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## HOW IS YOUR PTO WORKING?

As the weather warms and summer officially arrives, employees may have increased thoughts of vacations and time away from work. To encourage employees to better manage their time away from work, many employers offer PTO, *Paid Time Off*, rather than traditional vacation time. With PTO, all paid time off is lumped into one bucket that includes sick, personal, and vacation time. (In organizations that operate 24/7, PTO often includes holidays as well.) This is simpler for both the employer and the employee because there are fewer “buckets” or accounts to track and fewer policies to write. It also takes HR or management out of the role as “absence cop,” trying to determine the appropriate use of each account. Many states, including Oregon, allow employees to use “any available leave” when taking job protected leave, such as OFLA. This means that if an employee with traditional sick leave and vacation leave banks takes time to care for a seriously ill family member, they would be able to not only use their vacation time, but also any available sick time.

While many employers are adopting a PTO plan, there are multiple reasons why an employer may stay with the traditional multi-bank system. Vacation time, viewed as an “earned benefit,” is generally paid out at termination whereas “sick time” is viewed as “wage replacement” and may or may not be paid out at termination. Also, many employers want to ensure that their employees take a minimum amount of vacation to ensure some relaxation and refresh time, and to see if any work issues surface during the employee’s time away. With a PTO policy, there is the chance that an employee could use all of their PTO for sick or personal time and have nothing left for rest and relaxation time.

Paid time away from work is one of the more common benefits offered by employers. Employers are generally split evenly as to whether they offer specified banks of leave or a general PTO bank. Fifty-two percent of employers allow newly hired employees to take paid time off immediately upon hire; over 30% of employers require employees to wait at least 30 days before they can use the benefit. Most employers accrue paid time off on a bi-weekly or monthly basis, while less than 20% accrue on an annual basis, either based on a calendar year or anniversary date.

Of employers offering PTO, 50% offer 15 days in the first year of employment with an increase to 20 days after 5 years and 25 days after 10 years. This time off is in addition to an average of nine designated holidays. Of employers who divide the paid time off into sick and vacation time, 50% offer six sick days and the designated holidays regardless of the employee’s tenure. Fifty percent of employers offering the divided banks offer employees with one year of service 10 vacation days; after 5 years of service employees earn 15 and after 10 years, 20 days.

There are many considerations when developing a PTO policy, including:

- How much time is accrued and at what rate?
- Is the time accrued on a calendar or anniversary basis?
- Is there a maximum amount that can be accrued?
- What about “excess accrual” amounts? Employers generally do not want to encourage employees to build up large amounts of PTO (or vacation) as this can create a liability for the employer.

No matter what kind of paid time off plan an employer offers, HR Answers, Inc. proposes a few suggestions. First, employers should encourage (if not require) employees to take a minimum of one contiguous week of paid time off each year. This promotes the idea of true rest and relaxation away from work. In addition, a full uninterrupted absence gives the employer an opportunity to see what work the employee is (or isn’t) accomplishing. In order to cut back on the liability of having large amounts of unused paid time off on the balance sheet, employers can allow employees to “cash-out,” at a full or reduced rate, a limited amount of paid time off once a year and/or convert the time to a disability bank for use in case of serious illness.

There are many factors an employer needs to consider when putting together a paid time off policy, including the type of “banks” offered, accrual rates, and general practices. And of course an employer wants to be competitive in the job market, so it is wise to look at what other employers are offering. No matter what an employer offers, a paid time off policy needs to be well thought out.

HRA has a comprehensive PTO Resource Guide available for purchase (free to Advantage Plan participants) that provides lots of detail about this popular option, including advice about implementation choices. Please call us for more information.

*Thanks to Culpepper Benefits Survey, June 2008 & SHRM Employee Benefits, 2008 for data used in this article.*

## WORKPLACE RELIGIOUS FREEDOM BILL PASSED IN OREGON

Oregon employers will face a clarified understanding of religious freedom in the workplace once Governor Ted Kulongoski signs into effect Senate Bill 786. The bill allows employees to freely practice their religious beliefs in the workplace unless doing so imposes an “undue hardship” on the organization. By a vote of 38-21, the Workplace Religious Freedom Act was passed by the Oregon House of Representatives.

The bill clarifies when employers are required to accommodate the scheduling of leave time for the observation of religious holy days, or the wearing of religious apparel in the workplace unless doing so imposes a “significant difficulty or expense” to the business. The bill restores the legal standard requiring an employer to demonstrate a reasonable attempt to accommodate the sincerely held religious belief or practice of an employee before denying that an accommodation could be made. This was the standard originally imposed by Title VII, then later modified by court rulings. The standard appears similar to the requirements for employers when dealing with a disability situation.

HR Answers, Inc. will alert Oregon employers when this bill is signed into law. When that happens, HR Answers, Inc. can assist with developing and implementing the process for effectively addressing requests for workplace religious accommodation.

## OREGON LEGISLATIVE COMMITTEE MOVES HEALTH CARE BILL FORWARD

If a health care bill that recently passed through a House Committee is passed into effect, there will be expanded coverage for eligible uninsured children and up to 50,000 poor adults. This coverage will be funded through new or increased taxes, with the more than \$150 million in annual state taxes making Oregon eligible for an additional \$500 million in unclaimed federal funds. The tax increases will raise hospital taxes up to four times the current .63% rate. Health plans and insurers will also pay a 1% tax on commercial insurance premiums.

HR Answers, Inc. will continue to track the progress of the pending legislation and keep you informed of the bill’s progress.

## GOING BEYOND THE TITLE

Are you a leader that others look up to? Forget the title; would you say you are successful?

Many observe others and think, “They have it all ... success, power, happiness.” But the truth of the matter is that there are many roads to success, happiness doesn’t automatically come with a big paycheck, and real leadership doesn’t necessarily come with the title.

If you want to be a successful leader, you must observe and study successful leaders. Many individuals understand the technical parts of their business and are wizards in their industry, but very few have mastered the art and science of great leadership.

Here are some of the characteristics that we think really make the difference. Great leaders are:

- **Courageous.** When times are tough and hard decisions need to be made, they step forward and make the hard decisions. Others may run for cover, but great leaders are willing to do what they think is right and take responsibility for the outcome.
- **Visionaries.** They can envision the future and are able to help others see it too. They believe so strongly in the picture of a desired future that their steps are in the direction of the goal and their actions leave a clear path for others to follow.
- **Optimize.** They make the most of every opportunity. Because they are so focused toward their vision, they are quick to see a potential advantage or an alternative solution to a challenge. Their pace may be slow at times, but they are steady and alert to any avenue that will help them reach their goals.
- **Not political.** They don’t need to waste time playing games. While they have the emotional intelligence and communication style to deal with different personalities, they don’t lower themselves to coercion, manipulation, social climbing, or patronizing behavior.
- **Problem-Solvers.** Rather than take the easy way out, they look for challenges to solve and apply themselves to untangling the mess. They are willing to move laterally within the organization or move to an undesirable area of the organization to get the job done.

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Editor: Deborah Jeffries, PHR, CPC. Advantage is published monthly and is designed to provide information on regulations, HR practices and management ideas and concerns. The intended audience is managers, supervisors, business owners, human resource and employee relations professionals. If you have questions about the content, an opinion about the information, questions about your subscription, or if you need additional Advantage binders, please give us a call at (503) 885-9815 or e-mail [djeffries@hranswers.com](mailto:djeffries@hranswers.com).



- **Survivors.** There is no whining about fairness; they are not victims. They empower themselves to do whatever it takes to meet challenges and take care of the internal and external customer.
- **Mentors.** They enjoy developing others. They make it a point to know the career goals of the people around them and then look for opportunities to help them grow and succeed. Great leaders always give credit and visibility to others.
- **Trusting.** They believe in the inherent goodness and integrity of people and treat their co-workers and employees as though they have the best intentions. This trust is rewarded more than it's betrayed, because people want to live up to it.
- **Students.** They are individuals who never want to stop learning; if they did a part of them would die. They love reading a variety of books, will attend educational opportunities, and seek advice from others who can teach them how to approach new challenging situations. In addition, they study the behaviors and strategies of people and strategies. Their motto would be, "Mistakes are a good thing - they are opportunities to learn."
- **Team Members.** They have a servant mentality. They dedicate themselves to the outcome, not to personal recognition. Given the choice, they would rather see the team win and don't need to be the "star of the show."
- **Dependable.** Great leaders know that their word is everything. They believe in trust and their credibility will be built on their ability to keep promises and meet deadlines.
- **Honorable/Ethical.** Great leaders have integrity. They will not take the road to personal gain if it is at the expense of someone else. They make decisions as though a room full of people was observing each action. Instead of doing what is fast and easy, they will always do what is right. When they're wrong, they admit it and make it right. They don't blame others or faulty circumstances. They have the backbone and the character to own up to their mistakes. They don't wallow in their error or seek reassurance; they suck it up and move on.
- **Content.** They define success in their own terms, not by someone else's measuring stick. They don't let others make the rules for their own happiness and they don't play the game of "shoulds" and "musts." They make up their own minds and set the course for their own lives.

## RESTOKE YOUR FIRE

Even the most positive and upbeat individual loses their enthusiasm from time to time. If you're feeling sluggish and unmotivated, reviewing this checklist may help you reignite your spark:

- **Purpose.** Why are you here? Sometimes people get so caught up in daily responsibilities that they lose focus of the Big Picture. Remind yourself why you chose this field, this organization, this role.
- **Expectations.** Are your goals realistic or do you expect too much of yourself? It's hard to muster a lot of enthusiasm when you're so overwhelmed that you barely have time to breathe. Reconsider your priorities and look for ways to cut your workload.
- **Connection.** Do you see a gap between what you do every day and where you want to be in your career? Try connecting the dots. You'll be more committed to your tasks if you can view them as steps in the right direction.
- **Assistance.** Are you in over your head? Don't be afraid to ask for help from mentors, bosses, colleagues, and employees. If you stubbornly insist on taking responsibility for more than you can handle, you'll wind up burning out.
- **Distractions.** Are you struggling with personal issues and multiple priorities both inside and outside the office? Brewing personal challenges can drain attention and energy from your work life. Consider taking a day or two off – it is called a wellness day. Give yourself a chance to regenerate and regroup. If needed, explore the organization's EAP program and see if there is some assistance that can be offered. Seeking professional assistance to aid in resolving your challenges is a smart move.
- **Scheduling.** Do you allow yourself enough time to focus on each of your duties? Poor scheduling can leave you frazzled and frantic. Rework your schedule to allow for and ensure realistic timelines and deadlines. This means give yourself time in between meetings/appointments, it also means planning ahead for what you need and where you need to be, as well as working your calendar backwards so that you have allowed enough time to get what needs to be done by the set timeframe.
- **Negativity.** You could be your worst enemy. If you spend a lot of time beating up on yourself for your perceived inadequacies, you're undermining your own motivation and progress. Negative self-talk is a real downer. Your brain does not recognize if you really mean something or not. So stop obsessing about perfection and start recognizing and rewarding your own accomplishments. Throw in some positive statements too.

—Adapted from "10 tips for motivation," on the George Washington University Counseling Center website

## THOUGHTS TO THINK ABOUT

June is often a month of graduations: high school students going on to college, college grads moving into the work force. Here are some light-hearted and some serious thoughts to share with the graduates in your life:

“Commencement speeches were invented largely in the belief that outgoing college students should never be released into the world until they have been properly sedated.”

— Garry Trudeau

“A graduation ceremony is an event where the commencement speaker tells thousands of students dressed in identical caps and gowns that ‘individuality’ is the key to success.”

— Robert Orben

“Graduation day is tough for adults. They go to the ceremony as parents. They come home as contemporaries. After 22 years of child-raising, they are unemployed.”

— Erma Bombeck

“Without education we are in a horrible and deadly danger of taking educated people seriously.”

— G.K. Chesterton

“Remember, today is the tomorrow you worried about yesterday.”

— Dale Carnegie

“Creativity requires the courage to let go of certainties.”

— Erich Fromm

“As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.”

— John F. Kennedy

“Imagination is more important than knowledge.”

— Albert Einstein

“It’s not about waiting for the storm to pass.....it’s truly about learning to dance in the rain.”

— Thomas Kincaid

“Listen to your life.”

— Frederick Buechner

## HRA LIMERICKS (UPDATE)

We asked for limericks and you gave them to us....and we appreciate it!! Thanks to all of you who submitted your limericks in response to our request in last month’s newsletter.

In this issue, we’re still asking: “Is your creative side showing?” There’s still time for you to participate. Send *your* original HR limericks to [djeffries@hranswers.com](mailto:djeffries@hranswers.com) by June 30, 2009, and we’ll publish the winning submissions in an upcoming newsletter. As an incentive, the top vote getters will also receive...well, it’s a surprise!

## HABITS OF SUCCESSFUL PEOPLE

1. They look for and find opportunities where others see nothing.
2. They find a silver lining while others only see a challenge.
3. They are solution-based.
4. They consciously and methodically create their own success, while others hope success will find them.
5. They are fearful like everyone else, but they do not let fear control or limit them.
6. They ask the right open-ended questions - the ones that put them in a productive, creative, positive mindset and emotional state.
7. They rarely gripe or complain. They view complaining as putting the complainer in a negative and unproductive state, which wastes energy.

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8. They don't blame (what's the point?). They take complete responsibility for their actions and outcomes (or lack thereof).
9. While they are not necessarily more talented than the majority, they always find a way to maximize their potential. They get more out of themselves. They use what they have more effectively and efficiently.
10. They are busy, productive, and proactive. While others may be lying on the couch, planning, over-thinking, sitting on their hands, or going around in circles, they are out there getting the job done.
11. They align themselves with like-minded people. They understand the importance of being part of a team. They are in the habit of creating win-win relationships.
12. They are ambitious; they want amazing - and why shouldn't they? They consciously choose to live their best life rather than just going through the motions.
13. They have clarity and certainty about what they want (and don't want) for their life. They actually visualize and plan their best reality (the secret) while others are merely spectators of life.
14. They innovate rather than imitate.
15. They don't procrastinate and they don't spend their life waiting for the "right time."
16. They are life-long learners. They are continually educating themselves, either formally (academically), informally (watching, listening, asking, reading, student of life) or experientially (doing, trying)... or all three.
17. They have the mindset that the glass is half full - while still being practical and down-to-earth. They have an ability to find the good in others and in awkward situations.
18. They consistently do what needs to be done, irrespective of how they are feeling on any given day. They do not spend their life stopping and starting projects or activities.
19. They take calculated risks - financial, emotional, professional, and psychological.
20. They deal with problems and challenges quickly and effectively; they do not put their head in the sand to hide. They face their challenges and use them to improve themselves.
21. They don't believe in, or wait for fate, destiny, chance, or luck to determine or shape their future. They believe in and are committed to actively and consciously creating their own best life.
22. While many people are reactive, they are proactive. They are known for taking action before they have to.
23. They are more effective than most at managing their emotions. They feel like we all do but they are not slaves to their emotions.
24. They are good communicators (which means they are active listeners) and they consciously work at it.
25. They have a plan for their life and they work methodically at turning that plan into a reality. Their life is not a clumsy series of unplanned events and outcomes.
26. Their desire to be exceptional means that they typically do things that most won't. They become exceptional by choice. We're all faced with live-shaping decisions almost daily. Successful people make the decisions that most won't and don't.
27. While many people are pleasure junkies and avoid pain and discomfort at all costs, successful people understand the value and benefits of working through the tough stuff that most would avoid.
28. They have identified their core values (what is important to them) and they do their best to live a life that is reflective of those values.
29. They have balance. While they may be financially successful, they know that the terms money and success are not interchangeable. Financial success is just one definition of success. Like many other things, money is a tool. It's certainly not a bad thing but ultimately, it's just another resource and we need to use all the resources at our disposal.
30. They understand the importance of discipline and self-control. They are strong. They are happy to take the road less traveled.
31. They are secure. They do not derive their sense of worth or self from what they own, who they know, where they live, or what they look like.
32. They are generous and kind. They take pleasure in seeing and helping others achieve.
33. They are humble and they are happy to admit mistakes and to apologize. They are confident in their ability, but not arrogant. They are happy to learn from others. They are happy to make others look good rather than seek their own personal glory.
34. They are adaptable and embrace change. The majority are creatures of comfort and habit, however they are comfortable with, and embrace, the new and the unfamiliar.
35. They keep themselves in shape physically, not to be mistaken with training for the Olympics or being obsessed with their body. They understand the importance of being physically well. They are not all about looks; they are more concerned with function and health. Their body is not who they are, it's where they live.
36. They have a big motor. They have a habit of working hard and are not lazy.
37. They are resilient. When most would throw in the towel, they're just warming up.

38. They are open to, and more likely to act upon, feedback.
39. They don't hang out with toxic people.
40. They don't invest time or emotional energy into things over which they have no control.
41. They are happy to swim against the tide, to do what most won't. They are not people pleasers and they don't need constant approval from others.
42. They are more comfortable with being by themselves than most.
43. They set higher standards for themselves (a choice we can all make), which in turn produces greater commitment, more momentum, a better work ethic, and of course, better results.
44. They don't rationalize failure. No excuses. While many are complaining about their age, their sore back, their lack of time, their poor genetics, their "bad luck," their nasty boss, and their lack of opportunities (all good reasons to fail), they are finding a way to succeed despite their challenges.
45. They have an off switch. They know how to relax, enjoy what they have in their life and to have fun.
46. Their career is not their identity, it's their job. It's not who they are, but rather it is what they do.
47. They are more interested in effective than they are in easy. While the majority look for the quickest, easiest way (the shortcut), they look for the course of action that will produce the best results over the long term.
48. They finish what they start. While so many spend their life starting things that they never finish, successful people get the job done - even when the excitement and the novelty have worn off. Even when it ain't fun anymore.
49. They are multi-dimensional, amazing, wonderful complex creatures (as we all are). They realize that not only are they physical and psychological beings, but emotional and spiritual creatures as well. They consciously work at being healthy and productive on all levels.
50. They practice what they preach. They don't talk about the theory, they live the reality.

*A reprint with edits from Craig Harper's original.*

## HR QUIZ

Many of our readers are about to sit for the PHR or SPHR certification exam. Here are a few "test questions" to keep you on your toes.

- 1) The federal minimum wage is scheduled to increase on July 24, 2009. What will be the new federal minimum wage?
  - A) \$6.85 per hour
  - B) \$7.25 per hour
  - C) \$7.50 per hour
  - D) \$8.00 per hour
  
- 2) For an employee's promotion, an employer will use a third party to conduct a background check that includes arrest records. The employer will pay the employee an annual salary of \$95,000 in the new position, an increase from \$85,000. What is the time limitation on how far back the consumer reporting agency may go in its report about such adverse information about this employee, according to the Fair Credit Reporting Act?
  - A) There are no time restrictions on reporting adverse information for employment purposes when the individual's annual salary is \$75,000 or more. Therefore, since the employee earns (and will earn) more than \$75,000, individual arrest information may be reported, no matter how old.
  - B) For this employee, the time limitation on reporting such adverse information is 5 years. Therefore, the consumer reporting agency cannot report individual arrest information that predates the report by more than 5 years.
  - C) For this employee, the time limitation on reporting such adverse information is 7 years. Therefore, the consumer reporting agency cannot report individual arrest information that predates the report by more than 7 years.
  - D) For this employee, the time limitation on reporting such adverse information is 10 years. Therefore, the consumer reporting agency cannot report individual arrest information that predates the report by more than 10 years.
  
- 3) Which of the following statements is true about domestic partner benefits under federal law?
  - A) The IRS will never treat the benefits provided to the domestic partner of the employee as income.
  - B) ERISA's various benefit requirements apply to domestic partnership benefits.

- C) Federal guidelines state that the Family and Medical Leave Act (FMLA) prohibits employers from extending the provisions of the FMLA to domestic partners.
  - D) None of the above.
- 4) An employer wants to monitor non-personal telephone calls between an employee and customers. Under the federal Electronic Communications Privacy Act (ECPA), from whom does the employer need to get consent in order to conduct the monitoring of the telephone conversations?
- A) The employer must get the consent of the customer.
  - B) The employer must get the consent of the employee.
  - C) The employer needs the consent of one party to the conversation—it doesn't matter who it is.
  - D) The employer must get the consent of both parties to the conversation—the customer and the employee.
- 5) True or False: A private arbitration agreement between an individual and that individual's employer prevents the Equal Employment Opportunity Commission from filing a court action in its own name and recovering monetary damages for the individual.
- A) True
  - B) False

## JOBS IN 2009

In 2009, the job market will be full of contrasts: some industries will be escalating while others face shortages of workers. The good news is that despite the recession, there are still real jobs to be had. The bad news is that you may have to change fields to find one. The trick to job hunting during the rest of 2009 will be to figure out how your skill-set can translate across industries so that you're not limited to searching only one sector of the economy. Job seekers are frustrated because it's taking them a while to assess the job market. They have to figure out other things they can and want to do. Successful job-seekers will be the ones who can figure out how to take skills learned in one kind of job and translate them into assets in others.

Here is a peek into key areas that Fast Company listed as to where work can be found in 2009:

### 1) Nursing and Medical Services

With over 50,000 new nursing jobs to be created this year alone, med techs and nurses will have their pick of jobs and salaries, the latter averaging about \$57,000 per year.

### 2) Computing and Engineering

Computer-related jobs are projected to grow by more than 20% in the next decade, and 2009 will be no exception. Software engineering is particularly in demand, with network systems and data communications analysis also booming.

Technology workers are still in high demand. Most of the open positions will be found at smaller organizations, where employers will be looking for a versatile, multi-faceted worker who can fill more than one role. The best bet is to be a business person who's also a tech person. This could give an advantage to seasoned workers over recent grads.

### 3) Education

In 2009, roughly 38,000 of our economy's new jobs will be created in colleges and universities nationwide. As more students wait out the recession in college and graduate programs, the need for teachers, administrators, assistants, and other staff will expand.

### 4) Green Jobs

More organizations are adding dedicated staff to focus their environmental efforts. Green jobs are arriving in two breeds. Some will be at specialized firms that reduce human environmental impact, like environmental consultancies; others will simply be jobs at environmentally-friendly companies looking to improve their eco-image by hiring specialized "green" officers to audit and improve the organization's environmental impact.

### 5) Energy

President Obama is talking a lot about green initiatives, so alternative fuels are going to be front and center. Biofuels seem to be the biggest area of investment. Those venture-backed businesses should still be in good shape to hire in 2009, since they are more insulated from the broader economy.

### 6) Infrastructure

With the president-elect vowing to spend hundreds of billions of dollars on internal improvements like roads, bridges, broadband infrastructure, and financial oversight, some experts are predicting niche job booms. Obama's energy-independence programs will also require electrical and mechanical engineers, grid managers, biofuel chemists, and civil engineers.

## 7) The New Finance

Financiers should prepare to be especially flexible in 2009 as they are reinventing themselves. It is possible that they will have to figure out where else they can use their skills, and move into other industries.

## 8) Self-Employment & Small Business

There are growing numbers of people who don't want to be employees anymore. People are exploring buying franchises, or setting up arrangements that involve multiple online businesses.

## 9) Retirement, Reconsidered

Over the next ten years there will be the need to replace workers who leave a field permanently, which would then create more openings. Also, retirees will come back into the workforce on a contract or part-time basis, but not keep their old positions.

## 10) Telecommuting

Obviously the first half of the year has been rough for job-seekers, but the upside will be more employer flexibility. Applicants will have to market themselves. Today more employers are open to job sharing and telecommuting as gas prices fluctuate and there is more emphasis on getting the candidate with the right skill set. The key here is to expand your geographical search, and inquire about working from home on a part-time basis.

## QUIZ ANSWERS:

1. **B** *Explanation:* The federal minimum wage is scheduled to increase to \$7.25 per hour on July 24, 2009, up from \$6.55 per hour. The Fair Labor Standards Act (FLSA) requires employers to pay nonexempt employees at least the minimum wage for all hours they work.

2. **A** *Explanation:* Consumer reporting agencies may not provide a report for employment purposes that contains medical information, unless the subject of the report specifically consents to its disclosure, or individual arrest information that predates the report by more than seven years. However, if an individual earns, or is reasonably expected to earn, an annual salary of \$75,000 or more, older arrest information may be reported. Convictions may be reported no matter how old. There is no comprehensive federal law that regulates an employer's investigation or use of individual arrest and/or criminal conviction records. However, because a reliance on arrest and conviction information as an employment selection tool may inadvertently result in the disproportionate screening of minorities and other protected groups, employers need to be particularly cautious in this area. Because an arrest record is, by definition, not evidence of criminal guilt, such information should not generally be used as definitive grounds for rejection. However, evidence of a criminal conviction may, depending upon the nature of the conviction and the related circumstances, be information that an employer arguably must consider given the employer's primary business (e.g., security) or other federal or state law requirements (e.g., child care or nursing home care providers).

3. **D** *Explanation:* Organizations considering domestic partnership benefits should become familiar with numerous legal requirements. The Internal Revenue Service will treat the benefits provided to the domestic partner of the employee as income unless the domestic partner is considered a dependent. This is true for Social Security as well. Because of the federal Defense of Marriage Act, ERISA's various benefit requirements do not apply to domestic partnership benefits. However, an employer is not prohibited from voluntarily providing benefits. Certain states recognize some form of domestic partnerships and have their own requirements with some general guidelines to consider. An organization should always consult with a lawyer and its insurance company before extending these types of benefits. Most employees with domestic partners seek healthcare insurance and leave benefits. Leave includes bereavement, parental leave, and use of accumulated sick leave to care for a domestic partner. The federal Family and Medical Leave Act (FMLA) does not cover domestic partners, but federal guidelines state that nothing in the FMLA prohibits employers from extending the provisions of the FMLA to domestic partners. Other benefits offered to domestic partners include relocation, access to employer facilities, and attendance at employer-sponsored functions.

4. **C** *Explanation:* Under the Electronic Communications Privacy Act, a conversation may be taped as long as one party to the conversation consents, even if that party is the one conducting the taping. The theory behind this law is that any person who engages in a telephone or in-person conversation with another should reasonably appreciate the risk that his or her statements may be recorded. However, note that a few states prohibit telephone monitoring unless both parties consent. Please note that it is a good idea for employers to relay a message to both employees and customers that the conversation may be taped—especially if the employer operates in more than one state (one of those states may require the consent of both parties).

5. **False** *Explanation:* The U.S. Supreme Court has also held that a private arbitration agreement between an individual and that individual's employer does not prevent the EEOC from filing a court action in its own name and recovering monetary damages for the individual.

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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.



## 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 Melissa Sambuceto at [MSambuceto@hranswers.com](mailto:MSambuceto@hranswers.com), or simply register online at [www.hranswers.com](http://www.hranswers.com) and click on the "Workshop Registration" tab at the top of the homepage.

### JUNE

National Candy, International Volunteers Week, National Dog Appreciation Day, Children's Awareness, Effective Communications, Great Outdoors, National Safety, and National Smile Month.

June 7 Cancer Survivor's Day

June 14 Flag Day

#### **Jun 15 and 16 NORTHWEST WORKPLACE VIOLENCE CONFERENCE**

**Oregon Convention Center, Portland Oregon**

**Hosted by Corporate Security Services.**

To take advantage of the HR Answers discounted registration fee of \$150 for two full days, log on to the registration website <http://www.eventbrite.com/event/323498593> and enter the promotion code **WPVSPONSOR2009**

A full conference agenda is available online at: [www.corpsecure.com/events.php3](http://www.corpsecure.com/events.php3)

To request a conference brochure, contact John Posey at [jposey@corpsecure.com](mailto:jposey@corpsecure.com) or by phone at 888-822-4277.

June 16 Fudge Day

June 21 Father's Day  
Summer Solstice

June 23 Public Service Day

**June 24 HRA Workshop**  
**"Bring Your Boogeyman: Practical Steps to Defeat the Common Challenges in Today's Workplace"**  
**Tualatin HRA Office**  
**8:00am-10:30am**

June 25 Handshake Day

## ON MY SOAPBOX

Like you, I am inundated by written materials. There are magazines, newspapers (yes, they do still exist), emails, blogs, twitter messages, advertisements, white papers, etc. The Paper Reduction effort while a good idea, hasn't really reduced the volume of written material, it just seems to have moved it to electronic form (which many of us still feel compelled to print out).

Just about the time I am ready to complain about the tsunami of written stuff (now mind you, I am the one who signed up for, went looking for, or subscribed to most of this stuff), along comes something that intrigues or delights me. The excerpt below is one of those things.

I contacted **Simple Truths**, the publisher of special little books that pack a wallop of impact and asked their permission to share it with you. I loved their answer; they said "Sure." It was that simple. So here it is:

**Excerpt from  
Good to the Core  
by John Blumberg**

*I was in Honolulu to speak at a large national conference. I scheduled an extra day onto the trip since I had never been to Honolulu and because a few great friends were also at the conference. The day after the conference, we awoke at the crack of dawn to visit Pearl Harbor. As we stood above and looked down upon the sunken USS Arizona, the depth of our experience came to life. It was moving and humbling.*

*Upon our return to the hotel, I had some time to spare before departing to the airport. A couple of my friends and I decided to rent a raft large enough to hold three adults. We targeted the white-capped waves, out in the distance, as our destination. With the incoming waves, we had a hard time getting away from the shore. At first, there seemed to be enormous momentum keeping us "grounded." Slowly, but surely, we began to make progress. It seemed to get easier. We eventually got within a few feet of the whitecaps and decided to board our raft and relax as a celebration of our efforts. It was in our moment of pause that we felt the reality of our situation. Drifting two feet out and one foot in. Again, two feet out and one foot in. We all felt the unsettling formula of our ever-so-gentle drift out to sea. We immediately abandoned the raft and grasped for safety, with one arm holding the raft and the other arm aggressively swimming. I have never scissor-kicked so hard in my life.*

*Twenty minutes later we had made minimal progress. Out of nowhere, a lifeguard on a kayak appeared on the scene asking why we were so far out. Feeling the comfort of his presence, we laughed for a moment, lightly commenting about our distance from the shore. He wasn't laughing.*

*The orange balls had warned us, and we unknowingly ignored them. Infrequently placed across the ocean's surface, they created an invisible line on the ocean's floor. They silently warned us not to drift beyond them regardless of our vision or mission. "You see those big orange balls on top of the water?" the lifeguard inquired. We could see them, but they didn't look very big from where we were still struggling in the water. They did, however, give us the insight that we were basically five times farther out than we should be. I think the lifeguard was trying to teach us a lesson. He didn't leave us, but he didn't assist us either. Forty-five minutes later we walked up on the shore. I was shaking from exhaustion. I began, for the first time, to feel the numerous cuts on my legs and feet from the sharp coral rocks lining the ocean floor.*

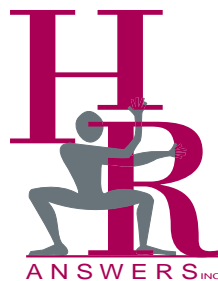
*We had briefly noticed the orange balls on our way out. We had paid little attention to them and certainly had not given any thought to their significance. We had been too focused on our mission to get to the white-capped waves in the distance!*

*We don't go running away from our values. We go drifting away, and one day wake-up in a place we never meant to be, drifting in a direction we would have never chosen.*

So there you have it – a simple story with a power message. We must stay true to our values, but it is very easy to "drift" away without really realizing how far we have strayed. The story suggests that we need to have some caution in our lives, that we need to assess periodically if we are living the life we would be proud to share with others, or perhaps more telling, are we living the life we want others to see as a positive example to family members or friends. When we aren't around, what are people saying about us – about the choices we made and the way we made our core principles evident. Interesting questions; worthy of pondering.

And for those of you who would like to know more about **Simple Truths**, and I strongly encourage you to give them a look, you can find them at [www.simpletruths.com](http://www.simpletruths.com). The books offer insights, generate reflection, uplift your spirit, and make wonderful gifts.

- Judy Clark, President



"Whatever the Question"

PLEASE FEEL FREE TO VISIT OUR WEBSITE:

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