

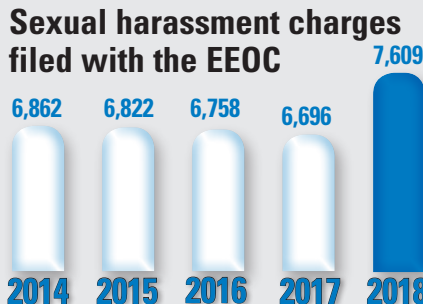
From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Positive tests for pot hit 14-year high. Last year, 4.4% of U.S. workers tested positive for marijuana in drug tests, up from 4.2% in 2017 and the highest level since 2004, says a Quest Diagnostic study of 10 million tests. The study also found that more employees are trying to cheat on their drug tests. One bright note: In 2018, positive tests for opiates, heroin and cocaine all declined from the year before. Read our free report, *Drugs at Work: What Employers Need to Know*, at www.theHRSpecialist.com/drugsatwork.

EEOC charges decline, but harassment claims soar. While the overall number of employee complaints filed with the EEOC fell 9% in 2018 (dropping to a 12-year low of 76,418 charges), complaints of sexual harassment spiked by more than 13% last year. *The message:* In this #MeToo era, harassment victims are more likely to speak up (and “lawyer up”). For tips on investigating harassment in your workplace, go to www.theHRSpecialist.com/credibility.



In this issue

- Overtime: New rules on calculating regular rate.....2
- From the Courts: ADA, severance, Supreme Court....3
- Employment law lessons from LEAP 2019.....4
- Memo to Managers: 5 essential questions for staff ... 6
- Expert Advisor: Does your team need a ‘charrette’?...7

Employee certifications: Should you pay?

Facing a wise-tight labor market, employers are pulling out all the stops to retain top talent. One increasingly popular tool is to cover or offset employees’ costs for their professional certifications.

A great majority of CFOs (94%) now say their companies foot the bill for some or all costs for employees to obtain and maintain industry certifications, according to a survey of 1,100 CFOs by consultant Robert Half (see chart).

Larger firms are more likely to help pay for certifications and the related training. A full 17% of smaller organizations (20-49 employees) say they don’t help with expenses for obtaining certifications, compared with just 3% of companies with 1,000 or more workers.

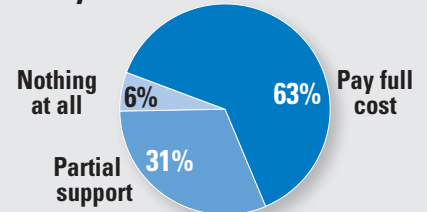
“For job seekers, continuing edu-

cation aid can set an employer apart,” says Steve Saah, executive director of Robert Half. “Organizations investing in employees’ growth show they value team members’ contributions and career progression.”

For employees, they believe certifications make them more valuable—and more able to attract a higher wage in the open market. In fact, the average certification can boost a

Continued on page 2

How much financial support do you offer for certifications?



Source: Robert Half survey, March 2019

Moving beyond carrot-and-stick motivation

The old carrot-and-stick approach to employee motivation just doesn’t fit today’s workplace—it’s for jobs that most Americans don’t do anymore.

As Daniel Pink notes in his influential book *Drive*, such blunt motivational tools “are good for simple, routine, rule-based tasks, like turning a screw the same way. But there’s 50 years of science that says it’s ineffective at creative, complex work.”

A better way to motivate: Give people more leeway to innovate and to configure their jobs so they produce the results you specify.

“Whether you’re fixing sinks, ringing up groceries, selling cars or writing a lesson plan, you and I need autonomy just as deeply as a



great painter,” writes Pink. But encouraging autonomy doesn’t mean discouraging accountability. Rather than hovering, managers and HR should presume people want to be accountable and then provide the “scaffolding” to help new employees find their footing.

Example of correct motivation:

Continued on page 2

Innovation retreats: Do they work?

Some employers are trying a new tactic in which the entire company shuts down for a week so every employee can focus on innovation and planning. Find a case study and the pros/cons of “organizational charrettes” on page 7.

Employee certifications

(Cont. from page 1)

base salary by 7.6%, according to a study by Foote Partners.

Businesses see benefits, too. Employers in the Robert Half survey cite these five main bottom-line benefits from this incentive:

- Increased productivity 41%
- Improved retention 30%
- Additional revenue 11%
- Succession planning 11%
- Information sharing 7%

One legal note about certifications: For your employees who do obtain certifications, licenses or other continuing-education certificates, it's wise to keep a copy in the employees' personnel file. And retain it after they depart your company.

Reason: It can help minimize your exposure to any future claims of negligent supervision, a risk that doesn't disappear immediately upon termination.

Carrot & stick motivation

(Cont. from page 1)

Atlassian, an Australian software company, hosts something called "FedEx Days" once a quarter on a Thursday afternoon.

The company's leaders tell software developers: Go work on whatever you want, with whomever you want. On Friday afternoon, show the rest of the company what you've done. (It's called "FedEx Days" because team members have to deliver something overnight.)

In just one day, employees have come up with scores of ideas for new products, fixes to existing products and other improvements. This initiative, Pink says, is telling workers, "Let me get out of your way, because you're a talented human being."

Remember: Creative, driven people got that way because their minds were challenged and unleashed. It's your job to keep that going.

Calculating overtime: DOL redefines what counts in 'regular rate' of pay

When calculating overtime, you must pay nonexempt staff at a rate of 1.5 times their regular rate of pay for work beyond 40 hours a week.

That's not 1.5 times their *hourly* rate. The regular rate includes hourly wages, plus certain bonuses, commissions, shift differentials and more. It doesn't include things like paid leave or employer contributions to 401(k)s.

For many years, however, employers have been uncertain about what exactly counts as part of the regular rate. And that confusion has discouraged some employers from offering more perks to employees. Now the U.S. Department of Labor has proposed changing the definition of "regular rate" for the first time in 50 years.

Good news: Under these DOL rules, many employers may find themselves paying a little less for overtime.

The DOL proposal confirms these items can be excluded from regular rate calculations:

- The cost of providing wellness programs, on-site specialists, gym access, fitness classes and employee discounts on retail goods/services.

- Payments for unused paid leave, including paid sick leave.
- Discretionary bonuses (*see box*).
- Benefit plans, including accident, unemployment and legal services.
- Tuition programs, such as reimbursement programs or repayment of educational debt.
- Reimbursed expenses, up to the federal travel system caps.

'Show-up' pay. Currently, employees who are sent home because they aren't needed are paid for their actual time worked. Sometimes they receive an extra payment just for showing up. Under the proposed rule, those additional payments *do not* have to be included in the regular rate of pay.

'Call-back' pay. This is extra compensation employees receive if they are required, without notice, to do extra work after a shift. Under the proposed rule, that supplemental pay may be excluded from the regular rate of pay.

Online resource Read the proposal at www.dol.gov/whd/overtime/regularrate2019.htm.



Which bonuses can be excluded from regular rate?

The new DOL proposal clarifies when certain types of contingent payments must be counted toward an employee's regular rate of pay when calculating overtime pay (*see above*).

But how do bonuses fit into this calculation?

Under current rules, a *nondiscretionary* bonus payment must be calculated into the regular rate of pay. The proposed rule makes it clear that true discretionary bonuses are excluded.

Employers often struggle to distinguish between discretionary and nondiscretionary bonuses. The proposed rule helps employers figure that out.

It says nondiscretionary bonuses are based on a prior promise, a contract

or an agreement; and they typically focus on achieving attendance, production, work quality and longevity goals. Nondiscretionary bonuses are incentive pay that employees strive to earn. They must be included in the regular rate.

For *discretionary* bonuses, what matters is whether the employer retains the right to pay or not pay the bonus up until very close to the time when it is paid. The employee doesn't have any expectation he or she will receive a discretionary bonus.

Examples of discretionary bonuses that don't count toward a regular rate of pay: employee-of-the-month bonuses, severance bonuses, spot bonuses for employees making extraordinary efforts or overcoming difficult challenges.



Stick to medical restrictions: No 'tough guys'

If a doctor tells an employee he can only return to work with a certain medical restriction on his activities, make sure that employee doesn't work beyond that limitation. If he does, you have the right to discipline or even terminate him.

The ADA doesn't require you to let disabled staff test the limits of their abilities in ways that may cause injury.

Recent case: After Garry had a hip replacement, his doctor restricted him permanently to sedentary work. So he left his job, which awarded

him total disability.

Two years later, he took a counter job at Steak 'n Shake, which required lifting of 30 pounds. He never mentioned his restriction. But he got hurt and doctors reinstated his original no-lifting restriction. He was fired.

He filed an ADA lawsuit, but the court tossed it out, saying the law "does not require an employer to permit an employee to perform a job function that the employee's physician has forbidden." (*Denson v. Steak 'n Shake*, 8th Cir.)

Legal Briefs

Beware assigning nonexempt tasks to exempt employees

Several exempt "managers" at a Texas restaurant filed a class-action overtime lawsuit, saying they should be viewed as nonexempt workers because they often also cooked and cleaned (nonexempt duties). The court let the case proceed because it was common to have exempt workers assigned additional nonexempt work beyond their job descriptions. (*Song v. JFE Franchising*, SD TX)

The lesson: You may open yourself up to an overtime claim by having exempt workers perform lots of non-exempt tasks outside of normal duties.

Without FMLA notice, no FMLA leave required

Michelle was fired after she left work without permission. She said she suddenly became ill. She sued, claiming she was denied FMLA leave. But the court tossed out the case, saying she had ample opportunity to tell a manager why she was leaving before she did. (*Stringfield v. Cosentino's*, 8th Cir.)

The lesson: Employees have to let their employers know when they need FMLA leave. They don't have to use the term "FMLA," but they have to pass on enough information so the employer can reasonably understand that's what the employee wants.

Revoking an accommodation for no reason: a \$22M error

For six years, a Florida hotel gave a dishwasher Sundays off to attend church services. But a new manager put her back on the Sunday schedule. When she complained, she was fired for unexcused absences. She filed a religious discrimination and retaliation lawsuit and won \$35,000 in back pay and \$22 million in punitive damages. The hotel is expected to appeal. (*Pierre v. Park Hotels*, SD FL)

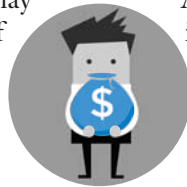
The lesson: Never revoke an accommodation unless you have a rock-solid, lawyer-approved reason.

Giving severance doesn't admit wrongdoing

It's fairly common for employers to give departing workers a severance package in exchange for the promise not to sue. But some workers may see that offer as an admission of some sort of wrongdoing that the employer believes it needs to preempt. But there's little chance such an argument will succeed in court, as long as the offer is consistent with usual practice.

Recent case: Akin, a factory manager, was placed on a performance improvement plan. When he didn't

improve, he was offered a severance in exchange for his resignation. He rejected the offer and was fired.



Akin, who is black, sued, alleging race discrimination. He tried to argue that the mere fact he had been offered a severance package to resign was proof the company admitted it had done something illegal.

The court rejected that idea, mainly because severance offers were common at the company. (*Akinlawon v. Overhead Door*, MD PA)

U.S. Supreme Court: 3 key HR cases

The U.S. Supreme Court's current term ends in June. Two important employment law rulings before then:

Pro-business ruling on arbitration. In an April 24 decision, the Supreme Court said employees cannot demand class-wide arbitration unless the agreement with their employer explicitly allows it. It's a victory for employers that have common arbitration agreements that invoke arbitration to resolve disputes, without stating class arbitration in that mandate. (*Lamps Plus, Inc. v. Varela*)

Title VII procedure. At issue: whether employers must point out that the employee failed to exhaust

all administrative remedies at the time the lawsuit is filed, or whether it can do so at any time. The lower court said the employer lost its right to raise the defense once the case went to court. Other circuits have ruled otherwise. (*Fort Bend County v. Davis*)

Next up: Anti-gay bias, gender identity. At issue: whether Title VII of the federal Civil Rights Act bars job discrimination on the basis of sexual orientation. Circuit courts have ruled in different ways. Look for the court to rule on this key issue during its 2019-2020 term. (*Zarda v. Altitude Express*, *EEOC v. Harris Funeral Homes* and *Bostock v. Clayton*)

Hundreds of HR professionals gathered in Las Vegas on April 3–5 for the HR Specialist’s 15th annual Labor & Employment Law Advanced Practices (LEAP) Symposium. (Find details about LEAP 2020 at www.LEAP-2020.com.) Here are some bits of employment-law wisdom from the 30 speakers:

1. Hiring The legal risk of high-tech screening

“A lot of algorithms that screen out applicants were created by white, young men, so they can sometimes favor applicants who are young and white. That’s why it’s best to have humans review decisions, too, not just artificial intelligence.” – *Carrie Hoffman, Foley Lardner, Dallas*

2. Lawsuits Settle a lawsuit or fight it?

“Never think that your attorney’s suggestion to mediate or settle a case means they’re not doing their job. That’s probably the best big-picture financial decision for your company.” – *John Doran, Sherman & Howard, Phoenix*

3. Marijuana For many, testing policies go to pot

“With the confusing patchwork of federal and state laws on the marijuana issue, a lot of employers are just giving up. They’re throwing up their hands and not drug testing anymore. It’s a real challenge for employers.” – *Dan Kaplan, Foley Lardner, Madison, WI*

4. Arbitration Why Google changed its policy

“At Google, when we did away with forced arbitration, it lifted the veil to allow employees to feel safe and to get a fair shot at having a full investigation.” – *Nami Russom, HR Business Partner, Google People Operations, Mountain View, CA*

5. Terminations Firings shouldn’t be a surprise

“You don’t want people being surprised by terminations. If they are, they may think it’s because of the FMLA leave they took or the safety complaint they made. That’s why you should give people plenty of opportu-

Have the tough conversations early



“You sort of know within a few months whether someone is going to work out. That’s why it’s important to have conversations early like ‘Do you need more training?’ and ‘Here’s what we expect from you.’ ... And if it doesn’t

work out, cut ties sooner rather than later. The longer employees stay on without feedback, the more legally dangerous it is.” – *Jennifer Trulock, Baker Botts, Dallas*

MeToo 2.0: More equal-pay complaints



“Most people think about the MeToo movement in terms of sexual harassment. But the next major impact is going to be about how it impacts equal pay. I would put that on your radar. Review what people are making in similar jobs and then ask the difficult question of ‘Why is it different?’” – *Randy Freking, Freking, Myers & Reul, Cincinnati*

nities to improve, and then document those efforts.” – *Dick Brann, Baker Botts, Dallas*

6. Immigration Don’t get burned by ICE

“ICE [U.S. Immigration & Customs Enforcement] wants employers to fear them the same way that employers fear the IRS. And the way ICE is doing that is with a huge increase in I-9 audits the past few years.” – *John Fay, LawLogix, Phoenix*

7. Policies Say no to ‘no pay talk’ rules

“You can’t make blanket policies saying employees aren’t allowed to discuss their pay. That’s something I still get a lot of questions about. Employers want to make rules like ‘You’re not going to get your bonus unless you agree not to talk about it.’ You can’t do that.” – *Jennifer Trulock, Baker Botts, Dallas*

8. Employee leave How much is too much?

“There’s no magic number about how much leave you have to offer employees. It depends on the employee, the position and your business. But most courts agree that indefinite leave is not reasonable.” – *John Doran, Sherman & Howard, Phoenix*

9. Harassment It’s time for a culture check

“It doesn’t matter how much you pay employees. If you have an environment that is hostile and toxic, they’re not going to stay. And that’s especially true today when jobs aren’t hard to find ... We’ve got to stop just talking only about the liability side of harassment and start talking about changing the cultural side.” – *Jared Pope, founder, Work Shield*

10. FMLA Accept ‘early’ FMLA requests

“Don’t shut the door on people who come to you before they’re eligible for FMLA. Employees can request FMLA before they reach the year or the hours limit. They just can’t start the leave until after.” – *Suzanne Martin, Ogletree Deakins*





Comments on overtime rule accepted until May 21

Interested parties have until May 21 to submit comments on the U.S. Department of Labor's proposal to raise the white-collar salary threshold to \$35,308 per year (up from the current \$23,660). Look for a final rule later this year, with the new threshold to take effect by Jan. 1, 2020 at the earliest. Learn more about the proposal and find a link to comment at www.theHRSpecialist.com/overtime.

EEO-1 pay data could be due Sept. 30

The EEOC is planning a Sept. 30 deadline for larger employers (over 100 employees) to hand over EEO-1 data that cites how much they pay employees, broken out by race, ethnicity and sex. The deadline was proposed in a court filing demanded by a federal judge who ordered the EEOC to begin collecting the EEO-1 data. The EEOC is still planning to require employers to complete the usual EEO-1 data by May 31 (number of employees, broken out by job category, race, ethnic-

ity and sex). They will have another four months to submit pay data, the EEOC told the court.

Employee mental health issues: Tap into new DOL resource

Have questions about how to handle workers with mental health issues? The U.S. Department of Labor just launched an online Mental Health Toolkit, which provides tools employers can use to support employees dealing with mental health problems. Studies show that one in five workers experience some kind of mental health issue each year. Find the toolkit at www.askearn.org/mentalhealth.

Study: Employer health costs to grow at 4.8% annual rate over decade

Employers can expect their health care spending to grow at 4.8% each year between now and 2027, according to new estimates from the federal government's Centers for Medicare and Medicaid Services. That's a faster rate of growth than employers have experienced in the past 10 years.

HR Q&A

Employee wants to reduce her hours for 'personal' reasons: Must we allow it?

Q. An hourly, full-time employee asked to reduce her weekly work hours for personal reasons. Do we have to accommodate her? — Anonymous

A. Probably not, depending on what is meant by "personal reasons." For example, if the reason is a disability, granting her request for a reduced schedule might be required as a reasonable accommodation. If she needs that time to care for a sick family member, she may be entitled to a reduced schedule under the FMLA. But if it's just personal preference, you are under no obligation to grant her request. But in an era of low unemployment, you may wish to do so—at least on a trial basis.

I-9 paperwork: How should employer handle an odd starting date?

Q. Management wants new hires to start on Wednesdays, instead of Mondays, but still pay them for Monday and Tuesday. But I-9s must be completed within three days of hire. So if new hires don't bring their ID documents on Wednesday, would we have to terminate them and send them home? — J.T., Arizona

A. This approach is problematic. For both I-9 and new-hire-reporting purposes, the date of hire is the first day an employee is put on the payroll, which in your

case is Monday. You could also run into wage-and-hour problems if employees are nonexempt. The safest course is to keep their first day of work as Wednesday, but instead of paying them for Monday and Tuesday, pay bonuses later.

Does a worker's LLC status automatically create independent contractor relationship?

Q. An outside worker set himself up as a limited liability company (LLC). Does that LLC designation make it safe to classify and pay him as a 1099 independent contractor? — Kary, Florida

A. It is certainly helpful to the independent-contractor analysis to deal with business entities, such as the LLC described above, as opposed to hiring individuals. However, it is still the overall relationship—not just the corporate designation—that will determine if people are considered contractors or employees (or jointly employed by you). The more control you have over their work and schedule, the more likely they'll be employees.

Online resource Learn about the Trump administration's revised six-factor test for determining contractor status at www.theHRSpecialist.com/6factor.

Do you have a question? If so, you can email it to The HR Specialist at HRSEditor@BusinessManagementDaily.com.

To: _____
 From: _____

Date: May 2019
 Re: Questions to ask employees

Engagement 5 essential questions to ask your employees

With the economy running at full steam, employees are finding it easier to walk away from jobs in which they don't feel engaged or appreciated.

That puts more pressure on managers to reach out to employees—especially new ones—to identify those pain points *before* employees leave for greener pastures.

Don't wait until you spot performance problems or the telltale signs of disenchantment. Take time to regularly sit down with workers to ask questions that get to the heart of their role with the company. Here are five essential questions to ask, as suggested by Fierce Conversations, a business consulting company:

1. What difference do you want to make here?

The act of asking it alone recognizes that a leader does in fact believe the employee *can* make a difference. It gives the employee the opportunity to think, perhaps for the first time, about the answer.

This can help build a greater con-

nection to their purpose and to the purpose of the organization, and ideally drive them toward greater success in their current role and beyond.



2. How do you like to be recognized/rewarded?

Sometimes employees prefer a personal, in-person recognition vs. something more public. And while a bonus is nice, some on your team would want a few extra days off instead.

Understanding what motivates your employees on a personal level will ensure you can use these forms of reward to continue to get results.

3. What is something that you feel is holding you back?

This is a loaded question, but it's worth asking. It quickly gets to the

heart of any issues in a way that opens up the conversation to a number of possible barriers to success.

Your job is to take these answers and try to smooth the way for that employee to be even more productive and self-aware. It is critical for you to be able to ask many probing questions, even focusing on "What else? What else? What else?"

4. What would you like to be doing two months from now?

Two months isn't long, but it is enough time to set short-term, attainable goals. These answers can help focus an employee—whether it be greater work/life balance or finishing a project on the back burner.

5. Do you feel you have successful work/life blending?

This question is different than simply asking if your employee has a good work/life balance, and the subtle wording is key. Blending is a different way to look at it. The key here is to ensure that they feel supported in what they have created, or possibly, need to create.

A dozen more questions to ask new hires in first month

Managers need to be especially conscious about reaching out to their newest employees to make sure they're comfortable. That's why it's wise to sit down with new hires during their first month to uncover problems that could cause turnover. Here are a dozen questions you can ask:

1. What do you like about the job and the organization?
2. What's been going well? What are the highlights of your experiences so far? Why?
3. Do you have enough, too much or too little time to do your work?
4. How do you see your job relating to the organization's mission?
5. What do you need to learn to improve? What can the organization do to help you become more successful in your job? (If you ask this, prepare to follow up with action.)
6. Compare the position and organization to what we explained it would be like.
7. Which co-workers have been helpful since you arrived? (Goal: See who can be influential in retaining the person.)
8. Who do you talk to when you have questions about work? Do you feel comfortable asking?
9. Does your supervisor clearly explain what the organization expects of you?
10. Do you believe your ideas are valued? Can you give examples?
11. How well do you get along with co-workers?
12. Have you had any uncomfortable situations or conflicts with supervisors, co-workers or customers?

Tip: Finish the talk by asking if they have any questions for you or suggestions on how the job can be managed better.



Should your company close for a week to innovate, plan?

Developing a culture of true innovation and creativity within an organization is no easy task. Even if a leader advocates for employees to be creative and pursue new ideas, organizations rarely allocate time and resources.

Enter the “organizational charrette,” a new management practice in which the entire company closes shop for one week so every employee can focus on innovation and future planning.

Charrettes are magical. They provide time for deep intellectual exploration of matters significant to the success of the firm. They also provide the space and time for innovation.

The word *charrette* is French for “cart,” referring to a practice in 19th century French architectural firms in which students would work up until a deadline, at which point a charrette would be wheeled to collect up their scale models.

Today, companies all over the world use it to describe an innovative period in which a team creates pioneering solutions and tackles complicated problems. These periods are being shown to improve productivity, innovation, employee retention and internal relationships within companies.

We undertook an experimental charrette to test its effectiveness. Here’s how our little “lab experiment” looked:

- Every person works alone or in groups to complete one new innovation for the firm. They formulate the idea far in advance, presenting the project first to the partners and then to the organization to ask for feedback, explain how they will approach working through the charrette, and what goals the idea will accomplish.
- During the charrette week, the entire staff meets for lunch on Wednesday to check-in and discuss problems and pain points.
- The week ends with each individual or group presenting their project and receiving questions and feedback from the entire organization.

Our first charrette’s goal was to test the effectiveness: Does only focusing on one idea for a week facilitate a deeper, stronger innovation? How does the individual or group view their relationship

with the project (and company) over the week? How difficult will it be to follow through on each project?

To answer these questions, we suggest you collect data from every employee in the form of an initial

survey at the start of the week, daily feedback forms and a final debrief at the end. After the charrette is long over, track the progress of each project on a quarterly basis, and reallocate resources

for projects that are lagging. This way, projects are seen through fully, and don’t only live for a week.

If a leader’s goal is to cultivate creativity and innovation within their organization, the charrette may be the perfect tool. Each person gets the time, resources and support to make a personal contribution, which strengthens the bond between each team member and the organization.

A so-called ‘organizational charrette’ allows for deep intellectual exploration and gives all employees the space and time for innovation.

Laura Freebairn-Smith is a partner at the Organizational Performance Group and she teaches at the Yale School of Management.

The most powerful companies have their own training newsletters. Now you do too.

The HR Specialist can now be branded, and even customized, for your organization.

Paul Legrady (703) 905-4516
plegrady@businessmanagementdaily.com



STAFF

Editorial Director: Patrick DiDomenico, (703) 905-4583, pdidomenico@BusinessManagementDaily.com

Publisher: Phillip Ash

Associate Publisher: Adam Goldstein

Contributing Editors: Anniken Davenport, Esq., Rob Lentz, John Wilcox, Cal Butera

Customer Service: customer@BusinessManagementDaily.com, (800) 543-2055

Volume 17, Number 5

Printed in the United States.

The HR Specialist (ISSN 1545-360X) is published monthly by Business Management Daily, 7600A Leesburg Pike, West Building, Suite 300, Falls Church, VA 22043-2004, (800) 543-2055, www.theHRSpecialist.com. Annual subscription price: \$299.

© 2019, Business Management Daily, a division of Capitol Information Group, Inc. All rights reserved. Duplication in any form, including photocopying or electronic reproduction, without permission is strictly prohibited and is subject to legal action.

For permission to photocopy or use material electronically from *The HR Specialist*, please visit www.copyright.com or contact the Copyright Clearance Center Inc., 222 Rosewood Dr., Danvers, MA 01923, (978) 750-8400. Fax: (978) 646-8600.

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal service. If you require legal advice, please seek the services of an attorney.

Opioid crisis affects three out of four employers

While 75% of U.S. employers have been directly affected by opioids, only 17% feel extremely well prepared to deal with the issue, according to a new National Safety Council survey. Only 60% of employers have policies requiring employees to notify their employer when they are using a prescription opioid. For a free National Safety Council guide to help employers manage opioid misuse at work, visit www.safety.nsc.org/rxemployerkit.

A low-cost, feel-good perk: CPR & first-aid training

Many employees, especially those with young children, will place a high value on employee training of CPR and first aid. The Red Cross will send instructors to your location, supply all the equipment and do the training at a time that's convenient for you. They require a minimum of eight people for on-site training. Added benefit: your organization is creating a safer workplace when several employees know CPR.

Inexperienced youngsters make up more of workforce

A surging economy has brought more young people into the workforce. The percentage of workers age 20 or older who had one year or less of tenure with their current employer increased from 17.4% in 2010 to 20.5% in 2018, according to research by the nonprofit Employee Benefit Research Institute. The rise coincides with a historically low unemployment rate.

Employer pay transparency becoming less common

About half (47%) of organizations say they provide employees minimal information about others' salaries and how compensation is set at the organization. This indicates employers are less transparent these days about their pay structures, says a new WorldatWork study. That's a mistake, the study concluded, noting that, "People want to know how to succeed in organizations and that starts with understanding how compensation programs are designed and administered."

Variable pay grows in popularity

A great majority of employers (91%) use some form of variable pay to reward employees or encourage better performance, according to a new WorldatWork survey. Here are percentages of U.S. employers using various types of variable pay:

Bonuses

93%

Recognition awards

69%

Performance awards

68%

Individual incentives

40%

Profit sharing

24%



Did your workers prepare taxes on company time?

The office grind can be taxing on employees. But for many workers last month, those hours included doing their personal income tax preparation. Forty-three percent of workers surveyed by Accountemps said it's common for employees at their companies to prepare their taxes during business hours.

People rarely appeal denied insurance claims

People with health insurance only appeal a tiny share of denied insurance claims, according to a Kaiser Family Foundation analysis of claims data. In 2017, consumers filed appeals on about 200,000 of more than 42 million denied claims. On average, appeals resulted in a reversal of the initial denial in 14% of cases.



"Engaging, informative and fun!"
- Kim Stanley,
Penske Automotive

HR Specialist Summit

September 4-6, 2019 • MGM Grand • Las Vegas, NV

Finally, the interactive HR conference you've been waiting for! Join your peers at the Summit!

Tired of those huge HR conferences where you return with a few notes and aching feet? At *The HR Specialist Summit*, you'll learn from—and interact with—America's top HR management and employment-law experts.

20+ sessions • Strategic & Compliance Tracks • 13 expert speakers •
16 HRCI/SHRM credits • Free pre- and post-conference workshops •
Breakout sessions • Spectacular location • \$500 in Free Gifts • & More!

Register Today: HRS-Summit.com or (800) 543-2055

Is there anything more dangerous than crossing the IRS?

Payroll Compliance Handbook

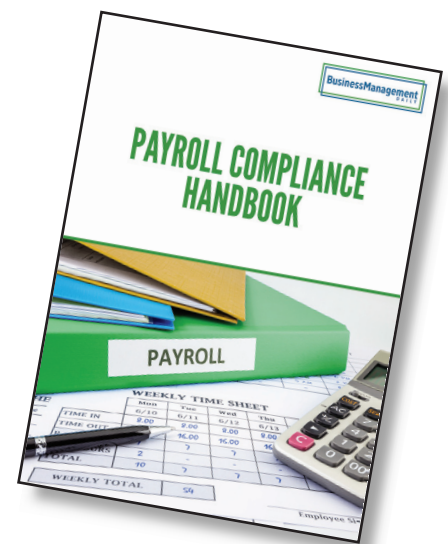
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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

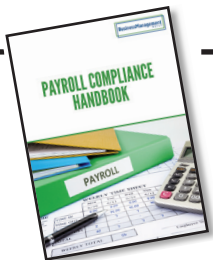
We've Made Payroll Easy Again!

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!



SPECIAL REPORT ORDER COUPON

YES! I want to make my payroll practices easy again.

Please send me ___ copy(ies) of the *Payroll Compliance Handbook* at the low rate of \$127 per copy, plus shipping and handling.

Payment options:

- Check enclosed. (Payable to: *Business Management Daily*)
- Please charge my credit card:
 - Visa MasterCard AmEx Discover

Card # _____ Exp. Date _____

Signature _____

Name _____
(please print)

Company _____

Address _____

City _____ State _____ ZIP _____

Daytime Phone () _____ Fax () _____

Email _____

(We will never sell your email to other companies.)

PLEASE DETACH AND MAIL TO: Business Management Daily, P.O. Box 9070, McLean, VA 22102-0070.

Please allow 3 weeks for delivery.

**PRICE PER COPY:
\$127**

Number of copies	\$
Add \$6 S&H per copy	\$
VA residents: Add 5% sales tax	\$
TOTAL ORDER	\$

Payable in U.S. dollars

BPCH

**SPECIAL OFFER
YI1788**

4 Easy Ways to Order

WEB:
www.BMD.biz/PayComp2

CALL:
(800) 543-2055
8:30am – 6pm ET

FAX:
(703) 905-8040

MAIL:
Use the order coupon below and enclosed postage-paid envelope

**100%
MONEY-BACK
GUARANTEE!**

If you are not completely satisfied with *Payroll Compliance Handbook*, just return it within 30 days of receipt and your money will be refunded in full.