

- Speaker 1: Welcome to the performance review, Greenburg charts, California labor and employment law podcast, where we discuss the review for the trends and topics for California employers as host Ryan Bykerk and Phillip person.
- Speaker 2: Welcome back to the performance review. We're at episode 10, some of you thought we wouldn't make it to double digits, but here we are. We're joined today by Johanna Kent, head of people and culture at Virgin orbit. [00:00:30] She's one of the clients we work with a lot, and I love to have the opportunity to talk to Johanna when it's not a fire drill, dealing with an employment issue. So it's great to have you on a day. Join him.
- Speaker 3: Thank you so much. I concur Phillip. I love getting to work with you, uh, on our fire drills, but this is a great opportunity to get to talk about something a little bit more fun.
- Speaker 4: So wait, wait, Philip. I am I understanding right? People did not think we would make it to 10 episodes who told you that we need to, we should talk to these people.
- Speaker 2: [00:01:00] We should talk to these people. As we said, the other episode, the only person who probably thought we would make it would be your mom, you know, our, our normal one. Listen,
- Speaker 4: Our number one listener. Exactly. Yes, she's she's for staking, her other podcasts. And now this is all she listens to. So Johanna, thank you so much for being here. And I, and we are going to talk, uh, some, some employment things here in a minute, but I actually did. It just occurred to me. I should ask you. So you're at Virgin orbit, right? So what are the chances that Phillip and I can go to space?
- Speaker 3: Ah, [00:01:30] well, you're going to have to get in line. First of all, it's very, very coveted spots, but you'll also on our space, particularly in Virgin orbit. You'd have to be very, very small and be able to fit into a satellite. So we got our first satellites into orbit. They're currently there. Now we, that just happened in January. Super excited about that. So we'd be happy to work with you guys. If you have anything you need to get up into space.
- Speaker 4: Yeah. We recorded these episodes from a lot of different [00:02:00] places, but space is not yet one of them, so we'll have to, we'll have to get that worked out. All right. So we're going to talk today just about the, the onboarding process. And we'd just love to get your thoughts about onboarding generally, and maybe the best place to start is just to talk about how that impacts your role now and just really big picture. What's the, what's important about onboarding for California employers?
- Speaker 3: Yeah, absolutely. Onboarding, I [00:02:30] think is maybe the most critical thing that a company can do for a new employee. There's so much excitement that happens as a candidate that you want to capitalize on that, that first day, that first 90 days throughout your onboarding really is an opportunity to make sure that that candidate is flipping into a new hire and still excited about the decision they've made. Then it confirms that it's the right decision that they made, and that really sets them up for success. How the company [00:03:00] handles that, how that employer handles them

coming in can really, really determine kind of the trajectory of their career and the success at the company. Um, plus of course there's a lot of legal things you have to get through. So that's a big piece of it as well, but that really setting them up well is what onboarding does.

Speaker 4: No, that that's so true. And you mentioned right there at the end of the legal requirements, maybe that's a good place to start because that I suppose forms the baseline of what we want, we really need to accomplish during onboarding. [00:03:30] So let's talk about maybe some of the must haves in the onboarding process. And then as we go, maybe we can expand into some ways that employers set themselves up and set their new employees up to succeed. Can you just maybe take us through some of those legal requirements?

Speaker 3: Absolutely. Um, the legal requirements kind of end up in a little bit of two buckets. We'll talk about the first bucket, which is our favorite thing, which is paperwork. Um, and those legal requirements go from everything from the tax legal requirements to being [00:04:00] able to actually legally work for the company. So we have things like your, I nine form your w four forms. So these are things that, you know, most of us have filled out, probably a number of times being in California, we have requirements around sexual harassment and there's a whole other bucket that, that I'll talk about in a little bit around training, but there are pamphlets. So California requires a sexual harassment pamphlet to be given to all new employees. California is also a great place to be an employee because we have a lot of protection. [00:04:30] So there's a paid family leave pamphlet that all employees need to get.

Speaker 3: We have disability insurance, again, California. It makes it a great place to work because we do have so many things that we offer employees. There's also notices that cover the kind of basic information about your employment. So your name, any workers' comp information, your wage information kind of payday information. So that's all required that we need to give to people as well. So that paperwork bucket is critical. And it certainly is kind of that first part [00:05:00] of your first day to make sure that you're getting signed up for everything correctly. You can get paid, you can legally work, you can cover all of your, your required basis. Well, let's talk

Speaker 2: About the new addition to that paper trail that you have to do for onboarding starting in 2020 newly hired employees. They also have to complete and sign what is called the D E four, which is the withholding allowance certificate in California. So the w four, which [00:05:30] you already mentioned is using for federal income tax and the D E four is used for California personal income tax, which is shorthand. Pitt allowances are no longer included on the redesigned form w four for personal income tax withholdings. So if an employee doesn't provide an employer with a properly completed state, D E four, the employer must withhold state income taxes from employee's wages as if the employee were single and claiming [00:06:00] zero withholding allowances. So those are some of the changes that, that happened to the forms. And that's kind of the fun that goes with onboarding.

Speaker 3: See, this is also why I love to work with you because I always know that I'm going to be kept up to date on the most recent things. And I learned something every time we get to talk. Um, what I found is there's also some additional disclosures as well, which depends on the job. So the different natures of the jobs. But if you do have employees that are paid by commission, you also need to make sure [00:06:30] you're complying with the labor code. I think it's 27 51, which requires employers to provide commissioned employees with a signed copy of their contract and get that signed copy back. I know that that's always sometimes a challenge and, and you know, we'll talk about that a little more, how we experienced that at Virgin orbit, but not only do they need to get the copy, but we've got to get that signed copy back. So

Speaker 2: Let's move on to something else. Most of the basic requirements there, they're not new, but [00:07:00] how have they changed now that remote work has become more prevalent?

Speaker 3: Yeah, this has been a huge challenge for us. Um, the, the pandemic, I mean, it has for everybody and certainly has required all of us to look at many aspects of the workplace differently. One of the biggest challenges certainly has been, uh, connectivity and it, and how you handle that. If you're in a fully remote workforce, you know, previously you'd have a new hire come [00:07:30] in on their very first day. They're there in person. You can get, fill out any paperwork you need to, and while there it is being set up and they're getting their computer, they can be meeting people. They can be doing, meet and greets. You can give a tour of the building. Like there's a lot that they can do while they're there in person while that's happening. Well, now that we're fully remote, that's not an option. We certainly can set up WebEx's and we do that, but it becomes much more of you need that technology right away.

Speaker 3: And it is critical for that sometimes [00:08:00] like for us, you need the technology to do your onboarding because that's how we're communicating with you. So we've really had to reorient how to get access to the computers, how to make sure that they've got cell phones to have the network access, that they need to have VPN access and make sure that that's set up in wherever they're going to be. That may be close by to the office that may be across the country if they're relocating. So it really has been a [00:08:30] challenge that, that we certainly have had to meet at Virgin orbit in terms of how do we make sure that we've got that technology up and running immediately upon that hire?

Speaker 4: Yeah, it really has. I mean, it's, it has impacted everything about, well, it's just impacted life. I mean, it's changed how we do everything and of course that impacts, uh, where we work. So assuming an employer has as checked the box on kind of all those strict legal we've got this person connected to, you know, to the extent we're we're remote, [00:09:00] but what are some other things that an employer should consider making a part of the onboarding process?

Speaker 3: Sure. So we kind of talked to legal paperwork. There's also company unique kind of paperwork and policy information. So we at Virgin orbit certainly have our fair share of this too. I don't think we have anything extreme. Um, but we do have things around our own. We talked about technology, so our own it policies, uh, looking around [00:09:30]

information security and how, what obligations you employees have around that. We have a lot of proprietary information. So we have confidentiality agreements that are required for people to sign. We have the [inaudible] requirements. So we are a tar bound company, uh, because of the work that we do and the fact that we need to be careful about what we divulge to foreign bodies. So we've got those kinds of requirements as well. We have wage and [00:10:00] hour policies that we need to make sure we're getting to people and getting the signatures back from that, and then kind of prior inventions. So we want to make sure that we are protecting what people may have done before they got to our company and we want to protect what is ours once an employee becomes part of Virgin orbit. So that's another part of sort of the company related regulatory pieces that we make sure we cover during orientation.

Speaker 2: Very nice. We've been talking about paperwork for quite some time, but onboarding doesn't [00:10:30] stop with just the paperwork. It's also an opportunity to train, right. So can you talk about that?

Speaker 3: Yeah, absolutely. Um, I think the training is certainly starts to get into what I think is a little more of the interesting part of this because you get a lot more interaction than just sort of filling out the paperwork piece. We do have, you know, I, I alluded to this a little bit with the anti harassment in California. We have, uh, the law around needing to train new hires for anti-sexual harassment. [00:11:00] So that certainly is a piece of the onboarding training. We have required safety training. So we deal with a lot of, uh, not just substances and chemicals, but we have a location up in Mojave. So we affectionately call our safety training, the snakes and scorpions training, because we have to learn about all of the safety measures that you may encounter being in the desert in Mojave. And I also mentioned I tar.

Speaker 3: So we have ITR training that we need to go through and some kind of conflicts of interest and making sure that we [00:11:30] are operating everything properly. Those are kind of the regulatory trainings. Then there is training specific to the job function. So making sure that new hires are educated on their job and performance expectations, this is a huge piece, really making sure that we set people up for success by making them really, really clear on expectations and from their jobs. Uh, and then being able to talk through, you know, train on our processes. So what is [00:12:00] our performance management process? How do we do expense reports, kind of all of the different trainings for best setting folks up for success in the company,

Speaker 2: Johanna snake and scorpion training. Sounds much more fun that, uh, than signing some documents. I think, I mean, I'm not lying

Speaker 4: Well, I like, I actually, I want to call out too. I appreciate it. That you, you said that it's anti-sexual harassment training. I it's, it's one of those things I find so funny about the harassment [00:12:30] training is that people call it sexual harassment training and that just doesn't quite capture what we're trying to accomplish. Right. So anyway, anti-sexual harassment training. So suppose you, if you've, uh, you're, you're an employer, you've got all these legal documents signed, you've got the battery of training set up, you've trained people how to identify the snakes and scorpions that they should and should

not play with. Is there anything else kind of over and above to consider about how to put together an onboarding process?

Speaker 3: Absolutely. I think, [00:13:00] you know, we've, we focused a lot so far on the requirements and at the very beginning, as we looked at that broad, you know, why do we do onboarding? It comes down to really making sure that this new teammate that you invested in trying to find and hire and interview, and they're excited and you're excited that you really help them feel like this was the right place and the right decision for them to have made. So this is how we welcome them into the company. And this is your opportunity [00:13:30] to show a new hire, who you are as a company. So welcoming them in understanding what maybe their favorite snack is and having that for them on their first day of employment, as their new manager, being able to schedule, meet and greets for them. So they're getting not only how the company works, but they're starting to build that social network for them as well, because we know that's a huge piece of being happy in your job is being happy with the people that you work with.

Speaker 3: Sometimes what works really well is assigning a buddy. [00:14:00] So new hires have their managers who they tend to talk to the most right as the beginning, but there's sometimes those questions that you'd rather not ask your new boss. And you've got a buddy that you can ask, you know, like how do people do lunches around here? You know, I brought my lunch, is there a refrigerator, or I've already asked where the bathroom is and I'm already lost. How does that, you know, can help me out with that. So assigning a buddy and really providing that kind of social support and culture [00:14:30] integration to help them really reinforce that this is a place they're going to want to be for quite some time.

Speaker 2: That's a lot to think about. And I want to ask you what you would recommend to a new HR manager in a new position. How would you recommend they go about planning an onboarding policy?

Speaker 3: We've talked today actually in a few different buckets, which I think are really helpful for an HR team who setting up onboarding. So we've talked about those legal requirements [00:15:00] around paperwork. So making sure that you've got that set up, you've got the legal things, you've checked those boxes still in the paperwork bucket. You've got your company unique paperwork. So these are your policies, maybe your employee handbook, you know, kind of those things. You've got a training bucket. So really think about training as that third area or sort of second area. If we have one A and one B on the paperwork. So what is that actually orienting to the company to their job required training they need to do. And then finally that kind of human side. [00:15:30] So how do you provide that experience throughout this, that reinforces that this is, this was the right move for that new employee.

Speaker 3: So as you're thinking about really setting up those buckets, getting the prep for you as an HR person, and buy-in from your management on onboarding will really be helpful. So thinking about the structure of it, how long is onboarding going to last? I could argue, you know, like a lot of times people I've seen in companies it's one day, it's their first

day. And then that's their [00:16:00] onboarding when really as a new employee. I mean, shoot, I've been at Virgin orbit now for a year and a month and I sometimes still feel like I'm a new employee. I mean, kind of that whole first year you might think about doing a check-in at six months doing a check-in at a year and seeing really where, where there things that they are missing that could really set them up for success. So how do you transition from the recruiter to your onboarding staff, to maybe a HR business partner or people partner who's [00:16:30] going to be that support then through the duration of their employment?

Speaker 3: What kind of things do new employees need to know? Is there a new employee handbook kind of orientation binder that you can hand, which is a list of your acronyms for your company? You know, phone numbers, the things that are the hard things to learn when you're coming in, because you're new, but that can be so helpful. And once you've kind of answered all these questions and put that structure together, then being able to roll that out, I think is becomes almost the easy part. So you've set [00:17:00] up your structure in your buckets. You've assessed how long this needs to be. How many times do you want to check in? I'm a big one for surveys and getting feedback. So there's opportunity to be able to maybe do a survey at the end of their first week and another survey at the end of their first month. And if, again, if there are still things that they're missing, you have an opportunity to get that early so that they don't get a year down the road. And they're feeling like I can't possibly ask what this acronym means because I've been here a year [00:17:30] I'm expected to know, so you can really set them up best to be able to do that. That kind of plan of attack gets all of your policies and practices in place covers the legal bucket. And it covers that social networking bucket,

Speaker 4: Man, that's fantastic information because I think, you know, just speaking the outside counsel role, right, we tend to think of it in terms of like, well, look here, here are the legal things, make sure you do X, Y, and Z, but there really is. I think you've laid out really well for us here. So [00:18:00] much more to take, uh, a compliant onboarding process and move it from bare compliance to something that's actually meaningful and helpful. And you know, now you're injecting company culture, you're bringing people along. So I appreciate all of that. I think it's an opportunity to do more than just check the box to figure out how to successfully onboard folks. Yes. People tune into the performance for you for these profound sum ups that I give. So, so there we are. Anyway, thank you, Jonah. You summed it up clearly, far better than I could have. So, um, I, I [00:18:30] thought you did a great job. Thank you, Phillip. See, and this is why we're at 10 episodes because exactly,

Speaker 2: Exactly where a team here exact same here. Yeah.

Speaker 4: So Johanna, as you probably heard from prior episodes of the podcast, one of our absolute favorite things to do on a performance review is to ask each of our guests for a crazy employment story, because if you've worked in employment for any length of time, you've got one. I mean, we have yet to say, I have somebody who doesn't have one, so I have no doubt that you do. And we would love [00:19:00] to hear it.

Speaker 3: Well, I mean, really the hard part for me was deciding which one to tell. I always tell people, this is part of why I love being in this profession. I never know what I'm going to get. And I get the craziest things sometimes that I get to. I mean, I suppose I have to, but that I get to deal with. So one that that really came to mind, you know, being, I've spent a lot of my career as an HR business partner. So anything that happens with an employee comes to me first [00:19:30] and most of the time, like I've heard stuff before and I don't get a ton of new ones or if I get new ones, they're kind of at least adjacent to something I've dealt with before. So I have a sense of how to do it. But, uh, several years ago at a previous employer that I worked for, I had an issue come up that I had never had before, which was, I had three different people, unrelated to each other, but all within about a two week period, [00:20:00] come to me and tell me that they had had an experience with a ghost in our building.

Speaker 3: And I don't know that I believe in ghosts. I don't know that I don't believe in ghosts. I certainly have people I respect immensely have had experiences that they believe were with ghosts. But as an HR professional, I have to then figure out, okay, I need to stay objective. I need to accept this and not judge it and figure out what the heck to do with it. And literally they were [00:20:30] describing the same ghost. I guess they all, one of them heard her apparently was a little girl. One of them saw her. One of them had seen a shape of her and they all described the same thing, unrelated to each other. And I was like, well, I, I don't really know what to do with this. I guess we'll tackle this from the safety standpoint, you know, do you feel safe? Can I get you extra security?

Speaker 3: Do I, I don't [00:21:00] know. Do I call an excersice? Like, I was really kind of at a loss for what to do with people who were seeing a ghost in our building and I don't have a great resolution other than made sure they were safe and kept the open lines of communication. And eventually they all reported not seeing her again. And, uh, you know, I won't, I won't divulge who, but I worked for a toy company. So we thought if you're going to be a little girl ghost, certainly what better place to be than [00:21:30] in a toy company. But, uh, that was certainly one of my craziest employment experiences.

Speaker 4: Amazing. That's hard. So that's our first paranormal story, which I love. So we're, we're breaking new ground. I mean, I guess I don't even know where, I don't know where I would go with that either. Do you subject the ghosts to your progressive discipline policy for scaring others? I mean, I, yeah. What safety

Speaker 2: Measure, what safety measure do you come up with?

Speaker 3: [00:22:00] Exactly. See, this is where I would call you fill up and go. So, okay. Um, I need some advice.

Speaker 2: We come up with something I'm sure I'm sure of it. I'm sure, but thank you again, Johanna for joining us. That was a great story for our 10th episode and for our listeners out there. If you have any questions or you have a, another crazy employment story, you'd like to share email us at theperformancereview@gtlaw.com. [00:22:30] Otherwise we'll see you at the next episode. [inaudible]

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