

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

**Measles outbreak: Know the legal way to respond.** By mid-May, the CDC reported nearly 900 cases of measles this year in 24 states, the most since 1994. You can't require employees to get vaccinated (unless you're in health care) due to disability, religion and privacy issues. Also, if you learn an employee has been diagnosed, don't alert the staff right away, again because of medical privacy concerns. Find tips on the legal way to respond from the Fox Rothschild law firm at [www.tinyurl.com/measleslaw](http://www.tinyurl.com/measleslaw).

**More than half of employers working to fix pay equity.**

The #MeToo movement isn't just about harassment. A full 60% of U.S. employers say they've actively worked in recent years to address pay-equity issues, according to a new WorldatWork survey. Employers that conduct pay-equity analyses find that between 1% and 5% of their employees are due a pay-equity increase. The average boost: 5%.

**Check for biased wording in online applications.** IBM apologized after one of its recruiting websites gave applicants insensitive terms (such as "yellow" and "mulatto") in a dropdown menu to identify their race. IBM said the menu was imported from its websites in other countries that use those classifications. *The message:* Monitor job portals and social media for discriminatory content.

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## Document those casual, interim check-ins

Despite rumors of its demise, the annual performance review is not dead. A full 78% of HR professionals say their organizations conduct formal staff appraisals at least once a year, according to a new OfficeTeam survey.

However, the trend in performance management over the past decade is definitely toward more frequent and casual employee feedback.

The OfficeTeam survey says 38% of companies now hold appraisals twice a year or quarterly, an 11-point jump from a similar survey in 2015. And many employers are stepping up their employee feedback even further.

"Frequent check-ins (think monthly

or biweekly) allow employers the chance to nip any emerging issues in the bud and lets employees receive coaching when it's actually relevant," says Rob Wilson, president of HR management firm EmploycoUSA.

But as more employers supplement (or replace) their annual reviews with more frequent—and less formal—feedback, it's important to remember the role of documentation.

By now, HR directors and management understand that formal appraisals can be legally significant documents. Good and bad reviews can be used in court as business-based reasons for compensation, discipline

*Continued on page 2*

## Severance perks improve in hot labor market

With the national unemployment rate dropping to 3.6% last month, the lowest since 1969, employers are using every trick possible to lure and keep the best employees. One increasingly popular move: expanding severance packages to separated employees.

Among employers that offer severance packages, a full 44% now offer those perks to all of their employees—a 6% increase from 2017, says a survey of 1,500 HR professionals by RiseSmart.

"In a world where companies' reputations affect their ability to hire and retain talent, organizations have to maintain a competitive edge at every stage of the employee journey—including upon separation," says RiseSmart president Dan Davenport.

"Severance is a great benefit

because it also can help protect a company's brand when layoffs are unavoidable."

One reason for the surge in severance: Employers are increasingly aware of the reputation (and recruiting) damage caused by negative online comments by former employees on websites like Glassdoor and

*Continued on page 2*

## How many months of salary do you typically offer as severance?



## Document reviews

(Cont. from page 1)

and termination decisions.

But it's important to remind supervisors that it's just as important to take notes on those casual check-ins and mini-reviews as it is for full-blown appraisals.

In fact, it's best to keep an ongoing performance log for each employee. Simple notes—signed and dated by the supervisor—will suffice. Tucked into the employee's file, it should note the gist of the coaching conversation and record any commitments made by the supervisor or the employee. Managers can also use these notes to help prepare annual reviews.

**Online resource** Find six tips to creating a simple and legally sound performance log for each employee at [www.theHRSpecialist.com/log](http://www.theHRSpecialist.com/log).

## Severance

(Cont. from page 1)

Indeed. A full two-thirds of HR professionals surveyed said they monitor those sites for negative reviews—a 10% jump from 2017.

Other key findings of the survey:

- The top reasons employers offer severance (in order): project an “employee-first” culture, take care of employees, protect the brand and limit legal liability.
- The most popular way to calculate severance pay is by looking at a combination of tenure and salary. Second-most popular: looking at tenure first.
- The most popular severance amount is 1–3 months of salary (see box, page 1).
- About two-thirds of employers have a formal, written severance policy, while the rest have an informal policy.

**Online resource** Download a PDF of the RiseSmart report at [www.theHRSpecialist.com/severance2019](http://www.theHRSpecialist.com/severance2019).

# Lessons from Microsoft case: What to do if old #MeToo allegations pop up

During this #MeToo era, just a single woman sharing her story of harassment in a workplace will lead others to come forward. That's what happened earlier this year at Microsoft.

A few female employees sharing horror stories via email morphed into hundreds of harassment complaints (old and new) that HR could not ignore. *The result:* Microsoft has vowed to reopen past cases alleging sexual harassment to see what could be done, according to a report in *Quartz*.

Here's a road map to avoid similar reckoning:

1. **Review all sexual harassment complaints your organization has received over the years.** Did someone investigate each one? If so, what conclusions were reached?
2. **For each investigation that concluded harassment took place,**

**what was the sanction?** Did someone follow up to make sure the victim didn't suffer retaliation?

3. **For every investigation where the allegation was deemed unfounded, review the facts again.** Would you reach the same conclusion now?

What policies or procedures would have to change to show employees that behavior that was once acceptable no longer is?

4. **For every complaint that wasn't investigated, ask whether reopening the complaint makes sense.** Are the people still working for your organization? If not, an investigation probably isn't necessary. If they are, you may want to check with the complainant to make sure there hasn't been any retaliation for the complaint.

*Tip:* Make sure your attorney is involved at every step.



## Study: Having a healthy workplace culture has direct, positive impact on bottom line

How healthy is your workplace culture? That may sound like a soft question, but a new study puts some hard numbers on the importance of the answer.

Factors such as employee engagement, retention, collaboration and customer satisfaction all have a direct relationship to your revenue growth, according to a new *Return on Culture* study by Grant Thornton and Oxford Economics. Some key results:

- Executives who say their culture is “extremely healthy” are 1.5 times more likely to report average annual revenue growth above 15% over three years.
- Among public companies, those with extremely healthy cultures are nearly 2.5 times more likely to report significant stock price increases over three years.

- An average S&P 500 company would save \$156 million annually in turnover costs if employees were to describe its culture as healthy.
- Employers that described their culture as extremely healthy were more likely to retain employees for more than six years (45% versus 29%).

“Our study shows that, in fact, investing in culture can help companies grow and thrive financially, and keep employees for a longer time period,” said Erica O'Malley, Grant Thornton partner for organizational strategy.

**What's 'healthy'?** The study cited five contributors to a healthy culture:

1. Workplace environment.
2. A sense of community.
3. Investment in employees.
4. A purpose and value system.
5. Fostering diversity.



## Must you notify laid-off staff of job openings?

Sometimes, workers who are laid off are told that they're eligible for rehire. But make sure your supervisors know to never promise to consider (or contact) laid-off workers for any future positions. Put the ball in the employees' court. Let them know where you post all job openings and how they can apply.

Unless you make a specific promise to contact laid-off workers about openings, they can't usually claim they should have been notified.

**Recent case:** When Calvin, who

is black, was laid off from his driver job, a manager told him he'd be eligible for rehire later. The company never called Calvin back. It eventually hired a new driver who is white.

Calvin filed a race-bias claim after the EEOC deadline passed. He argued that the date he *discovered* he'd been replaced by a white driver should have been the correct filing date. The court dismissed the case, saying the employer's silence on job openings didn't extend his time to file a claim. (*Kirklin v. Joshen Paper*, 8th Cir.)

## When to file criminal charges against fired staff

Before you call the police on fired employees for their misbehavior, consider the consequences, including possibly being hit with a "malicious prosecution" lawsuit.

Unless you are willing to make criminal accusations against an employee *the time you terminate her*, don't do it at all. Waiting until the employee *sues* looks suspicious to a court.

**Recent case:** Vilma voiced a harassment complaint at work. Soon after, the manager discovered she



had been giving discounts to family members. She initially was given a warning. But when she mentioned the harassment complaint again, she was fired.

When Vilma threatened a lawsuit, the CEO wrote in an email, "Go after Vilma ASAP." The office then filed criminal charges relating to the discounts.

The court dismissed the company's case, saying the timing of the criminal complaint was suspicious. Vilma then filed a malicious-prosecution claim and the court sent it to trial. (*Nokaj v. North East Dental*, SD NY)

## Medical marijuana? Not if it's self-prescribed

Even if your state allows marijuana use for medical reasons, take note: An employee's *self-administration* of the drug for pain relief can be grounds for discipline under your anti-drug policy.

**Recent case:** After foot surgery, Michael, an engineer, still had pain but was cleared to work without any restrictions or meds. Months later, he failed a random drug test at work. He told HR that an out-of-state doctor suggested he use marijuana to ease his foot pain. He admitted he bought it from a criminal source. He was fired

for violating the company drug policy.

He sued, citing disability discrimination. But the court said Michael wasn't disabled because his own subjective pain complaint wasn't evidence of a disability. (*Parrotta v. PECO Energy*, ED PA)

Note: Even if marijuana is legal in your state for medical or recreational reasons, your policy prohibiting employees from being under the influence on the job takes precedence.

**Online resource** Get details on all state laws on off-duty marijuana use at [www.tinyurl.com/potlaws2019](http://www.tinyurl.com/potlaws2019).

## Legal Briefs

### **You're hired ... never mind!** **Document why offer rescinded**

After a federal worker in Chicago was fired for poor work, she filed a race bias lawsuit and lost. A year later, she was offered a similar federal job in Philadelphia, but the offer was rescinded when HR learned about her poor work in Chicago. She sued, saying the real reason was retaliation for her lawsuit. The court tossed out the claim, saying the Philly office didn't know about her complaint in Chicago. (*Giuseffi v. Nielsen*, ED PA)

**The lesson:** When you yank a job offer away, give a legitimate business-related reason or the person will suspect an unfair or illegal one. Carefully document the reason too.

### **In retaliation cases,** **passage of time matters**

Alonzo, who is black, filed several race discrimination complaints over the years. All were dismissed for not having merit. Six years after his last complaint, he sued for retaliation. *The reason:* a new boss used racial slurs. The court tossed out his case, saying too much time had passed for this to be retaliation for his old race-bias claims. (*Jones v. Mattis*, WD TX)

**The lesson:** The more time between an employee's complaints and the discipline, the less likely he will be able to claim retaliation.

### **Allowing 'bro culture'** **can trigger lawsuits**

A California-based video games maker suspended its COO after an investigation showed he regularly passed gas on employees, simulated sex acts and slapped employees in the testicles. The "bro culture" fostered by the COO was cited in a lawsuit against the company by female employees.

**The lesson:** Tolerating misconduct at work with a "boys will be boys" attitude won't fly, especially in this #MeToo era. Make sure managers know to stop boorish and harassing behavior.



### Do you require arbitration for disputes? Good news from the Supreme Court

There's good news if your organization requires its employees to sign agreements that say employees agree to take any workplace disputes to binding arbitration (rather than to court). A new U.S. Supreme Court decision says each claim sent to arbitration must be decided *individually*—not on behalf of a group of employees—unless the arbitration agreement *specifically grants* employees the right to classwide arbitration of employment disputes. (*Lamps Plus. v. Varela*)

### Does federal anti-discrimination law protect LGBT workers?

The U.S. Supreme Court has agreed to hear a trio of cases that will decide the long-debated question of whether Title VII of the federal Civil Rights Act protects lesbian, gay, bisexual and transgender employees from job discrimination. The cases all ask whether discrimination against LGBT employees is a form of unlawful sex discrimination. Circuit courts are split. Look for the court to rule in early 2020.

### NLRB aims to scrap 'quickie election' rule, giving you more time to react to union bid

Look for the National Labor Relations Board to soon propose the overturning of a 2014 rule that sped up the union election process in U.S. workplaces. The Obama-era rule reduced the time between initial filing of a union petition and the actual vote by employees. That rule aimed to shorten the process from 38 days down to 13. In reality, it now takes about 24 days. Critics of quickie elections say a fast voting cycle gives employers little time to explain to workers why they should vote "no." The NLRB says it plans to restore the 38-day cycle.

### DOL: 'Gig economy workers' are independent contractors, not employees

Employers received a big win in a new U.S. Department of Labor opinion letter that said workers who provide services to customers of a gig-economy company (Uber, Task Rabbit, etc.) are independent contractors, not employees. The DOL said such companies merely broker the relationship between customer and provider—it doesn't directly oversee the work. Read the opinion letter at [www.tinyurl.com/gigletter](http://www.tinyurl.com/gigletter). Learn about the six-factor test to decide contractor vs. employee status at [www.theHRSpecialist.com/6factor](http://www.theHRSpecialist.com/6factor).

## HR Q&A

### When employees leave, are we required to pay them for their unused vacation time?

**Q.** Is an employer required to pay an employee who leaves employment of their own free will the vacation time they have accrued during the year prior to their leaving? — *M., Oklahoma*

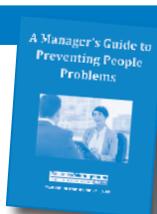
**A.** This will depend on the state in which the individual lives and whether state law expressly addresses whether unused accrued vacation is payable at termination.

If the law does not so specify, then the question of whether it is due will often turn on any contract or promise you may have made the employee. Increasingly, it seems, states treat a promise of paid time off as accrued wages that are due no later than after termination of employment.

That means it is important to know what your local law is, regardless of what your policy may say. (See link to state laws in *Online Resources*.)

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In Oklahoma, for example, "wages" includes holiday and vacation pay and any similar advantages agreed upon between the employer and the employee, which are "earned and due," or provided by the employer as part of an "established policy." Accrued vacation pay is "earned and due."

**Online resources** Find out if your state has a law on paying workers for unused vacation time at [www.theHRSpecialist.com/vacationpay](http://www.theHRSpecialist.com/vacationpay).

### Employee fired after not accepting suspension: He wants to come back—what can we say?

**Q.** An employee was terminated because he would not accept a suspension. Now he wants his job back but we don't want him reinstated. What can we say? — *Richard, Minnesota*

**A.** What's more important to focus on is what *not* to say. Avoid anything that might suggest you didn't like the employee because of some protected characteristic (age, race, gender, religion, etc.) or anything that might be considered defamatory. While you don't have to say anything, "We've decided to accept your resignation and move on, and wish you the best in the future," is an acceptable response.

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

## Consider bonus strategy to help meet the upcoming \$35k overtime threshold



### 1-Minute Strategies

**New rules change paid vs. unpaid decision on interns.** If you use interns this summer, remember that the U.S. Department of Labor last year issued a more flexible test that makes it easier to create unpaid internship positions. *Key point:* The intern must benefit more than the employer. Find the seven-factor paid vs. unpaid test at [www.theHRSpecialist.com/interntest](http://www.theHRSpecialist.com/interntest).

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**Provide breaks for nursing moms ... or else.** The Affordable Care Act requires you to give milk-expression breaks to new mothers (and a private place that is not a bathroom). The U.S. Department of Labor is going after employers that don't comply. The DOL recently fined a Louisiana health care facility \$22,000 because it failed to give breaks or space for women to pump.

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**Maximize the good vibes from giving a raise.** How? Congratulate staff in an official way on the day the raise goes into effect. *Ideas:* drop a small card in their office mailbox, send an email or have managers stop by to acknowledge that they're looking forward to continued excellent work.

This spring, the U.S. Department of Labor issued its long-awaited proposal to raise the overtime salary threshold for administrative, executive and professional exempt employees to \$35,308 per year (up from the current \$23,660).

*What it means:* Employees earning \$35,308 or less per year (\$679 per week) must receive time-and-a-half overtime pay if they work more than 40 hours in a workweek.

The DOL estimates that more than 1.1 million workers will suddenly become eligible for overtime under the proposed rules. It is scheduled to take effect Jan. 1, 2020.

However, some good news tucked into the proposed rule may help employers avoid paying overtime to some employees whose regular rate of pay is less than \$679 per week.

The DOL included a provision that allows employers to take a credit

against the minimum salary if they pay out a specific type of bonus.

Here's how it will work: Employers that pay nondiscretionary bonuses and incentive payments, including commissions, on at least a yearly basis will be able to take a credit of up to 10% of the new minimum salary.

In other words, you will be able to subtract \$67.90 per week (\$679 × 10%) from the new threshold and still stay above the overtime requirement.

The salary threshold for those workers would then be \$611.10 per week—\$31,777 per year—provided bonuses, incentives or commissions make up the difference.

**Advice:** If you have employees near that cut-off point, review your bonus program and consider making adjustments to qualify for the credit.

**Online resource** For more on the overtime rule, go to [www.theHRSpecialist.com/overtime](http://www.theHRSpecialist.com/overtime).

## Money or awards: Which motivates more?

An employee-of-the-month plaque or an extra \$50 ... which would work best to encourage employees to give it their all? There's no right answer because different people are motivated by different things.

A recent report on National Public Radio's *Hidden Brain* suggests employers look at these factors when evaluating awards systems for their teams:

- **Awards are social.** If they're handed out around peers, they can make the recipient feel appreciated.
- **Organizations can benefit** from them as well as individuals. If you're a smaller or more cash-strapped company, awards can be a powerful way to increase motivation.
- **Awards can create a connection** and a bond of loyalty between the



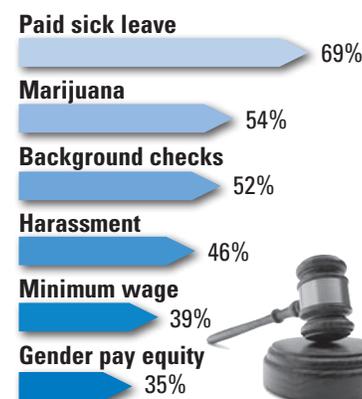
giver and the recipient.

On the other hand, awards can backfire in interesting ways.

- **They can impact effort,** increasing the effort level in nonrecipients and reducing focus in those awarded. The sense of having something to strive for is a potent motivator.
- **They can lose meaning** if given for just a normal part of one's work. They should reward employees for going above and beyond.
- **Awards can be mishandled** by the givers. Prizes can be used to manipulate potential recipients, to reward friends or cement loyalties.
- **Awards can be overdistributed.** Since they don't cost money, they have the potential to be given too often, or to too many recipients.

### Paid leave and pot are top HR law state/local challenges

A new Littler survey asked 1,300 HR directors and in-house counsels this question: "In which of the following areas have state or local laws created compliance challenges for your organization?"



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

Date: June 2019  
Re: Difficult employee conversations

## Communication Choosing the right words: What to say when ...

### ... On-the-job socializing gets out of hand

- **Explain the problem.** Describe the situation in a factual, nonjudgmental manner and explain why it is unacceptable. Accusing an employee of laziness or gossiping will only make him or her defensive. Acknowledge the positive effects of socializing—and your worker's important position as social leader.
- **Discover the cause.** Ask your employee to help you understand what's going on in the work group that might be causing so much socializing. Even though you may already have an idea, you'll learn something by listening.
- **Ask for solutions.** These suggestions might be about how your employee can change behavior or about actions you can take to fix the problem. Listen with an open mind. If a suggestion is clearly unworkable, explain the reasons to the employee.
- **Set up rules or guidelines** that reflect your future expectations. Whatever the causes and possible solutions to the problem, get your worker to agree to limit socializing. Whether you feel you must establish a formal rule or simply a general guideline depends on your worker's attitude toward the situation. Also enlist your worker's help in influencing the other employees to follow the rule.

### ... You need employees to pick up the pace

- **Establish priorities.** Make sure slower workers know what their most important job responsibilities are, and help them maintain their focus on those tasks.
- **Clarify projects from the start.** Review the goals and steps in advance. Ask workers, "How do you plan to go about it?" to make sure they're on the right track before they get started.
- **Set checkpoints.** Establish a time frame for starting and finishing each step of the project. This further organizes procedures and provides signposts to measure progress.
- **Know when enough is enough.** Curb perfectionism by giving slower workers clear guidelines for what constitutes finished work. Don't let unnecessary high standards slow down progress.
- **Monitor closely.** Make a regular habit of asking for specific information about what slower workers (and all others) are achieving. Oral or written progress reports can also reinforce workers' awareness of time limits. Suggest shortcuts when appropriate.



### ... An employee informs you that she is pregnant

#### Things you shouldn't say

**"Are you pregnant?"** It's none of your business, frankly. The employee will make the announcement when ready.

**"How much time are you taking off?"** While you will need to do some planning, asking this question right away is in poor taste. And never suggest the employee take time off during her pregnancy for health reasons.

**"Are you coming back to work after the baby is born?"** This can open up legal troubles if the employee is overlooked for promotions or desirable assignments, or she has to be terminated for performance reasons. She could assume—and claim in court—it was done because of her pregnancy.

**"I hope nobody else gets pregnant around here!"** What you think is a light joke about scheduling could become the basis of a pregnancy discrimina-



tion lawsuit. For example, the owner of a California company told workers, "the next person to get pregnant should consider herself fired." He ended up facing an expensive court verdict.

#### Things you can say

**"What can we do to make things easier?"** Companies are actually required by law to provide "reasonable accommodations" to pregnant employees, so keep that in mind. Offering to make her life easier is the right thing to do.

**"Here, let me help."** The pregnant employee may not ask for help, but feel free to offer it.

**"What should we do to prepare?"** To figure out how the work will get done (and by whom) during her maternity leave, sit down with the team and talk about a plan. Don't make it seem like a burden on co-workers. Instead, discuss ways the mother can work ahead to make the time less hectic for all.



## Why you need to stop talking to start leading

In my work as an executive coach, I try to talk no more than 30% of the time, giving my clients the majority of the airtime. When I'm talking, I'm mostly asking questions. For me, listening is how I learn. For my clients, it's a way to show I value them.

A recent Harvard study zeros in on the scale of this problem: People spend most of their time during conversations talking about their own viewpoints and tend to self-promote when meeting people for the first time. In contrast, high question-askers—those that probe for information from others—are perceived as more responsive and are better liked.

Of course, being liked is not the main goal of conversation, but it can be the starting point for healthy relationships. The people in our lives want to feel valued and validated. And asking them questions does this and more.

In my work with leaders and teams, I've learned that asking genuine questions and listening to what people have to say can have these benefits:

- Improve engagement by showing we value the views of others.

- Improve the quality of decisions by understanding multiple perspectives on an issue.
- Improve collaboration and buy-in by inviting dissenting views that may otherwise go unheard.
- Increase influence by involving others in decisions and direction setting.
- Develop stronger workplace relationships, leading us to want to invest in the success of others.



*People want to feel valued and validated. And asking them questions does this.*

The job of the leader is to ensure that bad news surfaces fast. The sooner the toughest issues get raised, the sooner they get fixed. Yet many leaders I observe put more energy into telling and convincing than into listening and learning.

These same leaders often seek counsel from their coaches asking, *“How do I develop better relationships with my people? How can we increase employee engagement?”*

*How can I show people they are really valued? How can we create a culture of learning and innovation?”*

Fortunately, there's a simple approach that doesn't require a big budget.

Here are four ways to get started:

- 1. In your meetings, observe what's going on.** How much are people talking and positioning versus asking, listening and learning? What is your own tendency?
- 2. Try not to talk first.** Force yourself to let others go first. Don't jump in too quickly to fill the silence.
- 3. Make a habit of asking questions that increase learning** like, *“Tell me more about your recommendation. What am I missing? What are we not thinking of? What are some other ways we can approach this challenge? What's our real purpose in this?”*
- 4. Go deep by asking follow-up questions.** Model showing curiosity about others' views.

*Rebecca Teasdale is a leadership development expert and co-founder of the Trispective Group, [www.trispectivegroup.com](http://www.trispectivegroup.com).*

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## Managing remote staff: 4 ways to boost productivity & free your mind

Work has changed. Yet while more employees are doing work at Starbucks or in their pajamas, the attitudes and policies at some organizations are still stuck in a 1960s “Mad Men” viewpoint.

The truth is, if your organization is actually about results, you don't need to micromanage the processes of your remote staff. Stop thinking in terms of “How often are they on the phone or at their computer?” and more in terms of “What are they creating of value?”

Jay Forte, a nationally known performance coach and featured speaker at the 2019 HR Specialist Summit, suggests these strategies for making telecommuting work:

- 1. Don't think of telecommuting as a perk or benefit.** Dangling it as a privilege or reward makes it seem exotic and unusual. Instead, it should be viewed simply as a modern way of doing business that either produces success for both parties, or does not.
- 2. Explain and document specific deliverables.** Does the employee know exactly what needs to be delivered when, what is owed and how often? How will ongoing work be assigned, discussed and

evaluated—and on what schedule? Come up with metrics that can apply to remote work and make sure supervisors clearly explain those metrics to their remote employees.



Dangling remote work as a privilege or reward makes it seem exotic. Instead, it should be viewed simply as a modern way of doing business that produces success for both parties, or does not. — Jay Forte

### 3. Remind managers to shed their fear of connecting too often.

It's best for both sides to be in touch often electronically and over the phone, at least until managers know the employee has gotten into a successful rhythm. Make it clear that you need to be able to check in as often and as easily as you used to in the office, with no unexplained breakdowns. “Pop in” remotely until you sense a real two-way street has been established.

- 4. Make clear that the arrangement could end—and why.** If a manager has tried to make remote

staff more accountable, forged an effort to create an effective virtual space and looked analytically at the successes and failures of the arrangement, there is no need to sweet-talk the staff or bribe them for their compliance.

Give enough feedback over several weeks to allow the remote employee to improve. But don't allow a weaker performance just because the person is remote. If it's not working, simply tell the employee, “We've found that the cost of this level of performance is simply too high under the telecommuting model. Our actions are dictated by the results.”

### ... But understand the legal risks

When employees work remotely, they open your organization to a unique set of liability concerns, including off-the-clock work, payroll recordkeeping, accommodations for medical disabilities, FMLA eligibility, workers' comp liability, privacy concerns and security issues.

It's vital for HR and management to become aware of the dangers and then work with their payroll, IT and legal people to defuse those potential threats.



“Engaging, informative and fun!”  
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Is there anything more dangerous than crossing the IRS?

# *Payroll Compliance Handbook*

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

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

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

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

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



## Navigate easily to topics including:

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

*Over, please*

## We've Made Payroll Easy Again!

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

### The **Payroll Compliance Handbook** answers questions like:

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

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



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