

November 2022

Recruiting - and recognizing - top talent:

Best practices for HR

19 ideas to build
a better employee
recognition program..... **5**

10 best practices
for recruiting and
hiring top talent **10**

6 fears that can hold back
HR - and how to overcome
them **21**








In This Month's Issue


News Briefs 3


Articles

 19 ideas to build a better employee recognition program 5

 10 best practices for recruiting and hiring top talent 10


 8 of the most powerful words leaders can use 13

 Why new managers fail – and how to help them avoid the top 5 pitfalls 17

 6 fears that can hold you back – and how to overcome them 21

Insider Content


HR Case Study

 United a dispersed workforce with well-being initiatives 8


Cost of NonCompliance

 FLSA misclassification: Courier drivers to split \$575K 9


You Be The Judge

 Was retaliation claim legit or was employee's work subpar? 15

HR Case Study

 This four-pronged approach helped us elevate our onboarding 19

Cost of NonCompliance

 Retaliation case: Jury awards \$251K to former Sam's Club employee 20

News Briefs

HR Stories You Might Have Missed

ADA and mental health rights: 3 new lawsuits sound warning

October 4, 2022

Three newly filed lawsuits highlight the critical importance to HR pros of understanding how the Americans with Disabilities Act (ADA) applies to applicants and employees with mental disabilities.

In a span of just five days, the Equal Employment Opportunity Commission, which enforces the employment provisions of the ADA as well as other federal laws against discrimination, filed new suits against separate employers in three different states.

[Read more](#) 

Employees want companies to offer pet insurance benefit

October 4, 2022

Many people adopted furry friends during the pandemic. And while they bring needed companionship, pets also bring high medical bills. The solution to this problem ... pet insurance benefits.

Forty-five percent of pet owners will spend the same amount or more on their animal's health care than their own, according to a survey conducted by financial firm Lendedu.

[Read more](#) 

Revamp your recruiting to win the talent war

October 7, 2022

Has recruiting and talent acquisition (TA) seemed nearly impossible lately? If so, you're not alone. Many TA professionals are struggling to find enough applicants for roles.

Things like record-high job openings and soaring quit rates, which reached its peak in December 2021 at 3%, are throwing a wrench in TA efforts across the board. On top of that, recent trends like return-to-work wars and quiet quitting may mean that TA is taking a backseat for HR departments.

[Read more](#) 

ADA suit tests limits of job accommodation duty

October 11, 2022

A recent federal appeals court ruling shows the wide range of accommodations employers might have to provide applicants and employees with disabilities. It also shows the steep price employers may have to pay if it is determined that an accommodation should have been provided but was wrongfully denied.

Paul Reina is deaf and legally blind, and he also has anxiety. In 1998, he started working as a cart attendant at a Wal-Mart in Wisconsin.

[Read more](#) 

\$46.5 million question: Employee or independent contractor?

October 13, 2022

The grocery delivery company Instacart has agreed to pay \$46.5 million to settle a lawsuit that accused it of wrongfully classifying employees as independent contractors.

San Diego City Attorney Mara Elliott sued Instacart in September of 2019, just three days after a state-law bill regulating so-called gig economy employers cleared the California Legislature. That bill, which has since become law, makes it harder for employers like Instacart, Uber and Lyft to classify workers as independent contractors rather than employees.

[Read more](#) 

How NOT to respond to sexual harassment complaints: \$700K mistake

October 18, 2022

Lowe's, a nationwide hardware and home improvement company, has agreed to pay \$700,000 to resolve a sexual harassment complaint brought by the Equal Employment Opportunity Commission (EEOC) on behalf of three female employees.

According to the EEOC's complaint, Lowe's "allowed sexual harassment to occur" at an Arizona location "for several years." Specifically, a male employee was accused of harassing female co-workers with sexually explicit comments and gestures that simulated sexual acts.

[Read more](#) 

2 workers fired for hosting Christmas party during the pandemic: Religious discrimination?

October 20, 2022

Another holiday season is right around the corner, which means this employer-friendly ruling from the Sixth Circuit provides timely guidance — just in time for Christmas, Hanukkah and other religious celebrations.

The court upheld the terminations of two employees who hosted an after-hours holiday party at the height of the pandemic — just days before the first COVID-19 vaccine was granted emergency use authorization in the U.S.

[Read more](#) 

AI in HR: 3 things HR pros need to know

October 20, 2022

Artificial intelligence (AI) is becoming an everyday tool for many different industries — including human resources. In the past few years, AI in HR has shifted from an emerging to a commonplace technology and it doesn't seem to be coming to a stop. Ninety-two percent of HR leaders plan to increase their use of AI in at least one area of HR, according to a survey from Eightfold AI.

While some HR leaders have fully embraced AI and other emerging technology, many are still not fully on board with the idea of AI in HR and automating parts of the hiring process.

[Read more](#) 

2023 family benefits: Top 3 trends

October 24, 2022

Companies have been expanding their family benefits offerings for a few years now. But will the economic uncertainty surrounding 2023 slow down this benefits expansion?

To find out, Maven surveyed more than 100 benefits decision-makers across a variety of industries (health care, finance, tech and manufacturing). What they found was somewhat surprising.

[Read more](#) 

BEST PRACTICES FOR EMPLOYEE RECOGNITION PROGRAM



BENEFITS

19 ideas to build a better employee recognition program



by Michele McGovern

A solid employee recognition program can make almost everything in an organization better.

When employees are consistently recognized, they're more motivated and productive, according to research from Gallup. Recognition boosts engagement and makes employees feel valued for their contributions, which leads to higher employee retention rates.

Even better, a little recognition goes a long way. Harvard Business School researchers found lasting

spikes in motivation, performance and retention when employees received symbolic awards – such as congratulation cards, public praise and certificates.

What is an employee recognition program?

You don't want to leave employee recognition to chance. Build an employee recognition program – a defined plan to motivate employees to do great work by rewarding them for efforts and dedication – to help

maintain high behavior standards and a positive company culture.

Benefits of an employee recognition program

Employee recognition programs help improve almost all elements of the workplace. Specifically, employers with dedicated programs report improvements in:

- **Loyalty.** Employees stay where they're appreciated.

- **Recruitment.** Happy employees refer candidates. Plus, candidates can sense a positive workplace when they're being recruited.
- **Engagement.** Employees are more engaged with their work and colleagues when they know their efforts are appreciated.
- **Morale and motivation.** Employees are more likely to feel good about work when they're praised for their contributions.
- **Productivity.** Employees who feel valued work harder toward common goals.
- **Happiness and delight.** Appreciation makes people happy.
- **Company culture.** Employees who feel appreciated help build and promote a more positive workplace culture.

To gain the benefits of an employee recognition program, here are best-practice ideas to implement it:

1. Celebrate milestones

Recognize and celebrate professional and personal milestones. Give awards and small rewards for work anniversaries, promotions, lateral moves, new certifications, etc. Spread the word and celebrate employees' personal milestones such as birthdays, weddings, births and achievements in their passions such as sports, arts and beyond.

2. Host quarterly awards

Hold regular, more formal award events to recognize team accomplishments and outstanding individual contributions. Invite

employees to nominate colleagues for special awards for above-and-beyond work or going the extra mile for co-workers.

3. Give VIP parking

Designate a few VIP parking places close to a door. Ask managers and employees to nominate deserving colleagues. Divvy up the special spots one month at a time to employees with the most nominations.

For remote or hybrid employees who are nominated, announce the accomplishment on your internal communication or recognition app, then send them a special treat such as a roll of quarters or gift card for parking or tickets to a drive-in movie theater.

4. Dole out the treats

Make sure front-line managers have a budget to show appreciation to their deserving teams, and give them ideas to tie random treats to days of the week. For example, bring in popcorn or snack mix for "Munchie Monday." Try a "Twisted Pretzel Thursday." Put out fruit for "Fit & Healthy Friday" and offer a Yoga or meditation break.

The same can be done for remote employees: Send them the package for a special week.

5. Make services more accessible

Show employees you appreciate all they do at work by helping them free up personal time. For instance, arrange on-site dry cleaning pick-up and delivery. Connect with local companies to offer employees

discounts on services such as house cleaning, lawn care and car washing.

6. Offer personalized praise

Give front-line managers stationery, stamps and some templates to write a few personalized thank you notes to employees a few times a year. Ideally, they should mail the notes to their homes, but leaving notes at their work stations is good, too. Even better: Send a note to employees' family members, thanking them for their support so employees can bring their best selves to work.

7. Bring in a masseuse

To help curb some of the stress work can cause, bring in a masseuse or two to the office from time to time. Let employees schedule a free 10-to 15-minute chair massage at their convenience.

For your remote employees, send gift cards that can be used for "treat yourself" events such as the massage, a yoga session or another local indulgence.

8. Make a wall of recognition

Dedicate a wall in a well-traveled area where employees can share messages of appreciation toward each other – perhaps on a chalkboard-painted wall, with sticky notes or a row of whiteboards. Encourage employees to get creative: Write messages, draw pictures, hang photos and invite others to chime in on what they've posted in praise of each other.

To keep pace with remote and hybrid employees, replicate this

kind of recognition on your internal communication or appreciation app.

9. Maximize social media

Ask employees to submit “shout-outs” about colleagues who’ve gone above and beyond, and promote their stories on your internal intranet (perhaps a specific praise channel) and your company social media platforms. Add photos and ask for details on what makes the employee so great.

10. Give them time

One of the most appreciated ways to show appreciation is with time. Give employees extra personal time for their professional efforts. When appropriate, hand out “coupons” for hours off for outstanding contributions. Surprise an entire team with a day off after a major win. Or let employees leave early when they’ve hit goals.

11. Help employees network

Show your appreciation for employees by giving them the time and opportunities to network within your organization. The stronger the relationships they build with each other, the more engaged they will be at work. Plan lunch-and-learn sessions with speakers on outside interests such as personal finances or local history. Organize monthly breakfast networking time.

12. Bolster Employee Resource Groups (ERGs)

Give employees more control to organize, build and maintain

ERGs. Encourage them to look into what works in other organizations so they might try new ERGs. Give equal funding to each group to improve the group’s profile, increase membership and help them have fun.

13. Focus on feedback

Employees will feel understood and appreciated when their feedback is sought and used. Hold regular town hall meetings to share the state of business and celebrate accomplishments. Do quarterly surveys to gauge sentiment on engagement, workload and any new initiatives. Most importantly, react and respond to feedback so employees know their insight is needed and valued.

Tips to build an employee recognition plan

Now that you have ideas to recognize employees, make sure you have a plan for an employee recognition program. Here’s what’s critical:

1. **Get leaders’ buy-in.** The C-Suite usually likes numbers. Show them the benefits of an employee recognition plan through payroll savings associated with low turnover, productivity increases associated with engagement, quality improvements related to motivation, etc.
2. **Set goals.** Define what you want to achieve with your program – for instance, improve employee satisfaction by 10 points or increase employee retention by 50%.
3. **Secure resources.** Whether you have to set a new budget

or adjust the existing one, determine the resources – people, money, time, etc. – you’ll need to keep the ball rolling.

4. **Create guidelines.** Define how the program will work. For instance, note nomination and reward criteria. Lay out what front-line managers must do quarterly.
5. **Do a tech grab.** More than likely, you’ll want some kind of technology to execute the plan. Work with IT to either build on what you have or identify the system that works best for your organization.
6. **Measure success.** Determine your goals and criteria for success. Then make sure you have the measurement tools in place to track progress.

Connect the dots

Employee recognition programs are important. Research proves it: Employees who are praised and recognized by their boss have about a 70% engagement rating. Employees who don’t get regular praise and recognition clock in with a 28% engagement rating, according to another Harvard Business School study.

So take steps now to make sure yours is set up to succeed.

[Read this article online](#) 

United a dispersed workforce with well-being initiatives



While the COVID-19 pandemic forced employers nationwide to pivot quickly to remote work, Fairway Independent Mortgage had decades of experience managing a widely dispersed workforce. The company has more than 10,000 employees across the U.S., but only about 900 of those work in one of three corporate offices. The rest are distributed among more than 500 branch locations.

That experience has put Fairway ahead of the curve when it comes to supporting the health and well-being of remote workers. Since shifting to a self-funded insurance program in 2015, Fairway has prioritized employee health by introducing initiatives and promotion methods designed to engage employees regardless of their workplace location. Those efforts include receiving WELCOA certification to ensure the company stays current with best practices for forming wellness programs and encouraging healthy behaviors.

Central to the company's success has been the introduction of on-demand, virtual well-being solutions and a creative approach to promoting well-being options all year.

4 ways to engage employees in well-being

Here are four ways Fairway supports well-being, no matter where their employees spend their workday.

1. Went virtual. The COVID-19 pandemic sped the adoption of virtual services. Virtual doctor visits became commonplace, and the global virtual fitness market is expected to grow from \$11.39 billion in 2021 to more than \$79 billion by 2026. Similarly, income from mental health apps is expected to grow as much as 22% over the next five years. Giving employees access to a diverse selection of on-demand classes that empower habit-forming physical and mental health for users of all ages, interests and ability levels made it easy for Fairway employees to find a class that appealed to them. And because users could stream the classes on their own schedule, from whatever location worked best for them, they were freed from gym schedules. Options like these allowed employees to choose from classes of varying lengths and intensity levels to ensure everyone could find something that worked.

2. Skipped the inbox. The average office worker receives 121 emails each day, which can make it difficult to stand out in someone's inbox. Factor in the approximately 2.7 billion global employees who don't have a desk of their own – only 40% of whom feel well-informed on company news – and email might not be the best way to reach employees with important well-being information. Rather than add to their employee's crowded inboxes, Fairway engaged their employees with regular content on company social channels. Fairway used tags like #MindfulMonday, #WellnessWednesday and #FridayFact to share important benefits information and promote well-being offerings on a regular schedule. Instagram, in particular, was useful for reaching employees with regular posts highlighting mental health resources or just reminding them to drink more water. Conducting fitness or mindfulness classes over Facebook Live was also an effective way to engage remote workers.

3. Rolled out the re-welcome mat. Onboarding puts a lot of new information in front of employees, and it's easy for some of that to fall through the cracks. Rather than expecting their employees to remember every detail of their wellness initiative, following that initial introduction, Fairway conducted a re-welcome campaign that engaged new employees once the flood of onboarding tasks and training has passed.

4. Offered challenges. Employees who are reluctant to embrace well-being goals on their own might be more interested if their efforts are part of something bigger. So Fairway offered challenges throughout the year, and tied them to specific health-related causes. For example, an October #PaintTheStreetPink challenge tied to


Case Study

United a dispersed workforce with well-being initiatives (Continued)

breast cancer awareness allowed participating employees to send care packages to people in crisis. In addition, an August 2021 Get Started fitness challenge drew 250 participants and resulted in 186 employees signing up for the first time – the highest month for new users in 2021.

While many employers have started returning to the office, it's clear that remote and hybrid work schedules will remain part of the work environment. As a result, accomplishing optimal engagement in workplace well-being initiatives will require options that accommodate a decentralized workforce. As Fairway's experience has demonstrated, initiatives that offer employees the right resources and a thoughtful approach to employee communications can deliver long-term engagement for an entire employee population.

(Brenda Larkin is client success director for Wellbeats, a scalable, affordable and easy-to-use virtual fitness solution that empowers habit forming physical and mental health for its more than 2.3 million members.)

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

The Cost of NonCompliance



\$575K

FLSA misclassification: Courier drivers to split \$575K

Who was involved: USPack Logistics, LLC, a courier service, and 62 drivers who were misclassified as independent contractors in Boston.

What happened: An investigation by the DOL's Wage and Hour Division found the company paid courier drivers per delivery rather than an hourly wage and also required them to pay vehicle expenses (gasoline, maintenance and insurance). These practices resulted in the drivers making less than the federal minimum wage in violation of the Fair Labor Standards Act. The company also failed to maintain accurate records of hours worked, the DOL said.

Result: The company agreed to pay a total of \$575,000 – \$287,500 in back wages and another \$287,500 in liquidated damages.

Info: [Scalia v. USPack Logistics, LLC](#) 

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

RECRUITING

10 best practices for recruiting and hiring top talent



by Renee Cocchi



RECRUITING STRATEGIES THAT WORK

It doesn't matter what industry you're in or the size of your company; recruiting and hiring new employees is hard today.

The reason why: There are currently 10 million job openings in the U.S., but only 6 million unemployed workers, according to the latest data from the U.S. Chamber of Commerce.

What's to blame for this gap?

Industry experts say there are several reasons some of which include the Great Resignation, people taking early retirement due to the pandemic and a lack of access to childcare.

Recruiting and hiring new employees isn't something to take lightly. It's an expensive and time-consuming process. On average, the cost to hire a new employee is \$4,700, according to research from Zippia, the career experts. Finding someone with the right experience and qualifications in the U.S. takes around 36 to 42 days. This is a big problem since most candidates are only on the market for 10 days.

With 15% of HR's expenses allocated toward recruitment, you want the most effective and efficient process in place.

To help you do just that, here are 10 of the best hiring practices to secure top talent:

Focus on company culture

When you think about recruitment techniques, company culture isn't

10 best practices for recruiting and hiring top talent

the first thing that pops into your mind. However, when it comes to selling your company to job candidates, a strong company culture can seal the deal. People want to work for companies that have stellar reputations.

Companies that have a good brand communicate to candidates they're professional and take their business seriously. Plus, people nowadays look up companies on social media and job posting sites that have reviews. If potential candidates read that a company doesn't pay or treat their employees well, they'll be gone faster than the speed of light. Typically, there are no second chances. Once they've read the bad reviews, their mind is made up.

Make sure your company culture is clear and concise because you want to attract people who are like-minded with your core business values. As far as social media goes, give potential candidates a look at what it's like to work at your company.

Treat candidates like you'd treat your customers

You can't get a second first impression, so whether the interview is via the phone, Zoom or in-person, make a great first impression. You want candidates to believe you're excited to meet them. Would you want to work for someone who gives you a lukewarm reception?

Indeed says one of the best recruiting techniques is to treat interviewees just as you would your best customer. That means being respectful of their time – being prompt for interviews whether they're in-person, via the phone or a

video conference. If the interview is in-person, offer them a beverage and show them where the bathrooms are. And finally, give them your contact information in case they have any follow-up questions.

Create an employee referral program

Employees are a valuable recruiting tool. They'll tell their friends and colleagues if they like working at their company. It's an easy and fast way to fill your pipeline with qualified candidates. They know what the job entails and are good judges of character.

If you don't currently have a referral program, it's important to create one. It should offer incentives and recognition to employees if their referrals are hired. Once it's created, circulate it to all employees.

Adopt technology to help with recruitment

Technology is HR's friend. There are several different technology platforms available that'll help streamline the hiring process. They help HR find candidates, manage their data, and screen, onboard and manage talent.

To thrive in the future, most companies should be using data-driven recruitment tools to help them streamline their recruitment and hiring process. Because the faster you can make an offer to a candidate, the less likely you'll be beaten out by the competition.

If you want to speed up your recruitment process, invest in artificial intelligence. AI isn't meant to replace the human interaction of

recruitment. It's meant to find areas in your recruitment process that are repetitive and tedious, and take over so HR professionals can focus on what they do best ... providing the personal touch.

How can AI help HR professionals?

It can review cover letters and resumes to find candidates with the best potential. AI can also be used in the form of chatbots to set up interview times and correspond with candidates on a basic level.

Back in 2018, 49% of 1,111 respondents (HR professionals, C-suite executives and in-house counsel) in the U.S. were using AI or advanced HR analytics in their recruiting and hiring practices, according to the Littler Annual Employer Survey. Now, over four years later, that number has increased.

Recruiting via social media

Social media can be a fantastic way to reach potential job candidates.

There are a wide variety of social media platforms HR can use to reach potential job candidates. And here's one of the best features: It's free!

The other nice thing about social media is you can link it to your applicant tracking system or other recruiting software.

Social media is also a great way to paint your company in a positive light, sharing what it's like to work for the company and what the company does via philanthropy, etc. This causes people to follow your company. So, when you have an open position, advertising it on Facebook, Instagram, LinkedIn, etc.,

10 best practices for recruiting and hiring top talent

is a wonderful way to reach people who are like-minded.

Crafting the perfect job description

If you want to find the best candidate for a position, it all starts with writing the most accurate job description.

If you've been on Indeed or LinkedIn and looked at the endless list of jobs available, you know you must make your job stand out.

When crafting your job description, you want to use words that mirror the uniqueness of your company and your brand. Indeed advises that you write about what makes you excited to come to work. If you think your company is a little quirky, write what you love about that. You want to use words that catch the reader's attention.

Here are other things Indeed recommends doing in your job description:

- Use language that speaks directly to the candidate
- Don't use cliches and/or buzzwords
- Feature aspects of the job and company that make your employees happy
- Highlight flexible work hours and arrangements like remote work
- Describe your physical location and include the design of the office as well as your location benefits
- Emphasize how your company promotes career development, and

- Call attention to your collaborative office culture.

Make sure your job description has a call to action (CTA), such as:

- Join our team
- Apply straightaway
- Contact us to learn more about our company, and
- Check out our social media for more about our awesome team.

Putting in the right keywords is essential. Get input from managers, supervisors and even other employees. What words would catch their attention in a job description? And at the same time, make sure you describe the responsibilities and requirements of that specific position.

Finally, encourage people to apply even if they don't have every single requirement or experience in the job description.

Pursue passive candidates

What is a passive candidate? They're people who aren't actively looking for a job because they have one and are content or happy with it. They can be past co-workers, people you know from college, friends, neighbors, etc. The best way to approach them is via LinkedIn or other industry-relevant social media platforms.

Look at more than just the resume

Resumes can only tell you so much. Most candidates are so much more than what's on paper. Are there specific skills the job requires? If so,

is there a way you can assess these skills? Job skills testing is a terrific way to identify A players from the pool of applicants and weed out the underqualified.

Stay connected

Hopefully, in your search for the perfect candidate, you'll meet a lot of "almost perfect" candidates. Stay connected with them because you may need them in the not-too-distant future. You can keep connected with them via LinkedIn or send them company updates. Employers that do this show they care about more than just their current employees.

Emphasize remote, hybrid and flex work

Many candidates won't even look at job postings that require employees to be in the office 100% of the time. That's why it's so important to promote your company's flexibility when it comes to where and when employees work. If you have a remote work option, let job seekers know right away. This was once a luxury, but no more. People want and expect some type of work flexibility.

[Read this article online](#) 

8 of the most powerful words leaders can use



by Michele McGovern

USE POWERFUL
WORDS TO
**MOTIVATE,
CONVINCE AND
BUILD CULTURE**



Choose your words carefully. And to make an even bigger impact, choose powerful words carefully in the workplace.

Whether you lead an HR team of two or 20, you need to get your point across to people every day. You probably also need to make an impression with the larger organizational audience.

That's when it's even more critical to use the most powerful words.

But using the right words isn't just important for clear communication. When managers communicate well, their employees have higher job satisfaction and a deeper level of job commitment, according to research in *The International Journal of Human Sciences*.

So, you don't want to waste a word!

These eight words are the most effective in the English language. They're powerful words in sales, marketing and business in general. They can help you convince

employees to act, motivate them to take charge and help create a better workplace culture.

Emphasize them when you meet with employees and colleagues, facilitate meetings and training or write messages.

Powerful word 1: You

Generations of influencers have found that **you** is the absolute most influential word. It puts the focus

on others. It shows empathy and compassion, which is at the heart of persuasion.

You can boost the power of **you** by using people's names.

Example: "**You** know it's true, Bruce, that we need everyone's support on this project."

Powerful word 2: Imagine

Imagine expands everyone's idea of what's possible. It opens up opportunities and suggests people can skip the worries.

Use **imagine** when brainstorming to help people bypass critical thinking and go to what feels right for the situation.

Example: "**Imagine** if we had just a day to resolve our recruiting issues. What would you suggest we do first?"

Powerful word 3: Because

Because helps logical thinkers connect cause and effect. Emotional thinkers connect feelings and logic.

Giving people reasons – connected by **because** – gets them to respond fast.

Example: "I need you to stop work on the current project **because** we need to ramp up onboarding before the busy season."

Powerful word 4: Now

Most people want immediacy. Tell them what's happening **now**, not what already took place. Tell them

how they're affected **now**, and in the future (which will be **now** at some point).

Example: "We need you to stay late **now** because we aren't on target to meet the deadline. Now's the time to stay focused so we can enjoy slow time later."

Powerful word 5: Believe

Believing is the first step in making something happen. When people believe in what they're part of, they're more likely to see how to overcome limitations.

Remind employees to **believe** in your mission, themselves or the project.

Example: "If you **believe** in our new process and your abilities, we will smash this year's goal!"

Powerful word 6: Guarantee

You can put people at ease with the word **guarantee**. It offers assurance in risk and security in complexity.

But be careful: Only use it when you can 100% **guarantee** what you say.

Example: "I **guarantee** the meeting will be done in 30 minutes, and you can leave early today."

Powerful word 7: Act

Act is a call for urgency and is appealing because it suggests good things will happen. And that will move people closer to what they want.

Example: "If we **act** quickly to identify the number of errors, we'll still finish this project on time."

Powerful word 8: Help

Help creates connections.

When leaders ask employees for help they show everyone is part of the team – and the leader isn't just a figurehead. When you acknowledge help given, you recognize people's individual value to the group's good.

Examples: "I'd like your **help** on this decision. What do you think ...?" or "Your **help** was essential to the win."

[Read this article online](#) 

Was retaliation claim legit or was employee's work subpar?



"Hi, Gloria. So glad to see you back in the office," said Betty Murphy, HR manager. "How are you feeling?"

"I'm OK," said Gloria, who had just returned from medical leave due to her lupus, anemia and other ailments. "But I need to ask you something."

"I was wondering if it would be possible to work from home and work a compressed workweek to help me cope with my medical issues."

"I'm sure we can work something out," said Betty. "Let me talk to your supervisor and we'll see what we can come up with."

"Great!" said Gloria. "I really appreciate it."

Partial accommodation

"Thanks for stopping in," said Betty to Gloria. "After meeting with everyone, we came up with the arrangement of you working four 10-hour days."

"What about working from home?" asked Gloria.

"We couldn't do that because your job requires you to conduct on-site inspections," said Betty. "Plus, your supervisor said you needed more training to improve your job performance. He said your work hasn't been great since you got back."

"I'm still adjusting," said Gloria. "I get tired easily."

No improvement

A few months later Gloria was issued a warning for subpar job performance, including excessive absenteeism and insubordination. She was issued another warning a few months after the first one, this time for offenses including leaving early and arriving late, and insubordination.

Her final warning was issued six months later because she didn't remedy the problems that led to the prior ones. She was placed on a 90-day probationary period after which she could be terminated if her job performance didn't improve.

Her manager told her about halfway through the probationary period that she wasn't making adequate progress. Management echoed that assessment at the end of the probationary period. When Gloria returned from three days of leave she took under FMLA, her employment was terminated.

Gloria sued her employer, alleging among other things that it terminated her employment because she took FMLA leave.

Who won?

See decision on next page

You Be The Judge

Was retaliation claim legit or was employee's work subpar? (Continued)



The Decision

A lower court rejected the retaliation claim, so Gloria appealed.

The appeals court, however, affirmed the lower court's ruling for the employer on the basis that the employer offered legitimate reasons for the discharge that Gloria didn't show to be pretextual.

The employer's reasons for termination were documented in written warnings and an email indicating her insufficient progress during her probationary period.

Gloria said pretext was shown by the fact the employer deviated from its standard policy by not placing her on a performance improvement plan (PIP) that gave her six months to remedy her performance issues. But she didn't receive a numerical performance rating that specifically called for a PIP that came with a six-month remedy period. The employer wasn't required to take that route, the appeals court said.

The appeals court also rejected Gloria's argument that the employer "essentially set her up" for termination by denying her request to telework. The denial of her request to work from home wasn't shown to be retaliatory for taking medical leave, it ruled.

The ruling was affirmed.

Reasonable accommodations

Just because an employee asks for accommodations, doesn't mean you have to do everything they asked for. In this case, Gloria's work required her to do regular on-site inspections – something she couldn't do working remotely. So, while the company denied her telework, it accommodated her request for a compressed workweek.

Gloria also had job performance issues that she was repeatedly warned about and did nothing to improve upon them.

If an employee isn't doing their job properly, employers have every right to dismiss them. In this case, Gloria had plenty of time to improve her job performance and she didn't. Therefore, her employer let her go and its decision was backed up with documentation of her performance reviews and warnings.

Houston v. Texas Dep't of Agriculture, 17 F.4th 576 (5th Cir. 2021).

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

Why new managers fail – and how to help them avoid the top 5 pitfalls



by Michele McGovern



The good news: A deserving employee got a promotion.

Now the scary news: Nearly half of all new managers fail at their assigned objectives, according to Gartner researchers.

It's a heartbreaking spiral, researchers tell us: New managers often struggle to fulfill the role they've happily stepped into. Then they have to take a step back into a lesser role within their first two years on the job.

Fortunately, you can help new managers avoid the pitfalls. The key is to know the biggest reasons new managers fail.

Harvard Business School researchers uncovered the top five traps. Here are effective ways to sidestep – or rebound from – the pitfalls.

1. Put the cart in front of the horse

Many new leaders fail because they want to prove themselves quickly. So they rush in new ideas and implement changes a minute after they're in charge.

But big ideas can blind them to realities such as:

- similar ideas were recently proposed, tried and failed
- resources can't be adjusted to accommodate major changes, or
- the group isn't ready for drastic change.

Remind new managers to wait on

Why new managers fail – and how to help them avoid the top 5 pitfalls

change for a few months. Then they can ask more questions and observe the working conditions, operational well-being and personnel dynamics before laying out a new, drastically different vision from what exists.

Encourage them to ask questions about the department culture and/or processes. Listen to employees' responses, plus the casual, watercooler conversations about the state of work.

2. Decide too big, too soon

Leaders in new roles are almost always met with major decisions that were put on hold when their predecessor was on his or her way out.

Some new managers then try to make an immediate positive impact with swift decisions, which often backfire. New managers need to put the brakes on any decisions that will have long-lasting effects.

One tactic: Make an interim decision-making process for short-term decisions. Create a simple system on how employees can make requests and how you'll review them. Ask them for feedback after a short time to determine if the system is working. Then, once you've realized success with this plan, work with the team on a long-term decision making process.

3. Gloat

Some new managers feel the need to live up to expectations by oversharing accomplishments. That might sound like this: I once ..., I

used to ..., I know how ..., I ..., I ..., I

Remember you were hired for your experience, skills and track record. Everyone in the company got the introductory email with a summary of that sparkling resume.

Instead, ask questions to understand why things are done the way they are. Only after you understand, make outright suggestions on how things might be done differently to improve efficiency, lower costs or increase profits.

4. Build the wrong connections

Similarly, new managers sometimes bring the old gang with them, staying exclusive with former colleagues.

It's better to follow the Girl Scout Rule: Make new friends. Keep the old. One is silver. The other gold.

One way: Take a "listening tour." Identify people who you'll need as allies and arrange meetings. Ask questions. Talk. Get advice. And use it.

5. Go it alone

Sometimes new managers don't know where to go for help, even if it's offered. Then they get overwhelmed, feel pressured to move faster and don't want to look weak by asking for insight or assistance.

Similarly, new managers often make the mistake of micromanaging.

Instead, ask who the experts are in specific situations, tasks or processes – and request help when you need it. Turn to veteran

employees for insight on formal and informal processes. Connect with colleagues at the same level – perhaps organizing a regular coffee break – to learn and share best practices.

[Read this article online](#) 

This four-pronged approach helped us elevate our onboarding



Attracting top talent is one thing – but getting them to stay is another.

We know retention starts with onboarding – the better the onboarding process, the higher the chances employees will stick around.

Over the years, we knew we had developed a good onboarding process, but we wanted to take it to the next level and ensure new hires felt connected and supported.

Gathering feedback

We began by talking to existing employees and gathering feedback on what was most important. They identified a few key principles:

- **Ease:** The process needed to be easy to follow so managers can consistently provide a great experience to new hires.
- **Timing:** Sharing a lot of new content at once can be overwhelming for new hires, so being strategic about when you share information is key.
- **Task reduction:** The number of manual tasks in the onboarding process needed to be reduced.
- **Easy access:** Onboarding information needed to be centralized and easily accessible.

We hoped focusing on the principles would help streamline the onboarding process and free up time to help build meaningful connections and make new hires feel like they belong.

Pulling it all together

From this, we developed a three-month, four-step approach to onboarding with a focus on how we wanted new employees to feel during the process.

On the first day, we give new hires an onboarding checklist with tasks and milestones outlined for their first 90 days. We'll also give them automated check-ins to make sure the process is going smoothly and adjust if needed. All the resources they are presented with will be available in a centralized hub.

But onboarding doesn't stop with the first day. We outlined four milestones that we hope will help new hires optimize their time, learn their role and excel.

Setting sail: It's all about finding their footing.

Within the first seven days, new employees will gain essential knowledge about our company and their role, as well as get acquainted with their manager and direct team. New hires will be given expected outcomes for the first year of employment.

Exploring: After their first 30 days, employees will be familiar with all areas of our business, will have met key stakeholders and had several onboarding sessions. Employees will begin to understand and even take ownership of role-specific responsibilities.

Case Study

This four-pronged approach helped us elevate our onboarding (Continued)

Navigating: Now an employee is 60 days in and they've got the lay of the land. They're performing their role independently, have in-depth knowledge about the business and have made solid connections with others through shadowing sessions and informal meetings. Employees are working towards the personal goals they have set for their first three months.

Anchoring: After three months, the onboarding process has come to an end and new hires feel comfortable in their role. This is also the time when new hires will create a professional growth plan to help them work towards personal and professional goals. We hope that employees will feel like they belong in our organization and see themselves working with us for the long haul.

Next steps

We are continuously evolving. Although our new onboarding process will help employees gain a sense of belonging and improve retention, we are still seeking out consistent feedback from managers and employees to help evolve the onboarding process when needed and make impactful changes.

(Camille Dionne, Senior Manager, Talent Development at Dialogue, Montreal, Canada)

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

The Cost of NonCompliance



\$251K

Retaliation case: Jury awards \$251K to former Sam's Club employee

Who was involved: Sam's Club and a former employee who worked in Georgia.

What happened: The ex-employee sued to allege the company fired her in retaliation for complaining about sexual harassment. A jury sided with the worker, finding the woman had been subjected to sexual harassment, had reported the alleged harassment to an individual with the authority to investigate the complaint and had been fired because she submitted the complaint.

Result: The jury ordered the company to pay a total of \$251,711. Of that, \$250,000 was for emotional pain and mental anguish. The remaining \$1,711 was for lost wages and benefits.

Info: [Harris v. Sam's East, Inc. Jury Verdict](#) 

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

6 fears that can hold you back – and how to overcome them



by Michele McGovern



Hate speaking in front of a group? Aren't receptive to negative feedback? Worried that you'll fail? They're all real HR fears.

And they're OK.

What's more, they're natural for HR professionals.

In fact, even the C-suite – those you might look up to – feel the same at one time or another. In a Harvard Business School study, CEOs said they most feared 1) appearing

incompetent, 2) underachieving, and 3) appearing vulnerable. But most of those executives take steps to overcome (sometimes irrational) fears.

And if you recognize and work around the most common HR fears that can hold you back, you can rise up to be a great HR leader.

"Naturally, people look to their leader for answers, and leaders feel pressured to provide them," says Lolly Daskal, in her book *The Leadership Gap*. "But great leaders

know that they don't need to have all the answers."

Instead, take steps to overcome the six most common fears many HR leaders face:

Fear of repercussions

HR leaders often need to make hard decisions that affect employees and the company. With all that's at stake, some fear making the wrong decision – and put off making

6 fears that can hold you back – and how to overcome them

any decision rather than make the wrong one.

It'll always be important to gather as much information as possible when making decisions. But Amazon's Jeff Bezos says 70% is enough to make timely, effective decisions. Point is, with 70% of the information you think you need, you can make decisions that can be revised if issues come up once it's implemented.

Fear of criticism

There is only one way to avoid criticism: Do nothing, say nothing and be nothing – Aristotle.

As an HR pro, you must *do, say* and *be*! With that, you'll have to accept that you'll be criticized.

That's why Daskal suggests you be more than open to criticism: Encourage it.

If you aren't being criticized, you might be playing it too safe. So ask colleagues with differing views to poke holes in your ideas, counter your opinions and call you to task sometimes.

Fear of failure

HR leaders work under a spotlight. When you win, people see it – a strong enrollment season, successful hires, increased engagement scores, etc. When you lose, it feels like the spotlight gets brighter.

And that's what causes some people to recoil: You don't want failures to be seen, or worse, mocked.

The best way around this: Remember that the lessons of one failure can lead to many successes. As John Maxwell, author

of *Failing Forward* says, "Fail early, fail often, but always fail forward."

One way: After a failure, pick three key things within your control that you could change moving forward and how you can avoid them in the future.

Fear of responsibility

HR leaders often cause or resolve things that matter most to employees – for instance, changes to benefits, policies, leave, etc. That's a lot of responsibility that might keep you up at night.

While it might be difficult to let go of the responsibilities – and get to sleep! – a small thinking adjustment can help: Avoid taking or assigning responsibility for what goes wrong. Focus more heavily on solutions to make things right.

Fear of falling short

People look up to you – your team and possibly the entire staff. So you might feel like you're expected to take the extra step, meet the higher goal and achieve the best result.

If you are defined by those big results, or hold yourself to higher-than-usual personal expectations, it's important to keep goals in sight. But, to keep it in perspective, focus with laser sharp precision on the actions you need to take today, this week, month and quarter to reach the goals.

Fear of communicating

HR leaders must communicate well. Still, many of you are uncomfortable presenting (remember the old Jerry Sienfeld skit on this?) and having

difficult conversations. So you might avoid those situations.

There aren't any ways *around* this fear. It's either avoid public speaking and uncomfortable conversations all together or persevere right through them.

Try to write what you'll say first. Then practice speaking it out loud without an audience – regardless of whether it's a conversation for one or 100 people. The more you practice, rehearse and revise, the better you'll be at communicating.

[Read this article online](#) 

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.



Renee Cocchi

Renee 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.



HRMorning, part of the SuccessFuel Network, provides the latest HR and employment law news for HR professionals.

Get In Touch

Phone:
484-207-6343

Email Customer Support:
support@hrmorning.com

Mailing Address:
660 American Avenue, Suite 203
King of Prussia, PA 19406

Not an HRM INSIDER yet?

This monthly newsletter is just one of the benefits of being an HRMorning INSIDER. Find out more at www.hrmorning.com/join-insider

become an Insider 

About SuccessFuel

at **SuccessFuel**, we equip professionals to do great work with news and analysis, online workshops, step-by-step training guides, digital newsletters, and much more. Our sister brands include:

RESOURCEFUL
FINANCE PRO
Powered by SuccessFuel

Safety | NewsAlert
Powered by SuccessFuel

 **Better Buys**
Powered by SuccessFuel

 **Premier Learning Solutions**
Convenient. Affordable. Actionable.

Resourceful Compliance
Powered by SuccessFuel

resourcefulmanager
Powered by SuccessFuel

SWAG ENVY
Powered by SuccessFuel