



# advantage

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# advantage

## WORKPLACE PREPAREDNESS IS A MUST

Too often we find ourselves desperately responding to violent events in the workplace instead of taking a more proactive approach to stop them from happening in the first place. How often have we heard statements like “I knew something was not right with him,” or “something just didn’t seem right at the office” just before a hostile situation erupted.

One Back Zebra (OBZ) — a workplace preparedness seminar provider and physical infrastructure threat assessor based in Portland, Oregon, believes now is the time to talk about emergencies that can occur anywhere. If you see something that is not right, OBZ believes that proper emergency protocols are needed so that we can all “observe and notify” when something seems off. This can be a car that is parked in the wrong place, a vendor or customer who is acting erratically, or even a co-worker whose “behavioral baseline” has shifted. Perhaps they are quieter than usual, or they seem preoccupied, or the subject matter of their conversations has shifted to topics much darker.

We can’t predict human behavior, and there is no one size fits all “profile” of someone who poses a dangerous threat. However, studies suggest that incidents of violence are usually preceded by patterns of behavior that may serve as warning signs. While there are no fail-safe measures to prevent workplace violence, early action and intervention can serve to defuse potentially dangerous situations and minimize the occurrence of violence. Let’s talk about the case of Grumpy Gary, a co-worker who is always grumpy. Grumpiness is obviously part of Gary’s baseline so it’s pretty normal. Gary is not about to do something bad just because he is grumpy. A shifting baseline, however implies a dramatic change in patterns of behavior. Let’s say that Gary had problems in his personal life that is affecting his work. You see that he is late more than usual and that he has a strong odor after lunch. You then hear him berating and threatening a co-worker. Gary’s behavior baseline has shifted and it may be time for HR to be aware of the changes.

The first two letters of the word One Back stand for “Observe and Notify”. If we observe and notify (in the same way the zebras do when they detect a threat), adverse events in the workplace can be detected, preempted and mitigated. The other letters of the One Back acronym are about emergency response. Look for another Littler article in an upcoming issue.

If you feel your organization is lacking in the area of workplace preparedness education and protocols, email [info@onebackzebra.com](mailto:info@onebackzebra.com) today. HR Answers has invited back One Back Zebra to host a workshop for our clients. It will be held on December 4th at 8:30am. Look for additional information and an announcement in your email and at the [HRA website](http://HRA website).

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## PAY EQUITY – COMPARABLE CHARACTERISTICS

This month’s article on Oregon’s Pay Equity law covers the five characteristics that the state has mandated. They are: Responsibility, Knowledge, Effort, Skills, and Working Conditions. The state only defined Working Conditions in the text of the law. The law says that Working Conditions include “work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.” The state evidently believes that there are some important decisions to be made regarding the other four so they have left it to each organization to define them independently. It is possible that the definitions of these need to be broken into several components to reach a thorough evaluation of each job. This approach is designed to identify which part of a job is like other jobs. The intended result is to determine where jobs are comparable and where they differ from one another. The appropriateness of pay (equity in total compensation) cannot be determined until the jobs have been evaluated to see if they are comparable or not.

As an example, think about the characteristic of Skills. There is a wide variety of skills that different jobs must have. Some are manual and others are mental. It is unlikely that lumping all skills together will make it easier to assess and compare jobs. Only by separating the different aspects of skills, can jobs be best assessed for comparability. When embarking on this definition project, there

is the challenge of achieving consensus. A management team discussion could result in the necessary definitions. Or perhaps, having one person draft them, followed by a word-smithing session to finalize them would work. (This is typically the type of meeting where everyone gets bogged down and exhausted.) The third choice is to let HR Answers assist you with the definitions. We have been working most of this year on building the necessary processes and materials to help organizations become compliant with the Pay Equity Act. We have built definitions that we believe are appropriate for any organizations, and at the very least, they give employers a place to start. If you are interested in talking further about our Pay Equity assistance, please call us at 503-885-981, or if you wish to examine the materials we have created, please visit the [Pay Equity page](#) on our website.

This is a major effort required of every employer with two or more employees, and it would be our privilege to assist you!

## ADVICE FROM THE EXPERT...

Everyone associated with HR or organizational development knows Peter Drucker's name. His thoughts on management and organizational success have been written about and adopted by many organizations. He worked with one of the forward-thinking organizations in Portland, Oregon. He consulted with the Knight Cancer Institute regarding their principles to assist them in developing a common set of value statements about the type of organization they wished to be. The final product of their work together resulted in the following statements to which all departments and employees pledged their promises:

- Come together as one team, around a common goal
- Look at a problem from different angles
- Be humble and listen to everyone
- Share resources, including equipment, talent and space
- Fund projects, not individuals
- Be milestone driven

what is most important and to understand what the expectations are can create a synergy that enhances the environment and productivity. It also builds a common sense of accomplishment when positive results are attained which is very gratifying to everyone in the organization. Words that are meaningful and coalesce around a shared sense of purpose can be inspirational and motivating for employees. They can feel as though there is dignity and value in the work they do. This can result in retention and engagement.

## A NOTE ABOUT OPIOIDS

Broadcasts and the internet are replete with information regarding opioids and the devastating effect it is having on families and communities. It is possible the employers have not thought about any role they have in assisting all of us to minimize their use. Some statistics that frame the problem are:

- In 2016 more than 50,000 Americans died of an opioid overdose
- In 2016 there were 38,000 deaths by gun violence
- 58,220 US soldiers died in the entire Vietnam War

Employers may lament this loss of life but not think it has anything to do with them. But the safety implications of this condition are unescapable. Overdoses from the non-medical use of drugs or alcohol on the job increased 32% during 2016. Much of that was directly attributable to opioids. The use of opioids abuse is estimated to cost US employers more than \$18 billion a year in lost productivity and medical expenses. And a surprise static, is that employers' medical insurance pays for one-third of the prescriptions that are being abused through their health insurance and workers' compensation benefits.

Suggestions about how employers can help reduce this devastating problem, if they prescreen, include:

Go back and review your Drug and Alcohol policy to see if it can provide more information so applicants and employees understand the level of concern that their employer has regarding this subject.

- Post in a prominent place and on all website postings for job openings that drug testing is a step in all hiring processes.
- Provide training to all supervisors and managers about the signs of drug and alcohol use.

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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](mailto:info@hranswers.com).

- Have a plan to assist any employee suffering from substance abuse and promote that information on a regular basis. It is also helpful to provide similar assistance to the spouse or domestic partner if s/he is having a problem. Assisting others in the family unit can be a great way to promote wellness and assist employees dealing with a serious situation at home.
- Having an Employee Assistance Program (EAP) can be one of the ways the employer signals their intent regarding providing employee assistance.

The magnitude of this issue requires that everyone participate in resolving it. Employers have more leverage than most, simply because of the importance of employment. So, it is critical that employers use it for the good it can do for the individual and our collective.

## HR BY THE NUMBERS

- In Massachusetts, a lawsuit was concluded in August of this year with a jury awarding a \$28.2 million-dollar award for a Retaliation claim. As remarkable as that number is (it may be subject to a “reasonableness” assessment on appeal) there is one other characteristic of this case that also indicates how rare this situation was. Retaliation was the second claim being made. The first one was discrimination on the basis of race. The jury found that there was no discrimination, but that the employer has acted in prohibited ways because the Haitian-American was treated subsequent to the discrimination claim being made. She stated that management fabricated cases of patient neglect so that they could discipline her.
- The economy is picking up; the unemployment rate seems steady at less than 4%; and, there are building cranes visible on every horizon, so what could be bad news for employers? The recent Work Institutes 2018 Retention Report says that one in every four employees will change jobs this year. The report’s results were based on research of 234,000 exit interviews. It is possible that some of this figure is baby-boomers feeling safer and therefore finally retiring, but the vast majority of the departures appear to be preventable. The cost of this turnover is estimated to be \$600 billion. Now is the time for employers to find out what their employees really think of their employment, and develop plans to forestall this employee exodus.
- And, if you weren’t sure that that information was accurate, Employee Benefit News provided corroboration in August. Their research showed an even higher number of employees trying to change jobs. More than one-third of employees working in small organizations (less than one hundred employees) want to change jobs in the next two years. This was the finding of the Small Business Pay and Benefits report 2018. They offered a breakdown of the reasons given for the job search:
  - 43% want to just find a new job,
  - 18% are seeking better career opportunities,
  - 16.3% feel they are underpaid,
  - 12.7% want a job with less stress.

When pay level was specifically queried, the percentages change a little:

- 47.5% feel underpaid
- 55% would leave for better pay
- 61% would be willing to give up benefits for a base pay raise.

This last comment is worth examining. Employees often do not truly understand what their benefits are worth or how overwhelming it could be to have an accident or serious illness in their family and have to pay for that on their own. Employers need to help employees understand the risks that they are taking if they were to choose no benefits.

## RETIREMENT PLAN AUTOMATIC ENROLLMENT

Automatic enrollment allows an employer to automatically deduct retirement plan deferrals from an employee’s wages, unless the employee makes an election not to contribute or to contribute a different amount. Employees must be given a notice of automatic enrollment at least 30 days, but no more than 90 days, before their enrollment date. For plans with immediate eligibility, this requirement would be impossible to meet. In this case employers may provide notice no later than the employee’s hire date, but it is best to mention it during the hiring process.

## Types of Automatic Enrollment

### Basic Automatic Enrollment (Automatic Contribution Arrangement or ACA):

- Employees are automatically enrolled in the plan unless they elect otherwise.
- Plan document specifies the percentage of wages that will be automatically deducted.
- Employees can elect not to contribute or to contribute a different percentage of pay.

### Eligible Automatic Contribution Arrangement (EACA):

- Uniformly applies the plan's default deferral percentage to all employees after giving them the required notice.
- May allow employees to withdraw automatic contributions, including earnings, within 90 days of the date of the first automatic contribution.

### Qualified Automatic Contribution Arrangement (QACA):

- Uniformly applies the plan's default deferral percentage to all employees after giving them the required notice.
- Meets additional "safe harbor" provisions, including required employer contributions and limits on vesting schedules, which exempt the plan from annual nondiscrimination testing requirements.
- Default deferral percentage must start at no less than 3% and gradually increase (by at least 1% per year) to no less than 6%. The default percentage cannot exceed 10%.

## Default Investments if Employee Does Not Make an Election

Employers must choose an investment for employees' automatically deducted salary deferral contributions. You can limit your liability for plan investment losses by choosing default investments that meet certain criteria for transferability and safety, and providing employees with an annual notice informing them of their current investment and their right to make changes.

## Effects on Plan Participation

In practice, automating salary deferrals has shown both positive and negative impacts to retirement plan contributions and employee retirement readiness.

Automatic enrollment harnesses the tendency to go along with the default option. The good news is that this leads to greater participation rates among populations who are less likely to proactively enroll (such as younger and lower-paid employees). The bad news is that employees who would have proactively enrolled in the absence of an automatic enrollment feature tend to save at lower rates when they are default enrolled.

For example, an employee who might have chosen to enroll at a contribution rate of 8% may stick with the plan's much lower starting percentage when given the automatic enrollment option. A 2015 study by The Center for Retirement Research at Boston College found that average salary contributions by automatically enrolled participants were 60-72% (depending on salary level and employment tenure) lower than those of proactively enrolled participants.

Employers can help to minimize this difference by:

- Ensuring that their automatic enrollment provision includes an automatic percentage increase feature.
- Communicating the automatic enrollment as a backup plan and encouraging employees to enroll proactively.
- Providing access to financial education to help employees understand the importance of retirement planning, as well as the effect of various contribution rates on their retirement goals.

*Content prepared by The Commerce Company. Source: [irs.gov](https://www.irs.gov) and The Center for Retirement Research at Boston College. The Commerce Company provides corporate retirement and investment planning for small to mid-sized businesses throughout the Northwest. Contact us at [www.thecommco.com](http://www.thecommco.com) or 503-203-8585. For a complete copy of the cited study, email [study.pdf@thecommco.com](mailto:study.pdf@thecommco.com). Copyright 2018.*

## HR QUESTION OF THE MONTH

Last month's question was: What is the average voluntary employee turnover rate in all industries in the U.S. in 2017?

Possible answers: 8.4% 11.7% 13.5% 10.4%

For those of you who are playing along with this little HR game, the correct answer is 10.4%. So how are you doing in your organization? The Question for September is:

According to the Benefits Trends Report for 2018, what percentage of employers pay 100% of the premium for employee only for the health insurance?

Possible answers are: 21% 34% 17% 9%. Look for the answer next month.

## SALARY PROJECTIONS FOR 2019

The salary projections for next year are beginning to arrive. According to SHRM, 10 of the large consulting firms that do salary projections, say that the average increase for 2019 will be between 2.9 and 3.2%. The forecast for 2018 at this time last year, was for the average increase to be 2.9%. The actual increases that were given amounted to 3.1%. The reason behind the additional dollars may be the bonuses given to employees because of the tax reform changes that gave a substantial money gift to corporations. There are six additional sources that have not yet published their forecast, so we will keep you apprised of any substantial change in the forecast.

## IMMIGRATION UPDATE

Immigration and Customs Enforcement has embarked on a robust enforcement focus planning a surge of workplace audits in the coming months. In the first seven months of 2018, the number of audits has doubled from the fiscal year 2017. They are working to double that number again for the coming year. We suggest that if you have a medium to large organization (more than 200 and less than 1,000) employees that you review your I-9 processes, your recordkeeping activities, and your hiring procedure so that if you are selected for an audit, you pass with flying colors!

## CORNERSTONES OF EFFECTIVE INVESTIGATIONS

Unfortunately, one of the processes that HR professionals must face when allegations of workplace misconduct or policy violations are made. This calls for skilled and experienced people to conduct the investigation. It isn't correct to simply sit down with the involved individuals, ask them some questions, and then be prepared to make a recommendation about the outcome. It requires much more thought, planning, and understanding of human behavior. To reach an appropriate result, there are six recommended criteria that should be incorporated into the process. The items that must be in place are:

- The process and the recommendation must be based on **objective information**. It can not be based on feelings or opinion. It needs to be factual.
- It needs to be **quantifiable**. How often did it happen? For how long has this been going on? How many people have been involved. To make the best recommendation, the size of the concerns needs to be determined.
- In anticipation of the fact that any investigation may turn into legal action, the processes and statements from employees need to be **documented**.
- The organization must be **consistent** in its methods and application of any consequences. Outcomes or disciplinary action taken that varies considerably from case to case will jeopardize the perception fairness of each occurrence and any legal review.
- The more that the organization can show that the misconduct or policy violation **impacted the business operations**, the more that taking serious action in response to the issue will be seen as appropriate.
- And the final criteria that needs to be considered is the ability to **prove** that the issue occurred and the decisions were made without being influenced by any other factors.

Adhering to these criteria will assist in ensuring that the investigation is fair, comprehensive, and reasonable.

## CLIENT ACCOLADES

Dan Valliere, CEO of **Reach Community Development** was one of the featured individuals in the September 6<sup>th</sup> issue of the *Portland Business Journal* regarding Governor Brown's plan for addressing homelessness. It is hard to avoid talking about this sensitive issue without sounding hyperbolic, but Dan did a great job of laying out his thoughts and recommendations.

Congratulations go to **Henneberry Eddy Architects** who are partnering with a Chicago firm on the \$50 million Rothko Pavilion project at the Portland Art Museum. The museum made a commitment to engage a Portland firm and this is the product of that pledge. We look forward to seeing the creation of this collaboration.

A major effort has been underway to assist hospitals across the US to address the workplace violence experienced in hospitals. Employee in hospitals are four times more likely to encounter a workplace violence event than employees who work in other industries. Our hats off to **Harney County Health District** for their participation in developing the workplace violence toolkit. Way to go, guys, you are helping others to avoid being injured or worse!!

# advantage

A recent list of largest creative agencies in Portland included **Anvil Media** which was founded in 2000. Way to grow; we are proud to be associated with you!

Speaking of making the list – **Advantis Credit Union** was recently recognized as being 16<sup>th</sup> on the list of largest commercial lenders in Oregon and Clark County. This isn't the first time that **Advantis** has been on the list. Kudos for your sustained efforts!

And, add one more to the growing list of list entries...**GBD Architects** was number #3 on the list of largest architectural firms in the Portland Metro area. Again, this isn't the first time for this accolade. We applaud your work and growth!!

We are so very pleased to see our clients making the news, achieving recognition, and making success a habit!

## THOUGHTS TO THINK ABOUT

Education is not preparation for life; education is life itself.

*~John Dewey*

When the student is ready, the master appears.

*~Buddhist Proverb*

You learn something every day if you pay attention.

*~Ray LeBlond*

Doubts and fears are the heaviest burdens.

*~James Lendall Basford*

How many legs does a dog have if you call the tail a leg? Four. Calling a tail a leg doesn't make it a leg.

*~Abraham Lincoln*

Think left and think right and think low and think high. Oh, the thinks you can think up if only you try!

*~Dr. Seuss*

Things are only impossible until they're not.

*~Jean-Luc Picard, Star Trek: The Next Generation*

Without labor nothing prospers.

*~Sophocles*

## FOR YOUR CALENDAR

Open up your Daytimers, Outlook, and all those Smartphones. The following is a look at upcoming events and workshops, special days, and other diverse and fun activities you will want to be aware of and schedule. **To register for our workshops, go to [HR Answers Events](#), or email your registration form to [info@hranswers.com](mailto:info@hranswers.com).**

### SEPTEMBER

National month of Baby Safety, Classical Music, Italian Cheese, Little League, Square Dance, Update Your Resume, Library Card Sign up, and Self Improvement.

- Sept. 20 HRA Workshop – HRA Office – Portland/Tigard  
[Oregon Pay Equity – Overview of the law](#)  
1:00pm - 3:00pm
- Sept. 22 American Women’s Business Day
- Sept. 25 - Nov. 13 HRA Workshop Series – HRA Office – Portland/Tigard (Full! Waitlist available)  
[Supervisory Success - Fall 2018](#)  
8:30am – 12:30pm
- Sept. 26 HRA Workshop – HRA Office – Portland/Tigard  
[Job Descriptions Specific to Oregon Pay Equity](#)  
8:30am - 12:30pm
- Sept. 26 HR Lunch Bunch– HRA Office – Salem  
[Workplace Preparedness](#)  
8:30am - 12:30pm
- Sept. 27<sup>th</sup> Scarf Day

### Coming Up:

- Oct. 3 HRA Workshop – HRA Office – Portland/Tigard  
[Breakfast Briefing – Oregon Pay Equity – Overview of the law, how to reach compliance](#)  
7:00am - 9:00am
- Oct. 3 HR Lunch Bunch – HRA Office – Portland/Tigard  
[Disabilities in the Workplace](#)  
12:00pm - 1:00pm
- Oct. 4 HRA Workshop – HRA Office – Portland/Tigard  
[Coaching and Counseling](#)  
8:30am - 12:30pm
- Oct. 9 HRA Workshop – HRA Office – Portland/Tigard  
[Oregon Pay Equity – Overview of the law, how to reach compliance](#)  
2:00pm - 4:00pm
- Oct. 11 HRA Workshop – HRA Office – Portland/Tigard  
[Self-Awareness using DiSC](#)  
8:30am - 12:30pm
- Oct. 18 HRA Workshop – HRA Office – Portland/Tigard  
[Conducting Investigations](#)  
8:30am - 12:30pm

- Oct. 24 HRA Workshop – HRA Office – Portland/Tigard  
[Oregon Pay Equity - Job Profiling](#)  
8:30am - 12:30pm
- Oct. 25 HRA Workshop – HRA Office – Portland/Tigard  
[Change Management](#)  
8:30am - 12:30pm

### Planning Ahead:

- Nov. 7 HR Lunch Bunch – HRA Office – Portland/Tigard  
[Disaster Preparedness](#)  
12:00pm - 1:00pm
- Nov. 7 HRA Workshop – HRA Office – Portland/Tigard  
[Oregon Pay Equity - Job Profiling](#)  
1:30pm - 5:30pm
- Nov. 13 HRA Workshop – HRA Office – Portland/Tigard  
[Oregon Pay Equity – Overview of the law, how to reach compliance](#)  
2:00pm - 4:00pm
- Nov. 14 HRA Workshop – HRA Office – Portland/Tigard  
[Drinks on us - Oregon Pay Equity – Overview of the law, how to reach compliance](#)  
6:00pm - 8:00pm

View more details and register for our workshops and luncheons on our website at [hranswers.com](http://hranswers.com).

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

From time to time I receive or run across great content others have written. This is one of those times. I regularly get postings from Jones Loflin. He has a unique view. His commentary often reveals new insights drawn from everyday situations. In short, he makes the reader pause and think! That is a great gift to his readers. So in lieu of me writing something this month, I am sharing his thoughts about the recent disaster that was/is Hurricane Florence. I hope you find it as thought-provoking as I did.

### **What Hurricane Florence Can Teach Us About Change**

As I write this article, Hurricane Florence is lumbering through the Atlantic Ocean, expected to make landfall along the North Carolina coast. I live in the middle part of the state and will probably only see lots of rain and some strong winds, depending on the path of the storm.

The hurricane has been a major topic of conversation for many people this week as they purchase provisions, secure outdoor items, and pontificate the possible path Florence will take. As I have observed this flurry of activity, I've seen so many of the principles of change management demonstrated in people's attitudes and behaviors. They include:

#### **Look for the early signs of change.**

People who never look at weather forecasts have been checking them almost hourly to get updates on the hurricane. They want to make sure they don't miss something. While some changes happen quickly, there is often a lot of "handwriting on the wall" that indicates things are going to change. We're just so busy taking care of what's right in front of us that we don't pay attention to them. *How much better prepared for change would you and your team be if you "checked the conditions" more often?*

#### **Acknowledge that you can't take everything with you.**

News stories have shown people packing up pictures, pets, and other items they deem valuable, while leaving so many other things behind. Trying to move everything would take too much time and endanger their safety. Their behavior demonstrates a principle of change that people so often resist: *In times of change, you must determine what you want to hold onto and what you need to let go of.*

#### **Recognize the danger of trying to maintain the status quo.**

Interstate 40, a major highway in North Carolina, has been packed for the past couple of days as people move away from the storm's path and seek shelter. There are always a few "adventurous souls" who stay behind, reasoning that things won't get *that* bad or that they can outlast the storm. It's certainly their choice. We see the same behavior in other types of change. People who will do whatever they can to "stay put" and not change their attitudes or behaviors. They are risking so much just to prove a point. *Is the status quo really a safe place for any of us to stay for too long in today's ever-changing world?*

#### **Get the right resources.**

While in the grocery store earlier this week I found it interesting to observe what people had in their carts. Bread and milk were common items, along with soft drinks, frozen foods, snacks, and water. With the exception of water (and maybe the milk), these types of items are more about comfort than being secure and/or safe. It's a similar pattern in organizations. They fail to invest enough resources in things like training, talking with those who are on the front line of the change, and adjusting priorities or processes to support the change. *It's not about being comfortable in times of change... it's about knowing that you and your organization are investing in resources to have a more secure future.*

## **Be willing to adjust your plan as you go through the change.**

As Hurricane Florence moves closer to our state, there is new data on the projected path of the storm that means resources will need to be shifted to other areas. The plan that existed on Monday is no longer the best one. Trying to stick to that plan would be foolish because it's based on outdated information. More than once I've seen individuals and organizations begin moving through a change and get so comfortable with their plan that they aren't willing to accept new information that suggests a course correction. If you're going through change, it's important to always have answers to three key questions about your situation so you can make the best choice of action:

- *What do you know? (Facts)*
- *What do you think you know? (Wisdom/Insights/Experience)*
- *What do you NOT know?*

If you're in the path of Hurricane Florence, my prayers are with you. It's in disasters like these that my faith in humanity is always reinforced, whether by the resilience of those who are impacted by it, the courage of those who seek to rescue others in it, or the incredible generosity shown by those who want to help others recover from it.

*Reprinted with permission from Jones Loflin published in September 2018. Thanks, Jones, for your insight and commitment to individual excellence!*

- Judy Clark, President



**ANSWERS, Inc.**  
"Whatever the Question"

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