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PORTLAND'S BAN THE BOX IN EFFECT

The state of Oregon's ban-the-box law took effect January 1, but Portland's ordinance goes further than the state law and it took effect on July 1st.

Portland's ordinance applies to businesses that (1) employ 6 or more employees and (2) have at least 1 employee who spends most of their time working in the city. NOTE: It does not apply to law enforcement jobs, the criminal justice system, volunteer positions, or jobs for which federal, state, or local law requires criminal history to be considered.

Covered employers are prohibited from excluding an applicant from employment solely because of their criminal history. Also, employers in Portland cannot access or consider an applicant's criminal history until after making a conditional offer of employment. Under the ordinance, an applicant's criminal history cannot be discussed during the interview process.

The ordinance includes significant exceptions, however. Employers can consider an applicant's criminal history if they will have direct access or provide services to children, the elderly, the disabled, or individuals with alcohol or drug dependency issues. Also, employers that participate in programs designed to encourage the employment of applicants with criminal histories may inquire about criminal records. In addition, an administrative rule will identify organizations in which heightened public safety concerns or business necessity requires earlier consideration of criminal history. This rule has not been formulated yet.

The ordinance limits which records may be considered as part of an applicant's criminal history. Arrests that did not lead to a conviction may not be considered. Expunged convictions, charges that did not involve actual or attempted physical harm, and charges that were resolved through completion of a diversion or judgment deferral program may not be considered. However, employers may consider pending arrests.

A criminal conviction alone isn't sufficient to rescind a conditional offer of employment. Rather, the employer must make a "good-faith" determination, consistent with business necessity, that the criminal record is relevant to the job the individual would be doing. The employer must consider the nature and gravity of the offense, how long ago the offense occurred along with the nature of the job. If an employer decides to rescind an offer of employment, they must notify the applicant in writing and identify the conviction and/or the reference on which they are relying.

CYBERBULLYING IN THE WORKPLACE

"Cyberbullying is bullying behavior in the form of intimidation, threats, humiliation and harassment that takes place through the use of computers, cell phones or other electronic devices."

The concept of trashing people we don't particularly like is not new, but cell phones, computers, and social media make it so much easier to inflict widespread damage through the spread of rumors, outright lies or compromising photos.

According to the [Cyberbullying Research Center](#) (CRC), 25 states currently have laws against cyberbullying and three have proposed legislation that would make it illegal.

The Workplace Bullying Institute's 2014 Survey found that 6.5 million workers said they were affected by bullying in the workplace. Sixty-one percent of respondents said their employer failed to react to abusive conduct. As a result, the bullying stopped once those targeted either quit, were forced out, or were fired. Twenty-nine percent reported that they contemplated suicide.

Stand-alone statistics about the costs of adult cyberbullying are hard to come by, but there are certainly cumulative results by way of lost productivity, increased absences, higher turnover and increased medical costs due to the increased stress at work. It can also poison an organization by undermining employee morale and by eroding any sense of loyalty, trust or teamwork. In 2008, the American Psycho-

logical Association estimated that U.S. businesses lose a staggering \$300 billion per year due to incidences of workplace bullying. More recently, the Harvard School of Public Health reported that one-third of American workers suffer from chronic stress and estimated that the number of workdays lost to mental-health-related absences adds up to \$27 billion each year. Any way you look at it, it's a big number that is impacting U.S. businesses negatively.

So what can HR do? Experts say there is no one approach to ending or preventing cyberbullying. The most promising strategies generally fall into four major categories:

1. Changes to the organization and its culture.
2. Strategies to help strengthen individual managers and leaders.
3. Support services for the targets of bullying.
4. Accountability measures to coach, counsel and discipline bullies.

Supervisors and HR are usually the first points of contact for a complaint of bullying, and it is important for HR to help targets strategize about how to handle the bully's negative behavior and guide them to available resources. Having an employee assistance program (EAP) can help the target of bullying build personal strength and abilities that will assist them in dealing with the situation.

Employees "need clear policies about what is acceptable and unacceptable behavior. Educate and train staff and upper management about bullying and cyberbullying. This can easily be added to your annual harassment/respectful workplace training. Items such as excessive teasing, constant and unfair criticism, yelling, intimidating gestures, insults, aggressive emails, overt treats, aggression or violence should all be considered and addressed.

And when there is a bullying issue in the workplace take steps to investigate and resolve the concern like any other situation where you need more information. You may also want to consider offering "the target" help with coping and stress management strategies. This can be part of the services of your EAP.

As for the bully, it's important for HR and the employee's manager to intervene early. Research suggests that it is possible for abrasive individuals to overcome their personal limitations or blind spots—if they are personally willing to accept the fact that they need to change. When coaching and confronting the bully failure to change behavior, it is critical for the organization to ensure that the bully is held accountable for his or her misconduct and disciplined according to the organization's policies.

If evidence of cyberbullying connects back to work, employers may be on the hook. A stand-alone cyberbullying policy may not be necessary to address the problem, but harassment policies and use-of-technology policies should clearly prohibit cyberbullying, so should anti-discrimination policies. While no federal law specifically prohibits cyberbullying of employees, Title VII of the Civil Rights Act of 1964 prohibits a hostile work environment based on race, color, gender, national origin or religion, regardless of whether that environment is created in person or by texts or social media.

DIVERSITY AND INCLUSION (HR LINKS)

Since 2007 HR Answers has been hosting the Portland area HR Lunch Bunch. In that time we have had nearly 100 conversations with fellow HR professionals. It has been a great time and place to network, learn from each other, discuss challenges and pose questions.

Our July topic was Diversity & Inclusion. The conversation was facilitated by Mims Rouse of KhareHR. One quote from one of the attendees "It was great to be in a room and participate in insightful conversations about something I find incredibly fascinating and important. It's nice to hear different perspectives of putting EEO and D&I in place."

The conversation weaved in and out of observations and concern around Diversity in Portland, how are we hiring diversity for our workplaces, what does inclusion really mean, how much more there is to be done and what steps can we take as HR professionals, etc. etc. It was a very dynamic conversation with so much more that can be covered and discovered. As a group we decided that this was one of the best conversations we have ever had and it needed an encore (and more). We also agreed that we wanted, and perhaps needed, others who would contribute to the conversation. For the encore discussion we even agreed that turning it into a podcast might be a great way to connect with those who cannot attend.

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.

So here is the invitation and our question to you. Would you be interested in being part of a discussion on Diversity and Inclusion for Employers (for Portland/for Oregon)? The plan as of now is to hold an evening event in September after school starts with a location yet to be determined. If you would like to be on the invite list then please send an email to djeffries@hranswers.com and please share this with your colleagues. We would love to have you join us!

Below are a couple of links (articles and videos) to share with you on this topic.

CNN episode on lack of diversity in Portland called “United Shades of America” hosted by W. Camu Bell. http://www.oregonlive.com/tv/2016/05/cnn_show_about_portlands_hipst.html <http://koin.com/2016/05/28/cnn-show-blames-hipsters-for-portland-gentrification/>

Excellent POV summary of being Minority in Portland <https://www.quora.com/What-is-it-to-like-to-be-a-minority-in-Portland-Oregon>

Tech company in PDX diversity controversy <http://www.bizjournals.com/portland/blog/techflash/2016/03/portlands-squarespace-office-hosts-latest.html>

Local tech in PDX still behind http://www.oregonlive.com/opinion/index.ssf/2016/05/portland_deserves_more_from_lo.html

An interesting perspective of growing up as a POC in Portland suburbs http://www.oregonlive.com/west-linn/index.ssf/2014/05/west_linn-native_examines_race.html

A ‘GREAT MANAGER’ CHECKLIST: HOW DO YOU RATE?

Great managers aren’t born, they’re made. Becoming a great manager requires honest self-analysis and periodic reassessments. The following checklist was designed to guide you in that analysis. Use it to take stock of your people skills. Be honest with yourself.

Then, create a goal sheet with action items. What will you do to improve your score, your people skills, your effectiveness? Depending on how many items are on your list you should pull out the list every 2-3 months to assess the progress. Ask yourself: *Are you working to maintain those strengths and abilities you already possess? Are your action steps having a positive impact? Have you improved where you know there is room for improvement?*

Here are some questions to get you started. Place a check mark next to the behaviors that you feel confident you exhibit on a routine basis.

- 1. Guide, don’t control.** Don’t take a completely hands-off approach, but don’t micromanage either. Explain what needs to get done and by when, but don’t dictate exactly how it is to be done because there are lots a ways of accomplishing a task..
- 2. Utilize employees’ strengths.** All of your employees have something to offer. Identify, recognize and cultivate their specific skills.
- 3. Empower employees.** Give them the tools and resources they need to succeed and the opportunities to learn new skills. Empower employees by encouraging them to make prudent business decisions where they looked at the big picture and thought of options before they made a decision. Be sure to debrief afterward about what they did and why.
- 4. Trust.** Don’t second-guess your employees’ abilities. Believe that you hired talented individuals. Recognize if you are a supervisor that gives trust or if it has to be earned. Share that fact with your employees so they know.
- 5. Take an active interest in employees as individuals.** Inquire about their families and hobbies. Remember their birthdays and work anniversaries. Offer condolences when necessary. We are being friendly, but we are not crossing the line of friendship
- 6. Offer praise.** Be quick to give a compliment for a job well done. Be specific about what they did or how they preformed. Use more “thank you’s” throughout the day.
- 7. Respect employees.** Your position of authority doesn’t excuse belittling, abusing or humiliating workers, no matter how unintentional. Check that your tone isn’t condescending or parental, especially when giving instructions or critiques.
- 8. Admit shortcomings and ask for help.** There is no shame in admitting to an employee that they are more skilled in a particular area than you. Asking for help shows that you respect the employee’s knowledge or history with the organization.
- 9. Have integrity.** Avoid a “do as I say and not as I do” attitude. Hold yourself to the same expectations and standards to which you hold employees. You will be judged by others by what you do. Remember, the employees are watching you!
- 10. Learn from your mistakes.** It’s not enough to admit when you make mistakes. It is more important not to repeat them. Otherwise, employees are going to consider your admissions of error and accompanying apologies as nothing more than lip service.
- 11. Don’t play the blame game.** In the face of adversity, look to solve the challenges and issues, not place blame. Employees value knowing that you have their backs. That doesn’t mean you should insulate them against deserved discipline. Just don’t throw employees under the bus when they make honest mistakes.

12. **Give employees a voice.** Whenever possible, let them have a say in decisions that directly impact them. Employees do better when they are provided with options and alternatives especially when it directly relates to their work. Often ideas for solutions are very close to the employee, ask them for feedback. If you cannot implement their suggestions, explain why.
 13. **Listen, really listen, to what employees are saying.** Sometimes, you have to read between the lines or listen for what's not said. Be an active listener.
 14. **Keep employees in the loop.** Let them know when, why and how decisions are made. Also, explain the reasons behind new policies or changes to existing policies.
 15. **Keep things in perspective.** Don't go crazy over something trivial. Ask yourself, "Will this matter a week from now?" If not, it might be best to just let it go.
 16. **Don't waste employees' time.** Call meetings only when absolutely necessary. Know the purpose of the meeting. Have a clear agenda and be organized. Employees value when meeting start and end on time.
 17. **Be direct, but tactful.** Don't beat around the bush. Burying your message in small talk or humor can result in the message getting lost or not being taken seriously.
 19. **Hold all employees accountable, i.e., don't play favorites.** One of the hardest things to do is follow-up and follow through on project work, requests, etc. Request from your employees the element of self-accountability. They have a job to do let's make sure they do it...all of it not just the parts they like to do or feel they have time for.
 20. **Open your door, and walk out of it.** It's important for employees to know that your door is always open to them. But be careful of waiting for them to come to you. Make a habit of walking around the department and interacting with employees in their workspaces.
- So how are you doing? Remember, set goals and then check back and see how you are progressing.

If you think yourself or one of your managers or supervisors could benefit from revisiting some of these items or learning how to do these, perhaps the HR Answers Supervisor Series would be an option. Our next 6-week series begin Sept 27, 2016. See our calendar and our website for more details. We are happy to provide you with a class outline if you like, just email djeffries@hranswers.com.

Q & A

Q. How can supervisors gain a better appreciation for the impact their behaviors have on those under their supervision?

A. The simple answer is: by having a close working relationship with your employees. Part of that relationship involves "checking in" on communication, interaction, and mutual understanding between each other. More broadly, learning about emotional intelligence (EI) is a way to appreciate human interaction and impact. In this context, you're able to monitor your emotions and recognize the emotions of others and label them properly, and use this information to guide your behavior and thinking.

Many resources are available to introduce you to EI skill-building. HRA will be offering a workshop on EI this Fall.

STAY INTERVIEWS

Stay interviews are conducted to help an organization of managers understand why employees stay and what might cause them to leave. The comments can be used in recruiting activities, on employment pages of the organization's website, and in building priorities for future initiatives. They are a meaningful way of creating engagement, and can be used to identify issues that if unresolved could cause turnover. It is important to determine when such an interview may occur. In some systems, they are used at the two year anniversary. The employee:

- has been with the organization long enough to have formed some opinions;
- two years is a frequent departure period; and,
- has not been in employment so long as to simply be accustomed to the way things are done and have no real sense of possible changes.

In an effective stay interview, managers or a member of the HR staff ask standard, structured questions in a casual and conversational manner. The preference of interviewer might be HR so that greater candor and a lesser fear of retaliation is achieved. Most stay interviews take less than half an hour.

A decision has to be made regarding who will conduct the interview, who will have access to the information, and how will it be used and/or communicated. The responses can also serve as a foundation for any Employee Opinion Survey.

Opening the Interview. To open the stay interview, the interviewer may use the following (or similar) statements:

- I would like to talk with you about the reasons you stay with us so I understand what I might be able to do to make this a great place to work for you.
- I'd like to have an informal talk with you to find out how the job is going so we can do our best to support you and address any challenges you are experiencing.

Questions. The following are questions that might be used during a stay interview. Using several open-ended questions will provide more information than use of "yes" or "no" answers. It's important to listen and gather ideas from the employee about how the organization can retain him or her, and others in the workforce.

- What do you look forward to when you come to work each day?
- What do you like most or least about working here?
- What keeps you working here?
- If you could change something about your job, what would that be?
- If you could make one policy or practice change here, what would it be?
- What would make your job more satisfying?
- How do you like to be recognized?
- What talents are not being used in your current role?
- What would you like to learn here?
- What motivates (or demotivates) you?
- What additional support do you need or like?
- What might tempt you to leave?

Closing the Interview. To close the stay interview, summarize the key reasons the employee gave for staying or potentially leaving the organization, and work with the employee to develop a stay plan. Be sure to end on a positive note.

Examples of closing statements might include:

- Let me summarize what you said about your opinions about this organization and the reasons you would or would not stay here.
- We appreciate you sharing your thoughts with us today. We are trying hard to make this an excellent place to work and your opinions are critical to us understanding what is terrific and what needs more thought or effort.

As a last item, it would be important to talk about how the information will be used and to request permission to share the employee's thoughts with others so that appropriate action can occur.

HR BY THE NUMBERS

92% of study participants view voluntary benefits as an important part of their total rewards as compared to only 73% in 2015 (*Michael Thiemann from Zebit, Work Span Magazine July 2016*).

Employers will fill talent gaps with a contingent workforce. There will be an expected growth of 5.9% of the temporary and contract employee labor segment by 2018 (*Work Span Magazine July 2016*).

173, 478 temporary employment jobs are expected to be added from 2016-2018 (*CareerBulder and Emsi survey data*).

The top social media sites for recruiting include (*SHRM – Recruitment and Screening March 2016*):

LinkedIn at 96%

Facebook at 66%

Twitter at 53%

Professional association networking site at 35%

78% of people ages 21-29 would consider taking a job at a workplace that blocked social media and personal email.

53% increase in the number of individuals enrolled in HAS (health savings accounts) since 2013.

14.5% decrease in the average employer contribution to HAS for an individual employee – down to \$491 from \$574 three years ago (United Benefit Advisors).

THOUGHTS TO THINK ABOUT

Do the common thing in an uncommon way.

— *Booker T. Washington*

Never bend your head. Always hold it high. Look the world straight in the face.

— *Helen Keller*

Every truth in this round world has its opposite somewhere.

— *Ba Maw*

It is man that makes truth great, not truth that makes man great.

— *Confucius*

It is always more difficult to fight one's own failings than the power of an adversary.

— *Jawaharlal Nehru*

The bend in the road is not the end of the road unless you refuse to take the turn.

— *Anonymous*

I just found it interesting to talk to adults I admired, and to discover that the path they took was never all that clearly defined. It was comforting to me when I figured out that you don't have to know what you want to do with your life; you just have to take a few steps in one direction, and other opportunities will open up.

— *Anderson Cooper*

This is the nature of genius, to be able to grasp the knowable even when no one else recognizes that it is present.

— *Deepak Chopra*

NEED MORE BRAIN POWER? EAT SOME CHOCOLATE.

Consumption of a cocoa drink rich in flavanols - a substance found in dark chocolate - gives the brain a boost of blood flow for two to three hours, a University of Nottingham study has found.

The increased blood flow could enhance performance, lead researcher Ian McDonald, professor of metabolic physiology, says. It can also improve general alertness. The study raises the possibility that ingredients of chocolate could be used to treat vascular impairment, such as strokes or dementia, and for maintaining vascular health.

The study also points to possibly using cocoa flavanols to enhance brain function when people suffer fatigue, sleep deprivation, and the effects of aging. McDonald emphasized that the level of cocoa-rich flavanol beverage was specifically designed for the study and not available commercially.

Flavanols are also found in red wine, green tea, and blueberries. So we recommend serving the tea, blueberries, and chocolate at your company functions and/or having them available to employees in the lunchroom. (Our question is -if it is a chocolate that we can buy; please tell me about it soon.)

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 Anna Loughlin at aloughlin@hranswers.com, or fax it to (503) 352-5582.**

JULY

July 20 **HRA Workshop – Tigard**
Internal Investigations
8:30 am- 10:30 am

July 27 HR Lunch Bunch – CCBI – Salem
Diversity and Inclusion
12noon-1pm

Coming Up:

August 3 HR Lunch Bunch – HRA Office – Tigard
Change Management
12pm-1pm

August 11 **Free Workshop – HRA Office – Tigard**
Labor Overtime Changes
2:30pm-4:30pm

August 31 HR Lunch Bunch – CCBI – Salem
Ergonomics
12pm-1pm

**Sept 27-
Nov 1** **HRA Workshop Series— Tigard**
Supervisory Success
8:30am – 12:30pm

Planning Ahead:

Sept. 7 HR Lunch Bunch – HRA Office – Tigard
Compensation – Salary Surveys
12pm-1pm

Sept. 15 **Free Workshop – HRA Office – Tigard**
Labor Overtime Changes
8:30am-10:30am

Sept. 28 HR Lunch Bunch – CCBI – Salem
Job Descriptions
12pm-1pm

Information and advice offered through Advantage should not be construed as legal opinion. The material contained herein will not apply to all circumstances or to all organizations. Use it as a resource and reference. Should you feel legal advice is required, please consult with your corporate counsel.

ON MY SOAPBOX

When I started writing Soapboxes in 1986, I set up the parameters for what I would and wouldn't write about. I decided to skip politics and religion. Not because I didn't care about those topics, but because I thought they would be inflammatory and my purpose in writing the column was not to stir up controversy. For the most part I have adhered to that early decision, although once I wrote about a Bill Clinton motorcade stop in which he halted the car caravan to talk with a little boy standing on the side of the street. I didn't think it was a "politics" story, but a couple of people who read it did. It just reinforced my decision not to write about those subjects.

I suspect that some people will think I have abandoned that decision today. I have, for at least today.

For a news junkie like me, it is really hard to watch the news now. Our country is struggling. We are reeling from the terror occurring abroad and within our borders. We are disheartened by the racial strife that harkens back to the sixties. We are so disappointed in the reaction of some individuals who commit violence because of their unhappiness with current events. It feels like a return to the riots of a few decades ago when Rodney King said, "Can't we all just get along?" Clearly the answer is "no." And that fills me with regret and sorrow.

As citizens we all make a contribution (or not) to the civility of our nation. But it seems that we have lost sight of that. There is so much contention, so much negativity, so much unrest, so much fear, so much anger, and so much despair! We appear to have lost our way and lost our ability to allow others to think or feel differently than us. If someone voices a personal conviction or idea that differs from our thinking, there is hostility in our response, denigration in our intent, and an effort to call them out and put them down. We are not handling conflict in a constructive manner and we see each different perspective as dangerous and as part of a conspiracy against us.

I want to think that this is short-lived or temporary, but my brain says that may not be true. I want to think that our better angels will prevail, but that may not be true either. I want someone to give the compelling speech that wakes us up to the difficulties that we are bringing upon ourselves. But I have no idea where those words will come from. I want to believe that we are capable of positive change, but there doesn't appear to be a reason to believe that based on what is occurring on an almost a daily basis. I want us to stop hurting one another! I want us to get sensible about guns! I want us to think about what we as a society are teaching our children. I want us to cease the harshness, the offensive language, the derogatory references to one another, the vocabulary that incites confrontations and street-fighting, and the assumptions that we know what devastating intents others have. I weep at what we are doing to ourselves because I want us to live up to the potential of our humanity. And you know what...? I am not at all certain that we can make the necessary adjustments so that we can! I want to hope, but I am afraid that my hope will go unfilled. I want the hurting to end, and I want the helping to begin!

- Judy Clark, President



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"Whatever the Question"

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