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Excite, Engage and Prepare New Employees

By Dave Neal, Author

Even with today's high unemployment rates, companies can't take new employees for granted. It's not enough to put good people into good jobs. We have to excite, engage and prepare them or they might say goodbye, wasting lots of time and money. A little investment in preboarding and onboarding can make a big difference.

Preboarding happens before an employee's start date in a new job.

Recruiting

Selling the company is one thing, all the cool things you've done and plan to do, all the great professional opportunities and personal benefits you offer, and this gets people excited.

But you can start engaging people during recruiting by talking honestly about the company's challenges, improvement priorities and the specific ways you need people to contribute to attain your mission and vision. Also, talk about the training and development initiatives you use to get people up to speed. It might be an attractive

differentiator from your competitors.

Interviewing

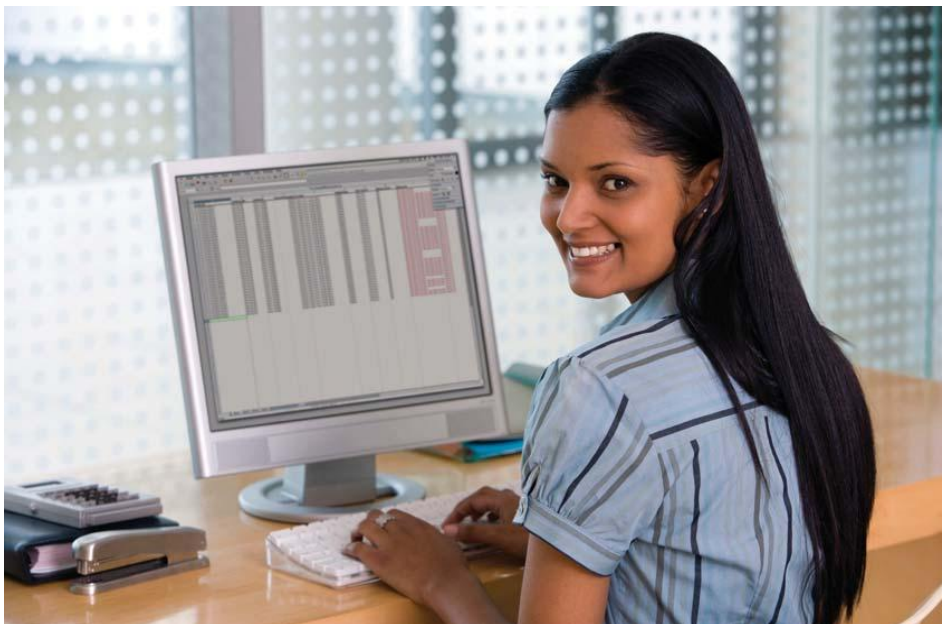
Continue engaging and preparing people during the job interview by being engaged and prepared yourself. Hiring managers send the wrong message when they're too casual, too spontaneous.

Ask appropriate, behavioral questions that are relevant to the job. Avoid abstruse questions like, "If you were a dog, what kind would you be and why?" Allow time for candidate questions and, again, be honest about the issues they are hired to help address. Consider providing a realistic job preview (warts-and-all) to reduce surprises.

After the Job Offer

What's happening during the days and weeks after someone accepts a job and starts work (besides them possibly continuing their job search)?

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Please send contributions or comments for Paycom Report to
Marketing Assistant Kylie Cunningham at kylie.cunningham@paycomonline.com.

What's in a Name?

By Byrona J. Maule, Phillips Murrah P.C.

On June 28, 2012, the Supreme Court ("Court") issued its ruling on the constitutionality of the Patient Protection and Affordable Care Act (ACA) in *National Federation of Independent Business, et al. v. Sebelius, Secretary of Health and Human Services, et al.*

To better understand the Court's holding, here is the basic legal analysis of the Court:

1. The federal government can only exercise those rights which are specifically enumerated. If the United States Constitution or its amendments do not give the federal government the power to act, then that power resides solely in the states.
2. When enacting the ACA, the authority cited was the Commerce clause, which allows the federal government to regulate commerce among states and activities that have a substantial effect on interstate commerce.
3. The ACA's individual mandate, which requires most individuals to purchase health insurance or pay a "penalty," is not regulating existing commercial activity but rather "compels individuals to become active in commerce by purchasing a product..." The Commerce clause gives the power to regulate activity, not inactivity. That power continues to rest solely in the

states. Thus, the individual mandate cannot be sustained under the Commerce clause.

4. Next, the federal government asserted its power under the Necessary and Proper clause, arguing the individual mandate is an integral part of a comprehensive scheme of economic regulation. However the Court disagreed, saying, the Necessary and Proper clause "does not license the exercise of any great substantive and independent powers beyond those specifically enumerated."

5. As its third alternative, the federal government asserted that the individual mandate may be upheld under the power to tax. The language of the ACA refers to a "penalty," for those who choose not to purchase insurance as required by the individual mandate. However, "It is well established that if a statute has two possible meanings, one of which violates the Constitution, courts should adopt the meaning that does not do so." The Court must resort to every reasonable construction of the statute in order to save a statute from unconstitutionality.

6. The label "penalty" as opposed to "tax" is not controlling, the Court is only concerned "with

its practical operation, not its definition or the precise form of descriptive words which may be applied to it..."

7. The Court compared a penalty designed to punish with a tax: The funds are paid into the US Treasury, the requirement to pay is found in the Internal Revenue Code, it is enforced by the IRS, it is reported on the income tax form, the amount due for most Americans will be far less than the price of insurance, and there is no knowledge or intent required (as would be expected if it were a penalty/punishment).

8. Thus, while it is called a "penalty," it is really a "tax" designed to influence our conduct, such as taxes on cigarettes designed to encourage people to quit smoking. Here, it is attempting to encourage the purchase of health insurance, and if you don't, you will be taxed accordingly.

The Court utilized well-established constitutional law to find the constitutional authority for the individual mandate of the ACA. Perhaps they should have quoted Shakespeare, who addressed the same issue, more eloquently, and much more succinctly, "What's in a name? That which we call a rose by any other name would smell as sweet."

About the Author...

Byrona J. Maule is a successful labor and employment attorney with over 20 years of experience representing employers - from the courtroom to the boardroom - in H.R. matters. A director at Phillips Murrah P.C., Oklahoma City's third-largest law firm, Maule provides her clients with the power of a strategic partner. You may contact Maule at bjmaule@phillipsmurrah.com or (405) 235-4100.



No. 11-393, 567 U.S. ____ (2012).

This is perhaps the most important legal tenant in the entire opinion, to understand this concept is to understand how the Court reached its decision.

New Employees from page 1.

Do you send out a welcome packet with some forms to fill out and some info about benefits, the smoking policy and where to park? Do you do more than that?

Smart companies find innovative ways to stay connected and make the most of this time. A new-hire website, for instance, is a great way to provide facts and tips, some well-produced videos, some interactive e-learning modules and so on. Some

companies even connect new hires to internal discussion groups, blogs and social networking opportunities with other employees. Generation Y employees, in particular, lean naturally towards these types of interactions.

Onboarding happens in the first days and weeks on the job.

Orientation

New hires often spend their first day in a series of administrative chores, listening to presentations from the HR staff, filling out forms, watching a video, getting badged, taking a tour, etc.

More enlightened companies, however, are automating these administrative tasks with web-based tools and finding other ways to transform orientation. They're bringing in more people from outside HR, recognizing that managers and

other stakeholders should share in the role. They're helping new hires understand the company's culture, how it makes money, how it delights customers,

When employees leave a company in the first year, it often boils down to them not feeling the love, they don't feel engaged or they're frustrated by insufficient support to learn and succeed in the job.

what it expects from employees and what employees can expect back. They're building awareness, commitment and competence from day one.

Week One

New employees should not feel abandoned or left to find their meaningful work. Set immediate, reasonably challenging development goals that give employees small wins they can build on. Give lots of constructive feedback. Involve managers and peers in ensuring new employees feel welcome, included, valued and supported. In many ways, you're testing new employees and they're testing you.

Year One

When employees leave a company in the first year, it often boils down to them not feeling the love, they don't feel engaged or they're frustrated by insufficient support to learn and succeed in the job.

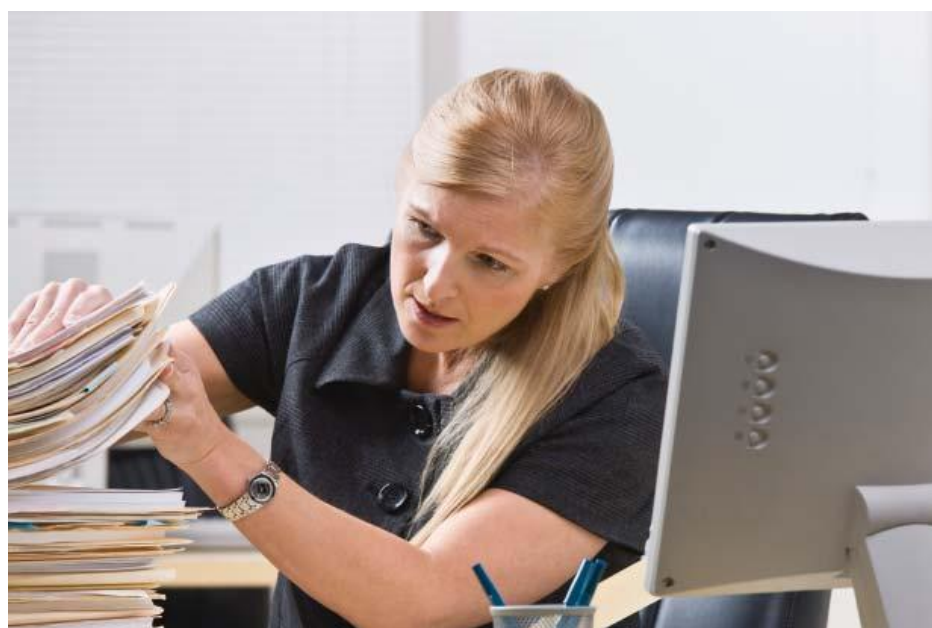
Employees need a fair amount of instruction and encouragement, depending on the complexity of the job. They need a blend of formal

and informal development opportunities, which might include job-skills training, business training, self-study (online and/or hard copy), job shadowing, coaching (from the manager and peers), career mentoring and so on. These early opportunities satisfy today's demanding employees and help them form great habits they'll carry forever.

Don't skimp on your preboarding and onboarding efforts, and don't treat new employees like they're lucky to have a job. They are, but you'll be lucky if they stick around past the first year if you don't excite, engage and prepare them from the start.

About the Author...

Dave Neal has helped develop thousands of employees and managers in organizations around the world for over 15 years. He is a senior partner at 4th Street Training at www.4thstreettraining.com.



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Did You Know?

paycom
7501 W. Memorial Road
Oklahoma City, OK 73142

On-Boarding and E-Verify® Simplify Processes and Lessen Administrative Burdens

Paycom's cutting edge Payroll and HR technology provides businesses one system to efficiently manage the employment process. With On-Boarding, E-Verify® and Document Management, filling out, storing and verifying I-9s, W-4s and other employee documentation becomes an automated process, not a complex task.

Increase Productivity from Day One

Improve an employee's day one productivity by changing how your new hires spend their first day. Most employees will expect (and mostly

dread) a pile of paperwork to complete. Instead provide a link to a checklist and online forms to complete electronically. Electronic Signature Verification (ESV) replaces ink-on-paper signatures for most any application, increases higher completion rates and improves staff productivity. It will save your HR department from being tasked with checking paperwork for completion and signatures and eliminate errors and inconsistency in data that results from re-keying and maintaining employee information in different systems.

Employers will be able to

manage their tasks and view employee checklist progression from the On-Boarding Menu Dashboard.

Paycom's On-Boarding and Document Management work together to make that first day (and first impression of your company) a different experience for new employees and lessen the burden on your HR department.

Instant Verification

E-Verify® is an extension of the I-9 form, which requires employers to verify the identity and employment eligibility of all new employees in the U.S. Failure to comply

with I-9 can result in prison sentences, forfeiture of assets and civil fines.

Paycom is a federally approved E-Verify® Designated Agent and can provide employment verification checks from within your payroll system. Using E-Verify becomes as simple as clicking submit when used with On-Boarding and Document Management. With employee data already entered in On-Boarding, the information is automatically filled in for E-Verify® and allows you to instantly perform E-Verify® checks.

E-Verify® is a registered trademark of the U.S. Department of Homeland Security.

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