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advantage

BE MY FUNNY VALENTINE

Laughter can strengthen your heart, help heal a heartbreak, and bond hearts together. Try some fun ways to put more ha-ha into your Valentine's month!

- Take someone you love to a funny movie and make a pledge to laugh really loud together.
- Make your own Valentine cards using scissors, glitter, and paste.
- Tickle someone with a feather. (Get their permission first.)
- Read a funny story to your best friend. If she's a cat, however, don't expect a lot of laughing.
- Tell someone you love the way they laugh and ask them to do it over and over until you can imitate it perfectly.
- Instead of wearing your heart on your sleeve, wear it on your thigh. See if anyone says anything.
- Figure out what makes the people you love laugh the most and do it!
- February's a day longer this year, so you have time!

THE NEED FOR ORGANIZATIONAL CHARTS

The subject of organizational charts came up at a recent discussion among our HR Answers consultants. Eyes lit up. People sat forward in their chairs. There was universal agreement on the value of organization charts. How could that be so? Why do we ask for org charts when we conduct salary surveys, develop compensation plans, draft job descriptions, or examine ways to reorganize the flow of work in your company? Are they only useful to consultants, or can they make your work life better, too?

First, what's an organization chart?

They're visual representations of the interrelationships among operations, functions, activities, and people in the organization. Usually, functional specializations appear horizontally, and authority relationships are pictured vertically.

In many large organizations, the org chart can quickly become quite complicated. In those situations, the chart may be dissected into smaller charts detailing individual departments within the organization.

Do they always look like pyramids?

Not always. In very hierarchical organizations, every entity—except the one at the top—is subordinate to one other entity. (That's where the pyramid-shaped chart comes from.) Most large companies, government entities, and large religious organizations have hierarchical org charts. The expectation is that the positions near the top have more knowledge, power, and responsibility than those near the bottom.

But there are also flat, or horizontal, organizations that have few or no levels of middle management intervening between baseline employees and top management. The flat organizational structure is generally seen in smaller organizations or in individual units within larger organizations. In flat organizations, employee involvement in the decision-making process is emphasized, and the general level of responsibility is greater than in hierarchical organizations with their many levels of supervision.

Matrix organizations also exist. In these organizations, people with similar skills are pooled for work assignments. For example, all engineers may be in one engineering department and report to an engineering manager, but the same engineers may be assigned to one or more projects that are managed by their own project manager. Therefore, each engineer may have to work under several managers as part of the total job assignment. In a matrix organization, workers typically have an increased depth of knowledge and greater opportunities for professional development.

Are you beginning to see why we ask for an org chart when we work on your projects? *These pictures truly are worth a thousand words!* As HR Answers' consultants research benchmarks for salary surveys, or when we draft job descriptions, we need to understand the level of responsibility being exercised and the depth of knowledge required by the work. Seeing the positioning of the work tells us a lot in that regard.

When we develop the pay grades and pay ranges for your compensation plan, we assure that both market equity *and* internal equity are taken into account. Market equity comes from looking at how comparable positions are paid by other employers. But internal equity requires an examination of how your organization values different work assignments. By looking at your org chart, we can quickly visualize responsibility for supervising or managing, the likelihood of the need to exercise an unusual breadth of technical knowledge, and so forth.

Finally, your org chart gives us an excellent snapshot of functions, relationships, and reporting responsibilities as we look at the flow of work in your organization.

Do they have any worth to you?

In addition to gaining the information our consultants look for, organization charts can help you identify how work is coordinated within and among departments, and how the work is connected with other units or divisions throughout the organization.

Organizational charts can also give you information about new jobs and position titles, reporting and authority relationships, span of control, and staff duties. During the orientation process, newcomers – especially new managers and field staff – find they're a quick way to see the "big picture." During downsizing, restructuring or mergers and acquisitions, they help keep things clear.

Did you ever think of developing an org chart which reflects where you want the organization to go, rather than simply reflect how it is at the moment? What a compelling way to put your strategic thoughts into a tangible form!

Is there an easy way to get started?

Both Microsoft Excel and PowerPoint offer templates to create org charts. Or just a few minutes of research on the internet will identify a myriad of other software possibilities. We at HR Answers can help launch your efforts with those products or with other software.

TRAINING MORE CRITICAL

According to a recent survey of more than 2,500 senior HR executives by the Novations Group, a Boston-based consulting firm, two types of training will be even more critical and evident during 2008. The highest priority, and gaining the lion's share of more funding, will be training for supervisors and managers. Based on the premise that this type of training has the biggest influence on employee retention, minimizing lawsuits and disputes, and improving productivity, organizations are realizing how critical the supervisory role is in creating employee satisfaction and engagement within the enterprise.

The survey found that the second area of increased emphasis and funding is programming on inclusion, diversity, and interpersonal relations between genders, races, generations, and styles. The greater the ability to work effectively across these differences, the greater the success of the organization, both internally and with customers and the community.

According to the survey summary, "The ability to navigate people issues at work appears to be a priority for employers in 2008. One in five respondents said that they plan to increase spending on interpersonal skill development and teamwork, and nearly the same number plan to do the same for communications competency training."

Recent results from another survey confirm the above information. According to a Herman Trend Report speaking about a survey done in late 2007 by BlessingWhite, "We have been talking for years about employees' lack of trust for their employers. This trust issue motivates them to feel like they must take control of their own careers. Our research indicates that workers are looking to their employers for training, education, and career pathing. This fact should concern the many organizations that eliminated their in-house training functions during the last economic slowdown and are still playing 'catch up.'"

The report further states, "We find that top performers are the same worldwide. The best workers tend to be mobile in any economic situation...If management doesn't provide employees with the opportunity to make a difference for the enterprise, engage in work that's interesting or worthwhile, and pursue their personal/professional development, these same individuals are going to take their knowledge and skills elsewhere."

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Managing an organization has become a very complicated situation. Trying to do it without the full and capable involvement of everyone in a supervisory role just makes it all the more difficult. Having skilled, approachable, and knowledgeable managers can ensure the organization's ability to hire and retain quality employees, which is sure to give the enterprise an advantage both in the short- and long-term. And, it will pay significant benefits in the coming years as the competition for labor becomes even more heated. Investing in the professional and personal development of employees will engender their interest and loyalty, both of which play major roles in their decision to stay with their employer.

We have long advocated for this type of organizational emphasis. When we get calls about issues in the workplace, they often reflect some deficits in supervisory willingness to address issues, a lack of skill in knowing how to approach difficult conversations, or challenges with setting performance expectations and then holding employees accountable to those performance criteria. We are heartened by the results of these surveys and hope that each organization will make 2008 a year to strongly consider what types of skill improvement will provide the best support to reaching their established business targets for the year. It would be our pleasure to assist with planning the type of training initiatives that would generate positive results for your organization.

THE CEO CORNER

BY DONALD R. WALKER, CMC

THE CORPORATE LIBRARY

In our many years of consulting, we're always amazed at the small number of corporate libraries we find in use by our clients. Some clients will have a few books available in conference rooms and once in awhile you see a write-up in the company newsletter about a new business best seller. Yet encouraging your employees to keep abreast of the latest business trends, or learning about new management techniques is one of the best educational programs a company can have, and very inexpensive. Here are some suggestions to start and organize a corporate library. First, appoint someone the responsibility to organize and manage it. A logical place for this responsibility is the HR Department. Next, we suggest a memo to employees informing them of this new program and asking them if they have any titles they would like to be included. Then set up a screening group to review any books that have been suggested to make sure they fit within the corporate culture and meet some criteria as to the type of books to be included. Another great source is to review the New York Times Best Business Books and Amazon.com business books section. After your library has been established you will continue to receive many suggestions from your employees.

HR Answers, Inc. has an on-going reading program for employees and here are a few titles that we have been reviewing for inclusion:

Now Discover Your Strengths

Marcus Buckingham and Donald Clifton

How to develop your talents and personal skills

Bo's Lasting Lessons

Bo Schembechler (the late Michigan football coach)

Common sense leadership skills

The Cheese: Who Moved It? Who Cut It?

Phillip Taylor

Business success tips

Boom

Kevin and Jackie Freiberg

7 choices for blowing the doors off business as usual

Mental Agility: The Path to Persuasion

Robert Jolles

Ideas for business and personal development

Made to Stick

Chip Heath and Dan Heath

Why some ideas survive and others die

FMLA AMENDED BY NATIONAL DEFENSE AUTHORIZATION ACT OF 2008

For the first time in its 15-year history, amendments have been made to the federal Family and Medical Leave Act. The amendments came about as a result of the passage of the National Defense Authorization Act (NDAA), signed into law by President Bush on January 28, 2008.

The NDAA essentially makes two changes to the FMLA. The first change increases to 26 weeks the length of FMLA leave that may be taken by a spouse, son, daughter, parent, or next of kin of an injured member of the Armed Forces, including members of the National Guard or Reserves. This provision of the law became effective immediately upon the President's signing.

The second change adds "call to active duty" to the list of events that qualify an employee for FMLA leave. Under this provision of the NDAA, an FMLA-eligible employee is entitled to 12 weeks of FMLA leave for any "qualifying exigency" arising from a spouse, son, daughter, or parent who is on active duty in the Armed Forces, or who has been notified of an impending call or order to active duty. Although this provision is not effective until the Department of Labor (DOL) issues guidelines (due out 2-11-08) that, among other things, define the term "qualifying exigency," employers are strongly encouraged to provide this type of leave to qualifying employees who request it. The DOL is working to promptly issue those guidelines, and in the interim, employers will be required to act in good faith to comply with the new law.

The important steps for employers to immediately take are:

1. Notify employees about their rights under the NDAA to ensure that they receive the FMLA benefits they are entitled to;
2. Revise FMLA policies and Employee Handbook language to include the new leave options.

If you need assistance with your notification, your policy revision, and/or your Handbook update, give us a call – HRA will be happy to help.

For more information, and for updates as they become available, go to http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm. To read the exact language of the revisions to the FMLA, go to <http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>.

WAGE AND HOUR CLASS ACTIONS SPREADING

Wage-and-hour class action claims have been spreading from California to other states. The 2007 trend will continue to grow in 2008, according to Jerry Maatman, a Seyfarth Shaw attorney in Chicago.

According to Seyfarth Shaw's *2008 Annual Class Action Litigation Report*, the most significant growth is occurring in California, Florida, Illinois, New Jersey, New York, Pennsylvania, and Texas.

An example is *Braun v. Wal-Mart*, in which a class of hourly workers sued, claiming that they were not paid for off-the-clock work and work during rest breaks in violation of Pennsylvania's Wage Payment and Collection Law. In 2006, a jury awarded the plaintiffs more than \$78 million, and on Oct. 3, 2007, the court awarded them an additional \$62 million in liquidated damages.

The court also ordered Wal-Mart to pay the plaintiffs' attorneys (a consortium of five law firms with 26 attorneys and 17 paralegals) \$45.6 million in fees. Including statutory interest, the plaintiffs won a total of \$187.6 million, the largest civil judgment in 2007 for any class action in state court.

Wal-Mart's attorneys' fees and expenses in the case exceeded \$17 million, according to Seyfarth Shaw's annual report.

With numbers like these, it's easy to see why there is a more litigious environment. A successful lawsuit like the one mentioned above can be very attractive, and many states have favorable conditions for wage and hour class actions. For example, Florida has experience more wage and hour filings than any other federal jurisdiction and Illinois has authorized the award of punitive damages for overtime pay violations under state law.

State law wage-and-hour class actions usually are "opt out," meaning that when potential plaintiffs are sent a notice about class actions they have to opt out in order to not be included in the class actions. Most people don't bother to opt out, so state wage-and-hour class actions tend to be larger than federal Fair Labor Standards Act wage-and-hour collective actions, which are opt in.

Another area to take a look at includes class actions under the Employee Retirement Income Security Act (ERISA), which occur less often than wage and hour class actions. However, they can result in very large settlements. Two examples include the Goodyear settlement of an ERISA class action in 2007 for \$1 billion, and the AV Steel Corporation one for \$663 million.

Research suggests more class actions in 2008 under Title VII, the Age Discrimination in Employment Act and the Americans with Disabilities Act because of a more active Equal Employment Opportunity Commission (EEOC).

A special note to Oregon employers: Be aware that one of the new laws effective January 1, 2008, requires correction of any underpaid wages within three days if the amount is 5% or more of wages. Failure to meet this requirement could give rise to a class action or individual claim.

The EEOC is investigating more patterns and practices within organizations. Many lawsuits against national employers have involved claims of discrimination in testing, hiring, compensation, and promotional practices. Not that we have to tell you, but a good solid HR function couldn't be more important in helping organizations reduce this type of liability.

(Special appreciation to Alan Smith and the SHRM website for the main content of this article.)

THOUGHTS TO THINK ABOUT

I like things to happen; and if they don't happen, I like to make them happen.

— Winston Churchill

Never confuse movement with action.

— Ernest Hemingway

The stupid neither forgive nor forget; the naïve forgive and forget; the wise forgive but do not forget.

— Thomas Szasz

I would rather be able to appreciate things I cannot have rather than to have things I am not able to appreciate.

— Elbert Hubbard

If only we'd stop trying to be happy, we could have a pretty good time.

— Edith Wharton

Action follows conviction, not knowledge.

— Pierre Lecomte du Nouy

There is an ordinary proverb for this: "Stinginess does not enrich; charity does not impoverish."

— Gluckel of Hamelin

If you want to lift yourself up, lift up someone else.

— Booker T. Washington

We should give as we would receive, cheerfully, quickly, and without hesitation; for there is no grace in a benefit that sticks to the fingers.

— Seneca

EAT LESS CANDY WHEN WRAPPED

A study presented at a recent American Heart Association Conference has found that candy in wrappers might help indulgers eat less as opposed to eating unwrapped candies. Researchers found that people who ate candies and kept the wrappers in plain sight ate only about half as many as those who did not.

Lead author Brian Wansink (author of *Mindless Eating*, www.mindlesseating.org) says, "Having a visual reminder of how much [you eat], keeps you honest and eating less. Your stomach can't count, but your eyes can when they see the empty wrappers."

It also helps to keep the candy in a less convenient location as opposed to a more convenient location, Wansink says. So for instance, in the office, you wouldn't want to keep the candy on your desk where it's easy to get to. Move it at least 5 or 10 feet away, or up at the front reception desk so that you have to get up and walk for your treats.

RECOGNIZING GAMBLING ADDICTION

Last month we discussed gambling pools within the organization. This month we would like to take it to a higher level because of the concern HR should have around this issue, since addiction to gambling is a disease that is not apparent by simply looking at a person. It cannot be detected by a breath test or a blood test, nor does it leave needle marks.

Pathological gamblers hide their lottery tickets, sports picks, etc. from their family, friends, and co-workers. Gambling can be a means of escaping from other problems in a marriage or at work, so it may go unnoticed as a significant problem itself.

According to Robert L. Custer, M.D., there are six types of gamblers:

1. Professional gamblers
2. Anti-social or personality gamblers
3. Casual social gamblers
4. Serious social gamblers
5. Relief and escape gamblers
6. Compulsive gamblers

If you would like to learn more about the six types, visit <http://www.addictionrecov.org/>.

Our goal in this article is to focus on the workplace concerns. Henry Lesieur, Ph.D., researched the effects of problem gambling in the workplace. He has identified the following warning signs that may indicate an individual has a gambling problem:

- Excessive use of telephones (to call bookmakers, stockbrokers or to obtain credit);
- Taking the company vehicle to the race track, card room, casino, etc. (parking tickets near gambling locations are a “red flag”);
- Absences from work, often for part of the day (typically after lunch). This is the first question Gamblers Anonymous asks each individual: ***“Have you ever lost time from work due to gambling?”***
- Arriving late for work (related to all-night card games, casino trips, anxiety-related sleep disturbances)
- Vacation days taken on isolated days rather than in weeks (or vacations taken to gambling locations on a regular basis)
- Sick days taken as soon as it’s earned, or in advance of being earned.
- Failure to take days off (obsessed with getting money to pay gambling debts or afraid to take a day off because of a fear that embezzlement or fraud will be discovered in their absence)
- Changes in productivity (which seem to be related to mood swings)
- Organizing office pools and gambling junkets
- Borrowing money from co-workers or arguing with co-workers over failure to pay debts
- Embezzlement, defrauding customers or engaging in employee theft for resale.

If you have an employee who is demonstrating more than one of these signs/symptoms/activities, we encourage you to approach the employee and offer assistance. This would be a good time to offer the aid of an EAP (Employee Assistance Program) such as Reliant Behavioral Health 1-800-906-6642. These services can be purchased as a benefit to all employees or can be purchased only “as needed; by the hour” as well. The benefits of these services are many, but it certainly offers the employees trained professionals to assist with their addiction.

Another resource that may be beneficial is the free and confidential Pathological Gambling assessment through the Illinois Institute for Addiction Recovery (IIAR). A Certified Addiction Counselor with specific training in the treatment of Pathological Gambling can perform a professional assessment to identify if an individual has a problem, and then suggest an appropriate level of care. IIAR can be reached at 309- 691-1055 or 1-800-522-3784. They provide assessments 24 hours a day, seven days a week, at no charge.

BENEFITS OF SMILING

Strong emotions at work are not unusual. However, learning to master your emotional outbreaks so that they don't harm your career is essential. But how can you get some space around your emotions? In his book, *Work as a Spiritual Practice*, author Lewis Richmond (www.lewisrichmond.com) recommends that you try a smile—or at least a half smile.

Richmond does not suggest that you break into a toothy grin, but instead that you try a gentle slight upturn of the mouth—a sort of half smile—the one that images of the Buddha often depict. While this might seem simple or feel a little silly, Richmond points out that research shows that emotions and facial expressions are wired both ways. That is, we make facial expressions in reaction to emotions, but we also experience some emotion in response to facial expressions. When researchers wired electrodes to subjects and asked them to imitate certain facial expressions, scientists found that a facial expression devoid of any emotion still caused a physiological reaction in subjects, Richmond says.

So if you can squeak out a half-smile when you're mad at someone, there's a chance that you might be able to break the emotional pattern you're experiencing and move into a more positive space.

FOR YOUR CALENDAR

Open up your Daytimers, computer calendars, Palm Pilots, and of course those Blackberries. The following is a look at upcoming events, special days and other diverse and fun activities you will want to be aware of and get scheduled. To register for our workshops, please call any of our offices, send an e-mail to Erika Wilson at EWilson@hranswers.com, or simply register online at www.hranswers.com and click on the "Workshop Registration" tab at the top of the homepage.

FEBRUARY

American Heart, Chocolate Lover's (after we just told you about candy – not nice!), African American History, and International Friendship Month

- Feb. 10-16 New Idea Week
- Feb. 12 Advantage Plan Luncheon (Tualatin)
For Advantage Plan Clients (invite only)
11:45am – 1:30pm**
- Feb. 14 Valentine's Day
- Feb. 18 President's Day
- Feb. 20 HRA Workshop (Tualatin)
Improving Your Communications
8:30am – 4:30pm**
- Feb. 26 HRA Workshop (Tualatin)
No More Negativity (a "Repeat Performance")
8:00am – 11:00am**
- Feb. 29 Leap Day

MARCH

- March 6 SHRM Oregon State Council and Stoel Rives
Labor and Employment Law Conference
Oregon Zoo
8:00am-4:30pm
- Mar 18 HRA Workshop (Tualatin)
Performance Management
8:30am-12:00pm**

APRIL

- 2, 9, 16 HRA Series (Tualatin)
23, & 30 Beginning Supervision Series
8:30am – 12:30 pm**

Information and advice offered through Advantage should not be construed as legal opinion. The material contained herein will not apply to all circumstances or to all organizations. Use it as a resource and reference. Should you feel legal advice is required, please consult with your corporate counsel.



ON MY SOAPBOX

I have been taking Chondroitin and Glucosamine for several years now. Just like the commercials on TV say, it helps with my joints and cartilage. But this Soapbox isn't about my advancing age or my creaky joints. It is about how deeply ingrained our habits are. Let me set it up for you....

The pills come in large bottles with all the child-proofing accouterments that we have become accustomed to. I have been purchasing the same brand of the pills for a long time. So recently, I was surprised to see that the packaging had been changed and the bottle top was altered as well. Its cap used to be a normal screw-on top. Now it also has a flip top as well. I suspect that is designed to make it easier for those who have some hand impairments for whom the screw top was more difficult.

Now we get to the issue. I take the pills, three of them, each morning. I think sometimes I am still a bit fuzzy when I troop to the bathroom sink to take my morning allotment of medication. Now, remember, I have been taking these for several years and gotten accustomed to opening that screw top and measuring out my three pills. I noticed the new packaging when I first opened the bottle, but do you think for the life of me that I can remember to just flip the top open and pour out three pills? No, not even once have I remembered before I have opened it the old-fashioned way.

Now, let's face it, how I open a bottle that is clearly designed to be opened both ways is not the end of the earth! It isn't even a ripple! But I think the lesson is important. I have built a habit that tells me how to access the pills in the morning. It requires no conscious thought. It is the same every day. And breaking that habit has become a challenge. Habits are deeply engrained! If you don't believe me, just try altering something you have been doing the same way for a long time.

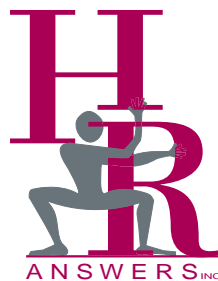
I need to be open to new ways to do things. I need to recognize that I can't move on to bigger, better, more effective, more streamlined, more anything if I cannot learn to do new things or do things in a new way.

I heard once that you need 30 days to break a habit. I think that is 30 days of doing it the new way. I can't even get to one yet, so who can possibly imagine how long it will take me to get to 30 days of a new practice. Anyone who has ever changed jobs and yet found themselves driving to the previous place of employment can relate to what I am saying.

The pills are no big deal. The concept is. We need to be able to break out of our old ways and thinking to embrace new methods and concepts. It isn't easy. My pill bottle and I are living proof of that. I wish you better luck at breaking your embedded behaviors, stepping beyond the way you have always done something, and building more effective techniques.

I am sure that one of these mornings I will surprise myself and remember to flip the top. It will be such a little thing, but such a major accomplishment. I will be excited; and then I can move on to a larger, more impactful challenge, like trying to remember the change for several days in a row.

- Judy Clark, President



"Whatever the Question"

PLEASE FEEL FREE TO VISIT OUR WEBSITE:

WWW.HRANSWERS.COM