

Business intelligence for 21st-century human resources executives.

Snakes on a payroll: 7 ways to prevent *really* bad hires

■ *You're the last line of defense against these guys*

You know there are bad hires – and then there are *really bad* hires. The first merely fail to live up to expectations. The second wreak pure havoc.

They can damage morale, poison work teams, reduce departments' effectiveness and in some cases, creating lasting injury to the company itself.

ASSESSING THE RISKS

Of course any company can make a disastrous hire. But small, mid-size and growing companies with an

entrepreneurial, risk-taking, boundary-pushing culture are most at risk.

That's because those companies provide the kind of free-flowing work culture that attract both highly talented people – and those most likely to exploit the opportunity. Such companies are also more likely to make snap hiring decisions that don't filter out the manipulators from the go-getters.

That's according to Dr. Paul Babiak and Dr. Robert Hare, who co-wrote a book on company-damaging hires called, *Snakes in Suits*.

HELP IN SPOTTING SNAKES

The authors says about 1% of the population cause about 50% of the serious crime in North America. What's worse: Most of these misfits are not in jail, but working in ordinary jobs,

continued on page 2

▶▶ Instant Access ▶▶ Free to paid subscribers

Free download: From the B21 Coach series, "20 Supervisor Slipups that Lead to Recruiting & Interviewing Lawsuits." If you're a paid HR21 subscriber, call 888-761-7294 and you can access the Coach in minutes – \$69 for non-subscribers. Access online at www.b21pubs.com/hrinstantaccess

Study: More candidates are aggressive in pursuing higher starting salaries

If you're finding job candidates are asking for higher starting salaries this year, you're not alone.

About 58% of workers surveyed by recruitment firm Robert Half International said that they're more likely to negotiate better compensation with employers this year than last year.

And that's about twice as many who said the same thing 12 months ago.

A big part of the problem: shortage of skilled labor. About 57% of HR managers said it was more difficult to find skilled candidates now than a year ago, and 52% said the problem is supply

and demand: There simply aren't enough qualified professionals out there.

If you want to hold the line on starting salaries, you've got a tough row to hoe. But many find it effective to:

- stress a total compensation package instead of just the starting salary
- talk about the benefits candidates most want (such as medical for older workers, paid time off for younger ones), and
- focus on training and development opportunities, especially if the candidate will work with highly skilled professionals already on staff.

Sept. 24, 2007 ■ Vol. 6, No. 5

FREE ONLINE DELIVERY

Check out the online version of HR 21, including a searchable archive of past issues. Go to www.b21pubs.com/hronline

BENEFITS, COMP & HR MISCUES

In this regular feature we show how improper benefits, compensation and HR practices led to costly fines and lawsuits against companies.

■ TALIBAN TAUNTS COME BACK TO HAUNT FIRM

A Muslim worker whose managers called him "Taliban" and said he "acted like a Muslim extremist" can pursue his bias case against the employer.

The worker, who was born in India, claimed managers created a hostile environment that harmed him physically and mentally. He said he had trouble sleeping and lost 30 pounds.

A court said his suit for national origin and religious discrimination was worthy of going to trial.

Cite: EEOC v. WC&M Enterprises.

■ DAMAGES RISE FOR REVERSE HARASSMENT

A Florida jury ordered the City of

continued on page 5

INSIDE THIS ISSUE

QUIZ: PRANKS & HORSEPLAY	2
HR LEGAL NEWS	3
COMPLIANCE	4

'IF YOU WERE THE JUDGE' Test your legal knowledge – p. 3

BENEFITS NEWS	5
TRAINING & DEVELOPMENT	6
HOW WOULD YOU HANDLE THIS?	7
NEWS & IDEAS	8

HIRING

Snakes ...

continued from page 1

creating all sorts of havoc for their employers. So how do you identify these “snakes?” Look for the following:

1. Extremely high scores on psychological tests. Many manipulators are better than psychologists at taking company psychological tests. But often they go too far – if someone scores too high on certain psychological tests, that can be a red flag.

2. A gut feeling that something’s wrong. Many HR people note this afterward – they had qualms about the person, but couldn’t quite put their finger on the problem.

Trust your intuition, and investigate further. It could be nothing, or you could prevent a disastrous hire.

3. Bragging. Snakes will often toot their own horn just a little too much in an interview. Some, however, may try to couch their boasting as self-deprecating humor.

But ultimately, snakes usually take credit for the good things that happened, and blame others for the bad.

4. Astonishingly big lies. While many people fib on their resume, usually the deceptions involve playing up their role on a project, or declaring a college degree when they’re three credits short. That is, there’s a basis in reality.

Some people will tell brazen lies – lies so big, in fact, you’ll have trouble believing anyone would do anything like that. One candidate lied about winning the Navy Cross. But you can look up the medal winners on the Internet. His name wasn’t there.

Note: Often candidates will fabricate “perfect” qualifications for a job. So

remember the old saw about things “too good to be true.” Sometimes they won’t even be that clever about it: One snake put a different college degree down on the job application than he put on his resume. (He didn’t go to either school.)

5. Parroting corporate jargon during an interview. When interviewers hear their own language come back at them, they think the person is a good fit. It could be. Or you could have someone extremely skilled at manipulation.

If you seem highly impressed with someone, take a step back, maybe even look away, and listen for exactly what they’re saying. “Snakes” often have a commanding presence, but what they’re actually saying has little substance.

In fact, executives listening to a tape of an interview with a “snake” will often be surprised at how unimpressive the candidate’s actual statements are – even if they were extremely impressed while the person was in their presence.

6. Someone trying to end run HR. Snakes like exceptions; often they’ll contact senior execs directly, to see if they can get hired quickly and have HR just “fill out the paperwork.”

It can be the CEO who is gulled, or someone else with a lot of power. You may need to go to the mat and insist all on completing credential and reference checking before making an offer. Bonus: If you spot the liar, you’ll be a hero.

7. Fake references. Snakes will often use lying associates as fake references. Call companies directly and ask to speak to the former boss. Often you’ll get the real story there. Ask especially that someone has “done their own work.” Snakes often lie about their roles and take credit for others’ contributions.

Source: Snakes in Suits, ISBN-13: 978-0-06-083772-3.

Quiz: Pranks and horseplay

How well do you understand the dangers of horseplay, pranks and initiations in the workplace?

Can you respond correctly to these true-or-false statements? See answers below.

1. Your policy should ban all pranks from the workplace.
2. There’s nothing wrong with giving a new employee a tough-but-not-impossible project to prove her value to the company or team.
3. Holding somebody down against their will is a crime.
4. It’s OK for employees to take pictures of co-workers without their permission and post them on the Internet with funny captions.
5. Pranks and horseplay that were legal a few years ago may no longer be.

Quiz answers

1. False. There’s no reason – legal or otherwise – to have a “zero tolerance” policy on pranks. Harmless and reasonable attempts at humor should be allowed.
2. True. This is a perfectly acceptable form of initiation. Other forms, however – like locking new employees in the bathroom, forcing them to eat dog food, etc. – expose you to legal risk.
3. True. It’s assault to hold somebody down when he or she wants to get up.
4. False. Such conduct may constitute an invasion of privacy or defamation.
5. True. The laws on pranks and horseplay have changed dramatically in the past 20 years.

subscribers retain them.

Human Resources 21 © 2007 is protected by copyright law and allows periodic copying of individual sections of the newsletter on a limited basis.

However, it is illegal under Federal law (17 USCS101 et seq.) to routinely or systematically copy or fax the contents of this newsletter, even if such copying is for internal use only.



Business intelligence for 21st-century human resources executives.

EDITOR IN CHIEF: DAVE CLEMENS
CONTRIBUTING EDITOR: RENEE BLISARD
MANAGING EDITOR: BILL HATTON
Business 21 Publishing, LLC, 453A Baltimore Pike, Springfield, PA 19064.

Phone: 484-479-2700.

Human Resources 21 (ISSN 1540-8027) is published 22 times per year. Subscription rate: \$349 annually. FAX: 610-543-2292.

This publication provides authoritative information on HR-related topics. However, the publisher is not engaged in rendering legal, accounting or other professional advice or services. If such professional services are required, we recommend

Contesting unemployment benefits may be retaliation

■ Court gives complaining workers another bullet to fire at you

The list of ways you can get hit with a retaliation lawsuit just keeps on growing.

Ever since last year's *Burlington Northern* decision by the Supreme Court, the federal courts have been busy tagging various examples of employer conduct as potentially retaliatory.

The latest, out of New Mexico: an employer's challenge of an employee's unemployment benefits after she complained of discrimination.

SEX BIAS CLAIM

The employee complained that her employer, a professional ice hockey team, discriminated against her based on sex. The team later fired her, claiming she engaged in sexual misconduct with colleagues and subordinates.

When she filed for unemployment benefits, the employer contested them. During negotiations over the contested claim, the employer suggested if she dropped her bias complaint, it would stop opposing her benefits.

She won the benefits after all, and then sued for retaliation. A federal appeals court said she had a viable case.

NO QUID PRO QUO

The court recalled the wording of *Burlington Northern*: Any adverse action – at work or outside – by an employer may amount to retaliation if it could discourage a reasonable worker from complaining of discrimination.

In this case, the employer argued that because the employee eventually got her unemployment benefits, its challenging them did not harm her. But the court said the mere threat of losing benefits could have been enough to discourage her from pursuing her bias complaint.

Does this mean you can never contest unemployment benefits when you have to let go an employee who has complained of discrimination? No.

But don't even suggest a quid pro quo involving the two separate issues.

Cite: *Williams v. W.D. Sports N.M.*, No. 05-2127, 10th Cir., 8/7/07.

Disciplinary warnings, too, may amount to retaliation, court says

A warning in an employee's file can be considered retaliation under certain circumstances, a federal court recently ruled.

The court applied *Burlington Northern* (see article above) and ruled that a warning may be an adverse action that could deter a discrimination complaint.

The employee complained supervisors mistreated him because of his Hispanic origins. At the employee's behest, the assistant HR director searched his file and found five notices of verbal warning.

When the employee later was accused of leaving work without permission, the HR director fired him. He sued for discrimination and retaliation, and the court rejected the employer's attempt to

quash the case. Although the company didn't link the firing directly to the warnings, the warnings could be seen as retaliatory, the court said.

Takeaway: Now that a warning has the potential to land you in court for retaliation, it's even more important to ensure managers follow documentation policy to the letter.

Cite: *Pantoja v. American NTN Bearing*, No. 06-1252, 7th Cir., 8/6/07.

▶▶ Instant Access ▶▶ Free to paid subscribers

Free download: Sample *Progressive Discipline Policy*. If you're a paid HR21 subscriber, call 888-761-7294 and you can access the policy in minutes – \$20 for non-subscribers. Access online at www.b21pubs.com/hrinstantaccess

CASE – If You Were The Judge...

Based on the facts presented below, how do you think the courts ruled?

■ DID SHE WAIT TOO LONG TO LODGE A COMPLAINT?

"My supervisor inflicted a lot of damage by sexually harassing me," Stacey Flanders said. "My husband wonders whether I did anything to encourage him, and we've had to go into counseling."

"I sympathize, and I'll check with Legal to see if we can pay for that," HR manager Robert Cochran said. "And as you know, we took rapid action to make sure the supervisor was reprimanded and sent for sexual harassment training after you complained about his actions."

"That's not good enough," Stacey said. "Since the investigation ended, I've had to report to him as before, and he avoids me like the plague. Makes my job really hard."

"Plus," she said, "I heard the harassment training was a joke. Literally. The operations VP came into the class and made a dirty joke."

Unwarranted delay?

Robert cringed inside. He'd heard that report, too, and he'd written a memo advising nothing be done to undermine the training in the future.

"Our response was prompt and appropriate, and we don't have to fire your supervisor as long as we get the message across," he said. "He hasn't harassed you since we warned him?"

"No," Stacey admitted. "But I don't agree you've done enough to address the situation. I'm getting a lawyer."

"You have no case," Robert said. "You waited three weeks after that first incident where the supervisor tried to kiss you. The law obliges us to take prompt action, but you have to report any problems promptly. You didn't."

Stacey sued for hostile work environment anyway. Did the court agree with the company that she waited too long to report harassment?

See the decision on page 8 to learn how the courts ruled.

5 ways the Wage & Hour cops at DOL can nab you

■ Watch these pitfalls to avoid costly back wages and damages

It hurts to be a Wage and Hour violator: DOL collected \$172 million in back overtime last year, up 50% from the start of the decade.

In fact, employees filed 7,000 claims under the FLSA, more than three times as many as in 2000. What are the biggest pitfalls? Here are the biggest five:

1. EXEMPT CLASSIFICATION

Employers often misclassify ordinary workers as exempt administrative employees or managers. Remember:

- An admin employee must do non-manual management or general business work, and exercise independent judgment on “significant matters.”
- A manager must manage at least two full-time employees. She must spend the bulk of her time on such tasks as selecting, training, scheduling, evaluating and disciplining employees.

2. 'SALARY BASIS' RULE

To be exempt from FLSA overtime provisions, white-collar workers must earn at least \$455 a week on a “salary basis.” This means their pay isn’t linked to the amount or quality of their work.

But note: You can subtract certain amounts from salary without turning the employee into a non-exempt worker. These include deductions for personal days off, jury or military duty, suspensions for violating major safety or conduct rules, or FMLA leave time.

Plus, DOL’s new “safe harbor” rule allows you to reduce your exposure for mistakes. To find shelter under this rule, you must tell employees in writing of your salary basis obligations, set up a written complaint procedure and promise not to repeat any errors.

3. 'REGULAR RATE OF PAY'

Overtime is calculated as 1.5 times a non-exempt employee’s “regular rate of

pay.” That seems simple enough. But calculating “regular rate” can be tricky.

For one thing, that rate has to include most pay premiums, such as: 1) shift premiums, 2) dirty or hazardous work premiums, 3) commissions, and 4) non-discretionary bonuses.

When is a bonus “discretionary,” and not subject to overtime?

Only when the payment, if any, is set at the end of the period, at the employer’s sole discretion, and isn’t linked to such factors as productivity, attendance or seniority.

4. 'OFF-CLOCK' TIME

You can get in trouble by failing to pay for time you wrongly consider “off the clock.”

Examples: 1) work during meal breaks or rest periods, 2) activities before and after a shift that are “integral and indispensable” for the employee’s job. Both of these are *compensable* time.

“Donning and doffing” issues fall into the latter category. You need not pay employees for time spent putting on ordinary work or safety gear, and taking it off after they’re done. You *do* have to pay them if the equipment is both specialized and indispensable.

Note: Employees checking e-mails or logging in to office systems at home are on the clock unless the time they spend is very limited – a minute or two.

5. TRAINING TIME

You know that training time during working hours is compensable.

What some employers don’t know is that training outside of normal hours is also compensable, unless:

- The training isn’t directly job-related,
- Attendance is truly voluntary, and
- No productive work is performed.

Source: Robert A. Boonin, *Butzel Long law firm, boonin@butzel.com*

Effective negotiating

■ 'WHAT IF?' A GREAT TOOL FOR SALARY TALKS

How good are you – and the line managers in your organization – at negotiating salaries?

As we note on Page 1 of this issue, the labor market is tight enough that many employees feel confident they can press for higher pay.

Do you know how to react when faced with salary demands/requests?

You may want to try the “what if” gambit. It comes from the world of sales, but can be used in most negotiations.

Here’s how it works:

Suppose an employee comes in and says she needs a raise. Hear her out, then say you’ll get back to her.

Determine in private what you can, and can’t, concede. Then bring your

Get to the employee’s bottom line without unwise concessions.

proposal back to the employee, but don’t couch it as a firm offer. Instead, use the “what if” tactic.

This allows you to probe for the employee’s bottom line – without committing yourself to potentially damaging concessions.

Example: “You wanted a \$5,000 raise for next year. What if we offered you a flat \$3,000 plus \$1,500 linked to productivity criteria?”

Good news

If the employee agrees, you can return in a day or two with “good news” – you can in fact offer her the terms you floated. (Something you knew all along, but never mind that.)

If she refuses your offer, she’ll have to reveal more about her true bottom line in doing so, giving you leverage for any further negotiations.

Source: “Secrets of Closing Sales,” by Roy Alexander. Published by Portfolio.

Easier borrowing from 401(k) – is it right for your people?

■ *New approach lightens your administrative burden, but has drawbacks*

Tired of handling the hassles when employees take out loans from their 401(k) accounts? A new solution has arrived – but it may not be for everybody.

A cash management specialist firm, The Reserve, has started selling a program under which employees can more easily borrow from their 401(k)s.

Employees who sign up transfer a portion of their 401(k) money into a money market fund administered by The Reserve. They can tap the proceeds using a debit card or checks.

MANY ARE BORROWERS

This approach relieves the employer of managing employee 401(k) borrowing, which many employers may see as a significant benefit.

After all, an estimated 85% of 401(k) plans allow borrowing, and an estimated 25% of the employees in those plans do take out loans against their balances.

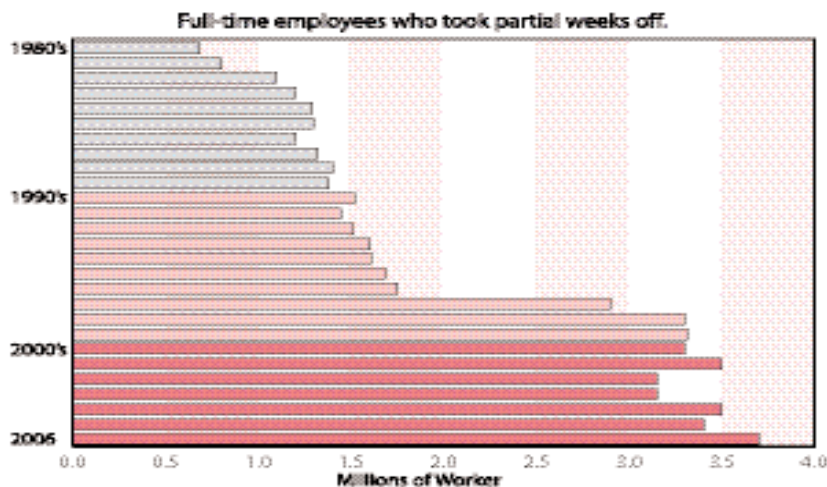
But before rushing into such a program, you may want to consider the drawbacks for your employees:

- **Fees.** The Reserve, for example, charges employee borrowers 2.9 percentage points above the prime rate. Borrowers also have to pay a one-time setup fee and a yearly maintenance fee.
- **Lost interest.** The borrower's 401(k) account balance shrinks as a result of the loan. Thus, even though the borrower repays with interest, the interest paid in may not be enough to make up for the lost compound interest the employee would have enjoyed on the 401(k) but for the loan.
- **Bad financial precedent.** 401(k)s aren't meant to serve as checking accounts. That's one reason why substantial penalties are imposed on those who withdraw money from them before retirement. (Borrowing from the 401(k) doesn't trigger these penalties, of course.) Employers who make it easier for employees to borrow against their 401(k)s should consider whether such access would substantially compromise their employees' retirement savings.

Source: www.financialweek.com

MORE TAKE SHORTER VACATIONS

New government data confirms that employees are increasingly reluctant to take vacations of a week or more, and are opting for shorter breaks. What's the trend in your workplace? Is it contributing to productivity – or to fatigue and burnout?



Source: Bureau of Labor Statistics.

Benefits, Comp & HR Miscues

continued from p. 1

Orlando to pay another \$7,500 to a policeman who complained of sexual harassment by his female supervisor.

In an earlier, related case, a jury had already awarded him \$300,000.

The patrolman complained the supervisor harassed him and others with inappropriate comments, groping and hugging. After he complained, he was subjected to mediocre reviews and reduced overtime pay.

Cite: *Esterling v. City of Orlando*.

COLLEGE LEARNS ABOUT RELIGIOUS BIAS

Supervisors at Broward Community College (BCC) in Florida unlawfully discriminated against a Catholic teacher in favor of evangelical Protestants, a federal judge ruled.

The teacher, a part-time instructor fired by BCC two years ago, claimed he was passed over for full-time jobs in favor of evangelical Protestants.

Also, he said his supervisors favored evangelical Protestants in promotion and class assignments. He alleged that almost all the BCC hires had backgrounds as evangelical ministers, and textbooks promoted evangelism.

Cite: *Johnson v. Broward Comm. Coll.*

DOCTORS' HEALTHCARE PLAN LET THEM DOWN

A health insurance plan that left \$5 million in claims unpaid and exposed its members – medical doctors – to collection agencies must pay the claims, DOL said.

DOL said it obtained a consent judgment against the Mississippi State Medical Association requiring payment of the claims.

The association's plan covered 1,800 doctors, family members and employees. DOL said the association knew the plan was underfunded, but did nothing to fix the problem.

Also, DOL said, despite the association's promise to shield members from collection agencies, members were taken to collection and their credit ratings damaged.

Cite: *Chao v. MS State Medical Ass'n*.

What are the best ways to train older workers?

■ Focus on older workers' preference for accuracy over speed

Good news: Older workers learn just as well as younger ones, if you focus on the best ways to train them.

That's according to researchers Neil Charness of Florida State University and Sara Czaja of the University of Miami Miller School of Medicine.

However, older workers tend to prefer accuracy to speed, and so take longer to learn new skills than younger ones. (Younger ones tend to prefer speed to accuracy, studies show.)

Another thing that can hamper older workers' learning abilities, say the researchers, is diminished cognitive, hearing and vision abilities.

So to design a training program with them in mind, you could:

1. Adapt training materials. You may want to provide handouts with larger type. Or if training's online, set

the browser to a larger-type, black-on-white font. If you use videos or PowerPoints, make sure they're easier for folks to see and hear.

2. Make sessions shorter. As people age, it takes longer for material to pass from short-term memory into long-term memory. Combat this by having several shorter sessions, rather than presenting a lot of new material all at once.

3. Give older workers time to "get it right." Build-in time for practice exercises, so you can tap into that desire for accuracy over speed.

Important note: Your training efforts could backfire if older workers find out it's tailored to them. They may not participate or worse – sue for age discrimination. Avoid broadcasting your intentions.

Source: White paper "Older Worker Training: What We Know and Don't Know," www.aarp.org

Back to basics: What to do when new workers lack grammar skills

You may have noticed that some new hires seem to have a little trouble with basic grammar.

In fact, a study conducted by outplacement firm Challenger, Gray & Christmas, showed 45% of employers said entry-level workers lack basic writing skills.

GRAMMAR 101

Here are some ways to teach Grammar 101 without breaking the bank:

1. Target common errors. Focus on common grammar mistakes rather than starting from scratch. That way some grammar may come back to them as they learn. We recommend some of the older grammar books (such as *The Elements of Style*, which contains 22 common grammatical mistakes). These older texts often get to the point more quickly.

2. Make it hands-on. Give new hires exercises with common grammar mistakes during initial training. Then ask them to raise their hands and tell you when they find one. Other trainees will learn what they didn't know. And getting everyone involved will keep their attention.

3. Tap readily available sources of information. You could ask a local community college to lend you a hand. Or you could look for grammar Websites with quizzes and lessons like <http://grammar.ccc.commnet.edu/grammar/>

4. Weed them out before you inherit them. You could give job candidates a grammar test asking them to circle hidden grammar mistakes. *Note:* Make sure the test is related to the job or it could look discriminatory.

Recruiting

■ 3 WAYS TO MAKE SEARCH-ENGINE ADS WORK FOR YOU

You've no doubt heard of search-engine advertising. It's a growing trend among HR people, and is seen as a fast way of reaching passive candidates.

Why? Surfers may click on the ads and investigate when they wouldn't have otherwise. Example: Someone's Googling software and up pops an ad saying, "Would you like a job at Microsoft?"

Reeling them in

Here are four ways to make search-engine advertisements work, according to Internet recruiting expert Shally Steckerl:

1. Choose targeted search terms. Build a bank of search terms you know the person would search for. You'll need to know what your target audience likes to search for.

For instance, if you're hiring recent graduates of a local college, you may want to find out what those people like to do, what kind of jobs they want, etc.

Another example: If you're hiring a scientist who must research for the newest weight loss drug, search terms could include: "How enzymes affect chemical structure," "weight loss," and "weight-loss drugs."

2. Narrow it down. You can narrow your search to a certain zip code or city and state. *Example:* If someone from that city and state searches "jobs" your ad will display.

If you're looking to interest workers at another company, you set up your ads so that when someone from the company's IP address uses the search engine, your ad will appear. That's another way to hook passives.

3. Write headlines that bring people in. *Example:* If the job's more specialized, you could create a challenge or game to entice the person to click. *Example:* Solve this scientific puzzle.

Two places to post search engine ads: adwords.google.com, searchmarketing.yahoo.com

Source: Shally Steckerl, Founder/Chief Cybersleuth of JobMachine, www.jobmachine.net

HOW WOULD YOU HANDLE THIS?

Human Resources execs often face challenging situations with no easy answers. In this regular feature we present a real-life situation in scenario-format, and ask HR21 readers to discuss how they would handle it.

Cranky boss, bright new hire – something has to give?

J.B. is so impatient with me,” Sonia Santoro complained to HR director Bill Heimlich. “It’s like he expects me to know everything already.”

Bill sighed. He’d heard this before about supervisor J.B. Hart. One of the company’s best and most faithful employees, J.B. had all the engineering and process knowledge in the world. But his interpersonal skill level, well, that was something else again.

FEELING STUPID

“Do you feel his impatience is making it harder for you to learn your job?” Bill asked.

“Definitely,” Sonia said without hesitation. “Even when I know J.B. is the best source of information, I’ll look elsewhere before approaching him. I don’t like to feel stupid, which is how he makes me feel when I ask a question.”

“Have you tried talking to J.B. about this?” Bill put in.

“Yep,” Sonia said. “But he just said

he didn’t have time for the touchy-feely stuff. He advised me to focus on the technical aspects of the job and not my feelings.”

Bill sighed again. That was vintage J.B.

But, Bill reflected, it had taken him a long time to recruit Sonia. She was bright, willing and one of the few Hispanic candidates for an engineering position the company had been able to hire in the past few years. Bill didn’t want to lose her because her supervisor did a poor job of integrating her into the company’s way of doing things.

What can Bill do to make sure Sonia’s “onboarding” proceeds more smoothly, so that she’ll want to stay?

▶▶ Instant Access ▶▶ Free to paid subscribers

Free audio conference download: “*Negative Attitudes: Change Them and Watch Morale and Productivity Soar.*” If you’re a paid HR21 subscriber, call 888-761-7294 and you can access the program in minutes – \$245 for non-subscribers. Transcript included. Access online at www.b21pubs.com/hrinstantaccess

HR TROUBLESHOOTERS RESPOND

Troubleshooter #1: Vickie Laughren, HR manager, DeForest Area School District, DeForest, WI.

I would investigate to find out why they aren’t communicating well. Maybe he’s busy and the questions interrupt him. Or maybe he needs time to respond.

She could send him an e-mail which would be quicker. Or he could meet the same time every day or each week with the employee to answer questions and do training.

Troubleshooter #2: Linda Pearson, Human Resource administrator, Our Community Federal Credit Union, Shelton, WA.

I would ask the supervisor’s boss to find why the supervisor’s so cranky. He could ask, “Is there something going on

in your life that’s making you cross with employees?” Sometimes when people are under stress they get impatient with co-workers. If that’s the case, then I would tell the supervisor to take a week off.

If complaints still kept coming in, I’d give him a deadline for getting the situation under control or write him up under progressive discipline.

Troubleshooter #3: Rosemary Steele, VP of Human Resources, JDW Insurance, El Paso, TX.

I would call J.B. and say that it’s part of his job to answer workers’ questions during the onboarding process, no matter how basic the question. And I would put him in interpersonal skills training, with a focus on communication skills and being more positive.

Lighter Side

■ NOT RECOMMENDED FOR STRESS RELIEF

Faceball is a new office game allegedly catching on here and there.

Opponents stand a few feet apart and hurl red and blue beachballs at each other. The object: to hit your opponent square in the face.

Flickr employees Dunstan Orchard and John Allspaw invented the game to put to use hundreds of pink and blue beach balls lying around the office.

It became “a vehicle for the release of personal animosity” according to *Faceball.org*. Pictures of victims getting hit are posted on *Faceball.org*

“It helps that it’s actually enjoyable getting hit in the face by your opponent,” said founder Orchard.

Um, yeah.

YOU’RE INVITED...

...to attend two live

AUDIO CONFERENCES

People-Powered Leadership: Inspire Accountability, Responsibility, and Results

Oct. 1, 2 p.m. Eastern – 60 min.

Effective leaders simply do things differently – they communicate better, they coach better, they inspire better, they model behavior better. But how do they do it, and can it be learned by others? The answer is yes.

We asked Dr. Scott Geller, one of the nation’s top leadership experts, to outline the principles and action steps that successful leaders practice daily to achieve meaningful and lasting results.

And

How Practical Assessment Tools Can Bulletproof Your Hiring and Promotion Decisions

Oct. 3, 2 p.m. Eastern – 60 min.

Learn about how and why good employee assessments work and bad ones fail. You’ll also discover guidelines you should use to put assessment tests to the test.

Bonus: As part of your course fee, speaker Ira Wolfe will give you a chance to take an online assessment yourself – and soon after you’ll receive a detailed analysis of your results.

To learn more about audio conferencing, or to register for this event, call 888-479-2777, or go to www.b21pubs.com

NEWS & IDEAS

BIG FINES IF WORKERS DON'T KNOW PENSION/STOCK RIGHTS

Do your workers know they now have the right to sell their employers' stocks in their 401(k)-type plans?

If they don't, you could face hefty fines from the DOL.

Recent changes to the Pension Protection Act require employers to tell workers about their diversification rights and any blackout periods.

DOL's rule amends the civil penalty regulation of ERISA. It grants the agency the power to fine companies \$100 dollars a day who don't comply with the new rule.

Cite: FR Vol. 72, No. 154, p. 44790-44972.

WORKERS STICK WITH COMPANIES THEY TRUST

New workers who glance at their new supervisors with a suspicious eye may head for the door faster.

So says a new study conducted by researchers at Harvard University. Clinical psychologist Nancy Etcoff and business strategist Courtney Anderson say "positive environments that foster interpersonal trust create the most committed employees."

For instilling trust in your workers, leaders should:

- **Exude confidence.** Present yourself daily as calm, prepared and assertive. People will sense your confidence and place their trust in you.
- **Communicate often.** Reach out to your workers. Inform them of their progress, good and bad. And let them know what's going on at the company.
- **Acknowledge their own weaknesses.** Admit them and improve if need be.

Source: www.harvard.edu

WORKERS ALSO STICK AROUND FOR CAREER DEVELOPMENT

It's the employees' responsibility to develop their careers, right? Not necessarily, according to a new survey.

Career development's one of the top reasons workers stay at a company. And

many companies aren't recognizing that.

Only 69% of employers guide workers along their career paths, according to a survey by MRI Networks.

The global recruiting firm recommends meeting with workers a few times a year – separate from performance evaluations – to discuss workers' goals/aspirations and point out any roadblocks.

www.mrinetwork.com

STUDY: FOUR PERFORMANCE EVALS BETTER THAN ONE

Give yourself a hand: More companies than ever are making the effort to conduct performance evaluations more than once a year.

In a survey conducted by staffing service, OfficeTeam, 39% of companies surveyed said they do performance evals two to four times a year.

Compare that to 2002, when only 22% of organizations said they do performance evaluations more frequently than once a year.

Consultant Glenn Shepard says this is the best way to let employees know where they stand. If you don't, he says, people may think they're doing great. And their performance will continue to suffer.

Source: www.officeteam.com, Glenn Shepard, www.glennshepard.com

WORKERS + FANTASY FOOTBALL = LOST PRODUCTIVITY

It's fall and that means Fantasy Football is in the air. While workers are saying yeah you may be saying "nay" because the online game can cut productivity.

A study conducted by outplacement firm Challenger Gray & Christmas revealed that companies may lose as much as \$435 million a year in productivity.

Other research conducted by Sporting Goods Industry clocked employees as spending 45 minutes a day managing their teams.

What can you do? Consider reminding people to play fantasy football before or after work, or during breaks – not during working hours.

Source: www.challengergray.com

DECISION – If You Were The Judge...

Here's the decision from the case discussed on page 3.

No. The court ruled that the three weeks between the kissing incident and Stacey's complaint wasn't enough to sink her case.

An employee who waits months or years before reporting harassment isn't taking proper advantage of an employer's harassment policy, and can't win a lawsuit, the court said.

But a matter of weeks doesn't necessarily throw an employee out of court.

Here, the court said, Stacey may have hoped the situation would resolve itself without her having to do something – lodge a complaint – that would cause unpleasantness. Plus, a final incident of questionable behavior by the supervisor came just a week before she complained.

A listening ear

The company got it half right in this case. It did act promptly after receiving Stacey's complaint, as the court acknowledged.

But Robert in HR failed to address an important issue – that despite the company's having a clearly articulated policy, Stacey was fearful of the consequences of following it.

Employees are quick to pick up on discrepancies between written policies and what they perceive as the reality on the ground. HR can help close that gap by reassuring employees that their complaints will find a listening ear, not a frowning face.

Cite: Craig v. M&O Agencies, No. 05-16427, 9th Cir., 8/9/07. Fictionalized for dramatic effect.

Human Resources 21 Editorial Advisory Board

Garold Markle, Energage, Marietta, GA – *Performance Management.*

Camille Olsen, Esq., Seyfarth Shaw, Chicago – *Wage & Hour.*

Doug Mishkin, Esq., Patton Boggs, Wash., DC – *Employment Law.*

Debra Nunes, Hay Group, Boston – *Training & Development.*

Serena G. Simons, Esq., Miller & Chevalier, Wash., DC – *HIPAA.*