

THE RESOURCE

VOL. IV, ISSUE III

Labor & Industrial **INSIGHTS**
Magazine

**FOCUS
ON**

**Financial
Wellness**

TO

**BOOST
PRODUCTIVITY**

INSIDE

5 Reasons Why Employees
Should Use Their Vacation Days

How Companies Sabotage Their
Chances with Top Talent

How to Improve the Employee
Experience

From The CEO

At The Resource we are passionate about our story and the stories of evolution our clients have to tell.



Best Regards,

A handwritten signature in black ink that reads "Kathy Hartung".

Kathy Hartung, CEO

THE RESOURCE

We like to say we are revolutionizing the way companies handle their greatest assets, their people. In practically every company in the US, the 80/20 rule still stands. You can *easily* identify your key employees, the cream of the crop. So often though, employees outside the top performing 20 percent get looked at as underperforming, when *really* it's just that they are in the wrong position.

The hiring landscape is continually changing, as CEO, I felt that in my own company. Companies needed a hiring system that is a standalone predictor of future performance.

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Our mission is a top performer in every seat, in every company.

From the CEO to the leadership team to the entry level position, a person doing what they are naturally designed to do has the power to rewrite the story; the story of your company, the story of your life.

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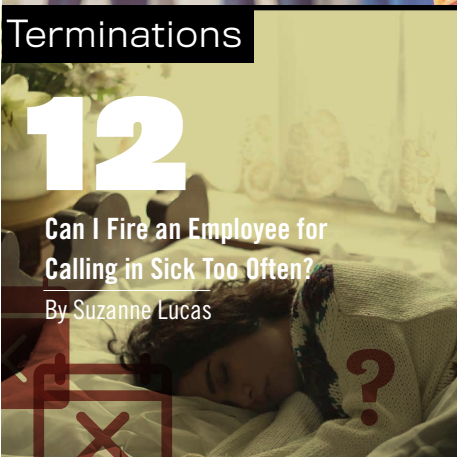


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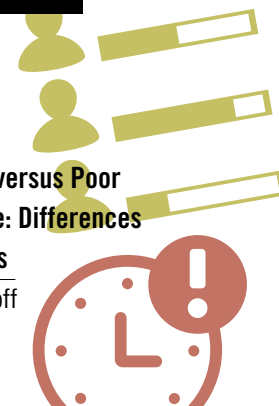


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PUBLISHER & EDITORIAL DIRECTORS

Mamu Media, LLC

EDITOR IN CHIEF Mike McKerns, SPHR

MANAGING EDITOR Addy Fillman

CONTRIBUTING EDITOR Marsha Brofka-Berends

ASSOCIATE EDITOR Lindsay Brockway

DIRECTOR OF SALES Robert S. Herbein III

CONTRIBUTING WRITERS

Kate Bischoff

Allie Kelly

Nichole Keltgen

Stacey Kervin

iReportSource

Suzanne Lucas

The Staff at Rise People

Nelva Smith

DESIGN

The Office of Kristian Bjørnard

**FOCUS
ON**

BY NICHOLE KELTGEN

**Financial
Wellness**

TO

**BOOST
PRODUCTIVITY**

PRODUCTIVITY

Professional life and personal life are two separate domains, but what happens in one can strongly affect the other. For example, stress in someone's personal life can have a negative influence on his or her work life. This is especially true for financial-related stress: one study found that "employees who are stressed about their finances are nearly five times more likely to be distracted by their finances at work, twice as likely to spend three hours or more at work dealing with financial matters, and three times more likely to spend five hours or more."¹

Because debt is one of the major stressors in people's lives today, many organizations are recognizing the impact of personal debt on their employees' professional lives—and, in turn, the companies' bottom lines—and establishing financial wellness programs for their workers. According to the Society for Human Resource Management, more and more employers are offering some type of financial advice or resources to their employees. In 2016, for example, "24% of organizations offered employees online financial/investment advice, 27% offered one-on-one advice, [and] 22% offered group or classroom financial advice."²

Increasingly, today's employees *want* these opportunities. In one recent survey about employee benefits, 40% of respondents said they were "looking to their employer[s] for financial security."³ The key, then, is for organizations to develop and implement effective programs that meet their employees' needs.

Aside from wages, employers have historically most influenced their employees' finances through retirement plan benefits and occasionally through employee assistance programs (which are often underutilized). This approach has not been very effective, though, especially for individuals carrying a great deal of debt. Retirement is not even a consideration for many of them, given their current circumstances.

Companies that want to help their employees improve their finances need to start by recognizing that, just as individuals can find it challenging to make changes to their physical and emotional well-being, they can also find daunting the prospect of taking action to address their financial well-being. Medical professionals have found that education alone on health issues and "shoulds" do not result in changes to behavior. After all, most people already know that they "should" exercise more or eat healthier but still don't do it. The same is true for financial wellness: most people know that they "should" pay off their debts and save for retirement but find that accomplishing those tasks is easier said than done.

As with health-related wellness, there is no one-size-fits-all approach to financial wellness. People have different financial priorities at different stages of their lives, for example. Generational differences, too, can shape people's financial needs and expectations.⁴ Employees

are at different places on the financial wellness spectrum and have varying preferences for accessing services they may need.

To be effective, a financial wellness program should include both education and tools. The educational component should cover the various aspects of an employee's financial life, such as debt management, college education funding, mortgages, credit management, retirement planning, and budgeting (to name just a few). The tools should encourage and enable people to take action based on what they've learned. These resources can include financial wellness assessments (similar to health risk assessments) that outline the bigger picture of an individual's financial situation, as well as access to financial consultants or financial planners.


A successful financial wellness program may not only help boost productivity but can also help recruit and retain top talent. Educating employees about their personal financial health can help them increase their participation in retirement plans and make more confident investment decisions while they build strong financial futures with the company. As they experience less stress about their finances, they are able to focus more on work and improve both their own productivity and the overall well-being of the organization.

Nichole Keltgen is a health management consultant at Associated Benefits and Risk Consulting, with expertise in the strategic development, implementation, and integration of wellness programs. She can be reached at Nichole.Keltgen@associatedbrc.com.

1. pwc. 2017. "Special Report: Financial Stress and the Bottom Line." pwc website, www.pwc.com/us/en/private-company-services/publications/assets/pwc-financial-stress-and-bottom-line.pdf.
2. Stephen Miller. 2017. "Is 2017 the Year of Employee Financial Wellness Programs?" SHRM website, January 17, www.shrm.org/resourcesandtools/hr-topics/benefits/pages/financial-wellness-trend.aspx.
3. MetLife. 2017. "Work Redefined: A New Age of Benefits." MetLife website, benefittrends.metlife.com/media/1382/2017-ebts-report_0320_exp0518_v2.pdf.
4. Ibid.

5 Reasons Why Employees Should Use Their Vacation Days

BY THE STAFF AT RISE PEOPLE

A large, bright pink inflatable flamingo is floating in clear, turquoise water. The flamingo has a long, curved neck and a black beak. The background shows a clear blue sky and distant, hilly land. The water has small ripples and reflects the light.

Employees are often reluctant to take time away from the office for a number of reasons, such as fear of missing out on a promotion, fear of falling behind at work, or simply a desire to save vacation days for another time. But employees who opt not to use their vacation time could be doing great harm to themselves as well as to their companies. Not only does a vacation bring a wealth of physical and mental health benefits, but it can also boost someone's workplace productivity and engagement, which contribute to the success of his or her organization.

TEAM MEMBERS WHO TAKE TIME OFF RETURN MORE RELAXED, PRODUCTIVE, AND SATISFIED.

Vacations help people recharge and are extremely important for helping them learn to relax, a skill that makes it easier to handle stress.¹ Taking time off also helps employees become more productive in the long run. One extensive survey of HR managers found a strong positive connection between vacation time and productivity, with 75% of managers seeing better performance from team members who took more vacation days than from those who took less time off. Furthermore, HR managers from companies in which employees took more vacation time off reported high job-satisfaction rates among team members, which can help companies retain talent and keep turnover costs down.²

VACATIONS IMPROVE TEAMS.

The old saying “Absence makes the heart grow fonder” holds true in the workplace when vacations are involved. When people take time away from work, their colleagues (and supervisors) might more easily see how important their contributions are. Also, having to rely more on others and plan for covering an absent employee’s duties can facilitate team building and strengthen bonds among coworkers.

VACATIONS ARE GOOD FOR PEOPLE’S HEALTH.

Beyond simply helping people recharge and feel less stressed, taking a vacation also plays a key role in improving overall health and wellness. Research over several decades has revealed that annual vacations can dramatically reduce deaths due to coronary heart disease, decrease rates of depression and stress, and lower blood pressure.³ Healthier people take fewer sick days—which means greater productivity (and more savings in time and money) for the organization.

NOT TAKING VACATION DAYS IS COSTLY FOR BOTH EMPLOYEES AND COMPANIES.

In organizations with “use it or lose it” policies for paid time off, employees who don’t use all of their vacation time can suffer financially. With only 45% of Americans using up all of their allotted vacation days, the workforce collectively loses as much as \$65 billion in income each year.⁴ And for companies that allow employees to roll over vacation time, unused paid time off can leave a huge liability on company balance sheets.

TIME OFF CAN STIMULATE CREATIVITY AND INNOVATION.

Getting away from the office can help get employees’ creative juices flowing and may even help them come up with the organization’s next “big idea.” Bill Gates famously takes a “think week” out of the office several times a year to spend time reflecting on his company and technology; his 1995 “think week” yielded his famous memo “The Internet Tidal Wave,” which outlined his plan to shift Microsoft’s focus online.⁵ Not everyone will come up with groundbreaking, multimillion-dollar ideas while on vacation. But at the very least the change of pace (and scenery) has the potential to spark some new thinking.

Although employees might find it difficult to step away from the office, having a clear company policy that encourages team members to take vacation days is beneficial both for their health and for the health of the business. Such a policy can take many forms: a “traditional” arrangement with an allotment of vacation days that can be used over the course of a year, for example, “unlimited” vacation time, or even a company-wide planned shutdown for part of every year. Whatever vacation policy an organization chooses to implement, it must fit the company’s goals and culture and effectively communicate to employees the value of taking time off.

Rise brings all your people management requirements together into a fully-integrated, transparent, and easy-to-use solution. No more headaches over tax remittances, compliance, direct deposits, T4s, pay stubs, vacation tracking, or benefits administration. Our powerful and user-friendly HR platform saves you hours of inefficient paperwork, creating more time for taking care of your people—from recruitment through retirement. Visit us online at www.risepeople.com.

1. Patricia Quigley and Inside Science News Service. 2011. “Vacations Help Job and Health, But Americans Skip Them.” ABC News website, August 13, abcnews.go.com/Technology/vacations-2011-time-off-improves-productivity-reducing-stress/story?id=14293331.
2. Society for Human Resource Management and Project Time Off. 2014. “Vacation’s Impact on the Workplace.” Project Time Off website, www.projecttimeoff.com/sites/default/files/PTO_SHRMProductivity_Report_o.pdf.
3. Project Time Off. 2018. “Numerous Health Studies Prove Time Off Is Good for Us.” Project Time Off website, www.projecttimeoff.com/research/numerous-health-studies-prove-time-good-us.
4. Project Time Off. 2016. “The State of American Vacation 2016.” Project Time Off website, www.projecttimeoff.com/sites/default/files/PTO_SoAV%20Report_FINAL.pdf.
5. Tony Hey and Gyuri Pápay. 2014. *The Computing Universe: A Journey through a Revolution*. Cambridge University Press: Cambridge, England.



Osha Has Arrived— with a Camera and a Clipboard!

BY NELVA SMITH

Picture this scene: It's the Friday right before a holiday, and many employees (including most of the management) have taken the day off to get a head start on the long weekend. At about 9 a.m. you are notified that a visitor without an appointment has arrived in the HR department. You aren't expecting anyone and wonder if it might be a vendor. If only you were so lucky: it's an OSHA inspector! Fortunately, some advance preparation and clear thinking can help you navigate the inspection process successfully.

OSHA HAS THE RIGHT TO INSPECT YOUR WORKPLACE.

It is highly unlikely that an organization will receive advance notice of an OSHA inspection. Legally, OSHA cannot enter private premises for inspection purposes unless it first obtains the employer's consent or a valid warrant authorizing the inspection. Most inspections are based on an employer's consent, but if you believe it is best for OSHA to obtain a warrant before entering your workplace, seek legal counsel to assist you in making that request to OSHA.

Long before OSHA pays you a visit, have a plan in place for dealing with that situation. Put together a response team that includes managers from HR, operations, safety, maintenance, and other relevant departments (as well as a backup person in case someone from the team is out of the office when OSHA arrives); if the company isn't unionized, determine whether a non-management employee representative should also participate in the inspection. Once the team is assembled, make sure that each member has a specific role to perform during the inspection (e.g., taking pictures, taking notes, taking samples) and knows exactly what that role is.

Whenever OSHA compliance officers arrive on your site, always ask them to produce their credentials. Also, always ask for the specific reasons for the inspection. Although you cannot ask for the identity of the employee who filed a complaint with OSHA, you should be shown the complaint with the

name of the complainant redacted.

An OSHA inspection is an evidence-gathering expedition with three distinct phases:

THE OPENING CONFERENCE

- Always escort the compliance officer into a conference room away from the work site for the opening conference.
- The compliance officer should explain the purpose of the inspection: imminent danger, a complaint, a fatality, an amputation, a hospitalization, or the need to conduct a programmed health or safety inspection.
- The compliance officer should explain the scope of the inspection, which can include private employee interviews, physical inspection of the workplace and records, environmental testing, and video and still pictures.
- If a union represents the employees, the compliance officer will request that a union representative be brought in to fulfill the role of the employee representative; otherwise, the compliance officer will interview employees generally.
- Make sure that the compliance officer has all personal protective equipment necessary and is informed of any hazards.
- Identify trade secrets to the compliance officer and ensure that he or she has proper clearance to enter restricted areas.
- The compliance officer will make document requests at this time and throughout the course of the inspection. Often, requests for documents and files will be made even after the inspection but prior to the issuance of citations.

THE INSPECTION

- Always accompany the compliance officer and ask questions!
- Always take still pictures or record video (or do both) alongside the inspector.
- If the compliance officer collects samples (such as soil, air, or other materials), collect your own samples at the same times and locations.
- Never agree with a statement of violation by the compliance officer. Do not nod your head or make

short remarks that could be interpreted as an agreement.

- Train management (including supervisors) so that they understand that an OSHA inspection is for gathering evidence of violations, not for consulting with the company to improve safety.
- Take extensive notes.
- Sit in on the compliance officer's interviews with management personnel.

THE CLOSING CONFERENCE

- Always have a closing conference to find out what the compliance officer expects to include in the citations.
- Remember, however, that what the compliance officer says in the closing conference is not binding.
- Take extensive notes.

After the inspection, you may have the opportunity to have an informal conference with the OSHA area director; this meeting is not a requirement, though. It is unlikely that OSHA would be willing to withdraw citations at an informal conference; more often than not, such meetings are used to discuss and arrange a penalty reduction or payment plan. If OSHA issues citations as a result of the inspection, if you wish to contest them you must do so within 15 working days from the date you receive them (and you should seek legal counsel for this process).

Following these tips will help ensure that your team stays on track when OSHA suddenly arrives at your workplace. If an inspection occurs because of a fatality, hospitalization, or amputation, however, it is highly recommended that you seek legal counsel to assist you throughout the inspection process. Inspections as a result of those incidents will more than likely lead to citations with significant monetary penalties against the company.

Nelva Smith is a labor and employment attorney with Steptoe & Johnson. Her wide-ranging experience makes her an extremely effective advisor for her clients on general day-to-day counseling, litigation, workers' compensation, and safety and health issues. She can be reached at nelva.smith@steptoe-johnson.com.



How to Improve the Employee Experience

BY STACEY KERVIN

Employers are increasingly turning to employee experience as a way to differentiate themselves from their competitors. In this context, HR has the exciting (and challenging!) task of creating meaningful employee experiences for large numbers of people who each have unique needs and expectations. Though they require a lot of work, such efforts can yield tremendously beneficial results: a well-crafted employee experience can help with recruitment, drive retention, and foster employee engagement.

Companies spend a lot of time and money at the top developing a vision for the company culture that forms the core of the employee experience. Often overlooked in these processes, however, are the middle managers who can bring that vision to life. These individuals are critical to the success of any organization—after all, as the saying goes, “Employees join companies but leave managers.” Therefore organizations that want to move the needle on their employee experience must figure out how to get managers to embrace the company’s vision and actively make positive contributions to the employee experience.

To accomplish this, organizations need to make sure their managers understand what tools they have at their fingertips to better manage in the moment and to have meaningful conversations with their employees. As a department that is sitting on a great deal of valuable data about the employees and the organization, HR can assist managers in these efforts. Here are a few ways that managers can use that data to improve the employee experience.

- **Time and attendance data.** Managers need coaching on how to have nonthreatening conversations with employees who are frequently late or absent. By using factual data points as conversation starters, the manager may discover that he or she needs to shift an employee’s hours to account for traffic patterns or childcare hours, for example.
- **Payroll and compensation data.** Knowing how to use this data is especially relevant to managers dealing with nonexempt workers. If there is a trend of employees working overtime and it’s throwing costs over budget, managers can use that information to have a conversation with employees about why they consistently need extra hours to get their work done. Is there a training issue? A bandwidth issue? An efficiency issue? Sometimes employees truly try to game the system—but sometimes there is a completely different (and much more benign) explanation for their behavior. By using payroll and compensation data as the framework for conversations with their employees, managers can gain a better understanding of what’s going on behind the scenes.
- **Performance data.** Employees and managers alike often perceive performance data analysis solely as a compliance exercise forced on everyone by HR. But managers who understand how this data drives accountability and engagement—and therefore productivity—with their teams will embrace it.

For manager–employee conversations to be as effective as possible, they must be genuine. Managers need to consider the employee’s perspective and should aim for a situation that leaves the employee thinking, “My manager cared enough to have a conversation with me to understand my perspective and come up with a mutually agreeable solution.” As companies think about the kinds of employment experience they want to foster, it’s important that they do more than just define it. Critical to the success of this process is helping middle managers use tools and data to develop connections with their employees, nurture top talent, and execute the organization’s vision on the front lines. ■

Stacey Kervin is part of the mid-market marketing team at Kronos, where she focuses on recruiting, onboarding, and talent management. She can be reached at stacey.kervin@kronos.com.

HOW COMPANIES SABOTAGE THEIR

BY ALLIE KELLY

Jump Through Those Hoops!

Employers have ideas about what the recruitment experience is like for candidates. At the same time, candidates hold their own opinions on that process. Those two perspectives don't always align, though, and big differences between them can lead companies to make three common mistakes that sabotage their best efforts to recruit sought-after candidates.

FORCING CANDIDATES TO JUMP THROUGH HOOPS

Worldwide, only 30% of the workforce is actively looking for another job.¹ This means that a large number of people aren't rushing to send applications out into the world and have the breathing room to take their time when considering job offers. Candidates from this pool aren't hyper-motivated to find new jobs—which means they aren't going to tolerate having to jump through hoops and sacrifice lots of time in order to apply for a new position. Quick, streamlined application processes are favored by all types of job seekers—but they may be even more appealing to less active candidates.

NOT SHARING INFORMATION ABOUT PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Modern workers want growth opportunities. For example, Gallup researchers found that “87% of Millennials rate ‘professional or career growth and development opportunities’ as important to them in a job.”² But younger employees aren't the only ones who desire the chance to grow and learn new skills over time in their jobs. Thirty-three percent of respondents to one recent Korn Ferry survey cited “I'm bored, need new challenge” as their top reason for looking for new jobs.³ When top talent explores open positions at a company, they're going to wonder if it's a place where they can thrive, learn, and grow—or if they'll stagnate there. Organizations that don't promote professional development opportunities in their job postings and throughout the recruitment process are missing a big chance to draw top talent.

HAVING A STRESSFUL WORKPLACE

With a greater societal emphasis on personal wellness and the rise in popularity of remote working arrangements, many job seekers place a high priority on companies with great culture and respect for work-life balance. Younger workers especially seek that balance: the 2016 Deloitte Millennial Survey found that a good work-life balance was Millennials' top consideration “when evaluating job opportunities.”⁴ With “the destructive link between high levels of stress and reduced productivity” evident among workers of all ages, though, companies would be wise to make their workplaces as stress-free as possible.⁵

CHANCES WITH TOP TALENT

Here Comes the
Workplace Stress!

Hidden Professional Development
Opportunities! SHHH!

Every step of the recruitment process gives the company a chance to showcase its strengths. The language used in job postings (is it welcoming, informative, and inspiring?), the time it takes to respond to applicants (do replies go out quickly?), how interviews are conducted (do they give a good sense of what the workplace is like?)—all of those factors shape the impression organizations make on their applicants. Companies that don't pay attention to the details risk alienating top talent without even realizing it. ■

Allie Kelly is the vice president of marketing at JazzHR (www.jazzhr.com), where they're on a mission to make recruiting and hiring easy, effective, and scalable no matter what growth looks like at your company. The Jazz Performer Platform doesn't just help your company grow, it can help your recruiting process grow up, putting you on the path to hiring "Performers Only."

1. LinkedIn Talent Solutions. 2016. "The Ultimate List of Hiring Statistics for Hiring Managers, HR Professionals, and Recruiters." LinkedIn, business.linkedin.com/content/dam/business/talent-solutions/global/en_us/c/pdfs/Ultimate-List-of-Hiring-Stats-v02.04.pdf.
2. Amy Adkins and Brandon Rigoni. 2016. "Millennials Want Jobs to Be Development Opportunities." Gallup website, June 30, news.gallup.com/businessjournal/193274/millennials-jobs-development-opportunities.aspx.
3. Korn Ferry. 2018. "Breaking Boredom: Job Seekers Jumping Ship for New Challenges in 2018, According to Korn Ferry Survey." Korn Ferry website, January 4, www.kornferry.com/press/breaking-boredom-job-seekers-jumping-ship-for-new-challenges-in-2018-according-to-korn-ferry-survey/.
4. Deloitte. 2016. "The 2016 Deloitte Millennial Survey: Winning over the Next Generation of Leaders." Deloitte website, www2.deloitte.com/content/dam/Deloitte/global/Documents/About-Deloitte/gx-millennial-survey-2016-exec-summary.pdf.
5. Karen Higgenbottom. 2014. "Workplace Stress Leads to Less Productive Employees." *Forbes* online, September 11, www.forbes.com/sites/karenhiggenbottom/2014/09/11/workplace-stress-leads-to-less-productive-employees/#3bab10a931d1.

Can I FIRE an Employee for Calling in SICK Too Often?

BY SUZANNE LUCAS

At the beginning of this year, we hired an employee to work the front desk of our medical office. She worked for 10 days, but since then has been out sick (with doctors' notes) sporadically. When she has been in the office, she hasn't performed very well: she uses her cell phone, works very slowly, and shows no initiative. It's all very discouraging, and she is clearly not a good candidate for this position. My other employees are working harder than usual to pull her weight. I want to hire a replacement ASAP but don't want to break any medical leave laws. What should I do? Is it legal to fire an employee for calling in sick too often?

FIRST, DOES YOUR ORGANIZATION HAVE AN ABSENTEE POLICY? Every business needs a policy that dictates how many days employees can miss due to illness, what procedures to follow, and when they must provide a doctor's note. If you do have a policy, you must follow it in this case. If you don't have one, you'll need to consider several factors.

Legally, an employee—even one who's stricken by some horrible disease—isn't covered by the Family and Medical Leave Act (FMLA) until he or she has worked for a company for at least one year. That means you have no obligation to hold your problem employee's position open while she takes care of her medical issues.

The Americans with Disabilities Act (ADA), though, is a different story. If your company has more than 15 employees, all workers are eligible for protection on day one. If your new employee has a serious disability that results in these absences, you're required to make a "reasonable accommodation" for her. The scope of "reasonable" depends on the job. For instance, it's reasonable for an accountant with migraines to work in a quiet, dim area or to use a special computer screen. But it's not reasonable for a bartender in a dance club to work in a quiet, dim area.

Absences can sometimes be considered reasonable. But for the employee you've described, they probably are not. Because she is a front desk worker, being on site is a core function of her job. Therefore her excessive absenteeism wouldn't be considered a reasonable accommodation under the ADA.

That said, if you live in an at-will state you can let your employee go whenever you choose to do so. It's rare to do this without warning, however. So first focus on her behavior at work, not on her absences. Even though it's unlikely that she's covered by any legal protection, there's a chance that the reason she is calling in sick so often is because she has suddenly developed a serious illness—a situation that is certainly not her fault and one that should be addressed with compassion.

Discuss her job performance with her: "You're on your cell phone too often and show no initiative. Other people have to work harder to make up for your work ethic. Therefore we are going to put you on a performance improvement plan (PIP)." Present her with a formal document that states the areas in which she needs to improve, and ask her what training or help she might need to make those improvements. Then make it clear that she has 30 days to change her ways and meet all of the conditions of the PIP. Warn her that if you don't see a difference in her performance by then, you'll terminate her. If she starts complaining about her health, say that you understand but she still has to meet these conditions within 30 days.

If your organization has an absentee policy, you may want to take this opportunity to update it; if your organization doesn't have an absentee policy, now is the time to write one. Once you have an absentee policy in place, be sure to follow it strictly. Clearly laid out rules make it easier for employees to distinguish right behaviors from wrong behaviors, and give employers the right to dole out consequences for transgressions.

Suzanne Lucas spent 10 years in corporate HR, where she hired, fired, managed the numbers, and double-checked with the lawyers. She now focuses on helping people managers manage better and helping employees understand how to navigate the world of work. She can be reached at EvilHRLady@gmail.com.



Getting Started: Developing an Occupational Safety Plan

BY IREPORTSOURCE

Companies that seek to create occupational safety plans (or update plans they already have) would do well to heed the advice of Mark Giordano, retired senior ergonomics consultant for the Division of Safety and Hygiene for the Ohio Bureau of Workers' Compensation. With years of experience in this area, he has plenty of suggestions that can benefit many organizations. He shared some of his wisdom with us in a recent interview.

First, Giordano urges companies to check with their private insurance carriers. Most insurers have specialists who can help companies develop comprehensive occupational safety plans. After all, it's in their best interest to help their clients be as safe as possible.

Next, he suggests connecting with federal, state, and local agencies and organizations that focus on safety. These groups often offer research, training, continuing education programs, and other resources that companies can use to develop and improve their safety plans. Examples of such groups include the following:

- National Institute for Occupational Safety and Health (NIOSH)
- Occupational Safety and Health Administration (OSHA)
- The workers' compensation bureau for each state¹
- American Society of Safety Engineers (ASSE)
- National Safety Council
- Local safety councils in each state (these may be organized under a state's workers' compensation bureau or safety division)
- American Conference of Governmental Industrial Hygienists (ACGIH)

- Industry-specific safety organizations (e.g., the Mine Safety and Health Administration in the U.S. Department of Labor)

Giordano points out that in most situations, a company that does nothing but follow OSHA guidelines when creating its occupational safety program is doing the bare minimum—and in his opinion, that is insufficient “because the guidelines are not nearly enough to keep your employees safe.” He explains, “You can be OSHA compliant, but remember you still need to do more, and you *want* to do more than the basics. You want to do as much as you can—it's better for your employees and your business.”

Once a company has designed a program, the next step is to implement it. Giordano suggests that organizations focus on employee involvement as much as possible during this phase:

For example, create a safety committee that's [made up] of both employees and managers. If employees and managers discuss what safety issues there are in the company, then they can collectively decide how to go about fixing those issues. . . . [S]ometimes management may not want to give up [its] power and authority, but the companies that do figure this out are usually the better companies and the safer companies to work for.

Additionally, organizations can improve the chances that their safety programs will be successful by making sure that senior leadership is involved in them and recognizing workers who demonstrate exemplary safety-oriented behavior. The savvy use of data, too, can contribute to those success rates. Ever-improving technologies (particularly those based on mobile devices) make it easier to bring consistency to safety programs by facilitating communication that supports safe practices and making it easier (and faster) to record and analyze safety data.

iReportsource (www.ireportsource.com) is a mobile, cloud-based solution that makes safety and workers' compensation claims processes paperless and provides real-time, centralized access to employee safety trainings, incident reporting, SDS sheets, safety audits, and more.

1. A list of these bureaus in all 50 states is available here: www.dol.gov/owcp/dfec/regs/compliance/wc.htm.



Misconduct versus Poor Performance: Differences and Solutions

BY KATE BISCHOFF

The ability to distinguish misconduct from poor performance doesn't necessarily require a degree in rocket science. But the differences between the two categories often confuse managers and can lead to missteps when addressing them. For example, a manager might put someone who frequently arrives at work late on a performance improvement plan (PIP). Another (and more common) scenario is when a manager disciplines an employee for poor performance and often leaves the employee responsible for figuring out what went wrong—or even thinking that he or she is bound to fail. Applying the wrong solutions to misconduct and performance situations doesn't help anyone improve.

MISCONDUCT

Misconduct differs from poor performance in that the former involves intentional or negligent conduct (such as not caring enough to be on time to work), whereas the latter involves actually doing the job poorly. Being late isn't doing the job. Lying to a manager isn't doing the job. Although misconduct may have a negative impact on the work, it is separate from the actual work itself.

Here's a simple way to spot the difference: it's possible to eliminate poor performance through training, but it isn't possible to train an employee to get to work on time, not lie to his or her colleagues and managers, or not steal from the organization. Ideal workplace behavior should follow the tenets that most people learn in kindergarten: "Don't hit people," "Clean up your messes," "Don't take things that aren't yours," "Tell the truth," and so on.

Discipline for misconduct includes (in order of escalating severity) verbal warnings, written warnings, suspension, and termination. Unless a union has bargained for other policies, an employer gets to choose what level of discipline it will apply in a particular situation. An employee who is late four times might get a verbal warning at first and then a written warning if he or she continues to be late, for example, but an employee who steals a truck usually gets fired immediately. When employee misconduct

occurs, it must be addressed through discipline. Managers dislike having disciplinary conversations, but failure to discipline will ultimately result in poor morale overall, poor productivity, and decreased employee engagement.

POOR PERFORMANCE

Poor performance results when an employee is unable to get a job done or done to the employer's expectations. Unlike misconduct management, performance management requires the employer to do something to help the employee improve his or her performance. Employers often address poor performance with a PIP, which typically has three parts: an explanation for why the performance is subpar; a discussion of what the employee can do to improve his or her performance; and a description of the tools, training, or other support he or she can expect to use and receive throughout the improvement process.

Here are a few things managers can do to help employees improve their performance:

- **Assign a partner.** If there is another team member who does the job well, match that individual with the employee whose performance misses the mark. If they both have a good attitude about the partnership, the lagging employee's performance will improve.
 - **Provide more training.** Giving an employee additional training on the technologies, processes, or products relevant to the position could improve his or her performance.
 - **Check in.** Making time for periodic one-on-one meetings or quick chats will go far in improving and monitoring performance.
- HR professionals have a particular responsibility to teach managers how to address employee issues properly. Managers who treat misconduct issues as performance issues end up taking on too much—and managers who use discipline to address performance issues don't give employees the tools they need to succeed. In order to resolve employee problems, they must be matched with the correct solutions.
- **Coach.** Whether it involves having the manager spend more time with the employee, offer shadowing opportunities, provide more hands-on training, or simply give encouragement, coaching is a great way for a manager to show an employee how to do something correctly.

Kate Bischoff is an attorney and HR consultant at tHrive Law & Consulting LLC and an HR compliance adjunct professor at Mitchell Hamline School of Law. She can be reached at kbischoff@thrivelawconsulting.com.

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