

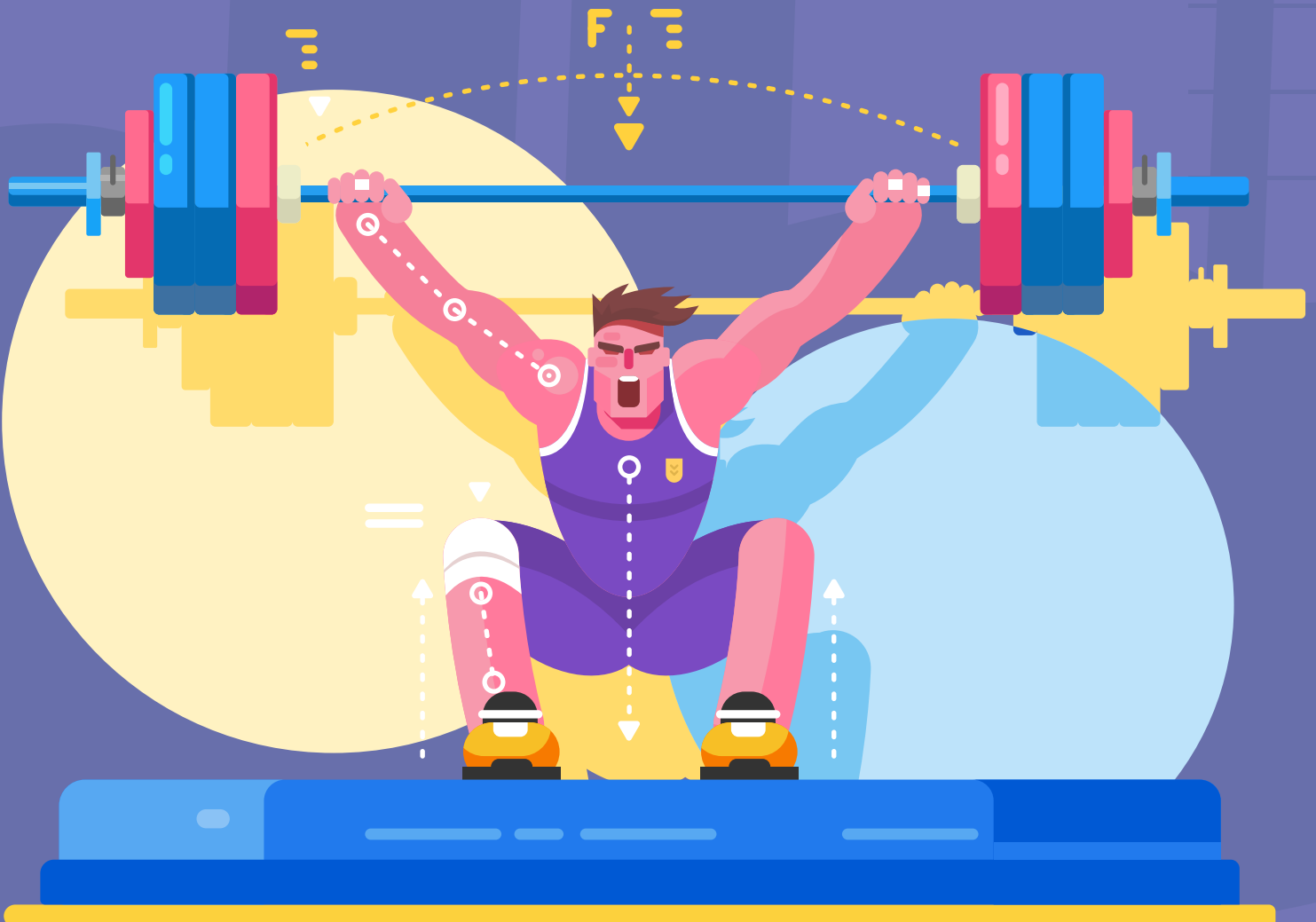
Help front-line managers harness 3 hidden superpowers ..... **5**

7 key steps to bring values and strategies to life ..... **7**

How 'unconscious bias' training improves culture and productivity ..... **10**

# Boost Employee Performance

Creating a work environment where employees can **thrive**





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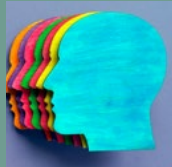
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# Upcoming Events

## HR Webinars

Thursday,  
October 7th  
2021



### Taking Action: Purposeful Steps in Building an Inclusive Workplace

Protect and Support All Employees

sponsored by Grand Rounds ..... [learn more](#)

Friday,  
October 8th  
2021

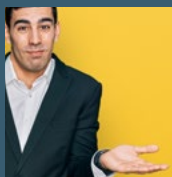


### 17 Hours vs. 17 Minutes: Bridging the Attention Gap with Benefits Technology

Personalize & Present Your Benefits in a Way that Keeps Your Employees' Attention

sponsored by Business Solver ..... [learn more](#)

Thursday,  
November 11th  
2021

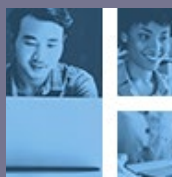


### Creating No Excuse Employees

Stop the Negativity, Motivate Your Employees

brought to you by Premier Learning Solutions ..... [learn more](#)

On-Demand  
Webinar



### Open Enrollment: Communicating Care

Transform open enrollment presentations from a monologue into a dialogue

sponsored by Gallagher ..... [learn more](#)

# News Briefs

## HR Stories You Might Have Missed

### Lawsuit tries to block vaccine mandate: Court says ...

published 9-20-21

A New Mexico federal judge refused to block a vaccine mandate for certain workers from going into effect.

It also said the vaccines provide immunity that “is significantly more robust than natural immunity gained following infection.”

[Read more](#) 

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### President Biden hands down COVID-19 vaccine mandate

published 9-16-21

If your firm has more than 100 employees and you don't already require COVID-19 vaccines, get ready. You will soon have to thanks to a vaccine mandate by President Biden.

On Sept. 9, President Biden announced, “The Department of Labor is developing an emergency rule to require all employers with 100 or more employees that together employ over 80 million workers to ensure their workforces are fully vaccinated or show a negative test at least once a week.”

[Read more](#) 

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### Slurs in another language can create hostile work environment, court says

published 9-13-21

Courts have determined that one or two uses of a racial slur are enough to create a hostile work environment. But what if the slur is said in a foreign language?

In a recent lawsuit, the 5th Circuit decided the language the slur is spoken in is irrelevant.

[Read more](#) 

---

### New suit: CEO set timeline to clean house of older workers

published 9-8-21

A new lawsuit accuses pharmaceutical behemoth Eli Lilly and Co. of violating laws banning age discrimination.

It says Eli Lilly engaged in age discrimination by rejecting older job applicants for sales positions.

[Read more](#) 

---

### Employer pays \$40K to settle pregnancy bias suit

published 9-2-21

A Mississippi staffing agency will pay \$40,000 and take other steps to resolve a federal government lawsuit that alleged pregnancy bias.

The suit accused the employer of illegally discriminating against a job applicant based on her pregnancy.

[Read more](#) 

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### Employee: I was fired for complaining about shoddy COVID-19 measures

published 8-25-21

A judge said the “alleged spread of a contagious disease” among jail staff and inmates is a matter of public concern. So the judge has refused to dismiss a fired corrections employee’s First Amendment claim.

The employee had issues with her employer’s pandemic response.

The court also found a whistleblower claim can go forward.

[Read more](#) 

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# Help front-line managers harness 3 hidden superpowers



by Michele McGovern



**S**ome leaders need to harness powers they don't even realize they have. Here's how HR can help front-line managers use their hidden superpowers.

Helping them benefits you. When front-line managers know and use their power effectively, they can improve morale, productivity and operations.

Yep, front-line managers can transform the workplace for the better with their superpowers!

"The more power you have, the more able you are to direct, influence, and inspire people to make positive changes," [says Paul Thornton](#), a speaker, an adjunct professor and the author of [Leadership-Perfecting Your Approach and Style](#).

That's the point of each power:

Managers can use them for the greater good at work (and in life, actually).

Here are the three powers, how you can help front-line managers get them, and how they can best use them.

## Position Power

Front-line managers actually already own some of this one. They've moved up the chain of command and have power over some employees.

**How to gain it:** To gain more position power (aka, move up the chain), they'll want to:

- **Reward and recognize people** for good work and deeds. Be genuine and generous with praise and public recognition, and do as much as possible with

bonuses, pay increases and time off.

- **Discipline people fairly** and with compassion, using constructive criticism.
- **Learn from colleagues.** Connect with and support others at and above your level within the company.

**How to use it:** They can use Position Power to get employees and themselves ahead. Keys:

- **Use rewards and consequences** fairly and consistently to motivate and reinforce high standards.
- **Share relevant information** from up the chain of command to help employees see the big picture and make good decisions.

- **Gather relevant info** from the team to pass along to help higher-ups make good decisions, too.

## Expert Power

This is the power of practice, study and discipline. Front-line managers have it because they've become an expert in an area or two, and people at work turn to them for the best advice and direction.

**How to gain it:** Research. Ask questions. Watch videos. Take classes. [Try new approaches when faced with challenges](#). They' want to talk to other experts in the field. Focus on a subject or two they're interested in, and it'll come naturally.

**How to use it:** Help front-line managers go after certifications and other kinds of credentials in their

expertise. Give them opportunities to train others. Encourage them to invite others to ask them questions about their expertise. And they can use their reputation as the "go-to" person as a tool to manage bigger projects and advance their careers.

## Personal Power

This is a pleasant power. With Personal Power, others will see front-line managers as charismatic, positive and personable. People often follow their influence because they're likable.




**How to gain it:** Managers want to be warm, friendly, sociable and open at work. They can share feelings, values and hopes with employees and colleagues. They also want to ask about and be interested in others'. They'll also want to build strong

networks in and out of work so they can connect people who can help each other.

**How to use it:** Mangers want to make people feel comfortable and confident with them by giving their full, undivided attention. They'll need to lean toward optimism, while being realistic, to build a trusting network of employees and colleagues.

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Recommended reading from [Michele McGovern](#)

- [4 ways to keep employees engaged through uncertainty](#) 
- [4 steps to give better employee feedback every time](#) 
- [Storytelling: 4 keys to be a more persuasive leader](#) 



ON-DEMAND WEBINAR

# Workplace COVID-19 Vaccine Policy Update:

## Best Practices For Employers

[learn more](#)



# 7 key steps to bring values and strategies to life



by Rich Henson



**G**ood leaders are expected to know their organization values. That's the easy part.

The harder part is getting your employees to carry the torch and express those values every day — so your customers get the message, and your business reaps the benefits.

You can preach to your employees what your organizations values are until you're blue in the face. But that won't get them to "live" it.

Instead, here are seven key steps on the path to help nurture each employee's natural ability to think through problems, come up with solutions, and generally see the big,

beautiful forest behind all those darn trees.

## 1 Avoid stifling curiosity

Curious employees are engaged employees, and they are the key to bringing values to life. Don't be the manager who undercuts his or her own efforts by stifling that curiosity.

It happens all too often, and often inadvertently.

We get caught up in the haste to get things done. We move from project to project without delay so that productivity won't screech to a halt.

We give curiosity short shrift, believing that's what we need to do to get stuff done. So, why should you care about [keeping employees curious?](#)

Because they care.

## State of curiosity

A state of curiosity survey by Harris Poll showed employees think curiosity should be more important:

- Only 39% of employees say their managers are either extremely encouraging or very encouraging of curiosity
- Only 22% describe themselves as curious at work
- 66% say they face barriers to asking more questions
- 60% say their workplace creates barriers to curiosity into their work, and
- Only 10% strongly agree that their managers preferred new and unfamiliar ideas.

There are small but effective ways to keep employees eager to learn new things. Start with these seven ideas shared by successful managers and business leaders:"

## 2 Challenge their game

Give some of the big stuff to the rookies once in a while.

This levels the playing field for entry- and mid-level employees to come up with and implement top-notch ideas, instead of assuming

that's the job of the higher-ups.

Some of the best ideas come from within the ranks. New people sometimes look at things with fresh eyes and are eager to see change."

Let employees who come up with novel ideas spearhead efforts to get them into practice, and let them know you'll help but that it's mainly their move. With that in mind ...

## Stay out of the way

There's no sense in encouraging employees to express ideas only to cheer them on – then stand in the way of making them happen.

If you're just giving lip service to employees' contributions, they'll recognize right away that you don't take their ideas seriously enough to act on, and they'll stop showing the curiosity you're looking for.

## 3 Make them ask questions

Albert Einstein said, "I have no special talents, I am only passionately curious."

It's impossible to know if employees have curiosity unless you allow them to ask questions. Organizations can snuff out curiosity by dismissing questions that could lead to new discoveries."

If your employees aren't big questioners, you can prompt them to do more asking. At meetings or presentations, tell employees to jot down at least three questions that occur to them during the discussion. If they don't get to ask them during the meeting, tell them to send them to you afterward.

Even if most questions already have answers, this still provides you with an idea of how each employee is thinking about what was presented, and may even open up avenues you didn't think of during the meeting.

## 4 Listen closely

You're never going to get curiosity from your employees unless you actively mine them for ideas.

When you sense that your team has grown [weary doing the same old things](#) you tell them to do, it's time to open it up to suggestions. If they're curious enough to question the old, familiar processes, they might have thought of a more effective way to get things done.

See what's churning beneath the surface when you hold regular briefings, especially those that commonly address the same problems or issues. You shouldn't be the only one directing all the ideas and solutions for every single project.

## 5 Frame learning as a perk

Keep your instruction/lecturing time brief. Teach in 10- to 20-minute time chunks, then change to an activity or group discussion. And every time you break from the short lecture chunks, do a new activity. Even a fun activity becomes repetitive when done in the same way every time.

## 6 Move coaching to the front burner

Don't overwhelm your audience with everything you know about the topic being covered. Just give them the absolute-need-to-know information. One of the harder things to do as a trainer is break the information down into the need-to-know information and the nice-to-know-but-not-essential information. If you try to cover too much at one time, your audience won't retain the information. Trainers need to ask themselves "What do my trainees need to know in order to do their jobs efficiently and effectively, and keep their jobs?" The answer is what

the actual training session should be built around. You can supplement the training with the nice-to-know stuff as handouts the trainees can take with them and read on their own time. Another way to think about it: If your training time were cut in half, which concepts would you include and which would you make a handout?

## 7 Be good with feedback

When employees are unprepared for specifically targeted feedback, they're likely to shut down, causing your coaching efforts to be wasted and potentially even backfire.

Any curiosity they had they'll try to hide because they don't want to ask "dumb questions" and come across as naïve.




Even well-intentioned coaching, especially in a one-on-one setting, can have a negative personal impact.

Make sure that even if you have to give some not-so-positive feedback, you at least commend the employee for making a good effort, especially if it involved showing curiosity and taking risks.

Keeping employees curious is an often understated but critical part of any manager's job. The trick is to keep them engaged and invested enough so it rises to the surface – without you needing to fish for it.

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Recommended reading on engagement from [Rich Henson](#)

- [Coaching keys to fuel a culture of belonging](#) 
- [6 biggest keys to boosting manager effectiveness](#) 
- [13 employee development tactics every manager can take advantage of today](#) 



# Worker fired instead of manager's girlfriend: Sex bias?



HR manager Lynn Rondo sat at her desk, already dreading her next meeting: An employee had just been let go.

"Hi, James," Lynn said when he appeared in her office. "I'm so sorry about this, but we have a generous severance package I want to go over with you."

"This is ridiculous," James said. "We both know I'm only losing my job because I'm not sleeping with the boss."

## Lack of funding

Lynn blinked, shocked. "Excuse me?"

"The layoff was between me and Melanie, right?" James asked. "Of course I got the ax, because Melanie is in a relationship with Dan, our manager. That's what saved her."

"James, I wasn't aware of anything going on between Melanie and Dan, but I can assure you, that had nothing to do with this decision," Lynn said. "We simply don't have the funding to keep you both. And actually, Melanie has consistently had better performance reviews than you."

"We both know why she had better reviews," James said, getting up. "This is discrimination. I'll see you in court."

When James sued for sex bias, the company fought to get the case dismissed.

Did the company win?

## The Decision

Yes, the company won when a court dismissed James's sex bias lawsuit.

James's attorney argued his layoff was due to sex discrimination because the manager, Dan, had a clear preference for an employee he was in a romantic relationship with. Since Melanie and Dan were involved

sexually, this is a form of sex bias, and therefore a violation of the Civil Rights Act, the attorney argued.

But a court disagreed. First, it said that Melanie's performance was better, so there was a nondiscriminatory reason for keeping her on instead of James.

The court went on to say that even if Dan did show preference to Melanie because of their relationship, that still wouldn't constitute sex bias because Melanie's gender wasn't the reason she was kept on – it was because of her personal relationship with the manager.

## Case dismissed.

## Analysis: Nepotism doesn't equal sex bias

This case made an important distinction that just because an employee of the opposite gender is given preferential treatment,

it doesn't automatically constitute sex bias.

To prove sex bias, an employee has to show their gender is the reason

they were treated differently – not their personal relationship with the manager.

*Cite: Maner v. Dignity Health, U.S. Crt. of App. 9th Circ., No. 18-17159, 8/20/21. Fictionalized for dramatic effect.*

## HR EXPERTS

# How 'unconscious bias' training improves culture and productivity



by Natasha Nicholson, HR Expert Contributor



# BIASES AFFECT PEOPLE SO MUCH MORE THAN THEY KNOW

**W**e all hold some type of unconscious bias or stereotype – an unsupported opinion in favor of or against someone or something – that we aren't even aware of.

## Significant damage

For businesses, the damage can be significant.

Sylvia Ann Hewlett, an economist and the founding president and CEO of the Center for Talent Innovation, shared the results of her [organization's study](#) on the negative impacts of unconscious bias.

- **Costly disengagement lowers productivity.** Employees at large companies who perceive bias are nearly three times as likely (20% vs 7%) to be disengaged at work. That kind of clock-punching is costly. Gallup estimates that active disengagement costs U.S. companies \$450 billion to \$550 billion per year.
- **Reduced retention impacts individuals and organizations.** Those who perceive bias are more than three times as likely (31% vs 10%) to say that they plan to leave their current jobs within the year.
- **When people withhold ideas it stymies innovation.** Those who perceive bias are 2.6 times more likely (34% vs 13%) to say that they've withheld ideas and market solutions over the previous six months.

### Biased behaviors

To better understand unconscious bias, it's helpful to define the kinds of behaviors that result from it. Here are some developed by Horace McCormick, Jr., at the University of North Carolina.

- **Affinity bias**—The tendency to gravitate towards people who remind us of ourselves.
- **Halo effect**—The tendency to see someone in a positive light because of their title or because you like them.
- **Perception bias**—The tendency to form stereotypes and assumptions about certain groups that make objective decision-making impossible.
- **Confirmation bias**—The tendency for people to only seek out information that confirms their preexisting beliefs or assumptions.
- **Group-think**—The tendency for people to go along with the group rather than voicing their individual thoughts and beliefs.

### Training solutions

To combat this, many organizations have embarked on training as a solution.

[A study](#) from Harvard Business Review suggests there are four main reasons why bias training fails.

- The training is perfunctory and low quality (it just ticks off a box).
- Leadership support is missing.
- Management is ill-equipped with the tools and strategies needed to support a sustained effort.
- Leaders don't frame training within the larger organizational commitment to diversity, equity and inclusion.

"Although unconscious bias training is important these days for all employees, the bottom line is that not all training programs are equal," says Susan Madsen, Professor of Leadership, Huntsman School of Business, Utah State University.

[Research does show](#), however, that training can be effective if carefully and strategically designed using research-based teaching and training.

First, the training must be high quality, nuanced, based on believable real-life scenarios and offered within a judgment-free setting.

Second, it should be included as part of a larger commitment that takes organizational structure and process into account; although training could come at the start of that process to build initial awareness.

And third, it must be consistent, ongoing, have opportunities for feedback and include supportive follow-up for both employees and managers.

### Google's experiment

Google's research on its own unconscious bias training had incredibly positive results.

Google [launched an experiment](#) during new hire orientation where Googlers were randomly assigned to one of three conditions: (1) participate in a live workshop, (2) watch the self-study video of the workshop, or (3) receive no unconscious bias training (control group).

Through a self-reported survey, the team found that Googlers who went through the workshop showed statistically significant increases in awareness and understanding of unconscious bias, which motivated them to overcome it, and those who watched the self-study video scored

on par with those who went through the live workshop.

Results persisted even one month after the workshop, where a follow-up survey revealed that workshop participants were significantly more likely to perceive Google's culture as fair, objective, and as valuing diversity, than those in the control group."

### Training & education

Training works best when combined with education and included within the context of a larger organizational commitment.

For most organizations, that will fall under the banner of diversity, equity and inclusion training (DEI), as unconscious bias is an underpinning for the concepts that should be covered, such as understanding personal biases, addressing microaggressions, respecting and appreciating different identities.

And signs are emerging that DEI training can impact perceptions.

For instance, at my organization, [Kantola](#), recent research with 8,000 participants at 215 organizations found that 96% reported having a better understanding of diversity, equity and inclusion and why it matters in the workplace.

Most said they were better prepared to have a conversation with co-workers about issues of diversity, equity and inclusion in the workplace and that training revealed how individuals experience the same workplace differently based on their identities."

From this, it's clear that bias training can:

- **Create awareness that biases exist.** Above everything else, the first step in the education and training process is to create a shared understanding that we all have unconscious

## How 'unconscious bias' training improves culture

biases—everyone, no exclusions. Establishing the premise that no one is being targeted and that we're all in this together will put people at ease.

- **Reveal our personal biases.**

From general awareness can come personal revelations. When presented with relatable, real-life scenarios, employees and managers can uncover their own biases. Remember, they are *unconscious* biases. As they come to the forefront, this may create some discomfort, which will be eased if done in a safe and judgment-free environment.

- **Offer tools and strategies to modify behavior.**

Providing participants with knowledge is essential. But following up with solutions is the key. It's not enough to offer examples. Employees need explanations and guidance on what to do when faced with specific

situations. And that learning requires practice and repetition to be effective.

- **Empower people to support each other.** One of the most powerful aspects of education and training is its ability to create a self-sustaining support system to help tackle unconscious bias. Establishing allies and advocates within the organization who help to advance the needs of traditionally marginalized groups can foster a structure where behaviors like microaggression cannot thrive.

- **Unify around a common cause.** The camaraderie of working through an issue together, especially one as difficult as uncovering and tackling unconscious bias, may help unify employees around a common cause.

As long as everyone feels they are participants, rather than targets, they will be more likely to help carry the mantle of fairness and respect that this process will bring.

## The rewards

[According to Madsen](#), "Investing in the right employee education is critical to having a more diverse, equitable and inclusive workplace culture. When all employees thrive, businesses will benefit. And high-quality unconscious bias training can help. Instead of focusing on quick fixes geared toward convincing employees, customers and other stakeholders that you are doing the right thing, seek to implement longer-term initiatives that have been proven to work."

### About Natasha Nicholson



[Natasha Nicholson](#) has more than 20 years of experience as a content leader, communication strategist and editor. At the International Association of Business Communicators (IABC), she was the Executive Editor for Communication World and Catalyst magazines. Natasha is currently responsible for content strategy and production at [Kantola Training Solutions](#), a high-growth eLearning company working to help end harassment, bullying, and discrimination in organizations through high-quality interactive online training.

# Help employees focus again, cut distractions



by Michele McGovern



**W**ith more offices open, it's important to help employees focus again.

But it's tough because they still feel overwhelmed, stressed, distracted and even unappreciated.

A major culprit: All the increased "noise" in their work and lives: Beeps, buzzes and alerts have become the norm in and out of work. They get an avalanche of email, hear loud chatter, read muddled messages and often attend unnecessary in-person and Zoom meetings.

"We think, 'This is just the reality of work in the Digital Age,'" [says Joseph McCormack, author of \*NOISE: Living and Leading When Nobody Can Focus\*](#). "We've forgotten how it feels not to be perpetually distracted and overwhelmed."

HR leaders and front-line managers want to help them reduce the distractions – onslaughts of information and distractions – that break their focus and drain their brains.

"We can't change the reality of our workplaces, but we can take small doable steps that together help us better manage the [work flow of priorities and challenges](#)," McCormack says.

To help employees focus again, he suggests these tactics:

## Make the problem clear

Talk with employees about how distractions – and reacting to them – hurts their attention spans, memory, brain functions and performance.

Just a few stats that can drill in the point. Professionals:

- are interrupted 50 times a day – and it takes many minutes to regain full focus after each
- check their phones 150 times daily
- check email (unnecessarily) 36 times a day, and
- multi-task during meetings, leading to unproductive time.

## Focus on what you can control

Leaders and employees have limited control on some of work time – meetings and certain responsibilities demand exact times.

Encourage employees to determine their most productive time outside of the locked-in time and plan to block out distractions and work on high-priority tasks.

## Follow the '7-to-7 Rule'

In his research, McCormack found 40% of people who *didn't* check their smartphones first and last thing each day had four or more hours of quiet, productive time each day.

Employees will gain time and get more done when they reject the "always connected" mentality.

To take advantage of this tactic, employees will want to try the 7-to-7 Rule: No screen before 7 a.m. or after 7 p.m.



## Try the '11-minute Unplug'

Employees and managers will want to try to step away from screens and phones to think about what they plan to accomplish before critical conversations, presentations or meetings.

They might take a walk or sit in silence to focus on the goal, and they'll likely achieve it sooner.

## Take the 'Post-It Challenge'

The distractions often cause people to become overwhelmed and try to multi-task all day.

Instead, experts suggest you single-task on the highest priority. Write each task to accomplish on a Post-It note and throw it away when you're done.

They can check the trash can midday and at day's end to see all they've accomplished with single focus.




## Shore up communication

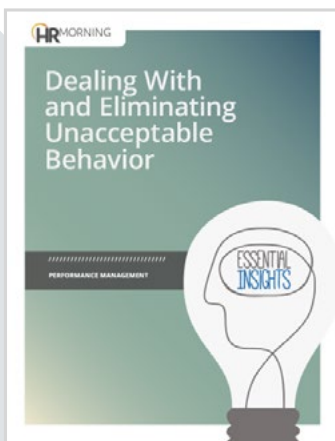
Encourage employees to simplify their messages – and seek simple messages – they can communicate more effectively.

Before they write or speak to convey information, tell them to ask themselves, "What's the single most important thing I want to convey?" Then they can draft the email, voicemail or call around that.

On the flip side, if they receive an overwhelming message, they can ask the sender, "What's the single most important thing I need to know?"

Recommended reading on training from [Michele McGovern](#)

- [5 ways to improve employee experience post-COVID](#) 
- [7 key steps to bring values and strategies to life](#) 
- [Helping your employees disconnect from work](#) 



### Exclusive HRMorning Guide

## Dealing With And Eliminating Unacceptable Behavior

Dealing With and Eliminating Unacceptable Behavior gives you actionable tactics and strategies you can use today to quickly and effectively deal with and eliminate unacceptable behavior and get the most out of employees.

[get the guide](#) 

# How HR can move the needle on diversity and inclusion



by Michele McGovern

## BUILDING A DIVERSE WORKPLACE



**D**iversity and inclusion (D&I) is at the top of nearly every HR leader's mind. But many struggle to make a difference.

In fact, gender and ethnic diversity in leadership rose less than 5% in a five year span, according to [McKinsey & Company researchers](#) who kept close tabs on it across companies and continents.

Yet, it's so important: [Diverse and inclusive companies](#) perform better than those that aren't. McKinsey also found companies with the highest gender, racial and ethnic diversity financially perform as much as 35% better than similar companies.

"We have to intentionally and thoughtfully work on creating a community, a culture and an organization where everybody feels seen, valued and heard," says [Shelly](#)

[McNamara, head of equality and inclusion at Procter & Gamble](#) in the [Harvard Business Review Ideacast](#).

Here are seven ways to make those good intentions for diversity and inclusion the reality at your organization.

### Set goals and ways to measure them

You know what gets measured gets done. So you want to identify key performance indicators (KPIs) for every aspect of your [D&I efforts](#).

Some common goals:

- **Representation.** Can you compare how different groups are represented in terms of market or industry demographics? Then you can set

KPIs to improve representation by job level, role or in general.

- **Talent acquisition.** Look to set sourcing, connecting or interviewing goals to reach and hire more people from underrepresented groups.
- **Retention.** Compare the average employee tenure by demographic to determine who stays. More importantly, look at exit survey data to find out why they stay or go. Set new goals for retention based on what you find.
- **Promotions.** Consider job level and promotion rate by demographic and tenure. What KPIs can you reset so underrepresented groups excel?

### Get serious about goals

Setting D&I goals is just a step. You'll want to involve leaders throughout the organization in planning and implementing plans to get there.

For instance, Procter & Gamble aspires to have 40% of its workforce in the U.S. represented by multi-cultural employees (such as African American, Asian pacific, Hispanic, Native American). They drill that down through business units, working with leaders to make it happen. They also aim to have equal gender representation across all levels within the organization. Even more today, they are working to increase diversity through LGBTQ+, people with disabilities and gender groups worldwide.

"You have to be clear on the outcomes you want, (remembering) equality is the experience of being equal. Inclusion is the feeling of belonging," McNamara says.

### Focus on hiring practices

For many companies, the first step to increasing D&I will be to hire a more diverse staff. To do that, you want to remove any bias in the process.

Three best practices:

- **Tweak job descriptions.** Focus more on outcomes, must-have and nice-to-have qualifications, less on experience and background. Remove gender-related language.
- **Review resumes blindly.** Remove names, schools, addresses and anything else that might give way to gender, age, ethnic background, etc. Just recently [LinkedIn added a "hide names and photos" feature](#) to further help hiring managers avoid bias in hiring.
- **Structure interviews.** Ask each candidate for an open position the exact same questions so you can compare them all objectively.

### Recruit for 'culture add-on'

While it's important to focus on how you can improve D&I in your current workplace, you want to consider the future of work. Many companies are influx, shifting between fully remote and hybrid.

That kind of work allows you to widen the recruiting net to larger geographic areas, cultures and populations.

That is perfect for adding more diversity. So if you've hired for culture fit in the past, try this approach now: Hire for what [LaFawn Davis, Vice President of Diversity,](#)

[Inclusion & Belonging at Indeed,](#) calls "culture add-on." Those are candidates who will bring new, fresh and different ideas and experiences to your team. They aren't exactly like others in your organization – which increases diversity – so they're more likely to add something you don't have.

### Give champions the torch

Some leaders understand the relevance of D&I in your workplace and its impact on business growth more than others. They're your "change agents," McNamara says.

You can likely count on them to champion efforts and work harder to increase diversity and inclusion through hiring, retention and equality efforts.

Consider who's most interested in your data and moving the needle. Then work with them to steer strategic growth around diversity and inclusion. They can help set the bar on:

- **expectations.** Build a clear vision of what leaders are expected to know and do about equality and inclusion
- **accountability.** Create mechanisms, systems and rituals to hold all leaders accountable for hiring, performance and culture, and
- **capability.** Train leaders to understand and see biases and correct for them

### Lean on ERGs

If you have Employee Resource Groups (ERGs), you have D&I insight at your fingertips.

"That's where people start talking about what's important to them," said [Zeno Peterson-Scott, Lead Trainer with G.E.T. Phluid and The Phluid Project,](#) at the [Spring Health webinar, "Beyond the](#)

[Binary: Honoring Gender Expansive Communities at Work."](#)

Whether your ERGs are company initiated and financed or employee driven, you likely have diverse, often underrepresented, groups with engaging insight that can help leaders expand D&I efforts.

### Review benefits

You can also lean on champions and ERGs to help take bias out of benefits and build a more inclusive package.




When you do an annual retooling of benefits, look for areas where they are exclusive by nature. For instance, is healthcare geared mostly toward traditional families? Are Christian holidays the only days off?

To be more inclusive, try to:

- Give floating holidays so people can celebrate what's meaningful to them
- Choose healthcare options to include benefits that support those in the LGBTQ+ community, and
- Offer flexible schedules so people can more easily handle their work/life balance.

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### Recommended reading from [Michele McGovern](#)

- [Diversity up, inclusion down: What HR leaders must do now](#) 
- [8 ways to build diversity and inclusion in your WFH plan](#) 
- [Was push for diversity illegal race bias? Court backs claim](#) 

# ENSURE A SMOOTH PROCESS WITH **CLEAR** COMMUNICATIONS



## BENEFITS

# Open enrollment best practices for 2022



by Renee Cocchi

**A**re you ready? The health insurance [open enrollment](#) window starts Nov. 1 and ends Dec. 15th. However, some states are extending the end date slightly.

But with coverage starting Jan. 1, 2022, there's little time to waste, especially as the [Delta variant spreads and impacts enrollment strategies](#).

Employee surveys of existing benefits are still a great way to see where employees' needs lie.

If there's no time left to do one now, you've probably done one or two over the past year to see how you could help your employees during the pandemic. You can use information from them to see where employees need help and where your existing benefits might be coming up short.

To help you [avoid pitfalls](#) and get the most bang for your buck, here are some industry-leading best practices help so your open enrollment goes off without a hitch.

### Going virtual or paper?

With the Delta variant spreading across the U.S., open enrollment is going to look different again this year. While you may be fully or partially back in the office, there are likely restrictions on how many people you can have in a room at one time.

So, if you decide to ditch the paper and embrace a virtual "benefits cafe" have employees grab a cup of coffee/tea and participate in a virtual benefits meeting.

Remind employees to think about major life changes they may be embarking on in 2022, before

making any benefit selections. And provide them with any changes you've made to your benefit offerings.

In addition, tell them where they can find all the information and electronic forms they'll need. The key is using an insurance carrier with a strong reputation in virtual and telephonic methods — for a hybrid benefits communication strategy.

Another huge advantage is convenience. Virtual and telephonic counseling is much more accessible for employees working remotely, at several locations, or covering multiple shifts.

Note: [Check the DOL's safe harbor guidelines](#) for electronic retirement plan communications rules to see if you're required to mail paper copies of the open enrollment guide to certain people.

## In-person OK?

Despite the challenges of the Delta variant, some businesses still need a safe option for in-person enrollment for many of their workers.

Face-to face enrollment is really effective in adapting to a broad range of learning styles. And as the pandemic fluctuates across the country, more people are eager to make a human connection.

If you go with in person enrollment, consider these guidelines:

- Designate a manager or administrator to keep safety protocols on track with employees and rooms for group and 1-to-1 meetings.
- Make sure brokers, agents and benefits counselors on-site understand safety protocols.
- Have extra masks on hand, display helpful posters covering nose and mouth.
- Conduct group meetings in rooms at 50% capacity. Position chairs 6 feet apart.
- Encourage handwashing for at least 20 seconds.
- Have plenty of hand sanitizer on hand.
- Use or adapt rooms with good ventilation.

## Avoid information overload

During open enrollment, 22% of employees are confused, 20% are anxious and 21% are stressed, according to an Unum study. You can avoid this by breaking information down into small digestible chunks.

There's a lot that goes into open enrollment. So keeping things short, sweet and to the point is important.

Breaking information down by document is a good way to keep things clear. Here are some you might want to provide:

- The Basics: Why they need coverage, the different programs and costs involved
- Actions they need to take and their deadlines, and
- Q&A that answer the most common questions, as well as some not-so-common questions.

Also, when sending emails or naming documents, label them clearly, like "Open Enrollment Deadlines."

## Communicate

Here's a sad statistic: 35% of employees don't understand their healthcare coverage, according to a Maestro Health survey. And, 62% don't think their employers are good resources for their healthcare questions.

## The key to fixing this problem? Create a communication strategy.




Start with targeted open enrollment communications. For instance, when you send out a benefit survey to employees, segment the questions according to qualifying life events. Then when you get the info back, it'll already be organized for you.

Next send recommended plans to each lifestyle group (single, married with children, close to retirement, etc.).

Finally, send call-to-action messages to employees letting them know they need to "take the next step" in the open enrollment process. Make sure the actions and deadlines are specific and in bold.

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Recommended reading from [Renee Cocchi](#)

- [Open enrollment: Improve your benefits offerings by analyzing social & environmental risks](#) 
- [Messaging formula added up to open enrollment success](#) 
- [5 ways to make open enrollment easier on employees](#) 



# How we got execs on board with creating a mindfulness program



I used to thrive on high-level stress and multi-tasking – I always believed I could do it all.

But then I burned out in a big way. I ended up in the hospital, needing back surgery, physical therapy and a lot of different medications. I needed to make a big lifestyle change, which was when I discovered mindfulness.

I started small, with just one to five minutes of mental practice a day, but it made a huge difference in my life.

And because of that, I wanted to bring it into the workplace somehow. I knew there had to be many employees on the verge of burning out, just like I was.

## Pilot program

I found a colleague who shared an enthusiasm for mindfulness with me, and we put our heads together. We didn't want to overwhelm anyone or force the idea of mindfulness on staff, so we started small.

We had just one page of ideas and met with an executive to make our case. In the end, he gave us \$5,000 to start a mindfulness pilot program, just to see how much interest our employees really had in it.

We were hoping to get 100 people to participate. But after we sent out a companywide email explaining the program, we quickly got over 500 responses from people very interested in participating.

Our cap was firm at 100, so we added the other 400 employees on a waiting list, and we got started.

## Helping them get started

The pilot program was set to last for 30 days. We initially had two offerings: yoga sessions, and the use of a meditation app. The app was by far the more popular selection.

It was important we set everyone up for success, so we led sessions on how to get the app set up, and all the cool tools it offered. You can't just give employees the app and expect them to figure it out on their own.

As our program got started, we regularly collected feedback from our employees and brought that to other executives. One exec didn't even know what the word 'mindfulness' meant at the time!

To combat that, I would regularly send him articles and short videos explaining what it was all about. Employee testimonials also got hesitant execs on board.

We also regularly shared our data and testimonials with HR. In the end, the testimonials were so glowing, we convinced HR to add access to the meditation app to employees' benefits packages! Now everyone has access to the app, whether they're in the mindfulness program or not.

## More people on board

Now, we're focused on expanding our mindfulness program. We have employees using word of mouth to encourage their colleagues to join.

We also have a Mindfulness For Beginners course. This is a five-week course, less than 10 minutes per session, that educates employees on how to practice mindfulness. It also dispels myths.

Overall, our mindfulness program has made our employees less stressed and more resilient and creative.

*Christine Wenger, national manager, Toyota, Frisco, TX*

# How to spot and stop toxicity in your workplace



by Rachel Mucha



**C**ompanies need more than a talented group of employees to succeed – they need to provide a quality work environment for their people.

But that's easier said than done. Workplaces can become toxic if leaders aren't vigilant.

## Warning signs

According to Carol Sankar, founder of leadership firm The Confidence Factor, there are [warning signs](#) of toxicity to watch out for. They include:

- a lack of diversity and inclusion
- a “boys’ club” feeling
- a bad/[unpopular manager](#)

- poor communication
- lots of gossiping, and
- a high turnover rate.

These issues can have serious consequences if not addressed. Employees’ mental health can take a big hit. Burnout, physical illness and trouble sleeping are other side effects of a toxic work environment.

## What you can do

The good news is, you don't have to stand idly by. Sankar has some solid steps you can take to resolve toxicity at work.

Encourage employees to report harassment, abuse or bullying that they've experienced or witnessed.

Reassure them that the process is easy, safe and confidential.

It's important to tell employees you need honest feedback in order to make the work environment more comfortable for everyone.

Evaluate your managers and see if any of them could be contributing to the negative work environment. Check any past employee complaints about these leaders. If you allow poor managers to stay, employees will continue to leave.

Recommended reading from [Rachel Mucha](#)

- [Legal Q&A](#)
- [10 Signs Your Workplace Culture Is Toxic \(And How To Fix It\)](#)
- [Riot Games settles 'bro culture' gender bias claim for \\$10M](#)

# Vaccine mandate frustrate employees?

## 6 tips to keep peace



by Michele McGovern



Handling  
workplace  
conflict

HRMORNING

**D**o vaccine mandates have employees up in arms? HR professionals face challenges across the board as [vaccine mandates for employers](#) roll out. For one, there's a lot of uncertainty as the Occupational Safety and Health Administration (OSHA) develops [rules and guidelines](#) – and HR will likely have to figure out the path to compliance.

But many HR pros already face a more personal and present issue: *Employees might be frustrated, confused or elated about the potential changes.* And that will likely lead to extra [unrest in the workplace](#).

Here's how contested the issue could be: 23% of employees say they'd leave their company if the mandated vaccinations, a [Qualtrics study](#) found. Yet, 25% said they don't

feel safe if their company *doesn't* mandate vaccines.

The mandate subject stirs personal, political and societal feelings that can spill into the workplace. So when employees' feeling run deep – or even shallow – on one subject, it can lead to tension in their professional interactions.

“HR pros should definitely prepare

to handle the ire, frustration and potential backlash,” says [Monster Career Expert Vicki Salemi](#).

“Although this territory is new, (HR leaders) are probably already equipped with tools in their toolbox for unhappy workers.”

HR leaders and front-line managers can get ahead of conflict. And while we can’t say exactly how the mandate will affect your workplace, we can share six strategies to help maintain workplace civility.

### Continue to encourage

Most people will more likely do something [at their will](#), rather than when they’re told they *must* do it. So, it might help to continue to encourage employees in the same ways you already do to get vaccinated.

If your organization is reluctant to get involved in employees’ decisions on the COVID-19 vaccination, you still want to make it as easy as possible for them to do it if they choose.

Provide information. Don’t decry the issue. Give employees information on:

- where to get vaccinated
- the time they’re allowed to take to get and recover from the shot
- [compensation](#) (if any) for their time and participation, and
- how you’ll record and report vaccination rates in your organization.

### Smooth the transition

Even with encouragement, companies with more than 100 on-site employees will still need to follow the vaccine mandates. So you’ll want to make a smooth transition from “encouragement” to “mandating.”

“Employers may want to be more hands-on during the transition and demonstrate a commitment to employee well-being,” Salemi says.

“Perhaps that looks like a town hall and/or managers reaching out to their direct reports individually to check in with them,” she suggests. “On a macro level, mandate aside, it may mean more lunch and learns to support mental health – such as meditations, yoga, etc. – or things outside of work, like a 401k planning class or a department book club or fitness challenge competition among departments.”

Bottom line: Give employees opportunities to improve and control their personal well-being.

### Recognize the divide

HR professional or front-line managers wouldn’t encourage employee discourse. But you can’t ignore that it will happen out of your sight. (And if it occurs in ear- or eyeshot, you’ll want to intervene, of course.)

But you might maintain a better level of civility by following William Shakespeare’s advice: *Do as adversaries do in law, strive mightily, but eat and drink as friends.*

Remind employees everyone has different opinions, and they’re expected to respect each others’. Then give them opportunities to “eat and drink as friends.”

Let them have department or team potlucks if they’re on-site. They might throw Zoom happy hours or lunchtime chats if they’re remote. It might be time to bring back the company, outdoor picnic. Or bolster Employee Resource Groups (ERGs) with funding for social events.

### Establish/promote Code of Conduct

If you don’t already have one, establish a Code of Conduct. If you have one, promote it more than ever.

Some employers established the codes – expectations on how employees interact with each other – when [workplace incivility skyrocketed](#).

“Codes are not worth the space they take up on a network unless they are accompanied by commitment from leadership to communicate, train and enforce the Codes, and truly reflect the morals and values of the organization,” says attorney [Bruce Deadman with Davis Kuelthau](#), in the [National Law Review](#).

The key: Involve front-line managers to create the code and how to address conflict, train employees, and discipline for non-compliance. After all, they’re the people who will most likely monitor behavior and enforce the code.

### Prepare yourself

While the [actual vaccine mandates](#) may cause some unrest in your workplace, be prepared for the *consequences of an upheaval* it could also cause.

HR pros “may want to prepare for potential resignations (and) decreased productivity and morale,” Salemi says. “Workers are exhausted by the constant changes to return-to-work plans, and some are even willing to look elsewhere if the plan doesn’t align with their needs.”

So work with front-line managers to identify good employees who are:

- overwhelmed
- disengaged

## Vaccine mandate frustrate employees? 6 tips to keep peace

- visibly angry and combative
- intensely concerned, or
- absent more frequently.

They may be at risk to quit. Talk with them, address concerns and work on a plan to keep them involved, engaged and employed.

### Stay calm and pass it on




The best way to gain or maintain workplace harmony is to practice it from the top.

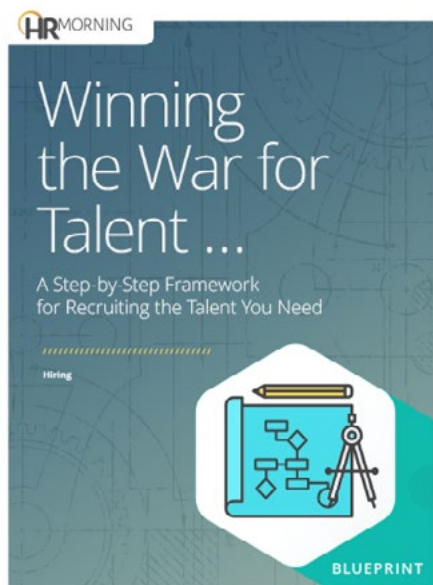
“The past 18 months and counting have been unprecedented and have certainly tested our strength, resiliency, and flexibility, so it’s

important to remain calm and exude empathy and compassion for everyone involved,” says Salemi.

When leaders take that approach in the workplace, others almost always follow suit.

Recommended reading on leadership from [Michele McGovern](#)

- [President Biden hands down COVID-19 vaccine mandate](#) 
- [Are some companies going too far with vaccine incentives?](#) 
- [Lawsuit tries to block vaccine mandate: Court says](#) 



## Don't believe a change in your interview process will lead to better hires?

### The HRMorning Interviewing Framework

This systematic, repeatable interview process – when properly applied – is designed to help you develop a structure that provides you a better-than-average success rate for bringing outstanding new employees on board.

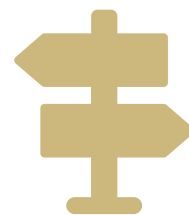
After reading this blueprint we'll take you from an unstructured interview approach where you “trust your gut” to guide your decision-making, to a clear-cut, structured, research-backed process proven to improve your hiring success – combined with company-specific assessments and tools for interviewers to follow in a consistent way – without fail.

[get the guide](#) 



## What Would You Do?

### Performance reviews were delayed, and employees are asking questions



#### The Scenario

HR manager Stu Capper was heating up his lunch in the breakroom when employee June Anderson came in.

"Hey, Stu," she said as she filled her water bottle. "I'm glad I caught you, actually. I had a question."

Stu still had three minutes left on the microwave. "Sure, June. What's up?"

"I wanted to ask you about my performance review," she said. "I was supposed to have one in April, which is when my company anniversary is, but now it's September and I still haven't heard anything."

Stu frowned. "Sorry to hear that, June. I haven't been contacted by your manager about it, so I assumed it'd been delayed."

"But I was supposed to be getting a raise, too," June said. "And now I've gone almost six months with my old pay."

#### Not a priority?

"I'll contact your manager about this right away," Stu said. "I'm sure COVID and return to work plans is the cause for the delay."

"We've been back in the office for a few months now," June pointed out.

"How much longer can COVID be used as an excuse? It just feels like the company isn't making us a priority. I know a few other employees feel the same way."

#### If you were Stu, what would you do next?

## Reader Responses

#### Elizabeth Brady,

*HR specialist, RTI Consulting, Washington, DC*

What Elizabeth would do: I'd look deeper into this to see why reviews didn't happen, when we can expect for them to happen, and if there is the possibility for pay raises. The employees are clearly looking for answers, so I'd send out a company-wide email addressing this issue, and invite them to ask further questions.

**Reason:** Legally, the company isn't under any mandate to conduct performance reviews, but employees have come to expect them, and it's bad for morale and retention to suddenly stop. I'd be as transparent with employees as possible and be honest about why reviews were delayed, and if raises weren't on the table, I'd tell them that.

#### Name withheld upon request,

*HR manager from a media company in the Northeast*

What she would do: I'd reassure June that we were doing all we could to get the reviews going, and I'd start sending her updates on the process. I'd also reach out to June's manager and see if we could get the process going with an informal review. Since June mentioned other employees were concerned too, I'd take the opportunity to send out a companywide email addressing the review concerns and apologizing for the delay.

**Reason:** Employees may not understand all that goes into the review process behind the scenes, but they deserve to be kept in the loop. Often-times, hearing nothing upsets the employees more than a simple "Sorry for the delay" email. Communication and transparency can do wonders to reassure people.

## WORK LOCATION

# 8 keys to a better remote work plan



by Michele McGovern

DOES THE TEAM  
REALLY **HAVE TO**  
**COME BACK**  
**TO WORK?**

**HR**MORNING



**C**an your team do remote work forever? Employers continue to struggle with this question – and HR professionals continue to figure out if it's possible.

Truth is, many employees don't want to come back to the physical workplace. About 60% would like to work remotely all the time, according to [research from FlexJobs](#). Another third prefer [a hybrid model](#) – on-site a few days, at home other days.

*And why shouldn't they?*

"The historical arguments and concerns around, 'Can you have

a productive workforce without having everyone in same space?' ... have been eradicated," says Harvard Business School professor Tsedal Neeley on the [Harvard Business Review](#) Ideacast. "We have full evidence that you can have an organization with people (who are) *not* co-located (and they can) be quite effective."

Employees remained productive while they worked from home in the throes of the pandemic, a study from [The Conference Board](#) found. So now nearly 45% of them question the sensibility of returning to the workplace where they're often distracted and overly stressed.

"While there are many difficulties surrounding a move to a hybrid work arrangement, most workers want the flexibility to choose what's right for them," says [Amy Lui Abel, PhD, Vice President, Human Capital Research at The Conference Board](#). "For companies, the challenge in getting this right will entail policies that are inclusive, technologies that can support the movement of workers, and leaders that can guide and manage a different workforce model."

So you may not be building a workplace from the ground up, but you are rebuilding how you work.

Eight critical keys to continue to make remote work work:

### Put it in perspective

Recognize – and help employees who might be inclined to expect everything accommodates their new realities – that this probably isn't a conversation you even considered two years ago.

The pandemic changed *how* we work and *how we think* about work and where we work. But it likely didn't change *the actual work* that needs to be done. So a remote work plan still needs to be built around the "work," not the location.

As company, department and individual goals evolve, keep them at the center of any remote work plan.

### Start and end at the top

Bottom line is the top line: A remote (or hybrid) work plan won't succeed if the leadership team doesn't initiate, support *and* follow it. Employees will be compelled – perhaps out of guilt, concern for their career advancement or straight-up guidance – to adhere to the 9-to-5 regimen if the bosses do.

Leaders will want to set and adhere to guidelines for asynchronous communication. For instance, you might draw expectations across channels and time zones. While everyone may work at different hours, they can all expect the same response times – say eight hours for a Slack response and 24 hours for an email.

Employees and leaders can also post their "open" hours on your communication channels so others know when they can get an immediate chat or phone answer.

### Equip the team

Most people made due with the technology they had or could get their hands on when lockdowns prevailed. But you likely can't go forward with any team members who are technology-challenged.

"The key thing that we need to do is make sure we're matching our digital tools for the work in front of us. We're over indexing on certain technologies – video conferencing, for example – and experiencing things like tech exhaustion," says Neeley. "Tech exhaustion shouldn't exist if we match our intentions with the right digital tools in a balanced way, including asynchronous way."

That comes down to ensuring everyone who works remotely has the same technology, software, and apps – plus the IT support – as they had access to on-site.

One caveat: Do an analysis of what employees actually used on-site. You might find they didn't use some things they had, but used co-worker's systems to access other things they needed!

### Create a support system

Managing from a distance is difficult. [Three linked studies](#) found front-line managers who lead remote teams throughout the pandemic worked harder to accomplish tasks and control what they could. They had less time to enable and motivate employees – which pushed work back at them.

Going forward, a remote work plan needs to include a support system that allows front-line managers time and resources to coach employees individually, pursue personal growth and engage the entire team.

That might be creating an HR role such as Manager Liaison or

Management Support Specialist who works with front-line leaders to systematically balance time, monitor mental well-being and ensure they have the resources to help their team.

### Focus on output

When you create a remote work plan, focus on goals, expectations and outcomes more than the clock.

"Don't check on hours put in," says [Loomly](#) CEO Thibaud Clement. "We look at output. Now, if you have a project and miss a deadline, then there's a conversation that we need to have."

At Loomly, employees have always worked remotely. What's worked for them: They established response time expectations for their most commonly used communication channels. Employees set clear boundaries on the hours they're available to collaborate and when they work independently.

That allows for enough collaboration and deep work time so the output is where it needs to be.

Similarly, establish or clarify what must be done synchronously – perhaps project kickoffs and team meetings – so teams can schedule accordingly for those.

### Integrate legacy with reality

Many organizations had practices and traditions that worked when they were on-site, and they picked up other greats when they moved off-site.

The best remote work plans update traditions for the current work reality and integrate them with new best practices.

For instance, prior to COVID-19, [Lever](#) recruiters called successful candidates to offer them the job. During remote work, they made a Zoom call.

"Candidates loved it. We loved it," says [Annie Lin, VP of People at Lever](#). "They had somebody to celebrate the good news with right away."

So they kept the practice, offering positions via Zoom. "Really think about the things you love about the process," Lin suggests.

## Maintain trust, relationships

"Trust and connection ... are crucial for performance, particularly in hybrid or virtual environments when we're not in the same space all the time," says Neeley.

How can you help employees stay connected when they're physically disconnected?

Stick with the things you did when remote was the only option. Virtual happy hours. Outdoor meetups, if possible. Meeting time to talk about life, challenges and joys of remote work.

## Know when you need to be together

Even in a remote workplace, there may be times when the group needs to come together. Or you just want them to be together to deepen relationships and focus on company goals.

[Rae Ringel, president of The Ringel Group](#), suggests [you ask yourself](#) these questions to determine if a meeting is necessary:

- Is the meeting goal relationship-based or task-based? Tasks can be handled remotely.
- How complex are the objectives? The more complex, the more likely you should meet.
- Could we do this differently? Zoom or room aren't the only options. Can you record a video for people to watch at their convenience? Set up a call? Do a podcast?
- What's most inclusive? You want the meeting to be a level field for everyone. If they all can't participate in the same way, don't do it.

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Recommended reading on leadership from [Michele McGovern](#)

- [Remote work requires greater flexibility and choice](#) [🔗](#)
- [The problems with remote work – and how HR can help fix them](#) [🔗](#)
- [4 benefits for remote workers every company should offer](#) [🔗](#)



### Exclusive HRMorning Guide

## Turn Good People Into Great Employees: Performance Reviews That Work

Properly done, performance reviews are one of the best tools a manager has.

**Turn Good People into Great Employees: Performance Reviews That Work** offers a no-nonsense approach anyone can use to successfully prepare and execute performance reviews that develop and motivate employees.

[get the guide](#) [🔗](#)

# Substance abuse: When does it overlap with the ADA?



Employees who are admitted alcoholics and/or drug addicts may or may not be protected by the Americans with Disabilities Act (ADA). In general, it depends on the status of their recovery and treatment.

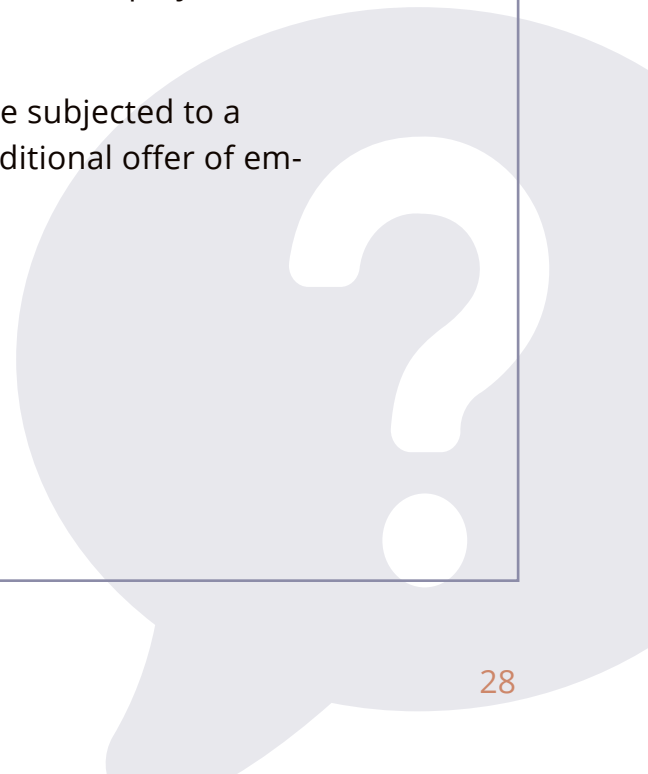
Test your knowledge.

Decide whether the following statements are True or False.

[check answers on the next page](#)

- 1 TRUE OR FALSE:** If an employee has a past history of illegal drug use, you may not require them to submit to a drug test before enrolling in the firm's medical plan.
- 2 TRUE OR FALSE:** If a substance-abuser has clinically diagnosed depression, the ADA expressly prohibits discrimination by their employer.
- 3 TRUE OR FALSE:** A prospective employee may not be subjected to a blood alcohol test until after the firm extends a conditional offer of employment.

*Go to the following page to see if you are correct.*





## Test Your Knowledge: Answers

### Answers from previous page



- 1 TRUE:** The ADA prohibits this type of discrimination on the basis of past history. A urinalysis for illegal drugs isn't considered a "medical examination" under the ADA. However, unless drug tests are required of all employees before health-insurance eligibility, it's considered an illegal barrier to require the tests for recovering alcoholics and drug addicts.
- 2 FALSE:** Clinical depression is a protected disability. Therefore, your firm may not discriminate against an employee being treated for depression. However, even if the depression and substance abuse are interrelated, the ADA allows you to enforce your existing policy.
- 3 FALSE:** The EEOC's Technical Assistance Manual states a conditional employment offer must precede such testing.

**Businesses with  
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the coronavirus  
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# The difference between good and great leaders? Trust



by Michele McGovern



**F**or leaders at every level, their teams' success relies on one thing more than anything else: **Trust**.

Whether you're a CEO, HR leader or a front-line manager, your team needs to trust that you know the way, believe in them and will take responsibility regardless of outcomes.

"At its best, leadership inspires people to pull together collectively to achieve something great," says [Lolly Daskal](#), author of [The Leadership Gap: What Gets Between You and Your Greatness](#). "That kind of inspiration requires a trustworthy leader – one who treats leadership not as a source of power, but as a channel for serving others."

Building trust creates a community of devoted, [empowered employees](#) who will make your team and its

projects successful. In her research, Daskal found these actions build and maintain trust.

## Stand – even alone – for principle

Trustworthy leaders stand up for the greater good, even when it goes against the prevailing trend or "the way we've always done it."

Sometimes the greater good is exactly what your employees want. Sometimes it's what the company needs. You gain trust by recognizing and fighting for the decision that helps most.

## Help others be better

The best leaders don't just train or coach. They invest in relationships

with employees and colleagues. They support others' initiative and to grow and improve.

You want to nurture development and advancement -- even if it means you'll lose good employees – by helping them find opportunities and training.

## Face issues head-on

Trustworthy leaders don't sweep issues under the rug. They don't avoid difficult conversations or situations.

Instead, you build trust by acknowledging situations are difficult and you need to address them to overcome and learn. Approach difficult situations as something you'll go through together, not

something people will have to shoulder alone.

### Tell the truth

It seems obvious that to build trust you must tell the truth. But some leaders shy away from the truth when it's uncomfortable.

It's important to tell employees when they aren't meeting expectation – so you both can work on ways to improve – and when they're exceeding expectations – so you can work on ways to help them move up.

Equally important is truth from above. Be straight with your team about company information that affects them, especially if it's negative, such as layoffs or downturns.

### Be steady under pressure

Not much is more reassuring than a leader who stays calm and consistent under pressure. Leaders who do the opposite – become agitated, frustrated and angry – in stressful situations build walls, not trust.

Instead, you want to maintain a calm vigilance in stressful times – perhaps your busiest season or when your team is taxed with unforeseen demand – to prove you believe the team can prevail.

### Take responsibility

To build trust with your team, colleagues and bosses, you want to take responsibility at one important time and pass it along for another.




Point at yourself when your team falls short or makes mistakes. Give


your team or colleagues the credit in successes.

Others rally behind leaders who share victories and take responsibility in defeat. Use both situations to help everyone involved learn from what worked and what didn't.

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Recommended reading from [Michele McGovern](#)





- [5 leadership mistakes that make good employees quit](#) 
- [Improve employee retention with these 5 leadership 'soft skills'](#) 
- [Using AI-powered leadership to drive productivity and engagement](#) 



MASTERCLASS

How to win the war for frontline talent

NOV 4 | 10:00AM PT | 60 MINS




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Future of Work,  
Deloitte

  
NA

## The Cost of NonCompliance



**\$41,869**

### Father-daughter team steal employees' retirement cash

**What happened:** In Green Bay, WI, Pinnacle Machine LLC COO Donald Miller and his daughter, Jennifer Miller – then Pinnacle's director of human resources and accounting – failed to forward employee contributions in a timely manner to the company's savings and retirement plan.

**What people did:** The DOL's Employee Benefits Security Administration investigated and found these actions took place from January 2016 to September 2019. After neither defendant filed an answer to the DOL's complaint, a U.S. District Court Judge signed a default judgment in the case. It bars the Millers from serving as fiduciaries of an Employee Retirement Income Security Act covered plan in the future.

**Result:** The Millers have to restore \$41,869 in employee payroll-deducted retirement contributions and lost opportunity costs to the plan.



**\$68M**

### Court case garners \$68M for 200 benefit plans

**What happened:** In 2003, the DOL's Employee Benefits Security Administration Philadelphia Regional Office began an investigation of John J. Koresko V, of Bridgeport, the Regional Employers Assurance Leagues Voluntary Employees' Beneficiary Association Trust and other affiliated companies.

**What people did:** The DOL found Koresko and others had diverted tens of millions in plan assets for their personal benefit through a variety of illegal transactions. And now 18 years later, the U.S. District Court for the Eastern District of Pennsylvania issued a final order closing the case, and added nearly \$4 million to costs previously assessed against Koresko, resulting in a judgment of more than \$42 million against Koresko and his companies.

**Result:** The court's order follows the final distribution in 2021 of \$17.7 million to more than 200 employee benefit plans nationwide harmed by Koresko and others – bringing the total distribution to the affected plans to \$68 million.



**\$40K**

### Refusal to hire pregnant worker costs company \$40K

**What happened:** Wise Staffing Group, located in Tupelo, MS, was sued by the EEOC for pregnancy discrimination.

**What people did:** During an interview for a data clerk position, a candidate revealed to the hiring manager that she was pregnant. The manager then informed the candidate a more qualified person received the job. However, the EEOC discovered the person who ultimately got the job was less qualified than the pregnant candidate. This is a violation of the Pregnancy Discrimination Act (PDA).

**Result:** Wise Staffing Group will pay \$40,000 to settle the lawsuit, and the company must also conduct anti-discrimination training.





**Good-faith  
compliance  
efforts are  
important**

**HR**MORNING

## BENEFITS

# 2022 priorities for health, leave and fringe benefits

 by Renee Cocchi

**2** 022 is just around the corner. That means you're planning for your health, fringe and leave benefits for the new year.

The pandemic has made this challenging. And the Biden administration's policy changes are making it even more confusing. Why?

There are a number of proposed reforms that would affect health and leave programs. And the administration isn't done. It continues to plow ahead with its health policy agenda.

Regulators are trying to provide guidance on changes that have already taken place. One of them is the new transparency in coverage reg set to take effect Jan. 1, 2022. But they're having a tough time keeping up.

So where does that leave employers?

Scrambling to show good-faith compliance, even though they don't have all the answers yet.

Here are Mercer's Top 5 compliance priorities for planning 2022 health, leave and fringe benefits:

## 1 COVID-19 issues

The pandemic and the issues it's brought with it aren't going anywhere soon. So for now review the continuing [coverage mandates](#) and various COVID-19 relief programs. Another priority is communicating with plan participants. They need to know about pandemic-related benefits and group health plan deadlines.

Employers can continue benefit enhancements beyond coverage

period or go back to prepandemic terms. Just document and communicate what you're doing with plan participants.

## 2 Workplace safety

Things to consider: Will you encourage or mandate vaccines? Will you have all employees return to the worksite, stay remote or a hybrid of both?

It's also important to monitor local conditions, and have a contingency plan in place as pandemic conditions change. Your employees need to know your operating plan for 2022 prioritizes their [safety](#), health, diversity and inclusion.



## 3 Transparency

Along with the final transparency in coverage rules for group health plans, you also need to prepare for new transparency requirements under the 2021 Consolidated Appropriations Act (CCA) effective for plans beginning on or after Jan. 1, 2022. While CCA's transparency requirement guidance is coming, it's on you – plan sponsors – to make good-faith efforts to comply until they're available. It's also important to review price disclosures and comply with the final hospital transparency regulation.




## 4 Surprise billing

On Jan. 1, 2022 the No Surprises Act takes effect. It provides comprehensive patient protections against surprise medical bills. While Part I of the interim final rule has been released, be on the look out for additional regs later this year and in 2022. When they're released, review the new law and rules, confer with third-party administrators and carriers, and prepare to comply. Deadlines will be tight. Make sure to include new disclosures in plan documents and EOBs.

## 5 Gender, family planning benefits

When it comes to diversity, equity and inclusion (DEI) goals, it's no longer enough to be compliant with the law. While improving your family planning benefits efforts is important, you also have to consider federal tax rules, ACA mandates and state laws when designing plans that include fertility, adoption and surrogacy benefits.

Recommended reading from [Renee Cocchi](#)

- [How COVID-19 impacts 2021 benefits: Help for employers](#) 
- [Pay transparency: A new tool to boost employee engagement](#) 
- [Feds, states cracking down on surprise \(COVID-19 and other\) medical bills](#) 



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## Employers' Guide to Paid Sick Leave

From Perk to Priority

Failure to stay up to date and compliant can result in disgruntled employees, costly fines, or even legal action against your organization.

Whether your organization must comply with paid sick leave legislation or is simply seeking a better way to administer sick leave internally, this resource examines three things you can do to streamline your sick leave strategy.

**Download your complimentary white paper to learn more!**

[get the white paper](#) 

### Question

**I saw that Delta Airlines is instituting a surcharge for unvaccinated employees. Could my company do that?**

### Answer

The short answer is yes, you can do this, but it's a little complicated, says employment law attorney Lyndsey Barnett of the firm Graydon Head & Ritchey LLP.

First of all, your surcharge amount for unvaccinated employees can't exceed 30% of the cost of single coverage. So you could charge \$200 only if the cost of your health plan (including employee and employer contributions) is \$600 or more.

You also must offer a reasonable alternative to avoid the surcharge. For example, if an employee has a medical reason for not getting the vaccine, you should make an exception if they receive the proper medical paperwork. To cover your bases, you should have the same exemption policy for sincerely held religious beliefs.

One more thing to remember: If you're a large employer, under the ACA you must provide affordable health coverage. The surcharge could potentially make your coverage "unaffordable" and leave you vulnerable to penalties.

### Question

**We have a few hourly workers who do a few work tasks at home off the clock, like answering a quick email. Do they need to be paid for this?**

### Answer

You have to be very careful when it comes to tracking hourly employees' work activities, says employment law attorney Robert Boonin of the firm Dykema.

According to the FLSA, employees must be paid for all activities necessary for performing their jobs.

However, there is a "de minimus" exception. If the intervals are small, scattered and difficult to track, employers don't need to worry about those. But if these employees are frequently responding to emails off the clock, that time needs to be paid, since they are technically working.

### Question

**When an employee resigned recently, messages were found on his computer between him and a co-worker, mocking another colleague. A lot of them were pretty rude. Should I bring this up to the conversation participant who's still here?**

### Answer

Yes, you need to bring this up. The remaining employee could continue to engage in this behavior with someone else, which can create a toxic environment, says management expert and author of Ask A Manager blog Alison Green.

It'd be different if this employee was just venting a little, but this sounds extreme. Let them know you've seen the messages and this conduct is unacceptable.

Most likely, this conversation will embarrass the employee, and they'll be quick to correct their behavior. It's important to keep an eye on them to ensure this behavior doesn't continue.

# Workplace conflict up: 5 tips to get ahead of collision course



by Michele McGovern



**H**R leaders beware: Workplace conflict will be on the rise – and leaders will need to help employees regain harmony.

Unfortunately, many companies that are returning to the workplace are on a collision course with strife. Nearly 74% of companies plan to have employees back on-site this fall, and about 40% of their leaders anticipate conflict, according to the [LaSalle Network Re-Entry Index](#).

“While planning for office re-entry, businesses should expect some degree of backlash, as there is no one policy that can please every employee,” the LaSalle researchers said.

The sources for conflict abound. Employees have issues with their employers, colleagues and bosses. Some aren’t happy about a return

to work and others resent anyone who remains remote. People will have differing views on vaccination. And many employees have forgotten [proper workplace etiquette](#).

Even companies that continue with remote or hybrid work models aren’t immune. About 80% of employees in a [MyPerfectResume survey](#) said they’ve experienced conflict while working remotely.

“Don’t wait until a problem arises to help supervisors and managers learn to recognize and deal with situations that are not only disruptive, but also pose significant compliance risk to the organization,” says [Melissa Gonzalez Boyce, JD](#), Legal Editor, [XpertHR](#). “Advance preparation is the key to minimizing the potential for conflicts in the future.”

HR pros and leaders at all levels will want to take steps now to prevent [workplace conflict](#). Or they’ll need to mitigate it when it hits.

Here are five strategies to deal with the rise in conflict.

## Communicate early, often and again

Leaders can head off workplace conflict with transparency. The more employees know about the transition to the office and expectations the more likely they’ll be at ease. And when they’re at ease, they’re less likely to spark tension.

“Nothing should be a surprise to employees,” said [Tom Gimbel](#), Founder and CEO of LaSalle Network. “It helps lower anxiety levels and gives employees ample time to ask questions and mentally prepare. Employees need time to reacclimate.”

## Prepare the front line

Give front-line managers a guide, manual or training practice at handling real-time conflict. After all, they’re the most likely to stand in the middle of employees in conflict.

Get them started with real-life examples.

“If employees are arguing about vaccines, redirect them,” suggests Gonzalez Boyce. “Stop and say something like, ‘Look, everyone has their own ideas on this topic. That’s not why we’re here. We’re at work,

so that's where our focus should be. How are things going with ...?"

Another real-world example she offers:

"If employees engage in name-calling – anti-vaxxer, sheep, etc. – instruct them to stop and refocus on work," says Gonzalez Boyce. "Advise them that such communication is unprofessional and/or a violation of the code of conduct. Follow disciplinary procedures and document the incident as you would any other similar violation."

You might want to review existing policies and practices that govern workplace behavior so front-line managers can cite violations and "keep emotion out of their handling of the situation," she says.

## Be candid

Nearly 60% of employees are worried about having awkward conversations along the lines of vaccinations, safety, flexibility and not wanting to return to work, a [Harvard Business School study](#) found.

Guess what employees do when leaders don't have these uncomfortable conversations? They fill the unknown with worst-case scenarios, gossip and resentment.

"In today's world, communication is key to relay an organization's position on critical issues affecting the workplace," says Gonzalez Boyce.

Leaders want to be candid so there's less room for negative talk. HBS offers these tips for those tough talks:

- **Prepare for the "hazardous half minute."** Researchers said the first 30 seconds of difficult conversations are the worst. The anxiety over where it will go eats away at people. So plan to use that time to create

a "psychological safe place." Acknowledge it'll be a difficult conversation and how you'll keep it even-spirited and productive.

- **Know the priorities.** You can't control the outcome of difficult conversations. But you can control how they're executed. Make empathy, curiosity and understanding the emotional priorities.
- **Plan for the risks.** Difficult conversations present risks: Employees might react irrationally. You might hear things that drastically affect decisions. You can't plan for all negative consequences, but you can plan how you react to them. Prepare to remain calm, take notes, delay decisions and reactions if the worst arises.

## Get the gang back together

Try to build harmony before discourse and workplace conflict sets in.

You might give front-line managers the resources to hold regular team building events and training to help [employees reconnect](#). Give them access to activities and projects to strengthen camaraderie.

For instance, LaSalle Network hosted new-hire happy hours at the office before everyone returned so they could tour the office and meet leaders.

You might want to offer companywide training on transitioning back into the office. Include reminders on procedures and updates on new protocols.

Another idea that worked at LaSalle Network: They created mental health support groups, led by licensed therapists, for any employee who was interested.

## Maintain a 'clean break'

Many employees complained that one disadvantage of working from home was they lost the clear line between work and life. With a return to work, you can help cut workplace conflict by maintaining that boundary.




When employees separate from work they have time to recharge and relax. With that, they're more focused, amicable and able to handle conflict.

So leaders want to set the example: Don't send messages – or expect responses – outside of work hours. Regularly check on employees' workload: Can they maintain a healthy balance? Monitor teams to be sure people collaborate professionally, fairly and within company protocols.

Employees who are satisfied at work – and can break from it to maintain a healthy personal life – are less likely to be involved in conflict.

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### Recommended reading from [Michele McGovern](#)

- [Surprise! Workplace issues up, even with work-from-home](#) 
- [Workplace etiquette: 7 reminders for being back in office](#) 
- [Help employees focus again, cut distractions](#) 

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Renée Cocchi has a passion for learning and helping other professionals do their jobs more effectively and efficiently. She's spent decades working as a writer and editor in the publishing industry, covering 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.



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Michele McGovern writes. A lot. In the professional world, she's covered HR, leadership, customer service, sales, crime and passion in 25+ years as a journalist. In the real world, she manages to be a decent wife, mediocre mom, wannabe athlete and consummate pursuer of fun.



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