



# advantage



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## THE STAGE IS SET FOR A POTENTIAL STATE-WIDE MANDATORY PAID SICK LEAVE LAW (BUT IT'S NOT IDENTICAL TO OTHER MANDATORY SICK TIME ORDINANCES)

The 2015 Oregon legislative session is set to include debate over state-wide mandatory sick time. In the 2013 legislative session, legislators discussed mandatory sick leave, but ultimately did not enact any sick leave law. Now, Senator Elizabeth Steiner Hayward (D-Beaverton) and Representative Jessica Vega Pederson (D-Portland) have proposed a new draft bill to provide all Oregon workers with paid sick time.

This new state-wide mandatory sick leave draft bill differs from Portland's, Eugene's, and Seattle's respective mandatory sick time ordinances in several ways, including the following:

1. **Waivers:** Workers in the building and construction industry, longshoremen, or stage hands whose terms and conditions of employment are covered by a collective bargaining agreement are not required to comply. While the Seattle ordinance permits employers and employees who are part of a bona fide collective bargaining agreement to enter into a written waiver, the Portland Protected Sick Time Ordinance does not provide this exemption, nor does the Eugene Sick Leave Ordinance provide such a broad exemption.
2. **Fifty-six hours of paid sick leave:** Workers will be permitted to earn and use at least 56 hours of paid sick leave per year. This follows the Seattle Sick and Safe Time Ordinance's requirement for "tier two" employers, which are those employers with 50 to 249 full-time equivalents per calendar week during the previous calendar year. However, the Portland and Eugene ordinances require employers to provide eligible workers with up to 40 hours of sick time.
3. **One hour increments:** Accrued sick time may be taken in increments as small as 1 hour. This follows the Portland Protected Sick Time Ordinance, but not the Eugene draft administrative rules (which you can read more about [here](#)).
4. **Three-year recordkeeping:** Employers will be required to maintain records for 3 years from the date paid sick time accrues.
5. **More potential for liability:** The draft bill provides for numerous revisions to laws governing damages and penalties for employer violations, including compensatory and punitive damages against employers. In addition, employers could face a civil penalty of up to \$50,000 for a first violation and up to \$100,000 for subsequent violations.

We will keep a close watch on what happens to Oregon's state-wide mandatory sick leave draft bill. In the meantime, if you have questions or concerns about policy issues or how to implement sick leave (including drafting policies, working with and disciplining workers, etc.), let us know. These are complex laws that we are committed to helping your business navigate while it continues to thrive.

*Special appreciation to Schwabe, Williamson, & Wyatt attorney Leora Coleman-Fire for permission to re-print this article.*

## COULD BE TALE OF TWO CITIES

The oft quoted phrase, "It was the best of times; it was the worst of times..." is an appropriate way to look at the recent news that indicated that Seattle ranked third highest on a recent survey of wage growth. If you are an employee in the Seattle metro area, this is good news – wages are going up.

But if you are a Seattle employer seeking to minimize expenses, this is definitely not good news because more of your financial resources are going to be needed to stay competitive regarding pay. In the last quarter of 2014, Seattle wages rose 2.8% which equates to an annual increase of 11.2% if that were consistent across all four quarters. And there is no reason to believe that this rate of growth will diminish in the near term.

The only good news for Seattle-based employers is that their organizations are not in San Diego, which ranked first in wage growth (3.7% for the fourth quarter) or in San Francisco (3.6%) which made the list at #2.

Organizations in the Emerald City's metropolitan area need to be prepared for employee questions and pressure as the individuals realize what is occurring in the competitive market. Any of our clients in the area that have questions or concerns about their current pay practices are encouraged to give us a call. We can help!

## TIME TO GET READY

A few years ago we cautioned employers who used H-1B Visa employees that the annual allotment of Visas was likely to go quickly. During the recession that advice was not as necessary, but we have now returned to an employment situation where the likelihood is that only 7-10 days will be needed to exhaust the available Visas for 2015. So, if your organization is finding that it needs to hire foreign workers to meet the skills requirement of some positions, you had better be building your game plan for applying for the limited supply now, because when April 1st comes along, the flurry of applications is likely to start and anyone who is unprepared could find themselves unable to secure this vital permission.

## WORDS MASKING DISCRIMINATION

A supervisor criticizes an employee, referring to the black clerical worker as "another foolish person whom we shouldn't have hired." The employee, in turn, feels that the supervisor's criticism is, in effect, a form of racial harassment.

Whatever the supervisor meant by this unfortunate choice of words, the criticisms should have referred only to the employee's job performance, and not included a personal statement.

Upset by those words, the employee consulted a lawyer who subsequently informed her that she had been victimized by racially charged code words. The lawyer said he would be happy to sue the woman's supervisor and his employer under Title VII of the Civil Rights Act.

Is this scenario crazy? Not really. For many years the law has required that the workplace be free of explicit racial epithets; however, meeting those minimum requirements is no longer sufficient. Employers, human resources professionals, and supervisors must now make sure that the workplace is free of any words that can be construed as "racial" code words.

The Court of Appeals for the 3rd Circuit clearly spells this out in *Aman v. Court Furniture Rental*. The court stated that racially implicit code words can indeed create a workplace environment that violates the civil rights of employees.

The court further stated that "while Title VII does not prohibit racist thought, the law does require that employers prevent such views from affecting the work environment. Title VII tolerates no racial discrimination, subtle or otherwise."

Employers and human resources professionals need to avoid being the targets of such suits. HR Answers offers the following considerations:

To begin, racial epithets, implied or explicit, have no place in the workplace and should be eliminated by all responsible employers. While no employers had been informed, by either legislatures or judiciaries, that such expressions as "you people," "poor people like you" and "one of them" are racial code words, the Court of Appeals stated that those specific words can be evidence of a pattern of conduct that indicates a hostile work environment. When terms are consistently used to identify a person as to racial type, or when individuals of a particular race are grouped together by a word, the civil rights of those individuals may be violated. Therefore, it is up to individual organizations to be proactive in preventing such expressions.

The rules of the workplace have certainly changed, and employers have a new responsibility to make sure that all new hires, especially supervisory and management personnel, understand what constitutes racial code words.

In order to avoid being targets of lawsuits under Title VII of the Civil Rights Act, every organization should formulate an employee policy on the use of code words. The policy should give examples of code words to be avoided (such as those noted in the box below) and establish a complaint procedure in the event that such words are uttered. In addition, each organization should make all supervisory personnel sensitive to possible interpretations of subtle code words and train them to "nip such problems in the bud" so they can correct potentially inflammatory situations before they give rise to legal issues. This is a great item to discuss during employee and supervisory training, and it should be covered in the organization's harassment policy. Finally, organizations must regularly communicate to all of its employees that any violations will result in termination or other sanctions.

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Editor: Deborah Jeffries, PHR, CPC. Advantage is published monthly and is designed to provide information on regulations, HR practices and management ideas and concerns. The intended audience is managers, supervisors, business owners, human resource and employee relations professionals. If you have questions about the content, an opinion about the information, questions about your subscription, or if you need additional Advantage binders, please give us a call at (503) 885-9815 or e-mail [djeffries@hranswers.com](mailto:djeffries@hranswers.com).

## Loaded Words for Your Consideration:

“You can’t expect responsibility from people like that.”

“They’re all stupid and lazy.”

“People like that are just not ambitious.”

“Such people are inferior.”

“Those types are all untrustworthy.”

“You people don’t understand how to save money.”

“People like that settle their differences violently.”

“All they’re interested in is drugs.”

Altogether, employees and employers should avoid racial code words in the workplace, not only because such expressions will result in a racially charged and hostile work environment that will significantly reduce productivity by diminishing worker morale, but because the utterance of such words could result in expensive and time-consuming litigation, as well as enormous judgments.

## WAGE AND HOUR ERRORS COMMON

Perhaps larger employers are getting the message on wage and hour compliance, but the word is not as strong among small employers. We often see employers rounding work time down, but never up. Some employers also are mistakenly paying workers based on their work schedule rather than actual hours worked.

One of the biggest concerns centers on employees who arrive and start working early, but don’t punch in until their scheduled start time—a form of off-the-clock work. Off-the-clock work is strictly prohibited. This is definitely something to remind managers/supervisors about.

Employee handbooks should state clearly that all time is to be recorded. A lunch break should be taken in full, with a nonexempt employee not doing any work after punching out or before punching back in.

Two key ways to avoid this potentially costly mistake is to provide training to both employees and their bosses, as well as conduct a wage and hour audit.

Another area of concern centers on shift differentials which sometimes aren’t included in the regular rate when they should be. For example, an employee may be paid \$8.00 per hour on the day shift for 40 hours and \$8.75 per hour on the night shift for an additional five hours. Some employers mistakenly would calculate pay based just on the day rate without including the night shift rate.

Another common wage and hour error is not including time spent answering the phone or working on the computer before or after regularly scheduled work time. It is important to remind managers not to contact non-exempts during non-work hours unless it’s an emergency. And non-exempts should be instructed not to access e-mails after hours. If they do anyway, they have to be paid for that time, but can be disciplined for violating a work rule.

One of the most common unintentional overtime errors is not paying the regular rate of pay for overtime. The regular rate and base rate will differ if the employee receives a [nondiscretionary] bonus, commission, etc. Also, employers in certain industries—like in-home care giving—don’t realize there are special overtime rules applicable to them and that the FLSA rules may be more generous than state law. This is a place to double check what is true for your state(s) where your employees are located.

If errors are made, it is important to quickly calculate what the employee is owed and pay that amount right away. Our recommendation is to not wait for the next payroll date. Employers do not want to be accused of doing anything that disadvantages the employee.

There are other errors to be aware of, such as those resulting from misclassifying employees as exempt or as independent contractors, failing to aggregate all hours an employee works at various worksites for closely related entities, and taking too much tip credit.

When an employer conducts their own audit and discovers an error(s) in how it pays overtime, etc. they need to find a quick path to remedy. An employer may opt to revamp its compensation program to eliminate a potentially risky practice(s). Employers need to anticipate questions from employees, and possibly former employees, including whether the change means that the employer had not been paying them correctly. The employer needs to give serious thought to whether to provide back pay to address the situation.

Generally speaking, employers do not like to pay money to address the past; however, that outcome is often preferable to handling the matter in a defensive posture if and when employees start asking questions. If paying some measure of back pay is likely, most employers would rather send the message that they found an issue, fixed it, and are making the workers' pay whole, versus waiting for an FLSA claim and looking like they are paying money only because they got caught (intentional or not).

If you have any questions about your process(es), please give us a call, and we can assist in the audit process as well as answer your questions.

## NEW SUPERVISORS—TICKING TIME BOMBS?

*It's clear that your supervisors are the first line of defense in preventing lawsuits, but don't forget, that means they're the first line of possible mis-steps as well—the people in a position to make the biggest and most costly mistakes.*

Your supervisors are good people - well meaning and very capable, but especially when they are new, they don't know how to handle tricky situations like discipline, harassment, intermittent leave, some interview questions, and disability accommodation.

That's not their fault; you probably didn't hire them for those skills; however, that leaves it up to you to get them trained. Where to start? Start supervisors out with some very basic guidelines. Then, over time, as they are learning more and becoming more comfortable, more latitude will follow.

Situations just like those mentioned above are why HRA created the Beginning Supervision Series. This spring we will be offering the half-day programs on Thursdays in April. To learn more, you can give us a call 503-885-9815. A flyer about the Series will be in your email shortly.

To get you started before then, here are a few tips:

**Report, Not Resolve.** For instance, at the beginning, tell them, "There are certain situations that are "report" situations, not "resolve" situations. When you hear these following phrases, I want you to come get me, and let's walk through them together." These are the type of situations where HR needs to be involved.

- "Accommodation" or a related phrase ("I need an accommodation." "I can't do my job because of a physical limitation." "I need special equipment to do my job.")
- "Harassment" or a related phrase ("I am being harassed." "I am being bothered." "This is a hostile environment." "Joe makes me uncomfortable.")
- "Leave" or a related phrase ("I need a few days off to care for ..." "I need to take FMLA leave.")

You don't want your new supervisors trying to handle these situations alone. They could inadvertently cause a lot of damage, even with the best of intentions.

**Act Fairly.** This is a time for learning more and double checking facts.

- Make sure the incident or behavior warrants discipline under the policy.
- Check that the employee knew and understood the rule that was violated.
- Find out if there were any circumstances beyond the employee's control that affected what the employee did.
- Determine if the employee knew and understood the penalties for rule violation.
- Make the corrective action match the offense; don't treat minor infractions the same as serious ones.

**Act Consistently.** This is one of the complaints that employees express often: "My supervisor treats situations differently."

- Discipline the same or similar violations in the same way.
- Be sure you're not coming down especially hard on an employee because of personal dislike or other problems.

Be sure supervisors understand they are not to look the other way on violations committed by employees they like or who are especially important to their group. Showing favoritism can get supervisors, and their organizations, in trouble.

**Act Legally.** Supervisors must understand that they can be held responsible and liable for their actions. They need to think through their actions beforehand and even run them by HR first. Here is a sample of what should be thought of and/or asked before making a move:

- Act promptly after a violation occurs, even if you're just giving a verbal warning.
- Be sure to follow the organization's Corrective Action steps.
- Document what the rules violation was, when it happened, and what disciplinary action (if any) was taken and when.
- Check that disciplinary action was fair and consistent in terms of what has happened with other employees.
- Ask whether a reasonable person could interpret this discipline as retaliation for exercising legal rights.
- Ask whether a reasonable person could interpret this discipline as discriminatory.
- Ask whether a reasonable person would feel that the "punishment" fit the "crime."

## THOUGHTS TO THINK ABOUT

"Go where you are celebrated – not tolerated. If they can't see the real value of you, it's time for a new start."  
– Unknown

Don't be afraid to stand for what you believe in, even if that means standing alone.  
– Unknown

"The best revenge is massive success."  
– Frank Sinatra

"Forget all the reasons it won't work, and believe the one reason that it will."  
– Unknown

"I am thankful for all of those who said NO to me. It's because of them I'm doing it myself."  
– Albert Einstein

"The only way to do great work is to love what you do. If you haven't found it yet, keep looking. Don't settle."  
– Steve Jobs

"Life is short, live it. Love is rare, grab it. Anger is bad, dump it. Fear is awful, face it. Memories are sweet, cherish them."  
– Unknown

"When you say "It's hard," it actually means "I'm not strong enough to fight for it." Stop saying it's hard. Think positive!"  
– Unknown

## EVERYDAY RECOGNITION

Repeat after me, "It is not fair to treat employees identically."

If you are in a position of leadership, your goal is to offer fair recognition. You can't do that by giving everyone the same recognition. Offering everyone identical recognition isn't fair to the top performers. It also isn't fair to the underperformers who need realistic assessment of their work.

\* Know how every person on your team is performing and then recognize that performance.

\* If you provide any individual rewards keep those proportional to the accomplishment.

Do these two things and the recognition you offer will be fair.

*-A burned out employee once told me, I had a manager take a recognition workshop. When he returned, he came by my cubicle, and said, "Good job!" I felt like I had just been checked off his mental to do list.*

I wish this was the only time someone shared a story about recognition that seemed insincere. Employees know whether or not you mean what you say. If they sense that you are simply going through the motions, it will damage your relationship and make your entire recognition effort suspect.

## CLIENT ACCOLADES

We were very pleased to hear that HRA client **Lane Powell** was named Oregon Firm of the Year for 2015 by Benchmark Litigation. This is on the heels of receiving Washington's Firm of the Year award for 2013 and 2014. The firm was recognized for "the strength of its case matters during 2014, including precedents set or verdicts with notable high dollar amounts at stake." **Way to go, Lane Powell!**

Speaking of Top Rated firms – Accounting firm **AKT**, a long-time client of HR Answers, landed the #8 spot for the *Portland Business Journal* Top Metro-Area Accounting firms. **Great job, AKT!**

Recently, the *Portland Business Journal* published its list of Top Metro-Area Law Firms and HR Answers is proud to have many friends and clients on the list!

- #1 – Stoel Rives
- #2 – Schwabe, Williamson & Wyatt
- #3 – Miller Nash Graham & Dunn
- #4 – Tonkon Torp (tied)
- #7 – Lane Powell
- #9 – Dunn Carney Allen Higgins & Tongue
- #13 – Hart Wagner
- #17 – Jordan Ramis
- #19 – Bullard Law (tied)
- #22 – Black Helterline (tied)
- #36 – Barran Liebman (tied)
- #46 – Harrang Long Gary Rudnick

HR Answers would like to further the **kudos to Miller Nash Graham & Dunn** for its CEO's Kieran Curley (Managing Partner) and Dennis Rawlinson (Firm Chair) for being selected as Co-CEO's of the Year for Professional Services! Congratulations, gentlemen!

HRA clients R&H Construction and **Vigor Industrial** are also celebrating CEO of the Year accomplishments. **R&H Construction's John Bradley** won for Real Estate Development and **Vigor's Frank Foti** received the award for Manufacturing. Well done, everyone!

## HR BY THE NUMBERS

A survey by CareerBuilder asked, according to U.S. employers, in which quarter do employees most frequently call in sick?

- 13% April-June
- 23% October-December
- 30% July-September
- 34% January-March

\* \* \* \*

It is February....let's talk office romances....Match.com asked....and we might be surprised!

- ❖ 56% of workers have been in a workplace romance.
- ❖ Instances of "random hookups" with colleagues:  
12% women and 19% men
- ❖ Office romances that led to long-term relationships:  
15% women and 11% men
- ❖ Dating a Supervisor:  
20% women and 9% men
- ❖ Dating a Subordinate:  
10% women and 25% men
- ❖ Office romances by industry:  
Insurance – 72%

Education – 70%

Finance and Banking – 60%

Government – 60%

Manufacturing – 59%

Technology – 56%

Legal – 49%

## TEAMS FOR EVERY WORKPLACE

Teamwork, effective work teams, and team building are popular topics in today's organizations. Successful teamwork fuels the accomplishment of your strategic goals. Effective work teams magnify the accomplishments of individual employees and enable you to better serve customers.

If you're experimenting with ongoing teams, start with a few to determine what team activities your organization can support. Teams require resources, and especially, time. Your work teams are most effective when:

- A diverse group of employees is able to participate;
- You limit the number of teams on which any one employee may participate;
- The teams establish a regular meeting schedule;
- You require periodic team goal setting;
- Minutes or notes are posted from team meetings or projects; and
- Teams self-perpetuate by regularly adding newer employees.

There are several work teams that every organization needs. There are many different approaches to team roles and responsibilities. Different organizations may also group responsibilities differently. For example, a safety committee could take on employee wellness responsibilities or environmental responsibilities. Here are the teams most commonly recommended:

**Leadership Team.** Often an organization's senior managers or department heads, the leadership team, is the group that must pull together to lead your organization. The leadership team is responsible for the strategic direction of your organization. The leadership team plans, sets goals, provides guidance to, and manages your organization.

**Motivation or Employee Morale Team.** Known by different names, the Employee Morale Team plans and carries out events and activities that build a positive spirit among employees. The team's responsibilities can include activities such as hosting employee lunches, planning picnics, fund raising for ill employees, and fund raising for philanthropic causes. The team leads the celebration of organizational milestones, employee birthdays, and the arrival of new babies. The team sponsors company sports teams. You can have fun with this team as the team's only limit is the imagination of the team members.

**Safety and Environmental Team.** The team ensures the safety of employees in the work place. The team takes the lead in safety training, monthly safety talks, and the auditing of housekeeping, safety, and workplace organization. Recycling and environmental policy recommendations and leadership are provided by the team as well.

**Employee Wellness Team.** The wellness team focuses on health and fitness for employees. Most popular activities include walking clubs, running teams, and periodic testing of health issues such as high blood pressure screening. The wellness team can sponsor whole-person wellness activities such as how to make a budget or "lunch and learns" about investment products – not investment advice.

**Culture and Communication Team.** The team works to define and create the defined company culture necessary for the success of your organization. The team also fosters two-way communication in your organization to ensure employee input up the chain of command. The team may sponsor the monthly newsletter, a weekly company update, quarterly employee satisfaction surveys, an employee suggestion process, and cultural sensitivity or diversity efforts.

Teams create a difference in the workplace whether they are ongoing teams or a team that was formed to accomplish a single purpose. Successful teams help you build a true sense of teamwork and engagement across your organization. Start with these and nurture their success. When employees see successful teams, more employees become interested in serving on the teams. The teams make the organization a better place to work and provide the opportunity for real employee involvement and commitment.

## CAN'T HIDE BEHIND A STAFFING FIRM

In December 2014, Sony Electronics Inc. entered a consent decree with the EEOC. Under the decree, Sony will pay \$85,000 to end a lawsuit brought against the company by the federal agency.

In the suit, the EEOC claims Sony violated the ADA when it fired a woman because of her disability; the employee has a prosthetic leg.

The employee had been sent to Sony via Staffmark (a staffing firm). Her temporary job at the time was to inspect televisions at their facility in Romeoville, IL.

According to the EEOC's suit, the employee was forced to leave the worksite on her second day by a Staffmark employee. She was allegedly told that there were concerns she'd be bumped into or knocked down. The EEOC said the employee's removal was actually prompted by Sony's management.

The agency sued both Staffmark and Sony. Earlier in 2014, the EEOC entered a similar decree with Staffmark under which the staffing firm was made to pay \$100,000 to the employee. Sony's \$85,000 will also go to the victim.

Under the new decree, Sony must also:

- Report all employee complaints of disability discrimination to the EEOC for the next two years.
- Train certain managerial and supervisory employees on the laws pertaining to employment discrimination, like the ADA.

The warning to employers is:

*The ADA provides robust employee protections, even for short-term temporary workers hired through staffing firms. What employers should walk away with from this case is that they cannot separate themselves from liability for discrimination by acting through employment and staffing firms. If you can't do it directly, you can't do it through someone else.*

## Q & A – VACCINES

**Q: With all the recent talk about vaccines, should employers mandate vaccines or offer to vaccinate workers?**

**A:** Vaccines are typically thought of as protecting young children. According to the Centers for Disease Control and Prevention (CDC) far too many adults become ill, are disabled, and die each year from diseases that could easily have been prevented by vaccines.

Vaccine-preventable diseases also affect the workplace. Influenza alone is responsible for substantial indirect costs (\$6.2 billion annually), mainly from lost productivity. Each year, adults ages 18 to 64 lose 17 million workdays to influenza-related illness.

Vaccines not only prevent disease in the people who receive them but often create “herd immunity,” meaning that even unvaccinated individuals are at lower risk of disease if most of their community is immunized, the CDC says. Employers, therefore, may want to consider providing vaccines for their adult workers, either as part of the health plan or through a wellness program.

Although many adults are not aware of it, the CDC has established a recommended vaccination series for all adults, just as it has for children. It includes vaccines that change frequently or that have changed within the past generation; vaccines that have seen effectiveness declines over time; and new vaccines.

The CDC recommends the following vaccines:

- *Influenza*
- *Pneumococcal vaccine*
- *Tetanus, diphtheria, and pertussis*
- *Varicella*
- *Shingles*
- *Measles, mumps, and rubella (MMR)*

Where workers' personal health decisions are involved, even if those decisions affect the workplace, it is generally best for employers to use the carrot rather than the stick—that is, to *encourage* and enable employees to obtain standard vaccines rather than to require them.

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First, mandatory health requirements can affect morale—yes, even when the employer’s intentions are simply to keep everyone in the workplace healthy. Employees who may otherwise support and agree with the need for vaccines may become suspicious and defensive if those vaccines are mandated as part of a policy. Many will view these policies as an intrusion into personal privacy.

Second, consistently applying and maintaining the policy can be logistically difficult and may create significant administrative burdens. For example, mandatory vaccination policies create new recordkeeping risks and requirements. Employers may receive sensitive documentation in support of a religious accommodation that, if exposed to the wrong staff, could lay ground for a later claim of religious discrimination.

The same is certainly true of any documentation supporting an accommodation under the ADA. In fact, *all* medical documentation must be stored securely and separately from the general personnel file, else the employer may find itself in violation of numerous federal laws including the ADA, HIPAA, and GINA.

Some states do impose additional requirements on certain high risk employers such as health care, transportation, or hospitality; therefore, it is important that you check any and all state laws to see if you have additional requirements.

To promote a safe and healthy workplace and avoid the cost, lost productivity, and just general misery of a sick workforce, there are a few dos and don’ts that employers should heed when any communicable disease is a concern.

**Do:** Consider alternative policies that would protect all employees regardless of vaccination status. Telecommuting and remote work opportunities may be an option for workers (whether immunized or not) who don’t need to be on the premises. At-risk staff may be required to wear masks when in contact with others. Organizations may want to consider limiting large meetings or other group activities during an outbreak.

**Do:** Educate employees on the illness, immunization, and the risks of both. Enlist the help of your health benefits provider to host an information session. You may wish to provide lunch or award the department with the highest attendance.

**Do:** Encourage employees to take appropriate sick or other medical leave if they believe they are becoming ill. In order to facilitate employees using leave, some employers may wish to provide additional, paid emergency leave if an outbreak occurs within in the local community.

**Do:** Decide in advance what remedial and disciplinary steps will be taken if an employee violates a workplace disease policy. Violations may not just be limited to failure to obtain a required vaccine or treatment, but may also include coming to work while knowingly infected, failure to notify appropriate human resources staff of illness, harassing or retaliating against potentially ill colleagues, or sharing confidential medical information. Make sure that these policies, and any consequences for failure to adhere to them, are known in advance and understood by your workforce.

**Don’t:** Reveal personal health information regarding any staff member’s vaccination status or illness. If an infection occurs within the workplace, the employer should keep the identity of those affected confidential. Employees should be notified of the presence of the illness, the potential for further infection, and precautions that can be taken, and this should be done in a calm and professional way.

## FOR YOUR CALENDAR

Open up your Daytimers, Outlook, Palm Pilots, and all those Smart Phones. The following is a look at upcoming events, special days and other diverse and fun activities you will want to be aware of and get scheduled. **To register for our workshops, please call any of our offices, or send an e-mail to Bryse Bishoff at [bbishoff@hranswers.com](mailto:bbishoff@hranswers.com), or fax it to (503) 885-8614.**

### **FEBRUARY**

American Heart, International Expect Success, Black History, National Time Management, National Weddings, Chocolate Lovers, and Responsible Pet Owner's Month.

- Feb. 19 Chinese New Year (Year of the Sheep)
- Feb. 25 **HR Lunch Bunch – Salem (Chemeketa Sm. Biz Center)**  
**Topic: Drugs in the Workplace**  
**12-1pm**

**Looking Ahead: (Call for more details)**

### **MARCH**

- March 4 **HR Lunch Bunch – Tualatin**  
**12-1pm**
- March 6 Employee Appreciation Day
- Mar. 8 Daylight Savings Time (Spring Forward)
- March 10 **HRA Workshop – Tualatin**  
**Compensation Series – Class 2**  
**8:30-11:30am**
- March 11 HRA Workshop – Tualatin  
Getting Organized  
8:30am-12:30pm
- Mar. 17 St. Patrick's Day and Mardi Gras
- Mar. 22 Earth Day
- March 31 **HRA Workshop – Tualatin**  
**Compensation Series – Class 3**  
**8:30-11:30am**

### **APRIL AND MAY**

- April 22 Administrative Professionals' Day
- April 2, 9, 16, 23, 30 **HRA Workshop - Tualatin**  
**Beginning Supervision for Success**  
**8:30 a.m. - 12:30 p.m.**
- May 7

## ON MY SOAPBOX

We all have our own definitions of the word “tension.” For some, it is the sense that we have a headache coming on. For others, it is a hyper-alertness that screams personal preparedness for anything that might be coming our way. For another group, it is a sense of pressure that creates anxiety and concern. And for still others, it is a synonym for anticipation and waiting for something positive to occur.

The formal definition comes in two parts – first there is this: “mental or emotional strain” as in “a mind that is affected by stress or tension cannot think as clearly.” The second definition is described this way: “the state of being stretched tight” as in “the parachute keeps the cable under tension as it drops.” And then there are all those variations that seek to refine the definition.

The one I like most is the phrase “creative tension” which suggests a positive regarding the word. The *Free Dictionary* defines that term this way, “a situation where disagreement or discord ultimately gives rise to better ideas or outcomes.” The Dictionary even suggests that this is an HR reference. Maybe that is why I like it.

Peter Senge wrote about creative tension stating that, “Creative tension is the energy that is created when we have a clear picture of our desired vision (what we want) and our current reality (where we are now relative to what we want). When we become aware of the gaps between where we are and where we want to be, we have a natural tendency to seek a resolution between the two.” It may be helpful to think of it as a rubber band stretched between your two hands. On one side is the vision or desire and the other side is the current status. When you spread your hands further apart that creates tension. What you do with that tension is what is most important. Do you say, “There is too much distance, I can never bridge that?” Or do you look for ways to minimize the distance and develop harmony between what is and what you want there to be?

There is another aspect of the creative tension that has always fascinated me. Excellent employees seek to make themselves indispensable within the organization. They develop skills or knowledge or abilities that they perceive will protect them from ever being laid off or separated from the organization. The organization has a responsibility to never allow an employee to become indispensable. The proverbial statement about what happens if that person gets hit by a bus comes to mind. So the organization engages in cross training, developing others, ensuring that there are detailed procedures about how tasks are to be completed, and creates guides about resources that may be available to assist someone new handling those tasks or processes. The energy the employee brings to trying to become indispensable at the same time the organization is trying to prevent that very thing creates tension. That might be seen as a negative, but it should be seen as a terrific positive. An organization is never more energized, more creative, more progressive than when its employees are trying to be indispensable at the very time the organization is working furiously to ensure that no knowledge or ability resides in one person alone. This creative tension between the two goals results in new ideas, new information, improved processes, and highly refined organizational capabilities.

In these situations, tension is not only a very good thing; it can produce competitive advantage and a positive image of the organization!!

- Judy Clark, President



“Whatever the Question”

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