

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

**Inflation's impact: Employees expect raises of at least 5%.**

With inflation last month hitting a 40-year high of 8.6%, employees expect to "earn a salary that matches the rising gas prices or hike in rent," says CareerBuilder CEO Susan Arthur.

A full 89% of employed adults say they expect an annual pay increase from their company, according to a new CareerBuilder survey. Nearly half of employees (46%) say they're looking for a raise of at least 5%. And 16% of workers say they expect a yearly raise of at least 10% per year.

These days, money talks loudest. Two-thirds of workers said they would rather receive a 10% pay raise than an additional week of paid time off.

**Pandemic has lasting effects on benefits.**

Employers offering mental health coverage rose during the pandemic to a new high of 91%, according to the Society for Human Resource Management's annual benefits survey. Other key changes:

- While only 49% of companies offered flexible work hours and locations in 2019, that spiked to 83% in 2021 before settling back to 70% this year.
- 65% of companies now consider career development benefits important, compared with 37% in 2021.
- Employees say health care benefits are their most important benefit, followed by retirement benefits and leave.

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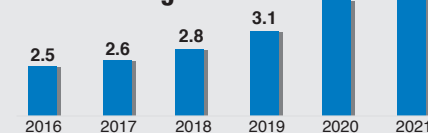
## It's time to rethink marijuana policy, testing

In this competitive hiring environment, you may need to be a little less picky about the applicants you accept. For an increasing number of employers, that includes dropping their marijuana testing requirement and being open to hiring people who may have used marijuana (or currently use it off-duty).

Last year, 3.9% of workplace drug tests came back positive for marijuana. That's a 20-year high, according to Quest Diagnostics (*see chart*).

In part, that positivity spike is because medical marijuana is now legal in 37 states and recreational cannabis is legal in 18 states. In Congress, the House this year voted to make marijuana legal nationwide, but the Senate is unlikely to go along.

Yet, according to Quest, fewer companies these days are testing their employees for THC, the chemical component in marijuana that delivers a high. Many attorneys endorse the no-

**Marijuana positivity rates in work drug tests**

Source: Quest Diagnostics

testing idea for their corporate clients.

Amazon has stopped testing candidates for marijuana. Instead, they test workers for other drugs and do regular "impairment checks" on the job.

*Advice:* Unless you must drug-test to comply with safety laws or government contracting rules, consider dropping workplace testing for pot. If you drop it, be sure to revise your employee policies. Follow these tips:

**State that you will no longer routinely test** for marijuana. However, reserve some flexibility by stating you may test in some circumstances.

*Continued on page 2*

## 7 reasons why employees disengage and quit

Think of your employees as all sitting in the same rowboat. You like to think they're all pulling hard on those oars together. But based on recent Gallup polling, only about a third of employees (34%) are busting their butts (actively engaged). Meanwhile, 50% are simply looking at the scenery (disengaged) and 16% are actually trying to sink your boat (actively disengaged).



Why do employees disengage? Here are seven main reasons, according to research by Bob Keller, CEO of the Employee Engagement Group:

**1. Their managers are disengaged.** "The manager is the single biggest

driver of engagement," says Keller. A disengaged manager is three times more likely to have disengaged employees.

**2. We've stopped communicating.**

In early 2020 (before COVID), 49% of employees strongly agreed that their supervisor kept them informed about what is going on in their organization. But that number has fallen to 36%, says Gallup. Schedule regular check-ins with employees and make sure they're "in the know."

**3. We've lost some empathy during the pandemic.** "People go above and beyond for you if you care about

*Continued on page 2*

## Rethink marijuana policy

(Cont. from page 1)

**Review your policies on workplace behavior.** Your policy should forbid workers from being intoxicated at work, from marijuana or other substances. In no state where cannabis is legal are employers required to tolerate workers impaired on the job.

**Add language to your no-smoking policy,** making clear it covers smoking or vaping marijuana as well as tobacco.

**Cover all the ways in which marijuana may be consumed.** You should prohibit use and possession of edible cannabis products at work.

**Address medical marijuana.** Be sure your policies state your commitment to abiding by state laws on medical marijuana usage in states where you conduct business.

## Why employees disengage

(Cont. from page 1)

them as people,” says Keller.

Empathetic managers aren't soft, he says. “The best are the ones who are empathetic and get stuff done.”

**4. Employees are in jobs that don't fit.** For each employee, create three circles labeled, “*What they like to do,*” “*What they're good at*” and “*What I need them to do.*” Keller says, “We can all increase our employees' three circles... and when you have overlap of those circles, you have a high degree of engagement.”

**5. What happens at home affects work.** The past two years have been one distraction after another. The key: Take action to engage the whole person, and make sure your policies focus on the “life” part of work-life balance.

**6. Inflation magnifies the perception of unfairness.** Prices are rising and so are wages. Employees realize both. So if your organization is slow to boost wages to compete, you'll see more employees check out or walk out.

**7. Employees don't feel appreciated.** Remote work has taken away some opportunities for “atta-boy” manager praise. But people are motivated by recognition and appreciation. A full 69% of employees say they'd work harder if they were better appreciated.

## HR & cryptocurrency: Can you use crypto to pay wages or as a 401(k) investment?

Cryptocurrencies are not legal tender. But this hasn't stopped some employees from wanting to be paid in crypto. Nor has it stopped Fidelity Investments from offering crypto as a 401(k) investment option.

Technically, the IRS says, you can pay employees in Bitcoins or other cryptocurrencies. But you must peg the fair market value of the crypto on payday to U.S. dollars. And all the usual withholding, depositing (also in U.S. dollars) and reporting rules apply.

Many state payday laws, on the other hand, do require employees to be paid in legal tender. Those states also recognize that workers may receive property (such as stock). While paying in crypto may be equivalent, you'd still need to find the fair market value on payday and make a conversion to cash.

**401(k) options:** Some staff want 401(k) plans that include crypto. But a recent *Fortune* report says companies offering such plans “will likely face a deluge of lawsuits in cycles when digital holdings in those nest eggs crater.”

### 3 payroll precautions

Paying workers via cryptocurrency is not recommended, says the Littler law firm, because it carries big administra-

tive burdens, wage-and-hour risks and tax reporting difficulties. But because some employers may view crypto as a differentiator in attracting and retaining talent, Littler offers these recommendations if you plan to dive in:

**1. Limit the use of cryptocurrency to exempt employees.** Calculating

the regular rate of pay for nonexempt employees will be difficult and pose minimum wage and overtime concerns.

**2. Limit the use to bonuses.** Given the variability in value, using crypto as part of a salary puts in jeopardy the salary-level and salary-basis requirements for exemption classifications.

**3. Draft clear bonus plan documentation** discussing the potential variation in the value, the date the crypto bonus will be issued (so a valuation can be placed for tax purposes) and the exchange where the cryptocurrency is being issued. Include an acknowledgement in which the employee accepts the risk.

*The bottom line:* Until our wage-and-hour laws catch up with the technology, traditional forms of wage payment—particularly for nonexempt employees and for base pay—should continue to be the norm in most instances.



## Is your workplace ready for an active shooter?

The Uvalde, Texas, massacre was especially horrific, but it wasn't unique. So far in 2022, there have been far more mass shootings in the United States (almost 300) than days in the year. Many have occurred in stores, offices and other workplaces.

Federal law dictates that employers have a “duty of care” to keep customers and employees safe from dangers that they can reasonably anticipate. By now, employers should have a plan in place to mitigate the potential damage in an active-shooter situation. Base your plan on these steps:

- Train employees what to do in active-shooter incidents. Make sure

everyone knows where all exits are located. Make sure doors are never locked from the inside.

- Develop a system to alert employees to the threat, such as a loud-speaker code or alarm.
- Train a rapid response team to (once a shooter is no longer active) begin medical treatment.
- Practice responding just as you practice fire drills.

**Online resource** Access our Workplace Violence Prevention Toolkit, which includes advice and sample policies, at [www.theHRSpecialist.com/violencetoolkit](http://www.theHRSpecialist.com/violencetoolkit).



## FMLA ending? Prepare to offer 'ADA leave'

You're required to reinstate employees who are ready to return from FMLA leave. But what if the person can't pass a fitness-for-duty exam before returning?

Many employers believe they can simply fire such workers. That's simply not true. A returning employee who can't yet perform the essential functions of his or her job may be considered disabled under the ADA. That may require you to offer additional leave as a reasonable accommodation if the person has used all other available leave.

**Recent case:** Richard, a designer for a Chicago manufacturer, took

medical leave after being diagnosed with cancer and breaking his hip.

When he felt ready to return, his doctor's note indicated he could perform his (sedentary) job. But the company had its own doctor perform a perfunctory exam and rejected Richard's claim of fitness.

He was fired.

The EEOC sued on Richard's behalf, saying he was disabled and entitled to return to his job with reasonable accommodations of more leave, if necessary. The company settled for \$315,000. (*EEOC v. SC Electric*, ND IL)

## Don't rely on word-of-mouth recruiting

Referrals from your employees can be a great pipeline of known and trusted job candidates. But it can also be the path to a discrimination lawsuit. For example, if you have a mostly white male workforce and you rely on word-of-mouth referrals that generate mostly white male applicants, you're asking for trouble.

**Recent case:** A bakery just paid \$850,000 to settle a lawsuit claiming its practice of relying solely on word-of-mouth referrals to fill hourly positions discriminated against female and



Black applicants. (*Rockland Bakery*)

An EEOC compliance manual says word-of-mouth recruiting in a racially diverse workforce can be an effective way to promote diversity.

But "the same method of recruiting in a non-diverse workforce is a barrier to equal employment opportunity if it does not create applicant pools that reflect the diversity in the qualified labor market."

This is a big problem in the C-suite, where succession plans often fall into the "mini-me" syndrome of promoting people of the same race and gender.

## Can you fire employee for her Facebook post?

American employees often think they have unfettered free-speech rights to say whatever they want (online or in-person) and it won't have any impact on their employment. Not true.

If employees say (or post) inappropriate, racist or obscene things—even in their free time—it can cost them their jobs.

The latest example: On her personal Facebook page that cited her job and employer, a nurse in New Jersey posted that "Black Lives Matter causes segre-

gation. Have you ever heard of 'White Lives Matter'... No. Equal opportunity." The hospital investigated and fired her, saying her post was "a clearly racist dog whistle, which was inconsistent with the vision" of the company.

She sued, citing the First Amendment. But the court tossed out her case, saying that "a private employee... terminated by her private employer... cannot rely on the freedom of speech provisions" to challenge her termination. (*McVey v. AtlanticCare*, Superior Court of NJ)

## Offer severance upon exit, not in response to lawsuit

After a decade working at a law firm, Paul was fired, allegedly for poor performance. The firing came one week after he complained about a wage violation. In an email later, the firm reiterated the firing reason, but then said it would be willing to offer severance pay if he agreed never to sue. Paul rejected the offer and filed suit. (*Ferruzzi v. Pond Lehocky*, ED PA)

**The lesson:** Present your severance package offers at the time of termination. Offering severance after the worker threatens a legal claim will look like a suspicious cover-up.

## The \$79,000 rubber gloves

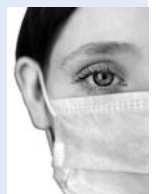
When a dairy worker learned she was allergic to rubber and plastics, she asked to wear different gloves. The company said "no," forced her to leave work when she had allergic flare-ups, then fired her for too many absences. The EEOC sued, citing the ADA accommodation failure. The dairy settled for \$79,000. (*EEOC v. Agropur*)

**The lesson:** Make sure managers know they have a legal duty to offer these kinds of disability accommodations. How far must you go? Read the *ADA's Limits of Accommodation* at [www.theHRSpecialist.com/ADALimits](http://www.theHRSpecialist.com/ADALimits).

## Thwart harassment of still-masked workers

Even if your workplace has no mask mandate, some of your employees may still feel more comfortable masking up. Make sure supervisors know it's their job to prevent any kind of name-calling, abuse or harassment of these workers, whether it comes from co-workers or customers.

Is "maskual harassment" illegal? It could be protected-class harassment if employees are masked up because of their age, a disability, a close relative with health issues or if they're unvaccinated for religious reasons. Such harassment could also be legal-but-still-wrong bullying. Promptly investigate all complaints.







## When can FMLA be for mental health leave?

The FMLA allows qualified workers to take job-protected leave to address their serious mental health conditions or family members' serious conditions. A condition is considered serious if it requires inpatient care or continuing treatment by a health care provider. For details on when exactly FMLA leave would qualify in these situations, access the U.S. Department of Labor's new fact sheet, *Mental Health Conditions and the FMLA*, and the DOL's new FAQ on the issue. Access both at [www.tinyurl.com/mentalFMLA](http://www.tinyurl.com/mentalFMLA).

## IRS clarifies the tax and deduction rules on employees donating leave to aid Ukraine

The IRS announced how U.S. employees can donate their accrued leave to aid citizens and refugees of Ukraine. Some U.S. companies are setting up leave-based donation programs. How it works: Your organization converts employees' vacation, sick or personal leave donations into cash and remits the cash to charitable organizations aiding victims. No double dipping: Employees can't take charitable deductions on their

1040s. The company can deduct these amounts as salary expenses or charitable donations, but not both. Learn more from the IRS at [www.irs.gov/pub/irs-drop/n-22-28.pdf](http://www.irs.gov/pub/irs-drop/n-22-28.pdf).

## Congress weighs tougher FLSA rules, penalties

A House committee has approved legislation that could dramatically reshape enforcement of the Fair Labor Standards Act. The bill would require employers to provide detailed pay stubs and issue final pay in a timely manner. It also would make it easier for workers to file class-action lawsuits against employers. The bill now goes to a full House vote (H.R. 7701). It faces steeper odds in the Senate.

## In rare mid-year change, the IRS raises standard mileage rate to 62.5 cents per mile

The IRS last month announced an uncommon mid-year change to the standard mileage rate, boosting it to 62.5 cents per mile (from 58.5 cents) due to soaring gas prices. The new rate is effective for driving after July 1. Employers can use the standard mileage rate to pay tax-free reimbursements to workers who use their own vehicles to do work. Mid-year changes to the standard rate are rare and last occurred in 2011.

## HR Q&A: FMLA Compliance

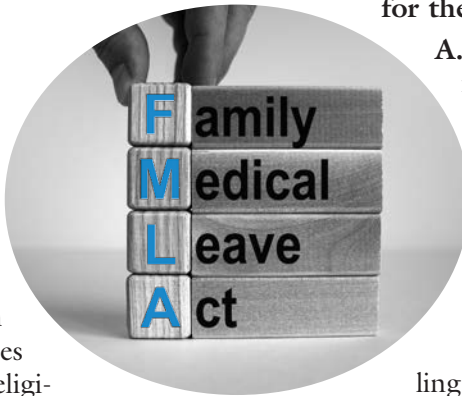
*In our recent webcast, The FMLA Master Class, attorney Anniken Davenport fielded questions regarding FMLA compliance. Here are two Q&As from that event:*

### Does employee's pregnancy change the FMLA eligibility calendar?

**Q.** If an employee becomes pregnant prior to her 12-month anniversary date, is she still eligible for FMLA?

**A.** The employee's FMLA eligibility would begin upon her reaching a total of 12 months and 1,250 hours of service up to the date of FMLA usage. Thus, if an employee will have reached those milestones on the date she gives birth, she would be eligible for 12 weeks of birth and bonding leave. If she were not to reach those milestones until after giving birth, her eligibility would begin when she does.

*Example:* An employee gives birth on Jan. 1, but she won't reach her 12-month eligibility until Jan. 5. (She has already worked the required 1,250 hours in the past year.) She would have to take some other form of leave for the actual birth and four days afterward. But she would then be able to take the full 12 weeks beginning on January 5 and forward.



### Can workers take FMLA to care for a sibling?

**Q.** Are siblings ever considered "immediate family" for purposes of employees taking FMLA to care for them?

**A.** Generally, employees are not eligible for leave to care for siblings except under limited circumstances. For example, if an employee is by circumstances—such as the death of parents—taking care of minor siblings, the siblings would be considered a "son or daughter" for FMLA leave purposes.

The same would apply if the sibling is over age 18 but incapacitated by a mental or physical disability. For example, if your employee is caring for his 25-year-old brother who is confined to bed with paralysis, the sibling may qualify. For more examples of such "in loco parentis" relationships that are covered under the FMLA, see the DOL fact sheet at [www.tinyurl.com/FMLAloco](http://www.tinyurl.com/FMLAloco).

**FMLA Master Class, Aug. 17:** To review the agenda and register for our next FMLA Master Class on August 17, go to [FMLAMasterClass.com](http://FMLAMasterClass.com).

## Staffing shortages lead to more overtime complaints

As more employees quit their jobs over the past year and hiring became so difficult, organizations were left short staffed. Too often that led to organizations trying to squeeze more work out of fewer employees.

**The result:** more off-the-clock work, misclassifying workers and, thus, more legal complaints about overtime pay.



A recent SHRM report says the U.S. Department of Labor is recovering an increasing amount of damages for overtime claims in the past year. Reason: The Biden administration is shifting away from compliance and toward enforcement.

For example, soon after President Biden took office, he shut down the DOL's PAID program that allowed businesses to self-report wage and overtime violations in order to avoid fines and litigation. And now the DOL says it's hiring 100 new investigators in its wage-and-hour enforcement division.

**Advice:** Now is a good time to do a comprehensive wage-and-hour audit looking into your classifications and your time-and-attendance policies and practices.

Such audits can help spot compliance holes and also can serve as a good-faith defense in case you are investigated or sued for wage violations.

**Online resource** Download our free report, *The New Overtime Rules*, which includes a chart to help you classify your employees as exempt or nonexempt, at [www.theHRSpecialist.com/overtime](http://www.theHRSpecialist.com/overtime).

## Your mid-year career self-audit: 15 questions

Summer is a good time to slow down and take a close look at your own job performance—and your career. Workplace coach Joan Lloyd suggests asking yourself these questions each year:

- 1 What four things do I really enjoy in my job?
- 2 What percentage of the total job do they represent?
- 3 Are they the kinds of things that really motivate me?
- 4 Will I have a chance to do more things like this in the future?
- 5 Is it worth staying in this job for these kinds of experiences?
- 6 What parts of my job do I really dislike?
- 7 What do I dislike about them?
- 8 Why do I dislike these activities, and who or what do they negatively affect? Why?
- 9 Did they violate my beliefs, values or principles?
- 10 What percentage of the total job do they represent?
- 11 Did I have fun and enjoy going to work? Or did I hear myself saying things such as, "Well, at least it's a paycheck"?
- 12 Have I looked around my workplace (or Zoom meeting) and asked, "Do I want to be a part of this group"?
- 13 Did I come home with stories that often began with, "You wouldn't believe what happened there today...?"
- 14 How many new things did I learn this year?
- 15 Will the things I learned build my skills and make me more marketable?

Job anniversaries come and go fast. Don't let inertia keep you from looking up at strategic points and challenging the work routines you've slipped into. Put this audit on your calendar every year!

## Should you use written termination letters?

While no federal law requires it, a few states do require employees to provide some notice of separation. But silence is not golden in terminations—it will only breed suspicion that the firing was unfair and possibly illegal.

Even if it's not required, termination letters can help prevent liability and create a clear paper trail in case you're sued.

**Tip:** Don't try to throw every reason for the firing into the letter. Cite the basic reason and reference any policies violated or performance measures unmet.

"Pick a reason and stick to that. You don't need a laundry list. That will only hurt you in lawsuits," said attorney Adam Rosenthal of Sheppard Mullan at last month's SHRM conference. Other tips on termination letters:

- Don't use a form for terminations. It will seem impersonal to a jury and may not properly cover the real reason for the separation.
- State the reason but keep it short and sweet. And don't limit your ability to add more information later.
- Be evidence based, and make sure your manager can support the termination reasons set forth in the letter.
- Avoid legal conclusions, and don't use loaded terms such as "sexual harassment" or "disability." Rather, use "violation of employer policy," "inappropriate behavior" or "inadequate performance."
- If a manager writes the letter, make sure HR first reviews it along with the supporting documentation to make sure the decision is fair and consistent with company policies.

**Online resource** For tips on creating a termination policy, plus three sample policies to adapt, go to [www.theHRSpecialist.com/terminate](http://www.theHRSpecialist.com/terminate).



To: \_\_\_\_\_  
From: \_\_\_\_\_

Date: July 2022  
Re: Interview questions

## Go beyond the bland: Rethink the 'Big 4' interview questions

The interview remains a hiring manager's best tool to evaluate job candidates. But managers too often rely on a list of standard interview questions for which most applicants have canned responses.

*The message:* Ask generic questions and you'll get generic answers.

Here are four of the most common questions asked during interviews, along with suggestions for more productive queries that will help you make the correct hiring choice:

### 1 Don't ask: "Can you tell me about yourself?"

This question will simply encourage job applicants to summarize their résumés, wasting precious time and preventing you from finding out any new information.

**Instead, ask:** "What professional accomplishments are you most proud of and why?" Instead of asking for a laundry list, this question forces candidates to elaborate on the most pertinent aspects of their work history.

### 2 Don't ask: "What are your strengths?"

This is such a common question posed by hiring managers that candidates usually trot out a prepared, vanilla response that teaches you nothing.

**Instead, ask:** "What is your greatest professional strength, and how have you used it to overcome a challenge in your career?"

This question compels candidates not only to describe a strength they possess but also to expand on how they've applied it in a real situation. It can be especially revealing when

interviewing candidates for technical positions because it allows you to gauge whether they can explain their successes in terms anyone can understand.

### 3 Don't ask: "What are your weaknesses?"

Candidates typically come prepared with weakness-turned-positives—"I work too hard" or "I'm sometimes too detail-oriented"—that disclose nothing about their true shortcomings.

**Instead, ask:** "Can you describe a time when you didn't accomplish a goal and how you rectified the situation?"

Your goal is to find out how the candidate has dealt with adversity in the past. Did they solicit help from co-workers? Did they act right away? Did they take responsibility? This question can be especially helpful when interviewing management-level candidates.

### 4 Don't ask: "Why do you want to work here?"

While this could help you find out how much the applicant knows about your organization, chances are you'll also receive praise about the organization that borders on insincerity.

**Instead, ask:** "What specifically attracted you to our organization?"

This question forces applicants to articulate why they view your organization as "unique" and "a good place to work." It allows you to assess not only their depth of knowledge about your organization, but also whether they truly want to work for the company.

## How to identify soft skills in interviews

One good way to tell if applicants have the skills to perform certain tasks is to directly ask how they've used those skills in the past. Some sample questions:

**Initiative.** Tell me about a time you did more than was required in your job.

How did your last big idea work out?

**Decision-making.** What was the toughest decision you made recently?

Describe a work-related problem you faced recently. What procedures did you use to deal with it?

**Communication.** Describe when you had to pitch a proposal. How did you do? Why do you think it went that way?

**Leadership.** Have you ever had to introduce a new idea or process at work? What approach did you take to gain cooperation?

Describe how you solved someone else's problem.

**Persuasiveness.** What was the best idea you've ever sold to a superior? How did you do it?

What was the best idea you ever failed to sell? Why didn't it work?

**Planning.** How do you plan your workweek? How do you determine your top priorities? How do you develop short- and long-range plans?

**Sales.** Describe the primary types of people to whom you sell. What approach do you use for each group?

What's the best way to find new prospects?

Describe the toughest sale you ever made.

**Supervision.** How have you made your group more efficient?

What is the number one thing that distinguishes a superior employee from a typical one?

How do you monitor your staff's performance?

How do you confront underperforming workers?







# Take the drama out of disagreement: 3 strategies

**H**ow can we sidestep drama in our conversations when we live in a world of hyper-politicized and confrontational behavior?

One important strategy is to avoid “flooding,” the biofeedback word for anger. When we get angry our bodies “flood” with adrenaline and cortisol. Brain activity moves from the cortex, the massive problem-solving center of the brain, to the amygdala, which is roughly the size of a walnut!

Flooding is a very specific reaction to a perceived threat, and once we flood, it is more difficult to hear accurately, to think clearly and to problem solve. Also, flooding is highly contagious. If you flood, it is highly likely the other person will follow suit.

Here are three strategies to stay in control of your emotions.

**1 Remove interpretations.** Prior to an actual conversation, be brutally honest and remove all interpretations from your thinking. Is my colleague not making eye contact because “*he hates any*

*idea that isn’t his?*” Or is he distracted because he just learned his son relapsed in treatment?

It’s wildly unlikely that we will accurately unravel the hidden pressures and constraints behind other people’s behavior in isolation.

Instead describe what you see, accurately and dispassionately. Then ask the other person to help you understand his or her behavior. Be humble and curious. “*Help me understand why...*”



Removing the drama takes discipline. We have to forgo the guilty pleasures of inflaming, name calling and self-righteous indignation.

**2 Think about your goal.** Since individuals rarely agree about the specifics of the past, before you open the dialogue, think about what you want in the future. Identify a positive and specific request.

Try to avoid statements like “*I want you to stop interrupting.*” Instead request, “*Please let me finish before you react.*”

**3 Take mutual responsibility for the situation.** Instead of name calling and blaming, consider this statement: “*We all lack skill, insight or courage.*” This explanation is more useful and accurate.

For instance, did your ex-husband cut you off at the parent-teacher conference because he’s a jerk (labeling)? Or did he lack insight into how his behavior would affect you? Did he lack skill in expressing his opinions with more respect? How about yourself? Did you lack courage in that moment to speak up?

Removing the drama from our personal lives takes discipline. We have to forgo the guilty pleasures of inflaming, name calling and self-righteous indignation. But the rewards are dear—peace of mind, a calm body and a preserved connection with family, friends and colleagues.

*Anna Maravelas is a psychologist emeritus, president of Thera Rising International and the author of Creating a Drama-Free Workplace. Contact her at [www.thera-rising.com](http://www.thera-rising.com).*

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## U.S. Supreme Court upholds arbitration agreements

If your organization has workers sign mandatory arbitration agreements, here's good news: The Supreme Court has clarified that organizations can require arbitration of employees' claims regarding workplace disputes. The court ruled that employers can use arbitration agreements to block lawsuits brought under state law in California (*Viking River Cruises v. Moriana*). The bottom line is that the high court will enforce arbitration pacts under the Federal Arbitration Act over contradictory state laws.

## Remind workers: Don't panic react to 401(k) losses

With U.S. stocks having lost about 20% of their value this year, your employees who are invested in your retirement plan are undoubtedly nervous. HR ethics forbid you from offering financial advice to employees, but you can pass along this bit of investor wisdom: When stock markets dip, resist the temptation to pull back from retirement investments. Smart investors ride the roller coaster, knowing that the long-term trend is upward.

## Burnout: Which employees are feeling it most?

More than 4 in 10 U.S. workers say they're more burned out now than a year ago, according to a Robert Half survey. Those most likely to report a rise in burnout: Gen Z professionals (47%), tech workers (44%) and women (43%). *Advice:* It's wise for managers to conduct informal check-ins and regular stay interviews to take the pulse of employees—especially for remote workers. To gauge your level of burnout, see our 25-question quiz at [www.theHRSpecialist.com/burnout](http://www.theHRSpecialist.com/burnout).

## Don't cyber-spy on employees' union discussions

Federal labor law makes it unlawful for employers to “do something out of the ordinary” to observe employees' union organizing activities. That includes surveilling employees' online activities. Tesla is getting heat for monitoring the employee Facebook group of a California Tesla factory for hints of union activity. For advice on what's legal and illegal when responding to an organizing campaign, go to [www.theHRSpecialist.com/unions](http://www.theHRSpecialist.com/unions).

## Upcoming webinars for HR

July 6:	<b>Independent Contractor Compliance</b>
July 7:	<b>The Termination Workshop</b>
July 8:	<b>Stop Managing, Start Coaching</b>
July 13:	<b>Pregnancy &amp; Parenting: Legal Accommodations &amp; Best Practices</b>
July 14:	<b>Performance Review Workshop</b>
July 15:	<b>Employment Law Fundamentals for Managers</b>
July 22:	<b>Difficult Employee Conversations</b>

To register or learn more, go to [www.theHRSpecialist.com/events](http://www.theHRSpecialist.com/events)

## In their own words:

### Lessons from the SHRM22 conference

Here is some bite-sized advice from last month's Society for Human Resource Management (SHRM) annual conference in New Orleans:

**Comp strategies** “Your base pay is the anchor to everything you do in HR... but variable pay is definitely the global trend in terms of compensation strategies. Your CEOs love variable pay because it's a one-time hit, not a compounding amount.” — *John Rubino, Rubino Consulting*

★ ★ ★

**Hybrid work** “While employees are asking for remote, most leaders are not willing to go all the way. So hybrid is winning out... But leaders need to make the office worth the commute. Don't ask people to come into the office and put them on Teams meetings all day.” — *Giselle Koverly, Head of Learning, OptimusSBR*



★ ★ ★

**Background checks** “So many states, cities and counties right now are making up their own rules on background screening. So your job is getting more complicated.” — *Debra Keller, president, Total Insight Screening*

★ ★ ★

**Strategic HR** “The way to find your seat at the table is to be the table... You be the one that brings the solutions.” — *Mary Dale, CHRO, Convivial Brands*

★ ★ ★

**Employee goal setting** “Don't go for buy-in; it doesn't work. Create goals in a collaborative environment where team members and managers sit down to work through goals from the start.” — *Joe Rotella, Delphia Consulting*



★ ★ ★

**Your employment brand** “Recruiting is like dating these days. It's online and people swipe left and right. And that's why you need to think about your company's online brand.” — *Ray Abdo, CEO, Digital Revamp*

★ ★ ★

**Mental health** “Many of your employees place a higher value on mental health benefits than on higher pay. This isn't to be interpreted as just a data point—it's a cry for help. Let's help them.” — *Johnny Taylor, SHRM CEO*

★ ★ ★

**Monitoring employees** “One third of all sexual harassment cases are now by electronic means. For your remote employees, you're going to need to monitor their communications going forward... and remind employees that you can see what they're doing.” — *attorney James Reidy, Sheehan Phinney*



Is there anything more dangerous than crossing the IRS?

# *Payroll Compliance Handbook*

Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

Today, payroll managers deal with direct deposit, health spending accounts, vehicle allowances, phone expenses, earned income credits, garnishments and more. Payroll is now a confusing and time-consuming task prone to error.

Don't let a simple mistake unleash the full and frightening power of the IRS and wipe out your business... and you personally.

With our newly updated *Payroll Compliance Handbook*, you'll quickly and easily find answers to all of your nagging payroll questions. This handy reference is written in plain English - no legal gobbledygook here - so you can quickly understand what you need to do to stay in compliance, improve efficiencies and avoid costly payroll errors.

Each chapter focuses on a specific aspect of payroll management and compliance... and every issue of payroll compliance you need to know is addressed.



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- Complicated tax calculations
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- Paying for on-call time
- Business expense reimbursement
- Saving on unemployment taxes
- Payroll record-keeping
- Handling the IRS without stress
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### The **Payroll Compliance Handbook** answers questions like:

- **Are your employees exempt or non-exempt?** A handy checklist makes it easy to determine
- **Must you pay an employee for attending a training program?** The answer may be no if these four conditions are met
- **How can you avoid the most common FLSA violation?** Simply follow our chart or be at risk for a hefty fine
- **A woman has less experience and education than a man in a similar role. Can you pay her less?** Plus, how to establish an equal pay merit system that works
- **Fringe benefits: taxable or non-taxable?** How to reward fringe benefits to employees without crossing swords with the IRS
- **W-2s, W-3s, 1099s and more: What errors will land you in the IRS hot seat?** We'll tell you how to avoid them
- **What's the law in your state?** Check out the appendixes for the requirements in your state.

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