

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Modest pay raises planned for 2020. Despite a tight labor market, U.S. employers plan to hold the line on budgeted pay raises in 2020. A new WorldatWork survey says U.S. salary budgets are projected to rise by an average (mean) of 3.3% in 2020, up from 3.2% in 2019 and 3.1% in 2018. (See a breakdown by exempt and hourly projected raises on page 8.)

Dropping ratings doesn't mean better feedback. While the number of companies that don't use performance ratings and rankings has doubled in the past six years, only 15% of companies globally have eliminated them, says a new Mercer report. Ratings are seen as a one-time snapshot of performance, not the foundation of continuous assessment. Mercer says that by dropping ratings, employers may inadvertently create the worst of both worlds: Employees don't know where they stand and they don't receive feedback.

Job burnout now an official medical diagnosis. The World Health Organization added "burnout" in its handbook of medical diagnoses, which guides health professionals worldwide. It said doctors can diagnose burnout ("chronic workplace stress that has not been successfully managed") if patients feel depleted and distant from (and unsuccessful at) their jobs. **Tip:** To see if you're suffering burnout, take our quiz at www.theHRSpecialist.com/burnout.

In this issue

Courts: Discipline, travel, pregnancy.....	3
Washington Report: I-9s, unions, EEO-1, contractors....	4
HR Trends: Obesity, flextime, sports betting.....	5
Memo to Managers: Overcome negativity.....	6
Expert Advisor: Helping employees set goals.....	7

Are you prepared for gun violence at work?

Workplace shootings, though rare, do take place, often in factories, office buildings and warehouses. And with gun violence occurring with more regularity, your employees (and the courts) will expect you to have a plan in place to protect both staff and customers.

Just a small amount of training can save lives ... and potential liability.

Example: An Aug. 3 shooting at a Walmart in El Paso killed 22 people, but the toll could have been higher. The retailer's standing crisis plan and quick action by at least one Walmart employee saved many lives.

As the shooting began, "Code Brown" was shouted over the loudspeaker, indicating an active shooter. Media reports say the employee heard the code and led 100 custom-

ers and employees to a rear exit and into a shelter in shipping containers.

Advice: OSHA offers extensive guidance on workplace safety, including tips for developing a contingency plan, at www.osha.gov/SLTC/workplaceviolence.

Some workplace shootings are carried out by disgruntled current or former employees. Basic measures such as locked doors and extra security

Continued on page 2

Online resources

Active shooter response sample plan:
www.theHRSpecialist.com/shooterplan

Workplace violence prevention toolkit:
www.theHRSpecialist.com/workviolence

Some school absences are FMLA-protected

For years, employers have been told the FMLA doesn't cover leave that employees take for their children's school-related meetings and visits. But an eye-opening new U.S. Department of Labor opinion letter adds an important new exception to that rule.

The DOL says that if the employee's school visit is to discuss an "individualized education program" (IEP) for their child with special needs, then the employee would be able to count that time as intermittent FMLA leave.

The FMLA allows eligible employees to take up to 12 weeks of job-protected, unpaid leave each year "to care for" a child, spouse or parent with a serious health condition. The question in this case: Does the par-

ent's need to attend the educational meetings count as "caring" for the child with a serious condition. The DOL emphatically said yes.

The child's doctor doesn't need to be present at such meetings for the time to qualify as FMLA leave. These meetings with school officials typically involve discussions about a child's medically prescribed speech, physical or occupational therapy needs.

Impact on employers: Expect to receive more FMLA leave requests as this option is promoted in educational and parenting circles. The federal government estimates that about 20% of households with children have at least one child with special needs.

Advice: Review your policies and practices to see if any changes are

Continued on page 2

Gun violence at work

(Cont. from page 1)

before or immediately following disciplinary actions can lessen the risk.

But any workplace accessible to the public could become a random target. Implement these measures to mitigate the potential damage:

- Develop a contingency plan that spells out what action to take. (Find a link to sample plan on page 1.) Consider including in your plan a designated code, as Walmart does.
- Train employees on what to do if violence erupts or the code is activated. Make sure everyone knows where the nearest exits are located—and that they remain unlocked.
- Train a rapid response team to—once the shooter is no longer active or victims are moved to a safe location—begin emergency treatment or triage until help arrives.
- Practice responding to active-shooter scenarios just as you practice fire alarms.

School absences & FMLA

(Cont. from page 1)

needed. While DOL opinion letters aren't legally binding, they're a signal to how the agency would enforce similar situations.

Also, realize that FMLA rules say that “to care for” a family member with a serious condition includes “to make arrangements for changes in care.” That could include giving leave to an employee that needs leave to discuss elder care for a parent or day-care for a child with disabilities.

But remember that employees are required to give you notice of a foreseeable leave and provide appropriate certification.

Online resource Read the DOL's opinion letter at www.theHRSpecialist.com/FMLAschool.

Don't tolerate employees' ethnic slurs or 'go back to your country' taunts

The national debate over immigration has become more personal this year, highlighted by President Trump's controversial suggestion that four congresswomen “go back” to their country of origin.

But as the immigration debates trickle down into U.S. workplaces, employers should remind supervisors that they have a legal obligation to prevent (and respond to) such personal attacks among employees.

As a new court case shows, if your supervisors tolerate (or, worse, initiate) such ethnicity-based comments, that could be clear evidence for an expensive national-origin harassment or discrimination lawsuit.

Recent case: Two married doctors, Luca and Cristiana, moved from Italy in 2007 to join the medical research faculty at the University of Texas. But when the school hired a new dean, he told both,

“What are you doing here? You should go back to Italy.”

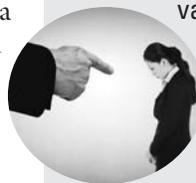
Also, the chairman of surgery said he didn't care for Italian students, declaring that “stupidity” was an “Italian thing.”

Soon after, Cristiana was demoted and Luca's transplant research program was suspended. Then couple eventually saw their pay cut and their faculty licenses revoked. They sued, alleging national origin discrimination.

The court sent the case to trial, saying such comments can be evidence of discrimination. (*Cicalese v. University of Texas Medical Branch*, 5th Cir.)

EEOC: Which comments are illegal?

An EEOC fact sheet says ethnic slurs or other national-origin comments are illegal, “if they are severe or pervasive and create an intimidating, hostile or offensive working environment, interfere with work performance or negatively affect job opportunities. Examples of potentially unlawful conduct include insults, taunting, or ethnic epithets, such as making fun of a person's accent or comments like, ‘Go back to where you came from,’ whether made by supervisors or by co-workers.”



Use data analytics to make better HR decisions

HR professionals increasingly base their business decisions and organizational recommendations on rigorous data analysis, according to a new “Pulse of HR” survey by payroll provider Paychex.

In fact, 87% of survey respondents agree that HR technology has strengthened their contribution to corporate success, up from 75% in 2018.

Part of making strategic contributions is relying on data to make the right recommendations. For the first time since launching the survey in 2017, Paychex found 100% of respondents agreeing that they rely on HR analytics in some capacity. About nine out of 10 respondents said they use data analytics to:

- Make more informed decisions
- Defend their decisions to execu-

tives and employees

- Understand how to communicate with employees.

Eighty-one percent of respondents say their company's tech investment will allow them to maintain or grow their head count and increase employee productivity.

That's one reason why technology tops HR's budget wish list. Among the two-thirds of HR professionals whose department budgets are increasing, technology investment topped the list of ways they would like to spend the additional funds.

“My single biggest strategic contribution to my company was helping it automate its HR processes,” remarked one survey respondent. “Before, everything was manual. Now, we have all our work online.”



Beware discipline for seldom-enforced rules

Before authorizing a termination over a relatively minor infraction, review your records to make sure others breaking the same rule have been similarly punished.

Throwing the book at an employee for a relatively minor or seldom-enforced rule can backfire quickly into a retaliation charge.

Recent case: When Shelly's request to work in an air-conditioned office during her pregnancy was denied, she complained about pregnancy discrimination. Soon after, she was fired for

an alleged 36-minute unauthorized absence.

She sued, saying the firing was simply retaliation for her pregnancy-bias complaint. Shelly said she'd never been required to clock out for 30-minute meal breaks, leaving her with, at most, an unauthorized clock-out of six minutes.

The court agreed that this crack-down smelled too much like retaliation, and it agreed to send the case to trial. (*Grochowski v. Wilkes-Barre Behavioral Hospital*, MD PA)

Travel pay: Understand the 'first stop' rule

Regular commuting time back and forth to work doesn't typically count as paid time for nonexempt employees. But that's only true if the employee doesn't perform any work en route or make any work-related stops.

The U.S. Department of Labor says, "time spent traveling during normal work hours is considered compensable work time."

So if employees have to stop and pick up materials at a main location before heading to the first job site, the

workday begins when the employee leaves that first work location.

Recent case: A California plumbing company agreed to pay \$113,000 to 39 employees that it failed to pay for hours spent loading equipment at the company's main location and driving to the first work site of the day.



Online resource For advice on when you must pay hourly workers for travel time, read our *Rules of the Road* at www.theHRSpecialist.com/traveltime.

Never assume a pregnant workers' abilities

Some managers continue to hold outdated views on the capacity for a woman to work while awaiting childbirth. When managers are vocal about these archaic views—or, worse, when they act on them—it's almost certain to provoke a lawsuit.

That's why HR should set up checks and balances, reviewing any decision that may be based on assumptions about pregnant employees.

Recent case: Terri was hired as a security guard, but when she showed up visibly pregnant for training, a manager sent her home. He said he

feared Terri might fall while patrolling and injure her child, or she might be harmed by exposure to diesel fuel. She wasn't allowed to return.

Terri sued, alleging pregnancy discrimination. The court sent the case to trial, saying the boss's action could be direct evidence of pregnancy bias. (*Hettler v. Intrepid Detective Agency*, MD PA)

Online resource Find answers to 20 key legal questions about pregnancy and employment law at www.theHRSpecialist.com/pregnant20.

Legal Briefs

Accommodate bathroom breaks related to disability

Margarita, a court clerk, told her boss she needed more frequent and lengthier restroom breaks because of her chronic kidney disease. Her boss refused, telling her she needed to "train her body." She was fired and then sued, alleging failure to accommodate her disability. That one dumb comment was enough to get her a trial. (*Rojas v. City of Grand Prairie*)

The lesson: Make sure managers realize that some ADA-qualifying disabilities require more frequent bathroom visits. Engage in an interactive process to find an accommodation—and avoid senseless comments.

Document when & how staff receive arbitration pact

An HR manager spoke to 60 employees in Spanish, explaining the new mandatory arbitration agreement and getting signatures. A Spanish-speaking worker signed the acknowledgment. But it was written in English and referred to a different agreement. When that worker was fired, she sued. The court denied the company's request to arbitrate because it had not proven it gave the employees the right agreement. (*Segura v. Crown Poly*)

The lesson: Make sure employees sign the correct agreement and that it's in their native language.

Roads dicey? Don't punish driver for refusing to drive

A Kentucky trucking company fired a driver for refusing to drive on hazardous, snow-covered roads. He filed a whistleblower case with OSHA, which ended up forcing the company to pay \$31,000 in back wages and \$150,000 in damages to the employee.

The lesson: Never punish employees for raising concerns about the safety of a product or service—or even their own safety on the job. Learn more about federal whistleblower laws at www.whistleblowers.gov.



Filling out a new I-9? Check expiration date

The federal Form I-9, used to verify a new hire's employment eligibility, carried an expiration date of 8/31/19. The Department of Homeland Security was expected to publish a new version of the form by the end of August. Don't expect any major changes to the form, only a few smaller changes to the form's instructions. You can print the most updated version of the I-9 at the DHS website, www.uscis.gov/i-9.

NLRB issues new employer-friendly rules that limit union solicitation on premises

Reversing a long-standing precedent, the National Labor Relations Board had ruled that employers may bar nonemployee union organizers from soliciting employees (or promoting union membership) in public areas within an employer's facility.



For almost 40 years, the NLRB had allowed union solicitation in cafeterias and other areas open to the public as long as organizers were not "disruptive." This new NLRB rule published last month allows employers to ban

union solicitations as long as the company also prohibits all other forms of solicitation or promotions by nonemployees in these spaces.

Sept. 30 is deadline to submit EEO-1 pay data

Employers with 100 or more employees—and all federal contractors—have until Sept. 30 to submit compensation data for 2017 and 2018 on the much-delayed component 2 of the annual EEO-1 report. It requires employers to report hours worked and W-2 pay data broken down by job category, race, ethnicity and sex. It's part of the EEOC's effort to close the wage gap between women and men and differing races. Learn more and find access to the online portal at www.eeoc.gov/employers/eeo1survey.

Federal contractors: Access new online guides for compliance advice

If your organization works under a contract (or sub-contract) with the federal government, take note: The U.S. Office of Federal Contract Compliance Programs (OFCCP) last month published a new series of compliance assistance guides to help employers navigate the confusing labyrinth of record keeping, posting and documentation rules that cover federal contractors. Access them at www.dol.gov/ofccp/CAGuides.

HR Q&A

Hourly worker on a plane: What is paid time?

Q. Our employees typically work 9 to 5, Monday through Friday. What is compensable working time if, on a Saturday, an hourly employee drives 20 minutes to the office, 30 minutes to an airport and waits four hours for a flight? Must the employer pay for four hours and 50 minutes? — Anonymous

A. Only the 20-minute commute isn't compensable. So, if the employee is traveling within his or her normal working time, the employer must pay for the ride to the airport, the four hours waiting time, the flight and the ground transportation to the hotel. Learn more about travel pay requirements at www.theHRSpecialist.com/traveltime.

Can all our I-9s be in one, separate folder?

Q. We've been told that our I-9 forms should be kept separate from our regular personnel files. If that is the case, do we need to have an individual folder for each I-9, or can all of our I-9 forms be in the same folder? — Cindy, Ohio

A. The United States Citizenship and Immigration Services (USCIS) recommends that Forms I-9 and supporting documentation, if kept, be stored apart from personnel records in order to facilitate an audit or inspection. This allows you to keep separate related personnel records that need not be produced and that you would likely prefer to

keep private. If USCIS asks to review your Forms I-9, you must produce them within three business days.

You can certainly keep all of your I-9 records together in one big folder. However, do take steps to safeguard access to these records (which contain private identifying information) so they're only reviewable by people with a need to do so.

Online resource For more advice on completing and storing your I-9 forms the legal way, download our free report, I-9 Forms: A Guide to Employment Verification, at www.theHRSpecialist.com/I-9report.

Worker reduces hours: Can we pay her hourly?

Q. I have a salaried exempt associate who will be taking a reduction in hours starting in a month. She is an officer of the company. She will be working 32 hours instead of her current 45–50. Can we put this individual on an hourly rate instead of salary? — Cindy, North Dakota

A. Yes, or you can pay her a reduced salary commensurate with her expected reduction in hours worked if the work she performs continues to meet the necessary requirements to qualify as exempt from the FLSA's overtime requirements.



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

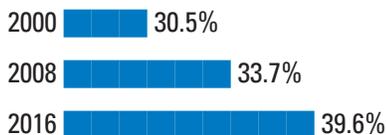
Obesity sparks more health claims; is it a 'disability'?

A new Unum insurance study shows an alarming jump in the number of disability claims linked to the increasing weight (and age) of U.S. workers.

Example: Joint disorders caused a 30% spike in long-term disability claims over the past decade.

A new CDC study says nearly 40% of Americans are now obese, and another one-third are considered overweight.

Percent of American adults who meet obesity standard



Source: CDC. Obesity defined as body mass index of 30 or greater

However, obesity alone does not generally qualify a person as disabled under the ADA (and, thus, due reasonable accommodations), unless the person has some other qualifying medical condition that pushes them into the disability standard.

Case in point: Mark saw his weight climb well above 350 pounds after he took a job driving a Chicago city bus.

After he took a medical leave, Mark returned to find he could no longer fit in the driver's seat, which only supports up to 400 pounds. He was fired and sued, claiming the city regarded him as too obese to do the job.

The court dismissed the case, saying Mark wasn't disabled because obesity itself isn't a disability. He couldn't point to any other ADA-qualifying medical condition. (*Richardson v. CTA*, 7th Cir.)

Note: A few cities and states (Michigan, San Francisco, Washington, D.C.) do protect workers from obesity discrimination.

Online resource To discover how far you must go to accommodate an employee's disability, go to www.theHRSpecialist.com/ADALimits.

Flextime continues to grow as employer recruiting edge

Most U.S. employers now offer some kind of flexible scheduling or time-off benefits as a way to attract talent in a competitive hiring environment, says a new survey by the outplacement firm Challenger, Gray and Christmas.



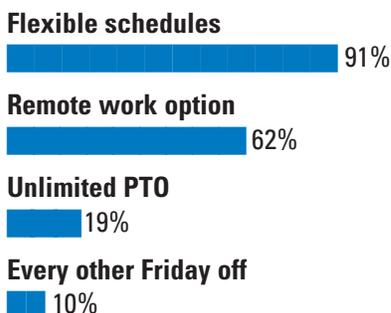
The survey of HR professionals found that 61% of employers offer some sort of flexible work option to attract talent. Of those, 91% reported they offer flexible scheduling, while 62% offer remote work options.

Another 19% of companies offer unlimited paid time off, a benefit that has recently gained popularity, notably at tech companies such as Netflix, which offers the benefit to new parents for up to 12 months.

"Employers are having trouble finding workers with the skills needed to perform their duties. If this continues, it could hurt the bottom line and limit expansion," says Andrew Challenger, vice president of Challenger, Gray & Christmas. "As employees, especially millennials and Gen Z workers, demand more work/life balance, employers will find they must respond with these offerings."

Of employers that do not currently offer flex benefits, 33% said the tight labor market was forcing them to consider their options.

Flexible benefits offered



Source: Challenger, Gray & Christmas survey, June 2019

Legalized sports gambling an HR problem? Bet on it!

With the sharp rise in legalized sports gambling in various cities and states, employers are bracing for the possibility that the wagering could get in the way of work.

Illinois and the District of Columbia are the latest to push for joining seven other jurisdictions that allow legal betting on sporting events: Delaware, Mississippi, Nevada, New Jersey, Pennsylvania, Rhode Island and West Virginia.

Managers in states where sports betting is well established say it can sometimes be a distraction that keeps work from getting done.

"Some see an increased risk of overzealous bettors and gamblers disrupting the workplace," says Seyfarth Shaw attorney Philippe Weiss.

To keep sports gambling in check, Weiss urges concerned employers to think B.E.T.:

Bad performance. Train supervisors to watch for those overly distracted by sports betting or related discussions. Train managers to intervene when sports betting talk becomes a distraction and refocus employees on work goals.



Escalation moments. Supervisors should be trained to know when to escalate issues to HR, instead of intervening themselves. Escalation moments include when productivity issues persist, when employees are disrupting others' work or when it seems an employee might have a gambling addiction problem.

Tardiness and absences. If your workplace is near a legal sports betting location, train managers to respond to employees or groups who disappear in the middle of the day for extended periods. They should also be alert for patterns of unusual and unexplained absences—especially when accompanied by "betting talk."

To: _____
 From: _____

Date: September 2019
 Re: Overcoming employee negativity

Communication

'Negative Nellies' on staff? 8 ways to turn it around

At times, all managers need to deal with a certain amount of pessimism, gripes and uncooperative behavior from employees. But a hard-core negative attitude that starts with just one employee can quickly infect an entire department (or a whole company) if the manager doesn't rein it in quickly. Here are eight tips for confronting employees whose negative behavior is affecting co-workers:

- 1. Don't get drawn into the employees' negative mindset.** Listen to their points, but don't temper your own realistic optimism. Avoid getting into an argument; negative people thrive on the negative energy of arguments. Point out areas of agreement when possible in order to build rapport. Keep your cool.
- 2. Set standards.** Spell out the consequences of the employee's negative behavior, such as decreased morale and turnover. And explain

Key do's and don'ts

- **Don't shower negativists with lots of attention.** You're only rewarding bad behavior.
- **Do continue asking them to pitch in** and perform tasks outside their normal job descriptions. Otherwise, you're also punishing positive (or less vocal) employees.
- **Don't correct them less often** in order to avoid conflict. Employees can't be expected to change for the better if they're not asked to.
- **Don't allow employees to get bored** or complacent. A negative attitude develops easily when there's "nothing to look forward to."
- **Do follow through on what you say.** Employees' negative attitudes will continue if tolerated without any consequences.

the consequences of the employee's behaviors, not general "attitude."

For example, you may not be able to change the fact that an employee doesn't like the company dress policy. But you can discipline employees if they don't follow it.

- 3. Ask questions.** Force the employee to be specific about what is creating the negative thoughts and actions. Use active listening to ensure you are understanding correctly. Then work toward a solution. Give goals, with a timeline and consequences.
- 4. Try role playing.** Ask the employee to put himself in your shoes and pretend he has been asked to resolve the problem. That way, you will have the employee contribute his ideas for the best possible solutions.

5. Don't lower your expectations of them. A negative attitude doesn't necessarily mean a poor performer. Make sure employees know that part of their formal evaluations are based on their interpersonal skills (getting along, collaborating, etc.).

6. Give positive recognition. Feedback should not be all critical; accolades are equally important. Constant criticism breeds negativity. Regularly remind staff how they contribute to the company's success.

7. Solicit feedback. Always ask for employees' opinions before making major decisions that will affect them. The more you take interest in their concerns, the less likely they will gripe to each other.

8. Hire right. Identify negative people before they're hired. During the interview, listen for feelings that "life isn't fair" in response to questions like: *Have you felt you've been treated unfairly in the past?* and *What were your chief concerns about management in your previous jobs?*

QUIZ Is negativity a problem in your department?

It's important for managers to be aware of the signs of creeping pessimism before their department becomes overrun by negativity. See how much of a problem negativity is in your department by placing a check next to behaviors that are common:



- Increased complaining
- A focus on why things can't be done
- Lack of hope that things can or will get better
- Normally positive people exhibit atypical negative behavior
- Denial of reality
- Inability to cope with growth or downsizing
- Excessive need to control
- The tendency to lay blame rather than problem solve
- A rigid approach to problem-solving
- Unwilling to change, even if for the better
- Acting with uncertainty
- Giving a perfunctory performance, showing no spark
- Anti-management sentiments
- Fears of job loss
- Boundary issues, constant challenge of authority
- Desire for dissension
- Relying on news from the "grapevine"

Note: The more boxes you checked, the more negativity that's simmering in your department. Use the steps in the main article to get things under control.



The best way to help employees set their goals

Employees need to know what is expected of them and to be given the opportunity to do what they do best every day at work.

All performance thus starts with clear goals and expectations.

How you set those goals for your employees is important, not just for clarity as to what needs to be done, but also for the motivational value it can add for the employee if you do it right.

The best goal-setting has three common elements:

- **The best goals are few in number, specific in purpose.**

Even with all the talk about multitasking, ultimately a person can focus on only one thing at a time. So the greater the number of goals you have, the less likely any of those goals will get worked on, let alone finished.

- **The best goals are not too easy and not too hard.** If a goal is too easy, we tend to not even try to do it. If it's too difficult and we don't think we

can achieve it, this also inhibits our efforts to attempt the task. The best goals are somewhere in between these two extremes, some say ideally having a 70% chance of completion.

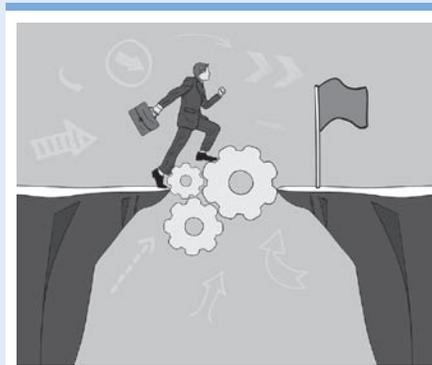
- **The best goals are collaborative in nature.** The days of telling employees what to do

want someone to do a good job, give them a good job to do."

Find out what tasks your employees most enjoy and excel at, and use that information to link them to relevant needs of the organization.

By allowing your employees flexibility in setting their own priorities and the specifics of how they handle their work, or even in their choice of working hours, you can establish a relationship of trust and respect instead of "my way or the highway."

To the extent that managers of the organization are able to provide those motivators for employees, their employees' level of engagement will be greatly impacted, and they'll be better able to do the best work possible.



The best goals are not too easy and not too hard—some say ideally having a 70% chance of completion.

are over. You need to discuss goals with employees and get their input to get their buy-in to make them achieve their goals. Otherwise, you're less likely to get their best effort. If you can link the goal to something you know is of interest to the employee, all the better.

As management theorist Frederick Herzberg put it, "If you

Adapted and reprinted with permission from Career Press, an imprint of Red Wheel/Weiser. 1,001 Ways to Engage Employees by Dr. Bob Nelson is available wherever books and ebooks are sold or at www.redwheelweiser.com.

STAFF

Editorial Director: Patrick DiDomenico, (703) 905-4583, pdidomenico@BusinessManagementDaily.com
Contributing Editors: Anniken Davenport, Esq., Rob Lentz, John Wilcox, Cal Butera

Publisher: Phillip Ash
Associate Publisher: Adam Goldstein
Customer Service: customer@BusinessManagementDaily.com, (800) 543-2055

Volume 17, Number 9

Printed in the United States.

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

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

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

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

The most powerful companies have their own training newsletters.

Now you do too.

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

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



A 'job' or 'career': What do your employees have?

A new CareerBuilder survey of 1,000 U.S. workers showed that half (50%) feel like they have a career while the remaining 50% simply feel they have a job. **Advice:** One key way to help retain employees is by providing development training and showing them a clear path to better things in your organization. Yet the CareerBuilder survey says only 32% of employees feel satisfied with the opportunities for career advancement at their current jobs and 37% are satisfied with the training opportunities.

New overtime rule faces final hurdle before release

On Aug. 12, the U.S. Department of Labor sent its long-awaited white-collar overtime rule to the White House for a final approval. If it's enacted, administrative, executive and professional employees would be eligible for overtime pay if they earn less than \$35,308 per year. The current level is \$23,660. The new salary threshold is set to take effect Jan. 1, 2020. The DOL predicts the change would make about one million more workers eligible for overtime pay. Learn more about the proposal at www.theHRSpecialist.com/overtime.

'Stress eating': a problem for one-third of workers

During tough times at work, more employees trade their salads for comfort foods and sugary snacks. A new Harris poll says 35% of employees who eat lunch at work say their lunch is less healthful on stressful days. And a similar amount (32%) say they snack more than usual on stressful days at work. More than two thirds (67%) say they'd value their employer's help in becoming healthier.

Expanded definition of harassment may be coming

In a move that may foreshadow similar laws in other states and cities, the state of New York has enacted one of the strictest anti-harassment statutes. Under federal law, courts generally say that sexual harassment must be "severe or pervasive" for victims to win damages. Claimants in New York will no longer have to prove this standard, leaving it up to the courts to decide what is considered harassment. Plus, the New York law opens it up for independent contractors to bring harassment charges. For details on the trend and the New York law, see www.theHRSpecialist.com/SHdefinition.

Majority of large companies now have a CDO

With the potential (and vulnerability) of data such a high priority for organizations, more are creating data-related corporate-level roles. A full 63% of Fortune 1000 businesses have appointed a Chief Data Officer, a huge jump from just 12% in 2012, according to a new survey by New Vantage Partners. But the source and role of these positions still isn't clear. While 34% believe the ideal CDO should be an outsider and change agent, 32% believe the best CDOs are company veterans. And while half (50%) believe the CDO should sit on the executive committee, the other half disagrees.

Despite record-low unemployment, salaries expected to grow just 3%

While U.S. employers continue to increase their use of performance-based bonuses, they aren't making big changes to their salary-increase budgets. Even though the labor market remains vice-tight and unemployment bumps along near a 50-year low, salary budgets are only expected to grow by 0.1% in 2020.

Overall, salary budgets are expected to rise by an average (mean) of 3.3% next year, up from a 3.2% rise in 2019, according to a new WorldatWork survey. This year, executives saw the biggest salary increases (*see chart*).

"Companies need to recognize that while the salary budget increases are relatively modest, in the current work landscape salaries are just one component in a compensation package," said WorldatWork director Alison Avalos. "Total rewards benefits that provide a great work experience and a great life experience are valued highly by employees, and companies are addressing these needs to remain competitive."



U.S. salary-budget increases

Employee category	Actual 2019	Projected 2020
Nonexempt hourly, nonunion	3.2%	3.3%
Nonexempt salaried	3.1%	3.2%
Exempt salaried	3.2%	3.3%
Executives/officers	3.3%	3.3%
Overall	3.2%	3.3%

Know the limits to avoid taxes on per diems

The IRS has reiterated that for per diem allowances to be tax free, employees must be on temporary assignments that last *no longer than one year*. Plus, that one-year requirement can't be waived by either the IRS or employers. The IRS says that assignments expected to last beyond a year are indefinite, and employees' per diem allowances are fully taxable. (*IRS INFO 2019-0003*)

Beware data theft at airport charging stations

If you'll be heading to the airport, it's best to charge up your devices before you head out the door. Why? According to a *Forbes* magazine report, hackers have found a way to modify the USB ports at airport charging stations to download private data when travelers plug in their laptops and smartphones. Plus, connecting to these chargers could implant malware and viruses onto your devices. **Tip:** Educate your traveling employees about this "juice-jacking" risk and encourage them to use portable chargers.

Is there anything more dangerous than crossing the IRS?

Payroll Compliance Handbook

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

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

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

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

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



Navigate easily to topics including:

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

Over, please

We've Made Payroll Easy Again!

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

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

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

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



SPECIAL REPORT ORDER COUPON

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

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

Payment options:

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

Card # _____ Exp. Date _____

Signature _____

Name _____
(please print)

Company _____

Address _____

City _____ State _____ ZIP _____

Daytime Phone () _____ Fax () _____

Email _____

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

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

Please allow 3 weeks for delivery.

**PRICE PER COPY:
\$127**

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

Payable in U.S. dollars

BPCH

**SPECIAL OFFER
YI1788**

4 Easy Ways to Order

WEB:
www.BMD.biz/PayComp2

CALL:
(800) 543-2055
8:30am – 6pm ET

FAX:
(703) 905-8040

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

**100%
MONEY-BACK
GUARANTEE!**

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