

February 2023

# Expert predictions for 2023:

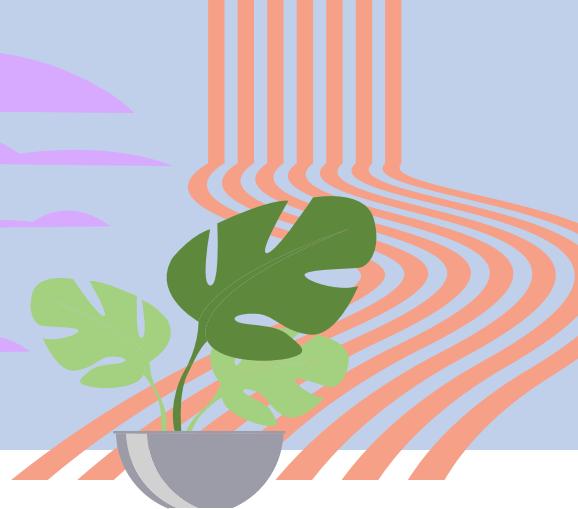
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


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# News You Can Use

## HR Stories You Might Have Missed

### FMLA for expectant fathers: When leave does – and doesn't – apply

January 4, 2023

The majority of HR pros have seen their fair share of tricky FMLA scenarios.

For example, when are expectant fathers entitled to FMLA leave? And what exactly are they entitled to?

A new court ruling in Florida provides insight.

#### New hire's an expectant father

In November 2020, Tristan Tanner was hired as a non-exempt employee at Stryker Corporation, a medical supply company. As a materials handler, Tanner was responsible for delivering and retrieving Stryker's equipment to and from hospitals and surgical centers.

The following month, Tanner learned his girlfriend was pregnant and notified the company that the child was due in early August 2021.

#### Company's applicable policies

##### 1. Attendance policy

Under the company's attendance policy, non-exempt employees accrued two points for being "absent from work without an available sick day." As a general rule, employees who violated the policy received a first written warning for accruing two points and a second written warning for accruing four points. The warnings were discretionary, the policy indicated. Employees who accumulated five points were subject to termination. The company used Workday, a common HR platform, to track absences. Employees had access to Workday.

##### 2. FMLA policy

The company also had a Family and Medical Leave Action (FMLA) policy. Relevant here, the policy provides employees with 12 weeks of unpaid leave following the birth of a child. Under the policy, "a father's FMLA leave for the birth of his child begins on the day of his child's birth." If a father was absent from work prior to the birth, the company required the father to use PTO or sick days "to cover these absences."

##### 3. Parental leave policy

In addition, the company had a parental leave policy that provided six weeks of paid leave. Under it, an employee's leave for the birth of a child begins when the "child is born and once the employee submits documentary proof of the child's birth."

All three policies are outlined in the employee handbook. Tanner received a copy of the handbook when he was hired and received training on various company policies, including its attendance policy, and the use of the Workday platform.

#### Leave for expectant fathers?

In mid-June of 2021, Tanner asked whether he qualified for paternity leave.

Tanner was assigned an HR Leave Specialist. She confirmed he was eligible for both parental and FMLA leave. She provided Tanner with a "Notice of Eligibility & Rights and Responsibilities under the FMLA and a request for leave form," which was supposed to be completed and returned by July 1.

On July 5, Tanner sent an email to the HR director and to his Leave Specialist. It said that his "anticipated start date for his leave" was July 26. It also said he expected his child to be born sometime during "the last week of July/first week of August" and that he would be traveling to Connecticut, where his girlfriend lived, for the birth.

Two days later, on July 7, Tanner submitted his leave request to the Leave Specialist, indicating that his anticipated leave dates were from July 26 to October 6.

On July 8, the HR Leave Specialist approved Tanner's leave request and sent him a designation notice that contained the following warning: "The FMLA requires that you notify us as soon as practicable if the dates of scheduled leave change, are extended, or were initially unknown."

Also on July 8, Tanner said he planned to leave for Connecticut on July 27. He asked "how he would be paid" if the child's birth was delayed. In an email, the HR Leave Specialist reiterated that his FMLA "benefits apply once the baby arrives" and that if he planned to take time off prior to the birth, then he was "required

to just use a sick or vacation day.” Tanner confirmed that he understood.

On July 16, the HR Leave Specialist again reminded Tanner his leave “would begin once his daughter was born.”

### Absences prior to the birth

Tanner then racked up absences prior to the birth of his child. On July 14, he took a half-day to receive a COVID-19 vaccine. The following day, he used a sick day to recover from symptoms associated with the inoculation.

On July 20, Tanner told his supervisor he expected his child to be born on Aug. 12.

But on July 30, Tanner told his supervisor that he would be absent the week of Aug. 2 “because his daughter was expected to be born any day that week.” During that conversation, Tanner told the supervisor that he’d have to use PTO and sick days until the birth because “paternity leave only starts on the actual birth day.” He also acknowledged that he only had four personal days left.

Tanner left for Connecticut on Aug. 8. However, he was absent from work beginning on Aug. 2, during which time he was “planning, packing and preparing for the trip.”

He exhausted his personal time on Aug. 5. He then used his sick time and exhausted it on Aug. 12. Because he had no remaining personal or sick time, he accrued points under the attendance policy for absences on Aug. 13, 16, 17 and 18. He did not receive warnings for accruing the points.

In an email exchange dated Aug. 16, Tanner asked the HR director for permission to go over the limit on his absences without penalties. In reply, the HR director said if he didn’t have the time to cover his absences, then he’d accrue points. To this, Tanner replied that he’d “just take points then as nothing else I can do.”

Tanner’s daughter was born on Aug. 19.

### Termination leads to lawsuit

By Aug. 18, Tanner had accumulated eight points – three more than the five points that could result in termination under the company’s attendance policy. The unexcused absences were recorded in Workday.

During a phone call on Aug. 20, Tanner was fired for unexcused absences.

Tanner then filed a lawsuit asserting FMLA interference and retaliation claims. He argued that “FMLA entitles an employee to take leave prior to the birth of his child to ensure the employee can actually be present for the birth.”

He insisted that it was “common sense” that FMLA leave “must include some period of time before the day of the birth” or “parents would miss the birth and lose the very benefit that the FMLA provides.”

The company filed a motion for summary judgment, arguing that Congress “anticipated situations” where employees would be entitled to FMLA leave prior to the birth, but Tanner didn’t qualify for any of them.

### The FMLA and parental rights: A closer look

First things first: The court needed to clarify what the FMLA actually says.

As you well know, the FMLA entitles employees to leave: 1) for the birth of a child, and 2) for bonding time with the child “during the 12-month period beginning on the date of birth.”

Moreover, Congress outlined specific circumstances that “may require FMLA leave [to] begin before the actual date of birth of a child.” They are:

- A pregnant employee is eligible for FMLA leave before the birth of the child “for prenatal care or if her condition makes her unable to work,” and
- An employee is entitled to FMLA leave if the time is “needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care.”

In addition, Congress addressed FMLA leaves prior to birth for employees who are adopting children, the court pointed out. Under the FMLA, employees “may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.”

Moreover, Congress “even specifies that leave for travel prior to adoption is appropriate” in some cases, the court noted. Specifically, employees who are adopting can take FMLA to “travel to another country to complete an adoption.”

The court noted that Congress “contemplated circumstances in which FMLA leave should begin prior

to birth” and did not include “the circumstance of an employee traveling to the location of his child’s birth.”

In the court’s view, Tanner’s situation did “not fit within any of the circumstances Congress considered worthy of FMLA leave prior to the birth of a child.”

The court acknowledged the difficulty Tanner faced while trying to predict when to start his FMLA leave, but it ultimately concluded that he “was not entitled to take FMLA leave prior to the birth.”

As such, his FMLA leave did not begin until Aug. 19, the court concluded.

### FMLA retaliation?

Turning to Tanner’s FMLA retaliation claim, the court first rejected his assertion that his termination amounted to direct evidence of retaliation because it had already concluded that he “was not entitled to take FMLA leave prior to the birth of his child.”

When an employee alleges FMLA retaliation without direct evidence, the court applies the familiar *McDonnell Douglas* burden-shifting framework.

Here, Tanner had to plausibly allege that he engaged in a protected activity, he suffered an adverse employment action, and the adverse action was “causally related to the protected activity.”

He alleged the company fired him one day after his FMLA leave started.

The “close temporal proximity” between Tanner’s leave date and termination date could convince a reasonable jury that the company’s decision might’ve been motivated by his FMLA leave.

Because Tanner stated a *prima facie* case, then the burden shifted to the company to state a legitimate, nondiscriminatory reason for its decision.

The company said it fired Tanner for “violating the attendance policy” by being absent “after he had exhausted his personal time off and sick leave.”

That was a valid reason, the court said, noting that the “FMLA does not insulate an employee from being terminated” for valid business reasons. Here, the court said the company showed it fired Tanner “after repeated unexcused absences in violation of the attendance policy.”

Because the company stated a legitimate business reason for its decision, the burden shifted back to Tanner to show pretext. Among other things, he argued

that he was not given the exact warnings outlined in the attendance policy.

The court rejected Tanner’s argument, noting that he had been made aware of the policy and that he had received repeated warnings that he would “accrue points” if he was absent after exhausting his PTO. The court also pointed out that Tanner could track his absences through Workday. Finally, the policy indicated that the warnings were discretionary.

In the court’s view, the company’s “failure to give the warnings is not evidence of pretext.” Thus, it granted the company’s motion for judgment on the retaliation claim.

### Why FMLA interference claim failed

When an employee’s FMLA interference claim is based on termination, a company can “affirmatively defend against the claim by establishing that it would have terminated the employee regardless of [his] request for or use of FMLA leave,” the court explained.

Here, the company said it decided to terminate Tanner for accruing eight points in violation of the attendance policy. Moreover, Tanner was aware of the policy and knew that he could view – and keep track of – his absences in Workday.

The company said it would’ve fired Tanner for accruing absences in violation of the attendance policy, regardless of whether he requested or used FMLA leave.

As such, the court granted the company’s motion for summary judgment on the FMLA interference claim.

*Tanner v. Stryker Corp. of Michigan*, No. 8:21-cv-2293-VMC-TGW, 2022 WL 17338859 (M.D. Fla. 11/30/22).

[Read this article online](#) 

## More days offered, fewer being taken: What’s going on with PTO?

January 6, 2023

As the past few years have shown, just offering a competitive salary and traditional benefits isn’t enough to attract top talent amidst a tight labor market and inflation. These factors have pushed companies to rethink benefits and invest in company culture to attract and retain top talent.

Many companies trying to keep up in a competitive and fast-paced market upped their benefits to include unique offerings like student loan debt relief to commuter benefits.

One of the most popular and desired benefits offered is Paid Time Off (PTO) – but new research from Sorbet's 2022 PTO Report shows that although the number of days has increased, employees are actually taking less PTO time compared to years prior.

### The PTO paradox

According to the report, PTO usage has dipped significantly since the COVID-19 pandemic, with over half (55%) of PTO going unused, compared to about a quarter (28%) in 2019. Unused time off culminates in an average employee holding over \$3,000 in accrued time.

There's no denying that COVID-19 changed the way we do work – and the way we take time off work. Forty percent of employers changed their policy on PTO during the pandemic, and 34% increased their PTO allocation.

The report also found a gender discrepancy in using PTO and allocation, with males getting more PTO days and using them more than female respondents. Lower-wage employees take 52% less time off than those who earn higher wages.

Although almost half (44%) of employees take time off year-round, others take time off during specific times of year, such as:

- End-of-year holidays such as Christmas (20%)
- Spring break (29%), and
- Summer vacation (7%).

### Why this is happening – and how you can help

The pandemic has undoubtedly changed the way employees take time off, with 43% of respondents saying that they have taken less time off since the pandemic began, and 31% of respondents say that taking time off in a hybrid schedule is difficult.

Other reasons employees don't use PTO days include guilt and shame about taking time off, especially among Gen Z, and feeling that it's logistically difficult to schedule time off. Nearly a quarter (24%) of respondents said they don't feel comfortable asking their manager for time off.

As an HR pro, it's important to make sure that employees are taking the time off they need and deserve. Otherwise, employees may end up feeling burned out and disengaged, and accrued time off can be an unpredictable liability when it comes to payouts.

Here are some ways you can encourage employees to take time off.

- Create a culture that encourages time off so employees don't feel guilty about taking time off
- Regularly remind employees about your time off policy and the dangers of overworking, and
- Create company holidays, such as closing the office between Christmas and New Year, to make sure all employees are able to take time off.

[Read this article online](#) 

## No qualified applicants for that job posting? Here's how to turn that around

January 9, 2023

If you're struggling to find talent to fill an open position at your company, the reason might be related to how the job posting is written.

That's according to Kat Kibben, founder and CEO of Three Ears Media. During the recent BambooHR Virtual Summit, she said because of the Great Resignation, you have to approach writing job postings like a marketer.

"We, as HR and recruiting leaders, have to become better marketers to the people on the other side," she said. "On the other side of that job posting is a candidate who's willing to change everything ... in their life. ... That means they change their commute, their insurance, how many hours they spend with their family."

### Fine-tuning job postings

How you ask for candidates to apply matters, Kibben said. If there's a lack of candidates for a certain position, here are three areas of the job posting that may need to be revised:



1. **The job title.** Would people find this job in an internet search? Try comparing the search volume of the title vs. similar alternative titles on Google Trends. Pay attention to the related topics and queries and look for titles that are accompanied by words like “job posting,” “salary” or “career search.”
2. **The job pitch.** Include reasons not only why you’re hiring, but why someone should take the job; the daily tasks and “three things that they have to be good with doing;” and the must-have knowledge to perform the job. If you’re going to include general language that has very different meanings depending on the company, such as “collaboration” or “fast-paced environment,” provide context, Kibben said.
3. **The mandatory requirements.** Watch out for biased language that pushes people away, such as “must have at least five years of experience” or “college degree preferred.” And if you’re going to use bullet points for listing a position’s mandatory requirements, Kibben recommended limiting it to fewer than seven.

But even if you improved all those elements of the job posting, none of it will matter if the post hasn’t been proofread for typos and grammar and spelling errors. Poor attention to detail can be a turn-off for job seekers.

### Technology audit

Kibben estimates there’s a 60% quit rate on most job application processes because they’re more troublesome than they need to be.

She said that if you haven’t tried applying for a job on your company’s website in the last six months, it’s time you had firsthand experience with what an applicant goes through. Do all the links in the application process work? Are there any parts of the candidate experience that could be improved? If you were an applicant who’s never visited the company site before – would you complete the application or give up and continue searching because you got frustrated with the process?

[Read this article online](#) 

## Accommodate disability when hiring: New resource shows how

January 10, 2023

The duty of employers to accommodate disability under the Americans with Disabilities Act (ADA) doesn’t begin with a new worker’s first day on the job. Instead, it also fully applies during the hiring process.

What steps should employers take to make that process as smooth as possible while staying on the right side of the law? A new resource from the Job Accommodation Network (JAN), a federally funded leading provider of guidance on job accommodation and disability employment issues, is a valuable source of guidance.

Here’s a breakdown of JAN’s new guidance on the subject.

### Fundamental concept review: The interactive process

A basic and overriding principle relating to the provision of job accommodations for applicants and employees with disabilities is the concept of interactive process.

At its core, the concept contemplates that applicants/employees and employers work cooperatively with one another to find job accommodation that will enable the performance of essential job functions without placing an undue burden – known in the law as “undue hardship” – on the employer.

Employers should be ready, willing, and able to enter into a good-faith discussion to help find an effective accommodation whenever a disability-related limitation interferes with the ability to apply for – or perform – the job at hand.

### Breaking down the interactive process

Before an offer of employment is made, employers covered by the ADA generally must be very careful not to make disability-related inquiries. But that rule does not go so far as to prevent employers from asking job applicants whether they will need a reasonable accommodation to effectively participate in the job application process, JAN’s new guidance says.

This is not a new rule or a change from prior policy. In fact, the Equal Employment Opportunity Commission has specifically said in prior guidance that employers can ask job applicants whether a reasonable accommodation will be needed in connection with the application, notwithstanding the general prohibition on pre-employment, pre-offer medical inquiries.

And while the employer may ask whether an accommodation might be needed, it is up to the applicant to officially kick off the interactive process by asking for an accommodation, JAN's guidance advises.

It's important for employers to remember that the applicant does not need to use any "magic words" to begin the process; instead, it is enough to communicate effectively to the employer, in one way or another, that an adjustment to the usual hiring process is needed for them.

### **Accommodate disability: Triggering the process**

The new JAN guidance gives specific examples of applicant statements that can trigger the process. They include:

- "I am neurodiverse and need interview questions in advance."
- "Because of my dyslexia and reading challenges, I need extended time to take the pre-interview online assessment."
- "It's painful for me to walk very far; can all the interviews take place in one location?"

While those questions indicate the presence of a disability-related limitation fairly clearly, others fall into more of a gray area. Those include ones like:

- "I find it difficult to communicate verbally; may I answer the interview questions in writing?"
- "I am struggling to navigate your career site; can someone assist me?"
- "I need more time to complete the pre-interview online assessment; is there a way to extend the time?"

For questions like these, the guidance says employers should clarify with the applicant why the request is being made.

To streamline the request process, JAN says employers should:

- Reduce the need for accommodations by building accessibility into the application process, such as by holding interviews in accessible locations and making online applications accessible to screen readers.
- Make it easy to request accommodations, such as by providing an accommodation statement and providing multiple contact methods to make requests.
- Be ready for last-minute requests, such as by training interviewers and considering potential accommodations ahead of time.

### **Accommodation requested: Now what?**

Once a request is made, an employer can ask for reasonable medical documentation supporting it – as long as that information is needed to show that there is in fact a disability that requires accommodation.

JAN suggests that employers consider foregoing medical documentation at the hiring stage or getting medical information informally.

For example, an employer can simply allow an applicant to bring a service animal to an interview without seeking medical documentation supporting the request.

Ideally, the applicant and employer work together to uncover at least one accommodation that will effectively accommodate the disability-related limitation. Employers are not obligated to provide the applicant's preferred accommodation when another effective accommodation is available, but JAN suggests doing so when possible.

JAN also advises employers to keep all medical information confidential while simultaneously providing relevant information to managers and supervisors as needed.

Finally, there is an aspect of job accommodation that may be overlooked: Monitoring a provided accommodation to make sure it remains effective



over time. Employers should have a process to make adjustments when needed, the guidance says.

See the full guidance [here](#).

[Read this article online](#) 

## Get ready: Religious accommodation duty may be expanding soon

January 17, 2023

The scope of the duty to provide religious accommodation to employees may well expand in 2023.

On Jan. 13, the U.S. Supreme Court agreed to hear a case involving a Christian mail carrier who resigned after being told he would have to work on Sundays.

Lower courts ruled against the employee, but there are signs that the Supreme Court will use the case as a vehicle to extend the duty of employers to accommodate employees' religious beliefs.

The current employer-friendly standard has long been criticized by conservatives as not doing enough to protect the religious rights of employees, and several current Supreme Court justices have said it should be revisited.

### Religious accommodation sought

The case involves Gerald Groff, a Sunday Sabbath observer who believes Sundays are for worship and rest – and not work.

Groff worked for the postal service as a type of postal carrier called a rural carrier associate. In that non-career role, he worked as needed and provided coverage for career employees when they were absent.

After the postal service contracted with Amazon to deliver Amazon packages on Sundays, it needed all the help from carriers it could get. Despite the need, it did not forget its duty to accommodate Groff and in fact took several steps to do so. For example, it sought out others to work on Sundays, and the postmaster covered some shifts. It also told him he could pick another day of the week to observe the Sabbath.

The postal service said Groff's refusal to work Sundays created morale problems and resentment toward management among the carriers who had to cover his absences.

The local postmaster added that it was hard and time-consuming to find coverage, lamenting that it increased his workload and the workload of other postmasters.

Groff was disciplined for not working when scheduled on Sundays, and he eventually resigned.

The postal service rejected Groff's internal complaints, and he sued in court to allege a violation of Title VII.

He asserted two distinct claims under Title VII: disparate treatment and refusal to accommodate.

### Lower courts back employer

A federal district court ruled against him, finding that the requested exemption would create an undue hardship for the postal service.

The U.S. Court of Appeals for the Third Circuit agreed. It said that excusing Groff from working on Sundays would result in an undue hardship for the postal service. As a result, there was no unlawful denial of a religious accommodation and no violation of Title VII, the appeals court ruled.

The lower court rulings were guided by a 1977 U.S. Supreme Court ruling that said an employer can prove undue hardship in Title VII religious accommodations cases by showing that granting the requested accommodation would impose more than a "de minimis" cost – which essentially means more than just a little.

Here, the lower courts said that standard was met. The requested accommodation imposed on Groff's co-workers, disrupted the workplace and hurt employee morale, the appeals court pointed out. "The impact on the workplace here ... far surpasses a de minimis burden," it added.

The de minimis undue hardship standard in religious accommodation cases stands in stark contrast to the undue hardship standard that applies in reasonable accommodation cases brought under the Americans with Disabilities Act. The latter standard requires employers to show that granting a requested accommodation would result in *significant* difficulty or expense.

In mid-January, the Supreme Court accepted Groff's petition for further review and is now set to answer two related questions:

- Whether the currently applicable, employer-friendly *de minimis* should be retained, and
- Whether an employer should be able to establish undue hardship just by showing that an accommodation would burden the requesting employee's co-workers rather than the business itself.

### Reading the tea leaves

The current makeup of the high court – which can fairly be described as having a clear conservative majority – indicates that it is likely to refine or abandon the current accommodation standard in favor of one that imposes a greater duty on employers to accommodate religious accommodation requests.

Another indication that a duty-expanding change is looming: In 2020, three of the high court's conservative justices (Alito, Thomas and Gorsuch) expressly argued that the current standard should be reconsidered. That argument, delivered while concurring with a decision to deny review in a different case, said the current standard "does not represent the most likely interpretation of the statutory term 'undue hardship.'"

One final, less persuasive indicator that a more employee-friendly religious accommodation standard is on the way: In June, the Supreme Court ruled that a high school football coach could pray on the field after games.

The *Groff* case is expected to be argued in April, and a decision is likely to be issued by the end of June.

*Groff v. DeJoy*, No. 21-1900 (U.S. cert. granted 1/13/23).

[Read this article online](#) 

# Benefit Predictions For 2023



## BENEFITS

# 4 expert predictions for 2023: Staying ahead of the HR curve



by Renée Cocchi

**H**appy New Year! Now that all the hoopla has ended from the holidays and it's back to business as usual, many HR professionals are wondering what "the usual" will be in 2023. Since we aren't fortune tellers with crystal balls, we look to industry experts for predictions.

Here are four predictions from Charlie Schilling, president of Enterprise Business and Workforce Development at Emeritus:

### Upfront funding of education benefits

As industry needs evolve and new demands from talent arise, employers are adjusting by creating a more holistic experience for

employees when it comes to learning opportunities and providing support. With this evolution, one trend to keep an eye on in 2023 is the transition from tuition reimbursement policies to upfront funding of employee education benefits – i.e., employees never have to put a learning program on their own credit card or take on other debt to fund education. It's instead provided upfront by the employer, as a benefit, at no cost to the employee.

"Continued learning programs have gained a lot of traction, and moving it from a reimbursement policy to an employee benefit can better fit the needs, pace and lifestyle of today's workforce," says Schilling. "Offering it as a benefit can also help increase participation."

In fact, less than 10% of workers employed by organizations that provide tuition reimbursement use these offerings annually, partly because few have the funds to pay for it, according to estimates by Willis Towers Watson. By funding education upfront, employers can make access to these programs and benefits more equitable. This can be a valuable means to the end of a more diverse talent pool and pipeline.

### Driving engagement with upskilling opportunities

Ever since the onset of the pandemic, many industries have witnessed the redirection toward remote-first work and have had to adjust workplace processes to align

with these changes. This shift has enabled more companies to open their doors to candidates who may not be near the organization's brick-and-mortar office and are looking to work remotely. However, the need to engage workers whether they are remote or in-office is crucial, as low engagement costs the global economy \$7.8 trillion.

With themes like Quiet Quitting dominating the news, organizations in 2022 focused on employee satisfaction and engagement. But there is still more to do. According to Emeritus' 2022 Global Career Impact Survey, 89% of Emeritus learners responded that they feel more engaged at work if they are learning new concepts and skills. Furthermore, a study from Gallup that was commissioned by Amazon found that 48% of American workers would make the move to a new job if opportunities for skills training were offered.

"In 2023, we expect organizations to double down on extending education benefits and learning opportunities as a way to retain talent for two primary reasons," says Schilling. "First, this gives employees a connection to the company and their peers in the programs, and builds loyalty. Second, these learning programs help employees advance on their own career paths."

### Prioritizing skills over degrees

There has been a movement to remove degree requirements from job descriptions and instead hire based on demonstrated skills. In fact, according to a report from Harvard Business School and Emsi Burning Glass, between 2017 and 2019, employers reduced degree requirements for 46% of

middle-skill positions and 31% of high-skill positions. This trend has only continued to unfold, as there continues to be a decrease in U.S. job postings requiring at least a bachelor's degree, from 46% at the beginning of 2019 to 41% in November 2022.

"In 2023, redirecting the hiring focus from degrees to skills will also mean organizations need to look internally at their own training and upskilling offerings to drive existing employees' growth," states Schilling. "With this new hiring perspective and growing emphasis on skills over degrees, organizations will further alter their hiring processes to better fit the future workforce."

### Filling in skills gap with education benefits

"Heading into 2023, there will be a heightened focus on how organizations can efficiently and proactively make sure they have the right people with the right skills to meet their organization's bottom line," says Schilling.

"Providing upskilling and educational opportunities to employees so they gain the skills necessary to grow in their roles helps to create more alignment among employers and employees on what will move an organization forward to meet its goals."

As found in Emeritus' 2022 Global Career Impact Survey, 77% of respondents agreed that their program helped address gaps in knowledge needed for their job, and 72% agreed that their program prepared them for current demands in their field. With the possibility of more than 85 million jobs being left unfilled by 2030, the need for new skill sets signals a demand to invest in employees for the long run or risk having skills gaps, i.e., a workforce

without the necessary skills to meet the demands of a business.

"Upskilling and educational offerings are what will enable employers to successfully invest in their people, their company and the future workforce, especially during times of uncertainty," says Schilling.

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# Company denied employee's immediate return after FMLA ended: Was it retaliation?



"Hey, Phoenix. It's Will," said the warehouse manager. "I wanted to let you know that my FMLA leave is up next week, and my doctor cleared me to come back to work with no restrictions. I sent you an email with the doctor's note attached."

"Good to hear you are doing well," said Phoenix. "But I knew your leave was coming to an end, and I spoke to the powers that be and until COVID-19 restrictions are lifted, we think you should stay home. Let's shoot for you returning March 1."

"But I'm cleared to come back to work, and I only have one week of FMLA leave left," said Will.

"I know," said Phoenix. "But you can seek disability or unemployment benefits."

"What about the other guys? Are they still working in the warehouse?" asked Will.

"Oh yeah, they'll all still be here," said Phoenix. "We're just concerned about your age and the fact you just had surgery. That's got to weaken your immune system. We don't want you to catch COVID!"

## One month later

Will returned to work a month later.

"Hey, Will. Nice to have you back pal," said Phoenix. "How's the old back feeling?"

"It's fine," said Will. "But I can't go jet skiing in August when I go on vacation due to the spinal fusion. Guess those kinds of activities are in my past."

"Vacation?" questioned Phoenix. "You've been on vacation for four months. What do you need another one for?"

"I had this vacation scheduled long before my surgery," said Will. "You already approved it. And I'd hardly call four months of rehab vacation."

## Needs hernia operation

"Will I'm sorry to do this, but we have to let you go," said Phoenix. "You just aren't reliable. We are super busy, and we can't count on you."

"You've got to be kidding me," said Will.

"I'm afraid not," said Phoenix. "You've been absent three times since you got back from FMLA leave. We can't count on you."

"I have a hernia, and I've put off the surgery because of you and this job," said Will. "That's it. I'm done. I'm going to get a lawyer and sue you for FMLA retaliation."

Will found a lawyer and sued his company for FMLA retaliation. The company tried to get the claim thrown out. Was it successful?

**See decision on next page**

## You Be The Judge

### Company denied employee's immediate return after FMLA ended: Was it retaliation? (Continued)

#### The Decision

No. The court concluded there was sufficient evidence presented that could cause a jury to conclude that there was a causal connection between Will's FMLA leave and his termination.

Will's lawyer argued that Will's company prevented him from returning to work after his qualifying medical leave, thereby interfering with his right to be reinstated under the FMLA.

The company didn't dispute that Will was entitled to be reinstated to his former position. It sought to get the claim thrown out because it ultimately did allow Will to return to his former position. It also claimed that it only asked Will to stay home due to the COVID-19 pandemic.

The court, however, pointed out two problems with the company's arguments:

- It overlooked the one-month period during which it didn't allow Will to return to work and forced him to rely on unemployment benefits, and
- It allowed Will's staff to continue working on-site without interruption while Will was on FMLA leave.

To prevail on the interference claim, Will only needed to prove 1) he was entitled to be reinstated under FMLA, and 2) his employer failed to reinstate him. The court concluded that there was sufficient evidence and denied the company's request to get the case thrown out.

#### Follow the rules

This case shows when it comes to FMLA leave, companies need to follow the rules by the book and treat all employees the same. Allowing some employees to continue working on-site doing the same things Will did got this company in trouble.

Firing an employee during or right after they take FMLA leave is always a little risky. If employers have no choice but to do so, it's essential to have documentation and policies to show a court it had nothing to do with the protected leave an employee took.

*Boyd v. Riggs Distler & Company Inc., U.S. Dist. Ct., D. New Jersey, No. 1:20-CV-14008-KMW-EAP, 12/29/22.*

[Read more You Be the Judge in your Membership Dashboard](#) 



## RECRUITING

# 5 new threats to hiring – and how to avoid them in 2023



by Michele McGovern

**Y**ou have to hire this year. So be warned, HR pros: There are several new threats to hiring.

Nearly 60% of businesses expect to grow in 2023. But 55% expect talent acquisition will be a top challenge in the growth, according to the 2023 National Business Trends Survey from the Employer Associations of America.

Translation: The demand will be there, but leaders are concerned they won't have the right workforce to meet it.

### Recognize the new threats to hiring

"The economy may be down, but business is good. And because business is good, we are seeing an increase in hiring," said EAA Board of Directors Chair Kevin Robins and CEO of MidAtlantic Employers' Association (MEA). "We still have many challenges and uncertainties."

One of those: Emerging threats to good hiring. What to fear, according to experts:

- Career Cushioning
- Micro-interviewing
- Quiet Hiring
- Skills Gap, and
- Talent Shortage.

Here are the five trends you'll want to note, plus effective, expert-driven ways to navigate them this year.

## BEWARE OF THE THREATS TO HIRING

### Career Cushioning

Career Cushioning is on the rise and it will likely affect recruiting and retention. It's the professional evil cousin of the dating world's cushioning when one person looks for other romantic options while in a relationship.

"In November, companies cut over 46,000 jobs due to recessionary fears. Employees see this, become nervous and anxious, and seek security. They do this by tapping their networks and building new skills to properly prepare for a job loss," says Jessica Kriegel, Chief Scientist of Workplace Culture at Culture Partners.

HR needs to handle this on two fronts: Recruiting and retention.

When hiring, be wary of Career Cushioning. Candidates who are just testing the waters aren't likely great candidates because they won't likely

commit and they may be cushioning from you very soon. Gauge loyalty in interviews.

For retention, "be transparent," says Kriegel. "Take steps so employees have confidence that the organization is taking the proper actions to address the challenges ahead and create a promising outlook for the entire organization. Managers should acknowledge the degree of uncertainty with their direct reports and ensure employees who stay benefit from any re-organization."

### Micro-interviewing

The job market will likely be tight for most, if not all, of 2023, according to Department of Labor's Jobs Report, which showed unemployment shrinking the last quarter of 2022.

So employers will want to focus on employee retention efforts. And when it comes to hiring, you'll want to move away from "micro-interviewing" – that is, putting candidates through an overly long interview process. In a war for talent, the more quickly you can move solid candidates through your hiring process, the more likely you'll get the best hires.

While you don't want to rush through the interview process, you want to run it efficiently. Before posting a job, work with hiring managers on a cadence so all interviews, assessments and follow up are scheduled within certain dates. That way, candidates know what to expect and the hiring team is committed to getting the job done in a reasonable time – and won't be tempted to micro-interview.

### Quiet Hiring

Quiet Hiring is a response to Quiet Quitting. While it's a way to reward those who go above and beyond in their role – and essentially continually hire the top performers – it has its faults.

"With Quiet Hiring, employees put in the extra work without having a clear understanding of what is required and with no guarantee of advancement. Although promotions are being offered, there is no communication of role boundaries and what is needed to succeed," says Sathya Smith, CEO and Founder at Piper. "It facilitates the idea that it is OK for ... leaders to respond passively to employees' behaviors and actions, rather than acknowledge them openly."

So, yes, keep re-hiring your employees, but do it loudly and boldly, Smith says. Let them know what they do well and the great things – such as promotion,

money and/or authority – they're working toward.

"Set the perimeters for progression so it doesn't lead to employee burnout from unmanageable workloads," Smith cautions.

### Skills Gap

The pervasive skills gap persists.

"The economics of supply and demand remain the driving market force. Companies are still in acute need of trained, job-ready talent that can provide value to their organizations from day one and that need won't change for the foreseeable future," says Todd Zipper, executive vice president at Wiley.

He suggests these two strategies to bridge the gap:

- **Widen the talent pool:** Look beyond or eliminate four-year-degree requirements and interview candidates with relevant work experience and alternate credentials such as certifications. They will likely have skills that apply to the workplace and a specific role. Plus, you create a new pathway for growth.
- **Upskill/reskill the workforce:** Sometimes the best source of talent is within your organization. Assess how upskilling and reskilling programs can bridge internal skills gaps without adding the costs and risks of more recruiting.

### Talent Shortage

"It's important to delineate the different 'markets within the market' when looking at hiring

trends for 2023," says Zipper. "Among skilled professionals, the labor market will slow but not change substantially, and will continue to favor employees over employers, especially in technology-related fields."

For lower- and mid-level positions, the hiring odds are in the employers' favor, Zipper says.

To find the talent, try new sourcing solutions such as Hire-Train-Deploy (HTD).

"It has emerged as an innovative sourcing model that provides a sustainable pipeline of skilled tech talent," Zipper says. "HTD is also diversifying tech teams by providing opportunities to students of all backgrounds, regardless of academic pedigree."

[Read this article online](#) 

## Case Study

# Supported our people by making mental health a value-driven benefit



Even though we'd been one of Fortune's "10 Best Companies to Work For" for over 22 years, our employee assistance program's (EAP) mental health benefits weren't keeping up with the rest of our best-in-class benefits package.

Employees were struggling to find in-network providers, and scheduling appointments was time-consuming.

It was also hard to tell how much of our workforce was utilizing this benefit or how effective the care was. For all we knew, someone could attend five sessions and get absolutely no benefit.

Because this could negatively impact our reputation as a top-notch employer, something had to change.

### What do we need?

Data on how our workforce engages with their benefits is important to us. We needed a carrier that could measure the different types of services being utilized, track the outcomes and make the information available to us.

For example, are calls being made to the EAP center without follow-through scheduling for a counseling session? Are

employees getting matched with providers experienced in treating their needs?

### Thorough search process

We looked at benefits programs our competitors are offering and realized we needed a comprehensive employee mental health program.

After a thorough search process, we found a carrier committed to accessible mental health support for our employees and their dependents.

Benefits got to work ensuring our people were aware of their new mental health benefit and how to use it – and employee engagement and satisfaction increased as a result.

### New partnership

Now, anyone looking for care is introduced to an intuitive online platform that recommends nearby providers in minutes.

They can choose to meet virtually or in person and tap into digital tools for building new skills. Most appointments happen within a week of the initial call and our employees love it.

The carrier we chose also gives us the necessary transparency for evaluating their program's effectiveness.

### 99% get matched

Some key metrics are:

- 99% of employees searching for mental health care get successfully matched with a provider
- 11% of employees get matched with a provider within 24 hours of searching, and
- 88% of those in care are experiencing clinical improvement or recovery.

Our new carrier not only removed barriers to care with de-stigmatization campaigns, but they also helped us build a culture of awareness and support for employee mental health – and it has really paid off.

And we feel great that we can help our employees get the often-overlooked care they need.

*(Deborah Olson, principal benefits manager, Genentech, San Francisco)*

[Read more Case Studies in your Membership Dashboard](#)

## The Cost of NonCompliance



**\$43K**

### Hospitality employer failed to provide reasonable accommodation, pays \$43K

**Who was involved:** Red Roof Inns, Inc. and a former employee with visual impairments who worked at a location in Ohio.

**What happened:** According to the EEOC's lawsuit, the company failed to provide a reasonable accommodation that would allow a blind employee to participate in an information seminar to learn more about a promotional opportunity in the company's Online Connectivity department. The suit also claimed the employee was told it would be a waste of his time to apply for the position because his visual impairment could not be accommodated.

**Result:** The company agreed to pay the now-former employee \$43,188. Under a consent decree, the company must also:

- Provide reasonable accommodations that will allow employees with disabilities to perform the essential functions of their jobs.
- Provide reasonable accommodations that enable employees with disabilities to enjoy equal benefits and privileges of employment.
- Provide ADA training to company leaders as well as HR personnel and managers who make hiring decisions.
- Post a notice about the settlement.
- Submit to monitoring and compliance reporting to EEOC.

**Info:** [Red Roof Inns, Inc. Will Pay \\$43,188 to Settle EEOC Disability Discrimination Suit](#) , 12/27/22.

[Read more The Cost Of Noncompliance in your Membership Dashboard](#) 

# Employment law updates 2023: Increased protections for pregnant, lactating workers



by Carol Warner



**A**s the employment law updates roll in, here are two you don't want to miss: the Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP for Nursing Mothers Act).

Just days before the new year, President Biden signed both into law as part of the omnibus spending bill. Here's what you need to know:

## 1 The PWFA

The PWFA "closes a loophole" in the Pregnancy Discrimination Act (PDA), Sen. Bob Casey said in a recent debate.

What's different? The PDA prohibits pregnancy-related bias in the workplace – but it does not specifically guarantee pregnant workers the right to accommodations.

The PWFA fills that gap.

Using language found in the Americans with Disabilities Act (ADA), the PWFA requires companies with 15 or more employees to provide "reasonable accommodations" to workers for pregnancy, childbirth or related medical conditions – unless those accommodations would cause an "undue hardship."

Moreover, the law requires companies to engage in the "interactive process" to work together with employees to determine whether a reasonable accommodation would allow the person to do the job.



## Employment law updates 2023: Increased protections for pregnant, lactating workers

Examples of reasonable accommodations might include light duty, flexible scheduling and temporary transfers.

In addition, the PWFA prohibits employers from requiring workers “to take paid or unpaid leave if another reasonable accommodation can be provided.” It also expressly prohibits retaliation based on pregnancy-related accommodations and/or requests.

The legislation takes effect on June 27.

### Employment law updates: New regs on the horizon

The EEOC will enforce the new law, and Congress has directed the agency to release compliance regulations within two years.

In the meantime, employers can apply the EEOC’s recent advice (updated in July 2022) on the ADA’s interactive process, which recommends asking the following possible questions:

1. How does the disability (here, the pregnancy or related condition) create a limitation?
2. How will the requested accommodation address the limitation?
3. Would another form of accommodation effectively address the limitation?
4. How would the proposed accommodation help the employee do their job?

## 2 PUMP for Nursing Mothers Act

The PUMP for Nursing Mothers Act expands workplace protections for lactating employees.

Specifically, it amends the Fair Labor Standards Act (FLSA) and a 2010 law – Break Time for Nursing Mothers – that requires employers to provide reasonable breaks and a private place, other than a bathroom, that can be used by nonexempt employees to express breast milk.

The PUMP for Nursing Mothers Act expands those rights to include salaried and exempt workers who are lactating. The law also clarifies that the time spent pumping must be paid if an employee “is not completely relieved from duty during the entirety” of the break.

Companies with fewer than 50 employees can seek an exemption if they can show compliance would result in an undue hardship.

The law provides certain exemptions to the airline industry. (See Section 18D (g) for details.)

Though the law took effect immediately, the enforcement provision included a 120-day delay, making the effective date for that provision April 28.

### Helpful advice until DOL issues new guidance

The DOL, the agency charged with enforcement, has posted an announcement on its website, saying: “More details about the changes in the law are forthcoming.” Congress charged the Secretary of Labor to issue guidance within 60 days.

In the meantime, companies can turn to the U.S. Department of Health and Human Services Office on Women’s Health for advice on how to support lactating employees. The guidance includes helpful strategies on:

- Time accommodations for lactating employees.
- Space accommodations for lactating employees.
- What should be included in a lactation policy.
- What a lactation room should include.
- Where to find more information about laws related to breastfeeding and lactation in the workplace.

[Read this article online](#) 



## Case Study

# Top-notch parental benefits improved retention, won us awards and accolades



We've always had a people-first culture, so a people-first benefits program was a no-brainer. With a workforce full of working parents, we knew upping our parental benefits would pay dividends.

Our company has long been considered one of the best workplaces for parents, and part of our philosophy is to care for our workforce through every chapter of their journey.

For many, having a family is a big chapter in their life and can impact how, when and where they do their work. Often, working parents are forced to choose between moving up within the company or taking a step back at work to care for their children.

We knew supporting working parents would lead to a happier, more engaged workforce, so we're working to continually expand parental benefits to meet the needs of our employees.

### Building out benefits

To meet our goal of providing support to working parents, we're continuously reviewing our benefit offerings to make sure they are competitive.

We listened to our workforce and implemented several benefits that employees find invaluable, such as workday flexibility and more leave time.

Now, we're increasing fully-paid parental leave from eight to 12 weeks, plus an additional eight weeks of pregnancy disability leave for delivering parents.

In addition to parental benefits, we've also implemented better fertility benefits to:

- Allow access to the most effective treatment options and a comprehensive network of professionals
- Provide flexibility to support all shapes and sizes of families, and
- Ensure that there are no heteronormative requirements or barriers to accessing care.

Plus, after returning from leave, employees can participate in our "ramp back" program to help ease the back-to-work transition. Parents returning from leave can come back at 60% or 80% for one to two weeks.

### Happier families, happier employees

Working parents have long been disproportionately impacted by the traditional way of working, and the pandemic underscored how challenging it can be for employees to balance work and parenting responsibilities.

Since we implemented these benefits, employees said they've

been able to reclaim their time and create deeper connections with family members.

Parental benefits and flexible work make for a happier and more engaged workforce, and 82% of our employees say they are able to maintain a healthy balance between work and personal life.

The positive effects of our benefits have culminated in various awards, including "Best Workplaces for Parents" from 2016 to 2022, as well as Fortune's Best Workplaces for Women and People's Companies that Care.

### Continuing to ramp up benefits

Our competitive, cutting-edge benefits attract top candidates, and three-quarters (75%) of employees report that benefits are one of the major reasons they stay at our company.

We're continuously building out our benefits program by adding more parental leave and other caregiver benefits in the new year to cement our company as a great place to work.

*(Corina Kolbe, VP of Learning & Development, Zillow, Seattle)*

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## The Cost of NonCompliance



### \$140K

#### Dairy plant rescinds job offer to applicant with vision impairment, pays \$140K to end EEOC suit

**Who was involved:** Hiland Dairy Foods, a Missouri-based producer and distributor of dairy products, and an applicant who sought employment at a plant located in Oklahoma.

**What happened:** The EEOC's lawsuit alleged the company violated the ADA by refusing to hire the applicant due to his vision impairment. According to the EEOC, the company was aware of the man's condition and extended a job offer. It rescinded the offer after a standard pre-employment medical exam. The doctor who conducted the examination said the applicant presented a "safety concern" because he was "legally blind." The problem, the EEOC said, was that neither the company nor the physician engaged in the interactive process to determine whether reasonable accommodations could have mitigated the potential safety concerns.

**Result:** The company agreed to pay the now-former employee \$43,188. Under a consent decree, the company must also:

- adopt policies, enact procedures and provide employee training to ensure future compliance with the ADA
- notify employees of their right to reasonable accommodation under the ADA, and
- periodically submit compliance reports to the EEOC.

**Info:** [Hiland Dairy to Pay \\$140,000 to Settle EEOC Disability Discrimination Suit](#) , 1/6/23.

[Read more The Cost Of Noncompliance in your Membership Dashboard](#) 

# The science behind big mistakes – and what you can do to avoid them



by Michele McGovern



**W**e all make mistakes. Then there are those times when it's A REALLY BIG mistake.

You know the kind: Something goes horribly wrong and everyone gets together after and tries to figure out, "What the hell just happened?"

One researcher says many big mistakes – such as the recent FTX cryptocurrency debacle and the embarrassingly public Oscar flub in 2017 – could be avoided, or at least minimized, if people paid more attention to certain factors that lead up to disasters.

Business leaders, people managers and anyone in leadership roles who recognize the potential for bigger

mistakes – the kind that can hurt the company's reputation, people or future – can avoid them. That's according to the late Charles Perrow, author of *Normal Accidents: Living with High Risk Technologies*.

Here are four factors Perrow says lead to big mistakes – plus tips on how to safeguard against them:

### Over-rated confidence

Many accidents and mistakes are triggered by experienced people who were so confident of their skills and oversight that they became complacent.

For instance, wildland firefighters who've been on the job about 10 years are the most likely to be injured or killed. The reason: That's about when they think they've seen it all so they falsely believe they can win against it all.

You need confident leaders in charge of teams and projects. But you also want to maintain oversight in processes and decision-making.

As an example, in the publishing industry, it's said, "Every great editor has an editor." A colleague looks at copy before the audience does. Egos get put aside, as it could even be a less experienced writer editing a seasoned writer's work.

**Tip:** Encourage employees at all levels to get a colleague's insight in areas where they don't have boss oversight.

## Lack of focus on repetitive tasks

Before most big mistakes, a small mistake is usually made because people struggle to focus while doing simple, repetitive tasks. So details fall through the cracks.

At the Oscars – when the presenter announced the wrong winner for Best Picture – someone probably easily got distracted or star struck while just passing out envelopes.

To avoid losing focus, U.S. Navy aircraft carriers have trained, but inexperienced, sailors on crews that handle launching and recovering the crafts. Why? Inexperienced workers are often more attentive. They don't want to screw up.

**Tip:** Encourage employees and teams to ask for some novice viewpoints in small and large projects.

## Failure to evolve

Outdated policies, concerns and processes that don't fit current conditions are often a key factor behind big mistakes.

For instance, just two people, carrying black briefcases, know who the Oscar winners are before the envelope is open. That's because word got out on the winners hours before the event in 1940. There are better ways to maintain secrecy these days, and if more than two distracted people knew the winners at that Oscar event, the mistake might have been avoided. Or it at least could've been resolved before the wrong person made a speech!

**Tip:** Regularly ask employees – or encourage department managers to ask – “What process or policy doesn't make sense?” Vet out what's outdated and work to modernize the process or policy.

## Timing

Most mishaps happen near the end of a project, event or mission because people relax when they think they're over the hump.

For example, the Deepwater Horizon explosion happened after drillers finished the well and were ready to remove their equipment. The job seemed practically done to them.

**Tip:** When people are nearing the end of a project or event, remind them to bring in fresh eyes and perspective to make sure everyone is still focused on the right things.

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# Meet Our Editors

Our editors read and vet hundreds of sources and hand-select the most relevant, practical content. Then we add our seasoned perspective and deliver actionable insights to help you understand what today's trends mean for your business.

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**Renée Cocchi**

Renée Cocchi has a passion for learning and helping other professionals do their jobs more effectively and efficiently. She earned her Master's Degree from Drexel University, and she's spent the past few decades working as a writer and editor in the publishing industry. Her experience covers a wide variety of fields from benefits and compensation in HR, to medical, to safety, to business management. Her experience covers trade publications, newsmagazines, and B2B newsletters and websites. When she's not working, she spends her free time just chilling with her family and volunteering at a local dog shelter. Her goal in life is to help all shelter dogs get happy, loving homes!



**Tom D'Agostino**

Tom D'Agostino is an attorney and legal editor who has more than 30 years of experience writing about employment law, disability law and education law trends. He earned his B.A. degree from Ramapo College of New Jersey and his J.D. from the Duquesne University School of Law. D'Agostino, who is a member of the Pennsylvania bar, is a past member of the American Bar Association's Section of Individual Rights and Responsibilities and the Pennsylvania Bar Association's Legal Services to Persons with Disabilities Committee. He has provided technical assistance in the production of segments for television's ABC World News and 20/20, and he has been quoted in periodicals including USA Today. He is also a past contributing author of Legal Rights of Persons with Disabilities: An Analysis of Federal Law, which is a comprehensive two-volume treatise addressing the legal rights of people with disabilities. Tom is passionate about baseball and authentic Italian food. When not writing, he enjoys spending time with family.



**Michele McGovern**

Michele McGovern writes. A lot. These days, she covers HR, digging deep into company culture, DEI, leadership, management and the everchanging world of work. In the years between getting a BA in journalism from a state school and writing about HR, she wrote about big-city crime for a wire service and small-town life for local newspapers. She's a mediocre mom, decent wife, wannabe athlete and consummate pursuer of fun - on land, snow and water. Follow her on Twitter @sheknowswork. Find her on LinkedIn @michele-mcgovern-writer



**Carol Warner**

Carol Warner has been a writer and editor since 2008, covering the latest trends in employment law, education law, safety and security, human resources, employee training, and emergency response plans. She attended East Carolina University and earned a Bachelor's degree from New York Institute of Technology. When she's not writing, she spends most of her free time listening to audiobooks, playing Scrabble, and solving crossword puzzles.



### Alison Roller

Alison Roller is passionate about engaging and informative storytelling through writing and social media. She has been writing since 2018 on a range of topics: politics, higher education, leadership, workplace culture, and diversity, equity, & inclusion. A graduate of West Chester University in Journalism, she is currently pursuing her M.S. in Communications from Syracuse University. When she's not working, you can find her hanging out with her cat, knitting, and scrolling TikTok.



### Brian Bingaman

Brian Bingaman has been a journalist in the Philadelphia area for nearly 20 years. He was a contributing editor for *ResourcefulFinancePro.com*, as well as the publications *What's Working in Human Resources* and *What's New in Benefits and Compensation*. He first became interested in HR when he started noticing a distinct lack of human interaction from the HR department of the newspaper group where he worked. In addition, Brian has 15 years of experience in the radio broadcasting industry.

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