

MARCH 1, 2017

WHAT'S ONLINE

www.WhatsWorkinginHR.com

If you haven't been to our website recently, here's exclusive online content you've been missing:



Employment Law Update for Managers
on the tricky legal issues supervisors face daily.



Compliance Checklists
to ensure you're in compliance with employment law.

WHAT'S INSIDE

- 2 Sharpen Your Judgment**
Was 'no working from home' rule a violation of the FMLA?
- 3 Employment Law Update**
Court: The ADA can't protect employees who stink at their jobs
- 4 Answers to Tough HR Questions**
5 signs that a 'contractor' may actually be an 'employee'
- 6 News You Can Use**
What's going on with the new overtime rules?
- 8 What Would You Do?**
Morale is sinking after sudden staffing shortage leaves employees overworked

7 things your employees need to know about the ACA repeal

■ *Is Obamacare really as good as dead?*

It's Obamacare reporting season. And as employees start getting their ACA-mandated 1095s, they'll likely have questions – such as “*What is this? Didn't Trump repeal Obamacare?*”

Even members of the C-suite may have similar queries about why you're working to comply with a “dead” law.

Here are the top questions being asked and how you can answer them:

Hasn't Obamacare been repealed?

No. While Trump has promised to “repeal and replace” the ACA, all he has done so far is sign an executive order that directs federal agencies to

grant certain exemptions from the law.

The executive order may eventually weaken parts of the ACA, but nothing concrete has happened yet.

As a result, employers and individuals still have to comply with the “play or pay” mandates and reporting.

Didn't Republicans in Congress at least start to repeal the ACA?

No. Republicans in Congress don't have the votes they need to repeal the ACA outright. They can't avoid a Democratic filibuster. As a result, what

(Please see ACA ... on Page 2)

3 interview questions to add to your repertoire

■ *Get a deeper look at how candidates work & measure success*

You can never have too many interview questions – so when we find good ones, we pass them along.

These come courtesy of Larry Kim, founder and CTO of WordStream, an online marketing company. In his column at *Inc.com*, Kim said these are his go-to interview questions for weeding out top talent:

1. *What was your best achievement, and why was it so great?* Kim suggests asking applicants questions that reveal how they analyze results and define success – such as “*What*

was your best marketing campaign, and why was it so successful?”

2. *How do you decide what you'll do next?* Kim wants to know what candidates' thought processes are like, so he asks something like “*What do you do after launching a successful campaign?*”

3. *How do you know your work has paid off?* This will reveal what kind of results a candidate cares about and what metrics they use to establish return on investment.

Cite: www.tinyurl.com/inckim482

ACA ...

(continued from Page 1)

they have done is state their intention to attack the law through a process known as reconciliation.

It'll allow Republicans to vote on budgetary pieces of the law – like the employer and individual mandates (which are imposed with taxes), and healthcare subsidies – without giving the Democrats a chance to filibuster.

The problem for Republicans, though, is that reconciliation limits how they can reshape Obamacare.

Then when will it be repealed?

All you can tell employees right now is that it hasn't happened, and there is no clear answer on when (or even if) it will happen at all.

House Speaker Paul Ryan (R-WI) said the House GOP hopes to introduce significant repeal and

replace legislation (likely using reconciliation) by the end of 2017.

Still, Ryan did indicate that even if such legislation is passed, it could take some time for it to be implemented.

Bottom line: We're likely looking at a long legislative process, and an even longer implementation period.

Can my adult children stay on the company's health plan?

Trump and Republicans in Congress have stated their intentions to attempt to keep two popular requirements of the ACA in place:

- The ability for children to stay on their parents' health plans until age 26.
- The need for insurance companies to offer coverage to individuals with pre-existing conditions.

What is Form 1095?

It services the same purpose as last year and is a little like Form W-2: The employer or insurer sends one copy to the IRS and one copy to the employee. It describes whether the person obtained the minimum required level of health insurance under the ACA in 2016.

It also informs the IRS, and the employee, if the person was eligible for a premium tax credit in 2016.

Will I still need the form if the ACA is repealed?

Yes. The reason is the ACA was in effect for all of 2016, and this form is for reporting information that reflects what happened last year.

What do I have to do with it?

In most cases, no action's necessary. When filing taxes for 2016, individuals will be asked if they obtained minimum coverage. The form helps answer that question. Also, those with coverage through an employer don't have to wait for the form to file taxes.

Info: Visit our website for frequent updates on all things ACA.

Sharpen your JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ Was 'no work from home' rule a violation of FMLA?

HR manager Lynn Rondo just closed her laptop for the day when she saw company attorney Eric Bressler stride into her office.

"Can't it wait until tomorrow?" Lynn asked. "I have dinner plans."

"I'll make it quick," Eric said. "Tell me about Heather Kramer's firing."

'Leave is only for treatment'

"Well, her son had a medical condition, and she used intermittent FMLA leave to take him to doctor's appointments and therapy," Lynn said. "But things got tricky when her son was expelled from his day care for bad behavior."

"What happened?" Eric asked.

"Heather asked if she could work from home two days a week to watch her son when her mother couldn't watch him," Lynn said. "And she'd work as time allowed on those days."

"We agreed, but we made it clear that any time she took off to care for her son on those days would count as intermittent FMLA."

"Not seeing a problem," Eric said.

"It wasn't at first. Then our CEO terminated all work-from-home arrangements," Lynn said. "Still, Heather claimed she was entitled to the arrangement under the FMLA. But I told her FMLA was only for medical treatments. So she stormed out on her work, and we fired her."

"Well, she's suing us for FMLA retaliation," Eric said. "But it sounds like we can fight it."

Did the company win?

- Make your decision, then please turn to Page 6 for the court's ruling.

WHAT'S WORKING in Human Resources

EDITOR: CHRISTIAN SCHAPPEL
MANAGING EDITOR: TIM GOULD
EDITORIAL DIRECTOR: CURT BROWN
PRODUCTION EDITOR: JEN ERB

What's Working in Human Resources, (ISSN 1088-3223) March 1, 2017, Vol. 21 No. 482, is published semi-monthly except once in December (23 times a year) by Progressive Business Publications, 370 Technology Drive, Malvern, PA 19355; PHONE: 800-220-5000. FAX: 610-647-8089. Periodicals postage paid at West Chester, PA 19380. Postmaster: Send address changes to *What's Working in Human Resources*, 370 Technology Drive, Malvern, PA 19355.

Subscription: 800-220-5000

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought. — From a declaration of principles jointly adopted by a committee of the American Bar Association and a committee of publishers.

♻️ Printed on recycled paper.

Copyright © 2017 Progressive Business Publications. Please respect our copyright: Reproduction of this material is prohibited without prior permission. All rights reserved in all countries.

Court: The ADA can't protect employees who stink at their jobs

■ Example of how documentation can save your company

What's your best defense against an employee claiming he or she was fired because of a disability?

Answer: Good documentation that shows the person – disability or not – just isn't very good at his/her job.

Show this to managers who need to document employee performance:

Ruling: No retroactive leniency

Janna DeWitt, was a customer service rep. for Southwestern Bell Telephone Co. She had diabetes, and she said low blood sugar could cause lethargy, confusion and fatigue.

One day, she failed to cancel a customer's phone service as instructed. This was a serious violation of company rules, and it was listed as a potentially terminable offense in its policies. It was documented, and

DeWitt was suspended and told more violations could lead to termination.

Two months later, she hung up on two customers, and was fired.

She then sued, claiming disability discrimination. She said the dropped calls should've been excused because they were the result of low blood sugar.

But the court disagreed and threw her lawsuit out. It said employers are under no obligation to overlook past misconduct as an accommodation, even if it resulted from a disability.

With good documentation – specific policies, performance records and warnings – the company proved DeWitt couldn't do her job and discrimination played no part in her firing.

Cite: DeWitt v. Southwestern Bell Telephone Company, *U.S. Ct. of App. 10th Cir.*, No. 14-3192, 1/18/17.

Managers, watch what you say: It could lead to an FMLA interference lawsuit

■ Employee claimed comments kept her from taking more leave

More advice you can pass along to managers: When it comes to talking about FMLA leave with employees, injecting negative opinions or frustrations into such discussions can lead to interference claims.

Case in point: Jill Diamond was a social worker for Hospice of Florida Keys. Over a period of eight months she took short stints of intermittent FMLA leave to care for her parents.

Some discouraging words

Then her mother became very ill, and she took FMLA leave for two weeks. When she returned, Diamond said members of management told her:

- if she worked for any other company, she'd be out of a job, and

- her absences compromised the quality of care the organization provided.

Eventually, Diamond was fired for performance issues. She then filed an FMLA interference lawsuit.

The company said she didn't have a case, and tried to get the suit tossed.

But it failed because Diamond presented evidence the comments discouraged her from using FMLA leave on a number of occasions. So the court said there was sufficient evidence for a jury to say her FMLA rights had been interfered with. Now the hospice is in for a costly trial.

Cite: Diamond v. Hospice of Florida Keys Inc., *U.S. Ct. of App. 11 Cir.*, No. 15-15716, 1/27/17.

■ Unpaid work-from-home time helps cost employer \$425K

More often than not, workers need to be compensated for even the most minor work-related tasks they complete at home.

Not doing so can lead to situations just like this: The DOL accused Ravago Americas LLC, an Orlando-based plastics company, of violating the FLSA after investigators found it failed to compensate employees for work they did from home – as well as work performed before their shifts, after their shifts and during meal breaks.

This led to non-exempt employees working more than 40 hours per week but not receiving time-and-a-half for the OT hours, the DOL investigation found.

Result: Ravago had to pay \$424,537 in back wages. It also must install a more accurate time-keeping system.

Info: www.tinyurl.com/dol482

■ Company pays \$55K for trying to protect pregnant employee

Warning: "Because it's for their own good" isn't a valid reason to change pregnant employees' jobs.

The EEOC recently sued Rooms To Go, a chain furniture distributor, claiming the chain's Dunn, NC, training facility violated the Pregnancy Discrimination Act.

The lawsuit said once shop apprentice Chantoni McBryde informed her manager she was pregnant, the manager showed McBryde a can of lacquer thinner that contained a warning that the contents could potentially pose a risk to a woman or her unborn child. She was then told she could no longer work at the facility.

Rooms To Go agreed to pay \$55K to settle the suit, and the EEOC said, "Pregnant women have the right to make their own decisions about working while pregnant, including the risks they are willing to assume."

Info: www.tinyurl.com/eeoc482

Experts give their solutions to difficult workplace problems

HR professionals like you face new questions every day on how to deal with workplace conflict and employment law. In this section, experts answer those real-life questions.

5 signs that 'contractor' may actually be an 'employee'

Q: What are some down-to-earth ways to tell if an independent contractor should actually be classified as an employee?

A: The following five clues may indicate you have an independent contractor who is misclassified, says employment lawyer Todd Lebowitz (tlebowitz@bakerlaw.com) of BakerHostetler, who runs the blog WhoIsMyEmployee.com.

1. **An outsider wouldn't be able to tell your contractors from your employees** – i.e., they dress alike and do the same work.
2. **The contractor only works for you.** A contractor should have multiple clients.
3. **The contractor has been with you for a long time** – say more than a year (unless retained for a specific project).
4. **The contractor uses your equipment.** Contractors should have their own gear.
5. **You direct when and where work is done.** True contractors have control over their days.

Can separation agreements stop ex-employee claims?

Q: Can separation agreements with severance pay shield us from legal claims involving ex-employees?

A: Not entirely. According to a number of federal agencies, there are some rights employees can't sign away, says employment law attorney Kara S. Nickel (knickel@stearnsweaver.com) of

the firm Stearns Weaver Miller, who writes for the blog www.BeLaborThePoint.com.

The EEOC says an employee can sign an agreement with a waiver or general release of claims (including the right to monetary relief), but the person retains the right to file a charge of discrimination with the agency.

The SEC takes the position that an employee cannot waive a right to recover money for a complaint to that agency. OSHA has a similar stance.

As a result, your agreements must be carefully crafted and updated (with legal counsel) to be valid and enforceable with these agencies.

Are these cafeteria plan reimbursements taxable?

Q: We have a cafeteria plan through which employees pay premiums to participate in our wellness program. If we reimburse employees a portion of those premiums, is that taxable income?

A: Yes. That type of reward for participating in a wellness program may not be excluded from an employee's gross income, according to a recent memorandum from the IRS (www.tinyurl.com/well482).

Because the reward or incentive (the premium reimbursement) has a cash value, it's taxable.

If you have an HR-related question, email it to Christian Schappel at: cschappel@pbp.com

EFFECTIVE COMMUNICATION

■ 180-day onboarding timeline staff managers can follow

You know onboarding practices can make or break your hiring process. Great onboarding can ensure new staffers contribute in no time – and stick around.

Here's a timeline your managers can follow to ensure new hires are where they should be (you can change the specifics to meet your unique needs). It comes courtesy of our friends at the leadership training site ResourcefulManager.com.

Day 1

The first day is about the basics. The new hire should meet with HR, complete necessary paperwork, get a company directory and access keys/cards, and receive instruction on the phone or intranet system. Many employers will also organize a welcome lunch.

Day 5

At this point, new hires should sit down with their direct supervisor to see how things are going and (at least for more entry-level employees) be introduced to a mentor.

Day 30

By day 30, a one-month performance evaluation with the direct supervisor should be given. Managers should also check in with the mentor to see if issues have arisen and if the new hire is happy.

Day 90

After three months, employees should be invited to participate in extracurriculars, like company sports teams and volunteer projects, if they haven't taken the initiative already.

Day 180

At the six-month mark, evaluate the goals for the rest of the year. Things going well? Then the idea of "job enlargement" can be broached.

Info: www.tinyurl.com/resource482

WHAT WORKED FOR OTHER COMPANIES

Our subscribers come from a broad range of companies, both large and small. In this regular feature, three of them share a success story illustrating ideas you can adapt to your unique situation.

1 **One way we stay on top of ACA regulations**

No question, keeping track of the many, many requirements of the Affordable Care Act (ACA) can be a daunting challenge.

So we set out to make the process a little less overwhelming for employees who have to handle compliance efforts.

First, we did some detailed research on the law.

We gathered an assortment of information from a variety of sources

online – including audit guides on the DOL and IRS websites.

Armed with that info, we put together our own comprehensive ACA compliance checklist.

An invaluable tool

The checklist included all the ACA requirements, as well as a column to make notes on what tasks have been completed and where to find related documentation.

We distributed it to those doing any work

related to the ACA, and it quickly became a valuable tool for compliance – especially this time of year, the heart of reporting season.

In addition, as our business continues to grow, we're finding ourselves subject to ACA regs we weren't subject to when we initially put the checklist together. So it has helped keep those regs front and center for us.

Bonus: It has helped new employees get up to speed on the law.

(Connie Gerba, benefits manager, Gilbert's Risk Solutions, Sharon, PA)

**REAL
PROBLEMS,
REAL
SOLUTIONS**

2 **Tweak to email lifted employee morale**

We used a bi-weekly email newsletter to update our employees on the progress of different projects and team efforts ... at least that's what we tried to do.

Turns out, it wasn't getting read by as many employees as we'd hoped.

When we asked people why they weren't reading it, they gave a somewhat eye-opening response: They found the newsletter more negative than positive.

They said the messages felt like reminders of what wasn't accomplished and all the tasks they still had to do.

That certainly wasn't our intent.

Shifted focus

So we made two changes to boost interest in the newsletter, as well as employee morale.

First, we added a cover note to the newsletter that emphasized successes.

Next, we changed the heart of the

newsletter to emphasize recent improvements – and focus less on what still had to be improved or accomplished.

Sure, we still have things that need to get done; we just don't make them the focus of the e-newsletter anymore. We now address those topics in different ways.

The changes paid off. They got people to start reading the newsletter again and boosted morale.

(Ron Balazs, senior principal, General Dynamics, Redmond, WA)

3 **Benefits offerings help our company stand out**

Our company is always looking for opportunities to strengthen our employee benefit offerings.

We're also in a very competitive industry. Businesses around us all want the same talent.

That means we need to make sure we not only stay aligned with what other companies are offering, but also stand out as a forward-thinking, people-focused organization.

Plus, we wanted to let employees

know we appreciated all they do.

Result: We expanded our family leave benefits.

Birth, adoption, caregiving

Recently, we started providing additional paid time off to eligible employees following the birth or adoption of a child, or when a family member is critically ill.

The progressive new package for eligible full-time employees will provide mothers who give birth with up to 16 weeks of paid leave. New fathers and adoptive parents will

receive up to eight weeks of paid leave. Primary caregivers will be able to take two weeks of paid leave to care for a sick family member.

Is it an expense? Yes. But making ourselves a destination for top talent and retaining more employees will go a long way toward recouping that cost.

Employees love the expanded benefits, and we feel it has put us on the forefront in terms of creating a place where people want to work.

(Rhea Lewis Marshall, company spokesperson, Exelon, Washington, DC)

What's going on with the new overtime rules?

Employers are still in a holding pattern, waiting to see what becomes of the DOL's stalled overtime rule changes. But, quite frankly, things don't look good for the new OT rule.

The Trump administration has filed a motion for an extension of the time it has to file a brief in the court proceedings regarding the injunction, which put the rule on hold.

The administration says it needs time "to allow incoming leadership personnel adequate time to consider the issues."

The general thinking is this will buy Trump time to get a new DOL chief in place who opposes the rule, and who will let it die at the hands of the injunction. Stay tuned.

Info: www.tinyurl.com/overtime482

Expect the fight for talent to get more intense in '17

Heads up: A new hiring forecast says the competition for top talent is about to get pretty fierce.

About 40% of the nearly 2,400 HR pros and hiring managers surveyed by CareerBuilder recently said they plan to hire full-time employees in 2017. That's up from 36% last year – and it's a 10-year high.

In addition, 30% said they'll bring on part-time workers (up from 26%).

Just 8% are expecting a decline in staffing levels.

Info: www.tinyurl.com/forecast482

Student loan benefits may soon become tax-free

Student loan repayment benefits have become a popular tool for recruiting and retention in recent years. Now a bipartisan bill has been introduced with 23 co-sponsors that may allow you to offer them tax-free.

The bill would alter Section 127 of the tax code, which allows employees to exclude up to \$5,250 per year in employer-provided education assistance from their taxable income.

This tax break applies to tuition, fees, books, supplies and equipment.

But if the bill passes, the break would also apply to student loan repayment benefits.

Info: www.tinyurl.com/taxbill482

Lighter side: 4 infamous quotes about work gripes

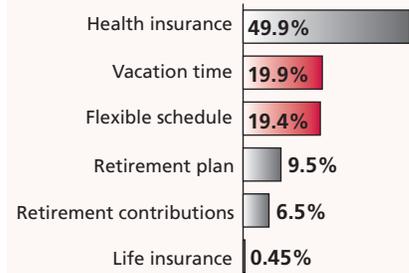
Here's hoping your employees don't feel the same as these entertainers:

- "It is better to have loafed and lost than never to have loafed at all." – James Thurber

WHAT EMPLOYEES TOLD US

Most-wanted benefits

Which benefit is most important to you?
(top six selected benefits)



Source: American Payroll Association
"Getting Paid in America" survey.

Employees' desire to have a flexible schedule has increased by leaps and bounds in recent years.

It's now as valuable to them as receiving vacation time.

Each issue of WWHR contains an exclusive survey to give executives insight into what their peers nationwide are thinking and doing.

- "No man goes before his time, unless the boss leaves early." – Groucho Marx
- "Anyone can do any amount of work, provided it isn't the work he's supposed to be doing at the moment." – Robert Benchley
- "Work is the greatest thing in the world, so we should always save some of it for tomorrow." – Don Herold

Sharpen your judgment... THE DECISION

(See case on Page 2)

No. The company lost a three-day jury trial. It now has to pay double damages, plus Heather's attorney fees, because the court ruled the company acted in "bad faith."

The company tried arguing that the FMLA doesn't cover child care – it only allows an employee to take off for medical treatments or therapy for the employee or a loved one. So, in essence, the company was trying to say Heather wasn't FMLA-protected.

But the jury disagreed. The court said because the company allowed Heather to work from home without any issues for months and had no "compelling" reason to fire

her (she walked off the job to care for her son), it was reasonable to assume the company was retaliating against her for asking to stay home.

The court also disagreed that FMLA only covers leave for treatment or therapy – and the proof was the company had already allowed Heather to take leave to care for her son.

■ Analysis: If it ain't broke, don't fix it

This ruling is an example of what can happen when employers suddenly try to change special arrangements they have with workers under federal laws like the FMLA.

Without a compelling business reason for revoking an FMLA arrangement that's working, a jury and/or court is likely to come down hard on employers for doing so.

Cite: *Wink v. Miller Compressing Co., U.S. Ct. of App. 7th Cir., No. 16-2339, 1/9/17. Fictionalized for dramatic effect.*

These changes helped us reduce medical claims three straight years

■ *Challenged employees to be 'as healthy as genetically possible'*

Like many companies, our health plan costs were becoming unmanageable – with the cost-per-employee skyrocketing.

We began to look for immediate solutions that didn't involve shifting more of the cost onto employees. That would be unsustainable for our staff.

We could've moved to a defined-contribution or private exchange option, but what we didn't like about that was it only addressed cost.

If we were going to make major changes, we also wanted to improve the total health of our employees.

The target

Our solution: We made ensuring the well-being and development of our employees one of the company's top developmental priorities.

Then, we created a well-being program that focused on four components: head, heart, wallet and world. We wanted our employees to be as healthy as possible in these four areas, but we understood that "healthy" was different for everyone.

So we challenged our employees to be "as healthy as genetically possible," and to help we gave them a number of tools and incentives to meet the challenge.

But we also wanted to increase employees' personal responsibility for their healthy choices and healthcare spending.

Everything started with a biometric screening that included waist measuring, and a carrot and stick approach to participation.

Employees could earn \$2,000 per year in incentives with the screening.

On the other side, it cost workers \$100 month/\$1,200 annually if they didn't do the screening.

The nuts and bolts

Once we got a baseline of workers' health from the screening, we were able to add an array of tools to help them improve in all areas of their lives.

Some examples:

- **Personal health reviews** – focused on stress management
- **Access to a call center** – to allow employees to talk to an actual human for health advice and cost/quality education, and
- **Health-improvement programs** – with heavily discounted medications for condition management, gym reimbursements and healthy snacks.

The benefits

Creating this long-term well-being strategy required some up-front spending. But if you don't put some money into the solution, you're really only patching the issue – not fixing it.

We're confident in our approach, and we're already starting to reap some of the benefits of our efforts.

Case in point: Catastrophic claims have gone down in each of the last three years.

Plus, we've reduced employees' metabolic syndrome (a group of risk factors that raises the risk for heart disease) by more than 12% since we rolled out the program.

(Barry L. Cross, senior director of compensation and benefits, Michelin, as presented at the 29th Annual Benefits Forum & Expo in Nashville)

Case Study:
WHAT
WORKED,
WHAT
DIDN'T

■ **Attorney: 4 things to keep in mind with parental leave**

Paid parental leave benefits are becoming more popular – so much so, in fact, that both Hillary Clinton and Donald Trump floated proposals during their presidential campaigns to make offering them mandatory.

But even without mandates, more companies are offering them to attract and retain talent (see Page 5).

What does your policy say?

If you find your company considering such a move, *FMLA Insights* founder and employment law attorney Jeff Nowak offered up these things you'll want to consider for your leave policies:

- **Eligibility's not regulated.** As of now, employers get to decide the eligibility requirements for these benefits. So you can require a set period of service before the benefits become available.
- **Watch for discrimination traps.** You can offer more leave for women who give birth than fathers, which makes sense because women need to recover from childbirth. But be careful. What you can't do is treat men differently from women when it comes to bonding time, according to the EEOC.
- **Think about using other paid leave ... sparingly.** You can require new moms and dads to exhaust other forms of paid leave (PTO, vacation, sick time) before collecting paid parental leave. But, as Nowak cautions, this could hurt morale. So a better idea may be to allow employees to "hold back" a set number of PTO days for later use and require them to exhaust the rest of their other paid leave before parental leave kicks in.
- **Run the FMLA clock.** Nowak advises making employees use FMLA concurrently with parental leave. You have a right to do it.

Info: www.tinyurl.com/nowak482

WHAT WOULD YOU DO?

Companies face competing agendas when dealing with their employees. They must find ways to inspire their people to excel, while controlling costs and staying within the law. Here we present a challenging scenario and ask three executives to explain how they'd handle it.

Morale is sinking after sudden staffing shortage leaves employees overworked

The Scenario

"Stu, we've got a big problem," said manager Katie Canyon, as she stormed into HR manager Stu Capper's office.

"What's going on?" Stu asked.

"As you know, my department has been pretty short-staffed ever since Walt and Samantha quit just a few weeks apart," Katie said. "And while my team has filled the void pretty well, I think they've reached their breaking point."

'No end in sight'

"In the past week, nearly everyone in the department has come to me, complaining that they're overworked and stressed," Katie continued.

"Well, you know that help is on the way," Stu said. "We just hired two promising

employees to fill those open positions."

"Yes, but Walt and Samantha were here for a long time," Katie said. "They had a lot of responsibilities, and there's no way two new hires will be able to take on that workload ... at least not for a while."

"The folks in my department just don't see any end in sight to their added workloads, and they're very discouraged."

"Do you think anyone else is thinking of jumping ship?" Stu asked.

"As a matter of fact, I do," Katie said. "At least two people have come in a little late and a little over-dressed – like they may be interviewing elsewhere."

"Stu, we can't afford to lose anyone else. There's got to be something we can do."

"I agree. This isn't good," Stu said. "Let me think about it and get back to you."

If you were Stu, what would you do next?

Reader Responses

1 Barbara Ayotte, director of HR, Shop-Vac Corp., Williamsport, PA

What Barbara would do: We could cross-train workers from other areas to take some of the workload off Katie's team.

I'd reach out to other departments to see if they could spare a person or two to help out her staff for a short period.

Reason: Everyone should be part of the solution, because we're in this together. What hurts one area hurts the entire company.

2 Denise Fetty, director of HR, Alameda County Public Works Agency, Hayward, CA

What Denise would do: I'd pull the whole department together for a meeting and emphasize that there is light at the end of the tunnel – we're not just bringing on warm bodies, but qualified people.

This is just a hump we have to get over, and I'd ask employees for their continued patience. I'd also thank them for all

they've done up to this point.

Reason: Employees need to know that we hear them and are doing our best to address their concerns – i.e., bringing in the best replacements we can.

3 Debbie Dobrina, HR manager, Atlantic Health System, Morristown, NJ

What Debbie would do: We need to sit down as a group and assess what absolutely has to get done during the learning curve for the new personnel and what can be put on the back burner. Then, we need to focus on those top priorities.

Next, I'd look into bringing in some temporary help to take on more of the administrative tasks of the department. That should free up workers to take on more important work.

Reason: Sometimes, in situations like this, you need to step back and reassess what people should really be working on. Often, just showing the staff you cared enough to reassess things, rather than just leave them in limbo, will make them more comfortable.

QUOTES

Life is not a solo act. It's a huge collaboration, and we all need to assemble around us the people who care about us and support us in times of strife.

Tim Gunn

Each person must live their life as a model for others.

Rosa Parks

If each of us hires people who are bigger than we are, we shall become a company of giants.

David Ogilvy

There is no point at which you can say, "Well, I'm successful now. I might as well take a nap."

Carrie Fisher

An ounce of performance is worth pounds of promises.

Mae West

Change is the law of life. And those who look only to the past or present are certain to miss the future.

John F. Kennedy

Nothing is stronger than habit.

Ovid