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## HEALTH INSURANCE UPDATE

The Employee Benefit Research Institute (EBRI) concluded some interesting research last month that indicates the stability of employer-provided health care may be stronger than has been reported lately in the news. The research found that there has been little erosion of employers continuing to offer and subsidize health insurance for employees. They describe the reporting of substantial decreases as a “premature obituary,” citing a recent survey of large employers that found that 80% want to stay involved with providing healthcare insurance.

There were two major exceptions. The first, as we might expect, is for retiree medical coverage. The numbers show that, in 1993, 48% of all employers provided group medical insurance to early retirees, and 40% extended that benefit to regular date retirees. As of 2006, those numbers have dropped to 19% for regular date retirees, and 29% for early retirees. This is a dramatic change in benefit offerings.

The other exception is occurring in the small employer group (less than 200 employees) where 68% of employers offered and subsidized health insurance in 2000. The number for 2006 is 15% lower, resulting in only 59% of small employers continuing to offer medical coverage. The report found that it's not that small employers don't want to offer the coverage; employers report that they couldn't find adequate coverage at a reasonable price point, stating that the way health care insurance is currently priced is “financially unsustainable.” They indicate that they simply have “insufficient profitability” to provide the benefit.

One of the comments in the report that comes from Mercer, a national benefits consulting firm, may say it best, “The lack of consensus revealed by the survey is a good indicator of just how difficult finding a solution for health care reform continues to be.”

## UPDATE ON NO-MATCH LETTERS

According to news releases from various sources, some new provisions are now in place for No-Match letters from the Social Security Administration. The SSA will not send out letters unless there are at least 11 No-Matches within an organization, or the No-Matches total 5% or more of the workforce. There had been a suspension resulting from a court ruling last October. That suspension has now been lifted, so employers will once again begin to receive No-Match letters.

No-Match notification may signal one of several situations. It may be that there is a typo in the name, a juxtaposition of numbers in the Social Security number reported, a reversal of first and last name (a common problem for U.S. employers of individuals whose culture/practice regarding names is different from ours), a name change due to divorce, marriage, re-marriage, etc.

Employers are faced with a tough choice: act on the No-Match information and terminate an employee who is unable to provide a valid Social Security number, or retain the employee and run the risk of discovering that they aren't who they say they are, and that they don't have the right to be working in the U.S. This could result in a sizable fine for the organization.

Last fall, the Department of Homeland Security (DHS) proposed “safe harbor” rules for employers who receive No-Match letters. These proposed rules were held up by the same court ruling referenced earlier. In response to the court, the DHS developed supplement guidelines clarifying the “safe harbor” rules, but those rules are now in the 30-day period for accepting comments. This period will be followed by an additional 60-day period for review of those comments, during which (absent some further action) there will be no clear direction from the DHS. The result is that the employer faces the risk if a No-Match letter is received.

We strongly advise employers to review their hiring policies and practices to reduce the risk of any issues occurring. We also recommend that, once employers have determined their policy and practice regarding these situations, they need to stick to them, regardless of the situation, until the DHS offers clarification of the “safe harbor.” The greatest risk is created by handling these situations inconsistently. As always, should you have a question or receive a No-Match letter, give us a call. We will talk through the particulars of your situation.

## HRA HAPPENINGS

Hear Ye, Hear Ye!!!

For all of those who have not heard yet, HR Answers has a new staff member! Please join us in welcoming **Kellye Wise** to our consulting staff.

Kellye has provided labor and employee relations' assistance to employers in the Pacific Northwest and California for more than 24 years. He has represented employers in collective bargaining for more than 70 labor negotiations with a broad range of unions, as well as assisted employers with administration of their labor agreements including the grievance process and representing employers in arbitrations. Kellye is also an attorney, with his J.D. from University of Oregon School of Law.

As a Senior Consultant for HR Answers, Inc., Kellye will work with employers on a wide scope of employee relations' matters, ranging from development and application of employee policies, job performance standards, compliance issues, and leave administration matters. He has assisted employers with addressing disciplinary situations, including the termination process. Kellye has worked with employers to successfully investigate and address internal, state, and federal agencies' complaints alleging various types of discrimination, harassment, and misconduct.

As a trainer, Kellye has presented management training on a wide range of employee relations matters, including harassment and discrimination, job performance, documentation and discipline and successfully meeting the issues that impact today's workplace supervisor. Attendees at his workshops say he is practical, responsive, knowledgeable, and fun to listen to.

We feel extremely fortunate to have Kellye on board. Again, join us in welcoming our newest team member!

## A DECADE!

That's right. Our division, HR Extras, turns 10 this year. We are excited that we have the opportunity to help so many new and experienced HR professionals find employment in Oregon and Washington through the HRE program, and equally excited that we have been able to assist many employers with short- and long-term HR staffing needs find just the right person to fill that slot. Our HR Extras program is a clear example of our Prime Directive, "We are HR!"

We encourage you or someone you know who is looking for work in HR to contact Laura Comiskey to learn more about our employment division. If you're an employer who could use some help in your HR area this summer or fall, please give us a chance to help.

## A WORD FROM THE WISE™

**Ninth Circuit Ruling Limits Public Employer Drug Testing.** Public employers now face pre-employment drug testing limitations based on the specific scope or nature of jobs, according to a March 13<sup>th</sup> ruling by the federal Ninth Circuit Court of Appeals. In order to require drug testing as a condition of employment, it is likely that a public employer must now demonstrate there is a specific reason for testing that is actually tied to the job requirements or duties. According to the court, such circumstances might include the existence of an established substance abuse problem, or that the positions fall within the scope of serious safety sensitivity or work involving children. If the position doesn't fall within this nature or scope, the Ninth Circuit has indicated that such required pre-employment drug testing violates the Fourth Amendment prohibition against government searches without suspicion.

The Ninth Circuit's decision involved an applicant for a city library position who refused to take a required pre-employment drug test. In reaching their decision that the city's mandatory testing for that position was unconstitutional, the Ninth Circuit restricted its ruling to the city library position, as the court's comments indicated that pre-employment drug testing for safety sensitive positions could still be required.

The court's ruling puts public employers in the position of providing a specific basis or need for the required drug testing. This may include a "demonstrated problem of substance abuse," or the position being safety-sensitive, or involving responsibility for or the opportunity to influence children. The Ninth Circuit decision identified a number of such jobs, such as working national security, the operation of railway cars, in a nuclear power facility, or work involving the operation of dangerous equipment, as safety examples.. Schoolteachers were referenced as an example of having responsibility for children.

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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).



Based on the court's ruling and comments, public employers should first review each job opening to determine whether a specific need exists for requiring a pre-employment drug screen, then utilize their conclusion as the actual justification for that requirement. Absent a specific and substantial reason for the pre-employment testing, a public employer conducting such pre-employment tests is at risk of such required testing being found unconstitutional. Because the court's ruling is based on the Fourth Amendment prohibition against government searches without suspicion, private employers are not affected by the decision absent some other state or federal law restriction. However, private employers should watch this new ruling with attention since it is possible a future challenge to pre-employment drug testing may occur in the private sector.

*A Word From the Wise™ will be a standing monthly article written by our newest staff member, Kellye Wise, JD.*

## BUZZWORDS THAT STING!

Ever hear a manager or supervisor use one of those words that makes you cringe? For instance, the new employee being told that “our company should be your *permanent* home”? Unfortunately, the use of certain words carries with them a sting because those words convey an obligation, or implied obligation, that really doesn't benefit the employer. Yet, these words continually creep into our conversations and communications in the workplace.

It is very common to use legal or legalistic terms when dealing with employees because today's workplace has become so impacted and influenced by state and federal laws and the courts. The tendency for many managers and supervisors can be to adopt certain terms or phrases that are legal or, at least, legalistic. In doing so, the manager or supervisor may find that they have now saddled themselves with a definition, obligation, and even proof requirements that are unbeneficial, unnecessary, and make workforce management more difficult.

Here are just a couple of examples of buzzwords that often carry a sting for the employer. First, there is the use of “permanent” regarding an employee's relationship with your company. While many companies have taken that term out of their handbooks, it is still not uncommon for a manager or supervisor to convey “permanent” employment to one of their staff. A second example is the use of “accommodation” when dealing with an employee's request for making a change or adjustment to their work situation. Because “accommodation” has been tied to laws such as the Americans with Disabilities Act (ADA), the risk is that use of the term implies something the employer may not want to provide. There are many other examples of buzzwords or terms that are routinely used by management and that create a risk of a sting for the organization.

So, how do we avoid the sting? To avoid creating such self-imposed effects, it's best to “de-legalize” your language at every opportunity. There are two initial steps to “de-legalizing” your language:

- 1) Avoid using legal or legalistic terms, or buzzwords. Instead, identify what message you want to convey, then communicate it as simply as possible, keeping in mind what the listener will hear.
- 2) Define the terms that you do use, whether in policy or practice.

These two steps not only reduce the possibility of legal implications for yourself, but the second step also allows you to better communicate and define the impact of your terms on your employees. That means you are better protected and better able to achieve your objectives, and there is less opportunity for employee misunderstanding or confusion.

Sounds simple, right? Unfortunately, both steps take some work and practice. To assist HRA clients in making these two steps happen, a new workshop is being offered. This program also provides you an opportunity to meet and hear our newest staff addition, Kellye Wise. The seminar: “Buzzwords that Sting!” will be held on June 12 at our Tualatin office from 8:30 a.m. to 11:30 a.m. Visit our [website](#) for more information and registration.

## AVOIDING MISTAKES IN EMPLOYEE HANDBOOKS

Employee handbooks can be great tools to help you lay down policies and comply with the law. But a poorly written, outdated, or inconsistent book can hurt your organization. A few of the trouble spots include ADA, FLSA, FMLA, sexual harassment, and racial or gender discrimination. One of the most important points is that an organization's practice will supersede what the organization has written.

Here are some common handbook mistakes to avoid:

1. **Adopting a “form” handbook** (from another company), that includes promises you do not offer and will probably never keep.
2. **Including lots of detail** on procedures, which confuses employees and provides fodder for lawyers. Stick to organization *policies* in the book. Keep a separate *procedures* manual for managers.
3. **Mentioning an employee “probationary period.”** That can erase at-will status by implying that, once the period is over, the employee can stay forever. We prefer the phrase “introductory period.”



4. **Being too specific** in your discipline policy. That gives the impression that the list covers every possible infraction. Also be cautious of the word “progressive.” It can suggest that there are specific steps to the disciplinary process, which erodes at-will employment.
5. **Not being consistent** with other organization documents.
6. **Overlooking an at-will disclaimer.** Have employees sign disclaimers acknowledging that the organization can terminate their employment at any time and bypass discipline policies as each situation warrants.
7. **Sabotaging disclaimers** by what you say, especially reassuring employees that their jobs are secure.
8. **Not adapting the handbook to accommodate each state’s laws.**
9. **Failing to update** the manual frequently for changing laws (remember Oregon just had 18 new ones).
10. **Setting unrealistic policies.** If you know your supervisors won’t enforce it, don’t put it in your handbook.

**HRA Advice:** Audit your employee handbook (or ask us for help) and make sure the practices of the organization and its supervisors are consistent with the written word in your policies and procedures.

## HOLIDAY PAY

Memorial Day will be here soon – Monday, May 26<sup>th</sup> to be exact. And five weeks later, Independence Day arrives on Friday, July 4<sup>th</sup>. That got us thinking about the questions that surface about how employers handle holiday pay.

To begin with, employers are not required by law to provide holiday pay. This may come as a surprise to some workers, and possibly to some supervisors as well. Employers decide how many, and which holidays will be observed by their organization. We suggest that holiday pay be thought of as replacement pay that protects the worker’s pay and standard of living when they cannot work because the workplace is closed in observation of a holiday.

With this in mind, paying holiday pay can be pretty straightforward. If a holiday falls on a Saturday, the holiday is usually observed the previous Friday. If the holiday falls on Sunday, the holiday is usually observed the following Monday. If the organization closes in observation of a holiday, employees are paid holiday pay in lieu of working. For 24/7 operations, some adjustment is necessary for those who can be scheduled on all seven days.

But what happens when employees work in jobs where the regular work schedule is four 10-hour days per week? Or when an employee requests a four-day, 10-hour work schedule and the employer agrees?

Let’s take a look at examples of regular work schedules and our suggestions for options the employer may use for dealing with holiday pay.

- Employee A has a work schedule of Monday through Friday, five days at eight hours per day:
  - a) When the holiday falls on one of those regularly scheduled workdays, the workplace is closed, and Employee A is paid holiday pay to replace the income he or she would have earned if the workplace had been open.
  - b) When the holiday falls on Saturday, but is observed and the workplace is closed on Friday, Employee A is paid holiday pay for Friday. A variation is when the holiday falls on Sunday, and the workplace is closed on Monday: The same thing happens – the employee is paid holiday pay for Monday to replace the income he or she would have earned if the workplace had been open.
- For holiday pay, part-time workers could be a pro-rated portion of the regular 40-hour workweek based on the number of hours that they are regularly scheduled to work or paid only for holidays that fall on a regularly scheduled workday. For example:
  - a) If the worker is regularly scheduled to work 20 hours per week, where a holiday falls they will be paid 20 hours divided by 40 work hours = .5 or 50% of eight hours of regular pay regardless when the holiday occurs or what the work days are.
  - b) If the employee is scheduled to work 5 hours per day Monday through Thursday, and the holiday is one of those days, the employee would receive 5 hours pay. But, if the holiday was Friday, no holiday pay would be granted.
- Employee B is regularly scheduled to work four 10-hour days, and the holiday falls on a day he or she is regularly scheduled to work. Employer has several options, based on what best meets the business need:
  - a) Employee B receives 10 hours of holiday pay to protect the pay they would have earned if they had worked.
  - b) If the holiday falls on a day the employee is not regularly scheduled to work, Employee B does not receive holiday pay. The thinking here is that individuals who are regularly scheduled to work four 10-hour days and other advantaged schedules already have the benefit of three days off, but cannot have both the benefits of a special schedule and holiday pay for a day they weren’t even supposed to work.

## DID YOU KNOW?

**Discrimination.** The number of employment-discrimination charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) increased 9% in 2007. This marks the highest annual increase since 1993 and the highest total number of charges filed in the last five years, according to the EEOC's latest statistics. Charges based on race, sex/gender, and retaliation are still among the most frequent ones filed.

\* \* \* \*

**Posting Alert - Mandatory FMLA Change.** On January 28th, 2008, President Bush signed into law an extension of family leave time for members of the U.S. armed forces. This regulation is governed as part of FMLA and is part of the *Defense Authorization Act for Fiscal Year 2008*.

Employers covered by FMLA must post the new notice if they have 50 or more employees. **Employers are required to have the new posting even if none of their employees are currently on FMLA leave.** And expect more changes to FMLA soon, which will mean another policy and poster change.

\* \* \* \*

**Managers Overrate Their Own Success.** Managers who dish out glowing performance reviews only to later terminate the worker for "poor performance" trigger many employment lawsuits. Now, a new study shows that managers have lofty views of their own work, too. An impossible 90% of managers think they're among the top 10% of performers in their workplace, according to a BusinessWeek poll of 2,000 managers. Advice from HRA: Realistic and honest performance reviews along with regular feedback are a must at all levels.

\* \* \* \*

**Workers Feel Underpaid? They May Be "Overtitled."** Nearly 50% of people believe that they are underpaid in their current jobs, according to a new Salary.com survey. But an analysis of those employees' jobs and wages reveals that less than 22% actually were paid below the fair market value for their jobs. So why do so many people wrongly believe that they're underpaid? "Overtitling" is the biggest factor. The survey found that 30% of respondents were likely overtitled, leading many to feel underpaid when, in reality, an inflated job title was the real issue.

\* \* \* \*

**Do Your Part To Combat Job Stress.** Workload is up; morale is down. But since you can't lessen the load, your hands are tied, right? Wrong. Do employees have the skills to perform their assigned tasks? Do they have the proper tools to do the work? Are their efforts recognized and appreciated? The National Institute for Occupational Safety and Health reports that job stress occurs when job requirements don't match workers' capabilities, resources, or emotional needs. Even if you can't lighten the load, you can try to offer adequate job training, provide the necessary tools, and give them a pat on the back

\* \* \* \*

### **Bad Bossing**

Thirty-nine percent of employees say their supervisors fail to keep promises.

*From Professor Wayne Hochwarter's study at Florida State University College of Business*

## WHEN AN APPLICANT OR EMPLOYEE LIES

Whether the state of the economy is causing desperation in candidates or we are experiencing a surge of dishonest people, resume and application fraud is increasing. These lies can be as small as incorrect dates of employment to an entire resume filled with falsified work history, education (the number one area of falsification), and skills. Employers are seeing dishonest embellishments on resumes and finding outright lies on applications. Background checks are rarely done and, when they are, they produce very little information.

How can an employer protect itself from hiring dishonest people or from a negligent hiring claim? Negligent hiring occurs when an employer knew or should have known that an employee poses a threat, thus the organization is held responsible for the actions of the employee on the job. Organizations should be checking references to ensure that they are not hiring employees who are likely to harm clients, the public, or other employees. However, employers worry they will be sued for libel if they provide information during reference checks, so they provide no information at all. With the challenge of not getting information, avoiding negligent hiring becomes more difficult.

Furthermore, the Fair Credit Reporting Act requires the employer to have the applicant sign a release if a third party will be used in obtaining a background check. Further complications include current legislation dictating that the applicant must be told about the information

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obtained during reference checks. Though the task seems daunting, with sound recruiting and selection policies, protection against dishonest employees and libel suits is possible. Start by requiring all applicants interested in your organization to fill out an employment application.

This application should include all necessary federal, state, and local regulations, a disclaimer that the applicant must sign stating the information given is accurate and truthful, and a release from liability due to damaging information that may arise from reference checks. Having these in place helps to discourage those applicants who have something to hide. Reviewing the application for certain critical points can help identify a dishonest candidate. The following is a list of red flags to look for on applications and resumes:

- Applicant does not sign application.
- Applicant does not sign consent or background screening.
- Applicant leaves criminal record questions blank.
- Applicant self-reports a criminal violation.
- Applicant fails to explain why he or she left past jobs.
- Applicant fails to explain gaps in employment history.
- Applicant leaves out short-term jobs in work history.
- Applicant gives an explanation that doesn't make sense for an employment gap or reason for leaving a previous job.
- There are excessive cross-outs and changes on application.
- Applicant fails to give complete information.
- Applicant fails to indicate or cannot recall the name of a former supervisor.
- Resume includes falsified degrees or level of education obtained.
- Job responsibilities and skills are falsified.
- Resume and employment application contain different information.

The above signals the need for further probing during the interview. While the employment application is a good starting point for avoiding negligent hiring, it's not enough. All employment and personal references should be checked. If you are able to obtain information on past performance, this information is one of the greatest indicators of future performance. Ask the applicant whom you can actually speak with to get previous job information.

Negative information gathered during a reference check cannot serve as an automatic dismissal of the candidate. It is important to perform an analysis of the information received to ensure it is applicable to the job and situation. A policy for handling this information and documentation should be established in order to ensure uniformity, privacy, and legal compliance. This policy should be strictly enforced, especially when the negative information involves a criminal record (remember, not all criminal information can be grounds for denying employment).

Be sure to confirm your final candidate's education, including their certifications, licenses, degrees, etc. There are several diploma mills available on the web to applicants. It is the employer's responsibility to confirm that the schools exist, that the programs/degrees are available, and that the applicant actually graduated.

Your responsibility as an employer does not stop after the person has been hired. If you follow the above, you will be able to show that you have demonstrated good faith efforts up to the point of hire. You must continue these efforts while employees are working for you. Reviewing your employees' performance and skills can show if they were honest in what they could accomplish. Documenting these reviews can provide the paper trail that you continued to watch for negligent hiring. If inconsistencies are found, or if you discover your employee has lied, regardless of when it is discovered, in most cases this is grounds for termination. You must analyze the severity of the lie and be consistent in handling all such situations. Sound hiring practices and good faith efforts can lead to protection against negligent hiring. This can also protect your organization from losing assets through fraud and ignorance of employees. It makes good business sense to thoroughly check out all potential candidates. In cases where a fraudulent employee surfaces, consistent, immediate termination, for almost any lie, is the safest course of action.

We encourage you to check your state legislation about reference checking laws. Both Oregon (in 1995) and Washington (in 2005) have passed reference check laws protecting employers if they provide references in good faith meaning there is no liable or slander.



## THOUGHTS TO THINK ABOUT

“You may have to fight a battle more than once to win it.”

- Margaret Thatcher

“Dreams come a size too big so that we can grow into them.”

- Josie Bisset

“The world is round, and the place that may seem like the end may also be only the beginning.”

- Ivy Baker Priest

“It is only possible to live happily ever after on a day-to-day basis.”

- Margaret Bonnano

“The important thing is not to stop questioning. Curiosity has its own reason for existing.”

- Albert Einstein

“You are educated. Your certification is in your degree. You may think of it as the ticket to the good life. Let me ask you to think of an alternative. Think of it as your ticket to change the world.”

- Tom Brokaw

“Most of the important things in the world have been accomplished by people who have kept on trying when there seemed to be no hope at all.”

- Dale Carnegie

## ESSENTIAL JOB FUNCTIONS

For most organizations, job descriptions are the cornerstone of many human resource programs. Job descriptions are used to develop interview questions, build compensation programs, develop performance appraisals and training programs, and may influence other business strategies. However, these programs are only as good as the job descriptions on which they are based. In addition, the passage and implementation of the Americans with Disabilities Act (ADA) increased the importance of job descriptions to organizations with 15 or more employees (in Oregon it is six employees), becoming a primary vehicle for defining the essential functions and skills required by a position. The result is that job descriptions are becoming more detailed and work specific than they've been in the past, with added emphasis on specific mental and physical requirements for each position.

Depending on its purpose, a job description can be in one of several different formats. The format recommended by HR Answers is designed to help you clearly identify the essential functions and define the specific mental and physical requirements of a position. This job description format includes the following sections:

- Job Title
- General Position Summary
- Essential Functions/Major Duties
- Secondary Functions
- Job Scope
- Supervisory Responsibility
- Interpersonal Contacts
- Specific Job Skills
- Education and Experience
- Mental and Physical Requirements
- Job Conditions

Essential functions are defined as fundamental job duties of the position. Job duties can be identified as essential based on three criteria:

- The position exists to perform these functions; and/or,
- A limited number of employees are available among whom the function can be assigned; and/or,

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- The function is highly specialized and only a few employees can perform it.

These functions are traditionally listed in order of importance (most to least). They are normally short statements that begin with a verb or action word. Typically, there are eight to 12 functions listed. Whether you are preparing a job description or analyzing a position for ADA accommodations, you need to know the essential functions of that particular job. So, how do you determine what's really essential? Here are some questions to ask:

- Why does the job exist? What does it accomplish for the organization? This answer is key to what is essential. Think beyond just the duties - have a solid reason for each function.
- Is there a current job description that identifies these functions? Make sure the job description accurately reflects the position. A collective bargaining agreement (if applicable) may list essential functions.
- How many other employees perform or are able to perform the same function? Could other employees fill in? It may not be essential for a particular position if several employees do the same thing.
- Does the job require any specialized training or skills? A function that requires highly specialized skills or training will probably make it essential.
- Does the job require specific physical demands? Understanding the physical demands of a position is necessary in order to evaluate for an ADA accommodation.
- Is the job performed under certain environmental conditions? Outdoor work under a variety of weather conditions may be essential for many positions.
- What percentage of the employee's week is spent performing the function? Generally the relative importance of a function may be determined by the percentage of time spent on it. However, even if the function occurs infrequently there may be serious consequences if it is not performed. (Think airline pilot, and the take-off and landing – doesn't take long, but is essential to the flight.)
- What would be the consequences if the employee could not perform the function? Would the job be modified or eliminated?

The answer to these questions is particularly important when evaluating for an ADA accommodation. Keep in mind that just because an employee performs a particular function during the average workday, it does not mean that function is essential. Many employees perform extra duties that fall outside of their normal scope of work, especially in a downsized environment. Also, essential functions may vary for the same position within an organization, depending on the department.

The preceding questions are the basis of a job analysis that provides very specific details about the functions being performed and the amount of time devoted to each. These details can then be used to develop a job description. Job descriptions should be available for every job and used for recruiting, hiring, performance management, and job accommodations. Review the essential functions regularly and revise when necessary.

If you need assistance developing job accommodations, see the Job Accommodation Network (U.S. DOL, Office of Disability Employment Policy) at <http://janweb.icdi.wvu.edu/>. This is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

If you would be interested in assistance with writing job descriptions, HR Answers has a Resource Guide that explains the how's and the why, along with samples for you to build your own job descriptions. To learn more or to order the product, check our [website](#).

## FLEXIBLE STAFF IN A SLOW ECONOMY

Many of our clients use staffing services as a resource to help keep up with rapid growth within their organizations. In a slowing economy, organizations can use the financial flexibility that temporary employees provide. Why do organizations use temporary employees during difficult economic times? The following are some of the main reasons that organizations follow this practice. Perhaps you can use one or more of these strategies:

**Hiring Freeze** - Organizations implement hiring freezes in tough economic times. Usually, using temporary help does not violate the terms of the hiring freeze. By using temporary help, managers can get the resources they need while the organization gets the flexibility it needs.

**Cautious Addition of Staff** - Even with a slow economy, you may see an increase in business or workload. Temporary help allows you to get the work done without making hiring commitments to regular employees you may need to lay off later. This is known as Accordion Staffing - it grows or decreases in size with the amount of work to be done.



**A Laid Off Employee Returns** - Sometimes you lay off employees and realize afterward that they were essential. A temporary service can employ these individuals and assign them to your organization. This way you can get that experienced employee back without violating your organization's hiring freeze.

**Layoff Too Deep** - It is common for organizations to cut too many employees in a layoff. A practical solution is to bring in temporary help to handle the resulting overload.

**Low Risk Expansion** - You have growth plans, but they are risky in a slow economy. You can staff for the growth initiative with temporary employees, then, if the growth does not occur as planned, you have a way to back out relatively easily. If the plans work out, you could hire the employees for no fees after the temporary-to-hire period.

Depending on your organization's situation, you may be able to mix and match these strategies to make a plan that helps achieve your goals. If you are looking for recruiting assistance, our HR Extras division can be of help to you from reviewing resumes through to final interviews. If you are looking for temporary HR professionals, we encourage you to call Laura at HR Extras (503-885-9875) to learn more and to aid in your upcoming summer and vacation staffing needs, or as you grow your HR department, and even for special internal HR projects. We have a tremendous number of applicants at a variety of HR professional skill levels and would appreciate the opportunity to share them with you.

If you have needs for other types of temporary employees as you add to your staff, and need an employment service to use, we encourage you to give the staff at Employment Trends, one of our service partners, a call.

## 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.*

### MAY 2008

Clean Air, Family Reunion, and National Bike Month

- May 20 Pick Strawberries Day
- May 21 HRA Workshop (Tualatin)  
Harassment Awareness for Supervisors  
8:30 a.m. – 11:30 a.m.**
- May 25-31 Good Stewardship Week
- May 26 Memorial Day  
**HRA Offices will be closed!**
- May 31 Poetry Day

### JUNE 2008

To help you plan ahead, here's a look at what we have planned so far for June.

- June 1 HR Basics - A Crash Course in Employment Law**  
**Sponsored by:** Salem Human Resource Management Association  
**Where:** Willamette University -  
*College of Law, Paulus Lecture Hall  
2nd Floor, 245 Winter Street SE, Salem, OR*  
**Cost: Seminar Registration, \$95.00**  
**To learn more and register for this event go to:**  
[www.shrmsalem.org](http://www.shrmsalem.org)
- June 12 HRA Workshop (Tualatin)  
Buzzwords that Sting  
8:30 a.m. – 11:30 a.m.**
- June 17 HRA Workshop (Tualatin)  
Bullying – Not in my Workplace  
8:30 a.m. – 11:30 a.m.**

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

Most every month, I sit down to write Soapbox. Sometime I sit with anticipation because I know I have a great idea or situation to share with you and can't wait to put it on paper. Sometimes, I sit down with more hesitancy because I haven't decided what to write about, nothing seems appealing, but the deadline looms and I must write.

This month I sit with anticipation. Not because I have something great to write about, but because I have something wonderful to share with you. I received the story below from a friend of mine at Toastmasters. Toastmasters is a great group of people who meet every Thursday morning at 7:00 a.m. to talk, practice speaking, and enjoy one another's company. One of our members couldn't attend last week, but he had a story to share and so he sent it out to all of us. The moment I read it, I knew I wanted to use it as my Soapbox.

With all the political rancor, the negativity, the dirt that is being slung on the airways, the accusations, and the hostility that is in our political process this year, here is a story of a moment that made a difference. Regardless of your political party or leanings, regardless of whom you have chosen to vote for, you can read this and find an instant of warmth and caring. Regardless of party, you can be proud of the child and his thought process, you can relate to the mother who sought to have her son experience a special moment, and you can be touched by a candidate's surrogate who understands that the campaign trail is a special opportunity to connect with the hearts and souls of Americans. Here is the story, written by a clearly partisan grandmother who adopted her grandson because the boy's father shot and killed the boy's mother when he was two years old.

5-11-08

### A Very Special Mother's Day

About a week ago, Rodney came home from school stating he had been thinking about Hillary Clinton all day. This bewildered me, as Rodney is an Obama fan. In wonderment, I asked him what he had been thinking about. He said that if Hillary Clinton becomes President we all would be "safe." I asked why he thought this. His response was simply, "because she is a mother, and mothers will do anything to keep their children safe. If she were President it would be like she is the mother of our country and we would be her children." His thoughts touched my heart, knowing this was Rodney's perception of motherhood.

The following Sunday, Mother's Day, President Bill Clinton was speaking at an Electrical Union very close to our home. I told Rodney that I wanted to hear President Clinton, and that I wanted to tell him what he had said about Mrs. Clinton. Rodney replied I wouldn't even be able to get anywhere near President Clinton. I told him that if that were the case, I would try to give him a note, and if I couldn't do that I would mail Mrs. Clinton a note.

I went to the Electrical Union and sat in the third row (VIP's had the first two rows reserved). I was awestruck. President Clinton was dynamic, articulate, compelling, handsome, funny, and heartfelt.

After his speech, I stood behind several other people, waiting to shake the President's hand. As I was waiting in line, I held President Clinton's autobiography up to my chest, hoping he would see I came to get it autographed. When I reached the President, and asked him to sign my book, I said I wanted to share with him what my 14-year-old son had said about Mrs. Clinton.

As I told the President what Rodney had said, I saw President Clinton's eyes well up. Then, to my total disbelief, President Clinton put his arms around me and gave me a hug. He then looked at me and said, "Tell your son he is a very wise man."



"Whatever the Question"

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## ON MY SOAPBOX

Full of emotion, I rushed out of the facility to drive home to tell Rodney. When I got home, I hollered at Rodney to come quick, that not only did I see President Clinton, I had told him what he had said. I told Rodney to hurry, that we were driving back down to the Electrical Union hoping that he might be able to meet President Clinton before he left.

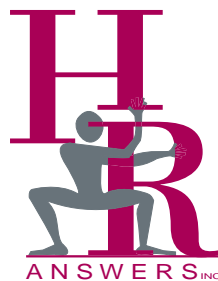
As we were approaching the facility, we saw the President's motorcade coming around the back of the building. A police car was leading and just beginning to pull out of the driveway, with the SUV President Clinton was in following.

I pulled our car out of the driveway and told Rodney to get out of the car. I told him to wave when President Clinton's vehicle passed, in hopes that President Clinton might wave back. As President Clinton's vehicle approached, I waved my book out of the car window, pointing at Rodney, yelling, "This is my son, this is my son."

Suddenly the motorcade stopped and the window to President Clinton's vehicle began to roll down. I told Rodney to go over to the vehicle. Rodney, through the open window, said to President Clinton, "It is an honor to meet you, Mr. President." President Clinton, reaching over another passenger, shook Rodney's hand and said, "God bless you, you are a very wise man."

I don't remember ever seeing Rodney look so proud. Rodney and I will never forget the Mother's Day that President Clinton hugged his mother and stopped his motorcade to shake his hand and bless this "wise man."

- Judy Clark, President



"Whatever the Question"

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