

May 2023

Enough with the stupid meetings!

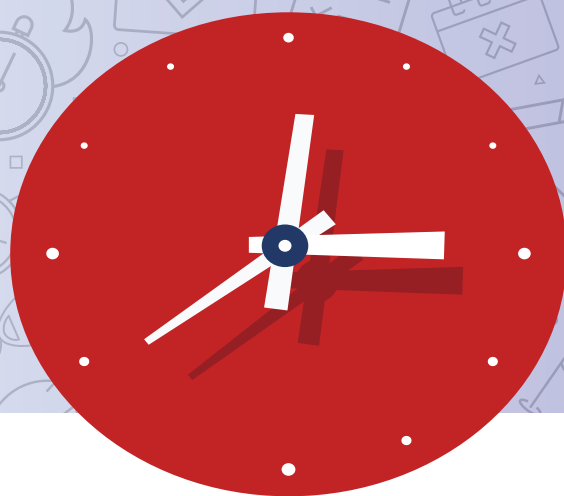
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News You Can Use

HR Stories You Might Have Missed

How brand values can help you attract top young talent

March 16, 2023

Perhaps no generation is more outspoken than Gen Z when it comes to brand values and social issues. And as Gen Z makes up more and more of the workforce – which is projected to be over a quarter (27%) by 2025 – the new generation is changing the way we do work.

While older generations were won over with cushy perks and benefits like a snack bar or ping pong tables, Gen Z isn't so easy to nab down. To stand out to Gen Z applicants, companies must have authentic brand values that align with Gen Z.

The importance of brand values for attraction and retention

Once upon a time, the majority of workers believed that social and political issues should stay out of the workplace. But since events like the killing of George Floyd and the Black Lives Matter movement, employers have had to face tough conversations with employees and decide what their brand values and stands for.

"[Values] determine how you treat people, what you are and are not willing to tolerate and what you stand for," says Jenny Sagström, founder and CEO of Sköna. "Essentially, the values that are wrapped up in your brand are the things that will differentiate you from your competitors beyond price tags."

Brand values aren't just a "nice to have" addition to your company. They can have many benefits, such as:

Helping to attract best-fit candidates. Clearly articulating and showcasing your brand values can help attract candidates that align with them, making it more likely that new hires will be a good culture fit.

Keeping the company vision in focus. Even as companies evolve and change, brand values can help ensure that the company's vision and guiding principles are never lost. "Brand values are going to act as the north star that allows you to make the right decisions for you, your employees, and your customers," Sagström says.

Improving company culture. Clearly-defined values can impact and ultimately improve company culture. "[Values are] about the purpose you seek outside of

bottom lines and profits, [and] it's doing things in a way that may not always maximize profits, but does create a great environment for great people to do great work," according to Sagström.

How brand values – or the lack thereof – affect Gen Z

It's no secret that Gen Z is more open about discussing and advocating for social issues that matter to them, and that doesn't stop in the workplace. According to Porter Novelli, 64% of Gen Z reported being more likely to work for a company that is addressing social issues.

"Simply put, Gen Z is not interested in fluffy perks, they're not impressed with authority, and they have high expectations for bespoke experiences – including at work," says Sagström. "Their young adulthood has been shaped by recession, the pandemic, an ongoing war [and] climate change. [...] As such, they're much more concerned with social and environmental issues than older generations."

However, brand values that are ingenuine or don't align with the realities of the culture can turn Gen Z into quick quitters. "They are far more willing to jump ship if they find that a work environment does not, in fact, work for them," says Sagström. "So [brand values] play a major role in enticing the next generation of changemakers to bring your company into the future."

[Read this article online](#) 

Emotional intelligence at work: How to achieve it and why it's important

March 24, 2023

In the midst of many uncertainties for workers – from recession fears to record-high burnout levels – utilizing emotional intelligence at work can be the hidden key to keeping employees engaged, motivated and valued.

Despite the importance of emotional intelligence, a recent Preply study found that about half of the respondents' bosses lacked emotional intelligence. On the flip side, they reported that human resources departments were the most likely to have emotionally intelligent people.

Emotional intelligence at work is more important than ever, according to the study. Seventy-nine percent of respondents agreed that emotional intelligence has become more important at work in recent years, and 73% think it's more important than IQ.

Here's how emotional intelligence can impact the workplace.

What emotional intelligence at work looks like

Emotional intelligence – the capacity to recognize, manage, and use your own emotions and those of others, according to Preply – in the workplace can help employees cultivate relationships with one another, improve culture and solve potential conflicts.

Displaying emotional intelligence at work isn't complicated – most employees just want to hear a simple acknowledgment of the work they're doing or feel understood by leaders.

According to the survey, phrases that mean the most to employees include:

- I appreciate you/your work (34%)
- What can I do to help? (19%)
- I hear you/I'm listening (13%), and
- What are your thoughts? (13%).

Other meaningful phrases include "I trust you" and "Is everything OK?"

Displaying empathy and concern for others is one of the most important aspects of emotional intelligence. Other attributes that are important to workers include:

- Having great listening skills
- Accepting responsibility for mistakes
- Managing emotions in difficult situations
- Being self-confident and self-accepting, and
- Accepting and embracing change.

How companies can promote emotional intelligence at work

With the importance of emotional intelligence increasing over the past few years, many workplaces and departments may fall behind when prioritizing emotionally intelligent communication and interaction.

Here are a few considerations to help increase emotional intelligence across your workplace.

Provide training. Preply's study showed that certain generations – namely millennials – were seen as the most emotionally intelligent, but other generations, such as boomers, were seen as less emotionally intelligent. Providing training in emotionally intelligent communication – which over half of the respondents (53%) wished their company would offer – can help keep employees on the same page.

Encourage employees to proofread digital communications. Sixty-three percent of respondents say that digital communication makes it harder to be emotionally intelligent, so you may want to encourage employees to give digital communications a once-over to ensure they have the right tone and convey the right message.

Prioritize hiring emotionally intelligent employees. Many of the best candidates have emotional intelligence, and hiring these candidates can help promote emotional intelligence in the workplace. Consider adding an interview question related to emotional intelligence, such as "Describe a time when you had to engage in a difficult conversation with a co-worker. How did you handle it?"

[Read this article online](#)

Are you a 'covered employer' under the FMLA? How to tell for sure

March 30, 2023

FMLA obligations don't kick in unless an employer qualifies as a "covered employer" under the statute.

Sometimes, determining whether an employer is covered can get a little tricky.

The questions abound: How many employees must be retained? For how long? What if we straddle the minimum number over the course of time? What about part-time employees? Those on leave? And the list goes on.

Let's take a closer look at which employers are covered by the FMLA, and which are not. After all, if it turns out you are not covered in the first place, it can save you a lot of unnecessary legwork..

The covered employer basics: The 50/20 rule

Let's begin with the basic rule for private-sector employers.

=A private sector employer is covered by the FMLA – meaning it must comply with applicable FMLA requirements – if it employs at least 50 employees in at least 20 workweeks in the current or previous calendar year.

Not a fiscal year. Not a rolling year (which can come into play when determining the period during which eligible employees can take FMLA leave). To determine whether an employer is covered, it's a calendar year that applies.

Those 20 weeks do not have to be consecutive. Instead, the question is whether the employer had at least 50 employees in any 20 workweeks in the current or prior calendar year.

Another important note: If an employee works for any part of a workweek, they are considered to be employed for each working day of the calendar workweek for purposes of determining coverage under the FMLA.

Who gets counted as an 'employee'?

To get an accurate count, employers need to know which people are "employees" and which are not.

Here is a quick list of employees who must be counted, courtesy of the Department of Labor:

- Any employee who works in the U.S. (or in any one of its territories or possessions)
- Any employee whose name is on payroll records (it doesn't matter whether compensation was paid)
- An employee on leave (as long as you expect them to return)
- Employees of foreign firms operating in the U.S., and
- Employees who are part-time, temporary and seasonal (as well as full-time employees).

Some individuals do not need to be counted for purposes of determining whether the 50-employee threshold has been met.

They include:

- Former employees
- Unpaid volunteers

- Employees of U.S. firms who are stationed at worksites outside the U.S., and
- Employees of foreign firms who are working outside the U.S.

Once it's met, it's met

Let's say an employer has a busy season that runs from the beginning of May through the end of September, during which it employs more than 50 people.

When things slow down, the number of employees drops below 50 and remains there until June of the next year.

At that time, an employee asks for FMLA leave.

Must the employer entertain the request, even though it has not had 50 or more employees since the previous September?

Yes.

In this example, the employer met the 50/20 threshold in the prior year. Therefore, it's a covered employer in the following year.

Remember: If there were 50 or more employees for 20 weeks of the current or prior calendar year, the employer is a covered employer under the statute.

Integrated employers

What happens when separate businesses retain fewer than 50 employees each but operate under a single corporate entity or share common management? Are those businesses always excluded from FMLA coverage?

That's a hard no, the DOL advises.

First, a corporation is a single employer under the FMLA, and all of its employees – at all locations – are counted for purposes of determining whether the FMLA applies.

In addition, separate businesses may all be parts of a single employer if they qualify for what is known as an "integrated employer."

In determining whether an employer is an integrated employer, relevant factors include:

- Whether there is common management
- The interrelation between operations
- Whether there is centralized control of labor operations, and

- The degree of financial control or common ownership.

Joint employers

What happens when two businesses share control over an employee's work? Who's the employer for FMLA purposes?

In this situation, both employers must count the employee for FMLA purposes – even if only one of them has the employee on its payroll.

A final word (or two): Successor employers

Finally, an employer may need to comply with the FMLA if it takes over a covered employer.

Factors apply to determine whether any particular employer is in fact a successor. Ask yourself: To what extent did the new employer step into the shoes of the prior one?

Relevant factors to consider in making the determination include whether the new employer:

- Continues with the same business operations and provides similar products or services
- Provides similar working conditions and jobs
- Employs the same workforce and uses the same supervisory structure, and
- Uses the same location and similar equipment/production methods.

[Read this article online](#) 

Balancing Title VII rights: Religious worker fired for refusing to use trans co-worker's pronouns

March 30, 2023

In recent months, companies have faced an increasing number of lawsuits that stemmed from opposing political views, from face masks and company dress codes to "woke" training and anti-bias initiatives.

In this case, the company juggled Title VII rights involving religious views and gender identities. Here's what happened:

Religious beliefs clash with preferred pronouns

In 2019, Denise Haskins was hired at a blood bank. Her job duties required her to "routinely interact" with RS, another employee Haskins had known for years.

In early February 2021, RS told co-workers that he identifies as male and announced that he prefers to be referred to by masculine pronouns.

Haskins, who identifies as a "believing Christian," says she "sincerely believes that she cannot live a lie and remain within the truth." She further asserts her belief that "living a lie and being forced to repeat that lie out loud with her own lips is a significant violation of her right to practice her religion."

Based on this assertion, the court surmised that Haskins "did not want to use male pronouns when referring to RS."

On Feb. 13, 2021, Haskins was notified that RS filed a complaint against her.

During a "back-and-forth conversation" with a supervisor, Haskins claims she was told RS "had the right not to be bullied or harassed." Haskins says she then asked for a religious accommodation, saying she "could not have her speech compelled to tell a lie because she was a believing Christian who will not live a lie."

According to Haskins, the supervisor denied the accommodation request "without any consideration" and asked Haskins to write a letter of resignation. When she refused, she was fired.

Haskins filed a lawsuit, alleging her former employer discriminated against her on the basis of her religion in violation of Title VII and state law.

The employer filed a motion to dismiss.

Title VII rights: 3 elements of religious discrimination claims

To state a valid Title VII claim of religious discrimination, Haskins had to show that she:

1. "holds a sincere religious belief that conflicts with an employment requirement"
2. "informed the employer about the conflicts," and
3. "was discharged or disciplined for failing to comply with the conflicting requirement."

Here, Haskins met the requirement, the court found. She asserted her religious beliefs contradicted her employer's requirement that she use a co-worker's preferred gender pronouns. She further alleged that she informed the employer of the conflict and that her employer terminated her without offering any accommodation. That was enough to allow the claim to proceed, the court held.

Would granting request create undue hardship?

The company argued that it couldn't accommodate Haskins' religious beliefs without suffering undue hardship. Specifically, it said allowing Haskins to continue working "while refusing to refer to [RS] by [his] preferred pronouns" would expose the company to Title VII liability.

To support its position, the company pointed to EEOC guidance, issued in June 2021, that concluded "intentionally and repeatedly using the wrong name and pronouns to refer to a transgender employee could contribute to an unlawful hostile work environment."

First things first: In the footnotes of the decision, the court noted that a Texas federal court "has held that the EEOC's guidance is unlawful," and three months later, a Tennessee federal court "enjoined its implementation against certain plaintiffs."

In the current case, it isn't clear "whether and to what extent [Haskins] used, or intended to use, any pronouns when referring to RS," the court explained.

For example, the parties did not provide any info to the court about the details of RS's complaint about Haskins. Moreover, the court said that "individuals working directly with one another generally use names rather than pronouns." At this early stage with limited information, the court said it could not "assess the nature" of the alleged hardship.

Haskins' complaint outlines possible accommodations, including a transfer to another work location. But the company argued that wasn't reasonable because the nearest location Haskins could transfer to was 90 miles away.

When it comes to employers' attempts to accommodate employees, the court said that's generally a question for juries. Specifically, juries must look at the facts "on a case-by-case basis" to

determine whether employers made reasonable efforts to accommodate workers, the court explained.

The complaint "alone does not demonstrate the [employer] could not reasonably accommodate" Haskins' religious beliefs without causing undue hardship, the court said. As such, it denied the company's motion to dismiss.

The interactive process: A critical note

The court made another observation that had no impact on its current ruling.

Haskins also asserted the company failed to comply with a separate "legal obligation" to engage in the interactive process. Specifically, she asserted it should've held a "sit down meeting" to explore reasonable accommodations.

She referenced multiple cases, but the court said the case law "did not support such a requirement." None of the cases relied on by Haskins refer to a "sit down meeting" or an interactive process like the one required under the Americans with Disabilities Act (ADA), the court held.

Note to HR: Upcoming SCOTUS ruling may expand employers' obligations

This case provides a reminder that employment law issues don't have a one-size-fits-all solution. Here, the court referred to the differences in requirements for the interactive process for reasonable religious accommodations under Title VII and the interactive process for reasonable disability accommodations under the ADA.

However, as we told you earlier this year, the U.S. Supreme Court appears poised to expand employers' religious accommodation duties.

The case, *Groff v. DeJoy*, will consider whether:

1. the court should disapprove the more-than-*de-minimis*-cost test for refusing religious accommodations under Title VII stated in *Trans World Airlines, Inc. v. Hardison*, and
2. employers may demonstrate "undue hardship on the conduct of the employer's business" under Title VII merely by showing that the requested accommodation burdens the employee's co-workers rather than the business itself.

The *Groff* case is scheduled for arguments on April 18, and a decision is likely to be issued by the end of June. Stay tuned.

Haskins v. Bio Blood Components, No. 1:22-cv-586, 2023 WL 2071483 (W.D. Mich. 2/17/23).

[Read this article online](#) 

Tattoos at work: What's OK, and what's not?

April 6, 2023

When it comes to tattoos at work, how much power do employers have to give a thumbs up or say no go?

If you don't know the answer, you're running the risk of exposing yourself to a possible lawsuit – and legal liability.

The good news: Employers have plenty of leeway to set dress and appearance codes, and as a general rule they can choose to ban visible tattoos in the workplace.

But like many other general rules, this one has exceptions. And when exceptions apply, employers must know how to proceed.

Tattoos at work: The basic rule

In a nutshell: Employers generally can ban visible tattoos at work, but they must be careful to apply the ban evenly and be prepared to evaluate requests for accommodation.

Most frequently, requests for accommodation will be based on religion.

In other words, an employee may object to a generally applicable requirement that tattoos be covered at work on the basis that their tattoos are religious in nature – and that covering them at work would violate their religious beliefs.

If that happens, employers who do not carefully evaluate the request for the accommodation of leaving the tattoo or tattoos uncovered run the risk of violating Title VII, which is a federal law banning religious discrimination.

Evaluate requests diligently

When evaluating the request, there are two main questions to consider:

- Is the request based on a sincerely held religious belief?
- Would granting the request produce an undue hardship?

As to the first question, remember that a belief that is unique can still be religious. Beliefs and practices can be religious even if no one else subscribes to them, the EEOC has advised.

The flip side of that coin is that a personal preference is not a religious belief and is not entitled to accommodation under Title VII. The EEOC provides this example (direct quote, emphasis added):

*Sylvia's job has instituted a policy that employees cannot have visible tattoos while working. Sylvia refuses to cover a tattoo on her arm that is the logo of her favorite band. When her manager asks her to cover the tattoo, she states that she cannot and that she feels so passionately about the importance of the band to her life that it is essentially her religion. However, the evidence demonstrates that her tattoos and her feelings do not relate to any "ultimate concerns" such as life, purpose, death, humanity's place in the universe, or right and wrong, and they are not part of a moral or ethical belief system. **Simply feeling passionately about something is not enough to give it the status of a religion in someone's life.** Therefore, her belief is a personal preference that is not religious in nature.*

Tread carefully when making the call on whether a particular belief is a personal belief or a sincerely held religious belief. Social, political and economic philosophies are clearly not religious beliefs. But where the line gets murky, it may be best to err on the side of caution or seek specific legal advice before proceeding.

As to the second question, employers need not grant a religious accommodation if it would result in undue hardship. At the moment, they can meet that standard by showing that the accommodation would cause them to incur a cost that is anything more than *de minimis*.

Factors to consider include direct monetary costs and the degree to which granting the requested accommodation would burden the employer's business.

Undue hardship may be established by showing that granting the accommodation would diminish workplace efficiency, infringe on other workers' rights, or create a safety risk.

Rulings from courts are helpful

Several court rulings in this area of the law are helpful.

In one notable case, a restaurant server refused to cover tattoos on his wrists, saying that to do so would violate his religious beliefs. The restaurant terminated the server's employment, and the EEOC sued the restaurant on the server's behalf. After a federal court rejected the restaurant's argument that the tattoos did not really reflect a religious belief – and that accommodating the request to show them at work would be an undue hardship – the restaurant settled the Title VII case by agreeing to pay the server \$150,000.

Note too that although religion will form the basis for an accommodation request in the vast majority of cases, other protected classes, in theory, may also serve as the basis for an accommodation request.

For example, assume for a moment that statistics show people of one race are much more likely to have a tattoo than people of another race. If that is true, people who are more likely to have tattoos are more adversely affected by a policy banning tattoos – and conceivably could claim that a no-tattoo policy discriminates against them based on race.

Key takeaways for HR

When it comes to tattoos at work, here are your key takeaways:

- Employers generally have the right to ban visible tattoos at work.
- Employers must be ready to accommodate a request to display a tattoo at work for religious reasons or for any other reason that is based on membership in another class that is protected by law.
- Train managers on the requirements of your dress code and what the dress code says about tattoos.
- Tattoos, by themselves, are not a protected category under federal law.
- Private employees have no First Amendment right to display their tattoos at work.

A final point that is worth repeating: Make sure your policy relating to tattoos is consistently and evenly enforced. Uneven enforcement is an invitation for a discrimination lawsuit.

[Read this article online](#) 

Was transfer due to employee being late or racial bias?



HR Director Betty Murphy was just getting her first cup of coffee of the day when employee Maria Alonso came into the kitchen.

"Betty, I'm glad I found you," Maria said. "Do you have a minute?"

"Sure, walk with me back to my office and we can chat," said Betty. "What's going on?"

"I've been having some issues with my manager lately," Maria said. "Stan's been getting upset with me for being a little late to work, but it's nearly impossible to get the kids to school and get here on time."

Betty nodded. "I know it's tough doing all that on your own."

"The thing is, he doesn't get mad at other people who come in late," Maria went on. "I think he's being hard on me because I'm Cuban."

Forcing her to quit?

Betty's shoulders tensed. "Now, Maria, before you start saying that ... "

"It's true!" Maria exclaimed. "I'm the only non-white person in the department. I tried to talk to Stan about it, and what did he do? He transferred me to a job where I do nothing but busy work. I hate it, and he knows it."

"Let me talk to Stan," Betty suggested. "I'll get his side of the story, and we can go from there."

"I'm sorry, Betty," Maria said, shaking her head. "I know Stan is doing this because he's biased against me. I think he's trying to force me to quit, but I won't stand for this. I'm going to file a complaint with the EEOC."

When Maria sued the company for race discrimination, the company fought to get the case dismissed. Did it win?

The Decision

No, the company lost when a judge decided that Maria's discrimination claim could proceed.

The court said it was suspicious that Maria was the only person getting in trouble for being late. The fact that she was transferred to a lower position she didn't want only made her racial bias claim stronger, as that could be perceived as an adverse employment action, the court said.

There were no legitimate reasons for Maria's transfer that the court could see.

Be careful with adverse employment actions

This case demonstrates the need to be mindful of how certain personnel decisions may look if scrutinized closely.

When reassigning an employee, it's important that the move not look like the employee is being treated less favorably than similarly situated co-workers.

Cite: Millan v. Bexlar County, Texas, U.S. Dist. Ct. W.D. TX, No. SA-21-CV-0659-JKP-HJB, 1/5/22.

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

Enough with the stupid meetings! 6 ways to reel in unproductive time



by Michele McGovern



Enough with the stupid meetings! Most workplaces jacked up meetings – the Zoom kind – during the pandemic to help employees stay connected.

Now it's just overkill.

A Microsoft analysis of its software found meetings doubled between 2020 and 2022 and meeting time tripled!

So this shouldn't be too surprising: Almost half of employees say they have to attend too many unnecessary meetings, an Otter.ai survey found.

But meetings aren't just a time-sucking nuisance. They hurt business. Otter.ai found companies

spend as much as \$80k per year per employee on meetings – and could save about \$25k per employee if they just cut stupid meetings.

Companies willing to cut stupid meetings

Some companies have listened to pleas for freedom from meetings. Famously, Shopify cut 12,000 events – mostly recurring meetings of two or more people – from employees' calendars. With that, they freed up about 95,000 hours.

TechSmith tried one month without synchronous – real-time, in person – meetings. They called it An Experiment to Build an Async-First

Culture. And guess what? It worked pretty damn well.

"The experiment proved that employees could produce great work anywhere and anytime. But we learned that you cannot satisfy the 'anytime' aspect of flexible work without a healthy dose of asynchronous communication," says Amy Casciotti, Vice President of Human Resources at TechSmith. "An added benefit of Async-First was that employees experienced more autonomy in the workplace."

Systematically and thoughtfully reducing meetings can help HR and the entire organization reel in unproductive time.

Here are six keys to eliminating stupid meetings:

Curb the pressure

Most employees would like to decline a third of the meetings they're asked to attend. But they only get out of about 15% of them, the Otter.ai survey found.

Why don't they just turn down meetings? They think:

- they'll upset or offend the meeting organizer
- colleagues will think they're not engaged, or
- they'd be a bother asking a co-worker to bring them up to speed.

Ask employees to identify an actionable reason they need to be part of a meeting. If they can't find it, encourage them to decline.

Increase asynchronous meetings

The crux of TechSmith's experiment to curb meeting time was a shift to more async meetings.

Once they did it, 85% of employees now consider replacing meetings with async communication – using email, document sharing apps, chat functions and beyond to collaborate. More interesting was the 8% jump in perceived importance of meetings.

"The absence of meetings allowed employees to think more critically about how they use synchronous time together," says Casciotti. "Our goal wasn't to erase meetings because they are inherently bad. They're not. It was because we believed employees sometimes use meetings to address work where other forms of communication are better and more efficient."

Get serious

Shopify took a hard stance. And if you really want to cut back on meetings and unproductive time, you will want to set serious boundaries, too.

For example, Shopify essentially canceled all recurring group meetings, banned most Wednesday meetings and required that anything that included 50 or more people had to happen in a six-hour window on Thursdays.

Rules like these truly limited managers' reach when it came to calling for meetings.

Amp up communication

Of course, limiting meetings means increasing other communication. TechSmith prepared for that from the get-go.

"As we prepared our new hybrid-work environment, we realized that flexibility around when and where our employees worked would be essential. We needed to find a way to optimize this process," says Casciotti. "Rather than enforcing a set tech stack, we encouraged our teams to leverage workplace communication applications that best meet their unique needs."

At TechSmith, they relied more than ever on Slack and email for messaging, two project management apps, and their own Snagit tool for screen capture and video messages to clarify and add context.

Rethink how you meet

Remember, meetings aren't inherently bad. Teams collaborate

more naturally and accomplish things in meetings. But how we meet is usually the issue – one person in charge of an agenda, leading a group of half-interested people through information-sharing, problem-solving or decision-making.

Try something different: TechSmith created a "flipped meeting" to maximize necessary meetings while saving time. The meeting lead records a brief video with details to add context and sends it to the other participants ahead of time so they're ready to speak when the time comes.

Set guidelines

Give front-line managers and employees some direction on how they should meet based on what they need to accomplish. For instance, meet face-to-face (even via video) for confidential, complex or sensitive subjects. Use asynchronous meetings for idea sharing and voting.

"Before welcoming anyone back to the office {into a hybrid schedule from a remote one}, we clearly defined and identified the strengths of each communication type – i.e. asynchronous, synchronous, in-person – for specific work tasks so all teams can decide the best way to collaborate on company activities and interactions," Casciotti says.

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EXPANDING WORKFORCE WITH INDEPENDENT CONTRACTORS

EMPLOYMENT LAW

Independent contractors: 5 misconceptions HR may have



by Bridget Quinn Kirchner, HR Expert Contributor

As the gig economy continues to grow and organizations seek to build their talent by hiring an independent contractor workforce (freelancers, 1099 workers, gig workers), understanding what's required of an organization using independent contractors is critical.

For HR teams, this can bring about several questions as to how best to onboard, engage and retain this workforce. Below are five key misconceptions HR may have about independent contractors and how they can be addressed.

Misconception #1: HR doesn't need to engage with independent contractors

Often, independent contractors are engaged by individual business units, rather than the usual HR

recruitment process for full-time employees within companies. This lack of organizational oversight poses potential risks for HR given the changing requirements on worker classification and other regulations governing independent contractors.

For example, a business unit may engage an independent contractor on a long-term basis and/or have a scope of work that isn't much different from a W-2 employee. Both of those factors can change that worker's classification depending on state and local laws. Furthermore, contractors can engage with multiple teams across the same organization at once, which can again lead to classification issues.

In short, worker classification can be complicated. As far as the IRS is concerned, organizations must take into account relationship, behavioral and financial considerations in order to classify workers as independent contractors (a written agreement

alone isn't sufficient). This is complicated further by regulations varying between states, so it's critical for HR, along with legal, to work closely with teams to put guardrails and policies in place to help mitigate compliance risk when engaging with contractors.

Misconception #2: Contractors aren't a critical part of the workforce strategy

As predicted by the Freelancers Union, 50% of US workers will be freelancing by 2027 – yet independent workers are often overlooked by HR and payroll. The dynamics of recent events – from the pandemic to a rapidly changing labor market – mean that quitting a full-time job to enter the independent contractor workforce is a much more appealing proposition to many today compared to a few years

ago. Acknowledging this trend and properly bringing contractors into an organization should be a critical part of any company's workforce strategy. When vetted properly, using independent contractors can help your organization be more agile and deliver on clients' needs more quickly.

Misconception #3: Having an independent contractor policy is unnecessary

Without a formal contractor policy in place, one of the key risks you can face is business units operating on an ad hoc basis when engaging with independent contractors. They may well be unaware of their obligations to the contractor, the organization, and the relevant tax and regulatory bodies.

HR should work with the legal team to put together policies and guardrails to help guide leaders in engaging with independent contractors. Once this is done, it needs to be supported by processes and technology that ensure these policies are enforced. Utilizing the right technology platform can give HR the visibility needed to help ensure compliance both at the onboarding stage and during the worker's engagement with the business.

Misconception #4: Organizations can use the same technology for W2 employees and independent contractors

It's critical to recognize that the technology you need for managing an independent contractor workforce is very different from

the technology used for a W2 workforce. Trying to use your existing W2 payroll or HR system to manage your contractors may lead to inefficiencies, poor contractor experience and compliance risk. For example, W2 workforce technology is primarily designed to pay employees on a regular cadence, whereas independent contractors need to be paid on demand as projects are completed.

A dedicated technology platform for managing contractors provides four key benefits at the organizational level:

- **Mitigate risk** – Ensure contractors meet your business requirements by setting up automated guardrails during onboarding. Automated workflows can verify worker Tax ID and submit 1099 NEC forms to the IRS on an organization's behalf.
- **Easy audit trail** – All required worker documentation (NDAs, certifications, licenses), invoices for each project, and annual 1099 NEC forms can be stored in one centralized, accessible repository.
- **Increased visibility** – Spend, usage and engagement of your whole independent contractor workforce are easily trackable across the entire organization with real-time reporting.
- **Retain your contractor workforce** – Provide a positive experience for contractors with easy self-onboarding, fast and flexible payment options, and a mobile app through which they can easily communicate with you.

Misconception #5: Contractors aren't an important factor when considering your DEI strategy

For HR professionals involved in their company's DEI strategy, the W2 workforce is an obvious place to start. Diversity across your permanent workforce is, of course, a critical part of any DEI strategy, but it is far from the only way to meet your DEI goals.

Contractors offer a much broader spectrum of diversity along with their expertise – think caregivers who can only offer a certain number of hours per week; veterans who require flexibility in working conditions; retirees who are seeking ad hoc projects; and so on. All these candidates bring unique skills that you may not find in your W2 workforce, while also helping you achieve DEI goals.

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The Cost of NonCompliance



\$25.1M

Pay discrimination: Jury awards \$25.1M to woman who alleged Title VII violations

Who was involved: Omni Hotel and Resorts and a former female employee who had been with the company for nearly 16 years.

What happened: The former food and beverage manager filed a complaint with the EEOC, alleging she was paid less than her male colleagues in violation of Title VII and the Equal Pay Act. The EEOC found the violations were likely and issued a right-to-sue letter.

Result: After a legal battle that lasted nearly eight years, a Texas federal jury awarded \$25.1 million to the woman.

Info: [Jury verdict in Lindsley v. TRT Holdings Inc.](#), 3/9/23.

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



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Voices of HR is a new, weekly HRMorning podcast, where we have candid conversations with an eclectic group of HR practitioners, thought leaders, and C-suite executives to tease out what works and what doesn't in human resources, people strategy, corporate culture, and more.

Join host Berta Aldrich, Outperformance Coach and author of "Winning the Talent Shift," for unique perspectives, new research, and behind-the-scenes stories you can use to strengthen your people strategy and create a culture of outperformance.

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The 16 most effective interview questions to ask job applicants



by Michele McGovern

THE RIGHT MIX OF THE MOST EFFECTIVE INTERVIEW QUESTIONS



The success of any organization is a direct result of its employees and their abilities to contribute.

That makes human resources managers' role in the hiring process critical to their organization's success. From promoting the company and individual roles to screening applicants and asking the most effective interview questions, HR needs to command a thorough process.

And today, evaluating and selecting the right candidates is almost always a struggle. Almost half of recruiters say they find it difficult to recruit and fill open positions, according to a survey by The Harris Poll and Express Employment Professionals.

Regardless of the job market, it can be a challenge just to make your open roles appealing to

job seekers. And even when you manage to evaluate candidates, their qualifications and level of interest in your organization, sometimes you still can't separate the great candidates from the good – or even the bad.

Why the most effective interview questions matter

That's where effective interview questions come in. When HR and hiring managers ask the right questions, you'll more likely get candidates to open up and reveal their personalities, qualification and overall fit for the job.

Through effective interview questions, you can identify the ideal employees and hopefully hire

them to help their teams and the organization continue to succeed.

Keep in mind, you want to keep interview questions professional and work-related. Generally, skip the silly questions usually meant to catch candidates off guard.

You can still ask questions that gauge personality and critical-thinking skills (more on those later), but they'll be more effective when they're related to the work environment and the job in question.

Here are four categories of job interview questions you'll want to include in your hiring process.

Questions about professional experience and skills

A résumé is a thorough roadmap of job seekers' experience. It also gives you a good overview of their skills. But it doesn't give the full picture of potential employees' abilities, depth of experience and variety of skills.

Pose these questions or prompts to dig deeper:

1. Tell me about your previous work experience and how it relates to this role.

- **Why ask:** You want to hear how past experience can positively impact the role and your organization — even if what they have to offer is just a new, valuable perspective.

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- **What it gauges:** Their ability to understand the role, and the impact they can have on it and your organization.
- **The ideal answer:** They identify what's transferable from previous roles, plus areas where they can provide unique perspective.

2. What specific skills and expertise do you bring to this position?

- **Why ask:** The résumé can't show their full range of capabilities.
- **What it gauges:** Not only their strengths, but also their aptitude on what matters for the role they may take.
- **The ideal answer:** It involves detailed information on what they know and can do, plus how those relate to the role they're interviewing for.

3. How have other positions you've held fostered your career goals?

- **Why ask:** It's smart to ask candidates about their expectations for the job and where it will lead them.
- **What it gauges:** You can shed light on what candidates are looking for in a new position — and if the one you have is a right fit for them.
- **The ideal answer:** What they say aligns with the role, career path and professional growth you have to offer.

4. How do you stay up to date with developments in your field?

- **Why ask:** You want to know if the candidate makes an effort to improve skills, expand knowledge and become better.
- **What it gauges:** Their ability to recognize the need to develop

skills and knowledge — and the drive to pursue information and training.

- **The ideal answer:** They find ways to learn through a variety of methods — requested help, hands-on training, individual study and group training.

Questions about company culture fit

Questions about company culture fit could be some of the most important you'll ask candidates. You don't want new hires to find out they don't fit in and can't thrive. And you don't want to bring on someone who might become toxic to your positive company culture.

On the flip side of the culture coin, beware of hiring just for fit. When you lean too heavily on finding clones for your culture, the organization will become less diverse, creative and productive.

Ask or prompt with these:

5. How do you feel your values align with those of our company?

- **Why ask:** First off, you want to be sure they understand your company values. They don't have to align completely, but you'll want to hear an understanding.
- **What it gauges:** Personality and the degree of values candidates bring to work — and if those are similar enough to your organization's to make it work.
- **The ideal answer:** Values don't have to run parallel, but they can't be perpendicular.

6. What makes you excited to come to work every day?

- **Why ask:** Similar to the values question, you want to understand what motivates candidates.

- **What it gauges:** Their intrinsic and extrinsic motivations — what drives them emotionally and physically to show up and perform at their best.

- **The ideal answer:** Depending on the role, you'll want to hear what they need out of a job to stay engaged — be it money, challenges, praise, purpose, etc. — so you know if you can provide it.

7. How do you handle conflicts or difficult situations with co-workers?

- **Why ask:** Lots of reasons. Workplaces are full of conflict and difficult situations. You need to know how or if they can handle yours with the level of professionalism your organization needs.
- **What it gauges:** Their degree of self-awareness and emotional intelligence, and the ability to face and overcome difficulties.
- **The ideal answer:** A recognition that conflict and difficulties happen in the workplace, a willingness to hear out others and work together toward common goals.

8. What's your preferred work style?

- **Why ask:** You need to understand the conditions that are ideal for them to succeed — and if the role provides those.
- **What it gauges:** Personality traits, specifically pointing to whether the candidate is a team player or not. In some roles, it's important. In others, it's not.
- **The ideal answer:** Depends on the role, but if you need someone who must collaborate, help and work well with others, you'll want to hear about some degree of affection

for interaction, collaboration and assistance.

Questions about career goals and aspirations

You want to hire the right people for right now – and for the future. So it's important to fether out job candidates' longer term plans and aspirations to be sure they're a right fit for your organization in the long run.

Questions about career goals and plans will also help you determine candidates' levels of commitment and ambition.

Ask or prompt with these:

9. What are your career goals for the next five years?

- **Why ask:** You want to get a feel for candidates' desired career path, not only in your position and company, but also for the future.
- **What it gauges:** Their goals without forcing them to predict where they'll be.
- **The ideal answer:** It includes proof that candidates take the job they're interviewing for seriously — and an interest in career growth beyond it, when appropriate.

10. What motivates you in your career?

- **Why ask:** You need to have an understanding of their expectations as their career grows in your organization.
- **What it gauges:** Motivations — professional and personal, as the former is almost always influenced by the latter.
- **The ideal answer:** An honest one — one that at least hints to

both professional and personal motivations. If they're only interested in one side of the coin, they might not be telling the full truth.

11. What are your long-term career goals?

- **Why ask:** You want to ensure your organization and its career path can fulfill their goals.
- **What it gauges:** Their aspirations and how they align within your organization.
- **The ideal answer:** A path that's possible within your organization.

12. What's the toughest feedback you've been given, and how did you learn from it?

- **Why ask:** You want to understand how well candidates take feedback — positive and negative.
- **What it gauges:** Their ability to recognize weaknesses, the need for improvements and opportunities to improve. It also reveals their ability to understand their strengths and if they can capitalize on them.
- **The ideal answer:** A response that shows candidates heard and accepted harsh criticism, worked to improve and benefitted from the situation — whether they agreed with the feedback or not.

Questions about problem-solving and decision-making abilities

Nearly every employee in most organizations will need to make decisions on the spot and solve problems beyond their normal scope of work. Regardless of the

role you're hiring for — from CEO to custodian — you want to assess problem-solving and decision-making competency.

These questions and prompts will help:

13. Tell me about a time when you had to make a difficult decision.

- **Why ask:** Most decisions at work are perfunctory. But the difficult decisions are usually those that have the biggest impact. You want to know if candidates treat them differently to reach optimal outcomes.
- **What it gauges:** Ability to prioritize and rationalize under pressure.
- **The ideal answer:** You want to hear they turned to several resources to make logical decisions, while taking into account the impact on people and processes.

14. How do you approach problem-solving in your work?

- **Why ask:** This, too, gains insight on work style and how it can — or can't — fit into your organization.
- **What it gauges:** The time, effort and resources candidates put into solving problems.
- **The ideal answer:** It involves a practical use of the time and resources that are customarily available within your organization.

15. Give an example of a time when you had to think on your feet to come up with a solution.

- **Why ask:** Every job requires some impromptu action or reaction. You need to know if they're equipped to handle emergencies.

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- **What it gauges:** Their ability to think on their feet.
- **The ideal answer:** It should involve a quick review of the situation they faced, followed by a reaction that was based on experience, innovation and the available resources.

16. What's a problem you've encountered and then solved?

- **Why ask:** You want to know they can do more than solve problems — they can also identify problems that need solutions.
- **What it gauges:** Their awareness of issues and confidence in their abilities to solve those.
- **The ideal answer:** It includes just the right amount of detail. If there's too little, they're likely exaggerating their role. People who identify and solve big problems remember every detail like it's their child.

How to use most effective interview questions

HR professionals and hiring managers will want to use a mix of the four types of questions to get a well-rounded view of job candidates. Be sure to include a balance of questions that are a little more personal — revealing personality, motivations and work style — and professional — revealing skills, knowledge and experience appropriate for the position.

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Case Study

How an 'async-first' approach boosted employee productivity



In pursuit of the ideal hybrid work environment, we decided that synchronous virtual meetings were too rigid and too restrictive – so we eliminated them in a month-long experiment.

As a leader in workplace communication solutions, fostering an excellent hybrid environment means a lot to us. When employees began working fully remotely, they began expressing that they wanted “fewer, better meetings,” and were suffering from meeting fatigue. We realized that meetings for remote employees may be causing more harm than good.

Searching for new and better ways to collaborate

So we created “Async-First in July,” an experiment to better understand asynchronous workflows and communication, and to revamp our meeting culture for flexible work models.

The experiment, led by a multi-department team, eliminated all meetings for the entire month. Communication only happened through writing and prerecorded video, giving employees the flexibility to respond on their own time to prioritize their focus and productivity.

By the end, we hoped to know if asynchronous communication could have a positive impact on

employee satisfaction, job attitude, productivity and innovation by increasing flexibility and “think” time.

Less meetings, better outcomes

As we began the experiment, we could immediately tell that employees were enthusiastic about a month of no meetings, and many were also eager to see the benefits of asynchronous communication.

We learned lessons along the way and went through a lot of trial and error. For example, we quickly learned that text-based communication is not an effective replacement for synchronous communication. To fix this, employees began recording short video messages to add a human element to otherwise static content.

During the experiment, teams were not given a set of technology and software. Instead, they were encouraged to find workplace communication tools that worked for them when it came to messaging, project management and video messages.

Overall, we found that asynchronous communication yielded multiple benefits. Based on survey data, we found that:

- Employee productivity went up, with over 15% of employees saying their productivity has improved

- Employee sentiments towards the importance of meetings increased by 8%, and
- 85% of employees will consider replacing future meetings going forward.

How we're moving forward

The results from the experiment are helping to guide our new hybrid work model. Although we brought back meetings, we defined the strengths of different communication types to help teams find the best way to collaborate.

Some “flipped” meetings also occur, where meeting leaders will prerecord the topic of the meeting and an explanation so that teams can come prepared to discuss.

In the future, we will continue looking for new ways to support flexibility for teams and will continue encouraging our people to find what works best for them and their needs.

(Amy Casciotti, Vice President of Human Resources at TechSmith, East Lansing, MI)

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Alcoholism at work is costing you more than you think: What HR can do



by Alison Roller



April is Alcohol Awareness Month, aimed at increasing outreach and education surrounding the dangers of alcoholism and other alcohol-related issues.

These issues are especially tough to talk about in the workplace, but alcoholism and other substance use disorders aren't just personal issues. Alcoholism is a disease that can permeate every part of a person's life, including at work.

An employee struggling with alcoholism can cause real, impactful ripple effects throughout an organization. In fact, workplace alcoholism and alcohol abuse amount to lost productivity, healthcare costs, traffic accidents and personal tragedies totaling between \$33 billion to \$68 billion per year, per OPM.

Alcoholism is a workplace issue that HR needs to stay aware of and on

top of, even when it may seem out of their realm of responsibility.

Alcoholism in the workplace

Throughout the years, many companies have gotten increasingly lax about alcohol in the workplace. From start-ups offering in-office bars to virtual happy hours during the pandemic, many companies use

alcohol and social drinking as a team-building tool.

This drinking culture could lead employees – even if not all-out alcoholics – to do some undesirable behaviors. “Even if alcohol abuse is not an ongoing issue, it is very common for people to overindulge at a company party, event or happy hour, and career consequences from one bad moment can be life-changing,” advises William Stonehouse III, president and co-founder of Crawford Thomas Recruiting.

The effects go far beyond an embarrassing or inappropriate moment at a company event. Employee alcohol abuse can lead to:

- **Health problems:** Long-term alcohol abuse can lead to a wide range of health problems which may lead to increased sick time.
- **Safety concerns:** Alcohol abuse can impair an employee’s judgment and motor skills, increasing the risk of accidents and injuries in the workplace. “DUIs are another concern from a cost perspective as they can make some employees uninsurable or extremely more expensive to insure for positions that require driving,” says Stonehouse.
- **Strained relationships:** Alcohol abuse may lead to strained relationships with co-workers, friends and family members.
- **Financial consequences:** Alcohol abuse can lead to financial consequences such as missed workdays, reduced earning potential and increased healthcare costs. “When people think about the cost, they only think of intoxicated employees at work but the true cost can extend to being hungover

at work, calling out sick and disruptive behavior at company functions where alcohol is served,” says Stonehouse.

The issue of alcoholism and alcohol at work pops up in all models of work, including hybrid and remote.

“In the early days of the pandemic and the transition to work from home drinking during the workday may have been an increased challenge, and it does seem to be a concern for some employers,” says Stonehouse. “Since the [remote] or hybrid employees are remote, it’s harder to tell than those [who] are in office full time. The emphasis and benchmark has to be productivity metrics to gauge effectiveness and to help detect decreased engagement.”

Workplace warning signs and next steps

Addressing these issues in the workplace can seem daunting. Falsely accusing an employee can lead to major trouble, so it’s important to balance the delicacy of the situation with prioritizing the health and safety of all employees.

According to Stonehouse, common warning signs of alcohol abuse from employees include:

- **Frequent absences or tardiness:** Employees who are struggling with alcohol abuse may frequently miss work or show up late.
- **Poor job performance:** Employees who are struggling with alcohol abuse may have decreased productivity, make mistakes and have difficulty concentrating.
- **Changes in behavior:** Employees who are struggling with alcohol abuse may exhibit

mood swings, become irritable or defensive and have difficulty controlling their emotions.

- **Physical signs:** Employees who are struggling with alcohol abuse may have slurred speech, bloodshot eyes and an unsteady gait.

Noticing these warning signs is one thing, but many employers struggle with where to go from there. “Coming from a place of empathy and care is more productive than a disciplinary type meeting,” says Stonehouse. It’s important to approach the situation carefully and with compassion instead of accusations.

Depending on the situation and its severity, you’ll want to refer the affected employee to resources to find help and support, such as:

- **Employee assistance programs (EAPs):** If your company offers an EAP, you may want to refer the employee to counseling to get additional support.
- **Referral to a healthcare provider:** If the situation is more severe, the best thing HR can do is refer the employee out to a trained professional. Employers can encourage employees to seek help from a healthcare provider, such as a primary care physician or a mental health professional.
- **Referral to a support group:** Local support groups such as Alcoholics Anonymous or SMART Recovery can help employees find a like-minded community to get peer support.

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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.



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!



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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



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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.



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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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