

To:

# The HR Specialist

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Last call:  
The #1 HR law  
conference: March 25-27  
at ARIA in Las Vegas! see p. 8

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

**Start using the revised I-9 form by May 1.** The U.S. Citizenship and Immigration Services last month issued a new version of the I-9 form that employers must complete to verify each new hire's work eligibility. The new version carries a date of "10/21/2019" in the lower left and an expiration date of Oct. 31, 2022 in the upper right corner.

You can still use the old I-9 form (with 07/17/2017 in the lower left) up until April 30. Starting May 1, you're required to use this new version.

What's new on this I-9? Only minor clarifications on the acceptable I-9 documents and who can act as an authorized representative for the employer.

**Online resource** Access the new I-9 form at [www.uscis.gov/i-9](http://www.uscis.gov/i-9). To learn about the changes to this version, read the LawLogix blog at [www.tinyurl.com/I-9changes](http://www.tinyurl.com/I-9changes).

**Pandemic planning: Is your workplace ready?** It's still unclear whether the China-based coronavirus will become a worldwide pandemic. But proactive employers are taking steps now to educate and protect their employees—and to review their policies related to attendance, pay, medical testing and more.

For advice on how to plan and prepare, go to [www.theHRSpecialist.com/coronavirus](http://www.theHRSpecialist.com/coronavirus). For advice on prevention and a status on the outbreak, go to [www.cdc.gov/coronavirus](http://www.cdc.gov/coronavirus).

### In this issue

From the Courts: Retaliation, FMLA.....	3
Washington Report: Child labor, EEOC, hair bias.....	4
HR Trends: Cover letters, financial perks, priorities....	5
Memo to Managers: The culture checklist .....	6
FYI: Applications, training, interviewing.....	8

## Cut lawsuit risk: Track customer complaints

Managers and HR have been told numerous times to document the pros and cons of employees' performance and behavior. But a recent court case points out another key way to prevent liability: If customer complaints could have an impact on your pay, discipline or termination decisions, make sure you also have a reliable method for documenting them.

Include as much detail as possible and document the employee's response. Also, be consistent in your documentation. You want to avoid a situation in which discharged employees can argue that you ignored customer complaints for years before suddenly using them to justify firings.

**Recent case:** Bob, a commissioned medical sales rep, was good at sales but decidedly less successful in the



*If customer complaints could impact discipline, termination or pay decisions, have a system to document and track those complaints.*

customer service part of his job. Bob's manager received four complaints from hospitals and doctors, calling Bob "rude and obnoxious" and saying he "lacks professionalism."

Bob was put on a performance improvement plan, but the complaints kept rolling in. A second PIP followed after a customer told the supervisor that the company would "be better off with a dead body as a sales rep."

The company finally terminated Bob. He sued, alleging age bias. But

*Continued on page 2*

## Mandatory severance: Coming to your state?

New pro-employee workplace initiatives typically take a long time (and effort) to get approved in the first state. But once they break through, other states seem to jump on the bandwagon quickly.

That may be what happens with the idea of guaranteed severance pay after New Jersey last month became the first state to mandate severance after a mass layoff.

The New Jersey law says workers at larger companies (100 or more employees) who suffer "mass layoffs" (more than 50 people) must now be paid at least a week's wages for every year of employment. Plus, if employees aren't given

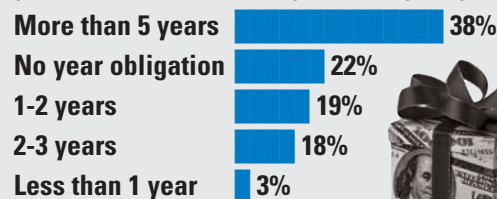
the required 90 days' notice of a layoff, they must receive an extra four weeks of pay. The new law kicks in July 20.

**Outlook:** Expect more worker-friendly state legislatures to find favor

*Continued on page 2*

### Who's eligible for severance?

In a survey of 1,500 HR pros, **44% say all** of their employees are eligible for severance after an involuntary separation. Of those 56% who say "some" employees are eligible, how many years of service must they have to qualify?



Source: RiseSmart 2019 survey



## Track customer complaints

(Cont. from page 1)

the court dismissed his case, saying Bob's employer had carefully documented each complaint and gave Bob the opportunity to improve. (*Holly v. Stryker Corp*, ED PA)

### 5 documentation tips

Managers' documentation could wind up as evidence in court. Make sure their notes are:

**1. Dated.** Also, if it pertains to something discussed with the employee, he or she should sign it.

**2. Understandable to a third party.** Omit slang, shorthand and uncommon acronyms.

**3. Contemporaneous.** Discipline reports appear fishy if they're written weeks or months after an incident.

**4. Accurate and supported by facts.** It's not enough to write, "Steve is lazy." Documentation should specifically explain what makes him not get his work done.

**5. Consistent.** If you document something for employee A, do the same for employees B, C and D.

## Mandatory severance

(Cont. from page 1)

with this idea.

With the economy running hot, more employers are offering severance packages as a recruiting and retention tool. Among employers offering severance, a full 44% now offer those perks to *all* employees, up 6% from 2017 (see box, page 1).

**Take note:** Even if your state doesn't mandate severance, you may be legally required to offer it to an employee if your company has a history of giving severance to other workers in the same (or substantially similar) positions.

**Final note:** It's not enough to just track *federal* actions. With Congress in gridlock and federal regulators showing a more pro-employer leaning in this administration, states have become more active pushing workers' rights initiatives.

# 'Future proof' your workforce: Hire for today, upskill for tomorrow

In this vice-tight labor market, employers cannot afford to simply hire workers based on skill and then hope they grow based on the experience they gain.

For starters, today's workers expect their employers to support their development. A 2019 Randstad survey found that almost two thirds (64%) of working professionals believe their employers would provide development opportunities and expected to receive training during the year.

The training that employees expect through employer-sponsored programs: training specific to their roles (47%), technical skills (44%), soft skills (42%) and management skills (34%).

To support this strategy, more employers are looking to hire workers based on *potential*, rather than just education and experience. According to the Society for Human Resource Management, this has led to the growing use of pre-hire predictive assessment tools to spot candidates with the best aptitude, fit and potential.

While pre-hire assessments were once mainly used for mid-level and executive leadership jobs, today they're often used for entry-level and hourly positions. Two popular screens: job simulations and culture fit.

### Upskilling and reskilling

Employers are getting the message that "grow on your own" is not a wise employee development plan.

In Randstad's 2020 Talent Trends report, nearly half of employers (48%) said they plan this year to use upskilling—training current staff on additional workplace skills—to help address the talent shortage. Another 38% plan to use reskilling—training workers on skills to take on different roles—as an important measure for deploying at-risk employees to different positions.

Much of this training is triggered by the digitization and automation that has caused huge shifts in many industries.

*Examples:* Schneider Electric, an equipment manufacturer, created a "digital citizenship" program that aims to help staff become more digitally fluent as the company transforms. In addition, some companies are creating "chief reskilling officer" positions to focus attention on this need.

### Don't forget the soft skills

While STEM and AI skills are certainly needed, employers say soft skills are truly valued in this high-tech world—and they're the same skills that too many candidates lack.

According to a recent SHRM survey, 37% of HR professionals say problem-solving, critical thinking, innovation and creativity are the top skills that job candidates lack. That's followed by the ability to deal with complexity and ambiguity (32%), trade skills (31%) and data analytics (20%).

**Online resource** One of the best ways to tell if applicants have certain soft skills is to ask how they've used those skills in the past. You'll find 30 sample questions that can help spot 10 important soft skills at [www.theHRSpecialist.com/softskills](http://www.theHRSpecialist.com/softskills).



### 5 ways to nurture talent

- 1. Establish milestones** for high-potential talent that can be used to determine when and how to provide development support.
- 2. Understand employees' professional goals** and dedicate resources to helping them achieve those goals.
- 3. Use business intelligence** and data aggregators to help you plot a course of reskilling and upskilling.
- 4. Partner with learning institutions** and nonprofit organizations for long-term learning resources.
- 5. Document your successful training** and development strategies. Then use those insights to support your employee value proposition (EVP).

Source: Randstad Talent Trends report



## If HR rep is fired for pursuing an investigation, that can be illegal retaliation

It's part of your job to investigate employees' claims of harassment or discrimination. But what happens if you are punished by higher-ups simply for pursuing such an investigation?

HR professionals have protection against voicing (and advocating for) their employees' legitimate claims of bias or harassment. And any such adverse action you receive could trigger a retaliation claim.

As the EEOC says, "if retaliation for such activities were permitted, it would have a chilling effect upon the willingness of individuals to speak out against employment discrimination."

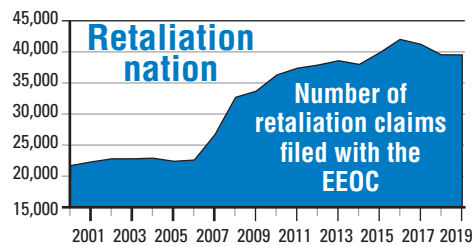
**Recent case:** Allen worked in HR for a city government. A female employee told him she'd been sexually harassed and that the harasser worked in HR. Allen launched an investigation and the alleged harasser resigned.

But it didn't end there. Allen says his supervisor in HR made work as

difficult as possible for months afterward, and he eventually fired Allen after he refused pressure to quit.

Allen sued, alleging he'd been fired in retaliation for investigating the harassment complaint, and the court sent the case along to a trial. (*Henderson v. City of Round Rock*, WD TX)

**Final note:** Some supervisors mistakenly believe it's legally safer to prod an employee into quitting, rather than firing him. Not true. Remember, courts can treat such "constructive discharge" cases the same way as if the employee was fired.



Source: EEOC

## Know the best weapons to defeat an employee's 'FMLA shield'

Workers commonly believe they can't be fired or disciplined while they are out on FMLA leave.

But their faith in the absolute protective power of the FMLA is misplaced.

Employees can be disciplined, demoted or discharged during FMLA leave as long as the adverse action had nothing to do with the fact that they exercised their FMLA rights. Employees are especially vulnerable if a termination was in the works before FMLA leave was even requested.

The best way to defeat an employee's "FMLA shield"? Produce contemporaneously written documentation showing where you were in the firing process when the employee requested or took leave.

**Recent case:** Michael filed an

FMLA interference lawsuit after being fired from his management job while he was out on FMLA leave.

But the company presented the court with documents showing each stage of the discharge process, including emails that pinpoint the date when it made the final termination decision. That happened *before* the date Michael submitted his FMLA request or the company knew of his need for leave.

The court tossed out his lawsuit, saying employers are free to fire employees on FMLA leave if it's clear they would have done so anyway. (*Ibezim v. The GEO Group*, 11th Cir.)

**Online resource** For advice on the legally smart way to create ongoing performance logs for employees, go to [www.theHRSpecialist.com/log](http://www.theHRSpecialist.com/log).

## Legal Briefs

### Prior service counts toward FMLA eligibility

A Louisiana company refused to give FMLA leave to an employee, saying she didn't reach the one-year-of-service eligibility minimum. She sued, saying the company failed to count the initial months that she worked as a temporary employee through a temp agency. The court agreed and ordered the company to pay \$27,000 in lost earnings. (*Imperial Trading Co.*)

**The lesson:** The one-year requirement doesn't have to be met by a single, uninterrupted 52-week period. It can be satisfied by adding together work performed for a temp service or service interrupted by some other reason.

### Note the exact date and time of your firing decisions

A medical practice decided to fire a doctor and made note of its decision. Soon after (but before learning she was fired) the doctor filed a discrimination complaint. After being fired, she sued for retaliation. The court said there was no retaliation because documents showed the firing decision was made before the complaint. (*Story v. Our Lady of the Lake Group*, 5th Cir)

**The lesson:** Always document the exact date and time you decide to fire employees, not just the date that you pull the plug.

### Female manager's 'sex scoreboard': 95,000 to 0

A male Chipotle employee complained to the EEOC that his female boss grabbed his buttocks and offered to pay him for sex. She even kept a "scoreboard" in her office to tally employees' sexual exploits. Instead of going to trial, Chipotle agreed to settle the case for \$95,000. (*EEOC v. Chipotle Mexican Grill*, ND CA)

**The lesson:** Don't brush off complaints from men about women. The fact is, about 16% of sexual harassment complaints are filed by men about female harassers.



## Child labor: Pay attention to state laws, which can be much stricter than federal

In a hot economy, teen workers are in high demand, so many of them are working extra hours. But make sure that your managers know exactly what your state law (not just federal law) says about the maximum number of hours that teens can work.

**A cautionary tale:** Chipotle restaurants in Massachusetts just paid a \$1.2 million fine for overworking their teen staffs. The state found that 16- and 17-year-olds regularly worked more than the state maximum—nine hours per day and 48 hours per week. (Federal law sets no cap on the hours that 16- and 17-year-olds can work.) Learn your state’s laws at [www.youthrules.gov/law-library/state-laws](http://www.youthrules.gov/law-library/state-laws).

## Retaliation is still most frequent EEOC charge

U.S. employees filed more than 76,000 charges of on-the-job discrimination with the EEOC in 2019, down more than 20% from just three years ago. But one trend continues to increase—the number of employees who allege that their employer retaliated against them for reporting or complaining about some form of discrimination. Last year, more than half (54%) of EEOC charges by employees included a charge of retaliation, an all-time high.

Retaliation charges are easier to win in court—employees don’t need to prove discrimination, only that they were harmed in some way (demotion, dis-

cipline, pay cut) for voicing the complaint. Read our 16-page report on how to avoid retaliation claims at [www.theHRSpecialist.com/retaliationtrap](http://www.theHRSpecialist.com/retaliationtrap).

## Hair-bias laws expanding into the local level

Maryland’s most populous county (Montgomery) last month became the first county in the nation to establish a law that bans employment discrimination based on a person’s hairstyle. California, New



York and New Jersey have passed statewide protections. Meanwhile, Colorado, Minnesota, Oregon, Virginia and Washington are among the states considering their own bills. Employers often get into trouble with this issue by setting policies that require “professional” dress and hair, and then punishing for hairstyles like afros, braids and twists that people of African descent may wear.

## Study: More employment lawsuits are winning class-action status

Employees managed to convert individual lawsuits against their employers into class-action claims at a record-breaking clip in 2019, according to the Seyfarth Shaw law firm’s annual report. Employees’ lawyers achieved the highest rate ever of certification of class actions since the study began more than 15 years ago: 81% of wage-and-hour cases won class-action status, while the rate was 65% for ERISA cases and 64% for discrimination.

## HR Q&A

### How long is *too long* to retain staff records?

**Q. Is there any legal liability for keeping employee records for too long? What if we are audited and we have old employee files from 15 years ago?**

— *Anonymous, Texas*

**A.** There’s probably not a risk. Keeping records in and of itself is not unlawful. Keeping records that you don’t need could eventually lead to concerns if the private information in those records becomes the subject of a security breach.

### When are achievement awards tax free?

**Q. A new company program recognizes employees’ community service with a \$500 check. Does this check need to be taxed or does it fall under achievement awards, since it’s less than the \$1,600 limit?**

**A.** The \$500 is fully taxable to the employee. Employee achievement awards are tax free to employees, but the achievement must qualify as either a safety achievement

award or a length-of-service award. Here, the achievement is for community service, which isn’t work related. And even if the award was for safety achievement or length of service, it would still be taxable, because it’s cash. Tax-free awards must be tangible property, like that watch you receive on your 25th work anniversary.

### Which W-4 form should rehires complete?

**Q. We hired a college student part-time during the holidays. We’re planning to rehire him over spring break and again during the summer. Can we still use his 2019 W-4 or must he refile the 2020 form?**

— *D.K., Virginia*

**A.** The IRS now says rehires must file the 2020 form. This is a departure from the old rule, which allowed you to use a rehired employee’s old W-4, provided the company had not completely severed ties with the employee.

*Do you have a question? If so, you can email it to The HR Specialist at [HRSEditor@BusinessManagementDaily.com](mailto:HRSEditor@BusinessManagementDaily.com).*

## Cover letters: Are they still necessary in 2020?

With more organizations moving to online applications, is the traditional cover letter outdated—and do employers care?

A ResumeLab survey found that 83% of HR professionals and recruiters say cover letters are still an “important component” of the hiring decision. In fact, 83% of respondents said a great cover letter can secure an interview even if the person’s résumé isn’t good enough.

**Do employers require them?** For jobs with direct applications process (for instance, through an email), a cover letter is required 64% of the time. For jobs advertised via automated tools (i.e., job boards), 61% of recruiters required cover letters.



**72%** of recruiters expect to receive cover letters even if they’re “optional”

However, even if the job ad states that cover letters are optional, 72% of recruiters still expect to receive one. And 77% will give preference to candidates who send cover letters.

Surprisingly, according to recruiters, if the job ad says cover letters are optional, only 35% of candidates actually attach a cover letter to the application.

**What’s their purpose?** The biggest reason that HR professionals say cover letters are important is that they explain the motivation to join the company (63%), followed by describing career objectives (50%), explaining the reason for changing careers (50%) and explaining employment gaps (49%).

**What format?** If the format isn’t specified in the job ad, 49% of recruiters say they prefer when the cover letter is written in the email body, while 42% prefer to get a cover letter attached as a separate document.

## Financial wellness: More firms teach staff about \$\$\$

There’s plenty of talk these days about employers offering creative perks to improve employees’ health, but what about their *financial* health?

A whopping 85% of U.S. adults say they “sometimes” feel stressed about money, and a full 30% say they are “constantly” stressed about it, according to a survey by mobile banking company Varo.

More employers are listening.

A new WorldatWork survey of 326 employers found that 70% offer some sort of financial well-being benefits, and more than half intend to expand such offerings in 2020.

“Financial benefits play a critical role in effective total rewards programs and this survey,” says WorldatWork CEO Scott Cawood, “With life events (39%), rising health care costs (34%) and personal debt (22%) the leading stressors within the workplace, it’s no surprise that organizations are focusing on financial benefits, especially in such a tight labor market where retaining talent is so critical.”

**Why offer these perks?** It’s more about keeping your current staff happy (and in place) versus attracting new recruits. Employers said retention (31%) and workforce productivity (30%) were the main reasons to teach staff how to handle their money, followed by employee expectations (20%).

### Other key financial benefit trends:

- Among benefits that improve financial wellness, budget assistance programs (29%) are the most common, followed by assistance finding/securing nonhealth insurance (28%) and debt consolidation help (27%).
- 401(k) or equivalent plans with employer match are the most popular retirement offering, favored by 90% of employees surveyed. Employee- or employer-funded HSA accounts for use in retirement are an emerging area of interest.



## 2020 benchmark: The top 5 priorities for HR leaders

Only 9% of chief HR officers agree that their organizations are prepared for the future of work, according to a new survey by the Gartner business advisory firm. To drive successful business growth, Gartner says HR leaders should focus on these five initiatives in 2020:

**1. Ensure the workforce has the skills it needs for the future.** A full 46% of HR leaders say their employees lack the necessary skills. HR should partner with business leaders and managers to maintain the proper balance of emerging, existing and legacy skill sets (*see pg. 2*).

**2. Equip leaders for success.** Leadership development for middle managers is a problem for 45% of HR execs. HR should look to a “complementary leadership” model that partners leaders together to share responsibilities based on complementary skill sets.

**3. Make change easier.** More than half (57%) of workers face significant barriers in their day-to-day work. Best for HR: Foster an “open source” change approach, where HR involves the right employees as active participants in making and shaping change decisions.



**4. Close the talent gap** to drive digital transformation. Nearly half of HR leaders say their employers don’t have a clear strategy for digital transformation. Educate yourself on the firm’s digital needs and work with execs to set goals and staff.

**5. Get better return on employee experience.** About half (46%) of workers are dissatisfied with their jobs. Focus not just on investing in the employee experience, but also on communicating the positives.

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

Date: March 2020  
Re: Workplace culture

## Engagement

# The culture checklist: 8 steps to recruit & retain the best

Workplace culture matters. A great one produces happy, engaged employees who give their best efforts, meet their goals and delight customers. A toxic culture will create miserable, unmotivated clock-watchers and job-board checkers.

In fact, a recent Glassdoor survey found that 56% of workers ranked a “strong workplace culture” as more important than salary—and three-fourths said they’d consider a company’s culture before applying there.

In this current strong economy, employees have options to jump to greener pastures. That’s why it’s even more vital for managers to do their part in creating a workplace that attracts—rather than repels—the best workers.

Deb Boelkes, author of *The WOW Factor Workplace*, suggests managers look at these eight factors to measure their role in creating a great workplace.

**\_\_\_ 1. Do you “hire slow and fire fast”?** When an organization is made up of talented, enthusiastic,

hardworking people, employees won’t want to leave. That’s why you should hire only people who will fit in with the culture you’re creating—and be quick to get rid of bullies and others who create a toxic culture.

**\_\_\_ 2. Are you willing (and quick) to make adjustments?** Adjustments are made all the time in strong-culture workplaces to make things even better than they already are. The adage “*If it ain’t broke, don’t fix it*” is NOT productive if you want employees to grow. For example, you may need to move an employee from one position to another. If someone is just surviving (not thriving), you owe it to him or her *and* to the company to make a change.

**\_\_\_ 3. Do you “mentor in the moment”?** Mentoring should happen every single day, not just a few times a year and during performance reviews. With more frequent contact, it’s much easier to help workers develop at their own pace—and to develop the trust needed to build engagement.

**\_\_\_ 4. Do you hold people to high expectations?** Do you have a well-documented set of behavioral standards and performance expectations? When someone isn’t meeting these expectations, collaborate with that person to develop an improvement plan that spells out SMART goals (Specific, Measurable, Achievable, Reasonable and Time-bound). Each party is responsible for holding the other accountable to his or her end of the bargain.

**\_\_\_ 5. Do you refuse to tolerate excuses?** Some people hold themselves back with their own excuses. Don’t let this happen. Tell employ-

ees you want them to do their best work with what they have right now. No excuses. They’ll be amazed at what they can achieve with their talent and initiative.



**\_\_\_ 6. Do you help employees connect to purpose and meaning?**

Studies show that when employees can see how their job duties fit into the organization’s big-picture success, they’re much more likely to give a full, engaged effort. It’s up to managers to help workers see that big picture and help them find that core meaning in their jobs.

**\_\_\_ 7. Do you nudge people out of their comfort zones?** Strong leaders look for the potential in employees and push them out of their comfort zones. They show employees that they have faith in them. They mentor them along the way. When you do this, employees are inspired to make the best use of their talents and push past their perceived limitations.

**\_\_\_ 8. Do you help them feel like they belong?** Employees know when managers play favorites or pick sides. It’s always best to make every employee feel included and part of the team, both in the department and entire organization.

Don’t worry if you don’t check off all of these boxes. Even small steps moving in a positive direction will help build a culture of excellence.

## The benefits of happy employees ...

- Happy workers are 12% more productive than the average worker, and unhappy workers are 10% less productive. (*University of Warwick study*)
- Companies with happy employees outperform the competition by 20% and earn 1.2-1.7% more than average firms in their industry. (*New Century Financial study*)
- The likelihood of job turnover at companies with positive cultures is just 13.9%, while job turnover at low-culture companies is 48.4%. (*Columbia University study*)





# My Three Slugs: How to fix a trio of underperformers

Underperformers come in only three varieties, and most of them can be repaired. But why let it get to that point? The three types of slugs who need your attention:

**1. Those who can do, but won't.** The bulk of your sloths fall in this category. Your staff, for the most part, is skilled. You knew what you were looking for when you were hiring, and you made sure their experience, skills, accomplishments and references all checked out. What happened?

Most employees start out with wagging tails. But eventually they find a niche and get comfortable. No need to bust a hump anymore.

Sorry to say, this problem was mostly brought on by the manager. So the manager can fix it. Somewhere along the line communication broke down. It's time for the manager to have a one-on-one meeting with each one of these people to put them back on track. Failure to correct this problem will undermine morale for those who do work hard.

**2. Those who can't do, but don't do anything about it.** It can happen to any employee: New technologies, equipment or processes aren't digested well. The result is an employee who pines for the way things were and begins to fall behind and ceases to care about his or her work.

They feel they're in over their heads and the system is running away from them. Whether it's out

them: extra training, a tutor, a little more time.

Allowing confused employees to flounder in perceived hopelessness, like seventh-graders in a fast-moving algebra class, will only alienate them and turn them into deadwood—something you'll need to get rid of down the road.

**3. Those who do, but only what's required.** These are your spiteful slugs. They are analytical and quick to size up how the work is distributed, who's doing what and how everyone is compensated or let off the hook.

You need a little more out of them (*Didn't they promise you something like that in the interview?*) but, hey, why

should they? Most others perform only within the framework of their job descriptions. Or even less. What happened? You've allowed Nos. 1 and 2 to overrun the workplace.

Oh, the power of prevention.

*Cal Butera is a senior editor at Business Management Daily and the editor of the Managing People at Work newsletter.*



*Most employees start out with wagging tails but eventually find a niche and get comfortable. This problem was mostly brought on by the manager ... and the manager can fix it.*

of embarrassment of asking for help, or just plain apathy, these employees retreat into a burrow of mediocrity. Hiding is an attractive defense.

Early intervention is a must. Managers need to anticipate that employees embrace change at their own pace. Some are going to need help and it's up to you to let them know that it's there for

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## Applications: Did you miss out on the January jump?

The first three months of the year all have higher-than-average levels of job searching, with January (by far) being the most popular month for people to apply for new jobs, according to a new Glassdoor study. But many employers miss out on the January surge. The study says U.S. employers post 4% percent *fewer* new openings in January than in the average month. **Advice:** Prepare your job openings at the end of December so you're ready in the first weeks of January to soak up the surge in candidates.

## Blue-collar labor shortage to continue into 2030

The growing economy—including a surge in e-commerce activity in transportation and warehousing—is threatened by a labor shortage of blue-collar workers that will likely continue to at least 2030, says a new study by The Conference Board. The main reasons: the exodus of Baby Boomers from the workforce, more young adults are pursuing college (not the trades) and young workers are living longer at home (and having less of a need to earn an income).

## Need employee training? Try your top performers

Your stars have proven that they have special skills and also confidence and ambition, so consider using them to help train co-workers on both hard and soft skills. Appeal to their desire to improve departmental performance, help others and advance their careers. Consider what you will offer them in terms of compensation or other perks.

## 1 in 5 candidates say an interviewer flirted with them

While it's important to make candidates feel comfortable during interviews, it's also important to know the line. Nearly 20% of job applicants say that an interviewer has flirted with them during a job interview, according to a survey of 2,000 people by background-screening firm JDP. The candidates' response? 71% of male candidates say they flirted right back, as did 58% of women. Plus, a surprising 59% of people say they've been asked ques-

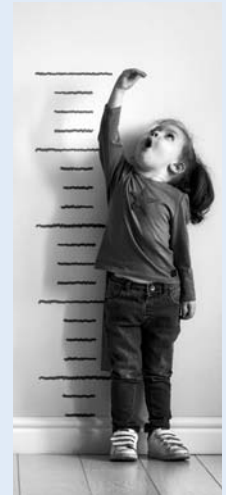
## Short people got no reason ... to sue

Merely being shorter than most people is not enough (on its own) to qualify as a "disability" under the ADA. To officially qualify as a disability (and, thus, due a job accommodation) a shorter applicant or employee would have to show that his or her condition "substantially impairs a major life activity."

**Consider this recent case:** Andrea worked for a radiology lab and said her height (4'5") made it hard to operate certain equipment. She asked to use a step stool and other accommodations. When she was fired for a poor attitude, she sued, alleging failure to accommodate her disability.

But the court tossed out her case, saying Andrea wasn't disabled just because she was short. She would have to show that her stature prevented her from performing some sort of major life function. She listed none except the inability to reach the controls on one piece of equipment. (*Morey v. Windsong Radiology*, 2nd Cir.)

**Online resource** For advice on how far you must go to accommodate a true disability, go to [www.theHRSpecialist.com/ADAlimits](http://www.theHRSpecialist.com/ADAlimits).



tions about their personal lives in interviews—and 1 in 3 said it made them uncomfortable. **Online resource:** For a list of 25 off-limits illegal interview questions, go to [www.theHRSpecialist.com/25questions](http://www.theHRSpecialist.com/25questions).

## The job market: Location, location, location

While unemployment still bumps along near 3.6% nationwide, a new WalletHub study shows that hiring prospects vary greatly from locale to locale. Weighing 31 indicators—from job openings to starting salaries—the study rated Scottsdale, AZ; South Burlington, VT; San Francisco; and Austin, TX as the top cities for hiring. The bottom? Detroit, MI; Fayetteville, NC; Newark, NJ; and Stockton, CA.

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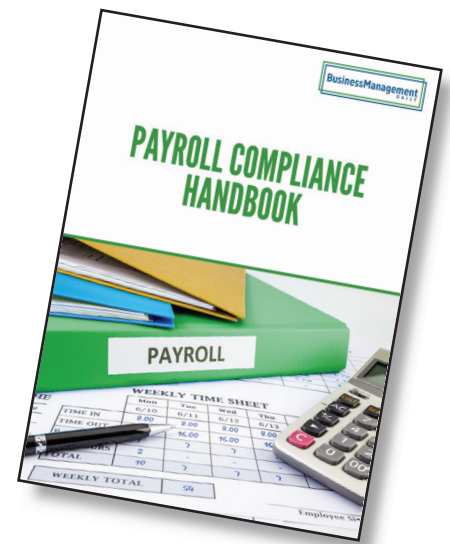
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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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