

HIRING AND MANAGING ADMINISTRATIVE STAFF

An enthusiastic and productive staff can make the difference between a successful, fulfilling practice and a sluggish, unsatisfying one that will have an impact on your patients as well as you. In order to ensure the former, it is critical that the physician be a strong and effective leader and be knowledgeable about employment laws, successful hiring techniques, and how to maintain an orderly yet open office in which communication is a high priority.

EMPLOYMENT LAWS AND REGULATIONS

Before you hire and manage administrative staff, it is important that you understand the laws that govern this kind of employer-employee relationship. As far as hiring is concerned, a general rule to follow is that only the skills and work experience that directly influence a candidate's ability to effectively perform the duties of the position should affect his likelihood of obtaining the job. Factors such as age, sex, race, marital status, religion, and sexual orientation cannot be considerations in the hiring process.

The following are seven of the key federal laws that psychiatrists, and all employers, must keep in mind when hiring staff:

1. **Fair Labor Standards Act of 1938 (FLSA), as Amended** - sets requirements for a minimum wage, overtime pay, child labor regulations, and prohibits wage discrimination based on sex.
2. **Equal Pay Act of 1963** - prohibits wage discrimination based on sex.
3. **Title VII of the Civil Rights Act of 1964** - prohibits discrimination based on religion, national origin, race, sex, etc. and created the Equal Employment Opportunity Commission (EEOC) for enforcement. Acts of harassment, including sexual harassment, are also prohibited under this law.
4. **Age Discrimination in Employment Act of 1967 (ADEA)** - prohibits discrimination based on age.
5. **Pregnancy Discrimination Act of 1978** - prohibits discrimination based on pregnancy.
6. **Immigration Reform and Control Act of 1986 (IRCA)** - requires employers to maintain proof of employees' citizenship.
7. **Americans With Disabilities Act of 1990 (ADA)** - prohibits discrimination against a "qualified individual with a disability."

Employers must also comply with employee safety and health standards as set forth by the Occupational Safety and Health Administration (OSHA). These regulations are designed to ensure that employees have a safe work environment. For compliance information, contact your local OSHA office or access its website at www.osha.gov.

Additional laws and regulations that must be adhered to include, but are not limited to:

- Workers' compensation laws (mostly state mandated);
- Federal record-keeping requirements;
- Wage deductions;
- Unemployment compensation;
- Social security;
- Employee safety and rights poster requirements (mandated by the Department of Labor and the Equal Employment Opportunity Commission);
- Employee Retirement Income Security Act of 1974 (ERISA) (see Chapter 42);
- Consolidated Omnibus Budget Reconciliation Act (COBRA); and
- Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires agencies to write compliance guides that explain in plain language what the new regulations require. The guides are available through Department of Labor (DOL) Regional Offices, and the Small Business Administration's (SBA) Small Business Development Centers (for the one nearest you, call SBA at (800) 827-5722 or go their website, www.sba.gov).

Information on complying with federal employment laws, along with an abundance of additional helpful information, including the contents of many pertinent federal regulations (and the address of your regional Department of Labor (DOL) office) can be found on the DOL website at www.dol.gov. In addition, you should always seek guidance from a lawyer or other consultant familiar with federal and state employment laws and regulations when dealing with these compliance issues.

Each individual state may have additional laws that govern employment situations and you need to be aware of and comply with those laws as well.

HIRING AND EXPECTATIONS

You cannot expect your office to function well unless you are willing to take considerable time and effort to hire the right staff members. First you must conduct a thorough search. Consider people you work with at the hospital, put advertisements in the local paper and on online employment sites, and work with employment agencies. Once you have reviewed several promising resumes, schedule interviews with those candidates.

Make the interview really count. If you want to, you can have the candidate fill out a standard job application form (see Appendix K, Staff Application Form). To put the candidate at ease, and thus get the most accurate impression of her, begin the interview with casual conversation. Gradually move to more focused questions that clarify the applicant's skills, interests, and job-related experience. On this note, be sure that you do not ask unacceptable (and possibly illegal) questions, such as questions about an applicant's family background or age. As a general rule, only ask questions that are relevant to the duties of the position you're trying to fill. If you have any doubt about a particular question, do not ask it until you have consulted an attorney knowledgeable in this area or a representative at the Department of Labor.

Be straightforward and honest about the job's responsibilities and your expectations. Give a general overview of both the office and the position and then explain the specifics of the job's day-to-day duties. This will encourage candidates who are appropriately suited for the job and discourage those who are not, saving both you and the candidates valuable time. It also prevents disappointing surprises and possible problems once an individual is hired and begins working.

In addition to a verbal description of the position, a candidate should also be given a detailed written job description that covers all major responsibilities. This helps to ensure that an employee knows precisely what is expected of him. An employee handbook that covers general employee issues should also be available upon hire. For more information on enhancing staff performance, see Appendix L, Staff Performance Review Form.

References, particularly former-employer references, are a good way to confirm and supplement information from the interview and resume. You may also want to do a Google search or check public records to further illuminate an employee's background. If you do this, be sure you're finding information about the same person. Many people have the same name and you don't want to be basing your employment decision on information about someone other than the candidate. Ensuring that your employees are competent and trustworthy is particularly important for a psychiatrist's office, since staff may be in contact with your patients and their confidential medical records. As always, consult your

lawyer prior to engaging in any activities that may have legal ramifications for you or your practice.

Finally, make sure that the salaries and compensation package you offer are competitive. High turnover and mediocre employees are not worth the money that you might save by offering below-market salaries.

FOSTER A PRODUCTIVE WORK ENVIRONMENT

Once you have your staff in place, it is important to do your part to create and maintain a productive work environment. Most would agree that a friendly, energized atmosphere in which teamwork is stressed is the key to an efficient and productive office.

As a physician, you should provide leadership for the administrative staff. Remember to show respect for your staff, to express your appreciation when they do a good job and encourage them to take the initiative by involving them in office decisions. If a mistake is made, try to help staff learn from that mistake rather than creating an environment where staff members are fearful of being truthful because of the reaction they may get if they admit an error. Try to be flexible. With a competent, open staff, your office will be more efficient and rewarding for you, your employees, and your patients.