Human Resources Your Most Valuable Assets

December 2004

International Legal Technology Association
Peer Powered

A Publication of ILTA

About ILTA

Providing technology solutions to law firms and legal departments gets more complex every day. Connecting with your peers to exchange ideas with those who have "been there, done that" has never been more valuable.

For over two decades, the International Legal Technology Association ILTA (formerly known as LawNet) has led the way in sharing knowledge and experience for those faced with challenges in their firms and legal departments. ILTA members come from firms of all sizes and all areas of practice, all sharing a common need to have access to the latest information about products and support services that impact the legal profession.

ILTA's Statement of Purpose: ILTA is the premier peer networking organization providing information resources to members in order to make technology work for the legal profession.

Editors' Note

At ILTA, when you ask for something, you usually get it — and plenty of it. Take this white paper. When we sent out a request for articles on "HR Potpourri," a potpourri is exactly what we got — a mix of articles from HR-savvy members and vendors ranging from how to stay in compliance with federal regulations on interviewing and hiring employees, to how to train and support them, to how to keep them happy, to how to manage your workforce if you don't have a lot of HR people to do it. By its very nature, potpourri equals variety, and we trust that within this variety of information you'll find much that will be useful to you in dealing with your firm's most valuable assets — the human resources.

Andy Spiegel and Randi Mayes, Editors

About the Authors

Rob Denton is a Technical Trainer for Plunkett & Cooney P.C. in Bloomfield Hills, MI. He also refers to himself as a proud dog trainer for Michigan Human Society. He can be reached at 248.594.8643 or rdenton@plunkettcooney.com.

Lauren Goldman is Director of Product Implementation in the HR department at eMason, Inc., a technology company specializing in business process management technology. For 10 years she has worked in HR, helping apply technology to control legal exposure and streamline the business process. She can be reached at 727.507.3440 x500 or LaurenG@emason.biz.

Mike Graham is the Help Desk Representative for Logicalis in Bloomfield Hills, MI. A Microsoft Office User Specialist in Outlook 2000 and Word 2000, he can be reached at 248.745.5433 or mike.graham@us.logicalis.com.

Cathy Reilly is the Executive Director at Martin, Clearwater and Bell LLP, a mid-size litigation firm in Manhattan. She has been an Executive Director/Administrator in both law firms and corporate legal departments for over 15 years. Cathy is an active member of ILTA, presently serving on the Board of Directors. She can be reached at 212.916.0999 or reillc@mcblaw.com.

Marcy A. Twardak is the Administrator of Corboy & Demetrio, P.C., nationally renowned litigation firm specializing in plaintiffs' personal injury and wrongful death actions. She has been with the firm since 1981. Marcy can be reached at 312.46.3191 or mtwardak@corboydemetrio.com.

Table of Contents

Disclaimer

This report is designed for use as a general guide and is not intended to serve as a recommendation or to replace the advice of experienced professionals. If expert assistance is desired, the services of a competent professional should be sought. Neither ILTA nor any author or contributor shall have liability for any person's reliance on the content of or any errors or omissions in this publication.

Copyright Notice

Resume Management: Mitigating the Risks

by Lauren Goldman of eMASON, Inc.

Did you know that you can be sued for discrimination against someone you never even met, simply because he or she submitted a resume to your organization? True! Among the reasons your organization could be in non-compliance with federal regulations is a failure to document why you did not hire an individual or properly handle the resume retention process.

Resume Management a Must

As you've surely experienced, employers are swamped with electronic resumes and applications via the Internet, resulting in both an administrative nightmare and increased legal exposure. In fact, an organization's vulnerability begins as soon as an applicant clicks "Submit" on an e-mail or Internet job posting.

Often, for example, the verbiage on a resume indicates that the applicant falls under a protected class (*e.g.*, implied gender based on name, implied age by graduation date, implied nationality based on name, directly indicated veteran status). In order to document that all applicants are judged solely on job qualifications and considered equally, the resume process that an organization follows must be handled strategically and consistently.

Applicant Tracking: A Start

Many organizations are keeping their heads above water by using applicant tracking systems for resume management. These are typically static databases managed by HR professionals who are responsible for the system, but who also may be guilty of of inputting subjective information. An applicant tracking system is a good start for resume management, but the problem is, it doesn't have the intelligence to provide a sophisticated audit trail of all actions associated with a resume or to automate all tasks associated with resume management.

Also, an applicant tracking system is often sold as part of a complex suite of expensive HR modules — which may be more than your organization needs for HR management.

Image Worlflow: A Better Solution

An image workflow system provides a business solution both for your HR department and for any process driven by a document within your organization, including invoices, contracts, legal pleadings, real estate management and sales force automation. These systems enable the processes within an organization to be handled automatically with set business rules for intelligent tasking and deadlines (work queues) based on a specific document type, and they standardize the approach by having the technology trigger the flow and processing of the resumes. Whether your applicant applies electronically or faxes a hardcopy, image workflow systems start working as soon as the document hits your system. They orchestrate the flow of any given document with intuitive automated processes.

How an Image Workflow System Handles Compliance

When a resume is received, predefined business rules report that the document is a resume and that it must be reviewed by certain designated hiring managers, as well as HR personnel.

These business rules also define associated tasks and deadlines (work queues) that each person reviewing the document must complete. For example, the hiring manager in the litigation department has three days from the time the document hits the queue to note whether he/she feels the applicant is qualified and why.

These tasks and deadlines ensure that all resumes are handled consistently and in a timely fashion instead of getting lost in the e-mail shuffle.

If there is ever a question as to why an applicant was rejected, a fully auditable trail exists so that no information is lost and documentation is easily retrievable.

Image workflow systems make sense. The business intelligence (thus the predefined rules for compliance) is with the application rather than the employee. An HR professional who is managing the applicant tracking system must have substantial knowledge to know when to e-mail the manager for follow-up, when to update statuses and the laws of retention — but with an image workflow system, all the intelligence is in the application that can be managed by a lower-level support employee.

An image workflow system tackles the most current issues of resume management in the most consistent and efficient way possible. Its an HR solution that can also be used across the organization for any type of document-centric process, and it offers these benefits:

Provides business intelligence capabilities such as directing workflow of a document, thus adding control

Captures your defined process and mitigates risks by controlling and perpetuating the flow of mission-critical work

Reduces the costs of managing paper

Enables electronic documents to become "virtual triggers" of automatic solutions

Provides compliance and audit trails

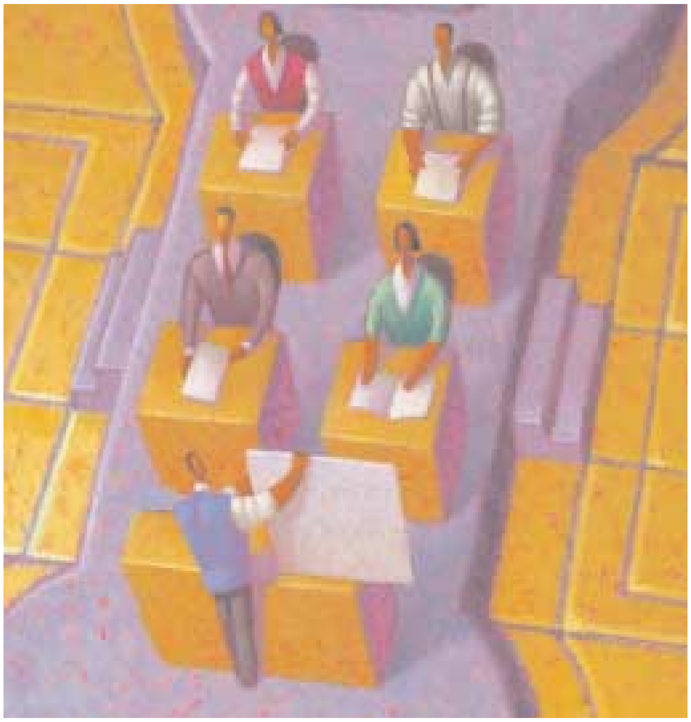
A Solution Worth Looking Into

In order to manage the ever-growing abundance of electronic resumes, online applications and hard copies of documents, companies must utilize technology that is intelligent and robust enough to keep them ahead of the game and out of the courtroom. Image workflow systems may well be the ultimate solution for mitigating this risk and controlling all business processes within an organization.

The Value (and Limitations) of Training

in the HR Equation

by Rob Denton and Mike Graham of Plunkett & Cooney



How often have we all heard that when an employee is not performing up to par, training will fix the problem? Don't count on it. Too often, training is prescribed by trainers who, while zealously working to provide a service and add value to the organization, fail to explain its limitations. This can lead to misunderstandings and unrealistic expectations by decision-makers and frustration on the part of all parties involved. And it can undermine the true value of good training.

Understand the *Purpose* of Training

Improving organizational performance should always be the main reason for training. Unless an employee performs well on the job and reaches individual goals and objectives, he/she cannot contribute toward reaching corporate goals and objectives. Training must always be tied to organizational goals and demonstrated to the stakeholders of the organization. At the same time, is important to recognize that skill alone is not enough for reaching goals — true job performance also requires "… an opportunity to perform, self-confidence and supportive environment." (Robert Mager) A needs assessment/work flow analysis will help to answer the question of which area is affecting the required performance. But remember, training alone cannot guarantee increased job performance — it only addresses the need to develop new skills. It's important, but it's only part of the equation.

Understand the *Need* for Training

Before doing any training, first do some learning — starting with a simple needs assessment. In the rush to take action, this critical step is often bypassed, and after all, it's impossible to fix something if you don't know exactly how it's broken. (Find out, for example, does the employee already know how to perform the required task? If so, what factors are preventing him/her from using skills already possessed?) The need assessment/workflow analysis is serving a need and has a great value to the organization — not only for the situation at hand but for future situations as well.

Understand the *Needs* of Employees

When an employee isn't performing, there's usually a mix of reasons for it. So before you initiate training, consider some other ways to help the employee in need.

Foster Self-Confidence. When an employee feels he can't do something, he may not even try. This issue of self-confidence can be addressed in training by offering hands-on, real-world examples in training. However, hard work at the training desk will be for naught if the employee returns to his work desk and feels — or is made to feel — embarrassed or humiliated for making mistakes. It is said that we learn more from our failures than our success, but an employee doesn't tend to put himself in a vulnerable position of trying and possibly failing with a new skill unless the work environment supports the effort. Skill does not automatically equate to self-confidence, though it is certainly a component to building it. All of us have worked with people who hang back or fade into the background within a group but excel when they feel safe and supported.

Provide Opportunities for Performance. "Without the opportunity to perform, there will be no performance. Opportunity means being provided with items such as the permission (or authority) to perform, information about expectations, tools and equipment needed to perform, a place to perform and the time to perform." (Mager) Just-in-time training is key. Make sure that the new skill training takes place when the person needs the new skill. For example, if you are rolling out a new software package, make sure it's not done until you provide training. Employees view skill training as a way to add a tool to their personal toolbox, but you must give them a chance to use that new tool — it's a use-it or-lose-it proposition. Be sure to get buy-in from the stakeholders that the training is important and that the person trained will be allowed to use the new skills.

Support Your Employees. Employees must be encouraged to achieve desired performance and to apply their new skills within an environment that supports their learning curve. Ordinarily, folks who aren't encouraged to do something (or worse, punished for doing it) simply stop doing it. This is especially true in the work environment, as when an employee is ridiculed about his suggestion or told that it's out of his purview. It's likely that before long that employee will simply stop making suggestions.

Train — Then Make the Training Pay Off

To see an increase in an employee's performance, four factors must be encouraged and supported:

Skill

Self-confidence

Opportunity to perform

A supportive environment

Training addresses only the skill factor, and, at best, trainers can only teach the employee skill — they can't guarantee on-the-job performance. Only managers can be held accountable for the latter if the required skill set exists. In today's economic environment of doing more with less and protecting every billable hour, you can't afford to have your employees away from their desks longer than necessary, but you also can't afford to have them perform at less than their best. Therefore, it's important to provide the right training at the right time — and then to make that training pay off by supporting the employee in every other way possible.

References

Brookfield, S., The Skillful Teacher. San Francisco; Josey-Bass, 1990.

Mager, R., What Every Manager Should Know About Training. Atlanta; The Center for Effective Performance, 1992.

Retaining the Best

Keep Your Good Employees Happy!

by Marcy A. Twardak of Corboy & Demetrio, P.C.

For many firms, finding people isn't hard — keeping them happy and loyal is the real challenge. But it's worth the effort. The dollar cost of a high employee turnover rate can run high due to loss of productivity, the expense of finding a replacement and time spent training that replacement. The best way to avoid these unwanted costs is to provide a workplace for your employees that they like so that they will want to stay for years to come.

Do Unto Others

If you're experiencing higher employee turnover than you'd like, one of the first things to ask yourself is, does your firm's policies follow the "Golden Rule." Do you allow executives to take sabbaticals, yet prohibit staff members from taking more than five consecutive vacation days? When a working mom has a sick child, does your policy permit time off to care for her family, or does the policy make it difficult for her to do so? Do you encourage employees to volunteer their time to charitable endeavors but make it difficult to get time off? In other words, how accommodating are you?

The Workplace Family

Kinship can help in times of difficulty. At Corboy & Demetrio, having relationships with my fellow staffers that are more than just work-based helps me be more empahetic and therefore more accommodating and flexible when employee problems arise. Our firm fosters a family atmosphere where, according to one staffer, "everyone is a hard worker; it's a team environment where we all support each other."

Such family-like environments begin at the top. Examine how your partners and directors treat one another. Are they friends or merely work-mates? Once you've seen what people at the top are doing, take a look at your staff. Are legal assistants befriending other staffers? Does one group of accounting clerks always "do lunch" together? Do the tech support folks routinely meet for happy hours? If so, you're on your way to having a family firm!

Improving the Functionality of a Dysfunctional Workplace

If you feel you have morale problems in your firm, consider the following ways to get back on track:

Celebrate special occasions like birthdays, bridal showers, baby showers and promotions with a party. You celebrate with your family — why not with your coworkers?

Use an employee newsletter to highlight accomplishments. Whether it be a terrific idea, a manager or client letter praising an employee or photos of staffers' children — most folks enjoy seeing their names and pictures in print.

Encourage your firm to offer "the little things" such as a continental breakfast once a week, free beverages in the firm's refrigerator or catered lunches before holiday weekends.

Volunteer and donate with your coworkers. Offer a free day off, free casual day or a late-start day to staffers who volunteer a certain amount of time or donate a minimum amount of money to a firm-approved charity.

Invite family members to firm functions.

Encourage laughter. Circulate a work-appropriate joke once or twice a week, start a bulletin board of Dilbert cartoons, offer awards for the zaniest or most outrageous Halloween costume.

Be flexible. Accommodate moms and dads, employees with aging parents, staffers going through life changes such as marriage, divorce, children heading off to college or buying a house. Your family is there for you in those challenging times — shouldn't your workplace do the same?

Share and Share Alike

When your firm buys tickets for a charitable event, who gets on the invitation list? Is it just your high-ranking partners? Why not consider inviting a law clerk to the next "rubber chicken" luncheon? A new face in the crowd could be a great conversation starter. And such an event will also give the law clerk some invaluable face time with partners and others the clerk may not interact with often. Your firm may just find a diamond in the rough destined to climb the firm ladder.

The same can be said for legal assistants and other staff members. Why not encourage attorneys to take their assistants to lunch once a quarter? Throw a "job well done" party for the accounting folks after tax season, or let the marketing/event planning staff work from home the day after an event. The goodwill fostered by these perks more than offsets the monetary cost.

Consider Flextime

Flextime — 75 percent of those given the option use it. Of all workers in the United States, 42 percent can choose to have a compressed workweek, working the same number of hours in four days as in five. When employees are given the compressed workweek option, work-life balance ratings improve by 12 percent. Over 40 percent of workers state that they would like the option to telecommute.

When choosing to offer alternative work arrangements, it's important to weigh the costs of the arrangement against the cost of recruiting new employees. In the majority of situations, I am sure you will find that it's more cost-effective to keep your current employees happy by providing alternative work arrangements than to hire new employees.

"Stressed" Backwards Spells "Desserts"

Don't be shy about feeding your employees. The camaraderie that comes from getting together for a meal or snack helps foster the family atmosphere and helps keep employees engaged and happy. A fellow employee says that one of the benefits of working at our firm is that we're always getting fed, but jokingly adds, "it can be hard on your wardrobe expense!"

Birthday celebrations around here are always happily anticipated: "Did she order the ice cream cake?" "Did he even ask for a cake?" "Oh, gosh, I hope it's chocolate." We recently held an 80th birthday extravaganza for our name partner, where we hosted the entire firm staff at his Michigan home. The catered affair got everyone out of the office, and the two-hour bus ride up to Michigan provided plenty of time for folks to get to know at least one other person. It's been three months, and our staff is still talking about that party!

Praise Is Priceless!

When an employee does something noteworthy — whether it's working overtime to get the last client bill out, treating that difficult client especially well or beating a deadline — reward the person with praise. Think back to the last time you were lauded for a job well done — meant a lot, didn't it? Your employees think the same way. When something is done especially well, make sure you let your employee know you noticed. Many times, employee dissatisfaction stems from a lack of recognition for exceptional job performance. It's only fair to acknowledge an employee when he or she has gone above and beyond the call of work duty.

There are those extraordinary instances where praise in the form of dollars can speak much more loudly than words. You don't necessarily have to hand out raises, but small bonuses for a job well done can express your appreciation and gratitude, and, in return, you reap the benefits of an employee who is happy and feels appreciated. Dinner certificates for two, a half-day at a spa, tickets to a concert or sporting event — the expense of these little "thank you" boosters is offset tenfold by the positive feelings they engender.

First-Day Jitters

Remember how you felt on your first day at work? Probably a lot like you did on your first day of school. You can bet that's how a new hire feels. Is your first-day training technique to simply plant that nervous new employee in a conference room with training videos and a policy manual, or do you ease his/her jitters by starting off that all-important first day with a warm welcome and a defined plan for orientation?

That plan should include someone to give the new employee a tour, introduce him/her around, impart honest expectations and teach him the “little” but important things like mailroom procedures, where to get supplies and where the water fountain and coffee are. If you provide such a “guide” on the first day of work, current employees will feel a special kinship with the newcomer, and certainly it will go a long way toward making your new employee feel at home.

The experienced employee/new hire team should be selected based on ability and job duties. It wouldn’t make sense to pair a partner with a copy center operator, but pairing a new legal assistant with a seasoned partner’s assistant works. Provide room for this friendship to grow by encouraging reunions with special coffee meetings, luncheons and other social get-togethers.

My Mentor, My Hero

That first-day training relationship can grow into a mentoring relationship, too. Mentors aren’t just for executives. Anyone can grow in his/her job and deserves to have a mentor to help that growth along. Consider implementing a formal mentoring program. When a new associate is hired by your firm, that associate is given a myriad of opportunities to develop relationships with partners — those working relationships can easily turn into mentoring connections.

It’s just as easy to develop a mentoring program among staff as among attorneys. Attorney-mentoring relationships grow from constant interaction between a long-term partner and a new associate or lateral hire. The same thing can occur with non-attorneys:

Maintain good relationships. Encourage the trainers to continue a relationship with their trainees.

Educate possible mentors. Provide mentoring training programs for all employees tenured for more than five years.

Make sure everyone’s onboard. Inform attorneys of the priority of mentoring relationships within the firm.

Start today. When an employee complains about a difficult situation, team him or her with someone in a similar job who has similar experiences.

Pay it forward. Provide a budget for mentors to go to lunches, conferences and organizational meetings with their mentees.

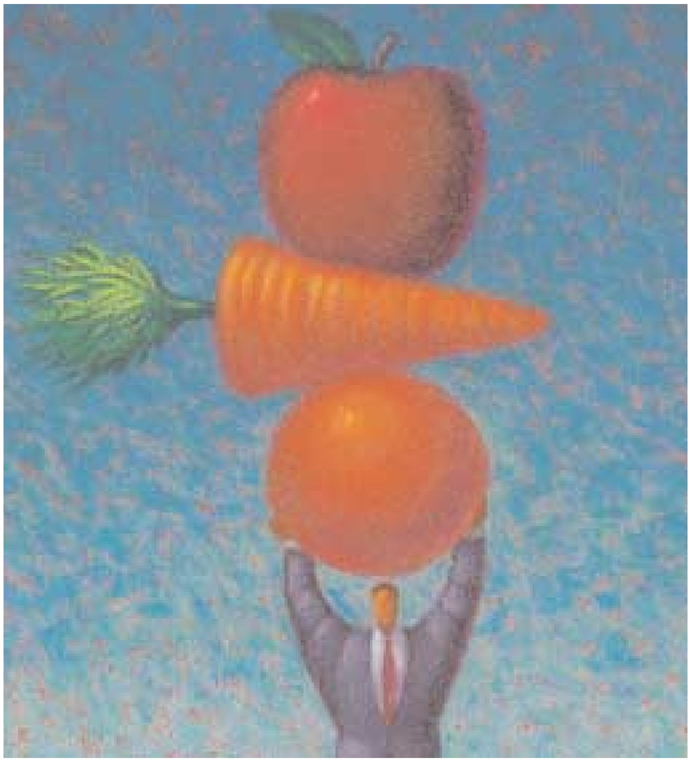
A note of caution: it’s important that any mentoring program be *voluntary*. If it’s not, there’s a risk that one mentor may be disgruntled enough to make his or her mentee’s experience less than it should be.

The Bottom Line (and It’s About More Than Money)

Needless to say, salaries and benefits are very important for attracting good help and should be at least commensurate with other like firms. But other perks within the workplace like the ones discussed above (though sometimes less tangible than money) are important, too, and will go a long way toward keeping your employees happy and keeping them yours.

Minding HR in the Mid-Size Firm

by Cathy Reilly of Martin, Clearwater and Bell LLP



Human resource management can be a challenge in a mid-size firm. For example, in larger firms and corporations, the function is typically handled by a number of people who can bounce issues and ideas off of each other. But smaller firms usually have only one person charged with the HR duties (and that may be only a part of his or her overall responsibilities). So the mid-size firm must be creative in ensuring that it not be exposed to risk in the HR area — and in today's highly regulated and litigious environment, the function should be viewed as vital to the firm.

Recognition and Support of HR Is Critical

First and foremost, firm management must recognize the importance of HR, giving it the full support of the executive director or administrator and the managing partner. That person should work closely with the HR manager on a daily basis and be conversant with all relevant issues. Management should also involve the HR manager in the strategic planning process of the firm. She/he, along with the executive director/administrator, should keep up with the trends in the human resources arena and new legislation that requires strict compliance (*e.g.*, HIPAA). And it is important that the individual interact with the firm's employment counsel to avoid problems and to stay on top of HR issues, trends and potential obstacles.

This person also has to focus on the firm's business initiatives, demonstrating the ability to participate in the business and financial analysis. Organizations such as the Society for Human Resource Management, National Human Resource Association and ALA provide invaluable information and training. The latter is critical when HR is a one-person show. And he/she needs to keep up-to-date on developments in legislation and regulations to ensure the firm's compliance.

HR Responsibilities

Deciding on the right person for this position and whether the HR duties will be his/her sole responsibility or coupled with other functions (such as office manager, secretarial supervisor, etc.) are critical. But whatever the firm decides, training is a must on such issues as:

Compensation for both legal and non-legal staff. *The manager needs to follow the process and make certain that the firm's program meets basic HR standards.*

Benefits programs. *The HR manager needs to know what's available from different carriers and what's new in the benefit arena. Features like FSA accounts, debit cards, etc. can be enhancements to the firm's benefit plan, but prior to being offered, they need to be carefully researched.*

Counseling. *The HR manager is often called on to provide counsel to employees, a role that demands strict confidentiality. That confidentiality must be assured and guarded to make the employee comfortable. The firm* *should also consider external counseling services for instances that are beyond the training ability of the internal manager.*

Recruiting. *This person is charged with recruiting for all staff positions and must sometimes participate in attorney recruiting. The individual needs to know how to deal with agencies, manage the recruiting process, negotiate with the agencies and more.*

Training. *It's becoming more and more important in firms, and it can fall within the responsibility of the HR manager. She/he needs to find what is available, determine the type of training the firm needs and make certain that the quality is acceptable.*

Diversity. *The HR manager must always be conscious of all diversity issues and make certain that the firm is tracking its efforts in that area.*

Ensuring compliance with federal and state regulations. *This is a major responsibility of the HR manager. She/he needs to keep up with current trends in the industry and speak with the firm's employment attorney to make certain that the firm is going forward correctly.*

The firm needs to be aware that the HR manager has multiple responsibilities and must be involved in all aspects of personnel issues. Mid-size firms must have written policies and procedures, including staff manuals, performance appraisals, equal opportunity statements, diversity policies and harassment policies.

The Role of Technology

Technology is affecting how the HR function operates, and the HR manager will have to interact closely with the IT department to design and implement a new application database and create applications that will be effective for the firm.

Be aware that HR software packages for small and mid-size firms are scarce, and many of them still keep manual HR files and records. The standard HR applications such as PeopleSoft are focused on the large firm or corporation. These can be very expensive and may not address the particular needs of the mid-size or small firm. Payroll vendors such as ADP or Ceridian also offer HR-focused applications that may or may not address a firm's needs and/or budget. Nevertheles, there are off-the-shelf packages available, and when shopping for one, keep in mind that you'll want each employee's record to hold all the information that the firm needs to retain, including:

Personal information, including address, emergency contact, spouse's name, phone numbers

Salary, bonus information and review dates

Education, including CLE and in-house training

Office information, including location, phone, equipment, etc.

Benefits information, selected plans, etc.

Photos, imaged documents (ID), etc.

Some firm design and build their own applications, using a database program such as Access or Notes or Summation. If you decide to take on the project you need to ensure that all the above information is included and that the software allows you to download information from external systems such as your payroll system. Include any data that is unique to your firm and be able to ensure the security of the database.

Collecting information and disseminating information to employees is another important part of the HR management function. In a mid-size firm, which may have some "family" environment, policies must be written and disseminated, and everyone must be treated equally. An easy way of ensuring that all employees have information is to create employee applications on the firm's intranet. Working with the firm's IT professionals, this project can be very effective for the firm. The database should include at least:

Staff manual

Firm policies and procedures

Network procedures

Benefit information

Training opportunities

Firm announcements

Links to other websites (bank, retirement investment company, etc.)

Conclusion

In a mid-size firm — no less than in a larger one — the human resource function is critical in helping the organization avoid fines, lost accounts and potentially large losses based on charges of discrimination or harassment. While technology plays a role, management's focus must be on choosing the best HR manager — a skilled and highly trained individual who will ensure compliance and protect the firm's reputation. Equally important, management must be willing to give that person its full commitment and support.