

WHAT'S WORKING in

Human Resources™

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NOVEMBER 3, 2015

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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 Checklist**
to ensure you're in compliance with employment law.

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Manager finds flaws with every strong job candidate, delays hiring

Workers will hate this OT rule change: What you need to do

■ Start prepping for these 3 difficult conversations

The DOL's finalizing its changes to the FLSA's overtime exemption rules – and companies are smartly prepping for the financial fallout.

But as bad as that may be, the fallout from a managerial standpoint could be far worse.

Reason: If the final rules resemble anything close to the DOL's proposal, large chunks of companies' workers will go from exempt to non-exempt – and it'll feel like a demotion to them.

the feds for implementing overbearing rules – he/she's likely going to blame you, the employer, believing his/her reclassification is meant to benefit the company in some way.

But you know better – and to minimize all of the negative perception issues the final rules will create, the time is now to start prepping for these awkward conversations:

1. The dollar dilemma

The question employers will have to ask themselves is, *Do we expect newly non-exempt employees to be as*

(Please see Rule ... on Page 2)

Who will be blamed

What's even more troubling? The average worker isn't going to blame

Yup, another contractor classification test

■ NLRB reminds employers of a third test they must use

This past summer, the DOL issued an interpretation letter telling employers and courts that its six-factor "economic realities" test was the one test above all others through which to evaluate the accuracy of worker classifications.

Then, weeks later, the IRS said "not so fast" and told employers it has three "common law" rules that classifications must pass muster with as well.

And now, not to be outdone, the National Labor Relations Board (NLRB) has reminded employers not to forget about its 11-factor test for

determining whether a worker is an independent contractor (IC) or not.

Similar, but different enough

The NLRB pulled the test out in a decision in which it ruled canvassers for the nonprofit Sisters' Camelot were improperly classified as ICs.

Thankfully, its test isn't wholly different from those issued by the DOL and IRS. But it's another yardstick your IC classifications must stand up to.

NLRB test: www.tinyurl.com/nlrb452

DIFFICULT CONVERSATIONS

Rule ...

(continued from Page 1)

productive working 40-hour weeks?

If not, then you must determine if you'll decrease their pay and allow them to work OT to catch up – or lessen their workloads.

No matter the determination you come to, it'll require a carefully-crafted conversation, especially if you're taking duties off of someone's plate.

WHAT'S WORKING in Human Resources™

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

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Employees may look at the latter move as a loss of responsibility – or a demotion, which leads us to the next tricky conversation ...

2. The 'step down' talk

Many employees view earning a salary as a rite of passage – after years of punching a time clock, they feel they've finally reached professional status.

But unless you're willing to pump up all these folks' salaries above the new proposed exempt threshold of \$50,440, that status is about to change.

In other words, they'll feel like being reclassified as non-exempt – and having to punch a clock – is a "step down."

This puts the onus on you and your managers to evaluate each individual's situation and find a way to assure him or her that's not the case.

3. The loss of flexibility

In a recent SHRM survey, 67% of HR pros said if the new rules lead to increases in OT eligibility and OT pay, it's likely that employees will have decreased flexibility and autonomy.

After all, having to punch a time clock means arriving late and leaving early will result in less pay – and telecommuters feeling as though Big Brother's watching them.

There's no easy way to explain why this is the way it'll have to be for many workers – but you do have one feather in your cap, should you choose to use it:

A clearly defined structure.

One way to sell employees on the idea of becoming non-exempt is to position the move as an increase in structure, not a loss of flexibility.

Whereas before employees could work any number of hours, now they'll be out the door by 5 p.m. – with no obligation to answer email or phone calls after hours.

So unless you're willing to pay gobs of OT, their work-life balance may actually improve.

Info: www.tinyurl.com/flex452

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.

■ Did company do enough after discrimination complaint?

HR manager Lynn Rondo was heading to grab some coffee when Eric Bressler caught up to her.

"Can I join you?" he asked. "We need to discuss something."

"I don't like the sound of that," Lynn said. "What is it?"

"Sam Hogan is suing us for religious discrimination," Eric said. "Apparently, some co-workers played a bad prank on him. What can you tell me about it?"

Made him look like the devil

"Some of the guys around here don't like Sam's religion," Lynn said.

"Why's that?" Eric asked.

"Sam practices Voodoo," Lynn said. "And some of the guys hung inappropriate things on his locker last month – pictures of Sam as the devil, a sign saying 'Dracula's Locker,' a pentagram – stuff like that."

"Yikes. That doesn't make us look good," Eric said.

"Except it never made him change his work routine, and I took care of it right away," Lynn said. "The moment I found out I issued a stern warning to all employees that harassment, threatening behavior and vandalism would be punished, possibly with termination.

"And Sam hasn't had any problems since."

"Well, Sam doesn't think that was good enough, but it sounds like we can fight this," Eric said.

The company tried to get Sam's suit thrown out. Was it successful?

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

EMPLOYMENT LAW UPDATE

‘We asked him to take FMLA leave, he didn’t, and now he’s suing us’

■ Do protections apply if employee essentially turned down leave?

Here’s a hard-to-swallow example of just how difficult it can be to deal with the FMLA process.

When Terrence Preddie, a teacher for Bartholomew Consolidated School Corp. (BCSC) in Columbus, IN, used up all of his paid leave dealing with medical conditions (he had diabetes), his principal, Diane Clancy, said he couldn’t continue to rack up absences.

Clancy said Preddie’s absences were affecting his classroom, and then she suggested he apply for FMLA leave. But Preddie never did.

Instead, Preddie continued to accumulate absences. And shortly thereafter, BCSC refused to renew Preddie’s contract in part because of his excessive absences.

Once he was out of a job, he sued BCSC claiming FMLA retaliation. He

argued the school knew his absences qualified for FMLA leave, and therefore, terminating him because of them amounted to FMLA retaliation.

Was FMLA triggered?

The school tried to get his lawsuit thrown out on summary judgment, arguing his claims were baseless.

But the court refused to dismiss the case and sent it to trial. It said a reasonable jury could conclude that Preddie was terminated because he was absent for FMLA-qualifying conditions.

It’s not over yet. A jury could still side with BCSC, acknowledging the tough spot Preddie put in. But not before an expensive trial.

Cite: Preddie v. Bartholomew Consolidated School Corp., U.S. Ct. of App. 7th Cir., No. 14-3125, 8/24/15.

Is telling employer you’re an alcoholic the same as asking for an ADA accommodation?

■ Court explains when exactly legal obligations get triggered

Once an employer learns of a worker’s disability, it can’t fire the person for any reason based on that disability without first looking for an accommodation ... period.

That’s the takeaway from this suit:

Didn’t request special treatment

Although he wasn’t drunk at work, once South Dakota-based sign maker Persona Inc. learned employee Damon Adams was an alcoholic, it suggested he take leave to seek treatment.

Adams never actually made a formal request to take leave, but he still took his company’s advice and checked into a rehab facility.

Then, when he tried to come back

to work, Persona fired him, giving no reason. So he sued for unlawful retaliation under the ADA.

Trying to get the lawsuit thrown out, Persona argued Adams never requested an accommodation himself, so his leave wasn’t ADA protected.

But the court sided with Adams, saying it didn’t matter if he requested an accommodation – an employer’s obligated to seek accommodations for any disabilities it learns about.

So Adams telling Persona about his addiction essentially counted as a request for accommodation, and his retaliation claim will proceed to trial.

Cite: Adams v. Persona Inc., U.S. Dist. Ct. SD, No. CIV 14-4191 8/21/15.

COMPLIANCE ALERT

■ Nursing mother wins back pay in DOL settlement

A temporary staffing worker will receive \$1,152 as part of a settlement agreement her employer, Modesto Staffing Inc., reached with the DOL after she complained she couldn’t express breastmilk at work.

In response to the unnamed worker’s complaint, the DOL investigated and found the company in which the staffing firm placed her told her not to return to work after she requested a break to express milk.

The DOL claimed that violated the FLSA, which states an employer must provide breaks for a nursing mother whenever needed. Also, a private area, that’s not a bathroom, must be provided for pumping.

To avoid litigation Modesto agreed to pay her back wages for eight days – the time it took to find her a new position.

Info: www.tinyurl.com/nursing452

■ Missing hiring records compound problems for Coke

Coca-Cola is in hot water for allegedly violating the Civil Rights Act and potential sex discrimination.

Martina Owes applied to two jobs at Coke but didn’t receive an offer. When Coke hired two men for the jobs whom Owes felt were less qualified, she went to the EEOC.

After an investigation, the EEOC claims Coke threw out application records for the two positions, a violation of the Civil Rights Act. The agency’s now suing Coke for sex bias and recordkeeping violations.

If recent history of these suits is any indicator, the recordkeeping charges appear tough to beat and could cost Coke a pretty penny.

Coke could’ve avoided the recordkeeping charges had it followed the federal requirement to keep all application materials for at least a year after a position is filled. We’ll keep you posted.

Info: www.tinyurl.com/cola452

ANSWERS TO TOUGH HR QUESTIONS

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.

6 red flags to look for when interviewing job candidates

Q: There are lots of things job candidates can do wrong in an interview. But what red flags should have us the most worried?

A: After overseeing the interview process for sales positions at world-class companies for 25 years, I've found there are six red flags every interviewer should act on, says Eliot Burdett of Peak Sales Recruiting:

1. **Bad-mouthing a former employer.** It's unprofessional.
2. **No research.** Candidates should know your business and how they could help move your company forward.
3. **Trouble with monogamy.** Be wary of candidates who switch jobs every six months.
4. **Tardiness.** No matter the excuse, arriving late for an interview tends to be a sign of things to come.
5. **Too much "I."** Beware of the person who takes all the credit for their past success.
6. **Inability to assess their own weaknesses.** This shows a severe lack of self-awareness.

Employee sued us, and is coming back: Now what?

Q: An employee who took legal action – and won – against the company is about to return to work. Any advice on making his return a smooth one?

A: Yes. Treat the person as if he'd never taken action against you

in the first place. This will help prevent one bad situation from becoming a second bad situation, says employment law attorney Thomas R. Basta (tbasta@foxrothschild.com) of the firm Fox Rothschild LLP.

If it's a case where there's too much bad blood to co-exist, consider settling the employee's action with a promise of a resignation. This will likely cost you a large cash outlay, however.

Weather call-outs? Can we dock exempt workers' pay?

Q: Winter is coming, and that means more weather-related call-outs. How do we treat an exempt employee's pay if he/she chooses not to come in to work due to problems commuting?

A: If your office stays open, here's what's allowed, says employment law attorney Kara S. Nickel (knickel@stearnsweaver.com) of the firm Stearns Weaver Miller:

You can require the person to use accrued paid leave for any full or partial day absences.

If the person has no leave and works a partial day (even if working from home), he or she must be paid full salary.

If the person has no leave and is absent a full day (and doesn't work remotely), the employee is considered absent for "personal reasons" and can be docked a full day's pay.

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

EFFECTIVE COMMUNICATION

■ Get workers to understand, apply benefits info: 3 ways

It's open enrollment season, so chances are you're answering a lot of employees' questions about your company's benefits.

Adhering to a few best practices when responding can help employees better utilize their benefits and even improve their health.

Here are three techniques recommended by Shawn M. Connors, president of Hope Health, a company built to help employers improve benefits communications:

1. Ditch the healthcare jargon

When employees have to decode a bunch of legalese or technical terms, they turn a deaf ear.

As a result, you can't focus on the info first – focus on the reader first. What can he or she understand?

Keep telling yourself: You're not "dumbing it down," you're making it easy to understand.

2. Keep it short

Clarity and brevity are the one-two punch needed to keep employees' attention so they can act on what you're telling them.

So when writing or speaking, think sound bites, billboards, headlines and teasers.

Try to keep your communications to 100 words or fewer.

3. Break up copy

Whether you're using email or print, don't make employees read a wall of copy.

Include subheads, sidebars, pull quotes, charts and boxes so information can be absorbed and sorted at a glance.

Employees will scan any document you give them for points of interest to them. If they don't find any in about three seconds, you've lost them.

Cite: www.tinyurl.com/wellmag452

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 Uniform contest has employees excited

Uniforms can be a drag. Sure, they serve an important purpose, but few employees jump for joy at the thought of wearing one.

We wanted our uniforms to be different – something employees did get excited about. After all, we believe that when employees look their best, they feel great and perform their best.

Plus, a sharp-dressed employee will send all kinds of positive signs to our customers.

So we came up with a plan to redesign our uniforms that's sparked a lot of excitement around here.

Reached aspiring designers

We created a uniform contest that gave a chance for an aspiring designer to land his or her first big break in the fashion industry.

We reached out to fashion institutes and universities, and encouraged them to motivate their students to submit designs to us based on the info we provided – descriptions of

our employees' tasks and movements.

A panel of judges from our company will then select the winning uniform – the part of the process we're in now.

That designer will then receive a scholarship from us. It's a win-win. The designer gets help paying for an education, and our employees get fashion-forward uniforms.

Needless to say, our employees can't wait to see what they'll be wearing.

(Lori Alford, COO, Avanti Senior Living, The Woodlands, TX)

**REAL
PROBLEMS,
REAL
SOLUTIONS**

2 New interview process brings in better people

We used to hold one-on-one interviews with job candidates, but it wasn't working the way we wanted.

The problem was if the interviewer didn't like an applicant for any reason, the candidate was eliminated from the applicant pool before other employees got a chance to meet the person and form an opinion.

We realized that in this system we were potentially passing over candidates that could have been an

asset to our company.

So we decided it was time to restructure our interview process.

Getting a group opinion

We thought an interview conducted by a group of three or four workers together would be a much more effective – and fair – way to assess a candidate's strengths and weaknesses.

Now we start off by having a few workers sit in on the first interview so we can get various perspectives on the candidate.

If most of the group thinks the candidate would be a good fit for our company, we schedule a second interview with a new group, including the candidate's prospective manager.

Now, we're giving our applicants a more fair shot.

Plus, we're giving ourselves a better chance of finding a candidate that'll be an asset to our company – and it's starting to pay off.

(John O'Connor, VP of operations, The Waterworks Inc., Columbus, OH)

3 Small step took some pain out of ACA rules

We're learning just how complicated dealing with all of the ACA rules really is – especially the new reporting requirements.

As a result, we're all about trying any little thing we can that may make the process easier for ourselves.

One thing we really wanted to make sure we could do was report which employees declined the insurance coverage we offered.

We knew this was something the

IRS would want from us.

And while it's easy to track and show who we offered coverage to, we wanted to make sure all of our bases were covered when it came to showing who opted out of coverage.

Sign to waive

So I came up with a simple and quick solution.

I created a short form for employees to sign when they wished to waive their healthcare coverage.

It was simple enough that nobody

balked at having to fill it out and hand it in.

More importantly, it's now easier for me to report who declined coverage at the end of the year.

That way, if we're ever questioned, we have an easy way to show that we're meeting our obligations under the law.

Sure, it's an extra step, but it puts our minds at ease knowing we have that info right at our fingertips.

(Susan Pastura, accounting manager, Bankson Engineers Inc., Pittsburgh)

NEWS YOU CAN USE

New ACA law keeps old 'small business' definition

If you have between 51 and 100 employees, a new law may give you significant healthcare cost relief.

Obama's newly signed Protecting Affordable Coverage for Employees Act will keep the ACA's definition of "small business" the same – i.e., any firm with up to 50 employees. It had been slated to change in 2016 to include firms with up to 100 workers.

This ACA amendment helps soothe concerns among businesses with 51 to 100 employees about potential higher prices and less benefit flexibility.

Info: www.tinyurl.com/ACA119

Check out what's brewing in the Q4 job market

Get ready: There is likely going to be a lot of movement within the job market in upcoming months.

A new CareerBuilder study shows that the end of the year is a prime time for companies looking to hire:

- 34% of businesses plan to hire full-time, permanent workers in Q4, up from just 29% in 2014, and
- 53% of companies plan to hire seasonal workers in Q4, up from 43% in 2014.

Combine those figures with stats

from a new Mercer survey that found lots of workers are looking to switch jobs – including 42% of those who admit to being happy in their present jobs – and you've got the perfect storm of worker mobility brewing.

Info: www.tinyurl.com/survey118

Whose side is the DOL on? Video has pro-union voice

If unions are a sore spot for your company, you won't like the DOL's latest addition to YouTube.

"Start the Conversation" is a pro-union video touting the White House Summit on Worker Voice, for which a primary goal is to get more workers interested in joining unions.

While it's well-known that the Obama administration is pro-union, this video is more proof the DOL is increasingly supporting unions as well.

Here's a quote from the video: "[Employees] are finding that their voice at the lunch table can lead to a voice at the bargaining table, which can lead to a voice at the boardroom table."

Video: www.tinyurl.com/union118

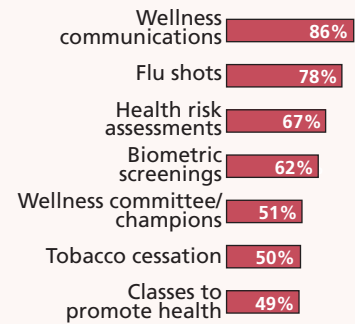
Darker side: Halloween costumes to avoid

Don't let Halloween festivities at your office turn into an HR

WHAT COMPANIES TOLD US

Keeping employees healthy

Top features of wellness programs



Source: 2015 Benefits Strategy & Benchmarking Survey by Gallagher

The most-used incentives to spark participation are: cash or gifts (63%), premium differentials (39%), HRA, HSA or FSA contributions (15%), PTO or vacation time (11%), deductible differential (6%), and free medication (4%).

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

nightmare. Wesleyan University's recent poster, "Halloween Checklist: Is Your Costume Offensive?" helps weed out costumes that aren't such a good idea.

Bottom line, any costumes that attempt to represent a whole culture or ethnicity, mock religious beliefs, or trivialize human suffering probably won't fly in the court of public opinion.

Info: www.tinyurl.com/costume119

Sharpen your judgment...

THE DECISION

(See case on Page 2)

Yes. The company was successful. The court threw out Sam's lawsuit.

The court did acknowledge the fact that the actions of Sam's co-workers were based on his religion.

But it ruled the actions weren't severe or pervasive enough to interfere with his work performance.

Its reasoning: The actions didn't cause Sam to modify his work routine – nor did they lead to complaints from management about his performance or any adverse employment actions against him.

What won the day for the company was Lynn's quick

response to Sam's complaints. Lynn immediately warned Sam's co-workers to knock it off or risk termination.

The court said that response was "reasonably calculated" to end the harassment – which it did.

■ Analysis: Don't wait to see what happens next

The immediate reaction from HR in this case prevented things from spiraling out of control.

Without the warning, Sam's co-workers might have harassed him again, which likely would've resulted in the ruling going the other way.

This drives home the importance of refusing to wait around to see if things clear up by themselves.

Cite: Harris v. Electro-Motive Diesel Inc., *U.S. Dist. Ct., N.D. IL E.D., No. 12 C 6258, 2/12/15. Fictionalized for dramatic effect.*

A REAL-LIFE SUCCESS STORY

Wellness initiatives fit workers' busy schedules and had a major impact

■ *Lots of little changes quickly began to add up to something big*

Our annual well-being assessment told the story of how unhealthy our employees really were.

High blood pressure and cholesterol, obesity and diabetes ranked as the four top health concerns among our staff.

As director of HR, I was concerned for our employees – and myself, because I was in that group, too.

I took a hard look to see what we needed to do to help employees adopt healthier lifestyles.

Asked: What's doable?

One of the challenges: Finding a program that would fit into employees' busy schedules.

Many of our employees hold down multiple jobs, and some work much more than they sleep.

As a result, we knew a standard wellness program wasn't the answer.

We needed to focus on more doable, cost-effective wellness initiatives.

We found the answer in a worksite wellness challenge, which was designed by a local community organization to help companies make their employees healthier.

Small steps = big results

Here's how it worked:

As a company, we had to answer questions in five areas – general health, physical activity, nutrition, stress release and tobacco cessation.

We were challenged to make changes in those areas over a 10-month period.

Then, using a wellness survey, we identified what health and wellness topics our employees were interested in learning about.

That led us to bring experts in to educate our employees in areas of interest like how to read nutrition labels, lower their cholesterol, manage diabetes and stop smoking.

Next, we focused on getting workers to do small things, like walking instead of taking the elevator, drinking more water and being more aware of portion control.

Led by example

At quarterly employee thank-you luncheons, we tweaked the menu to include brown rice, baked fish and steamed vegetables – rather than the fatty, salty foods we were used to.

Also, by installing filtered water stations throughout our property, we made it easier for employees

to stay hydrated.

Eventually, we began to see our employees make important lifestyle changes – like volunteering to tackle a 90-day fitness and weight-loss program.

The result? A lot of employees shed pounds and many signed up to train for our community's 5K run/walk.

Health and business benefits

At the end of the challenge, our results compared very favorably to other companies who'd taken it on.

But even more important to us was the improvement we've seen in our employees' health.

Because they feel so much better, their confidence and energy has improved, and that has had a positive impact on our customers, too.

(Deborah Crippen, HR director, Lawai Beach Resort, Kauai, HI)

Case Study:
WHAT
WORKED,
WHAT
DIDN'T

HR OUTLOOK

■ 3 costly traits new managers can't have

When new managers hit the ground running, your job gets easier.

Good managers keep top employees engaged, which improves retention and keeps you from constantly having to fill talent gaps.

But, alas, there are three common mistakes new managers make that prevent them from having that kind of positive impact.

First impressions are paramount

New managers must make a great first impression on their workers, said Heidi Grant Halvorson, Ph.D., associate director for the Motivation Science Center at the Columbia University Business School and best-selling author, writing for the *Harvard Business Review*.

But many managers fail at this, and here's why (and what you can help them avoid), according to Halvorson's research:

1. Overconfidence. Confidence in one's own abilities is important, but being overconfident can cause a manager to be underprepared and set unrealistic goals.

Overconfident people tend to be unpopular, because it annoys employees to hear someone talk the talk without walking the walk.

2. Being too cold, or businesslike. There's a perception out there that being warm – by encouraging others to talk, making kind gestures and offering compliments – makes you seem weak.

Not true. It makes employees feel like you have their backs.

3. Failing to keep emotions in check. It's essential for managers to act professionally – that means making sure they aren't quick to anger and don't rush to judgment when problems arise.

Employees have a difficult time trusting those they feel don't have control over their emotions.

Cite: www.tinyurl.com/HBR082015

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.

Manager finds flaws with every strong job candidate: What is HR's next move?

The Scenario

HR manager Stu Capper was sitting at his desk one morning, rifling through a stack of job applications, when there was a knock at his office door. It was Mike Jones, an assistant manager.

"Hey, Stu, got a minute?" Mike asked.

"Sure thing, Mike," Stu answered. "I was just looking at more applications for that position we're trying to fill – I thought we'd be finished with this by now."

Doesn't like any candidate

"Actually, that's what I wanted to talk about," Mike said. "I know Harry's the department manager, and he needs to be on board with whichever candidate we go with, but have you noticed he's shot down about a dozen quality potentials?"

"I did," Stu replied with a sigh. "He's being pretty picky with the applicants."

"I'll say!" said Mike. "He's got an excuse for everyone: The woman we interviewed the other day didn't have the right type of experience, the man before that didn't have a good enough attitude, and Harry just had a 'bad feeling' about the guy last week ... I sat in on those interviews, too, and I thought any one of those candidates would have been perfect for the job."

"You don't have to tell me," Stu said. "I'd be happy to hire most of these folks myself, but Harry just won't give the OK."

"Well, he's got to pick someone soon," Mike replied. "We've been short-staffed for too long, and I really need someone to help out with our busy season coming up. Can't you do anything about this?"

If you were Stu, what would you do or say next?

Reader Responses

1 Carrie Locke, HR manager, Franklin Public Utility District, Pasco, WA

What Carrie would do: It sounds as though Harry has a ringer in mind, but for whatever reason, that person hasn't actually applied for the job. I'd approach Harry to find out if that's the case. If I can't get any useful information out of him, I'd talk to his boss to see if he or she has any insight.

Reason: Opening the lines of communication is vital if you want to complete the hiring process. And it's important that people know where the holdup is coming from – too often, HR gets blamed for dragging its feet.

2 Heather Douglass, HR officer, Silver Springs-Martin Luther School, Plymouth Meeting, PA

What Heather would do: I'd sit down with Harry and review the job description to make sure it's hitting everything the

department needs. Then I'd review the applicants again and ask Harry why he doesn't like each one. Finally, I'd take a look at our interviewing process overall and see if we could make any tweaks to help the process along.

Reason: It's important to see if the manager's desires fit with the type of candidates we're attracting, so reviewing different pieces of the process is key.

3 Martina Partin, HR director, Broussard & Co., Lake Charles, LA

What Martina would do: First, I'd look over all the applicants myself and choose a handful that would be the best fit for the position. Then, I'd go to Harry and remind him that we really need to fill the position quickly. I'd present the applicants I think are a good fit and have him choose the one he likes best.

Reason: If the need to hire someone is urgent, it's time to get serious. There are some great applicants, and Harry needs to just pick one.

QUOTES

No legacy is so rich as honesty.

William Shakespeare

The most courageous act is still to think for yourself. Aloud.

Coco Chanel

Fortune sides with him who dares.

Virgil

If you aren't going all the way, why go at all?

Joe Namath

Learning is not attained by chance, it must be sought for with ardor and diligence.

Abigail Adams

Change your thoughts and you change your world.

Norman Vincent Peale

Obstacles don't have to stop you. If you run into a wall, don't turn around and give up. Figure out how to climb it, go through it, or work around it.

Michael Jordan

Whoever is happy will make others happy, too.

Anne Frank