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NEW YEAR'S RESOLUTION

Does anybody really make and keep New Year's resolutions anymore? Or are they made and then abandoned after just a few weeks? Are two sets of resolutions made – one for our personal lives (lose weight, be more caring, watch our language better, etc.) and one for our work lives (be more organized, don't procrastinate so much, etc.)?

Here's a resolution that will benefit HR Professionals personally and the organizations they work for, and you might even like it. The term is "environmental scanning." The activity that goes with this resolution requires paying attention to everything around you.

Business consultant David Mahmood tells the story of a business he once had. It was a high-end leather furniture enterprise. He owned the warehouse, the factory, and the showroom. There was a solid margin in the business and he did well until his world changed due to suddenly high interest rates. They shot up to 21% which sounded the death knell of his business. Customers no longer wanted to payout for expensive furniture.

As he reflects back on that situation, he admits he wasn't paying attention to the changes in economics nor any other warning signs that would have told him his endeavor might be in trouble. He says he learned his lesson right then and there. Watchfulness would become his priority.

This is a great lesson for HR professionals as well. We need to be watching and listening for hints of what is to come. We need to try our hand at looking over the horizon to see what is headed our way. We need to play the scenario game so that when something occurs, it won't be the first time we have considered our options.

There are lots of ways to become more attuned to the information in front of us. You might want to subscribe to one of the various future oriented newsletters or blogs. A favorite is www.shapingtomorrow.com. There is a wealth of information provided by the states' Economic Development departments. Oregon's can be found [HERE](#) and Washington's can be found [HERE](#). You might want to visit one or more of the futurist's websites. You might want to watch for economic shifts happening in your industry or ones that your industry depends on. Think about all the rental video stores that weren't paying attention to the emergence of Netflix and other streaming offerings. Think about all the brick and mortar enterprises that weren't paying attention to the shift to buying online. There were 6,400 stores out of business in just one year, or you could make a list of things you think might happen and set up a Google Alert for any article that mentions it.

The obvious things each HR professional must be alert to are changes in the unemployment, changes in the inflation number, bills that are dropped both in the state and in Congress, change in benefits including paid leaves of absence, rulings from the new NLRB members, etc. And there are likely many more items you will want to track. Doing environmental scanning is like putting a large, hard jigsaw puzzle together. You are looking for things that might go together. It is connecting faint dots to see if they lead you somewhere. It is great fun when you discover something, and even more worthwhile when you are able to alert management that some planning needs to be done to ensure the safety of business assets and positive relationships with employees. Advantages belong to employers who are most alert about what is coming.

IT PAYS TO ASK

In November of last year (2017), one organization learned what an ICE raid can do to a company. Cloverhill Bakery in Chicago had an ICE raid and lost 35% of their workforce, almost 800 employees. Cloverhill used a staffing organization to supply the workforce needed to make hamburger buns and other bakery items for McDonalds and other fast food chains. The staffing organization had faced federal audits earlier in the year. The Bakery's CEO says it has been like setting up a brand-new facility and hiring a new workforce. His comment is, "It is presenting a lot of challenges, as you can imagine." This is one of the largest raids conducted by ICE.

It offers an opportunity for other employers who are using staffing organizations and/or doing their own hiring to learn a valuable lesson. Failing to adhere to the obligations regarding proof of the ability to work in the U.S. can be costly. Cloverhill reports that it experienced a \$21 million expense as a result of the raid.

Advice to employers who are using a staffing agency to assist with recruiting and hiring is to ask, “Has your organization been audited for compliance with ensuring that workers meet the requirements to work in the U.S.?” One other question that might follow is, “What processes do you have to ensure that only individuals with the right to work in the U.S. will be referred to us?”

If you don’t use a staffing organization to assist you, then the responsibility is on you to ensure compliance with immigration regulations. If you have any questions about how best to meet these requirements, just give us a call.

WASHINGTON COMPLIANT REST AND MEAL BREAKS

It has been a debate for some time whether Washington employers had to “provide” break times or “ensure” that nonexempt employees actually take the mandated breaks. As a result of a recent case, the Washington Supreme Court has determined that employers have a “mandatory obligation” to both “provide” meal breaks and “ensure” the breaks comply with the law. Employers, however, are not strictly liable for missed meal breaks, because under Washington law, employees may waive the meal breaks. This may be new information for you if you didn’t know that Washington employees can waive their meal breaks. It may seem very straightforward, but it becomes more complicated because of the various rulings on over time.

The whole ruling can be found [HERE](#).

For those of you who just want the gist of the ruling, here it is...

“After reviewing Washington Administrative Code (WAC) 296-126-092; Administrative Policy ES.C.6; and various decisions from Washington state courts, Western District of Washington, and California, the district court concluded that employers have met their obligation under the law if they ensure that employees have the opportunity for a meaningful meal break, free from coercion or any other impediment. The district court expressly rejected the notion that Washington has adopted a strict liability approach to the taking of meal breaks. In doing so, the district court found that class certification would be inappropriate considering the unique fact scenarios associated with each potential violation of the meal break statute. Accordingly, the district court denied Brady’s motion for class certification. Brady sought review of this denial in the Ninth Circuit Court of Appeals, but that court would not permit Brady to appeal the decision. Brady then filed a motion in the district court, seeking to certify two questions to the Washington Supreme Court: (1) Is an employer strictly liable under WAC 296-126-092?; (2) If an employer is not strictly liable under WAC 296-126-092, does the employee carry the burden to prove that his employer did not permit the employee an opportunity to take a meaningful break as required by WAC 296-126-092? The Washington Court answered the first certified question no: The employer is not automatically liable if a meal break is missed because the employee may waive the meal break. The Court answered the second certified question: an employee asserting a meal break violation under WAC 296-126-092 can establish his or her prima facie case by providing evidence that he or she did not receive a timely meal break. The burden then shifts to the employer to rebut this by showing that in fact no violation occurred or that a valid waiver exists.” **While the whole ruling is important, there is one specific item that Washington employers need to know. Meal breaks can be waived by Washington employees; but rest breaks must be taken and the employer is liable for ensuring that they are. We strongly urge any employer thinking about letting employees waive meal breaks that there should be a clear understanding about the voluntary nature of the employees opting for this, and that every waiver be documented on paper.**

HR LINKS

If you are seeing more and more articles and materials on Artificial Intelligence and Chatbots (a word that didn’t exist until just a few years ago) then the HR Guide to Chatbots and AI may be just the information for you. You can find the Guide [HERE](#). It provides information on what “artificial intelligence” is and how it can be very useful in recruiting.

A sample guide for employers who want to have or are already using a background screening provider to learn about the way they ensure Information Security is available. This website will require you to enter some basic data (4-6 questions) and then it will allow you to download the 39 questions. Even if all the questions are not what you want to ask about, there are some questions that show your due

Editor: Judy Clark, CPC, SPHR, IPMA-CP: 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, or questions about your subscription, please give us a call at (503) 885-9815 or e-mail info@hranswers.com.

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diligence regarding your background screener. Having a resource for this in writing demonstrates that you understand some of the risks and have sought to mitigate the risk. [Information security checklist download.](#)

For those of you in the public sector, you may want to check on what is worth watching for in 2018. [This link](#) will offer information regarding the difficulty in public sector retirement, challenges with public sector recruiting, growing talent and skills, etc. Knowing that you are not alone can be helpful, but learning some new approaches to dealing with these difficulties is even more valuable.

The recent changes in the composition of the National Labor Relations Board (NLRB) have already resulted in some changes in rulings. [These rulings affect both represented employees and unrepresented employees.](#) Some of you will remember the General Counsel for the Board and the letter he wrote for all employers about four years ago. This letter had a significant impact on how all of us did Employee Handbooks. The major changes from the new NLRB are only the beginning of what is likely to be on the horizon. This link provides a great overview of what is different along with some advice about how to blend these with what you are already doing. [Here is that link...](#)

Question: I hear people talking about coaching employees frequently, but what is it they are talking about? How do you “coach” an employee?

Answer: For those of you who are into sports, you have seen a football or basketball coach spend just a minute or two with a player after a botched play or after a mistake in coverage. That is the way supervisors can coach an employee. Take just a couple of minutes and let the employee know that you appreciate what they are trying to do, but that they are missing the mark. Add a few words about how they can improve or let them know what they can do differently. Coaching an employee is not about a lengthy conversation; it is a quick reminder or provision of additional information that will help them be successful. In the best organizations, there are brief meetings with employees on a regular basis. They are a sharing time – what does the employee need more assistance on, what observations have been made by the supervisor. It is critical that the supervisor and the employee both know what standards and expectations are in place because no one can meet a goal or target they didn't know about. Coaching conversations are intended to be an “advancing time.” When an employee is ready for a bit more freedom, more independence, or more responsibility, the supervisor can explain what is going to change and compliment the employee on being ready for more. Coaching is what employees appreciate the most, so it makes a difference when it is done; and it makes a big difference when it doesn't occur.

THOUGHTS TO THINK ABOUT

An optimist stays up until midnight to see the new year in. A pessimist stays up to make sure the old year leaves.

~Bill Vaughan

One resolution I have made, and try always to keep, is this: to rise above the little things.

~Author unknown

Great ideas need landing gear as well as wings.

~C.D. Jackson

The best angle from which to approach any problem is the try-angle.

~Author Unknown

How am I going to live today in order to create the tomorrow I'm committed to?

~Anthony Robbins

Try not. Do, or do not. There is no try.

~Yoda in The Empire Strikes Back

The only thing that has to be finished by next Tuesday is next Monday.

~Jennifer Yane

MONTHLY QUESTION

With the holidays, our HR Question got lost. The good news is that we found it and are ready to make sure it shows up in each issue this year. The November question was a bit different and it dealt with a major change that will be occurring in the future which will have a significant impact on the workplace. The question was...In what year will the artificial intelligence that is being built into machines exceed the human intelligence that is held by people in your workplace? Select your choice from the following:

2021 2046

2037 2052

2030

The answer is 2030 so pat yourself on the back if that is the date you selected. But there are some things that will likely be handled by AI prior to that date. The experts predict that AI will outperform humans in the next 10 years in tasks such as translating languages (by 2024), writing high school essays (by 2026), and driving trucks (by 2027). The one data point that is most scary is that by 2049, AI will be prepared to be your surgeon.

The question for January 2018 is:

According to the Bureau of Labor Statistics, in which decade of the past 60 years did the largest percentage of the work force in this country belong to labor unions? Round off to the nearest five years.

Since only 6 decades are possible as an answer, there aren't any choices provided. You just have to determine which decade you think it is.

STAFFING NOTES/HRA HAPPENINGS:

Jessica Louthan joins us as HRA's Recruiting Coordinator with ten years of experience within the tele-communication, information technology, distribution/warehouse, and retail industries. As a Recruiter, she has hired entry-level to exempt roles from talent acquisition through orientation responsibilities.

Jessica believes there is nothing more satisfying than candidate's enthusiastic "Yes" to an offer and an equally satisfied Hiring Manager who has just landed his/her next top performer. Knowing that her efforts are going to impact clients at their core organizational needs, keeps her going every day.

In addition to being a versatile Recruiter, Jessica devotes her time to planning family camping/hiking trips in the beautiful Oregon Mountains and practicing American Sign Language (PSE).

Rachelle Grenya who was serving in that role is moving to an Accounting function. We are delighted to have her stay with us!

NATIONAL HUG DAY

January 21st is National Hug Day, and we could all use a hug from time to time. However, and it is a BIG however, make sure that the person you want to hug to celebrate the "holiday" wants to be hugged. There is much in the news today about harassment. Many high placed people, and let's face it they are overwhelmingly men, are being called out for stepping way over the lines of appropriate behavior. And they should be!! We all need to be sensitive to our behavior! There is a big difference between touching someone's shoulder and having them move away so it can't be repeated and the kind of groping that is being charged. If we recognize that they were uncomfortable and immediately apologize that is far different than what we are hearing about.

So, if you or your organization decides that National Hug Day is to be celebrated, then caution and inquiry needs to be your touchstones!!

CLIENT ACCOLADES

We are honored that **Shari's Restaurants** has asked us to be their HR resource. We learned something about them that is quite impressive. Shari's has won over 47 Blue Ribbons at the National Pie Championships over the past seven years, **including 12 in 2017**. No wonder they are considered the place to go if pie is desired. We are tickled to have you join us, and delighted at the prospect of ordering some of that sumptuous pie. And, remember, Wednesday is free pie night between 4 pm and 10 pm.

Just a few feet away, this Fall's Eagle Creek Fire almost consumed the Multnomah Falls Lodge. It was saved by some very daring firefighters. The Lodge was saved, but due to massive smoke damage, it was closed and needed to be restored. Imagine how proud you would be if you worked for the organization selected to restore this venerated building that is part of the most visited tourist location in Oregon. **Kennedy Restoration** was chosen to handle this critical project. They cleaned, they painted, they worked on every surface to remove any evidence of smoke. And because of their diligence, the Lodge has now re-opened for all of us. We congratulate them and offer our gratitude for their work on this historic site. We are very proud of you all! If you want to see a little of what was involved, [this KGW clip is worth seeing](#).

HR ANSWERS DOOR DECORATING CONTEST! RESULTS ARE IN!

Below, the doors are numbered in order of the highest votes received.



Thanks to everyone for their participation on voting.

IN HONOR OF NATIONAL APPRECIATION DAY

Celebrate with us!

***It is Party Time at
HR Answers***

**We are rolling out the red carpet
and planning lots of fun.**



**Your staff or guest is welcome!
Come meet our staff!**

**Wednesday
January 24
4:30 – 7:30 pm**

**HR Answers
Tigard Office**

**JOIN US!
WE'D LOVE TO SEE YOU**

[RSVP HERE](#)

- Fun Photo Booth with props to create a new image!
- Play HR Answers Trivia!
- Win a door prize!
- Partake in tasty hors d'oeuvres!
- Enjoy cheerful libations!
- Parking available on-site!

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 Petrina Bigford at info@hranswers.com, or fax it to (503) 352-5582.**

JANUARY

Month of Radon Action, Stalking Awareness, Winter Sports TBI Awareness, Drug and Alcohol Facts, Financial Wellness, Get Organized, and Soup Month.

- Jan. 18 HRA Workshop – HRA Office – Tigard
Improving Your Communication
8:30am – 12:30pm
- Jan. 19 National Popcorn Day
- Jan. 21 National Hugging Day
- Jan. 24- Feb 7, 21 HRA Workshop – HRA Office – Tigard
Advanced Supervision
8:30am – 12:30pm
- Jan. 24 HRA Rolls Out the Red Carpet
(It's Party Time) – [RSVP NOW!](#)
In honor of National Appreciation Day
and Bringing On the New Year
– HRA Office – Tigard
4:30 – 7:30 pm
- Jan. 24 Compliment Day
- Jan. 30 HRA Workshop – HRA Office – Tigard
Job Descriptions and Pay Equity
8:30am – 12:30pm
- Jan. 31 HR Lunch Bunch – Chemeketa Small Biz Center
Salem
Topic: Banishing Burn Out
12:00pm – 1:00pm

Coming up:

- Feb. 6 HRA Workshop – HRA Office – Tigard
Conflict Resolution: Understanding
Our Differences
8:30am – 12:30pm
- Feb. 7 HR Lunch Bunch – HRA Office - Tigard
Topic: Creating a Learning Culture/Organization
12:00pm – 1:00pm
- Feb. 13 HRA Workshop – HRA Office – Tigard
Compensation & Classification With Oregon's
Equal Pay Act
8:30am – 12:30pm
- Feb. 14 HRA Workshop – HRA Office – Tigard
Successful Recruiting
8:30am – 12:30pm
- Feb. 22 HRA Workshop – HRA Office – Tigard
Train-The-Trainer: Preventing Discrimination &
Harassment in the Workplace
8:30am – 12:30pm
- Feb. 27 HRA Workshop – HRA Office – Tigard
FLSA and Leave Laws
8:30am – 12:30pm

Planning Ahead:

- Mar. 1 HRA Workshop – HRA Office – Tigard
Get The Right Things Done Every Day
8:30am – 12:30pm
- Mar. 6 - May. 1 HRA Workshop Series – HRA Office – Tigard
Supervisory Success For Beginners- Spring 2018
8:30am – 12:30pm

View more details and register for our workshops and luncheons on our website at hranswers.com.

ON MY SOAPBOX

Every New Year's you can count on one thing making an appearance. It is a forecast for the coming year. No matter what industry, no matter what profession, no matter that the same things might be said year after year, there will always be a forecast. Rarely is there any material about the previous year's forecast and how right or wrong it was. There is nothing that seems to stop the process. So, here's what I am going to do. I am going to share with you all some of the forecasts for HR that have been published or printed. Then next January, we'll take a look at whether or not any of them came true. To make sure I have a good list, it will only contain those things that multiple sources have said will happen. So here goes the top five:

- I don't know for how many years, the top priority identified by HR Practitioners is finding high caliber talent. We must not be very good at finding them because year after year, it is the top item on the HR list. We'll see whether that continues or fades away. Wanna' bet?
- The current expectation is that people will have an average of 12 jobs in their career. So, while finding talent is important, it seems that it is more important to keep them, once you have found them. According to a Paycor Survey last year, 45% of HR professionals worry about recruiting and retention. But if we want to improve our organization's ability to do that, then we have to do things differently, otherwise we will continue to get what we have gotten so far.
- The next item on HR's list is dealing with the skills gap. I have a question about this – what specific actions are being taking by HR to address this concern. I hear that it is a problem from almost every corner of the profession, but I don't see much action being taken to remedy the problem. So, my challenge to my professional peers is, don't talk so much about it, but do something meaningful to change it.
- The next item that was mentioned by several sources is reducing workplace conflict. This one ought to be easy, but simply saying "Play nice in the sandbox" doesn't seem to have a positive effect. So, something more impactful must be needed. We had a client once that asked us to assist them in reducing workplace conflict. We talked with them about what they had tried and what the results of those efforts had been. They had tried various ways, but reported no real success. So, we talked with them about our process of building Common Interests. I think it is fair to say that they were skeptical at first, but after the first employee groups had finished the process, they were converts and had us spend time with all employees. This past experience tells me that reducing conflict can be done, but it has to be worked with, and it isn't something that you can train employee about unless they want to be more considerate and patient. We'll see how this year's item goes, and whether it stays on the list for next year.
- The fifth item, our last one, is something that has been on every year's list for at least 10 years. We must not be making progress on this one, either. It is managing the different generations in the workforce. I remember when there was initial discussion about the upcoming four generations in the workforce. And now, we are experiencing five generations! I wish we weren't so fixated on the presumption that each generation cares about different things and acts in wholly different ways about all things at work. I just don't believe that is true. I think that most employees share the same desires and values about work, but...here comes the punch line...they behave those values differently. If the workforce only looks at behavior and not what is causing it, they will miss the fact that a better conversation to have is a values conversation. My Dad's generation thought the best way to live his value of providing for the family because he loved us, was to work hard and often times extra hours. Today newer entrants into the workforce love their family just as much as my Dad did, but the way they show it is to want to leave work on time and go home to spend quality time with their family. Same value – different behavior.

It will be fun to look back at the end of the year and compare the forecast for 2019 with the one we are presented with this year. Regardless of how that turns out, and what has been forecasted for us in 2018, I want to wish each of a very happy New Year's and may all your plans for this year come to fruition!!!

- Judy Clark, President



ANSWERS, Inc.

"Whatever the Question"

PLEASE FEEL FREE TO VISIT OUR WEBSITE:

WWW.HRANSWERS.COM