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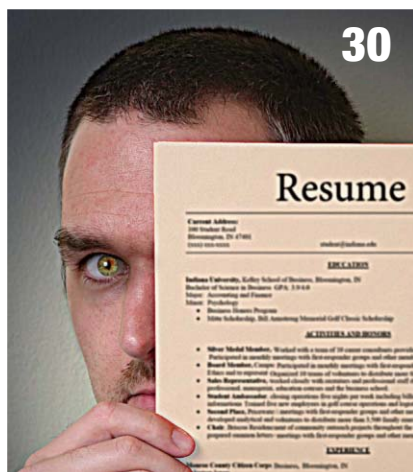
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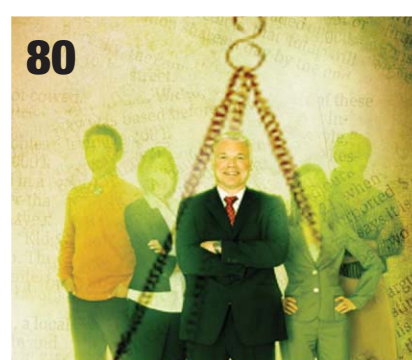
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HR Magazine (ISSN 1047-3149) is published monthly by the Society for Human Resource Management, 1800 Duke St., Alexandria, VA 22314, (703) 548-3440, to further the professional aims of the Society and the human resource management profession. Members of the Society receive *HR Magazine* as part of their annual dues, \$55 of which is allocated for the subscription to *HR Magazine*, which is nonrefundable therefrom. Nonmember subscriptions are available from the Circulation Department at the following rates: Domestic (U.S. and its territories)—\$70 per year. Canada—\$90 per year. International (via airmail)—\$125 per year. Published articles do not necessarily represent the views of the magazine or the Society. © Society for Human Resource Management 2011. Periodicals postage paid at Alexandria, VA 22314 and additional mailing offices. POSTMASTER: Send address changes to *HR Magazine*, Circulation Department, 1800 Duke St., Alexandria, VA 22314. Publications Mail Agreement No: 40041558. Please send returns to BleuChip International, P.O. Box 25542, London, ON N6C 6B2.

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LEGAL ISSUES

Present Tense Employers are asking more questions about how to handle stressed-out workers.

BENEFITS

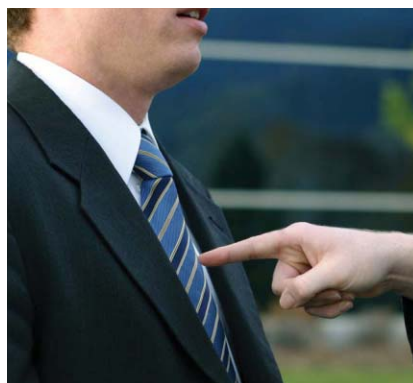
Over the Limit Certain types of education and nonprofit organizations need to be careful that their leaders don't receive "excess benefits."

EMPLOYEE RELATIONS

Manual Update With new laws and court decisions, revising HR policies and employee handbooks is critically important.

COMPENSATION

What's the Frequency? Corporate leaders are grappling with how frequently they should put their executive compensation programs to nonbinding say-on-pay shareholder votes.



CONSULTING

Scapegoat Avoidance Consultants often find themselves blamed for failures beyond their control.

SHRM FOUNDATION

Valuing Experience What can you do to keep your most knowledgeable workers from retiring at an early age?

RESEARCH

Small Company HR professionals can have a big impact on the performance of smaller organizations.

GLOBAL HR

The Brazilian Way Here's what one expert says are the ingredients for a successful business venture in Brazil: a good lawyer, a good banker, a good auditor and a lot of patience.

ETHICS

Culture Contributes to Callouts The way that employees feel about their company, its leaders and culture affects their willingness to report misconduct.

SHRM VIDEO

Employment Brand Videos Kathy Sixt of CKR Interactive discusses creating videos that show off your employment brand to prospective hires.

Also online:

- Jason Jennings on HR leadership
- Stuart Brock on mental health parity and health reform

www.shrm.org/video

SHRM WEBCASTS

- Jonathan Segal on social media policies
- Leila Bulling Towne on ugly performance review situations
- Kim Ruyle on organizational design

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From the CEO

Thought Leadership: What It Means to You

By Henry G. Jackson

Last month in this space, I said that 2011 would be characterized as the year of thought leadership—the year of embracing and expanding the Society for Human Resource Management's (SHRM) status as one of the premier voices for the HR profession.

This month, I want to tell you more about what that means for you.



As the moniker “thought leader” suggests, we believe it’s important for SHRM to be a respected authority and assertive advocate on the major issues affecting your organizations.

It’s true that SHRM’s voice has always been valued on a broad range of HR matters by practitioners, academics, the employer community and even government. But to be a thought leader today means more than speaking out for the profession. It means being recognized for innovative ideas that change the way business leaders think about their businesses,

and for having the insight and foresight to know and influence what’s next.

For SHRM, this role is not an inheritance; it’s an opportunity and an obligation. It begins by providing you with the knowledge and resources you need to lead your organization. So, we’ve resolved to do more to keep you competitive, connected and current—to be your company’s most valued futurist and change agent.

Here are some examples of what you can look forward to. This year, we’ll:

- Expand our offerings in HR leadership competencies and conduct research on topics ranging

from generational concerns to corporate social responsibility.

- Keep providing you with the best training, education and resources through conferences and seminars, or “e-development” delivered to your computer.
- Give you the global knowledge to be a strategic business partner in your organization by offering new courses on resource management, equity valuation and other topics that will broaden your business acumen.
- Expand SHRM’s ability to help you staff up—or to land a new position yourself. As the key to U.S. economic recovery is increased employment, our HR Jobs service now enables HR job seekers to upload their resumes and recruiters to search our resume database.
- Redesign our website with enhanced search capabilities and a simplified, intuitive home page.
- Expand our presence on social networks and improve our own networking tool, SHRM Connect. Already, it includes all 255,000 SHRM members and more than 270 networking groups.
- Lead the effort on what’s likely to be the next big business issue—workplace flexibility. Flexible work arrangements that give employees more autonomy regarding where, when and how they do their best work could be the next major boost to productivity, innovation and a more engaged workforce. This issue cuts across several HR disciplines—retention of top talent, compensation and benefits, diversity, and organizational development—but it’s really the next business imperative. SHRM will be announcing soon—if not by the time you read this—a major initiative to help you adopt the best work/life policies and practices. Stay tuned.

Together, we can all become thoughtful business leaders. The future of our profession demands it. And that’s why I’m so excited and optimistic about the coming year. ■

PHOTOGRAPHY BY CADE MARTIN

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Slackers Not Just HR's Problem

As a human resource professional with 30 years of experience, I respectfully take umbrage with the general thesis of "Taking Up Slack" (December 2010).

It implies that HR is responsible for correcting a "slacker" through performance programs and progressive discipline. The primary individual who must be responsible for disallowing slacker activity is the employee's immediate supervisor, or at the very least the department manager. One will not prevent the problem through a better interview process. Interviews are not a science; no matter how well-structured, interviews may or may not identify a good future employee.

My second point is that there is no rule that I know of that says management cannot "raise the bar" on expected performance. People tend to perform based on expectations. If some are allowed (rewarded) to "slack," others will "not



rock the boat" and will conform to the culture. This is especially true with new employees.

HR can assist managers and supervisors in this matter through programs and processes, but let's not let the biggest slacker be the management team.

Robert Morehouse, SPHR
Beaumont, Texas

Correction

The January cover story, "11 Initiatives for 2011," misidentified John Raudabaugh, a counsel in the Labor & Employment practice group at Nixon Peabody LLP in Washington, D.C.

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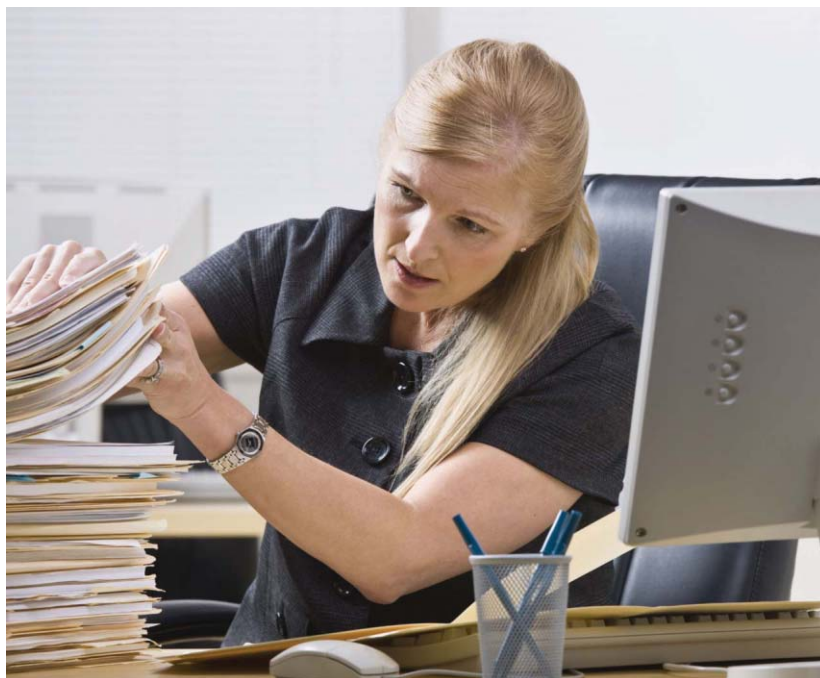


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I-9 Audits on the Rise In Obama Administration

Immigration raids have decreased and the number of I-9 audits has risen dramatically in the first two years of the Obama administration, according to immigration attorneys.

"The Obama administration has significantly changed the direction of Immigration and Customs Enforcement's worksite efforts," Kevin Lashus, an attorney with Greenberg Traurig in Austin, Texas, told *SHRM Online*. "The Bush administration was interested in taking the highest numbers of unauthorized workers into custody during any time frame. The Obama administration, on the other hand, is interested in targeting the employers that hired them."

In the Bush administration, Immigration and Customs Enforcement (ICE) officials locked down buildings and herded workers into interrogations and ultimately onto planes for removal, Lashus said. Under the Obama administration, the agency has increased administrative fines and paper audits, which often result in employers

being asked to dismiss unauthorized workers. Criminal prosecutions of employers also have risen under the current administration, he added.

"The fines for simple Form I-9 violations range from \$110 to \$1,100 per violation, with the higher range applicable to employers with a higher percentage of mistakes. Employers with large workforces that fail to properly manage the Form I-9 process can face fines of hundreds, or even millions, of dollars," said Hector Chichoni, an attorney with Duane Morris in Miami.

Fusion centers have been established to facilitate cooperation among agencies, added Mary Pivec, an attorney with Keller and Heckman in Washington, D.C. Wage and hour investigators, ICE auditors and tax auditors now are all in one place to share resources, leverage information and pursue top-to-bottom audits.

By Allen Smith, J.D., SHRM's manager of workplace law content.

Labor Board Proposes Posting Notices of Rights

The National Labor Relations Board has issued a proposed rule that would require employers subject to the National Labor Relations Act (NLRA) to post notices informing employees of their rights under the act. The board estimated that the majority of the United States' nearly 6 million businesses with employees will be affected by the rule.



Many employees protected by the NLRA are unaware of their rights, according to the board. The act is "almost unique among major federal labor laws in not including an express statutory provision requiring employers routinely to post notices at their workplaces informing employees of their statutory rights," the board stated.

In addition, it said that the majority of private-sector employees are not represented by unions and therefore lack an important source of information about these rights.

On Jan. 30, 2009, President Barack Obama issued Executive Order 13496, which requires federal contractors to include in their government contracts specific provisions requiring them to post notices of employees' rights under the NLRA. The U.S. Department of Labor issued a final rule implementing the order effective June 21, 2010. The board has proposed adopting the language of the Labor Department's final rule.

—Allen Smith

HR News®

Combat Costly Discrimination, Employee Fraud, Theft

Employers are forecasting losses for 2011 attributable to employment practices liability lawsuits and employee theft.

Nearly one in five respondents to a survey published by the Chubb Group of Insurance Cos. predicted that an employment practices liability lawsuit would be lodged against their companies in the next 12 months. More than half of the 451 respondents (54 percent) predicted that employees would steal company funds, equipment, inventory or merchandise during the next year.

Discrimination Claims

With the U.S. Equal Employment Opportunity Commission reporting record-setting numbers of workplace discrimination charges in recent years, employers are more aware than ever of the potential for financial damages, said Cathy Padalino, employment practices liability product manager and vice president at Chubb & Son Worldwide.

Most organizations have grievance or complaint resolution programs. "In this economy, emphasize fairness. Let

employees feel they have a voice and can get an objective viewpoint," Padalino advised.

Employee Theft

"Whenever there's an economic crisis, there's a significant uptick in fraud and dishonesty," said Greg Bangs, product manager for crime expense insurance and vice president at Chubb & Son Worldwide.

Typical fraud situations:

- Employees create dummy vendors and pay out company funds to fake accounts.
- Vendors overcharge for services and split the difference with employee accomplices.

To combat fraud, Bangs suggests:

- Setting up a hotline for employees to report suspicions.
- Conducting background checks on prospective employees.
- Requiring vacations. If an employee isn't there to manage the fraud, someone else may see it.

By Beth Mirza, senior editor for HR News.

Tax Legislation Includes Many Extensions

Veena Murthy, an attorney with KPMG LLP in Washington, D.C., reviewed with *SHRM Online* the implications of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010:

- Section 127 provides a tax exclusion up to \$5,250 for educational assistance from an employer. This exclusion from income includes assistance for tuition, fees, books and school supplies and has been extended until the end of 2012.
- Section 117 extends income and wage exclusions for compensation paid to grantees for services under the National Health Service Corps Scholarship Program and the Armed Forces Scholarship Program.
- Federal unemployment benefits are now slated to expire at the end of 2011.
- The employer-provided child care credit was extended for two years. This credit applies to up to 25 percent of child care expenses and 10 percent of expenses toward child care resources totaling up to \$150,000.
- Tax-free reimbursement for employer-provided mass transit and parking benefits will be permitted up to \$230 per month.
- Employers were given an extension on a wage credit for active military reservists.
- The employer adoption tax credit will increase to \$13,170 for 2011 and then will be \$12,170 in 2012. The credit allows an income and wage exclusion to employees up to the caps for employer-provided assistance for fees toward adoption.
- The Work Opportunity Tax Credit was extended to the end of 2011.
- A wage credit for services or compensation paid to Indian tribe members who work or live on a reservation was extended until the end of 2011.

—Allen Smith

Mobile Workforce: Concerns and Benefits

Managing a mobile workforce is not without its worries—or advantages. Company leaders say they are most concerned about managing remote employees effectively, but they value the employee satisfaction and the competitive advantage gained from having a mobile workforce. In a February 2010 survey by Runzheimer International, based in Waterford, Wis., nearly 100 respondents identified what they worry about as well as what they value, as shown on the tables at right.

Executives' Top Concerns	Percent
Employee management, supervision and productivity	46%
Measurement of program success	20
Rising costs	10
Employee satisfaction	9
Too difficult to manage program	8
Other	7

Executives' Top Perceived Benefits	Percent
Employee satisfaction	26%
Competitive advantage	25
Cost savings	22
Corporate agility	16
Other	11



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Fee Disclosure Requirements Complicated

Sponsors of 401(k) and other defined contribution retirement plans that offer nonmutual fund investment options face potential disclosure problems related to new requirements to inform plan participants about investment fees, according to an alert from The SPARK Institute, an industry group representing providers of retirement plan services.

Under the U.S. Department of Labor's participant disclosure regulations, beginning in 2012 plan sponsors are required to provide participants with quarterly reports on fees charged by plans' investment options, using a single chart or similar format to help compare each option.

Under a related Labor Department rule, starting in July 2011 plan service providers must begin providing plan sponsors with enhanced disclosure of their fees.

However, "many investment managers and providers of nonregistered investments, such as bank collective funds, separately managed accounts

Many investment managers 'may be surprised that they will have to make significant new information available in order for plan sponsors to comply with the new regulations.'

and annuities, may be surprised that they will have to make significant new information available in order for plan sponsors to comply with the new regulations," said Larry Goldbrum, The SPARK Institute's general counsel. "Some nonregistered investment providers may not have the information readily available, and developing the information and cost-effective methods for providing it to plan sponsors and plan record keepers could be complex and time-consuming."

Plan sponsors face potentially significant fiduciary issues if an investment provider is unable or unwilling to provide the information that the plan needs to comply with the rule, Goldbrum noted. "Plan sponsors should act now to ensure that their nonregistered investment providers are preparing the information needed," he advised.

By Stephen Miller, an online editor/manager for SHRM.

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Benefits Briefs

For full versions of these articles and others, visit www.shrm.org/rewards.

Consumer-Directed Health Plan Enrollment Reaches 22 Million

The ranks of Americans enrolled in high-deductible health plans, which are often linked to account-based consumer-directed health plans, reached 22 million in 2010, according to a report by the not-for-profit Employee Benefit Research Institute.

Compared to 2009, enrollment in consumer-directed health plans and high-deductible health plans rose 1 percentage point each to 5 percent and 14 percent respectively of the privately insured population.

The institute's sixth annual *Consumer Engagement in Health Care Survey* analyzed the behavior and attitudes of 4,509 U.S. adults ages 21 to 64 with private health insurance coverage.

401(k) Matches to Be Restored

More U.S. companies that suspended or reduced contributions to 401(k) and profit-sharing plans because of the economy are restoring or planning to restore them, according to the Profit Sharing/401k Council of America's *2010 401(k) and Profit Sharing Plan Response to Current Conditions* survey report of 531 companies. Plan sizes ranged from one participant to more than 5,000. Researchers found that, of the 14.8 percent of respondents that suspended matching contributions during this period, 39.3 percent had restored them and 37.8 percent were planning to restore them by mid-2011.

Most Remain Uninformed About Prescription Medication Costs

The majority of Americans who buy prescription drugs say they are concerned about the costs of their medications, but most are unaware of how much their new prescriptions cost and whether there are lower-cost options, according to a national survey sponsored by the insurer UnitedHealthcare. Thirty percent of respondents indicated that the high cost of prescriptions had caused them to skip doses or not take their medication.



Control ‘Superbugs’ in the Workplace

If antibiotic-resistant “superbugs” were present only in health care settings, then only health care employers would need to take precautions. But cases of Methicillin-resistant *Staphylococcus aureus* infections, known as MRSA, can be found in all types of workplaces.

“Every single one of our corporate clients has had at least one significant incident, if not several,” of employees developing antibiotic-resistant staph infections, said Roslyn Stone, chief operating officer of Corporate Wellness, a national provider of occupational health services based in Mount Kisco, N.Y.

Staph bacteria, including MRSA, can cause skin infections that might look like a pimple or boil and can be red, swollen or painful or have pus or other drainage. MRSA can cause deep skin abscesses that require surgical draining and cause potentially life-threatening infections.

The National Institute for Occupational Safety and Health says MRSA is transmitted by:

- Crowding.
- Frequent skin-to-skin contact.
- Compromised skin with cuts or abrasions.
- Contaminated items and surfaces.
- Lack of cleanliness.

So far, the risk of contracting MRSA appears to be slight in most workplaces, according to

Stone. Health care workers, prison guards, police officers, firefighters, veterinarians and farmworkers seem to be at higher risk of contracting these infections. But Stone has seen cases of employees bringing MRSA infections into banking, telecommunications, trucking and service industry workplaces, too.

If you have a workforce of more than 100 people and you don’t think you’ve had a MRSA case, “you’re wrong,” Stone said. “It’s across industries.”

Dealing with An MRSA Infection

The National Institute for Occupational Safety and Health recommends that individuals who have Methicillin-resistant *Staphylococcus aureus* infections or infected wounds:

- Cover and take care of wounds as directed by a health care provider.
- Clean hands.
- Avoid sharing personal items.
- Ask a health care provider before returning to work.

Health Reform’s Nondiscrimination Rule Delayed

The Internal Revenue Service (IRS) has announced in Notice 2011-1 that compliance with the Patient Protection and Affordable Care Act’s nondiscrimination rules for health insurance plans will be delayed until regulations or other administrative guidance has been issued. The IRS indicated that the guidance will not apply until plan years beginning a specified period after guidance is issued. The U.S. departments of Labor and Health and Human Services have reviewed the notice and agreed with it.

The nondiscrimination requirement boils down to two mandates. First, a new, fully funded health plan cannot discriminate in favor of highly compensated individuals as to eligibility to participate; adherence to the requirement is determined by a numerical test. Second, a plan cannot discriminate in favor of participants who are highly compensated individuals as to benefits that are provided.

The IRS noted that regulatory guidance is essential to the operation of the nondiscrimination statutory provisions. The nondiscrimination requirements already apply to self-insured plans. Guidance will have to specify to what extent insured plans are subject to the same statutory provisions that apply to self-insured plans, the IRS noted.

Guidance also must take into consideration the operation of state health insurance exchanges and individual and plan sponsor requirements that take effect after 2013, the IRS added.

The IRS is seeking comments on various aspects of the nondiscrimination rules. Comments, which are due March 11, 2011, should be submitted to Internal Revenue Service, CC:PA:LPD:RU (Notice 2011-1), Room 5203, Box 7604, Ben Franklin Station, Washington, D.C. 20224. Submissions may be sent electronically to Notice.Comments@irs.counsel.treas.gov, and should include Notice 2011-1 in the subject line.

—Allen Smith

By Stephenie Overman, a freelance writer and author of *Next-Generation Wellness at Work* (Praeger, 2009).

Executive Briefing

By Dori Meinert

Top Performers Boast Analytics over Intuition

Top-performing companies are three times more likely to be leading users of analytics, according to a report by IBM Institute for Business Value and *MIT Sloan Management Review*.

In addition, business leaders at top-performing companies are five times more likely to apply analytics rather than intuition across the widest possible range of decisions. They are two times more likely to shape future business strategies and guide day-to-day operations based on analytics.

Top performers “turn out to be the organizations most focused on improving their use of analytics and data, despite the fact that they’re already ahead of the adoption curve,” says Michael S. Hopkins, editor-in-chief of *MIT Sloan Management Review*.

Contrary to popular opinion, business leaders in these organizations are less concerned with data deluge but feel hindered by traditional management practices, the researchers discovered.

The report found that the top three barriers to adopting analytics are a lack of:

- Understanding about how to apply

analytics to improve the business.

- Management bandwidth due to competing priorities.
- Skills in the line of business.

While many leaders demonstrate improvement at generating insights from information and analytics, they face difficulties in transferring

those insights to action. To overcome these obstacles, the authors of the report identify steps leaders must take, including:

- Tackle biggest challenges first. Leaders often wait for complete data or perfect skills before they apply analytics.
- Flip the approach. Many leaders start new programs by gathering data on a topic and then extracting insights. Instead, identify specific insights needed to meet business objectives and then determine the data needed for answers.
- Adopt appropriate techniques and tools. Respondents identified a shift in the types of analytic tools that would



provide value in the next few years. Data visualization, simulation tools, and techniques that help them anticipate the consequences of their decisions and explore alternative approaches and trade-offs came out on top.

Leaders who use a selective approach to analytics are able to focus resources and efforts narrowly, generating insights that are critical to immediate needs and overcoming challenges that keep them from turning insights into action.

The study sampled 3,000 executives and business analysts from 108 countries and 30 industries.



Cail Morrison, vice president of franchise support for Anytime Fitness, shows off his corporate logo tattoo.

Loyal Employees Or Extreme Branding?

More than 500 franchise holders, employees and even some customers sport tattoos of the Anytime Fitness corporate logo—a purple stick figure they call “Running Man.”

“Our commitment to the brand is unparalleled,” says Chief Executive Officer Chuck Runyon. “We like to do things a little differently. Having fun is important.”

It all started several years ago when Mike Gelgot, a personal trainer from Indiana, accepted a dare to have the Running Man logo permanently inked on his body. Runyon offered to pay for it.

Since then, hundreds of people have followed. A tattoo artist is commonly found at monthly training sessions and annual conferences. The company pays for each tattoo, at \$100 a pop.

Last year, Runyon got one. “I figured it was about time. Leadership is all about walking the walk,” he says.

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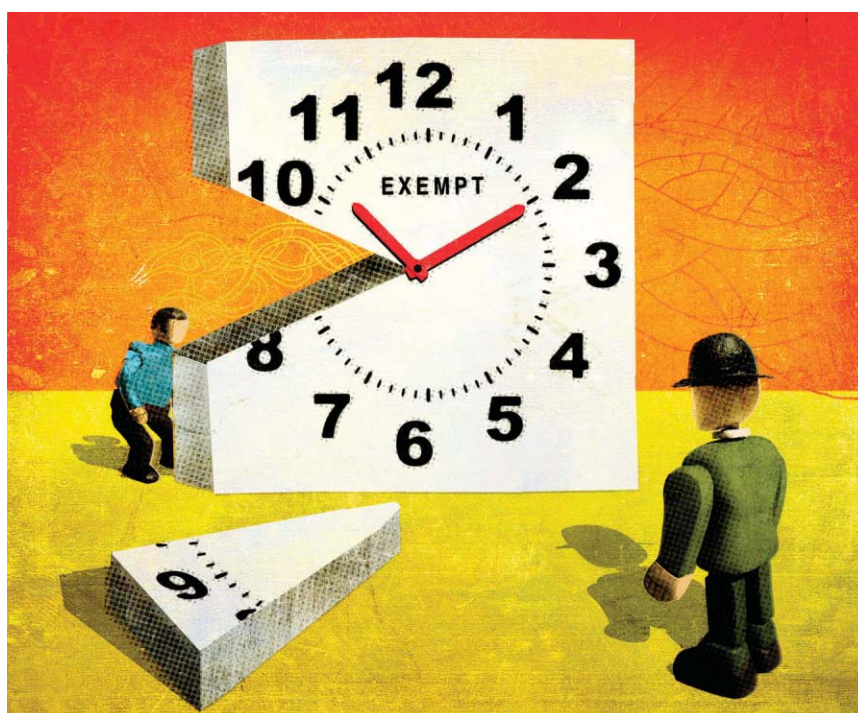
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C10-011

Solutions

Exempt Employee Attendance, Fiduciary Duties, Diversity



Can we change an exempt employee to hourly status to cure an attendance problem?

Paying exempt employees for actual hours worked as a means of curbing disruptive and undesirable attendance issues is tempting, but it can create a host of problems, including the loss of exempt status. Don't do it.

For a position to be classified as exempt from overtime, the employee in the position must meet a job duties test and a salary basis test. U.S. Department of Labor Fact Sheet No. 17G states: "Being paid on a 'salary basis' means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work."

Employers can impose unpaid suspensions for infractions of workplace conduct rules, but the Labor Department has made it clear that this provision refers to serious misconduct, not performance or attendance issues. The suspension must be imposed under a written policy that applies to all employees. Employers will lose exempt status for the position if they have a practice of making improper deductions from salary.

But employers do have options. When exempt employees say they are entitled to come and go as they please, be ready to enforce your attendance standards without

the unintended consequences of violating wage and hour employment laws. Determine if the job duties need to be performed at a set schedule or whether allowing some flexibility may be an effective way to increase productivity and morale.

Review your company policies and practices to determine if your organization has established policies for flexible scheduling, including telecommuting. If an employee has difficulty getting to work on time or needs to leave earlier than scheduled, allowing flextime may resolve this issue. Telecommuting may help if the reason for tardiness is commuting issues.

Find out if the employee has a pre-arranged religious or Americans with Disabilities Act accommodation that may explain why he or she is arriving late or leaving earlier than the regular schedule. If not, let the employee know that if he or she chooses not to work the assigned schedule, you will charge absences to the employee's leave bank for the difference between the time he or she was expected to work and the time he or she actually worked. Then, issue discipline according to your company policy. Reinforce accountability especially among those who act as if they are untouchable and can start and stop their workdays at will simply because they are exempt employees.

—Deb Levine

Online Resources

For additional questions and answers and more information about topics in this column, please go to www.shrm.org/templatestools. For answers to your own questions, visit www.shrm.org/hrinfo or call (800) 283-7476, option 5.

ILLUSTRATION BY RICHARD BERGE

What is a fiduciary, and what are “fiduciary responsibilities” under an ERISA-covered group health plan?

A fiduciary is a person or entity with the discretionary authority to control and manage the operation and administration of a benefit plan covered by the federal Employee Retirement Income Security Act (ERISA). The act establishes minimum standards for retirement, health and other welfare benefit plans and sets the standards of conduct for fiduciaries. Therefore, it is critical that employers understand their responsibilities under this law.

Fiduciaries are subject to standards of conduct because they act on behalf of

participants in a group health plan and their beneficiaries. Fiduciary responsibilities under a group health plan covered by ERISA include:

- Acting solely in the interests of participants and beneficiaries.
- Acting for the exclusive purpose of providing plan benefits, or for defraying reasonable expenses of plan administration.
- Acting with prudence in carrying out duties.
- Acting in accordance with the documents governing the plan, as long as the plan documents are consistent with the act.
- Holding plan assets in trust.
- Paying only reasonable plan expenses.

The duty to act prudently is a key fiduciary responsibility and requires

expertise in a variety of areas. Employers should ensure that people with fiduciary duties have the professional knowledge to carry out those functions.

Following the terms of the plan document also is an important responsibility because the plan document is the foundation for plan operations. Employers must be familiar with their plan document and should periodically review it to ensure that it remains current.

Understanding and complying with fiduciary responsibilities is critical, as failure to follow fiduciary standards of conduct may result in personal liability. The U.S. Department of Labor provides information for employers seeking more information.

—Theresa Adams

Are diversity initiatives impeded by pre-employment testing?

They certainly can be, as many pre-employment tests and checks can negatively affect people of certain races, women, those with disabilities and older workers. Even the best diversity recruiting initiative can be thwarted when selection relies heavily on non-validated or unnecessary tests given to applicants, or when any test does not focus on the job itself. This can lead to the elimination or the reduction of applicants in the previously mentioned categories, throwing the initiative into a tailspin. Diversity initiatives should include guidance on when and how testing will be used.

The Americans with Disabilities Act, the Age Discrimination in Employment Act and Title VII of the Civil Rights Act of 1964 prohibit the use of discriminatory employment tests and selection procedures. Whether it engages in intentional, disparate treatment discrimination (such as testing only Hispanic applicants for literacy) or unintentional, disparate impact discrimination (such as a lifting test that tends to screen out women), the employer remains respon-

sible for complying with the law, even if an outside source has validated the test.

The critical issue, of course, is what constitutes a discriminatory pre-employment test and how those organizing a recruiting initiative can protect against it. The U.S. Equal Employment Opportunity Commission offers guidance on this in its Employment Tests and Selection Procedures document. Further, the Uniform Guidelines on Employee Selection Procedures details what criteria the courts will use to identify a lawful employment test. These should both be reviewed for the employer's protection when establishing a recruiting initiative.

In brief, pre-employment tests should be:

- Administered without regard to race, color, national origin, sex, religion, age or disability. Applicants age 40 and older receive protection under the Age Discrimination in Employment Act.
- Validated under the federal guidelines.
- Job-related, and the results should be appropriate for the employer's purpose.

But don't stop there. Discrimination issues can change over time. Have an ongoing plan to detect any disparate

impact due to testing that may develop, and make a commitment to implement effective, alternative selection procedures that have less or no adverse impact. Keep job descriptions current, and update test specifications accordingly. Commit to management training that addresses casual selection tests and procedures managers may be using without knowledge of the effect, such as administering impromptu math tests during interviews, unnecessarily instituting heavy lifting requirements to “protect” against workers' compensation claims, and prohibiting accommodations for disabled applicants to take tests.

Finally, while pre-employment tests can be effective tools to help determine the most qualified applicants, they are and should only be one of many components used in the selection process. Provide close and continued scrutiny of any pre-employment tests. Ensure that they are closely related to the job and not unwittingly reducing diversity in an applicant pool.

—Shari Lau

Deb Levine, SPHR, Theresa Adams, PHR, and Shari Lau, GPHR, SPHR-CA, are HR knowledge advisors in SHRM's HR Knowledge Center.



ILLUSTRATION BY LAURA BRUCE

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PRE-EMPLOYMENT SCREENING

CLOSE-UP ON SCREENING

Use of criminal records
and credit histories
in hiring decisions
is coming squarely
under the legislative
and policy-making
microscope.

By Bill Roberts

Employers face a thicket of state and federal laws that govern pre-employment background screening. Now, these laws are in flux because legislators and policy enforcers are scrutinizing the use of criminal records and credit histories in hiring decisions.

With a law that took effect Jan. 1, Illinois became the fourth state to restrict the use of credit histories in hiring decisions. Similar measures have been narrowly defeated in other jurisdictions, and the previous U.S. Congress introduced a bill on the subject but did not vote on it.

In November 2010, Massachusetts became the second state, after Hawaii, to prohibit private employers from asking job applicants about their criminal records on initial written applications. Massachusetts already prohibited the question on public-sector job applications, as do several other states and more than two dozen cities and counties. The laws and policies require employers to wait until later in the hiring process to ask applicants about their criminal records.

These examples do not constitute a complete list, and the scrutiny is not likely to subside. Behind the debates lie two fundamental values that often conflict:

The author, technology contributing editor for HR Magazine, is a freelance writer based in Prunedale, Calif.

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- Employers' rights to maintain safe workplaces and to conduct business without interference.
- Individual rights to privacy and to fair treatment in the job market.

In this uncertain environment, the best way to avoid legal problems is to mind your p's and q's—the practices you follow and the questions you ask when using criminal records and credit histories in hiring decisions.

Perceptions About Credit Reports

Employers commonly use pre-employment screening tools, so policy-makers were bound to get involved—especially given the pressures they face from constituents who express concerns about:

- Privacy and identity theft.
- A proliferation of databases, which are not always up-to-date.
- Incomplete or inaccurate courthouse records.
- The difficulty job hunters have in a weak economy.
- Everyone getting a fair shake.

The pressures are inflated by the Internet, where rumors abound about how credit histories are being used—and misused—in hiring decisions. In the past decade, employers have increased their use of all types of background checking, but a recent Society for Human Resource Management (SHRM) poll shows that the use of credit reports has not increased in the past five years. Contrary to public perception, exaggerated by misinformation on the Internet, credit histories are mostly used sparingly, legally and wisely in hiring decisions. ►

Improve Practices for Checking Criminal Records and Credit Histories

Each city department in Boston conducted its own criminal background checks until 2002. Reacting to concerns about unfair practices, the city's HR professionals investigated and found little consistency among departments.

"With approval of the mayor, we embarked on a path to centralize the function for criminal background checks," says Bill Kessler, assistant director of HR. "We put through a consistent policy. We now do it for all departments with the exception of the police, who handle their own. Our office reviews the record and determines if there would be a problem to proceed with hiring."

Practices now include the following:

- The application does not ask questions about convictions.
- Hiring managers do not conduct a background check until they are ready to make an offer.
- Most, but not all, jobs require checks.
- A criminal record does not automatically preclude employment.
- If a criminal record is found, an HR professional talks to the candidate to make sure it is accurate.
- The HR professional decides if the candidate is still fit for the job.
- The hiring manager gets a thumbs up or thumbs down and is not privy to what's in the record.

"We try to be very sensitive with the kind of checking we do," Kessler says.

Employers conduct pre-employment criminal background checks to guarantee safe workplaces and to avoid negligent hiring lawsuits. But if employers aren't careful, they can attract attention from the U.S. Equal Employment Opportunity Commission (EEOC) and state attorneys general.

"The integrity of the process matters," explains Mary Bryan, vice president of HR field operations for OfficeMax Inc.

Procedural consistency is important throughout the organization, and criteria consistency is important within job groups. "Not all janitors are background screened the way you screen accountants, but janitors should be screened consistently with janitors," explains Lester S. Rosen, chief executive officer of ESR Inc.

HR professionals for the city of Austin, Texas, review job groups once a year to make sure they apply the right criminal check criterion. There's a higher standard for employees working with the elderly, youth, people with disabilities or finances than for employees working on a maintenance crew, says Mark Washington, HR director.

"Employers get in trouble when they engage in automated decision-making," Rosen says. "There always should be a human

review to make sure you're making the right decision."

Many employers outsource background screening. If chosen wisely, a partner will help establish protocols and consistent practices, and help eliminate inappropriate use of results.

"By consolidating with one vendor, we got consistency in what we background checked for," says Larry Fultz, chief HR officer at Vanguard Health Systems in Nashville, which has 17 hospitals and 35,000 employees.

Before acquiring a partner, be sure to know "the vendor's ability to maintain compliance with the Fair Credit Reporting Act," Bryan recommends.

The act spells out procedures for conducting credit checks and limits on information that can be reported by a screening company. Many people don't know that the act also covers criminal background checks, Rosen says. The act is specific about the procedures an employer must follow if denial of employment results from a check.

Rosen says a good background-screening partner makes sure the employer is in compliance with the act and other laws, abides by adverse action rules, conducts consistent checks within job groups, and follows EEOC guidelines for using criminal reports.

—Bill Roberts

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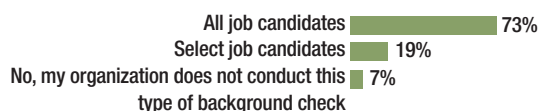
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Who Checks Criminal Records?

Does your organization, or an agency hired by your organization, conduct criminal background checks for any job candidates by reviewing the candidates' consumer reports?

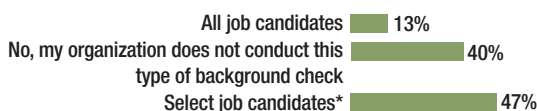


Source: *Background Checking: Conducting Criminal Background Checks*, SHRM poll, January 2010.

Who Checks Credit Histories?

All types of screening have increased since the Sept. 11, 2001, terrorist attacks. But based on an analysis comparing 2010 data with 2004 data, Society for Human Resource Management (SHRM) researchers concluded that the use of credit checks did not increase during that period.

Does your organization, or an agency hired by your organization, conduct credit background checks for any job candidates by reviewing the candidates' consumer reports?



*Those with financial responsibility, those applying for senior executive positions or those with access to highly confidential employee information.

Source: *The Implications of Credit Background Checks on Hiring Decisions*, SHRM poll, August 2010.

"The perception that employers are ordering massive amounts of credit reports is nothing like the truth," says Lester S. Rosen, chief executive officer of ESR Inc., a background-screening company in Novato, Calif., and author of *The Safe Hiring Manual* (Facts on Demand Press, 2007).

Nonetheless, employers' use of credit reports has come under fire.

Hawaii, Illinois, Oregon and Washington have laws restricting the use of credit reports in hiring decisions. Similar bills have been or are being considered in other jurisdictions. The California legislature approved a bill that was later vetoed by the governor. Maryland legislators narrowly voted down a bill twice.

And the Equal Employment for All Act (H.R. 3149), introduced in the last Congress, would have amended the Fair Credit Reporting Act of 1970 to further restrict the use of credit reports. The latter already mandates a clear process for checking credit history that includes candidate authorization and other protections. For instance, employers cannot use a numerical consumer credit score in hiring decisions.

Colleen Parker Denston expects the restrictive bill to be proposed again in Maryland. The HR director at Worcester Preparatory School in Berlin, Md., argues that the measure is aimed at

a small number of employers that do not follow the better practices most employers use when they check credit. As the legislative affairs director for SHRM's Maryland State Council, she has testified at Maryland hearings and before a subcommittee in the U.S. House of Representatives, summing up the argument offered by opponents, including SHRM's lobbyists.

Are the Laws Really Necessary?

Here's the gist of that argument: The Fair Credit Reporting Act adequately protects against inappropriate use of credit histories. Most employers understand that only candidates for positions with significant financial or fiduciary responsibility might need credit checks, and many employers never check credit. Those that do usually wait until after a contingent job offer has been made. Most discuss unfavorable reports with candidates to check accuracy and understand the context, and most discount debt from medical bills, student loans and foreclosures. Rarely is credit history cause for denying employment.

Not every employer uses common sense with credit checks, but "the majority do the right thing," Denston insists.

She says only three of her school's 120 full- and part-time jobs would require credit checks—business manager, business manager's assistant and Denston's position. Even the headmaster would be exempt because "the headmaster has no fiduciary responsibility," she explains.

For some occupations, credit checks are required by state agencies, bonding agencies or customers. Police recruiters typically run them on everyone to ferret out candidates susceptible to bribes.

But in places where one might assume they are used, they often aren't. OfficeMax Inc., an office supplies retailer with about 30,000 employees, conducts no credit checks, even though thousands of its workers handle money, according to Mary Bryan, vice president of HR field operations.

Many other retailers similarly do not run credit checks. Even though clerks handle a lot of money, they have to balance the cash registers at the end of each day, says Laura Randazzo, chair of the National Association of Professional Background Screeners in Morrisville, N.C., and vice president of global services for Accurate Background Inc. in Lake Forest, Calif. "I don't have any clients in retail who do credit histories for store clerks," she notes.

Randazzo says 95 percent of her clients check criminal records but less than 10 percent check credit.

At the U.S. House hearing, Denston says, supporters of H.R. 3149 were concerned about discrimination against minorities, who are more likely to have credit problems because of the recession. She says secretarial positions also seemed to be a focus of concern. Yet according to Denston, Randazzo and others, secretaries rarely become subjects of credit checks.

"If any bill passes, it should represent what organizations already do," Denston says. ➤

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A Screening Worst Practice

A Wall Street company was ready to hire a candidate for a high-level position but discovered an arrest record in the FBI database, a fact the candidate had neglected to mention. A private investigator confirmed the arrest for breaking and entering years earlier in Atlanta, but that's all the investigator could find. So the investigator asked the candidate to explain.

When the man was transferred from Atlanta to New York City, he could not sell his house and had to rent it. Later, the tenants moved without paying the rent. He flew to Atlanta to check on his property, only to find that they had changed the locks. While he

was prying open a window, someone called the police, and he was arrested. Being a Friday, he spent the weekend in jail before he could get legal help. No charges were pressed, but the arrest stayed on the record.

"We had to dig deeper to confirm the charges were dismissed. Even in Fulton County, Ga., you still need boots on the ground," says Ken Springer, the investigator and president of Corporate Resolutions Inc., a background-screening company.

He says relying only on online databases is one of the worst practices.

Even the FBI database, considered the gold standard, is incomplete, he adds. And

the FBI database is only available to certain government agencies and to private employers for conducting background checks on candidates in certain professions. Omissions occur because each state reports differently. Some only report convictions. Some report arrests and convictions. Some states expunge misdemeanors; others do not. In some, first arrests with no convictions are wiped clean; in others, they're not.

"Many of the people in these databases never go to jail," Springer advises. If you find a record, talk to the candidate. "Don't have an inquisition. Have a conversation."

The Illinois law appears to do just that. It contains exceptions that allow credit checks in many situations. "The exceptions basically swallow the rule," says Pamela Devata, a partner in the Chicago law office of Seyfarth Shaw LLP.

Rising Number of Complaints

There's some evidence—though not a lot—that the state laws address a real problem.

In 2009, the U.S. Equal Employment Opportunity Commission (EEOC) received more complaints than in previous years about job discrimination due to the use of credit histories, according to Chair Jacqueline A. Berrien. An exact number was not available, but the total was in the hundreds, she says. The commission has a mandate to investigate these allegations and can pursue legal options, usually class-action suits.

In December 2010, for example, the commission announced a class-action suit against Kaplan Higher Education Corp., a nationwide provider of postsecondary education, alleging it engaged in a pattern or practice of unlawful discrimination by refusing to hire a class of black job applicants nationwide. The suit alleges Kaplan rejected job applicants based on their credit histories and that this practice has an unlawful discriminatory impact because of race and is neither job-related nor justified by business necessity.

In another example, the EEOC filed a class-action suit against Freeman Cos., a Dallas-based event planner in 2009, alleging that Freeman engaged in a pattern of discrimination under

Title VII of the Civil Rights Act of 1964 by rejecting black, Hispanic and female job applicants on the basis of credit histories. The case, *EEOC v. Freeman*, is pending.

In October 2010, the commission held a public hearing on whether credit history has or could have discriminatory impact, Berrien says. "Screening is affecting many people because of the large number now seeking employment," she adds.

Some witnesses argued that:

- The use of credit reports is a growing practice that is unfair to workers.
- Misuse of credit histories could prevent economic recovery for millions.
- Credit reports have inaccuracy rates that are unacceptable for use in hiring decisions.

Witnesses cited studies that purport to show that credit history does not predict job performance.

Those studies were included in an analysis of research on this topic conducted for the EEOC by Michael G. Aamodt, a principal with DCI Consulting Group Inc. in Washington, D.C. "There is little research exploring the implications of using credit checks in employment decisions," Aamodt told the commission. "Any conclusions would be premature."

SHRM was represented at the public hearing by lawyer Christine V. Walters, SPHR, of Westminster, Md., who says, "The problem is mostly anecdotal. There is some research that there is adverse impact. I think many of us—panelists and commissioners—agreed we need more research to determine if there truly is a validated correlation between use of credit and members of groups denied employment.

Online Resources

To share your experiences and advice about background screening and its state and federal regulation and for more information, see the online version of this article at www.shrm.org/hrmagazine/0211Roberts.

We also need to look at all those who have stolen, embezzled or committed fraud and see whether they had credit problems.”

The next step: Commissioners must decide whether to issue new guidance on credit reporting, Berrien says.

Criminal Records: What to Ask, When

Federal and state officials want to know whether asking about criminal history on job applications has any discriminatory effect. Several public-sector employers think it does and have “banned the box,” a reference to removing the check boxes on applications that ask if the applicant has ever been arrested or convicted of a crime.

The city of Boston, with 17,000 employees, banned the box in 2006. Its recruiters do not check criminal records for all jobs. “We are telling applicants criminal background doesn’t matter for large numbers of jobs. So why are we still asking the question?” asks Bill Kessler, assistant director of HR. Kessler concluded that affirmative answers had “an effect on decision-making” too soon in the hiring process. He adds, “We don’t want a city that creates an underclass or keeps people out of work.”

More than two dozen cities and counties and at least five states have narrowed questions on their applications to cover only felony convictions or have stopped asking entirely about

employees, want to know early if there are felonies. “You cannot have a crime of theft or of abuse or violence, nor a drug-distribution type crime” to be considered for employment, says John Higgins, SPHR, vice president of talent acquisition.

New Rules, Old Rules

Private employers in Massachusetts will need to change their job applications. They must now comply with the state law that prohibits asking questions on an “initial written application form” about “criminal charges, arrests and incarceration.” Lawyers opine that questions would be allowed later in the process, but the law is not precise.

The fact that Massachusetts and Hawaii have ban-the-box laws for the private sector and 48 states do not illustrates an overarching problem: There is little consistency among state laws for the use of criminal records and credit reports in hiring. This is one reason most multistate employers hire background-screening partners. Walters says, “It is a full-time job to stay in tune with legislation.”

Maurice Emsellem, an attorney and policy co-director in the Oakland, Calif., office of the National Employment Law Project, applauds the Massachusetts law. In addition to removing the stigma of having a criminal record, “it requires employers to take a new look at their policies.”

Federal and state officials want to know whether asking about criminal history on job applications has any discriminatory effect.

criminal history. Some, including Boston, apply the policy to contractors.

The city council of Austin, Texas, a city with 12,000 employees, voted unanimously to ban the box in 2008 in support of efforts to rehabilitate 25,000 ex-felon residents. The city wants every applicant on equal footing at the start of the hiring process. Austin does not check criminal records for all jobs, and uses such checks only when the hiring manager is ready to make an offer. “There was a desire to remove barriers that would prevent ex-offenders from reintegrating into the workplace,” says Mark Washington, HR director.

Screening experts note that local governments bear the financial brunt for the failure to reintegrate ex-felons into society. “With ‘ban the box’, applicants can be considered without pre-judging,” Rosen says. “From a government point of view, it makes sense to get people back to work and to avoid the extra costs of social services. Private employers prefer to ask upfront.”

For example, recruiters for Ceridian Corp. in Minneapolis, an HR administration and payroll outsourcer with 8,000

Emsellem says he encounters many employers, especially large companies, that fail to comply with the Fair Credit Reporting Act, Title VII, and federal and state anti-discrimination laws. “Don’t have blanket policies that someone with a felony can’t work,” he advises.

In 2008, the EEOC filed a class-action suit against Peoplemark Inc., an employment agency in Grand Rapids, Mich., alleging that it discriminated by refusing to hire any person with a criminal record, thereby creating a disparate impact on black applicants. The case was voluntarily dismissed in 2010 without explanation.

In 2010, the New York attorney general’s office settled out of court with Radio Shack regarding unlawful discrimination against job applicants for rejecting employment applications and withdrawing conditional offers based on criminal histories without considering several factors required under state law. Emsellem urges employers to pay attention to these cases and “take a new look at procedures to make sure they are fair and not arbitrary.” ■



Resume

Current Address:

100 Student Road
Bloomington, IN 47401
(317) 555-5555

student@indiana.edu

Permanent Address:

100 Student Road
Anytown, IN 47400
(317) 555-5555

EDUCATION

Indiana University, Kelley School of Business, Bloomington, IN

May 2007

Bachelor of Science in Business, GPA: 3.9/4.0

Major: Accounting and Finance

Minor: Psychology

- Business Honors Program
- Mize Scholarship, Bill Armstrong Memorial Golf Clinic Scholarship

ACTIVITIES AND HONORS

- **Silver Medal Member**, Worked with a team of 10 career counselors providing assistance to more than 3,500
- **Participated** in monthly meetings with first-semester groups and other members of the local emergency
- **Board Member, Campus**, Participated in monthly meetings with first-semester groups and other members of the
- **Edison and to represent**, Organized 10 teams of volunteers to distribute more than
- **Sales Representative**, worked closely with incentives and professional staff during peak on-campus events,
- **professional, management, education centers and the business school.**
- **Student Ambassador**, closing operations five nights per week including billing members for car rentals,
- **information**, Trained five new employees in golf course operations and logistics.
- **Second Place, Precourse**, meetings with first-semester groups and other members of the local emergency
- **developed analytical and volunteers** to distribute more than 3,500 faculty emergency preparedness guides and
- **Chair**, Discuss Resurgence of community outreach projects throughout the Bloomington community,
- **prepared session letters**, meetings with first-semester groups and other members of the local emergency

EXPERIENCE

Blount County Citizen Corps Business, Bloomington, IN

May 2006 - August 2006

Student Intern

Researched, designed, Answered phones and worked closely with incentives and professional staff during

delivered by the chapters at the statewide conference a Conference on Community Service and Vol

Organized 10 teams of volunteers to distribute more than 3,500 faculty emergency preparedness guides

participated in the management of community outreach projects throughout the Bloomington community,

participated in monthly meetings with first-semester groups and other members of the local emergency

management community.

Undergraduate Career Services Office, Kelley School of Business, Bloomington, IN

January 2005 - May 2006

Big Desk - Career Consultant

- Worked with a team of 10 career counselors providing assistance to more than 3,500 students enrolled in career
- education centers and the business school.
- Answered phones and worked closely with incentives and professional staff during peak on-campus events.

Manassas Park Country Club, Ballwin, MD

Summers 2004, 2005

Closing Manager

- Managed closing operations five nights per week including billing members for car rentals.
- Trained five new employees in golf course operations and logistics.
- Collaborated in three person teams each shift to provide excellent customer service to more than 600 members.

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PRE-EMPLOYMENT SCREENING

SEEING BEHIND THE MASK

In an online world
where people
can find out who
your friends are
in an instant,
will traditional
reference-checking
practices prevail?

By Dori Meinert

The top candidate for a physician's job in a small-town Midwestern hospital seemed to be a shoo-in—until it was discovered on Facebook that she liked books on witchcraft.

While that might not have been an issue in other areas, the hospital's chief executive officer didn't think it would go over well in the conservative community the hospital serves. The physician wasn't hired, recalls Van Allen, the recruiter who conducted the search.

"There's nothing that screams more accurately who you are than a Facebook page," says Allen, owner of The Hire Connection in Lake of the Ozarks, Mo.

Most employers, like that CEO, are looking for ways to see behind the mask that a job candidate often wears to discover what the individual is really like. Traditionally, employers have relied on professional reference checks to determine whether a potential new hire's descriptions of his past performance, job skills and integrity are accurate. They contact former supervisors or co-workers to help them decide whether the applicant would be a good fit with the organization.

However, costly court judgments have prompted many careful cor-

The author is a senior writer for HR Magazine.

Cover Package

PRE-EMPLOYMENT SCREENING

porate attorneys to limit what HR professionals can say about past employees—even good employees who would benefit from the exchange. Now, this obstacle appears to be pushing equally careful HR recruiters to explore new methods for obtaining information, including the legally risky business of searching social networking sites. But can recruiters replace the traditional phone call?

Obstacles Mount

Pat Lund, SPHR, director of human resources for Total Card Inc., knows it's getting harder to get useful information from candidates' references. Her Sioux Falls, S.D., organization provides credit card and call center services, and employs 500 workers. She asks each candidate to provide three professional references. From that list, "We hope to get one viable confirming reference," she says.

While some organizations may be tempted to give up checking references altogether, employment law attorneys recommend forging ahead. If an employer doesn't conduct reference checks and an employee harms the company or his co-workers, the company could face a claim for negligent hiring, warns Christine Howard, a partner with the law firm Fisher & Phillips LLP in Tampa, Fla.

If "they document that they attempted to do it, that will show a good-faith effort on their part to hire individuals who should be in the workplace," she says.

Despite frequent turndowns, most recruiters still make the effort. In the SHRM poll, 76 percent of the respondents said they conduct reference checks for all job candidates and 22 percent said they check references for select candidates. They most commonly check the references of applicants who will have access to confidential employee data such as salaries or medical informa-

**If an employer doesn't conduct reference checks
and an employee harms the company or his co-workers,
the company could face a claim for negligent hiring.**

Typically, she continues, the candidate's past employers will only verify the dates of employment, job title and sometimes salary. "I usually am not able to get a yes or no answer to whether they are rehireable," Lund says. "However, I will find some employers who are willing, like us, to just give us a cautionary 'Think before you do that.' We do appreciate that.

"Early in my career, it was very easy," recalls Lund, a 29-year HR veteran. "The technology wasn't there, so everything was done by phone. You would pretty much be guaranteed of getting someone because they would answer their phone. ... It was more of a free flow of information."

Her experience is common. In a 2010 Society for Human Resource Management (SHRM) poll on background checking:

- 98 percent of 433 responding members said their organizations would verify dates of employment for current or former employees.
- 68 percent said they wouldn't discuss work performance.
- 82 percent said they wouldn't discuss character or personality.
- 87 percent said they wouldn't disclose a disciplinary action.

tion, those who will have financial responsibilities, those who will have access to company property, and those in senior executive positions. Only 2 percent said they don't conduct reference checks at all.

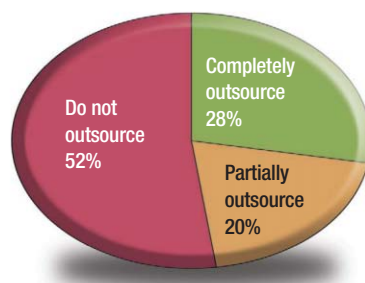
The HR Runaround

Many HR professionals prefer phoning candidates' past employers—as opposed to sending an e-mail or outsourcing the job—because sometimes they can catch someone who will talk. Many try to avoid other organizations' HR departments with the goal of getting the candidate's former supervisor.

Picking up the phone is labor-intensive, acknowledges Cydney B. Miller, SPHR, assistant human resources director at Clarksville Montgomery School System in Clarksville, Tenn. However, "the quality of information ... is better." Miller is a member of SHRM's Staffing Management Special Expertise Panel.

She and others say they learn by listening carefully to the tone of someone's voice and noting any hesitations. It's like deciphering code. "There's

Outsourcing Reference Checks



Source: Background Checking: General Background Checks, SHRM poll, January 2010.

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Reasons for Checking References

To reduce legal liability for negligent hiring	55%
To determine that credentials such as education, position or skills are accurately represented by the job candidate	35
To assess past performance and predict future performance	27
To reduce or prevent theft and embezzlement, other criminal activity	21
To ensure a safe work environment for employees	19
To comply with applicable state law requiring background checks for particular positions such as day care teachers or licensed medical practitioners	19
To assess the overall trustworthiness of the job candidate	16
To determine if salary history is accurately represented by the job candidate	1
Other	5

Source: Background Checking: Conducting Reference Background Checks, SHRM poll, January 2010.

something about the shift of the tone of the conversation that can indicate something may or may not be there,” says Rhemila D. Smith, PHR, human resources manager for Balfour Beatty Construction’s Florida division in Plantation. “You can feel the differential even if they’re only giving you the basics.”

Amy Wellons, HR benefits manager for Salisbury Country

Club in Midlothian, Va., tries to draw out information by asking the same question in different ways. “If they won’t answer one question, I just go to the next question and then, if I feel they’re starting to open up, I ask again,” she explains.

The extent of the inquiry depends on the type of business, the size of the organization and the job responsibilities. For example, in hiring engineers who will have responsibility for infrastructure that could affect the lives of thousands of people, the recruiter may dig deeper. At Greeley and Hansen, a global environmental and engineering consulting company based in Chicago, HR staff members usually check at least the past three employers listed by the candidate and then will find others on their own, says John Robak, chief operating officer and executive vice president.

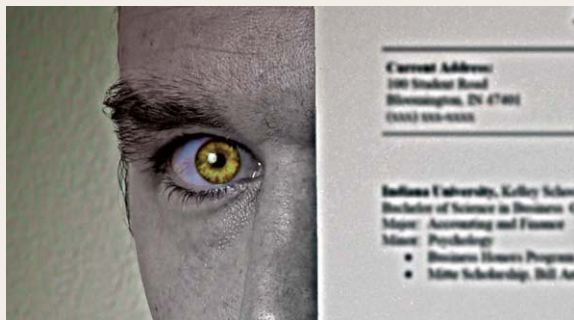
At the end, “We might have talked to six or eight people who would give us a pretty good picture of somebody’s background, plus verification of their licensing and academic background,” he says.

“Past performance is really the best indicator of future performance,” Robak says. The company’s thorough background-checking practices help keep the engineer staff turnover to a low 3 percent.

Greeley and Hansen outsources the work of verifying academic degrees, but the HR staff and hiring managers call candidates’ past employers. “I encourage our hiring manager to do at least one himself so he can hear firsthand some of the feedback,” Robak says. “That can lead to even more powerful results.” Plus, the hiring manager can get into the technical specifics of a job with the reference.

But organizations should ensure that hiring managers are trained, lest the employer get into legal trouble as a result of a hiring manager asking inappropriate questions. The same questions that are ill-advised in an interview are off-limits in a conversation with a reference, says attorney Keith Watts, a managing shareholder at the law firm Ogletree, Deakins, Nash, Smoak & Stewart PC in Orange County, Calif.

“The more a person is trained in the do’s and don’ts, the better off the company will be,” Watts advises. ➤



Reference Checking Checklist

Employment lawyers and HR professionals recommend that employers:

- Develop a written policy outlining procedures for checking references, and then follow it.
- Restrict the employees who conduct reference checks to HR staff or hiring managers trained to ask appropriate questions.
- Ask each applicant to provide at least three professional references.
- Obtain the applicant’s written consent to contact former employers.
- Try to contact at least two of the references via phone call, e-mail or online survey.
- Document attempts to contact references, and note their responses.



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When Checks Go Far Afield

Boca Raton Regional Hospital in Boca Raton, Fla., outsources reference checks and academic verifications for most of its 2,700 positions, reserving the HR staff for the reference checks on high-level positions, says Brian Altschuler, executive director of human resource operations. Many health care workers have received their education in other countries, requiring sources in those countries to verify their degrees and past employment.

“Most people don’t realize the complexity of having to validate and verify international education,” Altschuler says. “If you can work with a company that has folks on the ground in those countries, the validity and the turnaround is a lot stronger.”

He adds that workers are changing jobs more frequently or working two jobs to stay afloat in today’s economy, further complicating efforts to verify past employment.

Electronic Solutions

Large companies are more apt to outsource reference checks to vendors simply because of the volume of hiring they do. Employers that choose a vendor are “guaranteed that the references are going to be checked as opposed to a recruiter forgetting or being bogged down,” says Jeff Wizceb, vice president of business development for HRPlus, a background-screening company based in Chicago. HRPlus staffers phone the references but follow up with e-mail if there is no response.

Koch Industries Inc., with more than 70,000 employees in more than 60 countries, contracts with a vendor that sends electronic forms to references. It saves the HR staff time, says Dionna Keels, a member of SHRM’s Staffing Management panel and a recruiter for Koch until she left to become a consultant.

According to last year’s SHRM poll, 48 percent of the respondents said they outsourced some or all reference checks, far less than the 88 percent that outsourced criminal background checks.

Some background-screening vendors, such as HireRight in Irvine, Calif., offer integrated services that allow employers to use their current software to send applicant data to the vendor, which completes background and reference checks. The results are typically sent back to the employer’s applicant tracking system as part of one consolidated background report, says Catherine Aldrich, HireRight’s vice president of operations.

Other employers are turning to online surveys that return more comments more quickly. With this method, the recruiter

sends an e-mail link to the candidate. The candidate then sends the link to his references, asking them to fill out the online survey. Safeguards are built in to prevent candidates from falsifying responses. For example, these systems will flag responses sent from the same address or domain name. The vendor collects the anonymous survey responses and prepares an analysis for the employer.

The anonymity encourages past supervisors to open up without fear of legal reprisal, Aldrich says.

“People are very candid. It’s amazing,” adds Jennifer Susi, selection and recruitment manager for Asante Health System in Medford, Ore., who recently switched to a web-based survey tool offered by SkillSurvey Inc. in Wayne, Pa. Asante is using SkillSurvey to screen applicants before they are interviewed, eliminating about 8 percent to 10 percent of otherwise qualified applicants, she says. The turnover for employees within their first three months at Asante has declined from 10.1 percent to 6.6 percent since the process was implemented. “For me, it means we’re doing a better job providing our managers with the right folks,” Susi says.

For a traditional reference check by phone, it takes 76 minutes to try to contact three references and reach two, says Yves Lermusi, CEO of Checkster, a background-screening company in Mill Valley, Calif. His company offers a web-based tool that is similar to SkillSurvey’s. Using the tool takes about two minutes to trigger the process. Recruiters spend five minutes to read the report, he says. A typical customer gets six responses from eight references.

Both SkillSurvey and Checkster have increased their client

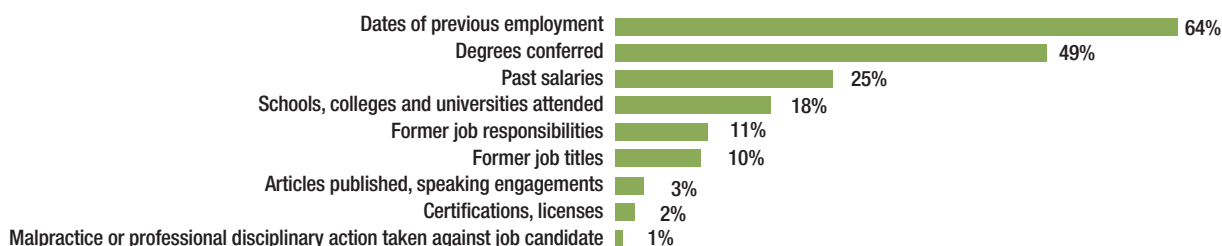
Catching Inaccuracies

How often do you discover information that is inaccurate—compared to what job candidates presented during the interview process—when conducting reference background checks on job candidates regarding:

Reasons	Sometimes	Always
Articles published, speaking engagements	16%	8%
Dates of previous employment	60	6
Past salaries	51	6
Malpractice or professional disciplinary action	23	6
Former job titles	47	5
Government agency record search	25	5
Former job responsibilities	46	4
Driving record check	42	4
Degrees conferred	40	4
Schools, colleges and universities attended	39	4
Former employers	39	4
Certifications, licenses	23	4
Military discharge information	16	3

Source: Background Checking: Conducting Reference Background Checks, SHRM poll, January 2010.

Inaccuracies Uncovered by Reference Checks Likely to Block a Job Offer



Source: Background Checking: Conducting Reference Background Checks, SHRM poll, January 2010.

bases significantly in the past several years—possibly a sign of the increased popularity of this technology. SkillSurvey has gone from 75 to more than 500 clients in three years. Since 2006, Checkster has attracted about 150 customers.

Proceed with Caution

Recruiters for about 45 percent of employers are using social networking sites to research job candidates, a jump from 22 percent in 2008, according to a June 2009 [CareerBuilder.com](http://www.careerbuilder.com) survey of 2,600 hiring managers. Another 11 percent plan to start using social networking sites for screening. Of those who conducted online searches, 35 percent found content on the sites that caused them not to hire a candidate, according to the survey. And, in a 2010 Microsoft-commissioned survey, 70 percent of the 275 U.S. recruiters, HR professionals and hiring managers that responded said they have rejected candidates based on information they found online.

Raymond Lee, CEO of CareerMinds in Wilmington, Del., warns job seekers that come to his firm for career counseling that employers are trolling the Internet, specifically Facebook and LinkedIn, for information about them. “We’ve actually heard employers asked for their user names and passwords,” Lee says. “It’s getting pretty aggressive.”

Balfour Beatty’s Smith finds a “direct correlation” between the upswing in employers using social networking sites and the dearth of information they can get from traditional reference checks. But, she says, “I’m not sure that’s the route they should be following. I have a Facebook page, and I tend to keep that private.”


Recruiters at Greeley and Hansen use the Internet and social networking sites as sources “just to give us some additional insight or information in terms of someone’s cultural fit for our organization,” Robak says, adding that the recruiters follow legal advice in doing so. Sometimes the information reflects a positive development, such as when a candidate posts a speech or conference presentation.

Lawyers caution employers to tread carefully when using the Internet, particularly social networking sites, to check out job candidates. If an employer uncovers facts via a candidate’s Facebook page that weren’t disclosed in the interview—a battle with cancer, for example—the company could face a discrimination claim if the person isn’t hired, warns Hope Goldstein, a partner at the law firm Bryan Cave LLP in New York City. The employer could also be subject to privacy claims or run afoul of state laws. Or, if a recruiter asks a friend or even a child to log onto Facebook for him or her, it could be seen as a violation of the federal Electronic Communications Privacy Act of 1986.

Many of the same guidelines offered for traditional reference checks apply to searching Internet and social networking sites, lawyers say. At a minimum, employers should revise their policies to limit people who can perform searches to HR staff, who can shield those making hiring decisions from information that can’t be legally used, such as health problems. Include a list of objective job-related criteria to follow, Goldstein says, and ask for the candidate’s written consent.

Hiring managers who aren’t properly trained should be warned against conducting such searches because they may turn to the Internet by instinct. “We all know policies are nice, but most people don’t read them,” says Reid Bowman, general counsel for San Francisco-based ELT, which specializes in ethics and compliance training.

In the end, experts say, checking references isn’t just about digging up dirt on a candidate. It’s about finding the right candidate for the job.

Consultant Wendy Bliss, J.D., SPHR, author of *Legal Effective References: How to Give Them and Get Them* (SHRM, 2001) concludes that “A real thorough reference check is giving you someone else’s perspective on that person’s ability to do a job well and their suitability for your organization.” 

Online Resources

For more survey results on reference checks, see the online version of this article at www.shrm.org/hrmagazine/0211Meinert.

Business Leadership

Shining Light on the HR Profession

Negotiating layoffs, furloughs and salary freezes during the recession likely enhanced HR professionals' strategic role, power and effectiveness for the long term.

By Edward E. Lawler III, Jay Jamrog and John Boudreau

What has been the effect of the recession on the HR function in organizations? There is speculation about how it has affected HR departments, but not much data exist on what happened to HR professionals' power, strategic role and effectiveness. Let's look at two scenarios that describe what might have happened and then look at some data suggesting that one scenario seems to have occurred most frequently.

When the recession began, HR professionals were struggling with what seems to be a perpetual credibility and status problem. The popular press was continuing to characterize the HR function as ineffective, an obstacle to change, overly bureaucratic and failing to add strategic value. Yet for the previous two decades, HR leaders had responded to critics by trying to become business partners who add value and help implement business plans. ➤



ILLUSTRATION BY CHRIS MCALLISTER

Negative Impact

Because of the way HR professionals responded to the recession, it would not be surprising if the impact on HR professionals' status and effectiveness has been negative. For example, HR leaders may have made it difficult for organizations to cut labor costs and to make other changes that managers sought to deal with the economic downturn. As a result, HR leaders may have added to the function's reputation as an obstacle to change. HR leaders also may have failed to provide good answers to the tough talent management questions the recession raised and, as a result, be seen as poor business partners.

Meanwhile, HR functions in many companies were subject to significant cost reductions and may not have been able to perform as well as they did before the recession. In short, as a result of how they reacted to the recession, HR professionals in many organizations could well be seen as less credible, powerful and effective today than when the recession began.

A Positive View

There is a more positive scenario, however. The recession created a situation where executives in a large number of organizations developed new competencies and capabilities and changed their strategies. Then they needed to make corresponding changes in the compositions and sizes of their workforces. The changes needed to adapt to the recession were changes that HR professionals could lead and contribute to. Who better to realign the strategy, talent and competencies of an organization than HR professionals? As Sadie Stern, senior director of human resources at LG Electronics MobileComm U.S.A. Inc., reflects, "The recession provided many obstacles for our business and many opportunities for our HR team."

If HR leaders stepped up to the plate in the way they responded to these changes, they could have been operational drivers who helped reduce costs and strategic drivers who helped reshape their organizations' business strategies. HR executives may have taken advantage of opportunities to demonstrate their value and to significantly improve their reputation and credibility as well as that of the HR function.

What Happened

To assess how the HR function has been affected by the recession, and practitioners' response to it, we distributed a survey answered by slightly less than a thousand HR executives and other types of managers in U.S. corporations that range in size from 1,000 to more than 100,000 employees. We asked how the HR functions have changed in their organizations as a result of the recession

Edward E. Lawler III is director at the Center for Effective Organizations and a professor at the Marshall School of Business, University of Southern California, in Los Angeles. Jay Jamrog is senior vice president of research at the Institute for Corporate Productivity in St. Petersburg, Fla. John Boudreau is research director at the Center for Effective Organizations and a professor at the Marshall School of Business.

and what steps HR professionals took to deal with the recession.

The results of the survey paint a positive picture of what happened to the HR functions in most organizations. HR executives were asked how the HR functions in their companies changed as a result of how they responded to the recession. In only a small percentage of companies did the recession result in a decrease in the strategic role, power and effectiveness of the HR function. In most organizations, HR professionals' ratings either stayed the same or increased in these areas. HR gained power and status, became more strategic, and improved effectiveness in more than a quarter of the companies surveyed.

In short, the data strongly suggest that the HR function was more likely to see an increase in power, effectiveness and strategic role than to see a decrease as a result of how HR executives responded to the recession. But—and it is a big but—these data come from HR managers who may well be guilty of wishful thinking rather than being accurate reporters of what happened.

To assess HR executives' credibility, we need to look at what other managers in their organizations report. The findings from this second group are similar to the results from HR executives. Thus, there seems to be consensus that the HR function was more likely to improve effectiveness than to decrease it as a result of what practitioners did during the recession. The high level of agreement among HR executives and other executives is an important finding. It suggests—despite what is often said—that HR executives know what goes on; they are not out of touch.

HR Changes

To get a sense of what HR professionals did to improve their status and effectiveness, we asked how the HR functions changed operations. Our analysis shows that a number of changes are strongly related to the degree to which HR departments improved their effectiveness during the recession. There are no

Recession Impact

As reported by HR executives:

	Decreased	No Change or Stayed the Same	Increased
Power and status of HR function	14.9%	58.2%	26.9%
Strategic role of HR function	14.0	47.1	38.9
Effectiveness of HR function	8.8	54.9	34.9

Recession Impact

As reported by managers:

	Decreased	No Change or Stayed the Same	Increased
Power and status of HR function	7.4%	67.6%	25.0%
Strategic role of HR function	2.9	67.6	29.4
Effectiveness of HR function	14.4	59.4	26.0

Source: *Future of HR*, Marshall School of Business, University of Southern California, Los Angeles, May 2010.

Business Leadership

In only a small percentage of corporations did the recession result in a decrease in the strategic role, power and effectiveness of the HR function.

surprises here, but there are some reminders of what HR professionals need to do.

Many changes that led to HR professionals improving their positions and functions involve practices and strategies that HR leaders said they want to put in place and have been advised to do for decades. Let's briefly review the changes most strongly related to improvements in the effectiveness of the HR function.

Talent management. Changes in talent management are most strongly related to improving effectiveness. HR executives who report that their organizations made stronger commitments to talent management and improving the quality of their talent management decisions showed the most improvement in the effectiveness of their HR functions. This provides one more confirmation that HR leaders must be expert talent managers.

Qualcomm is an example of a company whose HR professionals increased their focus on talent. According to Tamar Elkeles, vice president of learning and development, Qualcomm has redesigned its leadership development suite of programs to strengthen its leadership team and build a pipeline.

The survey results also confirm the importance of performance management. Respondents who reported a greater focus on performance management were likely to see improvements in the status and effectiveness of the HR function. No wonder: Having a performance management system that produces accurate data about the condition of an organization's talent is fundamental to making many of the decisions that leaders need to make during economic change and turmoil.

Analytics and metrics. HR leaders who emphasize numbers tended to see the biggest gains in the power and effectiveness of their HR functions. Therefore, to be seen as a credible function, HR leaders need data and analytics that show how effectively the HR organization operates and how talent management systems perform.

Innovation. There were strong relationships between willingness to change and improvements in the status and effectiveness of the HR function. HR organizations whose leaders reported increased willingness to try innovative HR activities showed large gains in status and effectiveness. Given the customary criticism of HR professionals for not being willing to innovate, these findings represent a confirmation of the reality that HR professionals need to be open to new practices.

3M Co. provides an example of an organization that made changes during the recession. "Our employee engagement initiative has been really helpful in opening up the channels of communications. We have been recreating and rethinking everything from total compensation to our employment brand," says Sandra K. Tokach, senior vice president of HR talent solutions.

Regarding innovation, we asked about two kinds of changes that HR professionals could make: We questioned the use of short-term fixes to solve HR problems created by the recession, and we asked about practices that had clear and tangible results. The data show that short-term fixes such as freezing wages had

relatively little impact on the power, status and effectiveness of the HR function. Those organizations where HR professionals emphasized short-term fixes gained slightly more than those that didn't, but it wasn't a strong relationship. The stronger relationship was associated with increasing the use of practices that have tangible results. The more HR professionals focused on practices producing tangible results, the more they gained in power, status and effectiveness.

One change was unrelated to the effectiveness of the HR function: spending more time on administration. The types of changes that organizations need to make in recessions cannot be accomplished this way. Good administration is needed to implement change, but there are more important and higher areas of payoff that HR leaders should focus on to increase their status and effectiveness.

Not Limited to Recession

Our results are good news for the HR profession. They suggest that the HR function has improved its position in many organizations as a result of how practitioners responded to the recession. They also indicate the paths that HR leaders need to follow to continue to improve effectiveness. The results strongly suggest that a commitment to talent management, use of analytics and metrics, and the willingness to try new practices should be part of HR functions in the future.

A note of caution: It is possible that the practices that led to the HR functions being more effective in this study are only good in times of recession. However, this seems highly unlikely. Our view is that they are good for all seasons. They should become part of the competencies and capabilities of HR leaders, regardless of the economy. They are just the capabilities that managers have been calling for HR professionals to develop for decades and that critics have said are missing. Our data on the reaction of HR professionals to the recession provides evidence that if HR leaders embrace talent and performance management, analytics and metrics, and innovation, they are likely to gain considerably in power, status and effectiveness.

Finally, note that many HR leaders were able to increase their performance management, analytics and talent development activities despite companywide budget cuts. The fact that they were able to do so shows that business leaders consider these activities priorities. Post-recession, this suggests that there may be increased financial support for human resources if HR leaders commit to strengthening performance management, analytics and talent development activities. ■

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Wellness Agenda

New Calling: Wellness Officer

There's a healthy job market for helping to keep employees healthy.



2010 for “wellness manager” returned 2,245 jobs posted within the previous 30 days.

A New ‘Calling’

“The increase in emphasis on employee wellness certainly is creating a new ‘calling’ for human resource professionals,” says Bob Merberg, founder of the Employee Wellness Network and wellness program manager at Rochester, N.Y.-based Paychex Inc., a payroll and HR services company with \$2 billion in revenues.

Merberg, author of *The Health Seeker's Handbook* (Well Lit Books, 2003), launched the network in April 2010 as a privately held social media website for employee wellness professionals. It maintains a jobs board that aggregates wellness job posts from around the Web.

The site also seeks to connect the growing community of wellness professionals so they can network and exchange ideas, he says.

“The absence of adequate networking opportunities is not only an impediment to the career growth for wellness professionals,” he says, “but also an impediment to the expansion of our knowledge about what works and what doesn’t work.”

While the network does not collect data on the number of wellness jobs, Merberg says he sees an increase in managerial jobs in the wellness field.

Who Are They?

Wellness leaders go by many titles—wellness manager, health and wellness

The author, a contributing editor of HR Magazine, is a business journalist based in the Washington, D.C., area.

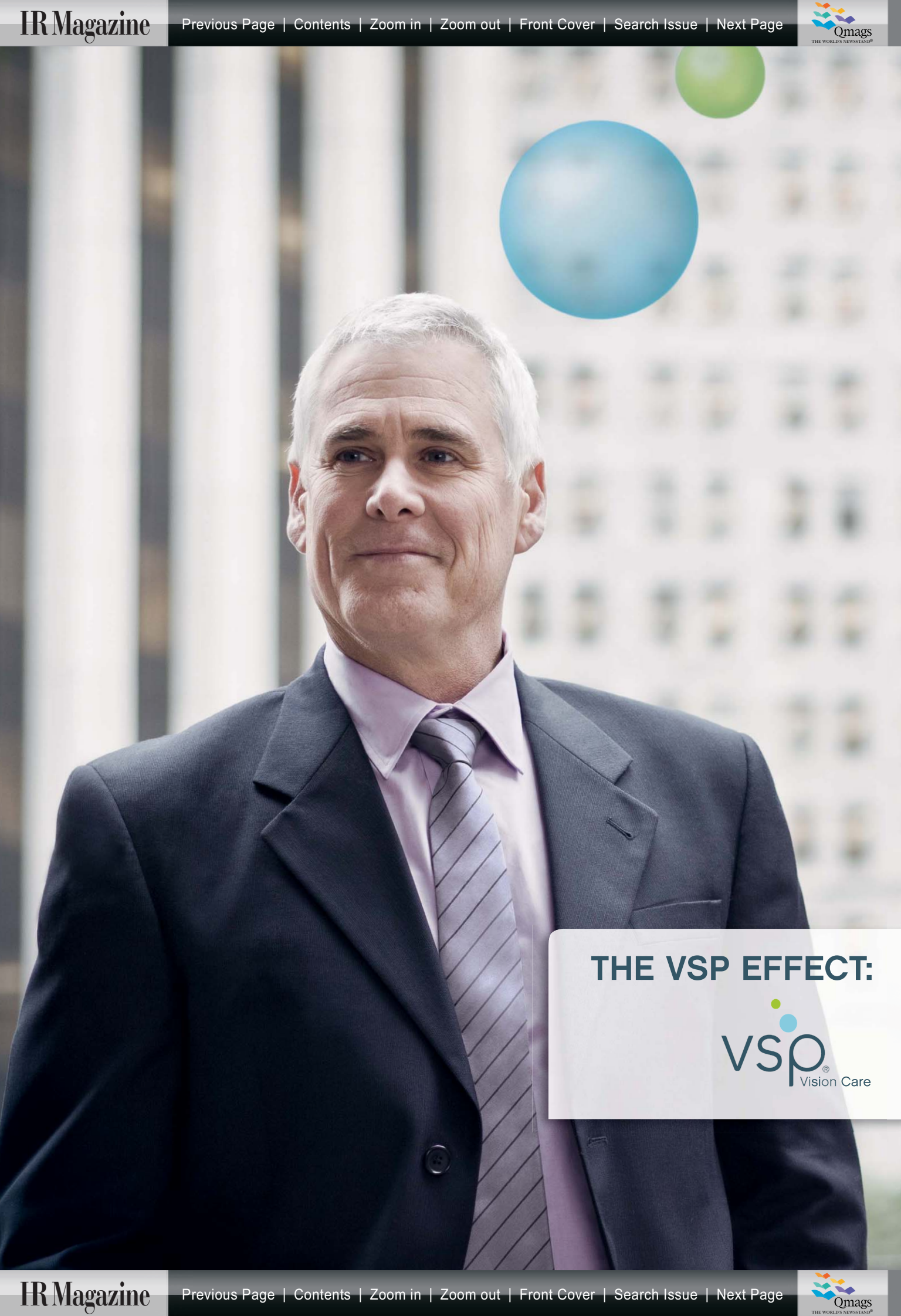
By Susan J. Wells

As employers expand and formalize their focus on employee health and wellness, the need for qualified corporate wellness leaders is growing in tandem. The trend, experts say, is quickly creating new, complementary career paths and advancement opportunities for HR and benefits professionals.

Job prospects are strong, according to data from the 2010-11 edition of the U.S. Bureau of Labor Statistics’ *Occupational Outlook Handbook*.

Federal officials use the term “health educator” to describe people who promote healthy lifestyles, including those targeting employee wellness. Employment for health educators is expected to grow by 18.2 percent through 2018, faster than the 10 percent average for all occupations. The bureau attributes the growth to the rising cost of health care—and employers’ quest to curb it.

Evidence in the job market confirms the rising demand. The online job site CareerBuilder, for example, had a 17 percent increase in wellness job listings from April to October 2010, says spokeswoman Jennifer Grasz. A search in December



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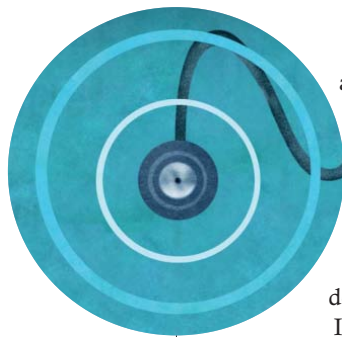
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manager, well-being director, wellness coordinator, wellness specialist and wellness champion are common. Most wellness hires report to a company's top HR or employee benefits executive.

While wellness professionals have many duties, they're generally defined as the management-level individual who leads a company's wellness efforts—defining the wellness mission in an organization and working to improve health and well-being companywide. Increasingly, wellness initiatives are linked and integrated with employee benefits plans.

"Many times, wellness responsibility logically and naturally falls to HR and benefits folks," says Gary Kushner, SPHR, CBP, president of Kushner & Co., a Portage, Mich.-based HR strategy and employee benefits consulting



and administration firm. "Small to mid-size organizations are generally less likely to create separate jobs for wellness, while large companies may be more likely to do so." In some organizations—

especially those that operate an on-site clinic or health services component—wellness managers have a background that combines HR, benefits and health, either academically or clinically, with a background in medicine, nursing, nutrition or physical fitness.

Many HR professionals who take on wellness duties tend to have considerable

Healthy Dose of Earnings Potential

Strength in the wellness job category is leading to healthier salaries, according to data from the *2010/2011 Survey Report on Human Resources Personnel Compensation* conducted by Towers Watson Data Services, part of New York-based global professional services company Towers Watson, in conjunction with the Society for Human Resource Management.

Wellness program managers were among the top 20 HR positions with the highest percentage increase in compensation from 2009 to 2010, according to the report. Those surveyed earned median total cash compensation of \$71,100 in 2009 and \$79,400 in 2010, chalking up an annual increase of 12 percent even in a tough business climate when salary budgets were tight.



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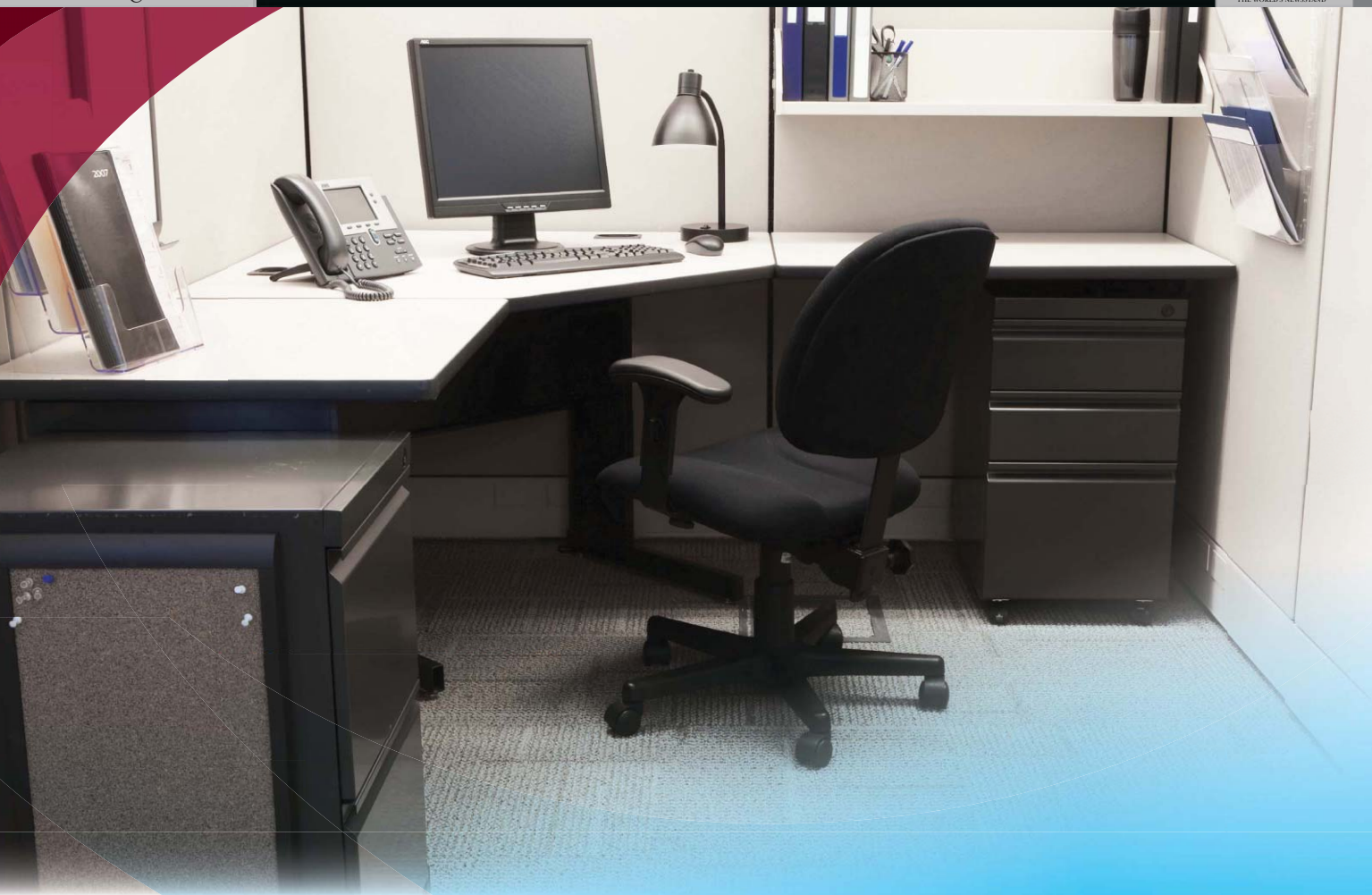


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Wellness Agenda

experience in planning and managing their companies' benefits strategies. It's a logical fit, given that wellness programs often tie into employee benefits plans.

Lisa Reimer, benefits and wellness manager at Foremost Farms USA, a dairy cooperative business based in Baraboo, Wis., with \$1.6 billion in sales, grew into the role. With a degree in business administration with HR emphasis, she started working at the 1,100-employee cooperative in 2000 as an HR coordinator performing HR generalist duties.

Always heavily involved in the planning and coordination of employee benefits, including health insurance, Reimer and the HR team offered health risk assessments and on-site biometric screenings to salaried employees in

Reimer's efforts to promote and expand employee health and wellness earned Foremost Farms a 2010 Well Workplace Gold Award from the Wellness Council of America, an Omaha, Neb.-based not-for-profit with 3,200 member organizations.

'Hard Skill Set' Wanted

Along with the backgrounds they bring to the job, wellness professionals must possess the "hard skill set" necessary to drive results, Kushner emphasizes.

"There is an altruistic side of wellness, but there's a financial side, too," he says. "Wellness isn't all about soft HR. It's about the hard science of wellness."

Whether it's logging improvements in health and well-being, increasing productivity, reducing absen-

skills and current knowledge in the field, experts say.

In fact, more companies now require or strongly prefer their wellness professionals to have a nationally recognized certification in health and wellness, says Beth Taylor, a consultant and a certified wellness program manager for Intercare Insurance Solutions in San Diego, an insurance brokerage and consulting firm.

"Wellness certification provides a tool for the employer to measure expertise," Taylor says. "But not all certifications are created equal, and the field of available wellness certification programs narrows when the goal is to find one that incorporates employee benefit concerns."

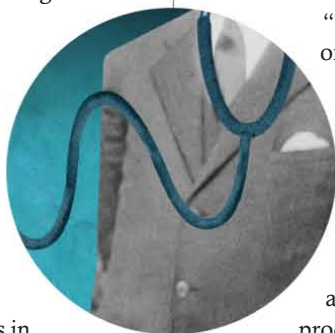
Some certification programs, for instance, focus on the clinical aspects of wellness; others concentrate on intervention services like health coaching, nutrition or fitness. The type of certification that best supports your company's strategic goals is "one that takes a total wellness program management approach." This approach should include:

- Information on types of wellness program offerings.
- Information on design of health risk identification, such as risk assessments and screenings.
- Implementation instruction.
- Evaluation and results techniques.
- Communication strategies, including incentives.

The following certifications garner favorable reviews from wellness professionals interviewed for this article. All strive for academic preparation, breadth of professional leadership experiences, and commitment to continuing education and professional development.

Certified Health Education Specialist. Offered by the National Commission for Health Education Credentialing in Whitehall, Pa., this certification requires that candidates pass an exam on health educators' responsibility and is aimed at entry-level professionals with at least a bachelor's degree. Applicants must complete 75 hours of approved continuing education courses or seminars during a five-year period to maintain certification.

Certified Wellness Practitioner. Offered by the National Wellness Institute in Stevens Point, Wis., this



'Goals and methods of employee wellness are not quite like conventional health promotion. ...It's an unusual and fascinating hybrid.'

2004, and expanded the benefit to hourly manufacturing employees at 13 locations soon after.

"Our wellness programming started slowly but has steadily grown more intense," she says. As a result, Reimer was named benefits and wellness manager in 2009. Reporting to the corporate director of HR, her responsibilities include day-to-day administration, planning and communication of all employee benefits—retirement benefits, health benefits, soft benefits and wellness programming.

"As wellness grew, so did my interest," Reimer says.

The cooperative's commitment to employee well-being provided her with resources and time to take an aggressive approach. She attended seminars and conferences, read, and worked with benefits consultants to learn what's new.

teeism and presenteeism, or reducing overall health risk, it's about analyzing, benchmarking, measuring, tracking and return on investment, Kushner explains. "The really good HR practitioner has that skill set."

Paychex's Merberg—whose background includes health coaching, training, and a graduate degree in community health and exercise science—shares that view. "My concern is that employee wellness is perceived as simply a fun job," he says. "It is fun, but it also is dependent on broad knowledge and on strategic methodologies."

Credentials Important

For HR professionals looking to take on the role of wellness manager—or looking to hire one—a growing crop of professional credentials can help establish credibility and demonstrate hard

designation is geared toward wellness professionals who have demonstrated excellence. It's based on a point-ranking system of qualifications, knowledge and documented leadership.

Certified Worksite Wellness Professional. Also offered by the National Wellness Institute, this program uses best-practices solutions to help worksite wellness professionals, benefits managers and HR administrators get the skills and information they need to design, implement and evaluate programs. Offered in partnership with WebMD, a medical information website, the multilevel certification requires two days of training, four small group projects and an exam.

Well Workplace Practitioner. Offered by the Wellness Council of America, this multilevel certification and webinar series is known as Well Workplace University and focuses on skills and benchmarks needed to deliver a results-oriented workplace program. To date, more than 1,200 worksite wellness practitioners and business leaders have completed the Well Workplace University curriculum.

Certification in Wellness Expertise. Newly added to the lineup of certifications offered by the National Association of Health Underwriters in Arlington, Va., this continuing education course is targeted to employee benefits professionals who want comprehensive guidance on program implementation, compliance, incentives, return on investment and evidence of the business case for wellness. Certification is achieved following completion of the course and an online exam.

Health Promotion Director. Offered by The Cooper Institute in Dallas, this curriculum-based testing course is meant for professionals establishing or enhancing their worksite health promotion program. Topics include planning, needs assessment, evaluation strategies, marketing tactics, and building support

Online Resources


See the online version of this article at www.shrm.org/hrmagazine/0211WellnessAgenda for links to wellness certification programs.

and direction. Those who complete the course and pass written and practical exams earn a certificate.

An Evolutionary Revolution

As HR professionals continue to accept and pursue opportunities in health promotion leadership, they would be wise to keep in mind that corporate wellness roles are still evolving.

The employee wellness profession still lies in "uncharted waters," Merberg says. "The goals and methods of employee

wellness are not quite like conventional health promotion or like other HR initiatives. It's an unusual and fascinating hybrid. This is just one of the reasons it's such an exciting field." 

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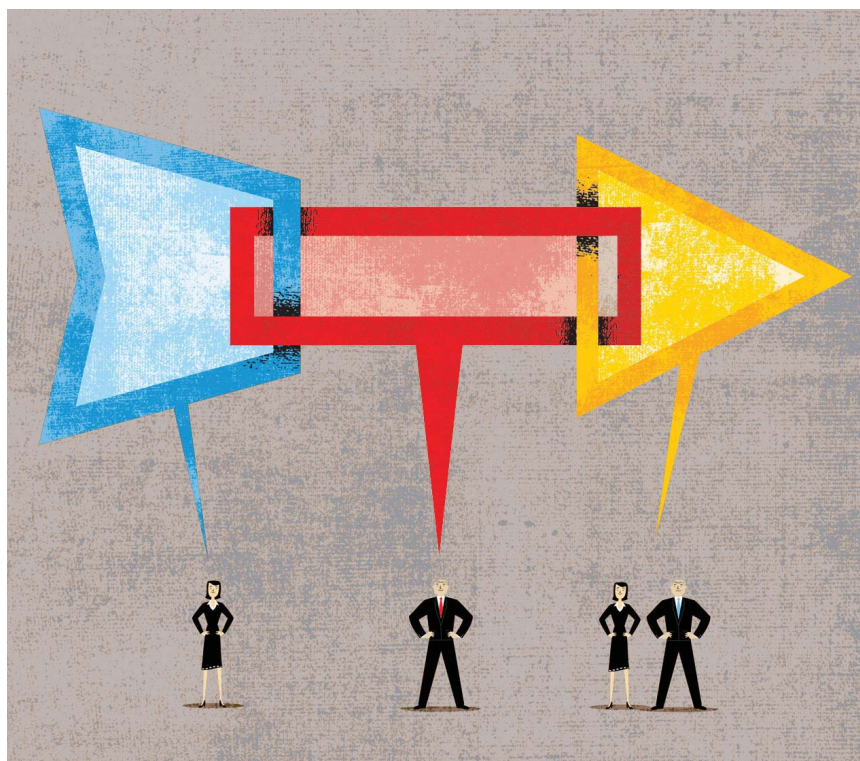


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Training & Development Agenda

The Strongest Link

Support middle managers' ability to focus on direct reports, executives and colleagues.



By Kathryn Tyler

Deb Williams highly values the monthly training Elkhart General Hospital offers to middle managers. At the acute-care 300-bed hospital with 2,300 employees in Elkhart, Ind., she's the manager of respiratory care. One of the sessions she found most useful was about dealing with difficult employees.

"You find you are not alone," she says. "I was able to take information back and put it into immediate use."

Williams represents one of the most crucial, yet underappreciated, segments of the workforce: the middle manager. Long neglected and squeezed by expectations from the top and bottom, these important people are rising to the forefront as linchpins that hold together customer-facing employees and upper executives.

"Middle managers are the link between your mission and execution," says Kurt Meyer, vice president of HR and support services for Elkhart General Hospital. "They turn our strategy into action and get everyone on the same page."

Tom Davenport, senior practitioner in the San Francisco office of global HR

consulting firm Towers Watson and co-author of *Manager Redefined* (Towers Watson, 2010), agrees. Often, "managers in the middle are treated as if they are superfluous. But that isn't the case. Directly and indirectly, the supervisor-employee relationship makes a lot of difference" in employee engagement and retention, he says.

Curtis Powell, vice president of HR for Rensselaer Polytechnic Institute in Troy, N.Y., says middle managers connect the dots for front-line employees. "A well-trained middle manager who is capable of clearly articulating the vision and mission of the organization and is capable of clarifying the strategies of the organization's top leaders will minimize the 'us vs. them' mentality and improve the overall morale and satisfaction of the workgroup," he explains.

How can HR professionals support middle managers, and what type of training is needed? HR professionals should:

- Address the needs of new and veteran managers.
- Reduce barriers to training.
- Create opportunities for middle managers to network with one another and learn about different aspects of the organization.

Tailor Training

"People leave managers, not companies," advises Alexis Balkum, SPHR, vice president of learning and development for Turner Broadcasting System (TBS) in Atlanta. "Position those managers for success and you'll be better positioned to retain your employees."

But first HR professionals must

The author is a freelance writer and former HR generalist and trainer in Wixom, Mich.

ILLUSTRATION BY MIKE AUSTIN

Training & Development Agenda

understand the diverse needs within the management population. New managers and veteran managers have different skills gaps, for instance.

The historical model of simply promoting a front-line employee into a supervisory role without providing appropriate preparatory training is no longer prudent, Powell warns.

Statistics show that, without training, middle managers new to their roles aren't successful at transitioning from subject matter experts to people managers, Balkum adds. Hence, TBS "recently built a more comprehensive, seven-month program around two components: understanding the policies and procedures around managing a team, and leadership skills to help them achieve their business goals," she says.

The Management Essentials program combines webinars, classroom training and e-learning. It covers the life cycle of an employee, hiring, performance management, company policies and procedures, delegating, time management, transitioning from an individual subject matter contributor to a people manager, team development, and resolving interpersonal conflict. The program also provides opportunities for managers to connect with their peers.

TBS piloted the program in February 2010. The first class graduated in November. New managers are required to complete the program; this year, the company plans to adapt it for veteran managers.

The University of Texas Medical Branch, in Galveston, also tailors training offerings to the needs of three management populations: new managers, veterans and those who supervise middle managers, says Douglas G. Stark, director of organizational and workforce development.

The university's Emerging Leader Program serves individuals who have little experience in leadership and focuses on communication and team building. "We have modules on giving and receiving constructive feedback, emotional intelligence, and building relationships," Stark says.

A Leader Orientation course for veteran managers covers hiring, coaching, recognition, discipline, communication

and delegation. "Many middle managers have knowledge of these issues but got little guidance on how to do them," Stark says.

The Manager Certification course is for individuals who lead other leaders. That course focuses on getting things done through multiple levels while engaging the staff.

Overcoming Obstacles

Once HR professionals understand their target populations, they must overcome common training obstacles, particularly relevance, time and funds.

Relevance. "If an organizational leader says he needs training in X, what he is really looking for is a solution to some problem related to X," Powell says.

Louis headquarters for the three-day Achieving Manager course. Topics include personal attitudes, power management, communication style, manager involvement and interpersonal relationships. New managers attend within 60 to 90 days after promotion to a management position, and veteran managers cycle through every three or four years. The course became mandatory two years ago, says Mike Jacobs, director of training.

In addition, Scottrade, with 3,400 employees and 500 branches, offers 10- to 12-minute online modules so managers don't have to find blocks of 60 to 90 uninterrupted minutes to work through a training course, Jacobs explains.

Money. Training and development

Training and development can be costly. One solution: Partner with local instructors.

"It is your job to determine if training is the appropriate remedy."

Training can only improve gaps in employee knowledge and skills and, perhaps, influence attitude, he explains. Training cannot address resource issues or workflow problems, for example.

"Usually the request for a training class is not what we end up doing. Many times, we work with the group to clearly define roles and processes first," Stark says.

Time. "With all of their other priorities, getting managers to spend time on their own development is difficult," Meyer says.

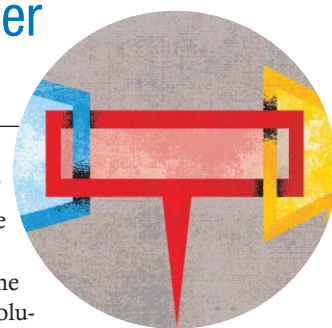
When and how training occurs makes a difference. For example, every quarter Scottrade, an online brokerage firm, flies 20 to 25 managers to the company's St.

can be costly if you use outside consultants, Meyer says. One cost-effective solution: Partner with local instructors.

For example, Lincoln Financial Group, headquartered in Radnor, Pa., launched its middle management training in 2009—the middle of the recession. The company partnered with the University of Pennsylvania's nearby Wharton School to develop courses for middle managers. The courses cover project management, presentation skills, business leadership and coaching. The result was a huge increase in the number of learning opportunities: 1,300 in 2009 vs. fewer than 200 in 2007.

Lincoln's leaders asked, "What can we do to make the workplace experience even better during a tough time?" The response to learning and development was critical," recalls Lisa Buckingham, chief HR officer.

Davenport advises HR professionals to use training dollars to help middle



Online Resources

For additional information about training middle managers, see the online version of this article at www.shrm.org/hrmagazine/0211TrainingAgenda.

managers with performance management and navigation of their organizations.

Peer Support

Networking is one of the most effective outcomes of training—and it is inexpensive. Middle managers crave the empathy, camaraderie and “been there” solutions offered by their peers. An example: A Silicon Valley technology company’s leaders asked managers, “‘What would make your job easier and better?’ The No. 1 thing they said was ‘More connections with other parts of the company to build skills,’ ” Davenport says. “Let managers connect.”

HR professionals can foster opportunities for discussions between managers. The venues may be as simple as regularly scheduled brown bag lunches with rotating topics or as sophisticated as catered question-and-answer lunches with formal executive panels.

“I appreciate the opportunity to listen to other managers and hear their challenges and how they worked through them to reach positive outcomes,” says Alison Gratzol, manager of the center for cancer care at Elkhart General Hospital.

Her employer focuses managers’ training on leadership, mentoring and understanding different perspectives. At the hospital’s Leadership Academy, hospital leaders teach middle managers about business topics. In the Day in the Life mentoring program, “each manager spends two to four hours with an internal customer or key stakeholder,” Meyer explains. “We have had very positive feedback.”

At TBS, middle managers take online courses and discuss them. “People love to share their learning across the organization,” Balkum says. “The opportunity to learn from others is really effective.”

Davenport notes that better managers spend less time on administrative tasks

and more time engaging people, brainstorming with employees about how to improve processes, networking and learning new things.

Full Plates

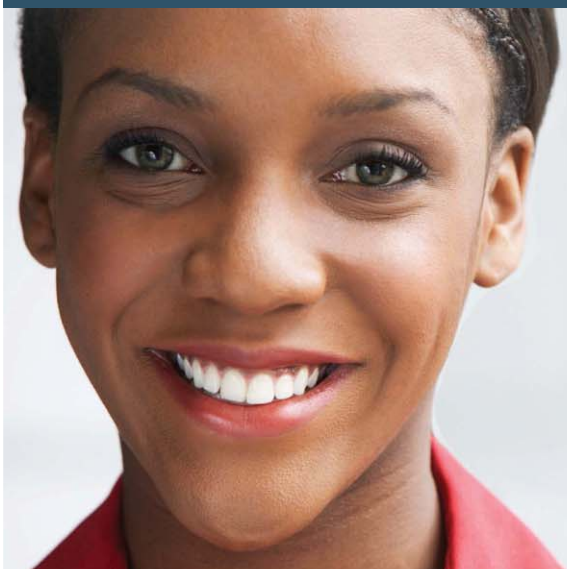
“When budgets are being cut, the tendency in some organizations is to reduce training and professional development,” Powell says. “Ironically, it is during these times of tribulation that the knowledge and skills available for middle managers is crucial.”

When managers are pulled in many directions, they risk losing their effectiveness, Meyer says: “People tend to cut corners in order to survive. We need them balanced and healthy or our gains will diminish.”

Middle managers are the key to employee engagement, retention, satisfaction and productivity. One of the most crucial tasks for HR professionals, then, is to support middle managers and keep them energized. **HR**

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HR Technology

Redesigning Your Careers Website

Make it easy for candidates to view and apply to job postings.



By Dave Zielinski

After Maureen Solero perused her company's careers website through the eyes of a potential job applicant, she knew changes were in order. Solero, global head of staffing for health care solutions company Novartis, concluded that 17 clicks were far too many to require of candidates who wanted to find specific jobs and apply. Three million job seekers visit the Novartis careers site annually. Solero was concerned that the difficulty of navigation would create unacceptably high drop-off rates as candidates grew frustrated and left the site.

So Solero created a cross-divisional group of human resource, communications and hiring managers to brainstorm ways to redesign the site to make it easier to use, to accelerate candidate access to jobs information, and to provide more-engaging messages about the Novartis work experience. The redesign group worked with information technology colleagues for several months on enhancing system platforms and site navigation to revamp the careers portal—with impressive results. Pilot redesigns of the company's careers sites in Russia, China and Brazil will follow. As a result, "We are now able to deliver our career messages globally with less than half of the navigation previously required by users. We have taken some of the 'clicks' out of recruiting," Solero says.

More Visitors, More Visible

With more people visiting corporate careers websites for jobs information, and with recruiters emphasizing those sites as recruiting and employment branding tools, making your site easy to find, applicant-friendly and rich with information about current employees, work culture, benefits and development opportunities may be more important than ever.

According to Potentialpark Communications, an international web recruitment research company based in Sweden, nine of 10 candidates go online to find career-related information. Of those, about two-thirds trust the information on corporate careers sites.

In many cases, human resource leaders who initiate a redesign of their companies' careers sites are responding to a desire from candidates for organizations to move beyond the "public relations speak" of the past and provide a more realistic, behind-the-scenes portrayal of work life—which is often given by actual employees.

Starbucks is one company that has answered the call. The Seattle-based coffee company recently revamped its careers site to improve ease of use and provide engaging content. An information architect hired in 2009 to study how candidates use the site discovered troubling patterns, according to Lacey All, director of strategic talent initiatives.

The number of "clicks needed to get to key jobs information was too high, and people were often navigating away from critical content and getting lost," All says. "The content on your site can be great, but if the user experience isn't equally good, you have a problem." >

The author is a freelance writer and editor in Minneapolis.

ILLUSTRATION BY DOUG ROSS

HR Technology

Improving navigation paved the way for content changes. Redesign team members said the site did a good job of explaining Starbucks' "green apron" experience and selling the benefits of working in retail positions. But messages about working in business units such as supply chain management, marketing and information technology were not as strong, they concluded.

"Those are big growth areas for us, and we wanted to do a better job of telling the story of what it's like to work in those functions," All says. So six function-specific web pages were created featuring "day in the life" videos of employees talking about their work, as well as short profiles of workers at different career levels explaining why they chose the company and why they enjoy the work culture.

These pop-out pages avoid the previous problem of pulling visitors away from content focused on culture and work environment. "We don't want to draw people away from what life is like in Seattle, the unique qualities of our work culture and the value proposition of being an employee here," All says.

London-based assurance, tax and advisory services company Ernst & Young also revamped portions of its careers site to improve the user experience, says Dan Black, director of campus recruiting for the Americas. Students applying for jobs through the company's applicant tracking system said that the process took too long. So designers separated that process into two steps by reducing the number of fields candidates had to fill out on initial applications and asking for additional information once applicants made it to the next stage, Black says. People "didn't want to spend 30 minutes filling out applications," he notes.

To create a cohesive, global feel for its careers site, recruiters at software giant Microsoft Corp. completed a redesign in 2010 that integrated more than 100 country careers sites into a single, one-stop site for worldwide Microsoft job opportunities.

"Integration allowed us to create more-consistent branding, streamlined navigation, and made it easier for candidates to find and apply for worldwide jobs with a single search," says Margie

Medd, Microsoft's director of employment branding.

A common denominator among careers website redesigns: Those leading the effort seek a variety of contributions from line partners and users before making changes. Solero's team at Novartis, for example, began by soliciting feedback from job candidates, recent hires, hiring managers and Novartis recruiters.

"Our recruiters in particular use these tools each day and were very helpful to us in shaping design priorities and deliverables," Solero says.

Enter Here

You can't attract the best talent, of course, until job seekers know how to find your company online, so many organizations drive traffic to their careers portals through search engine optimization strategies, via links from social networks such as Facebook and LinkedIn, and by tweeting about job opportunities.

"We don't want to leave our fortunes to whether job candidates just happen to stumble upon our careers site online," Black says.

Ernst & Young also uses its Facebook page to proactively address rumors or inaccuracies about career opportunities circulating on social networks.

In 2010, for example, Black used Facebook to address rumblings online that the company may be cutting back on hiring plans and recruiting visits to campuses. He confirmed that hiring practices hadn't changed and invited people to pose questions to him on Facebook during a two-week period.

"I logged on three or four times a day to answer specific questions college students had about hiring, the number and kinds of positions that were open, tips on how to get a job here, and much more," Black says.

Starbucks extends its reach into social media through the use of a web "widget" that can be downloaded to Facebook. The application serves as a mini careers site of sorts. "A Facebook user can tell

the widget he or she is interested in marketing or communications jobs at Starbucks, and will be linked directly to those positions on our site," All says. "Facebook friends can literally pull the widget off of a friend's page and place it on their page, and customize it for their own areas of jobs interest."

Some recruiters have strategies for drawing passive job seekers to careers sites as well. Passive job seekers include those who aren't online with the express purpose of exploring jobs at given companies, but who might be drawn to a careers site with the right appeal.

Ernst & Young, for example, has a presence on Pandora, the online radio station, "not because we love music, but because it's another place that potential job applicants spend time,"

Black says.

At Starbucks, the recruitment team uses the company's in-store digital network to get employment messages in front of passive candidates. When customers sign up for free

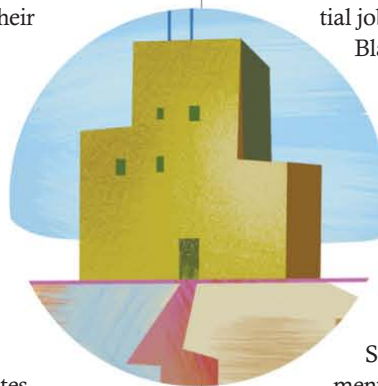
Wi-Fi connections in Starbucks stores, employment messages pop up during sign-on that link to the careers site.

"If we can reach potential candidates where they play, if you will, and place a jobs message in front of them, we think they'll begin to consider Starbucks in their employment vernacular," All says.

Building Virtual Relationships

When redesigning careers websites, many HR professionals strive to give candidates greater insight into the people, culture, work environment and future development opportunities at their companies. They begin building virtual relationships and making candidates feel as if they're already among potential friends or in a culture that aligns with their preferred work styles or values.

Such insights often take the form of videos where employees talk about their jobs or the corporate culture, short text-and-photo biographies of workers at different levels in departments, or virtual tours of office spaces. Some recruiters give the videos greater exposure by post-





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ing them on the company's YouTube channel.

"Convey what your company is really like to work for through the voice of actual employees," says Microsoft's Medd. Microsoft's JobsBlog contains employee blog posts and day-in-the-life videos.

Accenture, the global management consulting, technology services and outsourcing company in New York City, is set to roll out a redesigned careers site in early 2011 that incorporates extensive user feedback for an interactive experience, says John Campagnino, global director of recruitment.

The site will quickly match candidates by background, skill sets, interests and geographic preferences to the right jobs. "You'll also see even more of the human face of Accenture and a focus on things that are important to us beyond work," Campagnino says.

Ernst & Young employs multimedia functions to offer do's and don'ts for job

interviews, to highlight flexible work-schedule options and to help candidates determine where they best fit in the organization. One such tool, called Picture Yourself, asks candidates questions about their education and interests and then directs them to matching job opportunities that might emphasize travel, work with companies of a certain size or a mix of project types.

"In a big organization like ours, it can be hard for applicants to find their place or the right fit on the site, and we think these tools aid in the process," Black says.

Optimizing for Mobile Use

With more people accessing careers portals via smart phones, and with industry analysts predicting that use to grow rapidly in coming years, HR professionals are modifying their companies' sites for use on hand-held mobile devices. If not optimized to display on the smaller screens of smart phones, most careers sites end up

Online Resources

For links to resources on redesigning your careers website, and for links to the Novartis, Ernst & Young, Microsoft and Accenture careers websites, see the online version of this article at www.shrm.org/hrmagazine/0211Zielinski.

looking jumbled. Adaptation for mobile devices usually focuses on displaying text or essential jobs information while leaving out graphics. Or, companies may use pre-made mobile templates to create completely separate versions.

Making relevant information easily accessible and readable via smart phone is a current focus at Ernst & Young, says Deborah Compagner, marketing communications leader for recruiting in the Americas.

As hiring needs inevitably pick up, keeping your careers website fresh, engaging and user-friendly will take on even greater importance. **HR**

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Court Affirms Injunction Reinstating Striking Workers

Overstreet ex rel. NLRB v. El Paso Disposal LP, 5th Cir., No. 09-51006 (Nov. 4, 2010).

In an appeal of a district court's injunction reinstating former striking workers, the 5th U.S. Circuit Court of Appeals agreed that such injunctions were rare but that this one was appropriate. The 5th Circuit affirmed the injunction because the district court possessed reasonable cause to believe that the employer violated the Labor-Management Relations Act (LMRA).

The employer, El Paso Disposal LP, runs a garbage collection and disposal business headquartered in El Paso, Texas. The International Union of Operating Engineers, Local 351, AFL-CIO, was certified as the exclusive bargaining representative for El Paso Disposal's maintenance unit employees on Sept. 28, 2006, and for El Paso Disposal's drivers unit employees on Oct. 12, 2006.

The union's first negotiation sessions with El Paso Disposal began in January 2007. Between that time and late November 2007, the union and El Paso Disposal held 14 bargaining sessions; each lasted for about five hours. Because the union and El Paso Disposal could not resolve issues about management rights and three other noneconomic areas, the union informed El Paso Disposal that members had voted unanimously to strike. The union started an unfair labor practices strike on Nov. 21, 2007.

Before the strike began, El Paso Disposal called a meeting—without union representatives present—and told its drivers that if they joined the strike they would be permanently replaced. In December 2007, El Paso Disposal informed union officials that it considered the strike to be an economic one, that all

strikers were permanently replaced, and that no vacancies existed.

In January 2008, Regional Director Cornele Overstreet of the National Labor Relations Board (NLRB) filed an administrative complaint against El Paso Disposal alleging unfair labor practices under the LMRA. In July 2009, with the primary complaint still pending, Overstreet asked the district court to issue an injunction ordering El Paso Disposal to:

- Cease and desist from alleged unfair labor practices.
- Recognize and bargain in good faith with the certified union.
- Rescind unlawful unilateral changes in working conditions.
- Offer to reinstate the former strikers.

After the district court granted the injunction, El Paso Disposal appealed to the 5th Circuit. The company argued that the lower court lacked subject matter jurisdiction because the petition was filed by Overstreet, not the NLRB. But the 5th Circuit pointed out that the board delegated Overstreet and other general counsel the final authority to file such a petition and to act on behalf of the board.

The 5th Circuit took this opportunity to discuss the U.S. Supreme Court's recent and controversial ruling in *New Process Steel LP v. NLRB*. In *New Process Steel*, the Supreme Court “held that when only

two members of a three-member [NLRB] delegee group remain, there is not a quorum and the group loses the authority delegated to it by the board.” Yet the 5th

Circuit noted that a delegee who is not a member of the board, like Overstreet, “may continue to function after the board's membership dips below three.”

In the end, the 5th Circuit affirmed the district court's

injunction because the record contains a significant amount of evidence suggesting that El Paso Disposal failed to meet its responsibilities as a negotiating partner. During negotiation, for example, El Paso Disposal “did not meet at reasonable times, delayed the initial bargaining session for four months and refused to negotiate for more than five hours a day.”

The court also took issue with the fact that El Paso Disposal's representatives often left those meetings early to catch flights out of town and attended only 14 bargaining sessions during a 13-and-one-half month period, for a total bargaining time of 60 hours. This left the 5th Circuit and the district court with more than enough evidence to conclude that El Paso Disposal engaged in bad-faith bargaining.

Professional Pointer

Terms such as “unionization” and “collective bargaining agreement” may cause many employers to have sleepless nights, but they cannot ignore the law. When union certification occurs, good-faith negotiation is required, not optional.

By Chris W. McCarty, an attorney at Lewis, King, Krieg & Waldrop PC in Knoxville, Tenn.

Employer Liable for Race Discrimination

Thompson v. Memorial Hospital of Carbondale, 7th Cir., Nos. 07-2249, 07-2296, 07-2297 (Nov. 3, 2010).

An employee successfully sued a hospital for race discrimination, saying he had been discriminatorily placed on probation by a racist supervisor set on railroading him out of his position.

The hospital controlled the Southern Illinois Regional Emergency Medical System, where Archie Thompson worked as a paramedic. Thompson was the only black paramedic in the system.

Thompson performed his job well, but one day he failed to follow protocol to call in a certain procedure after administering it to a diabetic patient, whom he had just revived. When Thompson got back to his base, the supervisor on duty told him he should have made the call.

Thompson said he would do so in the future. The next day, Thompson went out on a similar call for another diabetic patient and correctly called in the procedure.

Concerned that

Thompson hadn't known about the protocol, the on-duty supervisor asked other paramedics about their experiences. The supervisor came to believe that the protocol had not been distributed or publicized among paramedics, and that it was not being followed by paramedics, including but not limited to Thompson. The supervisor raised this concern with middle manager Paula Bierman.

Bierman apparently thought that one black paramedic was one too many. She allegedly had made comments of that nature to Thompson and others, particularly that she believed that black employees did not have the same abilities as white employees. Bierman had re-

cently administered a difficult quiz to the paramedics, including Thompson, and Thompson had missed most of the responses.

Importantly, Bierman did not have the authority

to put Thompson on probation. She had to bring her concerns to the hospital's medical director, Dr. Daniel Doolittle. Bierman gave a lopsided account of the facts to Doolittle: that probation was needed because of Thompson's low quiz score and because he hadn't followed protocol with the diabetic patient. Doolittle asked Bierman whether she knew of other employees who had not followed this protocol, and Bierman said "no"—even though she did.

The 7th Circuit upheld the jury verdict, finding that the hospital was responsible because Bierman controlled the decision, even though Doolittle was technically the one "in charge." The employer got a small victory when the 7th Circuit cut Thompson's award of \$500,000 to \$250,000; however, the hospital incurred expenses of trial and appeal and potential negative publicity.

By Whitney R. Brown, an attorney with Lehr Middlebrooks & Vreeland PC, the Worklaw® Network member firm in Birmingham, Ala.

Professional Pointer

Decision-makers like next-level supervisors or HR professionals must reach independent conclusions for employers to reap the benefits of that distribution of authority.

Applicant Fails to Show Racial Hiring Bias

Norman-Nunnery v. Madison Area Tech. College, 7th Cir., No. 09-1757 (Nov. 8, 2010).

The 7th U.S. Circuit Court of Appeals affirmed summary judgment for the defendants where the district court correctly held that the plaintiff produced insufficient evidence of race discrimination.

Judy Norman-Nunnery, along with 76 other applicants, applied for the position of disability services administrator at Madison Area Technical College in Wisconsin. The hiring committee developed five criteria for assessing the candidates and assigned a point value to each. Norman-Nunnery had scored lower than the interviewed applicants in the depth-and-breadth categories for higher education and experience with people with disabilities. The college hired a Caucasian woman for the position; the successful candidate possessed 30 years of relevant experience in the disability field and a master's degree.

Norman-Nunnery sued the college and three employees involved in the hiring process. She alleged that they discriminated against her because of her race and retaliated against her because of her marriage to a lawyer who had previously been involved in filing a frivolous lawsuit against the defendants. The district court granted summary judgment in favor of the defendants. Norman-Nunnery appealed.

The 7th Circuit found that Norman-Nunnery's claims for race and marital association discrimination failed. The court found that Norman-Nunnery failed to demonstrate that the defendants' stated reason for not hiring her—that she scored lower than the other candidates—was a pretext.

By Amy Onder, general counsel of iXP Corp. in Cranbury, N.J.

Professional Pointer

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Legal Trends

I-9 Compliance Crackdowns

Attention to detail is critical in filling out and checking eligibility-to-work documents.



By Hector Chichoni

Since enactment of the Immigration Reform and Control Act of 1986 more than two decades ago, employers have failed to fully appreciate the importance of the law in terms of Form I-9 compliance. With the federal government cracking down on noncompliant I-9s, employers need to take immediate steps to get their houses in order.

Officials with the U.S. Department of Homeland Security, specifically U.S. Immigration and Customs Enforcement, know that most U.S. employers are not fully compliant, so employers are at the center of the crackdowns. The agency's strategic plan through 2014 states it will continue targeting employers by pursuing "effective worksite enforcement." This includes civil and criminal enforcement.

By establishing and maintaining effective Form I-9 compliance policies, employers can prevent potential liability and mitigate many potential violations. Employers should implement effective I-9 procedures that result in accurate, consistent and uniform preparation, maintenance and, ultimately, disposal of the forms.

In addition, employers must, in the context of Form I-9 compliance, assess their legal exposure, educate managers on legal risks, and adopt HR practices that identify and prevent liability.

Different Versions of I-9

U.S. Citizenship and Immigration Services (USCIS) makes Form I-9 available in English and Spanish.

The English version must be retained, while the Spanish version can be used for translation purposes only. The exception: In Puerto Rico, employers may retain and use either version.

Form I-9 has undergone several revisions during the last two decades, with the first occurring in 1991. Subsequent 2007 and 2009 revisions primarily updated the number of acceptable forms for establishing identity and work authorization, and eliminated unsecure or out-of-date documents.

During 2009, Form I-9 was revised twice. Important changes included a mandate that employers accept only unexpired documents, updates to List A and List C, and the addition of "non-citizen national of the United States" to the employee's attestation box in Section 1.

It is critical that employers use the proper Form I-9, available at www.uscis.gov/i-9, and complete it correctly.

All new employees must complete Form I-9 if they were hired on or after Nov. 7, 1986, regardless of citizenship.

Filling Out I-9s

On or before the employment start date, employers must provide a new hire with Form I-9, its instructions and the lists of acceptable documents to establish identity and work authorization. Ensure that the new employee legibly and properly completes Section 1 of Form I-9 and signs the form or acknowledges the signature no later than the first day of hire. ➤

The author is an attorney with Duane Morris in Miami.

An employer cannot request a Social Security number when the employee is completing Section 1 unless the employer is registered for and using E-Verify. The employee must provide a physical address, not a post office box. The new employee has three business days from the employment start date to present the necessary documents to establish his or her identity and employment authorization. USCIS has not issued a clarification on how to calculate the three business days for I-9 purposes. According to instructions for E-Verify, the date of hire is counted as day zero, not day one. But the safest approach is to count the date of hire as day one.

Moreover, employers should require employees who indicate on Form I-9 that they are "aliens authorized to work" to identify specifically their status and classification on the form.

The employee chooses which documents to provide. Although this specific requirement has been in place since 1986, it is often neglected.

Employers are responsible for completing Sections 2 and 3 of Form I-9. The new employee must provide either one original document from List A or one original document from List B (regarding identity) plus one original document from List C (regarding work authorization). Further, if an employee provides a document from List A that meets the requirements, the employer should neither request additional documentation nor complete any portion of the List B or List C parts of Section 2 of the form.

One important distinction: Employers registered for E-Verify must, when an employee presents a document from List B, require a document with a photograph.

Employers are responsible for reviewing acceptable unexpired original documents and for comparing the information on the documents to that in Section 1. When reviewing originals, confirm that they reasonably appear to be genuine and relate to the new employee.

Examine them carefully for obvious errors.

Employers can compare documents to pictures found in USCIS' *Handbook for Employers* (M-274) or *Guide to Selected U.S. Travel and Identity Documents* (M-396) for obvious errors relating to font, seal, photograph alignment and document presentation. Employers registered for E-Verify must use the information contained on Form I-9 to conduct a query on the newly hired employee. Therefore, it's important to ensure that the form is correct.

When an employee's work authorization expires, the employer must reverify his or her employment eligibility. If Section 3 has been already used, use a new Form I-9 by writing the name of the employee in Section 1 and completing Section 3 of the new form. The new form must be attached to the original form. The employee must present a document that shows either an extension of employment authorization or new work authorization. If an employee is unable

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to show current work authorization by providing a document from List A or List C, the employer cannot continue to employ the individual.

Employers can also use Section 3 when rehiring an ex-employee within three years of his or her departure. However, doing

I-9 Audits

Employers that audit their I-9 forms can use those audits to review, revise and correct their written policies. It is therefore important that employers assess their legal exposure and conduct internal audits of the forms. If an audit uncovers incorrectly

If an audit uncovers incorrectly completed forms, take steps to address the deficiencies.

so makes it more difficult to keep track of the expiration of documents. An employer rehiring an ex-employee within three years should use a new Form I-9 to ensure that the latest list of acceptable documents is being used.

One important I-9 rule is the "receipt rule." An employer may accept a receipt in lieu of a document from List A, B or C if the receipt is for a replacement of a lost, stolen or damaged document. In this case, the receipt is valid only for 90 days from the date of hire, or, for reverification, until the date that the employment authorization expires. Receipts cannot be accepted if employment is to last less than three days. When the employee provides an acceptable receipt, record the document in Section 2 of Form I-9 and write down the word "receipt" and its document number in the "Document #" space. When the employee returns and presents the actual document, cross out the word "receipt" and the number, write the actual document's number, and initial and date the change.

The Immigration Reform and Control Act allows, but does not require, employers to make a copy of Form I-9 documents. If the employer copies documents for one new employee, it must do so for all new employees. Copies of documents should be attached to Form I-9 for audit purposes. Federal officers have informally commented that they prefer to see a copy of the documents when going through audits. Having the copies readily available can go a long way to show that an employer has complied with the act's verification process in good faith.

completed forms, take steps to address the deficiencies, but don't backdate any corrections or amendments to forms. Instead, conspicuously initial and date changes when remedial steps are taken.

If deficiencies are found in Section 1, the employee must sign and date any corrections. The employer must suspend or terminate any employee discovered to be working without authorization. It is wise to consult with an attorney before suspending or terminating an employee, as wrongful termination could lead to charges of discrimination and other claims.

Substantive Violations

Federal agents or auditors often inspect I-9s. The purpose is to identify violations that might lead to criminal prosecution as well as substantive or technical violations that might result in issuance of administrative fines or warning notices.

Since the 1996 amendment to the Immigration Reform and Control Act, the federal government distinguishes between technical errors and substantive violations.

Examples of technical or procedural violations include failure to:

- Ensure that an individual provides her maiden name, when applicable, or his or her address or birth date in Section 1 of the I-9.
- Ensure that the individual dates Section 1 at the time employment begins.
- Provide the document title, identification numbers and expiration dates of proper List A documents or proper List B and List C documents in Section 2 or 3, but only if legible copies of the documents

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are retained with the forms and presented at the I-9 inspections.

- Provide the title, business name and address in Section 2.
- Provide the date of rehire in Section 3.

The federal government must provide employers at least 10 business days to correct technical violations after notification. If an employer fails to correct violations on time, it will be subject to fines.

Examples of substantive violations include failure to:

- Prepare or present Form I-9.

Online Resources

How and how long should you retain paper and electronic I-9s? For guidance on retention and other information, see the online version of this article at www.shrm.org/hrmagazine/0211Chichoni. For other resources on employment law, visit www.shrm.org/LegalIssues.

- Ensure that the individual provides his or her printed name in Section 1.
- Ensure that the individual checks a box in Section 1 attesting to whether he is a citizen or national of the United States, a lawful permanent resident, or an alien authorized to work until a specified date.
- Ensure that an alien authorized to work provides his or her alien number in Section 1, if the number is not provided in Section 2 or 3, or on a legible copy of the document that is retained with the I-9 form.
- Ensure that the individual signs the attestation in Section 1.
- Review and verify a proper List A document or proper List B and List C documents in Section 2 or 3.
- Sign the attestation in Section 2.
- Date Section 2 within three business days of the date the individual begins employment or, if the individual is employed for three business days or less, at the time employment begins.
- Sign Section 3.
- Date Section 3 not later than the date

that the work authorization of the individual hired expires.

Penalties

Employers may be subject to fines for substantive and uncorrected technical violations. U.S. Immigration and Customs Enforcement has the power to determine if an employer knowingly hired or continued to employ unauthorized workers. If so, the employer may be fined and, in certain situations, may be prosecuted criminally. Debarment is also possible.

Procedural consistency is critical to protect the company from discrimination claims that may arise as a result of an untrained employee going beyond the procedural and substantive I-9 rules.

Accuracy is of extreme importance for purposes of Form I-9 compliance. Employers often complete forms but fail to pay attention to detail. Proper completion requires knowledge of complex and often confusing rules and diligence to maintain accuracy and uniformity. **HR**

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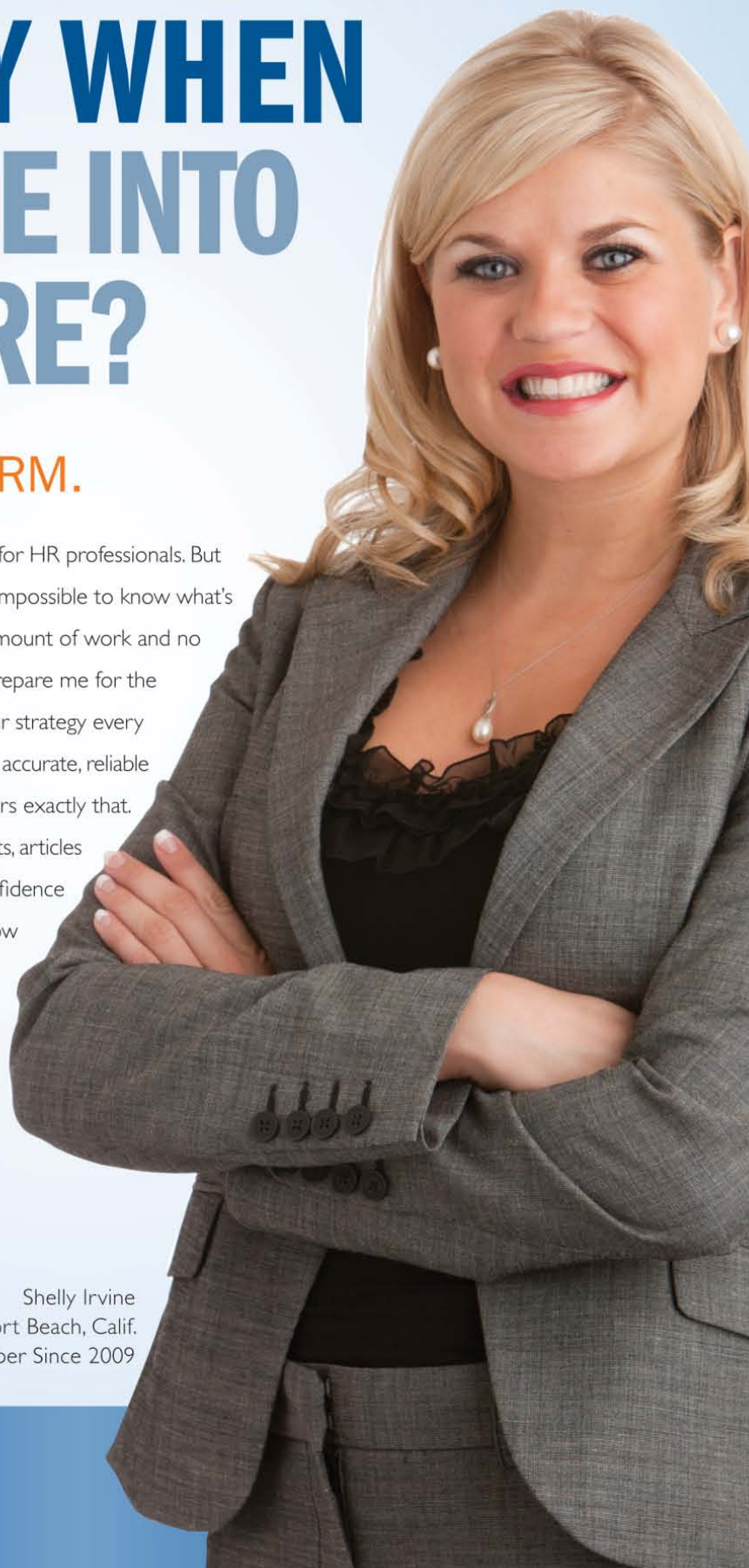
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 <p>5 Auditing Your Human Resources Department Member \$45.95 Nonmember \$49.95</p>	 <p>6 Sexual Harassment: A Commonsense Approach Member \$169.00/ Manager/Employee Combo \$315.95 Nonmember \$189.00/ Manager/Employee Combo \$345.95</p>	 <p>7 2600 Phrases for Effective Performance Reviews Member \$9.95 Nonmember \$10.95</p>	 <p>8 Emotional Intelligence 2.0 Member \$17.95 Nonmember \$19.95</p>

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11-0002

Inside SHRM

www.shrm.org/hrnews/insideshrm

Assessment Exam Launched for HR Students

The Society for Human Resource Management (SHRM) is launching an assessment exam for graduating college students in May.

Hiring managers “should rely on this as the universal benchmark to show that recent graduates have acquired the minimum knowledge to be a successful HR practitioner,” said Nancy Woolever, SPHR, director of academic initiatives at SHRM.

The four-hour assessment will be restricted to students who have taken requisite HR courses. Passing the assessment will:

- Demonstrate that a student has the knowledge required for entry-level HR work.
- Help HR students who pass the exam to differentiate themselves in the marketplace.

Online Resources

Information on the student assessment exam's background and purpose, content areas covered, how to prepare for the exam, eligibility, and registration can be found at www.shrm.org/assuranceoflearning/index.html.



- Help universities meet their accrediting body's assurance-of-learning requirements.

The test will consist of 160 multiple-choice questions that will cover 18 HR content areas.

Study materials will be available in March and will include practice questions, an answer key and test-taking tips, Woolever said.

Registration for the exam opened in January. The computer-based exam will be administered at Prometric test centers around the world, in English only.

It will be conducted during three test “windows” of May 15 to June 15, July 15 to Aug. 15 and Oct. 15 to Nov. 15.

The American Institutes for Research, in conjunction with SHRM staff, will be responsible for preparing the exam and tracking quality assurance, performing psychometric analyses and scoring, developing support materials for the test, and setting performance standards of the test.

By Kathy Gurchiek, associate editor for HR News.

Flexibility Needed to Recruit, Retain Older Workers

Public policy should provide employers with a flexible framework so that they can develop programs that address the needs of businesses and older employees, a member of the Society for Human Resource Management (SHRM) told the U.S. Equal Employment Opportunity Commission.

Phased retirement still poses a hurdle for employers, Cornelia Gamlem, SPHR, told the commissioners. It's a concept that interests many organizations and employees, but the Pension Protection Act leaves important legal questions unresolved, she said.

However, there are practices that organizations can adopt to recruit, retain and manage older workers. A 2010 survey of HR professionals found

that offering part-time positions and hiring retired employees as consultants or temporary workers are popular strategies. The survey was conducted by SHRM and AARP and polled nearly 400 HR professionals.



Cornelia Gamlem

Gamlem is a former member of the SHRM Board of Directors and a former chair of SHRM's Workplace Diversity Committee. She is the co-author of two books on affirmative action and has more than 25 years of HR experience.

—Kathy Gurchiek



Staffing Conference Name Change Addresses Employee Life Cycle

The 2011 Society for Human Resource Management (SHRM) Talent & Staffing Management Conference is set for April 11-13 in San Diego.

Formerly known as SHRM's Staffing Management Conference, the conference underwent a name change for 2011.

That change reflects "the economic times, but mostly is a reflection of the importance of the talent investment," said Lisa Block, SHRM's director of meetings and conferences.

Online Resources

See www.shrm.org/conferences for more information and to register for the 2011 SHRM Talent & Staffing Management Conference and the 2011 SHRM Employment Law & Legislative Conference.

as recruiting and staffing, said Letty Kluttz, SPHR, SHRM's manager of conference planning.

Sessions will cover topics such as global staffing, immigration, coaching basics, social media strategies and the changing benefits landscape; two sessions will focus on recruiting veterans.

Employment Law & Legislative Conference

"Bridging the Divide: Connecting the Workplace and Washington" is the theme for the 2011 SHRM Employment Law & Legislative Conference slated for March 14-16 in Washington, D.C.

Issues before the 112th Congress that will impact the HR profession include efforts to:

- Overhaul the nation's immigration laws.
- Require employers to offer paid leave.
- Restrict the use of credit reports in the hiring process.
- Provide new civil rights protections in pay discrimination claims.

Attendees can also meet with their elected officials to talk about workplace-related legislation that affects HR professionals.

—SHRM Online staff

Members Honored By National Academy

Three members of the Society for Human Resource Management (SHRM) have been recognized by the prestigious National Academy of Human Resources.

Bonnie C. Hathcock, Gary P. Latham, Ph.D., and Charles G. Tharp, Ph.D., were inducted Nov. 4, 2010, as members of the 19th class of fellows in New York City. Tharp was named a distinguished fellow, the academy's highest honor.

"Each of these human resources professionals have made sustained and exemplary contributions to the broad field of human resources," academy chair Mirian Graddick-Weir said in a press release about the following:

- Charles G. Tharp was elected as a fellow in 1998. He serves as executive vice president for policy of the Center On Executive Compensation.
- Bonnie C. Hathcock is senior vice president and chief HR officer of Louisville, Ky.-based Humana Inc., a *Fortune* 100 health solutions company.
- Gary P. Latham, a member of the SHRM Board of Directors, has served since 1990 as Secretary of State Professor of Organizational Effectiveness in the Rotman School of Management at the University of Toronto.



Charles G. Tharp



Bonnie C. Hathcock



Gary P. Latham

—SHRM Online staff

Graduate Student Wins Meisinger Fellowship

Human resource professional Margaret Linnehan, PHR, has won the second annual Susan R. Meisinger Fellowship for graduate study, a \$10,000-a-year award given by the Society for Human Resource Management (SHRM) to develop the next generation of HR leaders.

Named after former SHRM President and Chief Executive Officer Susan R. Meisinger, SPHR, the fellowship assists HR professionals who have demonstrated leadership in human resources, significant HR work

& Johnson and Blommer Chocolate in Pennsylvania.

"Being awarded the Susan R. Meisinger Fellowship is one of the most exciting moments of my life," Linnehan said. "I feel honored to be chosen and excited over all the opportunity that this award represents."

In her application, Linnehan noted that she had received her bachelor's degree "by attending class part time [in the] evenings while working full time and raising two children," and that she is currently taking only one class a

a minimum of five years in HR; and must have been accepted into a qualified master's program within or outside the United States. Please visit www.shrm.org/meisinger for more information.

—SHRM Online Staff

Margaret Linnehan, PHR: Getting there one graduate class a year, working full time, raising two children.

experience, community involvement and undergraduate achievement. The fellowship is endowed by SHRM, the HR Certification Institute and the SHRM Foundation.

Linnehan is studying for a master's degree in organizational dynamics at the University of Pennsylvania while working as a human resource specialist at the Simkar Corp. in Philadelphia. She holds a bachelor's degree in business administration from Gwynedd-Mercy College in Gwynedd Valley, Pa. Her HR experience includes roles at Johnson

year in the master's program because of financial difficulties.

Applications Now Open

SHRM is now accepting applications for the 2011 Susan R. Meisinger Fellowship from members and HR professionals with certification from the HR Certification Institute. Applicants must have earned a minimum undergraduate grade-point average of 3.5 overall out of a 4-point grading scale; must have a minimum of 10 years of work experience, with

Upcoming

March

2-3 HR Generalist, Alexandria, Va.

7 Health Care Reform: Impacts on Employers and Employees, Alexandria, Va.

14-16 2011 SHRM Employment Law & Legislative Conference, Washington, D.C.

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*It's elementary, my dear job seeker.
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— Shrmlock Holmes*

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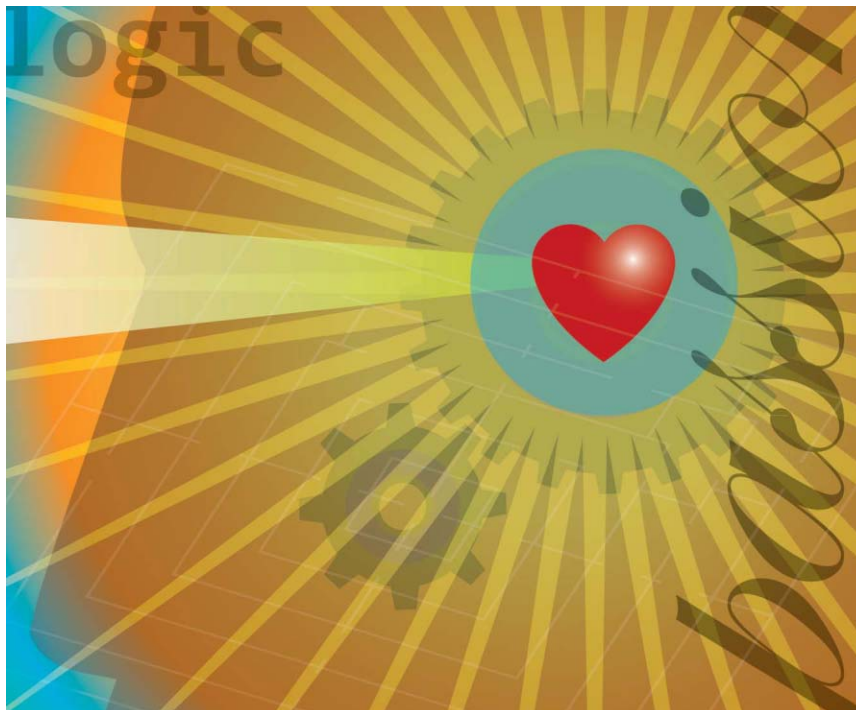
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RESOURCE MANAGEMENT

Management Tools

Connect the Head and the Heart

Recognize your bias toward analysis or people to devise overall strategies and make them stick.



By Trish Gorman Clifford

People have strong opinions about strategy tools. Some managers apply management frameworks and tools liberally, confident that their analysis will define a clear path. Other managers believe tools distract people.

So which is it? Are tools, such as option evaluation grids and cost curves, the best way to win against the competition? Or is it better to hire a terrific team of employees? Think about where you stand on the tools vs. talent debate:

Are you persuaded by a quantitative worksheet or a passionate leader? Which has a better chance of being implemented, a well-researched recommendation based on strong quantitative analysis or a grassroots call to action? If you voted for “people first,” then personalities, stories and incentives feature prominently in your vision. Employees are the ultimate source of competitive advantage. If you voted “tools,” then data-driven analyses underpin your proposals. Information is the source of competitive advantage.

In some cases, great analysis compensates for an unskilled workforce, resulting in a preference for strong analysis. In other cases, a creative workforce finds ways to make the right competitive moves in spite of weak but well-intentioned analysis, resulting in a higher value on talent. In the best-case scenario, brilliant analysis moves a talented workforce.

To connect the two, know your bias and the biases of others. Move beyond the

stereotypes that everyone in finance likes analysis and everyone in HR likes people. Powerful strategy tools and engaged employees are both vital.

Make a Connection

To be useful, management tools need to abstract from reality, making generalizations and assumptions. But organizations are not machines. They are full of exceptions.

If you are data-biased, resist the impulse to make everyone fit into the same hole like a machine. In theory, that would make the outputs work more effectively. In reality, that treatment stifles creativity and passion.

A people-driven manager is more likely to blame the tools for ineffectiveness. But, once you’ve determined that certain management tools are potentially useful, apply them to the problems you face knowing that adapting the outputs will be necessary.

Both types of managers should proactively build relationships between people and analysis. Embed the tools in the organization’s routines. Weave analytics into the fabric of everyday meetings and conversations. The more your employees realize that applying tools to management situations is intended to save them time, help them succeed and make the company more successful, the more willing they will be to accept and apply the outputs of tool-based analysis.

You will benefit from the marriage of logic and passion, connecting your organization’s head and its heart. ■

The author is managing partner at Wilton, Conn.-based Clifford Strategic Services, which helps companies adapt strategies to solve business problems. She is co-author of What I Didn’t Learn in Business School: How Strategy Works in the Real World (Harvard Business Review Press, 2010).

What's New

Corporate Social Responsibility

PR News has published and released the *Guide to Best Practices in Corporate Social Responsibility & Green PR*. The guidebook features insights on the best corporate practices for social responsibility and green initiatives, as well as policies and practices from a range of organizations including Campbell Soup Co., Harvard University and United Parcel Service. It provides checklists, step-by-step guides and online resources that can lead to ideas for your own organization's corporate social responsibility programs. (888) 707-5814 | www.prnewsonline.com | info@prnewsonline.com

Compensation and Benefits

Paycor has announced the release of its Custom Web Reporting software. The software is designed to help employers generate and distribute reports on labor distribution, overtime, employee benefits, reconciliation of health benefits costs and workers' compensation. This reporting tool can provide access to data across multiple calendar years, locations and companies. The software is compatible with major Internet browsers and can be adapted for organizations of any size. (800) 381-0053
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The new website myNQDC.com provides resources on non-qualified deferred compensation. It features the Deferral Choices Comparison Calculator, a modeling tool designed to help employees, executives

will receive results in easy-to-understand graphs and tables. They will also have the ability to adjust variables, including length of deferral and rate of return, on investments placed in a deferred compensation account or in a brokerage account. (617) 734-1979
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Retirement

The Keane Organization has announced the creation of Risk Compliance Performance Solutions LLC. The new company will focus on developing tools and solutions to help employers manage active and terminated benefits plans protected by the Employee Retirement Income Security Act (ERISA). Services offered include locating missing participants, designing custom outreach and communications, providing call center support, solving un-cashed check problems, and ensuring compliance with ERISA when terminating a benefits plan. (610) 828-1888
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ScreeningInterviews.com has announced an innovative way for employers to evaluate job candidates for mid- to senior-level positions. Recruiters and hiring managers can now listen to candidates' job screening interviews on secure and mobile Amazon Kindle devices. ScreeningInterviews.com provides

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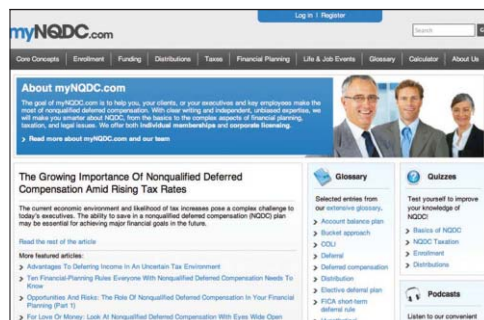
Smart Clock has released two models of its time and attendance terminals. One model features a reader for magnetic-stripe work badges. The process is similar to how credit cards hold data. When



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swiped, the magnetic stripe is read and the data is sent to the terminal. The other model features a fingerprint and biometric reader. This system requires a validated fingerprint before employees can clock in. The system can store up to eight fingerprint templates per employee, helping to eliminate false-reading problems common with other biometric time clocks. (909) 664-9980
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and financial advisors analyze effective methods for deferring an individual's compensation. The tool shows the differences between deferring compensation and receiving compensation immediately. Users

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Louisiana

New Orleans HR Director

Louisiana State University Health Sciences Center in New Orleans, a leading health care institution dedicated to teaching, research and patient care functions state-wide, is seeking a dynamic, resourceful, visionary and experienced leader for the Director of Human Resources position. The successful candidate will direct, plan and oversee all functions associated with human resources. Adaptability and excellent communication skills are an expectation to developing positive working relationships and handling a diverse range of employee needs and issues.

Job requirements:

Bachelor's degree in business administration, human resource management, management, public administration, health care management or related field with 10 years of progressively responsible human resource management experience in a public or private sector, two years of which are in a senior administrative capacity. Demonstrated skills in computer applications, software and automation technology are essential. Master's degree in a related field and/or experience in an academic health center, university or large health care enterprise are preferred.

LSUHSC-New Orleans is an Equal Opportunity/Affirmative Action Employer that offers competitive salaries and a comprehensive program of benefits. For more information about LSU Health Sciences Center-New Orleans, please visit www.lsuhsoc.edu.

Interested applicants are invited to electronically submit a cover letter and resume to Gary McMillen at persqlm@lsuhsc.edu.

Michigan

Dowagiac Bilingual (English/Spanish) HR Manager

Lyons Industries Inc.

The Human Resources Manager will manage all functions related to human resources. The position requires experience of the policies, procedures, laws, rules and regulations of personnel management. The following is a portion of tasks assigned to this position:

- Candidate must be fluent in Spanish, both verbal and written communication.
- Selects and assigns staff, ensuring equal employment opportunity in hiring and promotion.
- Manages employee benefits programs such as performance appraisal; service awards; incentive plans; medical, dental, and vision insurance; 401(k); and more.
- Ensures that proper labor relations and conditions of employment are maintained.
- Maintains records, prepares reports, and composes correspondence relative to the work.
- Manages the processing of personnel

transactions, time keeping, payrolls, and personnel record-keeping, insurance, longevity, retirement, and disability management.

- Manages the overall personnel administration, including promotions, transfers, demotions, suspensions, layoffs and dismissals.
- Applies the laws, regulations and principles of equal employment opportunity to personnel situations such as with EEO, AAP, ADA, FMLA, ERISA, FLSA, COBRA, HIPAA, OSHA and MIOSHA.
- Counsels management and employees on grievances and other complaints originating from individual work situations or work environments.
- Conducts training sessions, workshops, conferences and seminars on a specific area.
- Performs related work as assigned and not limited to description details contained above.
- Answers directly to the president.

Job requirements:

Spanish fluency is absolutely necessary for this position. Minimum of 2 years' experience in human resource functions. Experience with the policies, procedures, laws, rules and regulations of personnel management. Word, Excel and PowerPoint. Work environment consists of minimal exposure to noise and hazardous materials.

Apply online: <http://lyonsindustries.com>

New York

New York HR Director

Hearst Television Inc.

The Senior Director/Vice President, Human Resources, will report to the Senior Vice President, Finance, and will be expected to build and maintain partner relationships with the Hearst Television corporate executive team, Hearst corporate legal team, station senior management, functional VPs (News, Sales, Engineering, Advanced Media) and other business leads to ensure a proactive approach to employee relations, training and development, talent acquisition and management, and internal communications. The Senior Director/Vice President, Human Resources, will be expected to set the strategic direction of human resources, ensuring alignment with Hearst Television's mission and vision and its key strategic and business objectives.

The Senior Director/Vice President, Human Resources, will provide leadership and guidance to corporate and station management, business managers, and functional leaders in the areas of the employee relations, interpretation and application of human resource policies and procedures including performance management, EEO/FCC compliance, diversity initiatives and succession planning. This will be a New York-based position.

Job requirements:

- Minimum of 10 years' professional progressive human resource leadership experience, ideally with experience in

the broadcast and media industry. Some exposure to union environments desirable but not required.

- Bachelor's degree; master's and/or PHR designation preferred.
- Strong interpersonal skills and leadership/executive presence.
- Strong communication skills and ability to build partnerships and alliances.
- Proactive track record and keen understanding of employee relations, employee and leadership development, training, organization effectiveness, and recruiting.
- Ability to build and maintain executive management relationships across all levels of an organization.
- Flexible and adaptable to a fast-paced environment.
- EOE M/F/D/V

Contact: htv.careers@hearst.com

North Dakota

Valley City Human Resources Faculty-Tenure Track

Valley City State University
Teach human resources and business courses in undergraduate business administration program; lead in revising HRM major; recruitment and advising; assessment and planning programs.

Job requirements:

Required: Master's degree in human resources or related field, and SPHR or GPHR certification.

Preferred: Doctorally qualified in HR; teaching/training experience; relevant work experience; involvement in professional organizations; experience with HR information systems, SAP, technology use; instructional technologies.

Apply online:

www.vcsu.edu/jobopenings/

Ohio

Hilliard VP of HR

Great things are happening at e-Cycle LLC
Columbus Business First named e-Cycle to its Fast 50 list for Ohio. Inc. magazine ranked e-Cycle number 763 in its 2010

Inc. 5000 list and eighth among the nation's environmental services companies.

As a key member of the Leadership Team, the VP of HR's job is to create and implement HR programs and policies and to manage every aspect of associate development and relations. Responsibilities include recruiting and staffing, performance management, benefits and compensation administration, organizational development, associate advocacy, training, and adherence to labor laws.

Job requirements:

Bachelor's degree in human resources or related field. Firm understanding of labor laws. Ten-plus years of experience in HR role. Must walk the talk.

Please send resume and salary information to careers@e-cycle.com.

Vermont

Burlington Recruiting Manager

Fletcher Allen Health Care

Interested in utilizing your passion for recruitment to make a difference? At Fletcher Allen, we've brought humanity, hope and healing to the people of Vermont for over a century. As the Manager of Recruitment, you will set the vision and lead the day-to-day operations for an amazing recruitment team that fills more than 1,000 jobs annually. The employees we hire make miracles happen! Fletcher Allen is an academic medical center affiliated with the University Of Vermont in Burlington, where you can enjoy the culture of city living surrounded by the natural beauty of Lake Champlain and the Green Mountains.

Job requirements:

The successful candidate will have experience in recruitment and leadership, with a proven ability to think critically and creatively. Bachelor's degree required. SPHR or PHR preferred.

Apply at www.fletcherallen.org to posting #8922 or e-mail karen.vincent@vtmednet.org for more information.

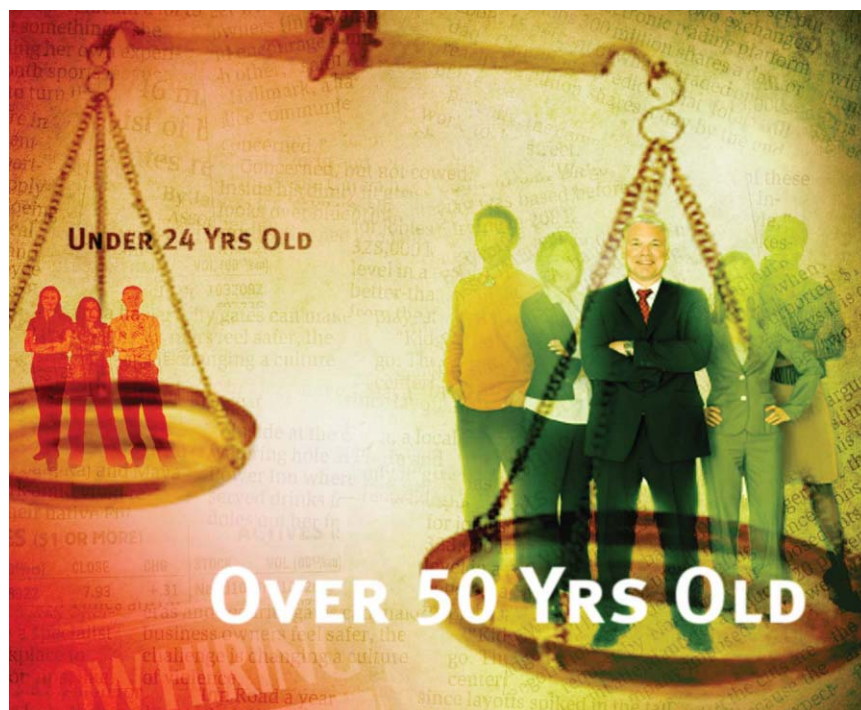
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www.shrm.org/jobs

Where HR professionals
find HR professionals

Future Focus

Planning for Population Shifts



Online Resources

For survey research on succession planning, see the online version of this article at www.shrm.org/hrmagazine/0211Schramm.

encing similar stagnation, with potentially comparable social consequences likely to ensue. For example, the differences in the experiences of younger vs. older job seekers during the recession may result in generational differences within the workplace that influence workforce planning.

There is some evidence that HR professionals in the United States are now getting more focused on workforce planning as the economy improves and the first Baby Boomers begin to retire. A November 2010 Society for Human Resource Management-AARP poll found that:

- 53 percent of the respondents conducted, or plan to conduct, a strategic workforce planning assessment during 2010-11 to identify skills gaps, compared with only 38 percent that did so in 2008-09.
- 42 percent of HR professionals said they have analyzed, or by the end of 2011 plan to analyze, the impact of the retirement of workers age 50 and older on their organizations.
- 39 percent of respondents said they are just beginning to examine internal policies and management practices to deal with potential shortages of younger workers when older workers retire.

National U.S. demographic and employment data suggest that there may be many younger job seekers eager to secure stable positions in the coming years. But a large number of these job seekers may have little work experience. Helping these young people succeed will be critical for businesses and for the U.S. economy. **HR**

The author is manager of the Workplace Trends and Forecasting program at SHRM.

By Jennifer Schramm

Data from the U.S. Bureau of Labor Statistics show that the proportion of people younger than age 24 in the U.S. labor market is lower than at any other time since participation rates were first tracked more than 60 years ago. At the same time, the data show that workers age 50 and older are being employed longer—many working well into their 70s—than at any other time during those 60 years.

The large proportion of young people out of the workforce and the greater number of older employees will have wide-ranging economic and social implications. These demographic trends could influence how HR professionals conduct career, leadership and workforce planning in the coming decade.

Job seekers of all ages have endured a tough job market throughout the recession. But some patterns are different for each age group. For example, federal data show that while older workers were less likely to lose their jobs during the recession, younger job seekers spent less time being unemployed.

Lower labor force participation rates for young people are likely to be related to a number of factors. Graduating or entering the labor market in the midst of one of the worst recessions in U.S. history has made it extremely difficult for first-time job seekers to gain a foothold in the workplace. Many are further delaying their entrance into the job market by obtaining more education in an effort to be more competitive.

High rates of unemployment among young people have weighed down the economies of many European nations during the past decade. The United States may now be experi-

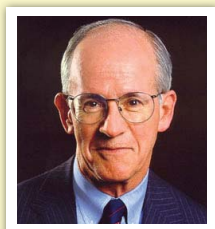


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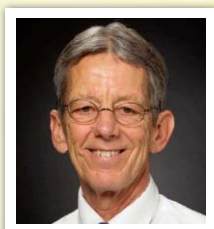
Carving Tobacco Cessation Out of Wellness:

Learn How to Make a Real Impact on Tobacco Use in Your Organization

FEATURING SPECIAL GUEST SPEAKERS

**Dr. Steven A. Schroeder**

Distinguished Professor of Health and Health Care at the University of California, San Francisco and former CEO of the Robert Wood Johnson Foundation

**Dr. John R. Hughes**

Professor of Addiction Psychiatry at the University of Vermont and co-founder and past president of the Society for Research on Nicotine and Tobacco and the Association for the Treatment of Tobacco Use and Dependence

Is tobacco cessation buried in your wellness program? It's tempting to believe that one program can help everyone, but when it comes to quitting tobacco, the "one-size-fits-all" approach to wellness just doesn't cut it.

Join Dr. Schroeder and Dr. Hughes as they address the unique challenges of nicotine addiction and why a specialized, evidence-based approach is essential for generating positive outcomes. They will discuss the tools necessary to overcome tobacco dependency as well as what to look for when choosing a successful tobacco cessation program for your organization.

This webinar is complimentary and will be presented **February 16 & March 17 at 11:00am PST**. Register today at www.freeclearinsights.com

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