

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Make workers pay for training? Feds say: Not so fast.

Training is expensive. So pricey that one employer made trainees sign a contract saying that if they left within three years, they would have to reimburse the employer \$30,000. The Consumer Financial Protection Bureau is critical of training repayment agreement provisions—or TRAPs—and is urging Congress to act. TRAPs became more common when workers became more mobile. The Senate Committee on Banking, Housing and Urban Affairs may act in 2023 to ban predatory practices.

If you expect employees to repay even a portion of their training costs, let them know before they are hired and remind them before their training begins. Is it worth it to chase a departed employee to recoup the costs? Are there are better ways to retain employees?

Resignation is now remorse.

After the Great Resignation, when more U.S. workers quit their jobs than ever, over 70% of 2,000 workers who had resigned told a Harris poll that it was harder to find a good job than they had thought.

More than a third of those who had found a new gig said they regretted quitting, their work-life balance had declined, their job was different than expected and they missed their old job.

In this issue

From the Courts: Lay off with care or face lawsuits	3
Washington Report: Spying, green cards	4
Don't give up great workers without a fight	5
Memo to Managers: Onboard to keep new hires	6
Expert Advisor: Devout religious accommodations	7

Need workers? Solve their daycare problem

Workers are still in short supply, and jobs are going unfilled. Wages continue to grow as employers need to offer more to entice potential workers off the sidelines. As employers try to tap into a pool of labor that might not be ready to return, one major impediment has become obvious—for workers who need childcare, there are very few openings. And roughly 33 percent of workers who have children under five need childcare to work. The problem is particularly acute for lower-wage workers as the available care options may not be affordable.

What happened to childcare options? The COVID-19 pandemic is largely to blame. Schools and daycare centers closed when states shut down. Parents were sent home to work, home school and care for their children. As a result, many daycare centers failed and went out of business. Those that did survive or were able to reopen face the same problems other employers face—namely, finding qualified workers willing to take caregiving jobs when other, better-paying opportunities abound. The result is that open daycare facilities often have long waiting lists.

What can employers do? If you want to attract parents or other caregivers to fill open positions, you may need to solve their childcare problems. Several approaches may help:

- **Subsidies:** Try offering a daycare subsidy if you are in an area where daycare costs are higher than average. Annual costs for one child range from \$5,436 in Mississippi

to \$20,913 in Massachusetts. A subsidy not only helps encourage workforce participation. It also incentivizes the desire to stick around in an economy where jobs are plentiful, since a job switch means the subsidy disappears.

- **Direct care:** Some employers contract with national childcare providers for on-site care. This accomplishes three things. First, openings are reserved for your employees. Second, parents may find it convenient to have their children nearby. Finally, on-site care discourages turnover since quitting means losing care, too.
- **Partner with other small businesses in your location to find and fund childcare together:** Ask your neighboring businesses what their childcare solutions are. Is it possible to pool resources so interested parents can enjoy a discounted rate at a neighborhood childcare center?
- **Flexible scheduling and more time off:** Offer flexible scheduling so parents can share care. Plus, providing additional paid or unpaid time off for childcare emergencies may prove effective.

Remember, childcare is a business issue, not (only) a family issue. If you help your employees find and afford high-quality childcare, you will not only stand out from the competition but also create a “sticky” benefit that fosters retention. Employees are less likely to leave their job if it also means moving their children from a care provider they know and trust.



Bullet-proof your handbook and your business

An employee handbook is many things: an introduction for new hires, a reference point for current employees and a blueprint for helping employees succeed. Crucially, it's also a shield against litigation.

What should you include?

Your handbook gives new employees all the relevant information they need to understand your company. It should include your mission statement, describe your target markets and list any values or commitments your company holds.

At-will employment disclaimer

If your business is in a state that allows at-will employment, which almost all of them do to some extent, you'll want to include a section on this.

Employment classification

This section should clearly explain how your business classifies its employees. Define exempt and non-exempt employment in line with Department of Labor standards and any relevant local or state laws.

You should also use this section to detail how you classify full-time, part-time and temporary employees. Some businesses consider part-time anyone working under 40 hours per week, while others use 30 or 35 hours per week as the cut-off.

Timekeeping and pay information

Accurate reporting of work hours is essential to prevent fraud and to maintain accurate records.

Provide the payroll schedule. If you pay on certain days of the month, such as the 1st and 15th, be sure to mention what the procedure is when those days fall on a weekend or holiday.

Include information on overtime pay as well as meal and rest periods. You can also include information on timekeeping procedures, such as when timecards must be submitted and a reminder that employees may not falsify their time records. If your business has standard work hours, include those as well.

This section is the place to include your expense reimbursement policy

if you have one. Let employees know how to submit expenses for reimbursement, whether they will be paid via regular payroll or a separate channel and which expenses can be reimbursed.

Employee benefits

The employee section should detail benefits specifically offered by your business.

• Company perks.

Employee discounts, work-from-home flexibility or commuter benefits

can help new hires get excited about working for you.

- **Health insurance.** In addition to describing your specific health insurance plans, it is a good idea to include an overview of who is eligible for health insurance benefits and if there is a waiting period for new hires.
- **Retirement plans.** If your business offers employees a 401(k), detail eligibility requirements and whether there is any employer matching.
- **Paid time off.** Give information on how time off is accrued, if there is a waiting period for using it and the procedure for requesting time off.
- **Medical leave.** The FMLA allows up to 12 weeks of unpaid leave per year for specific medical or family care purposes, including the birth or adoption of a child. But not all employment laws apply to all businesses. For example, private-sector employees are eligible for leave under FMLA only if they work at a location where the employer has at least 50 employees within 75 miles.
- **Other applicable leave policies.** Depending on your state and business size, there are several leave obligations, such as leave for jury duty, voting and military reserve service.
- **Company policies.** Describe, in detail, your company's expectations for employee behavior. Some policies to consider including are:
 - **Attendance.** List paid holidays,

explain PTO policies and try to anticipate questions about tardiness, absenteeism and lunch and coffee breaks. If you have core hours when everyone is expected

to be at work, state them here.

- **Dress code.** Be sure you draft a policy that is nondiscriminatory concerning cultural or religious clothing, different hair types and all gender identities and expressions.
- **Anti-harassment.** Sexual harassment, discrimination and bullying of any kind, including cyberbullying, should be expressly prohibited, and procedures for reporting harassment should be detailed here.
- **Workplace safety.** Include an overview of workplace safety expectations, including any equipment or industry-specific safety practices, OSHA regulations and what to do if an injury occurs while working.
- **Equal employment opportunity and ADA policies.** Taking a firm stance against discrimination and expressly stating your commitment to providing equal opportunities to applicants and employees of all backgrounds is more important than ever. Include information on the ADA and where employees should turn to request workplace accommodations, if needed.
- **Substance abuse policy.** It seems obvious that substance use in the workplace is banned but putting it in writing can help if disciplinary action needs to be taken.
- **Technology restrictions.** If employees use company-owned computers or mobile devices, it is a good idea to lay out usage policies, including for social media. Prohibit downloading programs and state that company technology is to be used for company business.





Lay people off the right way— or face a whirlwind of lawsuits

In a call with workers at Meta in November, founder and CEO Mark Zuckerberg told employees, “You’ve really put your heart and soul into this place,” and then fired 11,000 people. Meta is joined by several other companies, like Lyft and Salesforce, doing massive layoffs this year. But no one can top Elon Musk, who slashed half of Twitter’s workforce.



Even seasoned HR managers are taken aback. Layoffs are an unfortunate but sometimes necessary part of doing business. With high inflation and jitters over a recession, some companies have no choice but to make cuts.

But there’s a right and wrong way to go about them.

- **Break the news gently, with empathy,** and not in a mass email or video chat room. Let’s not forget the case at Better.com, where the CEO laid off 900 people on Zoom. The head of people (or someone in a human resources role) should prepare a brief, simple statement to send to managers and prepare them to meet with staff. It would be best if you gave bad news one to one or in groups of two, three or four. The CEO should send an all-staff email letting workers know that some of them will be receiving difficult news that day.
- **Consider the timing.** There’s a reason Ebenezer Scrooge is so famously loathed. While there’s no good time to lay off employees, doing it shortly before the holidays looks heartless.
- **Be transparent.** Lay out the reason for downsizing. Offer to continue benefits for a few months,

including 12 months’ coverage of COBRA health-care costs.

- **Protect privacy.** Now that many people work remotely, it’s not always possible to meet one on one. CNN suggests calling ahead to schedule a one-on-one meeting. The purpose is to ensure individuals have set aside time and won’t be distracted. For remote workers, having a scheduled meeting likely means being away from others who might be in the house. The point is to help people avoid embarrassment.

- **Provide help getting a new job.** Years ago, employers let people go without any support. However, many employers opt to provide professional help to begin the job search.
- **Remove access to the organization.** Any credentials, equipment or office passes must be restricted and turned in, and the email must be shut off when the meeting is over.
- **Audit your layoff list before using it.** No matter what factors you used, have someone determine the potential impact on a protected classification. Look for obvious problems like lists that skew to terminating older workers or one sex over another, and so on. If you find troublesome patterns, consult counsel before carrying out the layoff.
- **Offer severance pay in exchange for a release.** One way to avoid litigation is to have employees agree to accept severance pay in exchange for a no-lawsuit promise. Be careful with older workers protected under the Older Workers Benefit Protection Act (OWBPA). They’re entitled to time to review the offer and consult an attorney.

Court: Dismissal valid if based on “unprofessional” behavior, not mental illness

East Carolina University (ECU) dismissed a student with bipolar disorder from its master’s degree program. The student sued, alleging that the university violated the ADA. The trial court granted summary judgment to ECU, finding that the student was not terminated because of her disability but because of a consistent inability to meet deadlines, which was unprofessional. (*Neal v. East Carolina University*, No. 20-2153, 4th Cir., 2022)

The lesson: Document all unprofessional behavior, and do not use any protected category as a basis for dismissal.

“No facial hair” policy, without exceptions for religion or disability, causes EEOC to sue

A company with a “no facial hair” policy violated Title VII when it hired an emergency medical technician (EMT) who could not shave his beard due to his religious beliefs and fired him when he refused to shave, alleges an EEOC lawsuit. The man requested a religious accommodation, which was denied, the EEOC claims. Global Medical Response and its subsidiaries argue that the respirators that EMTs must wear won’t fit someone with facial hair.

However, another type of respirator permitted under federal law can be worn by people with facial hair, including those with full beards. But the companies denied their use. Several workers were forced to shave to stay employed. Those who didn’t shave were fired. (*EEOC v. Global Medical Response, Inc., et al.*, No. 1:22-cv-02544, D. Colo., 2022)

The lesson: Provide reasonable accommodation for sincerely held religious beliefs.



NLRB is watching you: Don't spy on your employees!

Concerned by our brave new world of digital supervision, the National Labor Relations Board issued a memo warning all employers not to use intrusive electronic surveillance.

“Cameras on” is a current way to monitor attendance at video meetings. But there’s more. Surveillance tools can monitor every keystroke and time bathroom breaks. Some employers use GPS tracking devices. Employers use this data to manage employee productivity.

NLRB general counsel Jennifer Abruzzo announced she intended to urge the NLRB to adopt a new framework under which an employer would be *presumptively liable* for violating the National Labor Relations Act when the surveillance and management practices, as a whole, would tend to interfere with an activity protected by the act, such as discussing a union.

Unless the employer demonstrates exceptional circumstances, Abruzzo stated she would urge the NLRB to require the employer to disclose to employees:

- the technologies it uses
- its reasons for doing so
- how it is using the information it obtains.

Check your monitoring practices, if any. If the NLRB investigated, could you justify your surveillance?

DOJ fines Giant Foods for asking for green cards

Train your managers to look beyond a green card when hiring non-U.S. citizens. The Giant supermarket chain will pay \$11,000 to settle Department of Justice allegations that it discriminated against non-U.S. citizens when checking their eligibility to work in the United States, violating the Immigration and Nationality Act.

A job candidate, a legal permanent resident of the U.S., complained to the DOJ that the store’s application required her to supply a green card, even though she provided other, valid documentation, as federal law allows. The store refused to allow her to begin working.

Train your managers to follow Form I-9. Several acceptable documents—not just a green card—establish identity, employment eligibility and citizenship status. If the applicant provides a document from List A—a passport or an Employment Authorization Card issued by the U.S. Immigration and Citizenship Service—this establishes both identity and employment authorization, and no other document is needed.

Or an applicant can provide a combination of documents from List B to establish identity, such as a driver’s license, a student or military ID with a photograph or a voter registration card, and List C, which establishes employment authorization, such as a Social Security card or birth certificate. The Giant will be monitored for three years and pay back wages to the worker who complained.

HR Q&A: Employment Contracts

What is the best way to make sure my best employees don't leave for a competitor?

Q. Can I talk to competitors about not poaching our workers? We don't hire their superstars away.

A. Good employees are worth their weight in gold. In any employment market, the costs of turnover, retraining and lost business opportunities are high. With all these challenges, guarding your “gold” seems prudent.

It may be tempting to have a “don’t take mine, and I won’t take yours” agreement with a competitor or “let’s agree not to pay more than X dollars for this position” deal with another employer who is panning for gold in the same labor pool. But proceed with caution: these agreements might violate antitrust laws.

The DOJ is clear about what it says an employer can and cannot do to keep employees from leaving. More guidance on antitrust is at www.ftc.gov. Penalties for any violation of these laws are severe, including high fines and jail time.

Employers can avoid the risk of breaking these anti-trust laws by instead leveraging an alternative to ensure that their “gold” remains in their coffer:

- **Offer an employment contract with key employees.** Abandon the at-will regime and offer golden employees continued employment and higher compensation in return for a promise to remain with the company. The cost of losing good help outweighs the cost of creating these contracts or the high price of a criminal defense attorney if found breaking antitrust laws.
- **Show appreciation for employees** and praise them very publicly.
- **Recognize anniversaries and milestones.** New employees will be encouraged, and experienced employees will appreciate being honored for their commitment.
- **Build teams, celebrate wins and encourage mentoring** to build relationships among peers.
- **Survey your employees** to find out what they want and make a good-faith effort to accommodate those requests. Recognizing the value of employees as company “gold” does not have to be costly. It can pay rich dividends.

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Don't give up great workers without a fight

Numerous surveys have found that between 10% to 25% of employees plan to seek new jobs this year. Many of those resignations are avoidable. In a recent Gallup poll, more than half of people who quit their jobs said that in the three months before they left, no one talked to them about their jobs.

"Stay interviews" aim to find out what excites an employee about work, what frustrates them, what their career goals are and how their work experience might be improved.

The opposite of the exit interview

Stay interviews are sometimes called "re-recruiting meetings"—a way to reignite the passion and purpose new employees bring to the job. A study by outplacement firm Challenger, Gray & Christmas found that only 27% of employers conduct them.

Yet research shows stay interviews work. A study by HRsoft found that employers that use stay interviews reduce turnover by 15% to 55%.

Stay interviews are informal conversations. The Society for Human Resource Management suggests asking these kinds of questions:

- What do you look forward to each day when you're getting ready to come to work?
- What are you learning at work? What do you want to learn?
- Why do you stay here?
- Have you ever thought about leaving? What made you feel that way?
- What can we do to make work better for you?

Follow these tips for conducting effective stay interviews:

- **Schedule it in advance.** Let employees know the meeting is not a performance review. Avoid discussing to-do lists and upcoming projects.
- **Keep the conversation business-like but casual and friendly.** A question that is likely to get a good laugh and useful input: "What's our company's dumbest rule?"
- **Assure employees you take their views seriously.** Take notes. Commit to acting on problems they raise to the greatest extent you can.

Don't make this \$56.5 million mistake

Employing people is an expensive proposition. Federal, state and local laws require you to act as a tax collector, respond to garnishment orders, provide paid leave where required, maintain workers' compensation insurance and pay the employer's share towards social security, and so much more. On the other hand, having independent contractors simplifies the relationship—you merely pay an agreed-upon amount for work done, and the independent contractor is responsible for remitting taxes and purchasing benefits.

Unfortunately, it's not that simple. A host of laws dictate whether you can classify someone as an independent contractor or carry them on your payroll as an employee. Misclassifying employees as independent contractors can be a costly mistake. Just defending a lawsuit can be extremely expensive, even if it ends in a settlement.

Recent case: Instacart bills itself as a service that facilitates and fulfills grocery orders from the public and delivers those orders directly to customers. To do so, it uses over 600,000 independent contractor shoppers.

In 2019, the San Diego City Attorney's Office sued Instacart, alleging that the shoppers should have been classified as employees rather than independent contractors.

Under California's labor laws, the independent contractors didn't qualify for benefits such as overtime pay, paid breaks and reimbursement for gasoline and cellphone expenses.

The parties have settled the case with a payment of \$56.5 million to the workers. Although Instacart did not have to admit the workers were misclassified, they still agreed to the settlement. (*California v. Maplebear, Inc.*, No. 37-2019-00048731, California Superior Court 2022)

Final note: The DOL has issued proposed regulations that will make it much harder for employers to justify classifying someone as an independent contractor. The proposed rule rescinds the DOL's 2021 independent contractor rule. The change likely means more classification lawsuits.

Identical interview questions key to surviving rejected applicant's suit

The hiring process is a common lawsuit trigger for candidates not selected for the job they're interviewing for. Lawsuits alleging race or other forms of discrimination may focus on individual questions, the hiring committee's demographic composition or some other perceived discriminatory action. The best way to counter this is with a carefully crafted interview process. This should include a directive to ask every interviewed candidate the same questions. You should also record their responses and collect and save all notes on the interview.

Recent case: A candidate applied for a job with the Office of the New York State Comptroller. He was selected for an interview. As part of his interview, he was asked for a writing sample. He was not selected.

He sued, alleging that he was asked to produce a writing sample as an excuse not to hire him because of his race. New York explained that every interviewee was asked exactly the same questions and had to submit a writing sample. New York also explained that it had three legitimate reasons for rejecting him for the position. First, the committee noted that he had frequently switched jobs. Second, they said that his résumé included discrepancies. Finally, when they reviewed his writing sample, they noticed grammatical errors.

The court sided with New York. The state, it said, had presented three nondiscriminatory reasons for preferring another candidate. (*Adeniji v. Office of the State of New York Comptroller*, No. 21-2496, 2nd Cir., 2022)

Here are a few suggestions for interviews:

- Always ask the same pre-determined questions.
- Save all interview notes and forward them to the HR office.
- If using writing samples, provide the same prompt to all.

To: _____
From: _____

Date: December 2022
Re: Improve our onboarding and retention

Welcoming new hires

Onboarding questions to ask over 30/60/90 days

Many of us fail when it comes to effective onboarding practices. We invest significant amounts of time attracting candidates, interviewing, reference checking and drug screening. Still, once the person shows up for the job on day one, we often overwhelm them. Few dedicate appropriate resources to the onboarding experience, which, unlike NEO (new employee orientation, which takes place on day one), should occur over a 30-, 60- and 90-day period, with a one-year look-back for good measure.

Transitioning new hires into your department involves multiple cascading events that occur over time, both for the manager, the new hire and the organization. Much more than simply

enrolling people in benefits and setting up their payroll, it's your first chance to make a good impression and truly integrate the individual into your culture.

Onboarding starts with meet-and-greets. It can include specific training, but it thrives under dedicated human follow-up at 30-, 60- and 90-day intervals, led by immediate supervisors, business owners or HR. Here are some suggested questions for these types of follow-up meetings. Know that the care you demonstrate in meeting one on one with a new hire over this extended onboarding period will be very much appreciated.

30-day follow-up questions

- What do you like about your job and the organization so far?
- What's been going well? What are the highlights of your experiences so far? Why?
- Tell me what you don't understand about your job and our organization now that you've had a month to roll up your sleeves.
- Have you faced any unforeseen surprises since joining us that you weren't expecting?

60-day follow-up questions

- Do you have access to the appropriate tools and resources? Do you feel you have been sufficiently trained in your job?
- How do you see your job relating to the organization's mission?
- What do you need to learn to improve? What can we do to help you become more successful in your role?
- Compare the organization to what we explained it would be like when you initially interviewed with us. Have you experienced any surprises, disappointments or other "aha" moments you're comfortable sharing?

- How does it go when your supervisor offers constructive criticism or corrects your work?

90-day follow-up questions

- Which co-workers have been helpful since you arrived? (Goal: Pinpoint which employees can be influential in retaining new hires.)
- Who do you talk to when you have questions about your work? Do you feel comfortable asking?
- Have you had any uncomfortable situations or conflicts with supervisors, co-workers or customers?
- Does your supervisor clearly explain what the organization expects of you? How would you rate leadership communication overall on a scale from 1 to 10 (with 10 being the highest)?
- Do you believe your ideas and suggestions are valued? Give examples.
- In retrospect, what could we have done differently in terms of setting your expectations appropriately for working in our company overall and for your job specifically?

What insights can you glean?

The end result is better performance, improved engagement and stronger retention. After all, it only stands to reason that employees engaged in these activities from the first day will feel a stronger connection to your organization over time. They'll feel acknowledged, included and more excited about their prospects for long-term success and long-term commitment. What a great investment of 20 to 30 minutes each month!

Online resource Want more on mapping out the first 90 days? Attend a webinar on the topic on Thursday, Feb. 2, 2023. To register, go to www.businessmanagementdaily.com/pro-products.

Why you need an onboarding program

- Employees who attend structured programs are more likely to remain after three years. This means there will be a greater ROI on your new hire investment.
- Studies show that new hires determine whether they will stay or leave during the first six months.
- Lowering employee turnover means more experienced employees, who in turn will produce higher-quality work.
- A bad impression during onboarding minimizes a new hire's engagement level. Low engagement from day one leads to poor results and higher turnover.
- Fifty-five percent of job seekers report avoiding certain companies after reading negative online reviews. If a new hire has a bad experience with a company, they will likely end up on online job-seeking platforms like Glassdoor. These off-putting comments can lead to quality candidates declining to apply.



Who needs a drink? The EEOC is devout about religious accommodations

A pilot for United Airlines had a drinking problem. His alcohol dependency caused him to lose his medical certificate from the Federal Aviation Administration (FAA) license. If the pilot wanted to get his license back, one of the requirements was that he attend regular Alcoholics Anonymous (AA) meetings.

The pilot is Buddhist. AA is a spiritual program, though it is not affiliated with any particular religion. The pilot requested to attend a Buddhism-based peer support group as an alternative.

United Airlines refused, and the pilot was barred from flying, according to the EEOC, which sued under Title VII.

To settle the lawsuit, United Airlines agreed to pay \$305,000 to its former employee and reinstate him after accommodating his religious beliefs. Additionally, United Airlines will institute a new policy on religious accommodations and train its employees to follow that policy.

Lessons learned

An employer must provide a religious accommodation for its employees as long as it does not impose an undue

hardship on the business. A religious practice may be sincerely held by an employee even if it is newly adopted, not consistently observed or different from commonly followed practices of the religion.

The first thing to learn from religious accommodations cases is that they are unpredictable. They can arise over clothing, beards, breaks, prayer meetings, holiday parties or AA meetings. Know that you must accommodate a sincerely held religious belief unless it causes you an undue burden. The undue burden barrier is getting harder for employers to overcome.

A final lesson here is that sincerely held religious beliefs are taken seriously by federal agencies and by the courts. (*EEOC v. United Airlines*, Civil Action No. 20-cv-9110, D. NJ, 2022)

What's around the corner?

With the holiday season fast approaching, be alert to religious accommodation requests. Suppose your employee asks to take a critical day off work because her child is performing in the *Nutcracker* ballet. On the surface, this does not seem

like a religious accommodation.

However, the *Nutcracker* takes place during Christmas and has religious overtones. You can work through this scenario by talking with the employee about their schedule for completing their work. Of course, if at all practical, I would advise allowing your employees to attend their children's performances, regardless of what the law requires.

Suppose you accommodate requests such as breaks on a shift for prayer or caroling in the hallways. How does that affect your other employees? If employees caroling in the hallway infringes on the rights of other employees, then you do not have to accommodate that request. (Or you could move the caroling elsewhere.) However, allowing prayer breaks that do not interfere with other employees is less likely to be burdensome, depending on the length of the break.

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So you want to hire a disabled veteran

The EEOC has laid out specific steps employers may take to recruit and hire veterans with disabilities:

- State in a job advertisement that you are an equal opportunity employer and that individuals with disabilities, including disabled veterans or veterans with service-connected disabilities, are encouraged to apply.
- Make written recruiting materials, such as application forms and brochures, available in alternate formats (e.g., Braille, large print, etc.), and assist veterans with disabilities in completing application materials when necessary.
- Send vacancy announcements to, and ask for referrals from, government, community and military organizations, and one-stop career centers that train and support veterans with disabilities.
- Post ads and vacancy announcements in publications for veterans.
- Attend job fairs and use online résumé databases that connect job-seeking veterans with civilian employers.
- Survey other employers to learn about their successful outreach efforts.

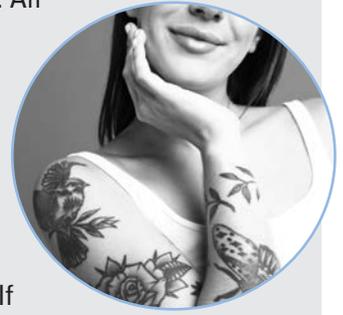
Make sure that there is nothing in a job announcement or application form that would discourage anyone with a disability from applying. For example, employers should not state in vacancy announcements that applicants must be in “excellent health” or describe how a function must be performed (e.g., “requires extended standing”). Instead, describe the actual function to be performed (e.g., “requires moving objects that weigh more than 50 pounds”).

Often, reasonable accommodations are available that will allow a veteran with a disability to perform a function in a way that is different from how it is typically done.

Employers accept more inked workers

More than half of all Americans under 40 have tattoos, according to a Rasmussen report—that’s 145 million people. Body ink is no longer a barrier to getting hired at Disney, UPS or the U.S. Army. An American Institute of Medical Sciences and Education study revealed 73% of employers would hire staff with visible tattoos.

Last September, New York City introduced a bill to ban tattoo discrimination by employers and landlords in New York City. If passed, people with tattoos (except those featuring hate speech and racist symbols) would enjoy the same shield against discrimination as those protected for gender, race, age and sexual orientation.



Change your passwords—again

’Tis hacking season, but it’s always hacking season now. You can repeat password mantras until you’re blue in the face—don’t use the same ones, change them regularly—but employees will use the same ones and won’t change them regularly, because they’re human. Allow employees to choose their passwords, with clear guidance. Unless employees use password managers that generate and save passwords in the cloud, allow workers to choose their own passwords.

The strongest passwords are strings of words modified for each application. *Fast Company* magazine recommends something like: *MyFirstJobWas@BestBuyMaking\$5.15anHour*.

It’s long, it includes a mix of numbers and letters, and the author will always remember that his first job was at the consumer electronics retailer Best Buy, making \$5.15 an hour.

Then, modify the password per use: If it’s a time-card, the password would be *Timecard.MyFirstJobWas@BestBuyMaking\$5.15anHour*.

PasswordMonster.com says it would take over a million years to crack such a password.

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