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PUBLISHER AND CHIEF CONTENT CURATOR

Sima sets the strategy, tone and direction of the site, selecting among the many labor and employment topics impacting corporate America today and then leading her team to create articles, webinars and workshops that offer constructive approaches and critical guidance to understanding the intricate and often complex laws and regulations which apply to businesses.

She is a practicing labor and employment attorney, with over 25 years of hands-on labor and employment experience. She founded the Ali Law Group in 2011 and launched HRtelligence in 2023.

Sima earned her B.S. from Cornell University, NY School of Industrial and Labor Relations and her J.D. from George Washington University School of Law and she has received numerous awards for her business acumen, leadership and legal experience including the Long Island Business News Leadership in Law Award and the Top 50 Women in Business Award.

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Kerri Beatty, Esq.

LABOR AND EMPLOYMENT ATTORNEY, COUNCELING SPECIALIST

After receiving her law degree, Kerri started her career at a large Long Island law firm where she practiced education and municipal law. The legal experience that she gained, as well as her previous experiences as an intern for a Federal District Court Judge and as an editor of the Law Review during law school, provide her with invaluable skills and a strong base of knowledge in many areas of law.

Kerri now focuses on labor and employment law at Ali Law Group, where she maintains the Firm's blogs and regularly updates legal developments in the law for clients. She also conducts legal and administrative research and drafts memoranda on a wide variety of issues concerning labor and employment law.

She received her B.A. from the State University of New York, University at Albany and her J.D. from Touro College Jacob D. Fuchsberg Law Center.

Kerri lives in Huntington and enjoys spending time with her husband, two children and two dogs.





Overview

Intro/Setting the Stage

- What is "Onboarding"?
- The Benefits of Quality Onboarding

The Onboarding and Hiring Process: Strategies for Success

- Key Components of the Onboarding Process
- Hiring Compliance Understanding Legal Risks
- Required Notices and Acknowledgements Upon Hire New York State
- Required Notices and Acknowledgements Upon Hire New York City

Creating an Onboarding Plan That Really Works

- Roles and Responsibilities
- Tailoring Onboarding to Different Audiences
- Onboarding Delivery Approaches

HRtelligence TIPS





What Is "Onboarding"?

• "Onboarding" refers to the processes in which new hires are integrated into the organization. It includes activities that allow new employees to complete an initial new-hire orientation process, as well as learn about the organization and its structure, culture, vision, mission and values.



- All new employees are onboarded—but the quality of the onboarding makes a difference.
- When onboarding is done well, it lays a foundation for long-term success for the employee and the employer. It can improve productivity, build loyalty and engagement, and help employees become successful early in their careers with the new organization.
- A recent Gallup study showed that while only 12 percent of employees felt their company did a great job with onboarding, those employees were nearly three times as likely to say they have the best possible job.
- Other studies consistently show a positive correlation between engaged employees and a company's profitability, turnover rate, safety record, absenteeism, product quality and customer ratings.
- An effective onboarding plan offers an ideal opportunity to boost employee engagement by, for example, fostering a supportive relationship between new hires and management, reinforcing the company's commitment to helping employees' professional growth and proving that management recognizes the employees' talent.





Your onboarding process should:

- Set employees up for success
- Clarify expectations
- Outline company culture and norms
- Complete all new hire forms
- Explain policies and procedures provide a new hire folder
- Lay out training plan





What is Unlawful Discrimination in Hiring? A person is denied a job because of a protected characteristic.

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The 1978 Pregnancy Discrimination Act
- Sexual Orientation and Gender Identity
- The Genetic Information Nondiscrimination Act of 2008 (GINA)
- The Immigration Reform and Control Act of 1986



Best Practice

While not required – recommended documents as a best practice:

- Offer Letter
- Job Description
- Handbook Receipt
- Agreements
 - o Confidentiality
 - o Remote Work
 - o Technology Use

Note: Requirement for **Electronic Posting** and potential shift towards electronic recordkeeping





Form I-9

Federal law requires that every employer who recruits, refers for a fee, or hires an individual for employment in the U.S. must complete Form I-9, Employment Eligibility Verification.

On August 1, 2023, the U.S. Citizenship and Immigration Services (USCIS) released a revised version of the Form I-9, Employment Eligibility Verification, which may be used now but must be used for all new hires and rehires starting November 1, 2023.



Wage Theft Prevention Act (Section 195 Notice)

At the time of hiring, employers must provide new employees with a notice in writing in English and the employee's primary language that sets forth:

- The rate and basis of pay, whether by the hour, by the week, by the shift, by the piece, etc.
- Allowances, if any, including tip, meal, and lodging allowances
- The regular pay day
- The name of the employer and any doing-business-as names
- The physical address of the employer's main office and a mailing address, if different
- The telephone number of the employer –and–
- Any other information the Commissioner of Labor deems necessary





Wage Theft Prevention Act (Cont.)

At the time the employer provides the notice, the employee should sign and date a written acknowledgement in English and the employee's primary language, which the employer must preserve and maintain for six years.

Commission Agreements if applicable should be part of WTPA (Section 195 Notice)



Potential Penalties - Wage Theft Prevention Act (enforced by NYS DOL)

- Employees who are not provided with the required notice within 10 days of their first day of employment may file a civil action and recover \$50 a day for each work day that the violations occurred or continue to occur up to \$5,000 along with reasonable costs, attorney's fees.
- The Commissioner of Labor may also bring an action on behalf of an employee who did not receive the required notice, and the Commissioner may assess damages of \$50 a day up to \$5,000 for every day the violation continued.
- New York State recently enacted legislation that makes wage theft a form of larceny.
- The legislation adds a new subsection to the New York Penal Law's larceny statute to include wage theft, which it describes as when a person is hired "to perform services and the person performs such services and the [employer] does not pay wages, at the minimum wage rate and overtime . . . to said person for work performed." In such a case, the prosecution is permitted to aggregate multiple non-payments or underpayments from an individual or workforce, even if such incidents occurred in pultiple counties.

Sexual Harassment Prevention Policy

Employers are required to provide employees, at the time of hire and at every annual sexual harassment prevention training, a written notice in English and the primary language of the employee that includes the employer's sexual harassment prevention policy and the information presented at the employer's sexual harassment training program.

• New York provides a statewide, toll-free confidential hotline (1-800-427-2773) for individuals with concerns about workplace sexual harassment. The hotline is exclusively for sexual harassment claims. Employers must include the phone number for the hotline (1-800-427-2773) in all sexual harassment policies and postings.



Lactation Accommodation Policy

Employers are required to provide a policy developed by the New York State Department of Labor regarding the rights of employees to express breast milk in the workplace to employees at hire, annually, and when an employee returns to work after the birth of a child.

The policy should:

- Inform employees of their rights under the law
- Specify how a request may be submitted to the employer for a location for employees to express breast milk –and–
- Require the employer to respond to the request within a reasonable timeframe that does not exceed five business days





Leave and Work Hours Policies

Employers must notify their employees in writing or by publicly posting their policies on sick leave (including any paid sick leave that employees are entitled to under state or local law), vacation, personal leave, holidays, and hours.

Paid Family Leave Notice

Employers should provide employees with a notice of their rights under NYS Paid Family Leave law if such information is not contained in the Company's employee handbook.



Electronic Monitoring

All private employers, regardless of size, that monitor or intercept employees' telephone conversations, electronic mail, or internet access/usage must notify those employees, at the time of hire, that their communications are subject to electronic monitoring.

- The required notice must be given by the employer and acknowledged by the employee either in writing or electronically.
- The notice must inform employees that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

Whistleblower Notice

On January 26, 2022, New York enacted legislation significantly expanding whistleblower protections under Section 740 of the New York Labor Law. The law prohibits an employer from taking a retaliatory action against an employee who discloses or threatens to disclose to a supervisor or public body an activity, policy, or practice of the employer that:

- (i) The employee reasonably believes is in violation of any law, rule, or regulation; or
- (ii) The employee reasonably believes poses a substantial and specific danger to the public health or safety.

The New York State Department of Labor released a model Notice of Employee Rights, Protections and Obligations Under Labor Law Section 740. Employers must post the notice in a conspicuous, easily accessible, and well-lighted place customarily frequented by employees and applicants for employment. It is advisable that this notice also be accessible electronically to employees who are working remotely.





Pregnancy, Childbirth, and Related Conditions

The New York City Human Rights Law (NYCHRL) requires employers with four or more employees to provide new employees with written notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions at the commencement of employment.

Sexual Harassment

The NYCHRL requires all employers to provide new hires with an information sheet about sexual harassment developed by the human rights commission. The information sheet may be included in the employee handbook





New York City Earned Safe and Sick Time Act

The New York City Earned Safe and Sick Time Act requires all employers to provide new employees with written notice of their right to sick and safe time at the commencement of employment. The notice must include:

- How sick and safe time is accrued and may be used
- The calendar year of the employer –and–
- The right to bring a complaint and be free from retaliation for exercising rights under the ESSTA



Required Notices and Acknowledgements – New York City (Cont.)

New York City Fair Workweek Law

This law requires fast food employers to provide fast food employees with written notice of an initial work schedule containing regular shifts and on-call shifts on or before the first day of work. Along with their first schedule, fast food employees must receive a good-faith estimate in writing of the number of hours the employee can expect to work per week and the expected dates, times, and locations of those hours. At the time of hire, fast food employees also must receive notice in writing of the method by which additional available shifts will be posted.

Retail employers must provide retail employees with a written work schedule no later than 72 hours before the first shift of the work schedule.

Temporary Schedule Change Law

New York City's Fair Workweek Law has a provision that requires employers to allow most employees to make a temporary change to their work schedule to accommodate a personal event. Employers must post the **You Have a Right to Temporary Changes to Your Work Schedule** notice prominently in the workplace.



Roles and Responsibilities

"Onboarding is everyone's responsibility"! While every organization is unique in how the onboarding responsibilities are shared throughout the organization, there are some general guidelines for allocating onboarding duties and accountability:

- HR department
- Training department
- Supervisor
- Co-workers
- Executive team
- Mentor/buddy



Tailoring Onboarding to Different Audiences

All employees, no matter their level or status, will need some sort of onboarding process, since this is how an organization conveys culture, rules and guidelines for all employees.

However, the process may be modified to meet the differing needs of various groups of employees. Tailoring is an opportunity to specialize your onboarding program to meet desired results during recruitment.

- Executives
- Managers
- Remote Workers





- Various components of an onboarding program can be delivered using different approaches and methodologies combined to suit the organization and available resources.
- Web-based/Virtual Onboarding Whether your workplace is fully in-person, fully remote or a hybrid model, online onboarding has become mainstream. Offering online orientation activities streamlines the process, supports paperless documentation, and offers a way for employees and their families to access benefits and other company information at any time. Other onboarding activities can be completed around varying schedules and at a pace most helpful for individual employees, and information can easily be tailored for various audiences.
- Some employers are using innovative practices, such as games, video, and team-building exercises, to get new hires excited about joining the company. They're also working to make sure people can hit the ground running with functional workstations and equipment.





HRtelligence Tips

- Build your onboarding program with retention in mind.
- Electronic process and recordkeeping considerations should be evaluated given the current legal climate.
- Throughout the onboarding process, an organization's unique pillars of culture, mission, employee value proposition, brand and other relevant foundations must be lived and conveyed consistently.
- New hires will not absorb this in the first week or first month; it will take many months to learn and apply.
- Identifying the enduring values and aspirational goals unique to the organization will help guide the development of an onboarding program.
- Lean into onboarding analytics/metrics.





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