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WHOOOPS...MEALS AND REST PERIODS

In a recent issue, we shared with you that changes were coming regarding time and pay around the issues of meals and rest periods. Well, now we get to tell you to forget all of that. In September, BOLI suspended its July 2008 amendments and reinstated the previous version of the rule. With this suspension, an advisory committee is meeting to review the rules and consider recommendations on another round of amendments. Their charge from the Commissioner is to make a consensus proposal for a rule regarding two issues:

(1) Under what circumstances, if any, an employer should not be required to completely relieve a non-exempt employee of duties during a meal or rest period. This is the “nature and circumstances” exception that BOLI had clarified in the July rules to apply only in “exceptional and unanticipated circumstances.”

(2) Whether the 20-minute paid “industry practice or custom” meal exception should be retained. This is the exception that allows employers to give non-exempt employees a paid meal period of less than 30 minutes (but no less than 20 minutes) if an employer can show that industry practice or custom establishes such a shortened meal period.

Reminder: The current rule allows restaurant staff to waive their required meal periods if the employer consents and certain other conditions are satisfied.

Please be sure all employees are receiving appropriate meal and rest periods and are being relieved of all duties during meal times. You must pay employees for any time spent during a rest or meal period in which they are not completely relieved of duty.

IT'S OFFICIAL: THE ADA AAA IS HERE!

Special praise and recognition are being given by both employers and disability groups for the passage of the ADA Amendments Act of 2008. The law, which takes effect January 1, 2009, makes amendments to the original Americans with Disabilities Act (ADA) and will now significantly expand the scope and coverage afforded to disabled individuals. The new law, known as ADA AAA, expressly overturns several landmark Supreme Court decisions that narrowly interpreted the definition of “disability” and will make disposing of ADA cases prior to trial more challenging for employers.

The ADA AAA removes the original findings in the ADA regarding the number of Americans with disabilities (43 million) and the finding that individuals with disabilities are “a discrete and insular minority.” By changing the language, Congress has enlarged the class of individuals the ADA is intended to protect.

While the ADA AAA retains the ADA’s definition of “disability,” it provides that the term “shall be construed in favor of broad coverage of individuals . . . to the maximum extent permitted by the terms of ADA.” The ADA AAA also clarifies that “an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.” This new language is difficult for employers because it requires us to play a little bit of “what if...?” The ADA AAA’s congressional findings and purposes state the EEOC’s existing regulations interpreting the term “substantially limits” are “inconsistent with congressional intent, by expressing too high a standard” and express “Congress’ expectation that the EEOC will revise that portion of its current regulations that defines the term ‘substantially limits’ as ‘significantly restricted’ to be consistent with the ADA.”

At this time it is unclear what the EEOC’s revised standard will be. However, given the ADA AAA’s congressional findings “that the question of whether an individual’s impairment is a disability under the ADA should not demand extensive analysis,” whether an individual’s impairment rises to the level of a “disability” under the ADA will certainly be an easier standard to meet.

The ADA AAA prevents courts and employers from considering mitigating measures (medication, prosthetics, and assistive technology) the individual may be using when determining whether the individual has a disability. This represents a major change and will require employers to be particularly thoughtful when fashioning reasonable accommodations. The only exceptions to the mitigation rules are ordinary eyeglasses and contact lenses.

The ADAAA lowers the standard to prove an employer discriminated against an individual whom it “regarded as” having a disability. Traditionally, individuals claiming they were “regarded as” having disabilities had to prove the employer had made a mistake in regarding them as having impairments that substantially limited a major life activity. The ADAAA will now hold an employer liable under a “regarded as” theory if individuals can prove discrimination because of an actual or perceived physical or mental impairment, whether or not the impairment actually limits or is perceived to limit a major life activity.

There is some good news for employers on the “regarded as” front. The ADAAA clarifies that “regarded as” claims cannot be based on transitory and minor impairments where the impairment is expected to last less than six months. Also, employers are not required to provide a reasonable accommodation to individuals who are “regarded as” disabled.

So how does this impact the employer? More requests for accommodation (and more lawsuits) should be expected. Litigation under the ADA will no doubt become more complex as the emphasis shifts away from whether plaintiffs are disabled and toward questions of whether employers have complied with the law. While employers have traditionally prevailed in more than 90% of all ADA lawsuits, this was principally due to the difficulty plaintiffs had in proving they were “disabled” under the statute. With this largely removed, employers should be prepared to litigate more challenging issues, such as the scope and meaning of “reasonable accommodation,” “undue hardship” and “essential job functions” to establish compliance with ADA obligations.

Some other emerging ADA areas will likely include: whether specific performance or conduct standards are “job-related and consistent with business necessity”; what workplace risks satisfy the ADA’s “direct threat” standard; and standards for determining whether an employer has sufficiently explored “reassignment” as a reasonable accommodation. Employers are also likely to see a rise in “regarded as” claims in light of the ADAAA’s lower standard.

There are definitely some “next steps” for employers. It is time to review existing procedures for ADA compliance at every stage, including hiring, medical testing, accommodation, leave, and termination. Employers must be prepared to inject flexibility into their policies and practices.

At the forefront of ADA are each employer’s supervisors. Supervisors are frequently the first to know there is an issue, therefore supervisory training is critical. Supervisors must be able to identify that an ADA condition exists so they can work with the employee and HR to fashion a reasonable response. Employers should train supervisors on individualized assessments and develop protocols or guidelines for responding to workplace limitations posed by injuries or illnesses. In addition, employers need to review job descriptions (they are frequently the starting point for individualized assessment). Employers should also consider implementing a formalized process for addressing reasonable accommodation requests or reviewing reasonable accommodation procedures already in place. Many employers who have tackled “individualized assessment” often rely on forms, internal guidelines, or template letters to help facilitate communication with individuals with disabilities and their healthcare providers. These steps and practices will become indispensable as an organization goes forward. The consultants of HR Answers, Inc. can provide additional information about the ADAAA and other compliance items and how they affect your business, and we periodically offer training. Please contact us for this vital assistance.

ELECTION YEAR POLITICS

Protocols for Office Talk

Many of us are familiar with the old adage that cautions us against discussing religion or politics in polite company, but a recent survey indicates that many are not heeding this advice when it comes to talking politics at the office. According to a 2007 survey by Vault, 66% of respondents say that their co-workers discuss politics at work, while 46% have witnessed a political argument at the office.

With the election only weeks away, impassioned political debate has the potential to escalate into conflict of a deeply personal nature, some of which may create bad will among co-workers that can far outlast the current issues of the day.

While a certain amount of political discussion at work is unavoidable, it’s not surprising that such talk often leads to heated and emotional argument. Political viewpoints often serve as umbrellas that cover a spectrum of deeply held personal beliefs that are formed by an individual’s religion, culture, upbringing, economic class, and other influences.

Best practice dictates that employees avoid political discussion of any form during the regular conduct of business. Interjecting political commentary into meetings, work-related e-mail, and/or other official communication is highly unprofessional and extremely inappropriate. Doing so drags down productivity, creates unnecessary distractions, and can potentially alienate fellow employees/clients/or customers.

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The line is clear in the conduct of official business, but for many it's not as clear when socializing with ones co-workers while on the job. The following are a few guidelines to help employees avoid any unintended harmful side-effects that may come about when expressing their political views.

- **Be mindful of those around you.**
While a boisterous political discussion may seem to be the perfect way to spend your lunch break, others may not share the enthusiasm for politics. Never take an individual's silence as agreement. It is equally likely to signal discomfort.
- **Before launching into a political discussion, ask all within earshot two questions:**
1) Are you comfortable having a political discussion with me?
2) Do you mind overhearing me talk about politics?
If the answer to either of these questions is no, then it is not appropriate to continue.
- **Remember that others may feel as strongly as you.** While it can be frustrating when someone refuses to be swayed by a seemingly reasonable argument, it's important to remember that others have deeply and honestly held convictions too. Bullying and/or pestering others until they come around to your viewpoint is inappropriate behavior and will likely create conflict, workplace disruption, and hard feelings.

Appreciation offered to EAPTOOLS.com for the employer resources they provided and for the main content of this article.

THOUGHTS TO THINK ABOUT

“The difference between the impossible and possible lies in a person's determination.”

-Anonymous

“If I have the belief that I can do it, I will surely acquire the capacity to do it, even if I may not have it at the beginning.”

-Mahatma Gandhi

“Fear stops you in your tracks. Self confidence propels you forward.”

-Anonymous

“The most wasted of all days is one without laughter.”

-E E. Cummings

“You cannot be thankful and unhappy at the same time.”

-Anonymous

WAVE COMING?

Between the potential outcome of the upcoming elections and pending legislation in the capital, it's apparent that there's a new wave of laws, influence, and impact that will drastically change how HR professionals operate. We do not want to “cry wolf” or sound alarmist, but the likelihood is that the results of the election, subsequent federal appointments to the NLRB, and passage of legislation will increase job complexity and security for those of us who provide employee and labor relations' assistance. There are steps employers should take to be prepared.

First, upper management needs to be informed, educated and helped to understand what's potentially about to hit their workplace. It's not enough to keep things at an informational level—prudent and proactive management should understand the potential impact on how they operate daily. This will allow organizations to structure their operating plans and management strategy to prepare NOW for the wave.

Second, mid-level management needs to be assessed, then trained on their role and how important that is, and will be, for dealing with the upcoming changes. This training will range from technical to legal to people-related. While supervisors' jobs have gotten more complex with the increased diversity of cultures and ages in the workplace, the new wave will create legal obligations and risks that supervisors need to be aware of. Delaying the education and training for supervisors is likely to increase their risk, the risk to the organization, the impact on operations, and frustration level of that critical part of the organization's management team.

Finally, some of the legislation may inhibit an organization's ability to respond - meaning that if you wait too long, it will be too late to act! There is no need for employers to find themselves in this position. This is an opportunity for HR to look ahead, assess the risks and opportunities, then take steps. Call us so we can help. 2009 is going to be an interesting year. Let's work together to make sure it isn't a scary one as well.

AVOID COMMON EEO-1 REPORT FILING ERRORS

A common problem for employers filing their EEO-1 reports electronically is failing to certify their reports. This problem becomes an issue if an employer closed a facility but didn't note the closure on the EEO-1 Report. If this occurred, the employer won't be able to certify the report. Without clicking on "certify," EEOC does not receive the employer's data which will result in issuance of a violation notice.

If a facility is closed, the employer should "zero out" the numbers on the EEO-1 report. EEOC has no way to know an establishment has closed unless the employer takes this step. Providing this information regarding a closed establishment will prevent receiving a violation notice.

Another caution about filing EEO-1 reports is to follow the specific directions on the website regarding uploading data. Sometimes data is left out, or old information for closed facilities is accidentally included. The data files should be checked for these or other potential errors before uploading employment data.

Many employers also wait till the filing deadline of September 30 to submit their reports. This could result in web site problems due to overload. While there isn't a penalty for failing to file on time, employers don't want to risk showing up on EEOC's radar either.

Visit the EEOC's web site if you have questions about filing the EEO-1 Report, or fax questions to the agency.

IN THE NEWS

What employers pay out when it could have been avoided

Eleven dump truck drivers will receive \$53,610 in back wages and damages because their employer did not pay the required time-and-a-half overtime pay and their time cards did not accurately reflect the number of hours worked by the employees.

* * * *

Four ex-car salesmen win \$19 million based on their suit of enduring a racially charged hostile work environment. The past employee said that managers and other co-workers created an atmosphere of racist remarks (redneck, bullet to head if anyone complained, don't like black and cross burning, racist epithets) and management failed to stop the activity.

* * * *

A vending company violated Title VII by subjecting a route driver, over a period of four months, to a sexually hostile work environment (the client company: a hospital) and retaliating against him because of his complaints about the male-on-male sexual harassment. The driver complained to his employer who failed to take action and then later transferred the driver to an undesirable route, forcing him to quit. Employers are responsible not only for ensuring that their employees are not harassed by their own co-workers, but also by customers and employees of customers. It is important that employers not ignore this type of "third-party" harassment in order to maintain harmonious relations with a customer.

* * * *

The EEOC filed a lawsuit against a hardware chain, alleging the company discriminated against a department manager when she informed her supervisor that she would need some time off for surgery to prepare her for in vitro fertilization. The employee was demoted within days of her taking the time off.

* * * *

A clothing store has found itself with a religious bias suit based on an employee declining to wear attire she found incompatible with her religion. The employer insisted she comply with their "Look Policy" to wear pants or short skirts.

MULTITASK OR UNITASK? GET THE BEST RESULTS FROM YOUR TIME

I had a phone call from a friend the other day. She said, "I was listening to the voicemail you left me, but I was multitasking so I don't really remember what you said! Was there anything important?" Has this ever happened to you?

There are actually two types of multitasking, the first of which is *physical*. Have you ever been on the phone with someone who is clearly emailing or web surfing on their computer, multitasking while you talk, causing you to wonder if they are truly listening? How about the times you find yourself bouncing back and forth between tasks, trying to get multiple things done at once?

Losing mental focus is multitasking with your *mind*. Have you ever found yourself in a meeting where you are concentrating at times on the speaker and other times focused on other thoughts? How about having lunch with your boss and suddenly finding yourself thinking about your weekend plans at the beach? Can you think of a time in your life when you were physically somewhere and mentally elsewhere?

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Welcome to the world of multitasking! At one point in time, not too long ago, multitasking was considered a highly regarded attribute and was a frequently bragged about quality. To this day, it is often found in job descriptions as a sought-after skill.

In actuality, there is no such thing as multitasking! It is impossible to be simultaneously thinking about two or more things such as completing your tax return and composing an email, just as you can't talk to yourself about two things at once. Just imagine a heart surgeon operating on a patient in the emergency room and trying to check email on his Blackberry! Publilius Syrus, a 1st century BC Roman slave, said, "To do two things at once is to do neither."

Wikipedia defines multitasking as "the performance by an individual of appearing to handle more than one task at the same time." I have a colleague who defines it as "messaging up a whole lot of things at the same time!" The term "multitasking" is derived from computer multitasking, referring to the fact that computers are able to concurrently operate two or more processes. Multitasking is for computers, not for people.

If you aspire to be a multitasking pro, here are some things to consider:

- It *takes longer* to toggle back and forth between tasks than to complete them in succession.
- It is *less efficient* and *more stressful* to do multiple tasks at once as opposed to focusing on one task at a time.
- Managing two or more mental tasks at once *reduces brainpower* for any of them.
- Research is providing evidence that multitasking is having a *negative effect on short-term memory*.
- Multiple studies (Carnegie Mellon and University of Michigan) show that as the number of tasks undertaken simultaneously increases, the *efficiency and accuracy with which each is done declines*.

In his book, "The New Brain: How the Modern Age is Rewiring Your Mind," Richard Restak states, "The human brain works most efficiently on a single task and for sustained rather than intermittent or alternating periods of time... This doesn't mean that we can't perform a certain amount of multitasking, but we do so at a decreased efficiency and accuracy."

To get the best results from your time and effort, learn to *unitask*! If this term is new to you, it is the action that grants you permission *to do one thing at a time*. Yes, you really *are* allowed! Unitasking will result in greater productivity, efficiency, and accuracy, as well as less stress and anxiety.

The key to becoming a unitasker is to improve our ability to focus on one thought, on one action, or on one task. Think of focus as "doing something and actually thinking about what you are doing." Another way to consider focus is "being in the present or "in the moment."

Our brains can be trained to stay focused on one thing at a time in order to stay in the present, hence unitasking instead of multitasking! Learning to unitask may mean doing things differently and creating new habits. Consider these suggestions:

1. In order to be as focused as possible, limit distractions and interruptions: turn off your computer monitor (or close your laptop), let your phone go to voicemail, close your door or post a sign that you are unavailable until a specified time.
2. When faced with *mental* distractions ("mental clutter"), have a strategy to capture those thoughts and ideas to allow your brain to return to being fully present on the task, project, or person that you are focused on. A simple strategy is to have some form of writing medium to capture those thoughts—index cards, post-it notes, a small pad, etc.
3. When faced with multiple tasks, projects, or actions, prioritize them and work on the highest priority first and exclusively. The others will be next in line.
4. Do "task scheduling"—block time on your calendar for the tasks you need to complete. This will help alleviate the need to switch back and forth.

Sound simple? It is! Teach yourself to do one thing at a time. Who wouldn't want to reap these benefits?

- Get better results from your time and effort
- Increase your productivity, accuracy, and effectiveness
- Get more done in less time
- Reduce the sense of being overloaded
- Live life with less stress

The joy you elicit in being a *unitasker* will make people wonder what you've been up to!

This article is provided by Bethanne Rochlin Kronick and Jan Taylor Keller. Bethanne, a consultant, speaker, and author, is the owner of SIMPLIFY!, a productivity training company with offices in Portland and Central Oregon. She is passionate about helping people learn to live simply so that they can simply live! Jan Taylor Keller, owner of JTK Training and Consulting in Golden, Colorado, is a productivity consultant, public speaker, and author. Jan helps individuals and corporations accomplish more, in less time with less stress.



BATTERED BY RISING HEALTH CARE COSTS

Americans continued to be battered by rising health care costs this year, with more than half of those with health insurance reporting they experienced higher costs. Some said the increases adversely affected their household finances and some said the U.S. health care system is so flawed that it should be completely overhauled, according to the 2008 Health Confidence Survey (HCS).

Despite concerns about costs, confidence about various aspects of today's health care system has also remained fairly level with findings from the 2007 HCS. One-half (51%) report being *extremely* or *very* confident that they are able to get the treatments they need, and 42% are confident they have enough choice about who provides their medical care. Thirty-one percent say they are confident they are able to afford health care without financial hardship. However, 42% are *not too* or *not at all* confident about the affordability of health care, an increase from 36% in 2007.

Findings from the 2008 HCS, while in large part consistent with findings from previous years, are significant in that they come at a time when health care costs are continuing to rise, the economy is slowing, the housing market is in crisis, and food and energy price inflation is creeping up.

Here are some key findings from the 2008 HCS:

- Roughly half of Americans with health insurance coverage report having experienced an increase in health care costs in the past year (55%, down from 63% in 2007).
- Insured Americans who have experienced an increase in health care costs in the past year are more likely than those who have not to say they now choose generic drugs more often (74% vs. 60%), talk to the doctor more carefully about treatment options and costs (63% vs. 52%), and go to the doctor only for more serious conditions or symptoms (62% vs. 48%).
- Those experiencing cost increases are also likely to report that these increases have negatively affected their household finances. In particular, they indicate that increased health care costs have resulted in a decrease in contributions to retirement (29%) and other savings (54%), and in difficulty paying for basic necessities (27%) and other bills (34%).
- Twenty percent of Americans say there is so much wrong with our health care system that it needs to be completely overhauled. Fifty-one percent agree with the statement "there are some good things about our health care system, but major changes are needed."
- A majority rate the nation's health care system as *fair* (29%) or *poor* (31%). Only a small minority give it *excellent* (4%) or *very good* (11%) marks. While half of Americans (49%) remain *extremely* or *very* satisfied with health care quality, far fewer are satisfied with the cost of health insurance (17%) or with costs not covered by insurance (15%).
- Virtually all Americans say that *extremely* or *very* important goals when reforming our nation's health care system should be to provide high quality health care (93%) and to make health care more affordable (90%).
- Strong support exists for tax incentives to help expand health insurance coverage, with 87% saying they would support tax incentives to help people pay for coverage they purchase on their own and 84% saying they would support tax incentives to help people pay for employer coverage. Substantial majorities also report they would support allowing the uninsured to buy into Medicare or Medicaid (78%) or to buy health insurance coverage offered to government employees (83%).
- Americans generally feel that centrally maintained electronic medical records that can be shared by authorized health care providers are important (60% say this is *extremely* or *very* important), but they have reservations about confidentiality. Sixty-two percent indicate they are *not too* or *not at all* confident that such records would remain confidential.

Special appreciation to EBRI for the content of this article. The 2008 Health Confidence Survey was conducted from May 24 to June 30, 2008, through 21-minute random telephone interviews with 1,000 individuals ages 21 and older in the United States. EBRI is a private, nonprofit research institute based in Washington, DC, that focuses on health, savings, retirement, and economic security issues. EBRI does not lobby and does not take policy positions. www.ebri.org.

FACTS & FIGURES

Skipping Vacation

When 1,100 adult Americans were asked about their summer vacation plans, 51% said they don't plan to take a vacation this year, opting to save money instead.

Source: Yahoo! HotJobs, Sunnyvale, Calif.

EWWW!

Asked to choose which is more disgusting, the office fridge or a public restroom, 28% of the 501 American office workers surveyed selected the fridge, compared to 72% who chose the restroom.

Source: Kelton Research, Culver City, Calif.

Involuntary Separation

According to a multi-response survey of 1,308 U.S. adults, the top five reasons people changed jobs, either voluntarily or involuntarily, are:

Downsizing or restructuring	54%
Seeking new challenges	30%
Dissatisfaction with leadership effectiveness	25%
Poor relationship with manager	22%
To improve work/life balance	21%

Source: Right Management

Retiring Boomers

In response to the question, “How would you characterize the attitude toward retirement of the baby boomers in your organization?” 2,500 HR executives said they weren’t sure (25%), or that such workers:

Seem no more eager to retire than previous age groups	42%
Do not seem eager to retire	19%
Seem eager to retire	14%

Source: Novations Group

Studying Discrimination

A recent study of 221 U.S. organizations finds that 52% report they have had a sexual-discrimination complaint lodged against them.

Source: Institute for Corporate Productivity

Happy Hour

Among 6,987 full-time U.S. employees surveyed, 21% say they attend happy hours with their co-workers.

Source: Harris Interactive

Cyber Snoops

In a survey of 300 Senior IT professionals, 33% admit to secretly accessing confidential data at work, while 47% say they have accessed information that is not relevant to their job.

Source: Cyber-Ark

Going to Where the Kids Are

According to Jobvite, 64% of recruiters are using online social networks such as LinkedIn and Facebook to find people. It’s a phenomenon that’s expected to gain greater traction in coming years. But as HR departments begin to embrace these tools, they’re also asking an array of questions, including: Where should employers draw the line between the external network and employee use of that network? What are some of the potential drawbacks to using social networks for recruiting? And what can HR do to overcome managers’ (and its own) skepticism about allowing employees to use social networks in the workplace?

Employees Say No Fear of ID Theft in Workplace

Despite rising concerns over identity theft, 88% of employees are confident their organization protects their personal information from identity theft, according to results from the “Getting Paid in America” survey conducted by the 23,000-member American Payroll Association. The survey’s results indicate a high level of employee confidence in the current methods used by employers to secure sensitive information such as social security numbers, wages and salaries, and bank account numbers.

Wellness on the Web

A number of vendors have rolled out online tools designed to help employers create high-performance workplaces through improved employee physical health, emotional well-being, and professional growth. Indeed, many options await employers that are interested in promoting better health and the smarter use of health resources to employees, and giving managers a better overall view of the health of the employee population. The challenge is determining the solutions that are right for your organization.

QUICK NOTES

ADA, Minimum Wage, and Workers Comp Costs

ADA. We can be surprised sometimes by the capabilities of people we thought did not have what it took to be successful. The government’s Office of Disability Employment Policy has countless stories about such folks. In honor of Disability Awareness Month, we thought you like to read more at www.dol.gov/odep

Minimum wage reminders. The state of Washington's minimum wage will increase to \$8.55/hr on January 1, 2009. For the state of Oregon it will jump to \$8.40/hr.

The Oregon Department of Consumer and Business Services announced in September that for the third straight year most employers in the state of Oregon will pay less for workers compensation. Oregon's workers' "pure premium" compensation rate will be cut almost 6% in 2009. This news marks the 19th year with no rate increase. Now that is something to celebrate!

OUNCE OF PREVENTION LAYOFFS

A Quick Assessment Tool for Employers

Layoffs are hard on any organization and one of the most difficult employment related decisions you will ever face as an employer. It's never easy to let people go and it's even more difficult when it needs to be done en masse and through no fault of your employees. Not only is this an emotional issue for everyone involved, it's loaded with legal risks! If you think layoffs are on the horizon, take the assessment below to see how prepared you are.

- | YES | NO |
|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> Do you know that the fastest growing area of employment related lawsuits are related to employee layoffs? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know that most layoffs do not accomplish the results they are intended to accomplish? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know what alternatives are available to help avoid layoffs? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know how to select those who will be laid off, who will stay, and how those decisions affect your chance of a lawsuit? |
| <input type="checkbox"/> | <input type="checkbox"/> Are you familiar with the federal WARN Act and that failure to comply can cost you up to 60 days of pay for each employee you laid off? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know what plaintiffs' attorneys will look for to determine if they have a good case against you? |
| <input type="checkbox"/> | <input type="checkbox"/> Are you aware that many federal and state leave laws may affect your ability to layoff certain employees? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know that you can have employees sign a release of claims to protect you from employment related lawsuits? |
| <input type="checkbox"/> | <input type="checkbox"/> Do you know that productivity and morale usually decline after a layoff and that those who are still employed generally feel resentful rather than happy to still have a job? |

A "no" to any of the above questions may represent a potential problem.

Based on your answers, are you facing some challenges? If yes, you're not alone. The good news is there *are* solutions to these and other layoff related issues. While some organizations already have all the in-house expertise they need, many don't (or simply don't have the time!). If this is you, we can help. Give us a call - we just may have the ounce of prevention you need!

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 and click on the "Workshop Registration" tab at the top of the homepage.

OCTOBER

National Breast Cancer Awareness, National Disability Employment Awareness, Pizza, Cookie, Blindness Awareness, Emotional Awareness, and Hispanic Heritage Month

**Thursdays;
2nd through 30th** **Beginning Supervision Series**
 Tualatin HRA Office
 8:30am – 12:30pm

October 16th Boss's Day

October 18th Chocolate Cupcake Day

October 25th Say 'Hey' Day

October 28th **ADA Amendment Act Workshop**
 Tualatin HRA Office
 7:30am – 9:30am

October 31st Halloween

NOVEMBER

November 4th **ADA Amendment Act Workshop**
 Tualatin HRA Office
 7:30am – 9:30am

November 6th **Getting Organized!**
 Tualatin HRA Office
 8:30 a.m. – 3:30 p.m.

ON MY SOAPBOX

After September 11th, I wrote my Soapbox on Coping. It seemed like the right subject for what all of us were experiencing at the time. With all that has been going on these past few weeks with the huge financial plunge, the intensely negative political environment, and the economic woes that many employers are facing, it seems appropriate to re-visit that subject. Human Resource professionals may find themselves overwhelmed by the organizational consequences of lower sales and profits, and dismal prospects coupled with the pressure or stress of the personal impact of depleted savings, retirement accounts, and severely restricted life options. Having to deal with the distress, anger, depression, and challenges experienced by managers and employees can be significantly more difficult when we are feeling maxed out in our own lives.

There are a myriad of questions, and people are trying to put all the moving parts into some order so that they can plan and respond to what is occurring. The fact that every day brings new government or expert plans, discouraging news, more losses to our sense of stability makes dealing with the circumstances even more grueling. Everyone has questions. Should I be afraid for myself and my family and our financial security? Why is this happening? Couldn't someone see this coming, and if they did, why didn't this get stopped before we got into this condition? I was planning on retiring next year; now what do I do? Will anyone be able to get us out of this? All the candidates do is throw mud at one another; why can't they focus on turning things around? You know the questions. They are heard in every workplace, every family, and every time people gather for anything.

My guess is that you have many of the same feelings and asked some of the same questions yourselves. Nothing can take the fear or concern away, and each of us will experience it in different ways and to different extents. But there are steps that we can take that will help mitigate the mental, physical and emotional toll we are encountering. Some employees may need to be reminded that the Employee Assistance Program is available to support them and help them work out a plan for dealing with their particular situations. Employees should be encouraged to call and seek their support. Counsel your managers on stress reactions and encourage them to contact you if an employee seems to be in trouble. People's sensitivities and coping skills are eroded during times of high stress and worry. They are not as kind or considerate as they are at other times. They can get short, abrupt, and harsh in their interactions. They can become reclusive and avoid contact with others. Encouraging managers and employees to reach out to others, providing a supportive environment to talk, and reminding yourself that patience is a great virtue, will be necessary.

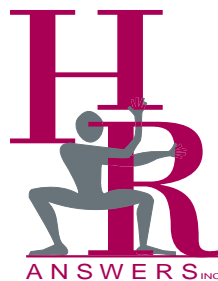
And remember through all of this that it is important for you to take care of yourself. Experts suggest several ways to ensure that you are not being so busy taking care of others that you forget that you are worried and frazzled too. Think about which of the following will do you the most good:

1. Periods of strenuous physical exercise, alternated with relaxation, can help alleviate some of the physical reactions.
2. Reach out and talk to people who care about you. Give yourself permission to feel rotten and share your feelings with others.
3. Maintain your regular schedule as much as possible.
4. Keep a journal, express yourself through writing or drawing.
5. Do things that make you feel good. (I recommend a massage!!)
6. Realize that you are under stress and don't feel guilty about it. Remember that unusual symptoms are normal – don't try to fight them and remind yourself that they will lessen over time.
7. Don't make any big life changes. This may not be the best time to address those major decisions.
8. Get plenty of rest and eat healthy (even if you don't feel like it).

If we can maintain a little stability, pat ourselves on the back for handling this topsy-turvy time as well as we are, then we can provide better support to our employees, and be a better resource to our organizations. If we don't take care of ourselves, it is almost impossible for us to care for or advise anyone else. Deep breathing, visualizing a calmer more serene time, finding things to laugh about, and doing something special for ourselves whatever that might be, gives us improved coping skills and better reasoning capability. And with all that is going on, we are going to need those in large doses!

I wish you good health, courage, perseverance, and daily reminders of how important you are in the lives of others! There is a light at the end of the tunnel, even if we can't see it now!

- Judy Clark, President



"Whatever the Question"

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