



PREVENTATIVE HR CARE IN YOUR PRACTICE:
8 Common HR Mistakes By
Dental Office Managers & How to
Respond to Them

INTRODUCTION

If you're in the dental industry, you know how important preventative care is for the health of your patients.

It is easier to prevent tooth decay than to treat it after it's spread. So why aren't you treating your HR and employment systems the same way?

It is far more expensive and stressful to deal with violations, lawsuits negotiations and settlements than to prevent them in the first place with a compliance-forward HR solution.

HR for Health does just that.

Our cloud-based HR software solution is designed specifically for the unique needs of dental practices. We start with HR compliance first and build-in ease and automation second—*because we believe in prevention.*

While preventative HR care is always the easiest and safest method, we also know HR mistakes can and do happen—especially in practices that are not utilizing HR for Health's software and advisor services.

In those situations, how you respond to employment law mistakes can make all the difference. And, while you have options, there are clear actions and solutions that minimize your risks to future lawsuits.

Of course, the best action you can take when you find an HR mistake, is to implement HR for Health to prevent legal risks for spreading.

As the nation's leading expert in HR and employment law, protecting your practice is what we do best.



**The only HR software endorsed
by the CDA and trusted to
protect more than 3,000
practices in California alone.**

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Overtime Calculation SNAFUs

Maybe you haven't paid the authorized overtime to your dental team. Maybe you haven't paid the required daily overtime. Maybe you're only paying people if they've worked over 80 hours in a pay period (which is not compliant). What should you do?

HIGHEST RISK

DO NOTHING

Keep doing what you're doing, and hope nobody catches on.

CHANGE COURSE

You want to do the right thing, of course, but you only have so much time. Instead of proactively researching all missed payments, you update your system to ensure this doesn't happen again. You only make a payment if an employee complains.

CORRECT PAST MISTAKES

If you're looking for peace of mind that you've minimized as much risk as possible, here's what to do:

- Update your systems so they comply with state and federal regulations.
- Review the past 3 years of overtime payments to identify who's missed one.
- Write letters to all team members who did not receive the deserved payment, notifying them of the clerical error and the payment that will be going to their account soon.
- Start utilizing an HR software that prioritizes legal compliance automatically so you don't have to stress about overtime miscalculations ever again.

LOWEST RISK

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Creating I-9 Chaos



Let's talk about those pesky I-9's — the forms needed for employment eligibility verification. You haven't been complying with state and federal law when filling them out for your lab technicians — so what do you do?

HIGHEST RISK

DO NOTHING

Just like with overtime noncompliance or filing your taxes, you'll be tempted to continue what you're doing, with the hopes that nobody audits you. In this case, it's the U.S. Citizenship and Immigration Services ([USCIS](#)), you'll need to be concerned about.

CHANGE COURSE

Just like with overtime pay, you'll be attracted to the possibility that nobody in the past will care, so you won't proactively look at past I-9's to see which weren't completed or weren't completed correctly.

However, you will update your procedures to comply with the [latest USCIS requirements](#). You can also find a guide to state and federal HR compliance [here](#).

CORRECT PAST MISTAKES

According to USCIS guidelines, you need to go through the past three years of I-9 forms to determine what needs to be fixed. The process for correction can be found [here](#).

Of course, you'll want to follow the appropriate process going forward for employment eligibility verification.

Conveniently, HR for Health has a [new hire checklist](#) that includes an I-9 form and everything else you need to stay compliant with onboarding.

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Employees Exemption Mishaps

Surely this isn't you, but maybe you've marked all your hygienists exempt, so you didn't have to worry about tracking hours or overtime. What do you do when this happens?

HIGHEST RISK

HOPE NO ONE NOTICES

You can continue to classify your employees incorrectly and hope none of your employees are educated enough to notice.

RECATEGORYIZE EACH ROLE CORRECTLY

You can study each employee, determining who's exempt and who's not using this [Department of Labor document](#).

From there, you'll want to simply identify which employees have been misclassified, notify them by letter about the mistake, and change their status to non-exempt moving forward.

You'll even want to write these employees a revised offer letter noting the change, for which HR for Health has a template.

CORRECT PAST MISTAKES

If you want to go the extra mile, you'll want to do everything mentioned above, and then a little bit more.

In particular, you'll want to look at your last three years and determine:

- What overtime is still owed
- What meals/breaks you may have missed
- What penalties you owe from noncompliance

From there, you'll notify affected employees through a letter and offer them payments to make up for what was lost. HR for Health can guide you in figuring out who's exempt and who's not.

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Working Interview Compensation Confusion

As part of your interview process for a new dental assistant, you ask candidates to participate in some chair-side time to see how things flow. But, you fail to pay them for that time. What to do about it now?

HIGHEST RISK

CONTINUE NONCOMPLIANCE

Candidates might have tunnel vision about the interview and don't realize they're contributing to the organization and should be paid for it. Under the eyes of the IRS, these individuals are considered employees and you may be choosing to not compensate in hopes that nobody knows better.

FUTURE DISCLOSURE

Going forward, you'll lay out the following for candidates in a working interview letter:

- Duties they'll be asked to perform
- Wages they should expect to get
- Time, place, and duration of the interview

You won't try to find out who's owed money from past working interviews, but you will fill out I-9's and W-4's for all future paid interviews.

CORRECT PAST MISTAKES

Employees are worth their wages, so why not pay people for honest work? To correct past mistakes and minimize your risk, do everything included in the mid-risk response above, then:

- You'll need to once more go back 3 years and determine who you asked to do a working interview.
- With a letter, notify deserving recipients of the error and the forthcoming payment.

Moving forward, individuals that participate in a working interview should be treated as new employees, so an I-9 and withholdings form at minimum should be completed for each participating candidate.

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Meal Break Bloopers

Depending on your state, non-exempt employees are entitled to rest breaks and lunch breaks. Maybe you haven't been tracking or providing it for your team. What should you do?

HIGHEST RISK

ENCOURAGE BREAKS MOVING FORWARD

Tell your employees and team members to consider taking lunch breaks, but don't review non-compliance in the past.

FUTURE DISCLOSURE

This may seem onerous, but you may want to consider tracking meal and break compliance going forward. Tracking and documenting gives you proof to counter any future claims.

Get up to speed on your state's laws on this, and if there aren't any, the federal standard applies:

- Short breaks (5 to 20 minutes) are considered compensable
- Meal breaks (at least 30 minutes) are not work time and are not compensable

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PAY FOR PAST NONCOMPLIANCE

This will be hard to discover, but the least risky option is to review the last 3 years with an audit, notifying and compensating any deserving employees who did not receive compensable breaks.

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Lapses in Letter Practices

Candidates who either perform working interviews or are temporary employees need these letters just like permanent employees. For example, you likely have loads of temps in your front office. What do you do if you (very understandably) forget them?

HIGHEST RISK

KEEP PROVIDING VERBAL OFFERS

Chances are, most people (either temp or interviewees) are not aware they should be providing offer letters in writing. In assuming that, you could continue providing verbal offers and hope for the best.

START PROVIDING OFFER LETTERS

Going forward, it's prudent to provide offer letters to both temps and working interview candidates.

For temps, be sure to establish a start and end date, with the possibility that you can always change the end date.

For working interview candidates, lay out in the letter what's expected of the candidates and how much they'll be making.

PAY FOR PAST NONCOMPLIANCE

Yes, provide offer letters in the future, but also review the last three years and compensate all those who deserve it.

It will be difficult to nail down exactly how much is owed, so you're best off erring on the side of too much - e.g., a full eight hours if you don't have evidence they didn't work a full day.

Fortunately for you, HR for Health provides offer letter templates and guidance.

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Sick Leave Slip Ups

Maybe you haven't provided state-mandated sick leave to the employees in your practice. What do you do?

HIGHEST RISK

CROSS YOUR FINGERS

Sick leave can be a thing employees forget about, and many employees may not know all the requirements, so you could continue offering the same benefits package and simply hope for the best.

GIVE SICK LEAVE MOVING FORWARD

Once you've recognized your error and what the state of California requires, you should start giving the mandated sick leave and abide by all sick leave provisions.

You'll notify everyone by letter of their new benefits package. You won't go back and compensate those who didn't receive their deserved sick leave, but you do fix this mistake moving forward.

COMPENSATE FOR PAST ERRORS

The calculations might be tricky, but either go back to when the state sick leave ordinance was issued or go back three years prior, whichever is sooner.

Then send letters to all team members who missed out on sick leave, along with deserved payments.

Again, check out HR for Health's [electronic timekeeping feature](#) to help with this.

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Exempt Employee Blunders

For exempt employees, maybe you've been docking their pay if they don't work an eight-hour day (which you're not supposed to do). What can you do in this situation?

HIGHEST RISK

KEEP ON KEEPIN' ON

Don't tell anyone about this, and continue to dock pay until someone wises up and complains.

PROPER PAY MOVING FORWARD

This will be delicate, but you can start paying exempt employees what they're owed, without deductions. If they complain about past nonpayment, you'll need to review the last three years and pay up.

PAY FOR PAST MISTAKES

Instead of waiting until your employees react, you can get ahead of it and pay all that affected team members have ever been owed. Send letters admitting the errors, telling them their payments will be forthcoming.

This can get hairy, so HR for Health is here for you to help identify who's exempt and who's not.

LOWEST RISK

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Assess risk. Take action. Practice preventative HR care.

You always have options in how to respond to HR mistakes you've uncovered. You'll need to decide for yourself what's practical, what's in your budget, and what's the right thing to do.

Fortunately, HR for Health will be there for you every step of the way to help you navigate these difficult waters. Our automated, cloud-based software will help you scale efficiently, so you can reclaim some precious time and money.

SCHEDULE HR RISK ASSESSMENT CALL

