Human Resources

Finding and Hiring Employees

How do you attract key employees? Staffing your firm is of critical importance to businesses of all shapes and sizes. All firms take the same risk in hiring an employee. The smaller the firm, however, the harder it is to afford the time and costs involved in hiring and firing the wrong employees.

Larger companies have developed effective hiring techniques and procedures to lessen this risk. If owners and managers of small firms wish to manage their operations more effectively, some of these staffing techniques could be applied:

*Determining Needed Skills and Abilities*

The trick to getting the right person for the job is in determining what skills are needed to perform the job. Match the applicant’s skills and experience to the job requirements.

Once a job description is set, decide what skills the prospective employee must have and the lowest acceptable skill level.

When you start to look for someone to fill the job, make sure that you know what skills you need and what skills are the minimum acceptable, as determined by what kind of training you can provide.

*Setting Personnel Policies*

Work.com says an employee manual effectively accomplishes this by informing your workers what is expected and ensures that your business complies with state and federal employment laws. You can include information about the company and its history to give your workers a sense of company pride.

Here are some things you need to consider in developing an effective manual for your workers:

1. Decide on the contents.

2. Find an expert to create the manual or if you have the resources, create it in-house.

3. Review it for accuracy and legality.

*Here are some of the best contacts and resources to help you get it done.*

First, decide what the manual should cover. At the very least, you need to spell out your policies regarding hiring, firing, workplace decorum, company benefits, employee privacy and performance appraisal system. No manual can ever be totally comprehensive; individual worker needs will undoubtedly produce circumstances that aren’t in your guide. You can, however, create a handbook that covers the situations that will affect most of your employees. Complyright.com offers a list of the types of points a manual should cover and supplies small business software for employee handbook creation for a yearly fee.

You can get a legal opinion. If you’re not an expert in labor law, human resources or employee relations, you might want to hire a legal specialist. Many companies provide a combination of payroll, benefits, regulatory compliance and employee training services.

You can “do it yourself” with computer software. If hiring an outside firm is beyond your budget, check into the various computer template programs that will guide you in creating an employee handbook.

Whichever option you choose to create your employee manual, make sure the final product is reviewed and approved by attorneys. You want to ensure that your handbook’s language is appropriate.

*Tips and Tactics*

Helpful advice for making the most of this guide:

• A manual is not set in stone. Policy adjustments can and should be made as your company’s situation changes.

• Whenever you make any changes, be sure to again run them by your attorney.

• Save printing costs by putting your employee manual on your company’s intranet

or making it available at your Web site, with secure company/employee-only access protections.

• Periodically remind your workers to refer to the manual.

• Make sure you get a signed employee acknowledgement of receipt of the handbook. The worker does not have to attest to reading it, but that he/she received it.

*Finding Applicants*

When you know the kind of skills you need in your new employee, you are ready to contact sources that can help you recruit job applicants.

West Virginia has an employment service that features local offices, known as WorkForce West Virginia centers, to help businesses with hiring needs and problems. To access this resource, call WorkForce West Virginia at 800-252-JOBS (5627) or visit their Web site at www.workforcewv.org. The employment service will screen applicants with aptitude tests (if any are available for the skills you need). Passing scores indicate the applicant’s ability to learn the work. Be as specific as you can about the skills your business requires.

Other sources of recruiting applicants are Help Wanted signs or newspaper advertisements. Both methods attract a large group of job seekers to screen at your convenience.

Job applicants are readily available from local schools or colleges. The local high school or college may have a distributive education department allowing the students to work in your business part-time while learning about selling and merchandising in their school or college courses. Many part-time students stay with the business after they graduate.

You also may find job applicants by contacting friends, neighbors, customers, suppliers, present employees and local associations such as the Chamber of Commerce or other service clubs. **Your choice of recruitment method depends on your type of business, your location and you.** Many sources are available to you and a combination may serve your needs best. The important thing is to find the right applicant with the correct skills for the job you want to fill.

Remember that **the Civil Rights Act of 1964** prohibits discrimination in employment practices due to race, religion, sex, national origin, color, handicap or sexual preference. **Public Law 90-202** prohibits discrimination on the basis of age, with respect to individuals who are at least 40 but less than 70. Federal laws also prohibit discrimination against the physically handicapped.

Interviewing Job Applicants

Find out as much as you can about the applicant’s work history, especially work habits and skills; get the applicant to talk about himself/herself and about his/her work habits. Ask each applicant specific questions: What did you do on your last job? How did you do it? Why was it done?

Evaluate Applicants’ Replies

Do they know what they are talking about? Are they evasive or unskilled in the job tasks? Can they account for discrepancies?

Next, verify the information. A previous employer is usually the best source and sometimes will provide information over the telephone; but it is usually best to request your information in writing. To help ensure a prompt reply, ask previous employers a few specific questions about the applicant that can

be answered with a yes or no check mark, or with a very short answer. For example: How long did the employee work for you? Was his or her work poor, average or excellent? Why did the employee leave?

After you have verified the information for all your applicants, you are ready to make your selection. The right employee can help you make money; the wrong employee will cost you much wasted time and materials and may even drive away your customers.

Hiring Employees

Have the employees you hire fill out Form I-9 and Form W-4. If your employees qualify for and want to

receive advanced earned income credit payments, they must give you a completed Form W-5.

**Form I-9**, please view via this link: <https://www.uscis.gov/i-9> You must verify that each new employee is legally eligible to work in the United States. Both you and the employee must complete the U.S. Citizenship and Immigration Services (USCIS) Form I-9, Employment Eligibility Verification required by the Immigration Reform and Control Act of 1986. All U.S. employers are responsible for completion and retention of Form I-9 for each individual they hire for employment in the United States. This includes citizens and non-citizens. On the form, the employer must verify the employment eligibility and identity documents presented by the employee and record the document information on the Form I-9. A Form I-9 may be obtained by contacting the Citizenship and Immigration Services at (800) 375-5283 or visiting their Web site at www.uscis.gov and clicking on Forms. You can get the form from USCIS offices or from the USCIS Web site at www.uscis.gov then click on Forms. Call the USCIS at 1-800-375-5283 for more information about your responsibilities.

**Form W-4.** Each employee must fill out Form W-4, <https://www.irs.gov/forms-pubs/about-form-w-4> .

Employee’s Withholding Allowance Certificate. You will use the filing status and withholding allowances shown on this form to figure the amount of income tax to withhold from your employee’s wages.

**The State Tax Department has policies on the filing and remitting of income tax withheld.** The due dates for returns and payments closely follow the IRS schedule. Please reference this link: <https://tax.wv.gov/Documents/TSD/tsd428.pdf>

Employers will receive a booklet containing **12 remittance vouchers**, one for each monthly payment that must be remitted to the West Virginia Tax Department. The Tax Department encourages the use of https://mytaxes.wvtax.gov/ to make these payments as opposed to sending the vouchers and payment through the mail. Employers who file a quarterly return for 250 or more employees must file electronically.

Employers will receive **quarterly returns** separate from the booklet. Again, the Tax Department encourages the use of https://mytaxes.wvtax.gov/ to file these returns instead of sending them in the mail.

Employers must continue to file an annual reconciliation of **West Virginia Personal Income Tax Withheld** (Form WV/IT-103) together with Tax Division copies of all withholding tax statements for that preceding calendar year. The reconciliation must be filed separately from the employer’s quarterly return.

Visit <https://tax.wv.gov/business/withholding/Pages/WithholdingTaxForms.aspx> and view <https://tax.wv.gov/Business/Withholding/HelpAndGeneralInformation/Pages/WithholdingHelpAndGeneralInformation.aspx> for filing W-2 forms electronically. Employers who are filing for 25 or more employees are required to file electronically. Failure to do so can result in a penalty of $25 per employee for whom the return was not filed electronically. Those filing for 24 or less are encouraged to file electronically using [MyTaxes](https://mytaxes.wvtax.gov/).

Employers who withhold less than $600 annually or employ certain domestic and household employees will continue to file the annual return and pay the withheld amount annually, and are not required to file a quarterly return. For these employers only, the due-date for the annual return is January 31 of the succeeding year for which the withholdings are deducted and withheld. Employers who have 25 employees or more are required to file and pay electronically.

Employers are required to furnish each employee a Withholding Tax Statement (Form W-2 or an approved substitute) on or before January 31st of the following year. A copy of each employee's W-2 is to be submitted to the State Tax Department accompanied by form [WV/IT-103 Year End Reconciliation](https://tax.wv.gov/Documents/TaxForms/it103.pdf) no later than January 31 (Personal Income Tax, [WV Code §11-21](http://www.wvlegislature.gov/wvcode/code.cfm?chap=11&art=21)). For more information, contact the Tax Department toll free at (800) 982-8297.

**Form W-5.** An eligible employee who has a qualifying child is entitled to receive advance earned income credit (EIC) payments with his or her pay during the year. To get these payments, the employee must give you a properly completed Form W-5, Earned Income Credit Advance Payment Certificate. You are required to make advance EIC payments to employees who give you a completed and signed Form W-5.

**Form W-2 Wage Reporting**. After the calendar year is over, you must furnish copies of Form W-2, Wage and Tax Statement, to each employee to whom you paid wages during the year. You must also send copies to the Social Security Administration.

Personal Responsibility and Work Opportunity Reconciliation Act

This law helps improve child-support collections and lower public assistance. Employers are required to report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. Visit the West Virginia New Hire Reporting Center on the web at www.wv-newhire.com for complete information and reporting requirements or call (877) 625-4675.

*Workforce Development Programs*

Once you have found your employees, getting them up to speed in your organization can require training. Here are some programs designed to help with that.

WorkForce West Virginia

WorkForce West Virginia is a network of work force development services designed to provide employees and employers the opportunity to compete in a global economy. WorkForce West Virginia makes available education and training to ensure employees have the skills needed to meet the needs of current and future employers. WorkForce West Virginia is a one-stop center for work force resources, including job opportunities, unemployment compensation, training, tax incentives and labor market information. All services are available at 13 comprehensive career centers throughout the state. In

addition, WorkForce West Virginia has the largest online database of job seekers and job openings in the

state at www.workforcewv.org.

*…More Workforce Programs*

Here are some of the programs designed to meet the needs of businesses for new and existing workers:

• WorkKeys® Career Readiness Certificates

The nationally recognized Work Keys® Career Readiness Certificates from Workforce West Virginia aid in the process of matching qualified job seekers with jobs while assuring businesses that the state of West Virginia has a ready and skilled work force. <https://www.wvregion2.org/job-seekers-employers/work-keys-win/>

• Governor’s Guaranteed Work Force Program

West Virginia’s key customized training program. This flexible program offers customized training assistance to eligible companies by providing funding that directly supports the transfer of knowledge and skills. Companies must create a minimum of 10 net new jobs within a 12-month period.

<https://westvirginia.gov/incentives-and-programs/workforce-programs/>

• The Workforce Innovation and Opportunity Act (WIOA)

This customized training program is available to employers that hire individuals that meet specific program requirements. This workforce development program targets job seekers. WIOA’s mission is to develop workers and give them access to training and education programs and match them to employers.

<https://www.doleta.gov/wioa/>

• West Virginia Advance Program

This flexible program offers customized job training awards to new and existing businesses. The program offers development and delivery of training services that will support a company’s startup and ongoing employee development initiatives through a local Community and Technical College.

<https://wvace.us/>

* Jobs and Hope West Virginia

Jobs & Hope West Virginia is the state’s comprehensive response to the substance use disorder crisis. Established by Governor Jim Justice and the West Virginia Legislature, this program offers support through a statewide collaboration of agencies that provide West Virginians in recovery the opportunity to obtain career training and to ultimately secure meaningful employment.

<https://jobsandhope.wv.gov/>

West Virginia Manufacturing Extension Partnership (MEP)

The mission of the West Virginia Manufacturing Extension Partnership, Inc. (WVMEP) is to strengthen manufacturing in West Virginia. Expert in their individual disciplines, WVMEP’s team works directly with every appropriate level in your organization, to improve production, marketing, quality systems,

information systems, health and safety, manufacturing management, product design and development, industrial engineering, and general manufacturing.

In addition to assisting manufacturers with management, quality systems, product and market development, MEP also provides training on a variety of subjects, including safety and quality systems. Coaches are located across the state. For more information, call toll free (800) MEP-4MFG or go to www.wvmep.com.

Community and Technical Colleges

Your local community and technical college may also have training available for you and your employees. Find the location nearest you by visiting their website, www.wvctcs.org.

**State and Federal Labor Legislation**

Worker’s Compensation

If you are registering a new business, reopening an old business, or purchasing an existing business, in whole or in part, State law requires employers to obtain workers’ compensation coverage for its employees in case of workplace injury. Workers’ compensation insurance will be available from private insurers licensed in this state to provide such coverage. For information regarding available insurers, contact the Office of the West Virginia Insurance Commissioner. Specific requirements for obtaining Workers’ Compensation Insurance coverage may be answered by the private insurance carrier.

Offices of the Insurance Commissioner

Contact info: <https://www.wvinsurance.gov/Portals/0/pdf/Contact%20List.pdf?ver=2020-01-03-125036-543>

*Employer Coverage Unit*

*Correspondence:* WV Offices of the Insurance Commissioner

PO Box 50540

Charleston, West Virginia 25305-0540

*Physical Address:*

900 Pennsylvania Ave.

Charleston, West Virginia 25302

*Business Hours*

(Mon-Fri) 8:00 am - 5:00 pm

*E-Mail*

[OICEmployerCoverage@wv.gov](mailto:OICEmployerCoverage@wv.gov)

*Telephone:*

(304) 558-6279, ext. 1202

*Website:*

<https://www.wvinsurance.gov/Employer-Coverage>

Unemployment Compensation

Businesses that employ one or more persons may be liable for Unemployment Compensation Tax, which provides benefits to eligible persons who become involuntarily unemployed. Not all types of work are considered employment for the purpose of unemployment compensation coverage, nor are all employers liable for paying unemployment tax. Generally, employers incur liability by employing at least one worker for some part of a day in each of 20 weeks of a calendar year or by paying wages of

$1,500 or more in any calendar quarter. Special exemptions do apply, however. More information on the Unemployment Compensation Tax, including a copy of an Employer’s Handbook on Unemployment Compensation, is available at any regional employment office or by contacting:

Unemployment Compensation Division

1321 Plaza East Shopping Ctr.

Charleston WV

304-558-0291 or 1-800-252-JOBS (5627)

www.workforcewv.org and click on Employers

Federal Employer Identification Number (FEIN)

Getting your Federal Employer’s Identification Number or FEIN is often one of the first things you do in acquiring your business license. If you have even one employee, you must register for this number.

Occupational Safety and Health Act of 1970

The Occupational Safety and Health Administration (OSHA), administered by the U.S. Department of Labor, sets the nation’s standards for safety and health in the workplace. If you plan to hire employees, you will need to determine what, if any, steps you must take to comply with federal and state safety standards at your place of business. For information on the state’s free OSHA consultation program, select this link: <https://labor.wv.gov/Safety/Occupational_Safety/Federal_OSHA_consultation/Pages/default.aspx>

And/or contact the West Virginia Division of Labor directly at (304) 558-7890 or visit <https://labor.wv.gov/Safety/Pages/safety-contacts.aspx> for more information.

Additional information on OSHA also may be obtained by contacting:

Occupational Safety and Health Administration

U.S. Department of Labor

Charleston Area Office

U.S. Department of Labor - OSHA 405 Capitol Street, Suite 407

Charleston, WV 25301-1727

(304) 347-5937

(304) 347-5275

<https://www.osha.gov/contactus/bystate/WV/areaoffice>