

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

**HR is among the top jobs for fully remote work.** Marketing and information technology lead the list of work roles most commonly performed by remote workers, according to an analysis by FlexJobs, an online career service specializing in remote and hybrid jobs. However, HR comes in at #5.

FlexJobs found that these are the top career categories in which prospective employers were most likely to say new hires could work fully remotely, from any location:

- Marketing
- Computer and IT
- Accounting and finance
- Project management
- HR and recruiting
- Medical and health-related roles
- Customer service.

A FlexJobs search conducted in February uncovered 607 HR jobs that allowed for 100% remote work.

**Employer health costs grew 3.2% in 2022** and will grow even faster this year. That's according to the Mercer consulting firm's 2022 National Survey of Employer-Sponsored Health Plans. Employers projected an average health insurance cost growth rate of 5.4% this year.

Total health-benefit costs per employee reached \$15,013 on average in 2022. Organizations with fewer than 500 employees on average paid \$330 more per employee than larger employers.

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## 3 reasons to revise job descriptions right now

Jobs change. So should job descriptions. Otherwise, you may find yourself in legal jeopardy *and* at a competitive disadvantage in today's still red-hot job market. Here's why:

**1 Changes in exempt duties.** The Fair Labor Standards Act lets employers classify some workers as exempt from overtime. Each exempt classification is based on strict tests. Job descriptions typically detail duties and responsibilities that match those tests.

For example, one of the requirements for the FLSA's executive exemption is that the employee directs the work of two or more employees. If labor shortages mean those subordinate positions are

unfilled, then that means the executive exemption is no longer valid, so the job description should be revised.

Plus, if the employee is now doing work formerly performed by non-exempts, then he or she has probably become nonexempt, too. The job description should reflect that reality.

**2 New compliance responsibilities.** New federal, state and local laws, regulations and enforcement prioritization plans keep coming. For example, one of the EEOC's enforcement priorities is ending workplace harassment. To that end, the EEOC has adopted a "see something, say something" approach that recommends requiring supervisors to receive and

*Continued on page 2*

## How to handle long COVID under ADA, FMLA

Even as the pandemic wanes, bad COVID news lingers on: Millions of workers continue suffering from long COVID or post-COVID syndrome.

According to the Centers for Disease Control and Prevention, common symptoms of long COVID include fatigue, "brain fog," shortness of breath, heart palpitations and chest pain, depression and anxiety and more.

A new study from New York's largest workers' comp carrier says long COVID contributes significantly to current labor shortages and harms productivity. The study found that 18% of people with long COVID were unable to return to work for more than a year; three out of four of those workers were under age 60. Another 40% were able to return to work, but needed ongoing medical care.

Here's how to accommodate long-COVID employees returning to work: **Reasonable accommodations.**

Employers should expect more requests for reasonable accommodations for long COVID from applicants and current employees alike.

Respond as you would for any other disability. Engage in the interactive accommodations process. Determine whether the worker's condition is a disability under the ADA while discussing possible accommodations. As with all disabilities, the assessment is based on the individual's experience with the syndrome.

Possible accommodations include schedule changes, time off for treatment, modified workloads and assignments to handle less physically challenging tasks.

*Continued on page 2*

## Job descriptions

(Cont. from page 1)

pass up the chain of command any bystander reports of harassment.

You may want to include a harassment reporting requirement in supervisors' job descriptions.

**3 Changing educational requirements.** To counter the current labor shortage, many employers are dropping strict rules requiring college degrees for some jobs. A recent Harvard study found a dramatic drop in job listings that require a degree.

If you are having trouble attracting applicants for positions that list a college degree as a prerequisite, it may be time to revise job descriptions.

*Options:* Drop education requirements altogether or substitute other training, experience or qualifications.

**Training opportunity** Learn more at our upcoming webinar "Revise Your Job Descriptions for 2023: A Workshop for HR and Managers," taking place March 15. Find details and registration info at [www.theHRSpecialist.com/events](http://www.theHRSpecialist.com/events).

## Long COVID

(Cont. from page 1)

Because long-COVID symptoms may change over time, revisit accommodations regularly. An employee may improve and no longer need accommodations, or may deteriorate so badly that reasonable accommodations will no longer help.

**Intermittent FMLA leave.** Long-COVID sufferers may also qualify for intermittent FMLA leave due to the chronic nature of the syndrome. There will be times an employee cannot perform the essential functions of their job due to a flare-up. If that happens, obtain a medical certification from the worker's health-care provider.

**Online resource** For official Labor Department guidance, see [tinyurl.com/DOL-long-COVID](http://tinyurl.com/DOL-long-COVID).

## Spotlight on Benefits

# Struggling to attract enough applicants? Consider adding child-care benefits to portfolio

Child care remains one of the biggest obstacles to getting parents into the workforce. Providing child-care benefits that give working parents access to care options or helping them pay for care may be one way to fill open positions or simply retain current employees.

How big is the problem? A report by the Federal Reserve Bank of Minneapolis says many mothers remain out of the workforce because they can't find reliable child care. The Fed found the workforce participation rate for mothers of young children fell 2.8% from 2019 by late 2021.

Why? Child-care centers lost staff during the pandemic-recovery employment boom. The problem: Child caregivers are traditionally poorly paid and rarely receive benefits. They left the child-care marketplace in droves when post-pandemic hiring for well-paying jobs took off. The U.S. Department of Labor estimates that the child-care industry overall has lost 100,000 workers in the last three years.

The practical consequence of fewer day-care spots for young children is that employers will continue to struggle to fill open positions that could be held by parents sidelined by lack of care.

Available slots are most likely to be found in one of the national child-care chains such as KinderCare, Bright Horizons and Lightbridge Academy, which offer better pay and benefits to caregivers. But those options are pricey, charging relatively high tuition. Nationally, the average cost of day care for one child is nearly

\$12,000. At a KinderCare center in Manhattan, tuition is almost \$40,000.

Employers can support employees' child-care needs in several ways:

### Build or sponsor on-site care

All the major national day-care chains are expanding, seeing an investment opportunity to fill an unmet need. For example, Bright Horizons offers services to help employers provide care benefits for their employees either on- or off-site.

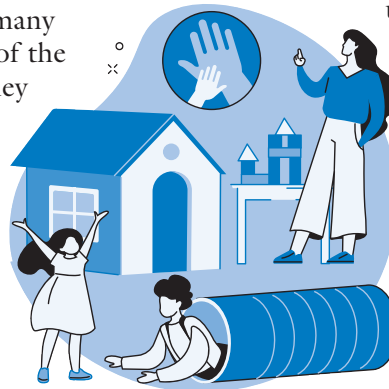
Added bonus: On-site day care can encourage retention. Employees may be reluctant to quit a job if it means they would have to find new child-care arrangements.

### Offer back-up care

Another possible and less expensive benefit is to offer back-up care for employees when their regular child-care arrangements fall through. It's a common problem for employees who rely on family members to care for their kids or who need care during school breaks for older children who cannot stay home alone. Several of the larger national child-care brands offer short-term back-up care to address those scenarios.

### Tuition support

Other benefit options include providing a day care tuition program. For example, employers can subsidize care on a sliding scale tied to employee incomes. This is a benefit popular at hospitals where everyone from the busy ER doctor to the janitorial staff may benefit from on-site day care but each has different financial needs.





# Already decided to terminate employee? Act right away to cut lawsuit risk

Once you have decided to fire a worker, carry out the firing promptly. Delaying can backfire. If you must wait, write a memo memorializing when and why you made the discharge decision. Documentation will help you later if the worker sues.

**Recent case:** Sara, a dentist, went to work for Gentle Dental. Her supervisor soon began fielding complaints she aggressively proposed overly expensive treatment plans. Co-workers claimed Sara was abrasive.

Plus, Sara had the lowest patient-retention rates and treatment acceptance of any of the 12 dentists who worked for the practice. According to the practice, Sara's poor performance contributed to revenue losses.

Sara's supervisor recommended firing her, which the management team approved. Meanwhile, Sara learned she was pregnant, but didn't tell anyone.

Management moved ahead with hiring Sara's replacement. Then Sara told her supervisor she was pregnant. He decided not to give Sara the bad news and told management he would

follow through after Sara gave birth.

Then revenue fell even more. Management thought canceled appointments were attributable to Sara's pushiness. Management finally terminated her, telling Sara the reason was that she was bad for business.

Sara sued, alleging pregnancy-based sex discrimination, interference with her right to FMLA leave, plus retaliation for taking time off for pregnancy complications. She claimed that because she was fired within a month of announcing her pregnancy, she had shown that the underlying reason was pregnancy discrimination.

The court tossed out her lawsuit. It reasoned that the practice couldn't have discriminated based on pregnancy since the employer documented it had already made the termination decision before finding out she was going to have a baby. The court also noted that there were multiple complaints about her work performance and demeanor long before the announcement. (*Daneshpajouh v. Sage Dental*, 11th Cir.)

# Demand new medical certification if you suspect intermittent FMLA leave abuse

If an employee's doctor approves intermittent FMLA leave for a chronic condition, the person can essentially take time off whenever the condition flares up. Employers typically must wait six months to question intermittent leave certifications. But if you suspect the employee is abusing his intermittent leave, you can (and should) demand recertification sooner.

**Recent case:** Brandon's doctor filled out an FMLA certification form saying he'd likely need intermittent leave as often as a week per month due to his severe depression. The call-offs began in that pattern, but

increased dramatically. At one point, he took off 16 days in a row.

HR asked the psychiatrist to recertify his need for the leave, even though the original certification was only three months old. Brandon didn't provide a new cert—or return to work.

He was fired and then sued. But the court tossed out his case, saying the company could request recertification sooner than six months because Brandon's absences were a "significant change" from the originally approved leave. (*Whittington v. Tyson Foods*, 8th Cir.)

### Consider settling early to save on attorneys' fees

When Peter filed a race discrimination lawsuit, his ex-employer refused to settle. The case wound through the system before both sides finally reached a \$25,000 settlement. Peter's attorneys petitioned the court to have the company pay their fees, and the court ordered a \$50,000 payment from the company, plus court filing fees. (*Connors v. Empire Office*, MD PA)

**The lesson:** Letting a discrimination case work through the EEOC or state agency before settling generally means big legal costs for employers. **Reason:** A settlement means a "win" for the plaintiff, and that means the employee's attorney gets paid.

### Beware discipline following deposition testimony

Matthew was rejected for a prestigious job assignment just days after he testified at a deposition in support of a co-worker's discrimination lawsuit. Matthew sued, claiming retaliation. The court said his case could proceed. (*Edinger v. City of Westminster*, CD CA)

**The lesson:** Federal law makes it unlawful to discriminate against a worker for "participation in an employment discrimination proceeding." That includes filing the charge, serving as a witness or cooperating in any other way.

### Federal court: Bullying isn't grounds for lawsuit

Christina, a nurse, was fired for allegedly falsifying a patient record. She sued, alleging many forms of discrimination. She also claimed she had been fired in violation of public policy and had been bullied at work for years. The court stated that no previous state cases said bullying was deemed to violate the law. It tossed out the case. (*Connerney v. Main Line Hospitals*, ED PA)

**The lesson:** While courts have yet to directly allow "bullying" as an actionable lawsuit claim, employees can use other avenues, such as state claims of emotional distress. Plus, legal issues aside, you should rein in bullying for morale reasons alone.



### Walsh to resign as Labor Secretary

Secretary of Labor Marty Walsh has confirmed he will resign in March to become executive director of the National Hockey League Players' Association.

Walsh's imminent departure has set off speculation about who will be tapped to replace him.

The front-runner appears to be the DOL's current second-in-command, Deputy Secretary of Labor Julie A. Su, who has been on the job since July 2021. Su previously ran the California Labor and Workforce Development Agency. She has the backing of many who want someone of Asian American descent to join the Biden cabinet. Su will take over as acting secretary of labor until the Senate confirms Walsh's successor.

Other names that have been floated to become Labor Secretary: former Reps. Sean Patrick Maloney (D.-N.Y.) and Andy Levin (D.-Mich.), as well as Sara Nelson, president of the Association of Flight Attendants union.

### New DOL guidance on remote worker rights, FMLA vs. ADA

The Labor Department's Wage and Hour Division last month issued two new guidance documents affecting employers with remote workers and FMLA-eligible employees who must work reduced schedules to manage their serious health conditions.

**Field Assistance Bulletin 2023-1** explains how the Fair Labor Standards Act requires calculating hours worked for remote employees who take break time to express breast milk.

The bulletin states that when an employer provides compensated breaks, an employee who uses that break time to express milk must be paid for that time. In addition, if an employee is not completely relieved from duty during those breaks, the time must be compensated as work time. Thus, if a remote employee chooses to pump milk while attending a video meeting or conference call—even if off camera—generally the employee in that case has not been relieved from duty and, therefore, must be paid for that time.

The bulletin also covers how to determine if a remote employee's location qualifies him or her for FMLA leave. It clarifies that when an employee teleworks, their worksite for FMLA eligibility purposes is the office to which they report or from which their assignments are made. Thus, if 50 employees are employed within 75 miles of the employer's worksite, the employee meets that FMLA eligibility requirement.

**Opinion letter FMLA2023-1-A**, a separate document, explains how employees who need indefinitely reduced work schedules may use the FMLA to work shorter days, addressing a potential conflict between the FMLA and the ADA. An employer asked the Wage and Hour Division if the FMLA entitles an employee to limit their workday to eight hours a day indefinitely because of a chronic serious health condition, when that employee normally works more than eight hours a day. The employer wondered if it should treat this as a reasonable accommodation under the ADA instead.

The opinion letter said no. An employee with a serious health condition that necessitates limited hours may use FMLA leave to work a reduced number of hours per day (or week) for an indefinite period of time as long as the employee does not exhaust their FMLA entitlement.

## HR Q&A

by Anniken Davenport, Esq.

### Should we extend new hire's probation while seeking a replacement?

**Q.** A hiring manager told HR they have issued a verbal warning to an employee who is on a new-hire trial period—and that they do not believe the employee will be successful in the position. HR has suggested terminating the employee, but management wants to extend the trial period while beginning a search for a replacement. The employee is not a member of a protected class. Are there any potential legal ramifications in extending the probation while searching for a replacement? — *Juan, Massachusetts*

**A.** First, a point of clarification. Everyone is a member of a protected class. For example, a white male belongs to at least two protected classes, based on his gender and race.

A second point: Assuming the new hire is an at-will employee, he or she can be terminated for any reason or

no reason as long as it is not an illegal reason.

Whatever you decide to do, be prepared to proceed consistently going forward. If you extend the new hire's probation despite a disciplinary history (in this case, a verbal warning and presumably poor performance since management does not believe the new hire will be successful in the position), you must be prepared to do so for other similarly situated new hires. Otherwise, one of them may use your (convenient) leniency as proof that the other hire was treated more harshly because of that hire's protected status.

**Bottom line:** It's best to apply the same rules to everyone rather than make an exception for reasons unrelated to poor performance.

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# 10 ways to increase participation in your employee assistance plan

Is your organization reaping the full financial benefits of having an employee assistance program? If your employees aren't using it, probably not.

EAPs can yield \$1.50 to \$16 in savings for each dollar invested, with average savings of \$3 to \$5, according to various studies. Organizations with the highest rates of employee EAP use save the most money through reduced absenteeism, lower employee medical costs and employees who get back on track sooner after personal and substance abuse crises.

Here are 10 suggestions for boosting employees' EAP use:

- 1. Make it convenient** for employees to contact the EAP. Employees are more likely to use the service if counselors are available online or via a 24-hour, toll-free hotline. *Tip:* Avoid EAPs that require users to navigate an elaborate phone tree before reaching a counselor.
- 2. Allow discreet access** to the EAP so employees won't worry that co-workers will see or hear them asking for help. *Tip:* Look for an EAP that assists employees by providing referrals for long-term or specialized care based on assessed needs, recommended treatment and employees' financial resources. The EAP should provide follow-up and ongoing support for employees.
- 3. Ask your EAP provider to host** wellness seminars, such as free lunchtime "brown bag" sessions or videoconference sessions on stress management or time management.
- 4. Let employees' families know** they can call for help. Ask your

EAP provider to send workers' families information advertising their services, hours and phone numbers.

## 5. Publicize the program constantly.

Promote your EAP through regular reminders via email, your website or intranet, etc. Ask your EAP for free posters and refrigerator magnets that advertise the EAP's hours and phone numbers. Introduce the EAP to new employees during orientation sessions and emphasize the benefits.

**6. Run regular reminders** about the EAP in your employee newsletter, providing links to the EAP website as well as its phone number.

**7. Remind employees that it's not just a work thing.** They can use the EAP services for personal problems as well as work worries. *Examples:* financial planning, legal services, relationship counseling. Also, remind workers that EAPs keep personal information strictly confidential.

**8. Encourage staff to bookmark** the EAP's website. Add a link on your intranet to the EAP site.

**9. Provide on-site counselors,** if possible. Most organizations don't, but those that do raise their employee participation rates by up to 60%.

**10. Train supervisors to recognize work problems** and to suggest the EAP as an option to improve job performance. Example: On its website, the University of Connecticut offers a Supervisor's Guide to the Employee Assistance Program, which outlines behavioral patterns that could indicate an employee has problems that could be helped by the EAP. (See it at [tinyurl.com/EAP-guide](http://tinyurl.com/EAP-guide).)



## SHRM calls for national paid leave system

The Society for Human Resource Management has released what it calls a framework for a national paid leave system that "has the potential to increase access to compensated leave for workers and achieve continuity with benefits offered by employers in different states and jurisdictions."

Timed to coincide with the 30th anniversary of the FMLA in February, SHRM called on Congress to create an optional national paid family and medical leave insurance market. The FMLA only guarantees *unpaid* family and medical leave for some employees.

SHRM Chief of Staff and Head of Public Affairs Emily M. Dickens said, "As the FMLA turns 30, it is time to modernize our approach to family and medical leave. By advancing our recommendations, the federal government can remove barriers to success for workers caring for loved ones and employers that are unable to self-fund this vital benefit in order to retain top talent."

SHRM's paid leave framework calls for creating an insurance market for paid family and medical leave to make the benefit more available to independent workers and small employers that lack the ability to self-fund. A SHRM statement said using a voluntary insurance-based approach would allow the financial burden of offering paid leave benefits to be shared among groups of employers instead of being borne by a single employer.



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

Date: March 2023  
Re: Managing angry employees

## Let it Out!

# How to help angry employees vent

Say one of your employees walks into your office all red-faced and angry. He starts dropping verbal bombs and loudly complaining about a co-worker's lazy work habits.

How should a manager respond? Start giving advice? Remain silent? Ask about the person's feelings? Request that the person leave, calm down and return later?

All of the above are typically the wrong responses—and for different reasons.

Use the following do's and don'ts to help employees vent about stressful work problems and think about solutions:

### The do's

- ✓ **Do** allow the employee to talk. Avoid arguing with the employee, becoming defensive or taking the rant personally. Let the person speak his or her piece. Don't interrupt or try to silence the employee.
- ✓ **Do** acknowledge the problem. Even if you think employees are overreacting, it's important to validate their perception. Show empathy and concern by saying, "I understand why you're upset."
- ✓ **Do** follow up with short questions that focus on words the person uses to express the problem. Example: "I do more than my share of the work." Response: "Tell me more about that." Asking questions like "What frustrates you the most?" aren't judgmental and communicate sincere interest.
- ✓ **Do** zero in on words such as "always" and "never." Employees typically use such words to justify anger when complaining about their most frustrating problems. Example: "I always do more work than Kevin!"
- ✓ **Do** document the rant. It's best to

have a witness (another manager or HR rep) in any meeting that could turn confrontational. Take notes after. Make a record of any insulting words or gestures. Notes are important because an angry employee may say something that contradicts a lawsuit he or she files later.

- ✓ **Do** act within your authority. If you can solve the problem, promise that you will ... and then follow through. If you can't, point them in the right direction.

### The don'ts

It's natural to immediately ask an upset employee to calm down. But the request appears to invalidate feelings and can increase frustration. Express willingness to listen.

Other tips:

- ✗ **Don't** automatically agree with the employee. Approval could make it appear you're taking sides and set up false expectations. On the other hand, don't disagree because it could increase frustration.
- ✗ **Don't** remain silent. It can be interpreted as indifference.
- ✗ **Don't** ask, "How do you feel?" It sounds condescending.
- ✗ **Don't** tolerate threats. If the employee becomes verbally abusive or even hints at physical violence, leave the room and contact HR. Make sure to document the incident, including how it made you feel.
- ✗ **Don't** ignore your own feelings. Such confrontations can be difficult for managers. Remain calm and don't take the words personally, particularly if an employee complains about management. Remember that the person probably has already vented to co-workers. Employees tend to express frustration first to peers.

## 4 easy steps to becoming a better listener

Sometimes managers are too busy thinking about their response to listen to employees. Effective listeners use a four-step process:

### 1. Listen to the total message.

Before you frame your response, listen to everything the person has to say and give 100% of your attention. Consider the words from his or her perspective—not yours.

Show you care by suspending all activities. Don't flip through papers or glance at your computer screen.

**2. Prove your understanding by using nonverbal signals.** Doing so sets a comfortable level for the conversation and encourages the other person to keep talking. Some positive nonverbal signals:

- Moving from behind the desk
- Maintaining eye contact
- Leaning forward slightly
- Raising your eyebrows when the speaker makes a significant point
- Nodding to indicate agreement.

**3. Use open-ended probes.** These are questions that allow the other person to respond at length, rather than with just a "yes" or "no" response. Open-ended questions begin with words like "why," "how," "explain" or "describe."

Be aware of the number of open-ended questions you ask. Then try to increase the number. You'll find the quality of your communication improves dramatically.

### 4. Paraphrase what you hear.

Prove your understanding by briefly restating the information you've just heard or by asking a question that proves you know the main idea.

You don't do this to prove that you were listening, but that you understand. There's a big difference.



Rich Fuerstenberg

Richard Cooper

# 4 steps toward more flexible time-off benefits

Work flexibility and time off are more important to employees than ever before. Many employers made changes on the fly to their time-off programs during the pandemic. Whether you did or didn't, now is a good time to take stock of your programs and policies and look for opportunities to improve competitiveness and ensure compliance. Here are four things you can do to add flexibility to your leave policies.

## Make the move to a PTO plan

Many employers have found they can better address the time-off needs of a diverse workforce by combining vacation and paid sick leave into a single paid-time-off (PTO) plan. This approach gives employees more flexibility in how they use their time off, and can also streamline administration, eliminating the need to track whether a specific day off is because an employee has a minor illness or because they're extending a long weekend.

In 2021, 68% of employers responding to Mercer's Absence and Disability Management Survey offered a PTO plan.

## Review your paid holidays

Most employers offer a mix of fixed and floating holidays. Rebalancing the mix with fewer fixed holidays

and more floating holidays provides additional flexibility. Floating holidays can help advance diversity, equity and inclusion goals by allowing employees to observe the holidays that are most important to them.

## Allow PTO-to-cash conversions

The practice of allowing employees to sell excess PTO time during annual enrolment in exchange for cash has been around for years. Now vendors have emerged in the market that can support the conversion of PTO to cash throughout the year, or to cash-like benefits such as student loan payments or contributions to the cost of a vacation.

These platforms let employers set guardrails that limit the amount of time employees can sell, as well as ensure that employees use some of their PTO before they sell it. For example, the platform can be programmed to prohibit selling any time off until the employee has taken at least two weeks of PTO.

## Consider unlimited PTO

Once seen as a niche benefit, unlimited PTO demonstrated its advantages during the pandemic: It allowed for multiple quarantines and avoided large accruals of unused vacation. In our 2021

survey, one out of five respondents had implemented unlimited PTO for some portion of their employee population, and a number of household-name companies—including Microsoft and Goldman Sachs—have recently announced a move to unlimited PTO. We will monitor this trend to see if it continues as employers shift their focus from the unique pressures of the pandemic to enhancing flexibility.

In our 2021 survey, 70% of employers reported that the amount of time off employees took was the same as it was under their prior accrued policy. We trust that number will hold or increase now that employers have better tools and more experience in managing unlimited PTO programs. One of the more innovative strategies we've seen to prevent time-off usage from dropping after implementation of unlimited PTO is to actually provide cash incentives to employees when they take a vacation under the unlimited PTO policy.

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## Put a pin in it: Let's table these top 10 examples of annoying corporate jargon

Buzzwords and workplace jargon, it can be argued, serve useful purposes. They sometimes function as shorthand, neatly delivering in a few words what might otherwise be a mouthful. And they can act as unifying signifiers that we're all members of the same tribe: If you can understand us, then you're one of the cool kids, too. But often, those buzzwords are just tired and off-putting.

Here's a list of 2023's top 10 most annoying examples of corporate jargon, at least according to the word mavens at Preply, a web service that connects language learners with language tutors:

1. Circle back
2. Work hard, play hard
3. Boots on the ground
4. Let's table this
5. Synergy
6. Put a pin in it
7. Get our ducks in a row
8. Low-hanging fruit
9. Reinvent the wheel
10. Throw it up and see what sticks.

## Poll: More than half of workers over the age of 40 have experienced discrimination

Age bias is alive and well in the workplace 56 years after enactment of the Age Discrimination in Employment Act, according to a new survey conducted by **Moneyzine.com**. Key findings:

- 60% of polled workers over age 40 believe they would struggle to get a new job due to their age.
- Over a quarter believe they didn't get hired for a role as a result of their age.
- A quarter reported feeling excluded from projects or teams because of their age.
- Less than one in five have made a formal complaint about ageism.
- 30% reported that their age holds them back at work.
- In comparison, just 18% felt held back by their gender, race or disability.

- 64% reported witnessing or experiencing ageism.
- More than two-thirds believe they shouldn't have to provide age-related information when applying.

**Note:** The ADEA forbids age discrimination in employment against people who are age 40 or older.

## Layoff trend line: Companies are cutting payrolls, relying on contractors instead

Layoffs are in the news again. Some 60,000 employees nationwide have been let go since Jan. 1, according to layoffs-tracking website **Layoffs.fyi**, mostly in the tech, media and finance sectors. But research conducted by **ResumeBuilder.com** suggests some job cuts aren't a response to lower consumer demand in a sluggish economy, but old-fashioned cost-cutting instead.

At 37% of companies surveyed, independent contractors have been brought in to replace laid-off employees. Fifty-three percent of surveyed firms have asked employees to move into contract roles.

## As pandemic recedes, employers spending to entice employees to come back to their offices

Large employers are increasing investments in their physical office spaces to entice reluctant employees to return to face-to-face work, a new report from research firm Verdantix shows. Verdantix interviewed 350 real estate and facilities budget holders with annual revenues of at least \$250 million.

Its study found 50% of respondents are planning to expand or initiate activities focused on improving employees' on-site experience in the year ahead. These efforts aim to encourage staff back into the office following a post-pandemic preference for working from home and the rise of hybrid working.

Over 60% of real estate managers seek to support staff health and well-being in the workplace, with survey respondents in the financial, real estate and health-care sectors planning to do the most in this area.



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Is there anything more dangerous than crossing the IRS?

# *Payroll Compliance Handbook*

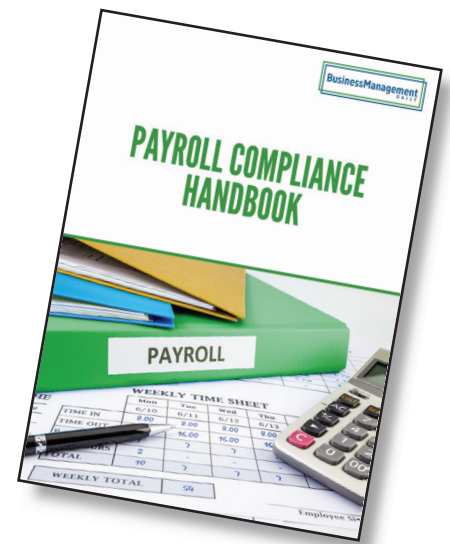
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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.



## Navigate easily to topics including:

- Complicated tax calculations
- Exempt classification
- Fringe benefit deductibility
- Independent contractor status
- Paying for on-call time
- Business expense reimbursement
- Saving on unemployment taxes
- Payroll record-keeping
- Handling the IRS without stress
- Everything you need to know about W-4 forms
- And dozens more critical topics!

*Over, please*

## We've Made Payroll Easy Again!

You will not find a more comprehensive payroll resource than the **Payroll Compliance Handbook**. The author, Alice Gilman, Esq., is our resident expert in payroll and tax compliance. Over the past 30 years, she's written and edited several leading payroll publications, including Business Management Daily's *Payroll Legal Alert*, the Research Institute of America's *Payroll Guide*, the American Payroll Association's *Basic Guide to Payroll* and the *Payroll Manager's Letter*.

### 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.

To stay ahead of the IRS, you need the bulletproof strategies found only in the **Payroll Compliance Handbook**. Get your copy now!



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