around each other?
- [ ] Do we have a "safe word" for when situations are getting too heated and one of us needs a break?
- [ ] How will we work through disagreements and come up with a resolution, without right/wrong or resentment?
- [ ] How/when will we make time to meet with each other about the business and how things are going?

Exit Plans

- [ ] When do you want to retire?
- [ ] Do you want to work full time right up to retirement, or gradually phase out?
- [ ] Should we sell to a DSO, or a private person? Should we bring in an associate and gradually make them a partner?
- [ ] What if one of us is ready to retire and the other isn't?

How do you know a partnership is over?
When one or more partners stop doing the work
(the "work" to make the partnership successful).

NEW EMPLOYEE ONBOARDING GUIDE

Your office has a culture, and your office tells a story. It's a story of how you serve your patients, how the existing team and the practice came to be. It's a story of triumphs and life circumstances. When you hire a new team member, they need to be told this story. And most importantly: they need to know how they fit into this story.

Your #1 onboarding purpose is to develop this person into the best team member possible.

Onboarding Stats:

- ✓ 70% of new hires decide within the first month if a job is the right fit, highlighting the importance of early engagement
- ✓ Employees with poor onboarding experiences are twice as likely to seek new opportunities soon after starting
- ✓ Organizations with a formal onboarding process experience 50% higher new hire retention compared to those without
- ✓ Replacing an employee can cost between 16% to 213% of their annual salary, depending on the position and experience level
- ✓ A toxic workplace culture is a leading reason for employee departures, with 58% of employees quitting due to such environments
- ✓ In the first quarter of 2024, U.S. employee engagement reached an 11-year low, with only 30% of employees feeling engaged at work

What gets measured gets managed.

Preparation:

- ☐ Gather forms and documents, new hire paperwork, job description, policy manual
- ☐ Message the employee about their first day, what to bring, dress code/uniforms, so happy to see you, etc
- ☐ Set up technology, email, accounts, workstation
- ☐ Plan intentional moments that will make the new person feel special: welcome card, flowers, food, practice-logo swag, gestures from other team members, etc.
- ☐ Use the outline below as a rough guide, and be sure not to overwhelm the new person. They will need plenty of time to absorb your culture
- ☐ As much as possible, attempt to onboard in a mix of learning styles
  - ☐ Visual (reading, watching a video)
  - ☐ Auditory (listening to others speak or watching a video)
  - ☐ Kinesthetic (using their hands/body, writing notes, performing actions)
- ☐ Reach out to current team members who were hired 1-2 years ago and ask them what was helpful or not helpful in their onboarding process

First Week

- [ ] Practice Basics
  - [ ] History of the company/practice
  - [ ] Vision, Mission, Values, Philosophy
  - [ ] Who is their point of contact for various situations? Time off, calling in sick, problems/concerns, training questions, operations questions, etc.
- [ ] Basic Paperwork
  - [ ] New Hire Paperwork
  - [ ] I-9 Form done by day 3
  - [ ] Payroll setup, W-4, and applicable state tax forms
  - [ ] Health insurance enrollment
  - [ ] Read the HR policy manual
  - [ ] Sign/Acknowledge the HR policy manual
  - [ ] Make copies of any necessary licenses or certifications, note expiration dates
  - [ ] Review of job description, sign Job Description Acknowledgement Form
  - [ ] Emergency contact information
- [ ] Introductions with all team members
  - [ ] Lunch or Coffee with everyone
  - [ ] Workspace tour, ergonomics
  - [ ] Assign a work buddy who they can go to with questions and who will check in with them as well
- [ ] Basic Office Parts & Pieces
  - [ ] Email setup
  - [ ] Security setup, office keys/cards, alarm code
  - [ ] Accounts and passwords
  - [ ] Where to put their stuff
  - [ ] Breakroom and Expectations
  - [ ] Location of fire extinguishers
  - [ ] Emergency exits
  - [ ] Evacuation protocols
  - [ ] Restroom Location
  - [ ] Office supplies/equipment
  - [ ] Review schedule and hours
  - [ ] Review payroll, timekeeping procedures and pay schedule
  - [ ] Employee access to HR Director
  - [ ] Review your Violence Protection Plan
- [ ] Uniforms & Appearance
  - [ ] Laundry process
  - [ ] Acknowledgement form for receipt of uniforms and/or reimbursement process
  - [ ] Review general Appearance policy expectations
- [ ] Don't forget to express gratitude for them to be here!
- [ ] Other Onboarding Areas
  - [ ] HIPAA onboarding
  - [ ] OSHA onboarding
  - [ ] Cyber Security

- [ ] Job Shadowing
  - [ ] Who is training with them and when?
  - [ ] Projects or Tasks to complete when needed?
- [ ] Check in with the new employee(s) and see how satisfied they are with the job so far
- [ ] Give the new employee an introduction to the business, including how their role fits in and any performance expectations you'll have for their onboarding
- [ ] Place a welcome gift on the new hire's desk (typically company swag such as a mug, t-shirt, or stationery)

First Month

- [ ] Establish and communicate milestones (where you want the person to be by when, for basic common job duties)
- [ ] Mentoring
- [ ] CE or skills development
- [ ] Invite your new employee to recurring one-on-one meetings to provide regular check-ins
- [ ] Invite new hires to shadow relevant meetings or projects, including different departments they won't work in directly. Expose them to what others do so they have a bigger picture view
- [ ] Be responsive to ad hoc questions throughout the day!
- [ ] Cultural Onboarding
  - [ ] Reiterate the overall vision
  - [ ] Example Scenarios:
    - [ ] A patient arrives late, what do we do?
    - [ ] A patient repeatedly cancels their appointments at the last minute, how do we handle that?
    - [ ] One of our coworkers is going through a difficult time, what do we do?
- [ ] Check in with the new employee(s) and see how satisfied they are with the job so far

First Month to 3 Months

- [ ] Check in on progress and performance at least twice per month
- [ ] Continue inviting your new employee to recurring one-on-one meetings to provide regular check-ins
- [ ] Six to eight weeks in sit down and go over the New Employee Performance Review to discuss what is going well and where further work may need to be done
- [ ] Circle back around on topics you covered in the first few weeks, to ensure your new person has retained everything
- [ ] Around 90 days, if the person is still not performing at the level you expect, remember the old adage: "Hire Slow. Fire Fast." Work with an HR Specialist to minimize your risk and ensure your documentation will protect you from any sort of claim

Three Months to 6 Months

- [ ] Check in on progress and performance at least twice per month
- [ ] Survey your new employee(s) about their onboarding experience
- [ ] Check in with the new employee(s) and see how satisfied they are with the job so far
- [ ] Continue inviting your new employee to recurring one-on-one meetings to provide regular check-ins