



# advantage



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## ***Employers Should Eliminate Old I-9s***

Employers often fail to shred old Form I-9s that are beyond the retention requirement, even though this can lead to compliance liability.

Please remember that once an I-9 has been purged, it's gone forever, so it's best to have a system with appropriate checks and balances in place. A laissez-faire attitude to I-9 purging by choosing to keep your I-9s beyond the retention period and to sort it all out in the "potential" event of an inspection by the government (ICE) may not be your best option especially when they usually only afford you three business days to produce I-9s and associated documentation.

In the mad dash of responding to a notice of inspection (NOI), employers may not have the time or resources to remove or pull out purgeable I-9s or there may be other errors on forms for terminated employees which could result in fines and penalties against the employer.

**Key reminder:** I-9s must be retained either one year after the date of termination or three years after the date of hire, whichever is later. Some employers have read that requirement and mistakenly interpreted it to mean that they could destroy I-9 forms of their current employees after a three-year period. The retention period for an I-9 comes into play only after the employment is terminated. The actual purge date varies based on how long the employee had been with the organization.

The I-9 retention rule applies uniformly to all employees, but there may be occasions when an employer needs to preserve an I-9 due to litigation.

Some employers work with a third-party administrator who maintains the I-9 records on behalf of the organization. In this circumstance, the same retention rules apply. Be proactive and ensure your provider has a compliant retention policy. A written document stating how documents are kept and assurance to regulation compliance along with an annual audit are good measures to mitigate risk.



**Getting Rid of Old I-9s:** There are a number of sensitive personally identifiable pieces of information on I-9s and employers should use a secure document destruction protocol to lessen the risk of unauthorized exposure (like destroying paper files through the use of cross-cut shredders).

Likewise, I-9s stored in an electronic format should also be purged using a well-documented and secure data wipe process that prevents information from later being recovered or retrieved.

Accidental or premature purging of I-9s does happen. Employers that remove I-9s too early and are found to be out of compliance can face penalties as high as approximately \$2,300 per I-9 on average. In those instances, when you have moved too quickly, the employer will need to complete new I-9s as soon as possible (and know you may face potential liability for late-completed verifications).

## ***Engaging, Developing, And Retaining Our Leaders***

Given the workplace changes over the past year and a half, there are new stakes for companies to attract and retain our current and next generation of leaders. Here are three ways to make sure they stay engaged:

- Focus on flexibility and opportunity for growth
- Create a culture of inclusion
- Provide high quality development experiences

Emerging leaders especially want to learn together and benefit from being in live learning together. According to Development Dimensions International (DDI) research, it shows that formal instructor-led training is still a top learning modality for first-time leaders. But you don't have to be back in person to take advantage of formal classroom training. Virtual classrooms are a great alternative to bring new leaders together for a live, face-to-face program.

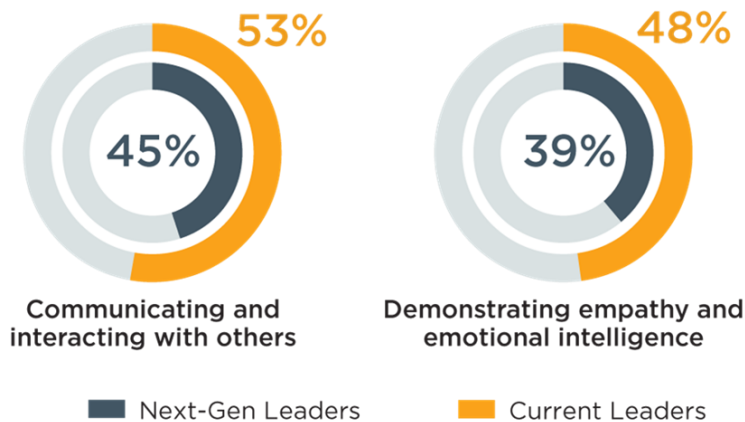


In addition, new and emerging leaders are looking for more coaching and feedback. Leaders at all levels want feedback, but this next generation of leaders is looking for even more coaching and feedback from their managers. One in four current leaders said they wanted more coaching and feedback than they are currently getting. But significantly more, one in three next-gen leaders said this is something they need now. And they are looking for more coaching and feedback in all

directions. They also want to make sure they know how to give it in the best way possible to their employees.

And finally, a key piece of what these leaders are looking for centers around interpersonal skills in their ability to be more successful in interacting with others. Looking at this data from DDI it could be suggested that they are looking to enhance the essential skills of working with others.

## Interaction Skills Key for Next-Gen Leaders



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HR Answers would like to help them on their journey. We have been successfully aiding leaders and supervisors for years with a series that covers many of the elements described here. We will provide them with useful and practical tools they can begin implementing right away. Our program is being offered in-person and virtually beginning on June 8th so you have to act fast and use [this link](#) to register your leaders.

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## ***Becoming An Inclusive Employer***

Eight percent of the U.S. population openly identifies as LGBTQ. That is more than 25 million people, and 88% of them are employed.

Until 2020, federal law did not specifically protect LGBTQ individuals from discrimination in the workplace. That changed only two years ago, when the U.S. Supreme Court ruled in *Bostock v. Clayton County* that federal law protects LGBTQ workers from discrimination. The landmark ruling extended protections to millions of workers nationwide and changed the landscape for LGBTQ rights in the workplace for organizations with 15 or more employees.

Yet many LGBTQ workers still find themselves feeling excluded, unwelcome, and uncomfortable in their workplaces, which can increase stress levels and create additional psychological and physiological effects on these individuals.

Tara Taylor is the managing director of the Washington, D.C.-based business consultation firm ADR Vantage Inc., where she often discusses and shares the importance of LGBTQ inclusion in

the workplace. In addition, she educates her audience with LGBTQ-inclusive terms and appropriate pronoun usage, such as:

- **Traditional feminine:** She/her.
- **Traditional masculine:** He/his.
- **Gender-neutral:** Ze/zir or they/their.

She also explained the differences between sex and gender:

- **Biological sex:** The label you are assigned by a doctor at birth based on the genitals you are born with and/or the chromosomes you have.
- **Gender:** A social and cultural construct. It is how your identity relates to society's idea of what it means to be a woman, man, neither or a mix of many genders.
- **Gender identity:** One's innermost concept of self as male, female, a blend of both or neither. Different cultures have different standards for how people are expected to behave based on their gender.
- **Gender expression:** The different ways you convey your gender, including your attire, behavior, and appearance.
- **Sexual orientation:** Who you are attracted to.



Every employee is on their own DEI journey. Some are further along, and some are just starting out. Some of Tara's lessons, experiences, and teaching have great value for others to observe and carefully consider. Identity doesn't always match behaviors, actions, appearance, and someone's outward expression. We need to remember when someone doesn't identify as binary it is up to them to decide their own identity. It is not our job to decide for them.

When creating a more inclusive workspace for LGBTQ employees, here are some suggestions:

- **Do not limit gender options** on forms to "male" and "female." You can communicate inclusion by instead asking, "What is your gender?"
- **Avoid using "other"** as a gender option on forms. Nobody wants to be an "other."
- **Do not say "Miss," "Ms.," "Mrs." or "Mr."** in e-mail correspondence unless you know how people describe themselves. Instead, you could use words like "applicant," "client," "customer" or "colleague."



- **Tweak your HR information system** to increase inclusivity. Ask your IT department about adding gender options.
- **Be prepared to adapt to name changes.** Workers who get married or divorced often change their names. It can be done for transgender employees just as easily.
- **Avoid saying "sir" and "ma'am."** This relates to culture...and this small thing can help break down barriers. This is especially true when first meeting colleagues—don't try to guess their identities. Also, bypass terms like "guys" or "ladies" when referring to groups, even when they seem applicable.
- **Add your pronouns to your e-mail signature.** This one suggestion is generating a tremendous amount of conversation within organizations. This one act can show others the employer "gets it." You can do the same on your social media profiles, as well.

## *Improving Your Zoom Body Language*

Virtual conversations, meetings and training are here to stay. The business world (for the most part) has embraced the remote workplace and all it has to offer, which means fewer in-person interactions. So, it is time to pay attention to what you are doing and ways you can improve your communication via the virtual platform.



Body language can be defined as nonverbal signals that are used to communicate feelings or intentions or extenuate a verbal thought. Body language can include anything from your posture to facial expressions and hand gestures. Your ability to understand someone else's body language and improve your own will help you understand unspoken cues and improve your working relationships.

One of the most important aspects of any successful meeting is good, clear, effective communication, which stems from body language. While speaking plays a large role, nonverbal communication is just as significant and dictates how we communicate and collaborate on big ideas—with experts stating that nonverbal cues make up between 70-93% of communication (assuming we are speaking the same language).

Sometimes your nonverbal body language is speaking louder than your words. It gives others clues as to whether you are listening to what is being said or even care about the discussion.

While there are benefits to working remotely it is important to understand that it actually takes tremendous mental focus to analyze our peers virtually - more concentrated effort than being in the same room together. Hence the importance of being self-aware of your body language. Here are some quick, simple things you can do to improve your body language during your next virtual “gathering”:

- Nod as people talk (longer than you normally would)
- Keep eye contact (look at/into the camera)
- Use hand gestures (okay to be a little more exaggerated)
- Smile often
- Pay attention to your posture
- Dress appropriately
- Position yourself in the center of the frame
- Avoid crossing your arms
- Avoid touching your face
- Avoid multitasking
- Avoid traveling (walking around/driving) with your camera (go to black box)
- Have an uncluttered background



If you want to learn more about these in detail or generally improve your communication skills to be more effective and build better working relationships, consider our [upcoming program](#) on June 7th.

## *Emotional Wellness*

**Small things you can do every day to boost your mood.** When you're in a low mood, you usually experience bouts of sadness or frustration that tend to pass after a few days or weeks. You might be tempted to ignore it outright and stubbornly power through when this happens. However, doing so can be exhausting. Instead, you can nurture your emotional health and effectively boost your mood.

Your positive emotional well-being is what allows you to enjoy the various aspects of your life, including your relationships and your career. Even if it's just a few minutes a day, taking action toward what disseminates your highness and brings you joy is definitely worth doing.

Here are five small things you can do every day to boost your mood.

**Improve how you work.** Work is often a great source of stress, especially if your job requires you to sit down for long periods of time. This can cause shoulder aches, neck injuries, and general discomfort that can contribute to tainting your mood. However, you don't have to resign yourself to that discomfort. Consider investing in ergonomics, which is the practice of deliberately designing your workplace to maximize comfort and bodily safety.



**Request for a flexible work schedule.** If you're struggling with mental or physical health, the lack of flexibility can be a contributing factor to your low mood. Managing the symptoms of your sickness requires flexibility that working from the office might not be able to give you. With that in mind, it might be helpful to request a more flexible schedule, such as a hybrid work-set up. The online magazine Inc. observes that 59% of workers report hybrid work arrangements to increase their wellbeing as it allows them more freedom and self-determination in their scheduling. Consider trying this out for potential mental and emotional health benefits.

**Spend time in nature.** It has been a long-held truism that going outside can give you more peace of mind. Not only does Healthline (August 2022) confirm this connection—it also puts forward that spending time in nature is more important to well-being than previously thought. It can promote the development of human relationships, spur positive changes in mood, and cultivate the contented feeling that your expectations and needs are being met. Make sure you carve out space in your day to breathe fresh air and spend some time with the trees.

**Eat mood-boosting foods.** Food supplies us with the nourishment and energy that we need to survive—but did you know you can also eat to increase your happiness? According to Mayo Clinic's article on mood-boosting foods, eating foods that contain the amino acid tryptophan can boost the production of the feel-good neurotransmitter serotonin. You can find tryptophan in protein-rich foods like chicken breasts or lean pork steaks. Taking in the vitamin folate or folic acid from foods like spinach, lentils, and black beans can also stave off serotonin depletion. When you go grocery shopping, spend a few extra minutes to find the foods that give your brain a helping hand in making you happy.



**Smile more.** Everyone has those days when they feel like they can't even manage a smile. If you want to boost your mood, however, one good strategy is to smile anyway. Some would say "fake it until you can make it." If you add a positive thought or a fond memory to go with that smile, in no time it will become authentic.

## ***PUMP Act***

The U.S. Department of Labor (DOL) has expanded the rights of nursing employees to take breaks and have a private place to express breast milk during the workday.

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. Some state specific laws already had these requirements and now all employers must meet this standard.



The new [Employee Rights Under the Fair Labor Standards Act](#) (FLSA) poster reflects the recent changes made under the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act. Each employer is required to replace their older poster. Please remember if your organization has remote workers all required posters must be made available electronically.

Additional information can be read here:

- [WHD Fact Sheet #73, FLSA Protections for Employees to Pump at Work](#)
- [FLSA Protections to Pump at Work Frequently Asked Questions \(FAQs\)](#)



## whatever the question

When a remote employee quits without notice or is fired, the difficult job of retrieving the worker's laptop and other company equipment often falls to the HR team.

HR professionals might be tempted to withhold the employee's last paycheck until the property is returned, but state laws forbid this. Some state wage-deduction laws also prohibit HR from pulling the value of the items out of the departing employee's final pay, even if the worker were to somehow give written consent.

However, here are some actions HR professionals can take as they attempt to retrieve company equipment:

**Put the terms in writing.** Have employees sign an acknowledgment when they are issued any new company property. The acknowledgment should explain that the employee is responsible for returning the items when employment ends. This document can support an employer's position if it becomes necessary to file a legal claim to recover the equipment. It can also remind employees that they should care for the property that belongs to the employer.

**Ask to meet in person.** If a termination meeting is necessary, ask the employee to come into the office and to bring any company-issued equipment. In some cases, managers will ask to meet with employees in the field. Some employers tell employees to bring the equipment because updates are needed; this is a dishonest tactic and should not be used.

Initiate recovery steps. If an employee refuses to meet in person, HR will need to begin a process to recover the equipment.

**Send the individual a letter or e-mail** showing the list of items that need to be returned. Include a copy of the acknowledgment form that was signed when the employee received the equipment, if such a form exists. Also, provide a prepaid shipping label, along with instructions on how to schedule pickup, in the event the person prefers not to deliver the items in person.

**If two weeks pass** and the individual has not taken action, then send a follow-up letter or e-mail stressing the importance of returning the property. The letter may mention what happens if the individual fails to do so.

**If no response is received** in 30 days, send another letter or e-mail informing the former employee that the organization will exercise its rights under the law for a criminal charge of theft, a civil action seeking the value of the items or both. Then, after seeking legal

advice, determine whether to proceed with a claim after weighing the cost of the unrecovered items against the cost of legal action.

HR professionals may also want to consider how it might affect morale among the remaining employees if the organization takes legal action against a former employee.

### Is there a question you would like us to answer?

Email the question to [info@hranswers.com](mailto:info@hranswers.com) and include the subject "newsletter question". We will publish the answer in our next issue.



## hr by the numbers

LGBTQ inclusion requires more than just openly celebrating Pride. Several recent reports indicate that LGBTQ workers look at an organization's track record of equality and inclusion when considering a job. For example, a series of studies by HR consulting firm [Veris Insights](#) found that:

- Nearly 70 percent of LGBTQ women and 60 percent of LGBTQ men have disengaged with an employer due to perceived lack of representation in the workplace.
- 80 percent of LGBTQ candidates said perception of "an inclusive and equitable workplace" is highly important to the decision to accept a job offer.
- 44 percent of LGBTQ candidates have felt that an employer was primarily interested in recruiting them to achieve diversity hiring goals.



Jobs site [Indeed](#) conducted a survey of about 1,000 full-time professionals who identify as members of the LGBTQ community to better understand their current workplace experiences. According to the findings:

- 87 percent of survey respondents said they researched their company prior to applying to ensure it was LGBTQ-friendly.
- 71 percent said they checked the company's social media accounts to make sure they were LGBTQ-friendly.

- 61 percent said they spoke to current and/or former employees.
- 45 percent reported that they checked employee benefits to ensure they were inclusive.
- 30 percent said they researched company leadership to gauge sentiment and inclusion.
- 24 percent reported they checked the company's profile and/or mission to ensure their values aligned with their own.



The average cost of a medically-consulted injury in the workplace is \$42,000 when you add up medical costs, lost wages, and administrative expenses.\*

\*National Safety Council Worker Injury Costs 2020, <https://injuryfacts.nsc.org/work/costs/work-injury-costs/>



When people have the chance to work flexibly, 87 percent of them take advantage, according to 2022 research by McKinsey, with an astonishing 32 percent working remotely five days a week. According to the McKinsey report this dynamic is widespread across demographics, occupations, and geographies.



A recent [Gallup survey](#) revealed that only 2 in 10 employees strongly agree their performance is managed in a way that motivates them to do outstanding work. When leaders can effectively influence and engage their teams, it creates an upward trajectory for the organization and its workforce.



Jack Wiley, Ph.D research for an upcoming book shared in an article for Training Magazine in February 2023. Many managers are woefully unprepared for the role of managing others. In a survey of a representative sample of 1,000 managers across all industry groups, He found that:

- 29 percent had received no training at all in people management.
- 18 percent had received up to no more than two hours of training.
- 25 percent had received from two to four hours of training, while 28 percent had received four hours or more of training.

Clearly, there is more to being a good people manager than the amount of official training one has received. But these results indicate that more than 70 percent of people managers in the U.S. today have received no training at all or that it was capped at four hours.



Stat: 71% of U.S. workers don't want AI to decide who gets hired. ([Pew Research](#))



Employees want personalized tech that makes life easier. Despite this, Ernst & Young (EY) reports 1 in 5 payrolls contain errors. Each error costs a business \$291 on average. If employees' basic needs, like correct and timely pay, are not met, how can they be engaged?



## thoughts to think about

*"We are what we repeatedly do. Excellence, then, is not an act, but a habit."  
~Will Durant*

*"Success does not come to you; you go to it." ~Marva Collins*

*"Change cannot be accomplished with one voice, but it can be started with one."  
~Teodora Rinciog*





*"Just like a jigsaw puzzle we might not know where we fit in, but we belong in the picture." ~Rachael Okebiorun*

*"A house built with only doors will never know the light a window can bring."  
~Danielle Grat*






# calendar of events



- 07** Improving Communication Skills
- 07** HR Lunch Bunch: Recruiting Solutions for 2023
-  **08** Professional Practices: Conducting an Effective Internal Investigation
-  **13** Professional Practices: Coaching Employees
-  **20** Paid Leave Oregon: Policy, Notice, and Claims
- 21** Onboarding: Jump Start the Employee Experience
- 21** So You Think You Want to be a Supervisor
-  **22** Professional Practices: Compensation Fundamentals 2: Philosophy, Structure, and Policy
- 28** Creating a Culture of Gratitude



- 07** Supervisory Short: Effective Meetings
-  **11** Professional Practices: Employee Handbook - Your Guide to Consistency
-  **20** Professional Practices: HR Records Management
-  **27** Professional Practices: Employee Opinion Surveys

[REGISTER](#)

# calendar of events



- 02** Building a Culture of Belonging
- 04** Supervisory Short: Building an Effective Team
- 08** Professional Practices: Auditing Oregon Pay Equity
- 16** Diversity, Equity, and Inclusion: Emotional Safety



- 12** Professional Practices: Job Descriptions - A Valuable Resource in Risk Mitigation
- 15** Diversity, Equity, and Inclusion: Understanding Micro Aggressions and Micro Inequities
- 08** Professional Practices: Conducting an Effective Internal Investigation
- 27** HR: Party of One

[REGISTER](#)

## on my soapbox



I was wandering through some of my computer files a few days ago. I am running out of room; hence, my purging activity. Whenever I am purging files, I can't help but read some of what is written. I came upon a folder that was so big, I had to check out what was in there. I should have known; it was the file with all my Soapbox articles. And true to form, I soon was leaning back in my chair and reading. The following is a Soapbox from the past. It is one that I particularly liked because it was illuminating to me. That is not unusual. Sometimes I don't know what I think until I start writing it. And many the time when what I ended up writing was not at all what I started with in my head. For those of you relatively new to Soapboxes, I hope you enjoy it. And for those who have been along for most of the ride, I hope you find this worth the reprise. So here is that Soapbox from 2015.....

I recently was part of a panel presentation not too long ago and thought the moderator had a unique way of introducing us. He asked the four of us to provide our names, our company affiliation, our title, and our favorite scientific law. Honestly, I have never been asked that before. I was glad that I was the last to have to introduce myself so that I had a bit more time to figure out if I even had a favorite scientific law to offer. I tried to recall what I learned in my science classes and all I could think of was the dissection projects which seemed highly inappropriate. Then in a flash, I realized that one of my favorite sayings was a scientific law and felt a huge sense of relief. I had something to say when it came my turn.

What was this saving revelation? Simply this...Nature abhors a vacuum! Next question...why is it one of my favorite sayings? The answer is because it is a short-hand reminder of a concept that encompasses many HR principles.

When employees are not given complete information about an event, a business plan, an issue that has cropped up, or anything of importance happening in the organization, they will take whatever information they have and try to connect the dots. They fill the voids with their own assumptions and beliefs based on their history with that organization or other employers. This generates gossip and rumors based on supposition not facts. And once a comment has been made three times as a possibility, it turns into a "fact" or a "truth." It goes from "Do you suppose it could ..." to "I heard this is what they are doing..." In other words, since they abhor a vacuum created by incomplete information, they fill it with what might be the connecting tissue and the rationale for a decision or direction.

This process of supposition becoming "fact" can cause enormous difficulty. First, it is hard to change employees' minds once they have convinced themselves of something. Secondly, it is

even harder to chase down where the wrong information came from and how it became a “truth.” The lack of initial information can result in mistrust, a sense that the employer is trying to keep employees in the dark, and a belief that employees must not matter because only surface information is being shared. The absence of information makes employees feel as though they are not being treated as adults or that the company doesn’t trust them to act appropriately with sensitive information.

If managers are not provided complete information, then there is a risk that employees will feel as though their manager is not trusted or is incompetent. This can affect the relationship and cause employees to wonder about the capability of their supervisor. Supervisors who can’t answer employee questions are seen as ineffective. This results in employee concerns and also, and perhaps even more importantly, manager concerns. Managers may feel that the organization doesn’t really value them and their work, or that the organization doesn’t have faith in their discretion or their ability to determine what should be shared with others.

The reticence to be transparent, the withholding of information, the failure to connect the dots for people in our organizations mean that people operate with incomplete data. They can’t make good decisions. They can’t offer relevant suggestions. They can’t provide information about possible implications or hurdles that may be encountered. And they don’t feel important or essential to the organization’s future or its success.

So that scientific law that was requested could be easily and appropriately modified to be a law of workplaces. How about this: Employees at all levels abhor incomplete information and feel that it compromises their ability to perform well and build strong and effective work relationships.

*Judy Clark, Principal and Founder*

To see more of Judy’s writing and read the history of HRA Answers, [visit our website](#).

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