The leading service to keep benefits managers up to date **=** 

#### **April 1, 2020**

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#### **HRMORNING**

#### Keep Up To Date with the Latest HR News

With **HRMorning** arriving in your inbox, you will never miss critical stories on labor laws, benefits, retention and onboarding strategies.

HRMorning, part of the Catalyst Media Network, provides the latest HR and benefits and employment law news for HR professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines, HRMorning delivers actionable insights, helping HR execs understand what HR trends mean to their business.

# DOL, NLRB joint employer rules take effect: Are you compliant?

#### ■ Guidance for firms on navigating the new regs

For firms that rely on temp workers or third-party staffing agencies to fill their workforce, the DOL and NLRB have just issued new joint employer rules (EEOC's are coming soon). And so far, both rules are basically good news for firms: You're less likely to end up on the hook for the missteps of another firm.

Here's how employers can navigate through this trio of new rules.

#### DOL's 4-part test

The DOL, which finalized its rules on joint employers in January 2020, has clarified joint employer status

under the FLSA wage and hour laws.

The DOL has issued a "four-part balancing test" to determine whether an employer is equally liable under the FLSA. An employer can determine this by asking, "Does it ..."

- hire or fire employees?
- supervise and control work schedules to a substantial degree?
- determine rate of pay?
- maintain employment records?

The effective date for this new rule (*tinyurl.com/DOL600*) is March 16,

(Please turn to **Joint employer** ... Page 2)

#### HEALTH ALERT

#### CDC: Employers, put coronavirus policies in place now

With growing concern over the coronavirus, the Centers for Disease Control and Prevention (CDC) is suggesting "now is the time" for employers to begin preparing for a possible spread of the disease.

#### What employers can do

To keep employees safe – and your firm out of legal trouble – during this outbreak, here are some best practices:

Curtail travel. Consider halting business travel, particularly overseas, and replacing in-person meetings with video or telephone conferences, suggests the CDC and the Society for Human Resource Management.

Stay compliant. Firms need to

ensure Chinese workers aren't discriminated against. However, asking a person who's recently traveled to China, where the disease originated, to work from home for the disease's 14-day incubation period wouldn't be an ADA violation.

Set policy. Encourage personal hygiene by asking employees to wash their hands often, use hand sanitizer and consider bumping elbows in lieu of shaking hands.

**Stay informed.** Firms need to check updates for employers from the CDC (*tinyurl.com/coronavirus600*), as well as health departments in their state (*tinyurl.com/states600*) and locality (*tinyurl.com/localdept600*).

## NEW REGS

## Joint employer ...

(continued from Page 1)

2020. However, 17 states have already sued the DOL to try to block its joint employer rule, alleging the agency hasn't justified changing its joint employment test that's been used by the courts for decades.

#### NLRB: Return to old standard

The NLRB's final rule has been a long time coming. The 2015 *Browning-Ferris* ruling expanded the joint employer standard, requiring only that a company have indirect control over employees' conditions of employment.

In 2018, the NLRB proposed a joint employer rule that overturned the standard set by the Obama-era *Browning-Ferris* decision, but the NLRB board vacated its decision due to a conflict of interest involving a board member. The agency just finalized its rule in February and it becomes effective on April 27, 2020.

NLRB's new rules state that a firm is a joint employer only if:



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- the two employers share the employees' "essential terms and conditions" of employment, which include wages, benefits, hours of work, hiring, discharge, as well as disciplining, supervising and directing employees
- it has "substantial direct and immediate control" over one or more of the "essential terms," and
- it has contractual rights to control employees and has exercised those rights.

The NLRB rule (*tinyurl.com/ NLRB600*) signals a possible end to employers' years-long concerns over joint liability.

#### **EEOC: First-ever rule**

For the first time, the EEOC has addressed joint employer liability under a proposed rule (*tinyurl.com/EEOC600*).

It's expected the EEOC will finalize its rule under the Civil Rights Act, which bans discrimination in the workplace. The EEOC says it will clarify when a firm is a joint employer and make it easier for employees to understand the definition.

The rule is expected to be issued later in 2020.

#### **Takeaway for employers**

So how will these three new rules impact employers?

All rules will need to be considered jointly and that means consulting with counsel to determine if adjustments need to be made to current business practices.

The DOL and NLRB rules allow employers to exercise some control over employees through a staffing agency, for example, without necessarily being a joint employer.

Overall, it seems fewer employers will be found to be a joint employer by a court or agency. However, the potential for a new administration's control of the NLRB, DOL and EEOC after the November election may bring new challenges.

Info: tinyurl.com/joint600

# SHARPEN YOUR BENEFITS JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

## ■ Fired for fraud or because he complained about pay issues?

"Come on in," said Company Attorney Jim Gannon to Benefits Manager Betty Murphy as she entered his office.

"What's going on?" asked Betty.

"Well, Will Farmer is suing our company, alleging we fired him in retaliation for his complaints about multiple mistakes on his paychecks," said Jim.

#### Mistakes weren't fixed

"There were some pretty big errors with his pay, but he was fired because he falsified records. He marked two jobs as 'complete' even though he hadn't completed them," said Betty.

"We have that well documented so that shouldn't be a problem. But Will says his payroll issues were never resolved. We paid him for sick time he didn't take, then we deducted the amount from his next paycheck without giving him the hours back," said Jim.

"Yes, we were trying to rectify those issues. Unfortunately, his supervisor didn't handle things properly. Will complained to him three times and his supervisor said he would take care of it, but didn't.

"That's why Will went over his supervisor's head, and Will got reprimanded by him. But then he was fired shortly after that when we found out he falsified records. Since it had nothing to do with his complaints about his paychecks, we need to fight this," said Betty.

Betty's company decided to fight this lawsuit.

Did it win?

Make your decision, then please turn to Page 6 for the court's ruling.

## HEALTH CARE

# Mental health accommodations: New approaches are helping firms keep up

Employee mental health concerns keep growing, as companies try to accommodate employees. Most employers (90%) have employee assistance programs (EAPs), but many (68%) plan to increase their offerings over the next two years, according to the International Foundation of Employee Benefit Plans.

#### New options available

There's a rising need for accommodations, particularly among younger workers, and many go unmet. And there was an increase in the number of EEOC discrimination suits related to anxiety and PTSD in 2019.

To help firms better accommodate these employees, there are some newer options available:

Corporate training. The number of firms providing mental health training to their managers is growing. One of the most widely used training programs is Mental Health First Aid (mentalhealthfirstaid.org), which teaches a course on how to spot warning signs, reach out and provide resources to employees. The

Center for Workplace Mental Health (workplacementalhealth.org) is developing a digital training program for managers called "Notice. Talk. Act. at Work," which teaches how to communicate with workers in crisis.

Onsite therapy. More employers are bringing their own mental health therapists onsite to counsel employees. Crossover Health (*crossoverhealth. com*) works with employers to offer onsite therapists.

Employer certification. Mental Health America (*mentalhealthamerica*. *org*), a nonprofit that provides guidance to employers on improving mental health in the workplace, is now awarding employers four levels of certification to set them apart as workplaces that value mental health.

Regional centers. The Path Forward for Mental Health and Substance Use (tinyurl.com/pathforward600) has named eight regional health centers to help boost its five-year plan to address employee mental health. These centers will help employers improve access to care for their employees.

Info: tinyurl.com/mental600

#### Do you have adequate disease prevention programs in place? **Employees with chronic conditions** 13.5% 9.1% 5.2% 4.5% 0.4% Asthma High Diabetes Attention-deficit/ Congestive blood hyperactivity heart disorder (ADHD) failure pressure Source: 2018 Health Care Cost and Utilization Report by Health Care Cost Institute

Chronic-condition management should be a healthcare priority, since costs double for employees with just one chronic condition. Early detection is key.

## THE COST OF NONCOMPLIANCE

This regular feature highlights recent case settlements, court awards and fines against companies. It serves as a reminder to keep benefits policies in order.

#### Restaurant served up \$99K to short-changed workers

A Texas restaurant paid employees flat rates regardless of the number of hours they worked.

What happened: Polvo's Mexican Restaurant in Austin, TX paid kitchen employees flat weekly salaries without regard to the number of hours they worked.

When employees worked more than 40 hours in a workweek, the employer failed to pay them overtime.

DOL also cited the employer for recordkeeping violations of the FLSA, and for failing to provide employees with information about FMLA.

**Result:** Polvo's paid \$98,520 in back wages and liquidated damages to 19 employees to resolve FLSA overtime, recordkeeping and FMLA notice violations.

Info: tinyurl.com/polvo600

## ■ DOL found \$21K shortage with electrical contractor's paychecks

A South Carolina residential electrical contractor left bonuses out of its OT calculations.

What happened: Simpson Electric Company, located in Fort Mill, SC, failed to include quarterly bonuses it paid to employees when calculating their overtime rates. This was for weeks when they worked more than 40 hours in a workweek.

Instead, the employer based overtime pay only on employees' base hourly pay. This exclusion resulted in the employer paying overtime at rates lower than the law requires.

**Result:** Simpson Electric paid \$21,500 in back wages to 116 employees for violating FLSA overtime requirements.

**Info:** *tinyurl.com/shock600* 

# Financial wellness: The new must-have benefit tied to employee needs

With employees struggling with student debt or pulling together cash for an emergency, financial wellness is no longer just a "nice to have" benefit.

But it's also not a one-size-fits-all benefit. Firms need to assess their own employees' needs to answer questions like: What's the source of their financial stress? Are they missing work because they can't afford to fix their car? Is student debt keeping them from participating in our 401(k) plan?

#### **Stepping in with solutions**

Many employers are stepping in with the following solutions to get workers in the practice of saving and paying down debt:

Student debt repayment: Some firms pay a specified amount – usually \$50-\$100 a month toward employees' debt. Others provide student debt assistance or offer 401(k) matching if employees make a student loan payment of at least 2% of their pay.

Payroll advance apps: PayActive, an app set up by employers, can help workers initiate a bank transfer, pay

a bill or load a prepaid debit card. Earnin is another app that can give advances of as much as \$100 a day.

Emergency accounts: Employer-sponsored emergency savings accounts are gaining traction. They can either be a stand-alone account or a "sidecar" account linked to a 401(k). Giving workers the "active choice" nudge – requiring them whether or not to enroll – boosts participation, a recent study showed.

Auto-enrollment: Adding auto-enrollment and auto-escalation to 401(k) plans encourages participation. Since Prudential began adding these offerings, its employees reported feeling less financial stress.

Financial education: Employees ranked advice from a financial advisor, planner or accountant as "highly valued" in a recent survey.

Financial wellness is here to stay, as employers are recognizing that "we need to start doing more. We expect to see continued innovation," says Lori Lucas, CEO, Employee Benefit Research Institute.

**Info:** *tinyurl.com/wellness*600

# Benefits employees would choose over a 5% raise Extra week of paid vacation Better medical, dental or vision coverage Better 401(k) contribution match A four-day workweek Unlimited vacation or personal days Source: QuickBooks Payroll Better pay can be a big motivator to look for a new job, but most employees

Better pay can be a big motivator to look for a new job, but most employees (87%) would stay put if their employer could find a way to boost benefits.

## C OMMUNICATION BOOSTER

## How thinking outside the box can get your message across

There's all sorts of advice on how to improve your benefits communications.

Here are two real-world examples that can help you design your own tools and strategies.

#### Free lunch?

At cleaning products company Dupray, the HR team faced a real problem: Only a tiny percentage of employees ever opened its benefits emails. Instead, employees would show up at the door panicked as deadlines loomed. This led to problems for employees and overwhelmed HR staffers during their busiest time of the year.

To overcome this broken dynamic, company HR director Pierre-Renaud Tremblay came up with a solution: After sending emails, he posts an online quiz about the messages' content. Those who scored high on the quiz can win meal vouchers worth \$50.

People do love a free meal: Dupray reports its email open rate jumped from 12% before the quiz to between 85% and 95% today.

#### A sweet competition

A tech company went with a food-based incentive program, too. Bluebridge Digital came up with a combination ice cream social and scavenger hunt to get employees to explore its new mobile HR app.

The tasty treat gathered the team together, then HR asked them to download the app and explore it to find various features listed in the scavenger hunt instructions.

That familiarized the team with the app and increased usage.

What will catch your team's attention? By applying a little imagination of your own, you can make sure your employees are getting all of the important information you want to share.

**Info:** *tinyurl.com/tips600* 

#### WHAT WORKED FOR OTHER COMPANIES

Our readers come from a broad range of companies, both large and small. In this regular section, three of them share success stories you can adapt to fit your needs.

## Setting boundaries on unlimited PTO

The war for talent is strong, so when an employee is looking to make a decision, you don't want to disqualify yourself because you don't offer unlimited paid time off. That's why we decided to offer this benefit.

In the beginning, people were utilizing it from all ends of the spectrum. You get some who underutilize and others who overutilize. The bad spoils the good, and that's not the intent of the policy.

This led me to reassess how we

monitored and encouraged time off. Work-life balance looks very different now than it used to. If I'm on vacation 20 years ago, you really can't get in touch with me. Now everyone is on 24/7, so we had to set boundaries for our employees.

#### 2 to 4 weeks every year

We didn't want to mandate a certain number of days employees take. But we wanted to make sure they're taking at least two to four weeks a year, or at least two and then guide people toward four.

A handful of staffers

used four to six weeks of vacation. If they were performing well, we didn't care. If they weren't, we needed to have a conversation.

We offer unlimited PTO because all of our peer companies do, and we don't want people to compare us to other companies unfavorably. This works for us and the work-life balance experience we want people to have.

Nobody succeeds in the long term if they're burned out. So PTO is there to mitigate that.

(Jonathan Wasserstrum, CEO, SquareFoot, New York)

REAL
PROBLEMS
REAL
SOLUTIONS

## Upped adoption assistance to \$25,000

The journey to parenthood is different for every parent and can be physically, emotionally and financially taxing. Ensuring adoption's a plausible path for employees is one small way to support their wellbeing.

We've had an adoption assistance program for over 10 years, and use of the \$5,000 benefit has been steady over the years with less than 10 employees using it annually.

In 2018, we increased our infertility

benefit to \$25,000. We also introduced six weeks of paid parental leave after the birth, adoption or foster placement of a child.

We decided to increase the adoption benefit to match the sum provided those who receive infertility benefits. Earlier this year, we increased our one-time benefit from \$5,000 to \$25,000 to help defray costs.

#### For part-timers, too

The benefit is available to all fulltime employees who've worked here for a year. Part-timers can also take advantage of the benefit but with a reduced amount

Once an employee completes the adoption and submits a certificate, the benefit appears in their next paycheck.

This benefit may move the needle for people considering adoption, making it possible. We're betting more employees will take advantage of the increased financial support.

(Liz Ahmed, Executive VP of People and Communications, Unum, Chattanooga, TN)

## Recruiting campaign helped us stand out

We needed to fill highly technical sales positions quickly – and we had to find a way to stand out in a crowded market.

Our solution? Enhancing the candidate experience with a tailored recruiting campaign.

We didn't have name recognition, so we partnered with Jobvite Engage, which helped get our name out in the marketplace with a campaign centered on March Madness.

The campaign was linked to one of the most tweeted and talked about events of the year, which helped maximize visibility, while a sports theme ensured our message would resonate with the confident sales experts we sought.

#### 800 views within 24 hours

We created a customized landing page, then began pushing out the link to Facebook, LinkedIn and Twitter. This enabled the whole company to act as recruiters.

With relevant hashtags and the

ability to target our audience, we zeroed in on the ideal candidates, even if they weren't actively looking. The results were impressive right off the bat: Within 24 hours, we had close to 800 views on the landing page.

With the success of this campaign, we crafted more campaigns that have had a huge impact. We've seen a 215% increase in career site traffic, a 90% acceptance rate and 300 new hires in one year.

(Sean Mitchell, Director of Talent Acquisition, Tenable Network Security, Columbia, MD)

April 1, 2020 HRMorning.com

#### POLICIES & PROCEDURES

#### LACTATION LAWS

## Compliant with breastfeeding regs?

Firms that haven't yet set aside private space for nursing moms may want to make it a priority, as more firms are getting hit with discrimination lawsuits, like these recent ones:

- Female NYPD officers have alleged the city's forcing them to pump breast milk in a "filthy lounge."
- Female pilots and flight attendants have sued Frontier Airlines, claiming it refused to accommodate on-duty moms, resulting in "painful engorgement."
- A former youth skating coach for the Pittsburgh Penguins organization has sued the company, alleging she was retaliated against when she needed to pump and was asked: "Do you want to coach or do you want to pump?"

These follow two costly lawsuits for employers that failed to accommodate nursing moms in 2019:

- Paramedic Carrie Clark was awarded \$4.8 million after the City of Tuscon didn't provide consistent lactation space and told her, "Your pumping seems excessive."
- A Delaware court awarded KFC assistant manager Autumn

Lampkins \$1.5 million after being forced to pump in an office with a window through which her co-workers could observe her.

#### Federal, state laws

It's been a decade since the ACA mandated firms with more than 15 workers provide nursing moms a private space – other than a bathroom – to pump and reasonable break time to do so.

Employers also need to keep up with state and local laws that may include additional requirements. There are 32 states with laws protecting breastfeeding moms (tinyurl.com/lactation600).

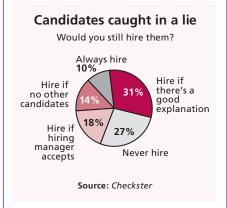
#### What employers can do

Since the patchwork of state laws can leave employers without a clear standard for compliance, here are some best practices from employment attorneys Liz Morris, Cynthia Calvert and Jessica Lee:

Provide adequate space: This can be as simple as allowing an employee to use an unoccupied office or conference room, as long as it is free from intrusion at an allotted time.

Don't reduce pay: Docking pay

#### WHAT BENEFITS EXECS SAID



While 78% of candidates lie on their resumes (mostly about job skills), 92% of HR pros might still hire a liar when they're in a pinch. Using tools – background checks, reference checks, etc. – can help.

(Each issue of WNB&C contains a current survey to give benefits officers insight into what their peers nationwide are thinking and doing.)

for breaks may force a lower-income employee to stop pumping, creating a disparity among workers.

Train managers: HR needs to prepare managers to respond appropriately to employees with lactation accommodation requests.

Issue a policy: A written policy conveys the message that the company takes breastfeeding support seriously (tinyurl.com/policy600 gives a sample policy from the U.S. Department of Women's Health).

**Info:** *tinyurl.com/nursing600* 

#### SHARPEN YOUR JUDGMENT - THE DECISION

(See case on Page 2.)

Yes. The company successfully had the claims of unlawful termination dismissed. However, a jury must decide whether the company paid his wages correctly.

The worker said his company made several mistakes on his paychecks, including incorrectly paying him for sick time, docking his pay to fix the problem and paying him at the wrong overtime rate.

He brought this to his supervisor's attention multiple times and was eventually fired. This couldn't be a coincidence, the employee said.

But the company had proof of his performance issues – marking two jobs as "complete" even though he hadn't completed them – since it had documented them.

What the company couldn't prove, though, was that

it corrected all the problems with his pay before the employee was fired. A jury will now determine if the company inadvertently made payroll errors or, in fact, violated FLSA laws.

#### Analysis: Resolve payroll issue promptly

This case illustrates the importance of correcting any errors that make their way to employee paychecks ASAP. Otherwise, employers can get hit with costly lawsuits.

Regardless of a company's best efforts to prevent and correct problems, sometimes pay issues go unresolved for weeks. That's why it's crucial to instruct supervisors and payroll staffers to listen and take detailed notes.

While FLSA laws don't specify how quickly errors need to be rectified, courts expect employers to do so promptly.

Cite: Suwanphanu v. The Mount Sinai Health System Inc., No. 16 Civ. 2896 (ER), U.S. D.C., S.D. New York, 11/15/19. Note: Dramatized for effect.

## A REAL-LIFE MANAGEMENT STORY

## Making sure our benefits match our all-remote, international workforce

**Case Study:** 

WHAT

WHAT

WORKED,

#### ■ Some work from home, others in coffee shops

Our company provides a social media management platform to clients around the world. So our team is fully remote, working from home, in co-working spaces or even coffee shops (more on this later).

But our benefits are structured to address much more than our decentralized business structure. We make a real effort to continually evolve our benefits to reflect our values and focus on building a unique and fulfilling workplace by rethinking a lot of traditional practices.

And while we've done a massive amount of work on this already, we know we still have loads to learn.

Here are some programs we've put in place so far.

#### Take off!

Like many companies looking to attract top talent, we gave all employees unlimited vacation. Also like other companies, we found many employees saw "unlimited" as "undefined" and didn't take much time to recharge with their families and friends.

Now, we insist each of our employees takes a *minimum* of three weeks away from work each calendar year, in addition to any other local holidays (including election days).

#### Health benefits a challenge

With an international employee base, making sure health benefits are equivalent has been challenging.

We've basically started with our U.S. package and then worked to ensure all of our other team members receive an equivalent benefit.

In the U.S., we cover 100% of healthcare premiums for employees and 50% of the premium for any family members who enroll.

Elsewhere, we cover the cost of

equivalent insurance with an upper limit that ensures they can afford the coverage they need.

We also set up an employee assistance program (EAP) we call Modern Health that's available to all of our employees regardless of location.

Modern Health offers stress reduction tools, relationship and financial wellness coaching, and other emotional support programs.

#### Work where you're happiest

As noted, we support our employees' ability to work from anywhere that's best for them. To support that structure, we cover a number of the associated expenses.

For example, we cover the cost of a broadband data connection (where available) to all of our

workers' homes, whether that's their primary workspace or not.

For employees that prefer to work in a shared office space, we pay the monthly fees and any communications and technology costs.

And there are folks who simply love working at a cafe or coffee shop. To encourage the owners to let them keep showing up each day, we provide our workers with up to \$200 per month to purchase beverages and snacks from their local shop.

We also encourage lifelong learning, with an education subsidy of up to \$240 a year that can go toward any work- or personal interest-related courses.

Even though we're spread across states and countries, a consistent package of great benefits helps us attract and keep a team of superstars.

(Hailley Griffis, Head of PR, Buffer, Charlottesville, VA)

#### **TEST YOUR KNOWLEDGE**

■ How SECURE are you about the new 401(k) plan changes?

Experts are calling the newly passed Setting Every Community Up for Retirement Enhancement (SECURE) Act the most significant piece of retirement legislation in more than a decade.

Are you confident you understand all the ins and outs?

Test your knowledge: Decide whether the following statements are *True* or *False*. Then check your responses against the answers below.

- All part-timers are now eligible to participate in your 401(k), regardless of how many hours they work.
- 2. All plans must increase the required minimum distribution (RMD) age to 72 from 70½.
- 3. Plans can now make penalty-free distributions related to the birth or adoption of a child.

#### **ANSWERS**

3. True. Beginning this year, defined-contribution plans may permit distributions of up to \$5,000 for expenses related to the birth or adoption of a withdrawal penalty. So parents with separate retirement plans can each within a year of a birth \$5,000 within a year of a birth or adoption.

2. False. The SECURE Act increases the RMD age to 72 for anyone who turns 70½ after Dec. 31, 2019. Employers will need to amend plan documents to reflect the new RMD age.

1. False. Beginning Jan. 1, 2021, 401(k) plans must allow workers to make elective deferrals if they've worked at least 500 hours in each of the three most recent last such of the three most recent last such of the three most recent last such periods.

■ Answers to the quiz

### LATEST BENEFITS NEWS

## State of WA can't keep up with paid leave requests

In January, Washington became the fifth state to mandate paid family and medical leave – the most generous in the U.S. – allowing workers 12-18 weeks off. But the state's been inundated with 30,000 requests so far and has only processed 10,000.

The program's unique because small premiums shared by employees (0.4% of their wages) and large employers (small employers are exempt) fund the program. Grants are available to small firms (up to 150 employees) to offset the costs of workers out on leave.

Info: tinyurl.com/WAleave600

## Firms electing to give staff 'Time to Vote': Are you?

So employees don't have to choose between earning a paycheck and voting, Time to Vote is aiming to make it easier for them to vote in the November presidential election.

So far, almost 400 employers have joined forces with the non-partisan group to raise voter participation by pledging support for its initiative.

Participating employers must pledge to offer benefits like paid time off (or eliminate meetings) on Election Day, Nov. 3, 2020, or provide employees with resources for mail-in ballots.

**Info:** *maketimetovote.org* 

## Replace 'old-timers' with 'kids out of college'?

Even though an Illinois state agency won its age bias lawsuit, the case is a good reminder that stray remarks made by managers could cost you.

In *Perry v. State of Illinois*Department of Human Services, an over-40 worker was fired for alleged improper food stamp use. He sued for age discrimination, claiming his bosses had a plan to replace "old-timers" with less expensive "kids out of college."

The state won because the manager

who made the comments wasn't the ultimate decisionmaker in the firing, said the court.

However, age bias lawsuits are rampant, according to the EEOC, and employers need to implement training for managers to be sensitive to older workers in their everyday comments.

**Info:** *tinyurl.com/oldtimers600* 

## Paying employees what they're worth? 3 strategies

Don't learn the hard way that someone gave notice because of low pay. Here's how to make workers feel fairly compensated, say HR experts:

- "Now that many states and cities have banned [salary history questions], employers ... can research salary ranges on *Glassdoor* and *Salary.com* to ensure fairness."
   John Feldman, *Insperity HR*
- Show the "total you're investing (salary, incentives, benefits, L&D) ... through total compensation statements for employees."
   Charles Ashworth, Zendrive
- "What can't be matched dollar-to-dollar can be offset by pulling other levers, including flexibility, benefits, perks, growth opportunities, etc."
   Keri Higgins Bigelow, livingHR
   Info: tinyurl.com/salary600

#### Diabetic low-wage workers need extra help from firms

Employers know diabetes is a costly chronic condition, but now there's a more urgent call from the Northeast Business Group on Health to help low-wage employees with the disease.

Here's what the employer group recommends:

- Grant paid time off, even a half day each year, for an annual checkup.
- Offer transportation services or reimbursement for public transit to travel to appointments.
- Add insulin to a preventative drug list exempt from deductibles.
   Info: tinyurl.com/NEBGH600

#### **HOT WEBSITES**

#### Onsite vision screenings

Make eye exams more convenient for employees with 2020 Onsite, a mobile optometry offering. Workers can also shop for new glasses, which can be shipped in seven days.

Click: 2020onsite.com

#### ■ Get more employee referrals

Encourage staffers to share job openings to their social media network through CareerBuilder's SocialReferral platform. Employees can rack up points and win prizes.

Click: tinyurl.com/referral600

#### Reporting sexual harassment

Offer employees a way to report sexual harassment anonymously through STOPit. Reports can be made by mobile app, web or phone with picture and video capabilities.

Click: stopitsolutions.com

If you have a benefits-related question, email it to Lynn Cavanaugh at: Icavanaugh@hrmorning.com

#### **LIGHTER SIDE**

## ■ They're 'Indeed' the most ridiculous job titles of 2019

Sure, you want your job listing to stand out, but do titles like Content Hero and Software Ninjaneer really attract your ideal candidate?

Jobs platform Indeed analyzed one million postings to compile its "Weird and Wacky Job Titles of 2019" list. Here are the top five, along with examples of common usage:

- Rockstar (Outside Sales Rockstars, Water Damage Rockstar)
- Genius (Apple Store Genius, Toyota Genius)
- Hero (Sales Delivery Hero, Customer Happiness Hero)
- Ninja (Accounts Receivable Ninja, Event Marketing Ninja), and
- Guru (Client Services Guru, Numbers Guru).

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