September 2008

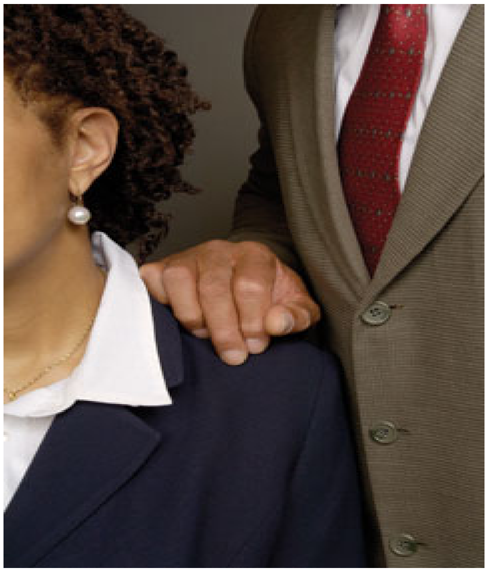
HRA LINK

Quarter 3

HR Advisors, Inc. *www.hradvisors.com* *Toll Free (877) 344-8324*

Inside This Issue:

Nine Mistakes To Avoid In Harassment Training



Training is one of HR's keys to preventing workplace harassment and keeping companies out of court. But when these common mistakes are made, the training might be ineffective or even backfire.

Here are nine mistakes to avoid in Harassment Training:

1. **Giving employees a grade –** Testing employees' knowledge of what you've covered sounds like a good idea, but what do you do if an employee scores low on the test and then is later named in a harassment complaint? That might look like you knew the employee was a threat and didn't take action. To avoid that, just have the presenter ask the group questions after the presentation and all can participate in reviewing the subject.
2. **Trying to entertain –** Holding people's attention while discussing harassment is a good thing. Making light of the topic isn't. Training sessions aren't the place for jokes or "funny" stories about harassment. It's too easy to offend someone.
3. **Talking in legalese –** Complex legal terms appear too often in training sessions. Many employees don't understand those terms and stop paying attention as soon as they hear them.
4. **Sticking to the videos, premade presentations, etc.** – Ready-made training materials can be a valuable tool to help the presenter stay on track and hit all the key points. But they can also be an easy way to put your audience to sleep. Try adding in your own examples and horror stories! **Better yet, call HR Advisors and have us to the training for you!!**
5. **Only mentioning sexual harassment –** Often, sexual harassment is the area in which most supervisors need a refresher course, but it's certainly not the only one. A good training program will also mention harassment on the basis of race, age, disability, national origin religion, and other categories that may be protected by state law.
6. **Asking for too much –** In CA, state-mandated training must take two hours and if it is any longer than that, the training might not be completely effective.
7. **Forgetting about retaliation –** When explaining policies to managers and employees, it is important to emphasize your company's stance against retaliation too. That way, managers will know what to avoid, and employees will be more comfortable reporting alleged harassment.
8. **Not connecting it to their jobs –** A manager's job is to lead and get the most out of his or her workers. One way to do that is to prevent inappropriate conduct and handle complaints effectively. Making that connection will help managers see the importance of the training.
9. **Only using one version –** Managers need to understand how the company can be liable for workplace harassment. Employees just need to know what harassment is and what to do if they think they've witnessed it. If you train both management and staff, it is a good idea to give separate presentations so each group gets exactly what they need.

Hidden Danger in FMLA Suits

As if the law wasn't tricky enough, one court has found a new way to rule against companies in FMLA suits.

An employee needed time off for a medical problem. When she came back to work, there was no job for her so she sued. Sounds like a typical FMLA case, right? Here's the twist:

The company had less than 50 employees, so it normally would have no FMLA obligations. But the woman was hired as an outside contractor through a staffing agency, which was covered by FMLA. So, the woman had a right to take leave, and the company was liable for violating those rights.

The court's reasoning:

Like in most cases when temps or contractors are hired, the company was found to be a "**joint employer**" along with the agency – i.e. both companies exercised control over the worker to be considered employers, even though only one signed the paychecks.

According to the DOL, in cases like these, the "primary employer"(in this case, the staffing agency) has the responsibility of offering and granting leave, and informing employees about their rights. But the "secondary employer" (the company) is responsible for putting an eligible employee back to his or her previous assignment.

In this case, the court rule that applies even if the company's regular employees wouldn't qualify for FMLA leave.

Cite: *Grace v. USCAR*

HR Legal news

THREE TIPS FOR GETTING THE MOST OUT OF HOURLY WORKERS

When it comes to salaried employees, training and on-boarding receive your full attention. You conduct research, come up with slogans and meaningful acronyms, hire experts, measure retention, etc.

But what about your hourly employees? Do you make the same commitment? Just because the typical hourly employee is likely to change jobs more than once a year, your 100% turnover rate isn't an excuse not to "waste" money on strategically training these employees. Rather, it's an opportunity to improve retention with a little training science and a lot of common sense reinforced.

Here are three training tidbits to keep in mind for countering your hourly workforce turnover – None of these ideas are earth-shattering, but your frontline workers need an on-board plan too, for example. The more you focus on hourly training, the less frequently you'll have to actually perform it.

- **Make Lists –** You might even hope or even truly believe that new hires will have their welcome kits and job buddy on Day 1, but unless these conditions are committed to, a consistent list of what should greet hourly workers on their first day of work, it's not likely to go flawlessly. It's also a good idea to make similar checklists when workers have completed their first week, month and other milestones.

- **Spend more to get more –** According to the Great Place to Work Institute, the Top 25 small companies allocate 4% of their total budget toward training on average, while medium companies spend 3%. This translates to an average of 51 and 49 hours of training per employee, respectively.

- **Lay the groundwork for longevity –** Three things to avoid from the first day workers punch the clock: Anonymity, irrelevance and immeasurability. This means you need to show a genuine interest in employees' lives, demonstrate hoe their role makes a real (positive) difference, and give them a means of tracking their performance.

TalentBar

NEW HIRE ORIENTATION

Eight Tips for "Effective Integration"

An effective orientation program makes the new hire feel comfortable and introduces the employee to the organization's culture, supervisors, coworkers, and work expectations. Employees who get a positive first impression and "buy into" your culture are more likely to develop loyalty, cooperate with coworkers and supervisors, offer ideas, and take a personal interest in your organization's success.

While every employer must adjust its approach based on size and management philosophy, the following eight steps provide a guideline to help you cover the right bases:

1. **Make the new employee feel welcome and part of the group before work begins.** Have the supervisor touch base with him, for example, before the first day of work to brief him on the people he will be working with and any special projects that are in the pipeline.

2. **Be ready for the new hire on the first day.** Little things can go a long way to help overcome first-day jitters. Make sure the new employee's workspace is ready and that keys and any necessary entry codes are provided. Assign an email address and computer password and add the employee to your internal contact lists. In addition, have senior staff take the time to meet each new hire, or at least send a personal welcome note.

3. **Provide an overview of all operations.** This step should include a review of the corporate history and organization chart, a discussion of important products and services, and a tour of the immediate physical facilities.

4. **Communicate information about the organization's goals and culture.** This is an ideal time to educate new hires about your organization's mission, market presence, culture, competition, and plans for growth.

5. **Provide detailed information about the new hire's position and performance expectations.** New employees should be given a clear outline of their job description, classification or title, and duties. In addition, the supervisor should provide written training and performance goals with appropriate benchmarks and expected completion dates.

6. **Assign new employees meaningful work.** Many employers make the mistake of giving new employees "busy work" when they first arrive. This approach is intended to "ease" the employee into the job, but often backfires by making the new hire feel unchallenged, or even unneeded.

7. **Inform the employee about the organization's policies, procedures and benefits as soon as possible.** The employee handbook is the source of much of the information needed to be informed about benefits, hours of work, pay policies, and work rules.

8. **Complete necessary paperwork.** The first day often is also the most convenient time to have a new employee fill out required forms.

Nurture Your Newbies:

There is no question about it – finding, training, and replacing employees is expensive. Turnover costs range from 30% to 50% of an employee's first year salary. Clearly, most actions you take to retain new employees are worth the effort, and an effective welcome and new hire integration process can help ensure a better retention rate.

Remember, these actions do not have to be elaborate or difficult to be effective. None of the eight tips suggested above are expensive, although they do require careful advance planning for successful coordination and implementation. Your goal should be to provide a professional setting and make the new hire feel as comfortable as possible as quickly as possible!

CAN YOUR HIRING MANAGERS ANSWER THESE TYPICAL APPLICANT QUESTIONS?

A popular book on the market urges applicants to get the answers to these questions from managers during interviews, and before signing on with an employer.

Are Your Managers Ready with Responses?

1. **Would you be able to explain the company's organizational structure**?
   In other words, how do the pieces fit? Who reports to whom and why?
2. **What's the company's plan for the near future, and how does your department fit into it?**
   The applicant wants to know what the opportunities are to be a "player" in the company.
3. **Will you be expanding or bringing on new products or new services?**
   The applicant is looking for growth opportunities, and the hiring manager should be ready to describe them.
4. **What are your most difficult challenges?**
   Applicants aren't buying the idea that everything's perfect, and they don't mind hearing about problems and how you're solving them.
5. **What major skills and abilities will I need to succeed in this job?**
   This is a great filtering question, and presents an opportunity to provide a no-nonsense picture of what you expect.
6. **What attracted you to working for this organization?**
   Not exactly a new questions, but still a good one. If the manager can't explain what's attractive about the employer, then don't expect the applicant to be impressed.
7. **How will my responsibilities and performance be measured?**
   By whom? In other words, "How will I know how I'm doing and what should I be doing?
8. **What are the day-to-day responsibilities I'll be assigned?**
   Walk the applicant through a day on the job. If there's no typical day, say so and discuss what they expect and why there is no typical day.

Source: HR Morning

WHEN NONEXEMPTS GO ON THE ROAD

When non-exempt employees travel overnight or on weekends, what part of their travel time are we required to pay for?

Answer: Companies need to pay non-exempt employees for any time they spend working while they travel, of course, but even if they don't do any work, they still have to be paid for any travel time that cuts into their normal work hours.

For example: if employees normally work from 9 to 5 but spends an entire day on a plane not doing any work, you only have to pay them for the time that falls between 9 and 5.

In a curious legal twist, however, the day the travel takes place doesn't matter. For example, even if employees don't normally work Saturdays or Sundays, any time spent traveling between 9 and 5 on those days is compensable.

HR Legal News

Feds Make I-9 Verification Easier

U.S. Citizenship and Immigration Services (USCIS) announced that the new U.S. passport card may be used as a valid “List A” document to complete Form I-9 during the employment eligibility verification process.

Some facts about the card:

- The U.S. Department of State began producing passport cards on July 14, 2008, and has already received more than 350,000 applications.
- The passport card carries the same rights and privileges of the U.S. passport book and legally attests to the U.S. citizenship and identity of the holder, *but* the card cannot be used to travel by air. It can be used to enter the U.S. at all land and seaports when arriving from Canada, Mexico, the Caribbean and Bermuda.
- The passport card is a significantly cheaper, faster and more portable alternative to the traditional passport book.

Here’s how employees can get the card:

- First-time applicants can apply for a passport card at any Passport Application Acceptance Facility throughout the country. To find the nearest one go to http://iafdb.travel.state.gov/.
- The cost for a card is $45.00 for adults and $35.00 for children under 16.
- Adults with fully valid passport books issued within the last 15 years can apply for the card by mail using Form DS-82, at a cost of only $20.00.

Source: HR Morning

BENEFITS NEWS

The U.S. Agency for Healthcare Research and Quality has released statistics showing that the class of drugs topping the spending list for adult consumers is diabetes prescription drug to lower blood sugar, reduce cholesterol, or help with other metabolic problems.

Insurance Foundation – 2-8-08

A recent survey of more than 500 U.S. Companies revealed a fundamental shift in how they view health care. While cost is still a big concern, keeping employees healthy was also named as one of their top business and workforce issues this year.

However, employees may be slow to accept the role that employers intend to play. According to a separate survey of 30,000 employees, while almost three quarters (74%) think employers are responsible for helping them understand how to use their health plan, just 12% believe companies have a role in helping them understand how to stay healthy.

Insurance News – 4-3-08

Nixon Benefits

HOLIDAY PAY AND OVERTIME CALCULATIONS

If a non-exempt employee works a full 40-hour workweek and also takes a day of paid holiday, vacation, or sick leave, is the employee entitled to overtime pay?

Answer: Not unless the employee **actually** works more than 40 hours in the workweek. According to the FLSA (Fair Labor Standards Act), non-exempt employees must be paid overtime at time and one-half their regular rate of pay for all hours actually worked over 40 in a single workweek. Thus, in calculating actual working hours for a non-exempt employee, you do not have to count any paid time off in the overtime calculation if the employee did not perform any work during that period.

So, if a nonexempt employee works a full 40-hour workweek and also takes a day of paid holiday, vacation, or sick leave, the employee is entitled to overtime pay only if he, in fact, works more than 40 hours in the workweek.

HR Matters

THOUGHT FOR THE DAY

Honesty pays, but it doesn't seem to pay enough to suit some people.

Kin Hubbard

HR Advisors, Inc. is pleased to introduce our newest Strategic Partners, Pay Edge and Pacific Time Systems.

PAY EDGE

GIVING YOUR BUSINESS THE EDGE WITH PAYROLL SERVICES

As a full-service outsourced payroll provider, Pay Edge offers a wide range of solutions that include complete payroll processing, data management, multi-state tax filing, and dynamic reporting capabilities. Our products and services are built around state-of-the-art software, designed to adapt to your company's specific payroll requirements.

With Pay Edge, you will experience greater accuracy, timely results and personal attention for all your payroll needs. Our team will work together to guarantee your complete satisfaction.

Introducton

Our Company
Pay Edge provides payroll services for employers of all sizes. Our focus on superior service, accuracy, reliability, advanced technology, and a complete suite of products and services has enabled us to become one of the fastest growing regional payroll service providers. Our client base includes a growing list of companies across a variety of diverse industries, and we are very experienced in handling even the most difficult payroll complexities.

Our Goal
Pay Edge is determined to do one thing exceptionally well: Provide outsourced solutions that enable employers to effortlessly manage their payroll.

Your Needs
As a successful company, you recognize the need to focus your resources on core business functions rather than on business support services. At the same time, you want a payroll service that provides the flexibility you require. At Pay Edge, employers no longer need to compromise service for the sake of efficiency. We specialize in understanding the needs of companies that are looking for a personalized, service-based solution.

How We Can Help
Pay Edge is a business partner who can help you achieve the added value that you require. Because we focus on the requirements of companies such as yours, we deliver the products and services that address your specific needs.

Pay Edge will assist you with the following functions:
- Free up resources to focus on core competencies
- Improve service to your employees
- Supply answers to management inquiries
- Provide cost-effective solutions

Our Clients
Many clients state that they select Pay Edge because our company's products and services add value to their business. Many had previously experienced poor service from the larger payroll processors. These payroll companies have adopted an inflexible, high volume approach toward payroll processing. In contrast, Pay Edge takes a different perspective toward service - one that works! We deliver the versatility, responsiveness and individual attention that you require from your payroll service provider.

Next Steps
If you're looking for a superior payroll solution, then we invite you to discover how Pay Edge can add value to your business by improving the way you manage your payroll.

Visit www.payedge.com for more information on how your organization can benefit from their services. Please call HR Advisors, Inc. at 877-344-8324 to be introduced to a Pay Edge representative that specializes in your particular needs.