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GINA IS HERE!!

Genetic tests can help individuals determine if they may be at risk for developing a specific disease or disorder. However, these tests have given rise to concerns about whether the test results could be used to deny access to health coverage or employment.

The Genetic Information Nondiscrimination Act of 2008 (GINA) was signed into law May of 2008. Title II of GINA protects job applicants, current and former employees, labor union members, and apprentices and trainees from discrimination that is based on their genetic information.

The coverage of Title II of GINA corresponds with that of Title VII of the Civil Rights Act of 1964, as amended, encompassing **employers with 15 or more employees**, employment agencies, labor unions, joint labor-management training programs, and federal sector employers. GINA's Title II will become effective on November 21, 2009, providing greater protection of patients' genetic information.

Under GINA and the interim final rule, group health plans and issuers in the group market cannot: increase premiums for the group based on the results of one enrollee's genetic information. They also cannot deny enrollment, impose pre-existing condition exclusions, or do other forms of underwriting based on genetic information.

Group health plans and health insurance issuers in both the group and individual markets cannot request, require, or buy genetic information for underwriting purposes or prior to and in connection with enrollment. In addition, plans and issuers are generally prohibited from asking individuals or family members to undergo a genetic test.

According to GINA Title I, the proposed rule modifies the HIPAA privacy rule to clarify that genetic information is health information and to prohibit the use and disclosure of genetic information by covered health plans for eligibility determinations, premium computations, applications of any pre-existing condition exclusions, and any other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits. As provided for by the American Recovery and Reinvestment Act of 2009, a use or disclosure of genetic information in violation of the HIPAA privacy rule could result in a fine of \$100 to \$50,000 or more for each violation.

How GINA affects employers. Currently, the Americans with Disabilities Act (ADA) permits you to obtain medical information, including genetic information, from post-offer job applicants. This will change when GINA takes effect. Employers will no longer be permitted to obtain genetic information, including family medical history, from post-offer applicants. Organizations will also be prohibited from obtaining such information through medical examinations used to determine fitness for duty. However, Title II of GINA will not apply to information obtained by a health care professional in the course of a medical examination, diagnosis, or treatment unrelated to a determination of fitness for duty.

It's a common misconception that GINA will have little impact on employers, because most employers don't make a routine practice of formally requesting genetic information from employees or applicants. However, understanding the implications of these regulations requires understanding the definition of "genetic information." The term includes information about the "manifestation of disease or disorder in family members of the individual."

It's conceivable that an employer could inadvertently find out about an employee's predisposition to cancer, for example, through casual conversations with the employee about the person's family history, or in conversations about the employee's own health. An employer could then conceivably make employment decisions on that basis (for example, singling out that person for layoff specifically to avoid large health insurance claims, should the employee get cancer).

The proposed regulations contain some exceptions. For example, you might need to request certain family medical information to support a request for Family and Medical Leave Act (FMLA) leave to care for a family member. This is not considered an unlawful request.

The proposed regulations provide an exception for voluntary participation in a wellness program, but require that you give employees certain notifications concerning the type of information requested and how disclosure of that information is restricted. Another exception recognizes that you might acquire genetic information for use in monitoring the biological effects of toxic substances in the workplace, which you may be required to do under OSHA.

You should be aware of all the implications of GINA, because they may impact you more than you realize.

SOCIAL NETWORKING: What to Do or Not to Do...That is the Question

Here are some questions for you to ponder. Have you thought about these before, and do you already have the answers?

- Should you accept your co-worker's invitation to be friends on Facebook? Your boss's?
- As an employer, do you spend precious recruitment time checking social networking sites? What if you see something you don't like?
- Are you going to join the ranks of tweeters?
- Should you join LinkedIn or some other site to enlarge your networking opportunities? Will it help you establish credibility with potential clients? Will these help you gain credibility in your chosen profession, or ensure you never spend time with your family again?

From an organizational viewpoint, there are additional questions to explore:

- Do you block your employees' access to certain sites that they may be using as research tools? Then do you take away access to their smart phones while at work?
- Can you recover and use text messages sent to an employee by a co-worker who just happens to be an unwanted admirer?
- Does your organization need a blog?
- How do you monitor employees' derogatory comments about your business from a personal blog?
- How do you differentiate protected activity from defensible disciplinary action?
- What do you do when your PR Manager posts undignified pictures of herself at the recent sales meeting on her Facebook page? What if it involves the Marketing VP as well?
- What personal safety or identity theft concerns might be involved in your adoption of social media?
- How do you handle conflict at work sparked by individuals who 'defriended' a co-worker on MySpace?

WOW! Are you worn out yet? Do you feel overwhelmed? These are just a few of the issues popping up faster than you can swat at them with your Wii Fit-Plus controller. Yes, it's a brave new world for all of us have-to-be-extroverted even-if-you-aren't, technology-loving, social addicts...fraught with peril. And that's just in our personal lives.

Adopting social media in the workplace brings up all kinds of issues like productivity, marketing, sexual harassment, privacy, branding, researching and information-gathering, disciplinary measures, sensitivity, and generational differences, to name just a few. While some employers have always embraced change and have a mindset that expecting the best of their workforce will be rewarded, others take the approach that temptation should not be made available as this can only lead to challenges. With some of the issues we hear about, it's easy to argue either way.

In defining your organization's philosophy regarding social networking and related issues, you might want to start by looking at how social media can work for you. Obviously, it will be more advantageous for certain industries than others, but most organizations will benefit from staying in touch with clients, hearing about cutting-edge ideas, and gathering contacts through the new potential. In fact, the trend is definitely moving toward allowing employees greater access to social media at work.

Social media can be leveraged to convey information about the organization, recruiting applicants, sharing information, conducting marketing research, and maintaining a presence in the business environment. It's becoming clearer that "throwing the baby out with the

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bath water” is not the best answer. With greater avenues to engage in non-work-related opportunities on the job, enhanced exposure to employee faux pas posted for the world (or Facebook friends) to see, etc., it is doubtful social media matters will ever be less complicated. Good policy can help. The problem is that technology and ways to “get in trouble” are replicating at an ever increasing pace, so that by the time you devise ways to handle current issues, more are rearing their unfriendly heads.

In coming up with an approach to this phenomena, we suggest looking at the possibilities on the horizon. Here are some areas you should talk with employees about:

- *Liability Issues.* You can and will pursue measures to ensure employees don't put the organization's name in lights—in a bad way.
- *Privacy.* Make it clear that information employees put over the company information services network is not private. Let employees know anything posted on a personal web page affiliated with the organization is subject to all of the organization's policies, regulations, and rules in your handbook. Inform employees that nothing passing over company equipment is protected, but is definitely accessible by the organization.
- *Off Duty Conduct.* Let employees know that if they make statements, wear logos, or represent the organization in any way, it is your business.
- *Representation.* Encourage employees to use a disclaimer on their applicable web pages, which state that the views expressed are their own, and not reflective of employer views in any fashion.
- *Education.* Tell employees what the expectations and etiquette are for personal social media site usage. Inform employees about personal use of social media, cell phones, and e-mail at work—is it limited to breaks, is it more open-ended, is it allowed at all? Let them know all their text messages on a company-owned, company-provided cell phone may be discoverable.
- *Monitor.* If you decide to monitor employees' comments, search for the organization's name or management personnel, not the employee name. Let employees know that you're monitoring.

There's no question that technology will keep advancing and our abilities to handle issues and take advantage of opportunities has to be thoughtful, but if you want to take advantage of opportunities and/or want to be seen as tech-savvy to the new world of applicants, it is important to try to keep up with changes. In the meantime, enjoy the use of current technology and social networking sites. Benefits can come in unexpected ways!

Call us for ideas regarding formulating your own organizational philosophy toward social media and for sample policy information.

2010 IS AROUND THE CORNER: THINGS TO DO AND THINGS TO KNOW

With all the workplace employment changes that occurred in 2009, as well as what we anticipate seeing in 2010, reviewing your employee policy handbook, forms, and procedures now is both prudent and beneficial. Make sure that you are not only compliant with all the changes that have occurred, but also confirm that you have in place the policies and procedures that are most beneficial to your organization accomplishing its employee relations and business goals.

Updated employment posters will be needed even though there will be no minimum wage increase in Oregon. Other states may experience changes, which means that, along with GINA, you'll want to get new posters up by the first of the year.

Let us know how we can help you make sure that you are not only where you need to be with your employee policies and procedures, but also where you want to be. Next month, we'll add to the to-do list by exploring the need and value behind auditing your HR function/department.

Retirement Plans

Limits For 2010

Pension plan and other limitations for 2010 have been released by the Internal Revenue Service (IRS). Section 415(d) requires that the Commissioner annually adjust these limits for cost of living increases. Because the cost-of-living index for the quarter ending September 2009 is less than the cost-of-living index for the quarter which ended September 2008, the limitations that are adjusted by reference to Section 415(d) will remain unchanged for 2010. Following the procedures under the Social Security Act for adjusting benefit amounts, any decline in the applicable index cannot result in a reduced limitation.

For example, the limitation under Section 402(g)(1) on the exclusion for elective deferrals described in Section 402(g)(3) will be \$16,500 for 2010, which is the same amount as for 2009. This limitation affects elective deferrals to Section 401(k) plans and to the federal Thrift Savings Plan, among other plans.

The dollar limitation under Section 414(v)(2)(B)(i) for catch-up contributions to an applicable employer plan other than a plan described in Section 401(k)(11) or Section 408(p) for individuals aged 50 or over remains unchanged at \$5,500. The dollar limitation under Section 414(v)(2)(B)(ii) for catch-up contributions to an applicable employer plan described in Section 401(k)(11) or Section 408(p) for individuals aged 50 or over remains unchanged at \$2,500.

The limitation for defined contribution plans under Section 415(c)(1)(A) remains unchanged for 2010 at \$49,000. The compensation amount under Section 408(k)(2)(C) regarding simplified employee pensions (SEPs) remains unchanged at \$550.

The limitation under Section 408(p)(2)(E) regarding SIMPLE retirement accounts remains unchanged at \$11,500.

Deferrals under Section 457(e)(15) concerning deferred compensation plans of state and local governments and tax-exempt organizations remain unchanged with a \$16,500 limitation.

Contribution of Unused Paid Time Off

As more employers gravitate toward Paid Time Off (PTO) leave plans, the opportunities for contributions of unused balances exist. Previous IRS Revenue Rulings have provided the irrevocable contribution to health reimbursement accounts or VEBAs, and the IRS recently provided guidance on the contribution of unused balances to a profit sharing retirement plan.

Automatic Enrollment Guidance

The IRS has released guidance on operating automatic enrollment plans including guidance on automatic increased deferral programs.

Delayed Automatic Distribution.

Based on the Worker Retiree Employer Recovery Act, qualified plans may be amended to restrict automatic distributions at age 70. Amendments must be made by November 30, 2009 if you wish to take advantage of this option.

Pension Protection Act Amendments

Amendments for the Pension Protection Act must be made by the end of 2009, as well as potential opportunity to make Section 415 amendments if not otherwise adopted.

403(b) Plan Audits

403(b) Plans will be required to meet audit requirements for the first time beginning in 2009. Employers should begin assessing internal controls, plan vendors, information, and prospective audit candidates in preparation for the first expanded Form 5500 and audit filings in 2010.

457 Plan Regulations

The IRS previewed that it expects to issue regulations governing 457(b) and 457(f) plans during early 2010, and employers should prepare for many of the same issues impacting 403(b) plans through the 457 regulations.

Executive Compensation/Income Tax

Organizations may need to amend severance plans for Section 409A and Section 162(m) deduction limitations based on bonus termination provisions. In addition, deferred compensation based on federal and state tax rates should be reviewed to consider the impact of likely tax increases at the federal level and state tax rate increases.

Annual Plan Notices

All yearly notices including Safe Harbor Notices must be sent out. In addition, if employers adopted resolutions suspending matching or profit sharing contributions for 2009, they may need to re-elect such suspension based on plan terms.

Employee Benefit Plan Requirements

As we await health reform, executive compensation regulations, and 401(k) fee disclosure on Capitol Hill, the seemingly never-ending march of yearly required amendments continues for welfare and retirement plans. Below are items you should address before the end of November to ensure completion by the end of the year. Unless otherwise noted, changes are required no later than December 31, 2009.

Health Plans are in the midst of comprehensive reform, but you should not let that take away from necessary compliance. Your plan documents (self-insured plan documents, summary plan descriptions, and wrap documents) must be amended for the following:

Mental Health Parity

Employers offering mental health or substance abuse benefits must offer such benefits on the same terms and conditions as other medical options.

CHIP

Employers must provide notice and plan amendments for expanded enrollment rights related to the Children's Health Insurance Project.

Michelle's Law

Health plans must allow for coverage for a dependent student over age 18 for up to one year for a medically necessary leave of absence from his or her education that would otherwise disqualify him or her from eligibility for health coverage.

GINA

The Genetic Information Nondiscrimination Act prohibits health plans from using genetic information. Health Risk Assessments (HRAs) should also be reviewed for both GINA and the EEOC's two position letters finding that HRAs violate the Americans with Disabilities Act.

COBRA Subsidy

While the current COBRA subsidy expires December 31, 2009, it is expected that subsidy will be extended through 2010. Employers should prepare for this possibility.

HIPAA Breach Notification/Privacy Updates

HIPAA released regulations on breach notification and business associate agreements. Employers may need to amend their privacy/security policies and business associate agreements accordingly. A reminder that all "small health plans" must redistribute their privacy notice by April 2010 if they have not otherwise done so over the past three years.

Cafeteria Plans have undergone major revisions, with new proposed regulations released in August 2007. As the regulations have still not been finalized, but have operated for two years, we recommend making revisions to your Cafeteria Plan document to remain compliant with the law and current practice. At a minimum, you must have a written document to allow employees to receive pre-tax treatment for welfare plan premiums (medical, disability, etc), and your current plans should be amended to conform to the current proposed regulations.

HEART

The Heroes Earnings Assistance Relief Tax Act provides for a qualified reservist distribution from a flexible spending account for a member of the military reserves called to active duty, and plans must be amended accordingly.

Our appreciation to the law firm of Barran Liebman for the main content of this article.

PANDEMIC PREPAREDNESS WITH ADA EEOC Issues Document to Assist With Compliance

The Equal Employment Opportunity Commission (EEOC) has issued an updated Technical Assistance Document (TAD), "Pandemic Preparedness in the Workplace and the Americans with Disabilities Act," to help employers prepare their workplaces for pandemic influenza outbreaks and still remain in compliance with the Americans with Disabilities Act (ADA).

The document provides information on Titles I and V of the ADA, as well as pandemic planning in the workplace. While one section summarizes the ADA provisions, the subsequent sections answer frequently asked questions about how the provisions apply during an influenza pandemic. The answers are based on existing EEOC guidance regarding disability-related inquiries and medical examinations, direct threat, and reasonable accommodation.

Several questions include:

- How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce when an influenza outbreak appears imminent?
- When may an ADA-covered employer take the body temperature of employees during a pandemic?
- Does the ADA allow employers to require employees to stay home if they have symptoms of H1N1?
- When employees return to work, does the ADA allow employers to require doctors' notes certifying their fitness for duty?

EMPLOYEES NEED A NUDGE!

It is evident from a recent nationwide U.S. [survey](#) conducted on behalf of health insurer CIGNA that employees need a nudge when it comes to open enrollment. The study said that nearly half of the respondents (46%) said they spend 30 minutes or less reviewing their health care insurance options during open enrollment season (September through December, for most organizations). In studies about other purchases, Americans have said that they would spend four hours researching a computer purchase, five hours researching a vacation, and eight hours researching a car purchase.

Employees need to be encouraged to thoroughly review their healthcare options and think seriously about the right things when making their annual decision. Are their doctors still covered under the plan? Are the prescriptions they are taking still covered by the Plan's formulary (the drugs available under the plan specifications)? Are there any other services that the different plans offer that would be important in the coming year (obstetrician, etc.)? What mix of co-pays and deductibles makes the best sense for those being covered?

Employers are wise to advise employees how to best evaluate the different options available to them. The more seriously employees consider the choices they have, the more likely they are to be satisfied with the plan they choose.

THINK TWICE ABOUT THOSE PDA'S

Employers need to think twice about giving employees company/organization PDAs and SmartPhones, especially if the employee is non-exempt. The mere giving of such a device can signal that the employer is expecting the employee to conduct work beyond work hours, triggering the possibility of overtime consideration.

If the employer's expectation is that the employee will use the device to pick up and respond to email or phone calls, then a formal accounting of the time needs to occur so that appropriate calculations of overtime amounts due can be determined. If the giving of the devices is done with the intention that employees will use them ONLY during work hours, then policies about the phones, PDAs, remote access, and overtime approval need to be clearly spelled out so that misunderstandings do not occur. It may even be wise to have a practice of leaving the PDA at the office or worksite at the end of each business day so that non-exempt employees do not use them for work after hours (depending on the service you use and the plan you're on, leaving them behind may save the organization some dollars).

These considerations could also apply to those non-exempt employees who are given remote access to the organization's computer system.

Caution about the use of all this technology is necessary so that the employer does not have the additional expense of unexpected overtime. Making sure that everyone understands the rules and workplace expectations is critical to avoid added financial liability.

WELLNESS PROGRAMS – GOOD IDEA, EXCEPT...

According to a recent article published by Jackson Lewis, the employment law firm, employer-sponsored wellness programs may have a hidden concern.

Generally, employers think of wellness programs as helping them better manage employee healthcare costs and effectively contributing to employee morale and retention. However, a recent case from New York raises a new concern: can an employee injured while participating in an employer-sponsored wellness program claim workers compensation coverage for the injury? In this case, the employee injured his spinal cord while participating in an exercise class at a fitness center the employer made available during work hours. The fitness center fees were partially covered by the employer. In this case, the workers' compensation board determined that the employer's policy did cover the injury, and the New York Appellate Court agreed.

The article states, "In general, employees are entitled to workers' compensation benefits when an injury or illness arises out of and is in the course and scope of employment... Claimants generally cannot recover ...benefits for injuries arising out of their 'voluntary participation in an off-duty athletic activity not constituting part of the employee's work related duties.' However, an exception exists where the employer requires employees to participate in such activity, compensates the employee for such participation, or otherwise sponsors the activity."

So it appears that if the employer directly sponsors the activities or reduces the medical premiums for those participating in such activities, or awards some other type of "compensation" for employee participation, that may be sufficient to extend worker compensation coverage to cover any illness or injury arising out of these endeavors.

We recommend that employers talk to their workers compensation providers to learn whether there is any additional exposure for such circumstances in your organization.



WHERE CORRECTIVE ACTION MEETS ADA

We receive many calls from clients who are sensitive to performance conversation when ADA might be in play. Yes, it can be a little tricky, but employers can navigate through the necessary discipline activity in order to maintain and reinforce levels of standards around performance and conduct in the workplace.

Of course, it should go without saying that all corrective action activity is at the discretion of the employer, but must be handed out in a non-discriminatory manner. Refraining from discrimination (or the appearance of discrimination) in discipline does *not* mean that employers should refrain from disciplining members of minimized or protected classes. In fact, doing so could actually be its own form of discrimination.

Instead, employers should create disciplinary rules that make sense for their organizations and apply them consistently, while making sure the corrective action is appropriate and proportionate to the offense. While this makes sense when we think about applying discipline for people of different races or with different religions, what does it mean for people with disabilities? Can you discipline an employee if his or her disability contributes to performance or conduct problems?

When it comes to the essential functions of a job, employees with disabilities *should* be held to the same clearly-defined standards as a non-disabled employee in the same job. While employees may require a reasonable accommodation to *meet* the performance standard, *lowering* the standard because an employee cannot meet it due to his/her disability is not required to be part of a reasonable accommodation.

Additionally, you should **not** assume that an employee who is having trouble meeting a production standard is struggling *because of his/her* disability, so you're not responsible for asking the employee if he/she requires an accommodation before imposing discipline.

In discussing the reason that corrective action is needed, however, the need for an ADA accommodation may come up. At this point, you are not required to retract discipline for previous performance or misconduct issues, but you should work with the employee to settle on a reasonable accommodation to help him/her meet your established standards in the future. It's possible that the employee may not have realized the extent to which his/her disability was affecting his or her work, so sitting down with the employee to discuss performance or conduct issues can be quite helpful.

For example, an employee who is embarrassed to admit that he has a learning disability notices that his work is suffering as a result, but is trying to deal with it on his own. As the supervisor in charge of the department, you also notice the challenge. After several warnings, your organization's corrective action policy outlines that the employee should be terminated. After you deliver the bad news, the employee admits that he has attention deficit disorder and requests a quieter workspace where he can concentrate and have fewer interruptions.

While at this point you *could* decide to give the employee another chance, you are not required to by law. Guidance from EEOC says that if an employee asks for an accommodation for a disability *after* you terminate him for performance or conduct issues, you are not required to retract the termination. In this particular case, you may want to consider the employee's attitude, past performance, and qualifications when deciding whether or not it would be appropriate to grant him another chance to prove himself.

It's also important to note that if this discipline situation had not risen to the level of separation (perhaps the employee was given a written warning), you must respond to the employee's request for an accommodation. While you aren't required to make any accommodation that would cause undue hardship, the employee's failure to make the request before performance issues arose does **not** relieve you of your responsibility to provide a reasonable accommodation going forward.

Ideally, an employee with a disability will ask for an accommodation *before* performance problems arise. However, it may also happen that an employee who has already been granted an accommodation will not be able to meet your performance standards. This is a good time to evaluate whether or not the employee's current accommodation is effective. Might a different accommodation better enable the employee to meet your standards?

If the employee's failure to meet production standards would not be influenced by a change in accommodations, you may impose discipline on the employee. Remember, the ADA only protects employees who are able to perform the essential functions of the job with or without reasonable accommodation. If the employee is unable to perform the essential functions even with an accommodation, he/she can be transferred to a more suitable position, or terminated if no other position is available.

THOUGHTS TO THINK ABOUT

“It’s so clear that you have to cherish everyone.”

—Alice Walker

“People who are often in a hurry imagine they are energetic, when in most cases they are simply inefficient.”

—Sydney J. Harris

“Dedicate yourself to the good you deserve and desire for yourself. Give yourself peace of mind. You deserve to be happy. You deserve delight.”

—Mark Victor Hansen

“You only have to do a very few things right in your life so long as you don’t do too many things wrong.”

—Warren Buffett

“Where I was born and where and how I have lived are unimportant. It is what I have done with where I have been that should be of interest.”

—Georgia O’Keeffe

“One of the most lasting pleasures you can experience is the feeling that comes over you when you genu-inely forgive an enemy—whether he knows it or not.”

—O. A. Battista

CLIENT ACCOLADES

It’s always fun to offer our “Congrats!” and “Well Dones!” to clients in the news. If you’re celebrating an award or some special event, be sure to let us know. We don’t want to miss it!

Hats Off to the team from **Bob’s Red Mill**. They came home from Scotland with the coveted Golden Spurtle trophy - the first American team ever to win the 16th Annual World Porridge Making championship!

Kudos to **Consolidated Supply Company** and their Fixture Gallery in Tigard for recently being recognized as the National Showroom of the Year by Supply Times Magazine. Keep up the hard work; your efforts are really paying off!

Congratulations to **YoCream International** for the fascinating profile article on the organization and its CEO, John Hanna, in the November 2009 issue of *Oregon Business*. What a great company, and a tasty product!

IMMEDIATE EMPLOYEE FEEDBACK – Using A Voting Keypad System - HRA’s Featured Service

Imagine the power of gathering immediate feedback from your employees or customers! Have you ever wondered what your employees are thinking and feeling about the organization they work for, or what customers are thinking of the business and its services? Have you recognized the advantages to collecting the information, but weren’t sure how to go about doing it? HR Answers has been conducting employee opinion surveys for years, but now we are prepared to help you take things one step further. HR Answers recently acquired an updated version of the Voting Keypad System to help aid organizations in retrieving credible and reliable information from employees in a non-threatening manner. This new tool can effectively and efficiently bridge the communication gap between management and staff.

The Voting Keypad System allows you to learn what others are thinking at the exact moment they are thinking it. Employees and customers oftentimes are reluctant to provide feedback on the organization they work with or for, fearing that it might cost them their job/business or make them appear to be a troublemaker. This is why the voting keypad system was created. The anonymity allows employees to be free with their answers, so as not to hinder their true feelings. For example, let’s say that you are asking a series of questions to your employees. After an opportunity to talk through the question(s) either individually or in small groups, each employee registers an anonymous vote using their keypad. The results are instantly tabulated and graphed for all of the organization to see. If respondents see that they are not alone in their feelings and opinions, it can present a safer and more comfortable environment for a lively discussion to begin within the group. These results can then be saved and printed at a later date for reference and additional discussion.

The Voting Keypad System allows an organization to leverage technology to make every meeting interactive, engaging, and productive. It's a unique way to engage each and every person in attendance. This process serves for better planning and decision-making, as well as more fun in meetings. There are many advantages to this type of high-tech activity, including:

- ◆ Seeing the critical information by demographic groups;
- ◆ Getting 100% participation;
- ◆ Seeing complex data easily;
- ◆ Visually identifying issues that might cause challenges later;
- ◆ Cutting meeting times in half;
- ◆ Instantly prioritizing options;
- ◆ Creating clear data upon which to base decisions;
- ◆ Documenting how group decisions are made;
- ◆ Reducing the impact of “politics” on decision-making;
- ◆ Keeping people focused on solutions, not challenges;
- ◆ Creating better employee consensus and buy-in;
- ◆ Printing reports at any time, during or after the meeting;
- ◆ Capturing and organizing critical information; and
- ◆ Providing immediate feedback to all participants, also allowing for immediate follow-up questions.

It is important to remember that this tool was created to be useful for organizations, but not for interrogation purposes. Organizations with open minds about the positive impact a device like this can have are going to gain the greatest benefit overall. Each employee has a right to his or her opinion, and the results gathered are a good starting point for an organization to address issues impacting productivity, employee satisfaction, communication concerns, etc. Ranging from what you should have as organizational events this year, to what communication methods would be more effective for you, instant answers can result in a lively discourse and improved communication.

To request a keypad facilitator, rent the system, or learn more about how this technology and process can benefit your organization, please feel free to call our office.

FIVE TOP TIME MANAGEMENT NIGHTMARES

Certain time management issues surface repeatedly in workshops and seminars on the subject. The following five “nightmares” may tempt you to try an impossible “juggling elephants” routine, so we offer you some ideas to keep you safe from large falling mammals:

- **Inability to say “no.”** Never say “yes” to an obligation without first consulting your calendar. Additionally, never answer in the affirmative to any major commitment until you have waited for 24 hours. The emotion of the moment is often so powerful, and giving yourself time to think allows you to reflect more clearly about how this obligation aligns (or derails) your ability to carry out your purpose.
- **Overwhelmed by technology/email.** First, remember YOU are the ringmaster of your circus. Look for ways to take better control of technology. Turn off email notifications, set specific times to check your email (and educate others about this schedule), and carve out some “no technology” time in your day to plan, reflect, and work on tasks requiring a high mental focus.
- **Too many competing priorities.** Revisit your purpose more often. Determine ways to maximize your time on those priorities that are most critical in accomplishing your purpose. Ask yourself, “If I could only complete five (or some number smaller than you normally attempt) tasks today, which ones would be the most important in accomplishing my purpose?” Talk with whomever might have relevant information to assist you in prioritizing.
- **Lack of self-discipline.** Break the tasks that often lead to failure (or procrastination) into smaller parts that aren’t as overwhelming. Celebrate success with these smaller steps. Have others serve as your “accountability team” to keep you focused. Get a picture of success with the task that is so real and inviting that it motivates you to stay with the plan, project, or goal.
- **Excessive Meetings.** Request an agenda prior to each meeting to clarify what is to be discussed. See if any items could be better handled by a smaller group or if the information needed for discussion will be available/ready. Have “stand up” meetings to help encourage quick solutions and deliberations. If you are in charge of the meeting, send out minutes of the meeting prior to the next meeting so everyone is up to speed when the meeting starts. If action has taken place on some items, send updates out to meeting participants prior to the next meeting to minimize review time and increase energy spent on brainstorming/decision-making. If you are not in charge of the meetings, encourage these things to happen, and offer assistance to the extent your lineup will allow.

Our appreciation to Jones Loflin and Todd Musig of jugglingelephants.com for the content of this article.



EMPLOYEE COMPENSATION COSTS FOR EMPLOYERS

Employers spent an average of \$1.29 for employee retirement and savings plans for every hour worked in June 2009, the U.S. Department of Labor's Bureau of Labor Statistics (BLS) reported. This accounted for 4.4% of total compensation. Retirement and savings, which includes both defined benefit and defined contribution plans, is one benefit category included in the "Employer Costs for Employee Compensation" series, along with wages and salaries. Total compensation (wages and salaries and benefits) for civilian workers averaged \$29.31 per hour worked in June 2009. Wages and salaries, which averaged \$20.42, accounted for 69.7% of these costs, while benefits, which averaged \$8.89, accounted for the remaining 30.3%.

In addition to retirement and savings, the other benefit categories were: life, health, and disability insurance benefits, which averaged \$2.50 (8.5% of total compensation); legally required benefits, including Social Security, Medicare, unemployment insurance, and workers' compensation, which averaged \$2.28 per hour (7.8%); paid leave benefits (vacations, holidays, sick leave, and personal leave), which averaged \$2.07 (7.1%); and supplemental pay which averaged 76 cents (2.6%).

Retirement and savings costs increased, both in cost per hour worked and proportion of total compensation, based on organization size. Firms with fewer than 50 workers averaged 49 cents (2.2 percent), significantly less than organizations with 500 workers or more, averaging \$1.92 (4.9%).

Interesting numbers!

WORKERS LIVE PAYCHECK TO PAYCHECK

Six out of 10 workers (61%) report they always or usually live paycheck to paycheck just to make ends meet, which is up from 49% last year and 43% in 2007. These numbers come from a new nationwide survey by CareerBuilder of more than 4,400 workers. Three out of 10 workers (30%) with salaries of \$100,000 or more report that they too live paycheck to paycheck, up from 21% in 2008.

Some workers are making ends meet by dipping into their long-term savings. The survey indicates that more than one in five workers (21%) say they have reduced their 401(k) contributions or personal savings in the last six months just to get by. Looking at workers earning six figures or more, a nearly equal number (23%) report that they have also reduced their 401(k) or savings.

While some workers are tapping into their long-term accounts, others are having a hard time saving anything at all. More than one-third (36%) of workers say they do not participate in any programs such as 401(k), IRAs, or retirement plans, up from 31% in 2008. In addition, one-third (33%) report that they don't put any money aside into their savings each month, up from 25% in 2008, while 30% set aside \$100 or less per month for savings and 16% save less than \$50.

Even though the economy is tough, organizations are still offering flexible spending accounts, wellness benefits, retail discounts, transit reimbursement, and more. This may be a good time for HR to communicate with employees. Perhaps offer some brown bag lunch meetings to educate, make available, and offer suggestions to help employees save on their monthly expenses. At HRA, two money saving activities are taking place. The first is where employees bring a variety of coupons that they will not use and then place them in the lunchroom for others who will use that product or service, and the second is around sharing lunch. Employees take turns fixing larger meal items (casseroles, pasta, soups, etc.) and then they bring enough to share with a couple of other co-workers. Each member of the group takes a turn throughout the week. Not only does this save dollars it also saves time and brings the staff closer together. A win-win-win!

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, or simply register online at www.hranswers.com and click on the "Workshop Registration" tab at the top of the homepage.

NOVEMBER

American Diabetes, Aviation History, Epilepsy Awareness, Lung Cancer Awareness, National AIDS Awareness, National Alzheimer's Disease, National Novel Writing, National Pomegranate Month

- Nov. 13 World Kindness Day
- Nov. 15 America Recycles Day
- Nov. 17 Homemade Bread Day
- Nov. 19 Great American Smokeout Day
- Nov. 21 National Family Volunteer Day
- Nov. 26-27 Thanksgiving: HRA Offices Will Be Closed**

The Commerce Company is offering a program that is likely to be of interest to HR professionals:

- Nov. 12 Cut The Costs, Keep The Benefits: Leveraging Plan Premiums
Presented by Eric Graham, President, Montgomery & Graham

*Programs will be held from 11:30 a.m. - 1:00 p.m.
Cheatham Hall | World Forestry Center | 4033 SW Canyon Rd | Portland
To register, visit www.thecommco.com, call (503) 203-8585, or email
CommerceConcepts@thecommco.com*

ON MY SOAPBOX

The way that U.S. Airways Captain Sullenberger (Sully) described it was, “One way of looking at this might be that, for 42 years, I’ve been making small regular deposits in this bank of experience: education and training. And on January 15, the balance was sufficient so that I could make a very large sudden withdrawal.”

He was, of course, describing how he was able to make an unscheduled landing in the Hudson River and save every life that was on his aircraft. A man of great modesty, he did what perhaps no one else could have done that day.

As I have read about his thinking and reactions, listened to him relate the events during interviews, I got to thinking that this is what we all should do, especially those of us who are responsible for employees, departments, and organizations.

Here’s how it might go: each day, each of us experiences interactions, problems, and situations that can and should serve as our daily learning lab. We get to see how others react to difficulties and challenges. We get to observe how people who are really good at their jobs or at some activity handle these tests. Through introspection, we get to assess what we as individuals did well, and where we didn’t meet our own or others’ expectations. We get to analyze how we could have done things differently or better; and then we get to apply that incremental knowledge to the next occasion. It is like climbing stairs – we may not be able to run multiple flights of them all at once, but we can put one foot in front of the other and build on our previous learning.

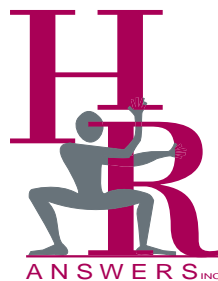
It appears that this is what Sully did. He talked to other pilots who had near misses and crashes of one kind or another. He studied FAA reports of those instances where there were no people left to talk with. He read equipment manuals that accompanied the planes and any modifications that were made. He was committed to lifelong learning and knowing everything he could about his profession and the aircraft he commanded. And, boy, was he able to use all of that to save lives!

Imagine that all managers and supervisors were as dedicated and committed to learning from every employee situation; determined to gain as much as they could from the experiences of others. Think about how much progress we would see in our organizations; think about how employees would benefit from this supervisory attention; think about how ready the manager would be to deal with that sudden crisis that occurs.

We won’t all have the opportunity to demonstrate how much we have learned; and it is unlikely that our accomplishments, even if major to our organization, will appear on the front page of virtually every newspaper or news website in the world. But we can make a HUGE difference in the lives of the employees and our enterprises if we learn each and every day and make deposits into our bank of experiences, so that when we are faced with those critical moments, we, too, can make a sudden and large withdrawal from our learning reserves.



- Judy Clark, President



“Whatever the Question”

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