

JANUARY 16, 2018

WHAT'S ONLINE

www.WhatsWorkinginHR.com

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



Training Materials

Access our exclusive, new **Sexual Harassment Training PowerPoint presentation, handout and quiz** for your managers and employees.



Managers' Update for Employment Law

To help supervisors deal with the tricky legal issues they face daily.

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New year, new rules: 5 major compliance changes for 2018

■ Feds put pay, benefits & handbooks on your to-do list

The new year brings significant new legal/compliance issues HR will have to face – sooner rather than later.

Here are the top five challenges you'll want to be prepared to address with your management team in the coming weeks – along with the latest and best info for how to do it:

1. Tax & benefits law

The Republicans' new tax law represents the most comprehensive set of changes to the tax code employers have seen in 30 years.

Aside from slashing taxes for businesses and wage earners, the law's provisions will have a dramatic effect

on medical and family leave programs, compensation plans and employee benefits.

To help you comply with the law, we've prepared a 13-point checklist of what HR needs to know about the rules that are changing.

To get it: Log in to our website, and search for "tax law breakdown."

2. Changes to FLSA overtime rules

While the overtime salary exemption threshold won't climb to \$47,476 like the Obama administration wanted, the

(Please see Compliance ... on Page 2)

Retirement plans under tight DOL, IRS scrutiny

■ What the agencies are focusing on in latest enforcement push

It's time to double-check that you're doing all that's required to find missing retirement plan participants.

Why? Both the IRS and DOL just made required minimum distributions (RMD) compliance a focus of audits and investigations, according to employee benefits attorney Lyndsey Barnett of the firm Graydon Head & Ritchey LLP.

In other words, the feds want to see that you're following the book to make sure all participants are getting RMDs.

Barnett says the IRS sent a memo to its examiners saying if a plan fails to

take all of these steps to find missing participants, it could disqualify the plan:

- Review plan, related plan and employer records for current contact info
- Use a commercial locator service, credit reporting agency or proprietary internet search tool to find a current address for the participant or beneficiary, and
- Send certified mail to the participant or beneficiary's last known address, along with attempting to call or email if that information is available.

Cite: www.bit.ly/graydon502

Compliance ...

(continued from Page 1)

white-collar overtime exemption rules are still going to change.

The DOL has indicated it's planning to start its rule-making process again to revise the FLSA.

What can employers expect? A salary threshold between the current \$23,660 and the proposed \$47,476.

Info: For more details and the very latest, log in to our website and search for "overtime rule."

3. Employer reporting updates

Under Obama, the EEOC created a new rule that would significantly change employers' reporting requirements concerning the agency's EEO-1 report.

The rule, if allowed to take effect, would require employers with 100 or more employees (50 employees

for federal contractors) to report workers' aggregate W-2 wages and hours spanning 12 pay bands, 10 job categories and 14 gender, race and ethnicity categories.

Many employers and business groups complained that adding the pay bands and hours requirements created too many burdens – so the Trump administration ordered that the new requirements be delayed.

Now, Victoria Lipnic, the EEOC's acting chair, has hinted the agency may ditch the rule changes altogether.

Still, employers should familiarize themselves with the Obama-era rule.

Info: For a breakdown of the rule and the latest on its status, log in to our website and search for "EEO-1."

4. Affordable Care Act penalties

ACA enforcement is now underway. Employers covered by the employer mandate (50+ full-time equivalent employees) should be on the lookout for Letter 226J from the IRS.

It'll indicate whether you owe a "shared responsibility" penalty and how to respond if you receive a letter.

Info: We've outlined the process on our website. Log in, and search for "ACA enforcement."

5. NLRB effect on handbooks, firms

The National Labor Relations Board (NLRB) is proving to be more employer-friendly under Trump.

It just made three moves that should please employers:

- It created a new standard by which the legality of employer handbook policies will be judged. It should give employers more freedom to write policies and manage workers.
- It overturned its previous definition of "joint employer."
- It's reviewing union election rules.

Info: For a full breakdown, log in to our website, and search for "NLRB handbooks."

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.

■ Were worker's new absences protected by her FMLA leave?

HR manager Lynn Rondo had just finished purging her inbox when company attorney Eric Bressler knocked on her office door.

"Is this a bad time, Lynn?" he asked.

"Not at all. Come in," Lynn replied, logging out of her email.

"Don't shoot the messenger, but Cheryl Bloom is suing us for FMLA interference," Eric said.

"What? That's outrageous!"

"Cheryl's claiming that she had approved, FMLA-qualifying conditions, but you still fired her for taking leave," Eric explained.

"Let me tell you what really happened," Lynn said.

Were conditions related?

"Cheryl has asthma and bladder cancer," Lynn explained. "She took a month of FMLA leave last year for those conditions."

"But this year, she had 13 absences that had nothing to do with her FMLA conditions," Lynn continued. "A cold, foot pain ..."

"Doesn't that exceed our company absence limit?" Eric asked.

"Exactly. Cheryl plainly told us those absences weren't because of her asthma or cancer. And since her FMLA conditions had nothing to do with her missing work, we couldn't consider it leave, so we had to fire her."

The company fought to get Cheryl's FMLA interference lawsuit dismissed. 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
ASSOCIATE EDITOR: RACHEL MUCHA
MANAGING EDITOR: RICH HENSON
EDITORIAL DIRECTOR: CURT BROWN
PRODUCTION EDITOR: AMY JACOBY

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Employer cut hours to avoid ACA mandate: Now it's out \$7.4M

■ Firm accused of interfering with workers' rights, violating ERISA

Can you cut employees' work hours to avoid having to offer them health insurance under the ACA's employer mandate?

The answer is yet to be determined, but the practice can get you sued.

An employee filed a class-action lawsuit against the restaurant chain Dave & Buster's, claiming the company violated ERISA by reducing employees' hours below 30 per week to avoid the ACA mandate to offer full-time employees health insurance.

Court: Lawsuit had merit

ERISA says it's illegal to take a negative action against a plan participant or beneficiary for exercising a right under a benefit plan – or interfere with a person's ability to obtain a right under the plan.

The company moved to get the lawsuit dismissed. It said the employees had no legal claim because ERISA doesn't apply to benefits "not yet accrued."

The court disagreed. It also said there was enough evidence to support the worker's claims that the company acted with an "unlawful purpose" when it reduced the hours of employees to make them ineligible for health benefits. It said the lawsuit could proceed.

But before the case could play out in court, and answer whether the move was legal under ERISA and the ACA, Dave & Buster's decided to settle the lawsuit by paying \$7.4 million to as many as 1,200 workers.

Cite: Marin v. Dave & Buster's Inc., U.S. Dist. Ct. S.D. NY, No. 1:15-cv-03608-AKH, settled 11/17/17.

Don't say this when firing an employee: Company's mistake could cost it big

■ Firing for cause is never desirable, but doing this can make it worse

When an employee steals company property, the decision to terminate the person seems pretty cut-and-dried. But what you say about the circumstances of the firing (and to whom) can have legal consequences.

Jason Shann worked in IT at Atlantic Health Systems in New Jersey. After taking disability leave for an ear condition, he decided to retire.

Before retiring, Shann removed equipment from the office: four laptops, an iPad and three hard drives, according to court documents.

Shann was also accused of using unapproved software to overwrite files on his company hard drive.

Shann was fired right away. When Atlantic Health was communicating

with a computer vendor, it then shared that Shann was no longer with the company and was under investigation.

Details can lead to legal trouble

Shann sued for defamation, and the company tried to get the lawsuit thrown out. But the court allowed the claim to proceed, saying the company had no reason to tell the vendor about the investigation – even if it was true.

Bottom line: Be careful what you say about firings. While it may seem safe to share the truth, in many cases, sharing details behind terminations can be more trouble than it's worth.

Cite: Shann v. Atlantic Health Systems, U.S. Dist. Ct. D. NJ, No. 12-4822, 11/13/17.

■ Supervisor harasses gay worker, costs company \$55K

Though it's hotly debated if sexual orientation discrimination violates the Civil Rights Act, some courts are willing to punish employers for not stopping it.

The EEOC filed a lawsuit against Pittsburgh-based Scott Medical Health Center, claiming the employer failed to stop sexual orientation harassment against an employee. This worker's supervisor would use anti-gay slurs and ask intrusive questions about his romantic life. When the employee complained, the company did nothing, and he quit – according to the EEOC.

Ultimately, the court ruled the company caused the employee emotional distress and forced him to resign by allowing the harassment to continue.

Scott Medical was ordered to pay the worker \$5,500 in back pay and \$50,000 in punitive damages. The judge said she would've awarded the employee \$125,000 if it weren't for a statutory cap on damages.

Info: www.bit.ly/leoc502

■ Restaurant owes nearly \$340K for wage violations

Paying less than the minimum wage can end up costing a lot more than what following the FLSA's rules in the first place would have.

Case in point: An investigation by the DOL found that Chicago restaurant Fabulous Freddie's Italian Eatery was paying some non-tipped employees only \$3.75 an hour, well below the minimum wage. The restaurant also did not give time-and-a-half pay to employees who worked more than 40 hours a week.

This violated the FLSA's minimum wage and overtime provisions, the DOL said.

Result: A consent judgment, which says Fabulous Freddie's will pay 58 employees \$169,709 in back pay and an equal amount in liquidated (i.e., double) damages.

Info: www.bit.ly/wage502

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.

Must we factor performance bonus into OT calculations?

Q: Do we have to factor a workers' performance bonus into how much overtime we owe her?

A: The FLSA says, non-discretionary bonuses (those based on meeting production, sales or other performance standards) must be factored into the "regular rate," which is used to determine overtime pay, says employment law attorney Bennett Epstein (BEpstein@foley.com) of the firm Foley & Lardner LLP.

If the employer can determine precise weeks the employee earned the bonus, it must retroactively attribute the bonus to those weeks.

If the employer can't identify the specific weeks in which the bonus was earned, then the bonus must be allocated across the entire bonus period.

Either way, the employer must pay additional overtime based on the bonus.

Death of ACA mandate: Do reporting rules change too?

Q: Since the tax reform bill is ending the ACA's individual mandate, do we still have to provide employees with a Form 1095-C?

A: Yes. The tax law didn't change employers' ACA reporting requirements. But the IRS just announced it has extended the deadline employers have to supply Form 1095-C to employees.

Employers now have until March 2, 2018 to provide the

form to employees, according to IRS Notice 2018-6 (www.bit.ly/form502). The previous deadline was Jan. 31.

The deadlines for filing with the IRS remain Feb. 28 for paper filers and April 2 for e-filers.

The notice also revealed the IRS will extend its "good-faith" exemption to employers this year. This helps shield employers, who try "in good faith" to meet the reporting requirements, from penalties for submitting inaccurate or incomplete info.

Is it OK to use emojis in business email?

Q: Are there any risks to letting managers use emojis in business communications?

A: Yes. Along with humor and sarcasm, emojis/emoticons should be avoided in business communication, says Sharon Schweitzer, an international business etiquette expert, author, and founder of Access to Culture (www.protocolww.com).

Emails and other messages that include these can easily be misinterpreted without context.

Remember, humor can be culture-specific. Using it in written form may only confuse or – worse yet – offend the recipient.

In addition, emoticons may cause email to be diverted into spam or junk mail folders.

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

EFFECTIVE COMMUNICATION

■ 3 keys to making layoffs, firings go a little smoother

Letting someone go is never easy. But, believe it or not, there are a few ways to make the painful process go smoother.

Fast Company, a business magazine, spoke with HR and employment law pros, and put together a list of ways to help make the termination process go about as well as one could hope.

Here are some of the highlights of what the experts advise that your managers do:

Checklist

- **Come prepared.** Before meeting with an employee, think about what the employee will need to know, and have some answers ready. Give them information about severance pay, unemployment, COBRA and transition assistance. All of this organized in a binder will not only be useful to the employee, but appreciated as well.
- **Keep it short and professional.** It's always best to be as honest and respectful as possible. Let the employee know the reason for their termination, and move on. Avoid long explanations or attempts to comfort the employee. Even saying things like, "This isn't about you – we all love you," can be inconsistent enough to raise a red flag. The employee may start to question if there are unfair reasons behind their firing, which could trigger a wrongful termination lawsuit. The less you say, the better.
- **Be compassionate.** Understand that the employee will most likely be angry or hurt. They might say things they wouldn't normally say. Don't take it personally. Let them ask any questions and allow them to vent. And if they need it, give them time and space to process what happened.

Cite: www.bit.ly/firing502

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 **Turned training into unexpected benefit**

With the complexity of laws like the FMLA and changes (and proposed changes) to the FLSA and ACA, it can be very hard to keep track of what it takes to stay in compliance.

That meant some serious training was needed for our managers. But what was the best way to make sure they have a clear understanding of the rules and regulations?

Our solution: We have our team take part in intensive, week-long classes every quarter.

They work closely with a knowledgeable consultant whom we hire.

It really helps our company and staff avoid compliance slip-ups.

'You're invited'

But we don't stop there. Since we're doing this training anyway, we decided to offer it to our business customers as well – for free.

It's a great way to offer another service to our clients. They can invite their managers and staff

to participate.

The constant refreshers on current employment law have had a big impact on our business – not only from a compliance standpoint, but also from a customer acquisition and retention standpoint.

This two-way approach to compliance training has helped us gain clients – and it helps keep them loyal to our company.

(Connie Gerba, benefits advisor, Gilbert Risk Solutions, Sharon, PA)

**REAL
PROBLEMS,
REAL
SOLUTIONS**

2 **Reduced headaches by adding new time clocks**

We'd had our old time clocks for as long as anyone could remember, and they'd become outdated.

They couldn't store any data, and power outages resulted in us losing hourly in/out punches.

Not only that, but when an employee wanted to request time off, they had to fill out a sheet and wait for me to enter it into the system.

I knew it was time to find an easier way of doing things.

After weighing the pros and cons of a digital time clock system, we finally decided to give it a try.

Once we did, we were surprised by how many benefits there were.

'We couldn't do that before'

The newer digital clocks are able to do everything the old ones couldn't.

They can store data for all our employees and allow them to view their hours for the week at any given time. This way, workers can spot an error and address it right away.

And if I see an employee has missed a punch, I can send them a message through the system to let them know.

Our workers can even request days off through the system. Instead of sorting through a bunch of papers, I can view a calendar of all pending and approved requests, which makes scheduling easier and more accurate.

The new clock has saved me time and made payroll go more smoothly.

(Kristy Stevenson, HR, Independent's Service, Hannibal, MO)

3 **FMLA question revealed larger issue**

Not long ago, a supervisor came to me with a problem/question, and it revealed the need to address a larger issue with our staff.

The supervisor said he had an employee on FMLA leave through the end of the year. But rumor had it that the employee was just hanging on until New Year's to get his full bonus. After that, he'd quit.

The supervisor said the employee had already moved, and he asked me if we could terminate the employee.

My response: We can't terminate the employee based on a rumor, and he's entitled to his full allotment of leave under the FMLA because he handed in the necessary paperwork.

So we had to leave the employee alone while he was on leave, and he'd most likely get a bonus. But that led to a new conversation.

'About those bonuses ...'

The supervisor (and the employee) appeared to be carrying on as if employee bonuses are guaranteed, but they weren't.

So it created a great opportunity to remind our supervisors that, while we try to be as generous as possible, not all bonuses are guaranteed.

They're based on how well our organization performs and how long an employee has worked for us.

I then asked our supervisors to share that message with their staff members.

This helped our bonuses remain the motivating tool they were always meant to be.

(Louise Lopez, HR manager, Tonto Apache Tribe, Payson, AZ)

DOL, OSHA increase penalties for violations

Heads up: The penalties have risen for certain employment law violations.

The following increases were just published in the *Federal Register*:

- The penalty for willful or repeated violations of the FLSA minimum wage and overtime rules has jumped to \$1,964.
- The FMLA penalty for violations of posting requirements has increased to \$169 for each separate offense.
- OSHA's top penalty for serious violations climbed to \$12,934, and its top penalty for willful or repeated violations rose to \$129,336.
- The ERISA penalty for failing to provide notices to retirement plan participants informing them of automatic contribution arrangements increased to \$1,693.

Info: www.bit.ly/penalties502

Opioid crisis has reached employers: New strategies

If you're worried about employees' abuse of opioid prescriptions, you're not alone: 80% of large employers are "concerned" about abuse of prescription opioids, according to a National Business Group on Health employer survey.

Many are taking steps to prevent opioid abuse among employees. Common strategies include:

- limiting the quantity of pills on initial prescriptions for opioids
- limiting coverage of opioids to a network of pharmacies/providers, and
- expanding coverage of alternatives for pain management, such as physical therapy.

Info: www.bit.ly/nbgh502

Why more employees may have high blood pressure

If your health insurer or wellness vendor says the number of your employees with high blood pressure just jumped, don't freak out.

It may be due to the American Heart Association tightening the guidelines for high blood pressure: from 140 over 90, to 130 over 80.

It was meant to help people act earlier to control their blood pressure.

As a result, it's estimated that 46% of American adults can now be classified as having high blood pressure.

Info: www.bit.ly/pressure502

Lighter side: Suffering from email RE: RE: RE: lapse?

You know how easy it is for email overload to ruin your day. But what

WHAT WORKERS TOLD US

What job seekers want

The top 5 reasons people look for a new job (by % of people who selected that option)



Source: "Addison Group's Annual Workplace Survey" of 7,000 workers by Edelman Intelligence.

While money is still a driving factor in why people look for a new job, it's not the only factor. Some are looking to be challenged and to find more meaning in their work.

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

would you call the accompanying sense of despair? News magazine *The Week* asked its readers to name it.

The responses:

- Inboxification
- Emailise
- Attn: Deficit Disorder
- RE: RE: RE: Lapse
- Pessimistic Outlook

Info: www.bit.ly/email502

Sharpen your judgment...

THE DECISION

(See case on Page 2)

Yes. The company won when a court dismissed Cheryl's FMLA interference lawsuit.

The court found that, by Cheryl's own admission, her absences had nothing to do with her FMLA-qualifying conditions. Missing work for a cold or foot pain wasn't excused just because she'd been approved to take FMLA leave for other health conditions, the court said.

Cheryl also never asked for additional leave for her recent issues. The court said if she had wanted her sporadic absences to be covered by the FMLA, Cheryl would've had to make a separate request and provide documentation.

The court found the company had the right to fire Cheryl. It had a clear policy on permitted absences, and she exceeded the absence limit.

Case dismissed.

■ Analysis: FMLA doesn't excuse every absence

This case shows that employers can still take action against employees who violate company rules/policies, in spite of any other approved FMLA status.

Just because a worker has an FMLA-qualifying condition doesn't mean they can miss work for any medical reason.

The key to winning for Lynn's company was ensuring Cheryl's absences weren't due to her FMLA conditions.

Cite: Bertig v. Julia Ribaldo Healthcare Group, LLC, U.S. Dist. Ct., M.D., PA, No. 3:15cv2224, filed 10/31/17. Fictionalized for dramatic effect.

Tactic helped us find & hire valuable candidates we might have missed

■ *We discovered great employees can come from anywhere*

Like many employers in our industry, we were struggling to attract and retain top talent.

The problem wasn't a shortage of available talent, it was that there was also no shortage of companies competing for it.

We could either continue to fight it out with the competition, or we could find another way to recruit.

We chose the latter.

A new talent pipeline

We identified new recruiting channels with an emphasis on increasing the number of diverse candidates we looked at.

Reason: The majority of workers in our industry are men. So if we focused on attracting women and minority workers, whom many firms were overlooking, we could potentially create an entirely new talent pipeline.

That's when we created our Technical Academy.

It's a paid training program that specifically recruits and trains diverse talent who show a propensity and interest in pursuing a career in our industry (tech), but may not come from a traditional tech background.

A unique approach

The four phases of the program:

- **Phase 1:** Candidates are identified, interviewed and admitted.
- **Phase 2:** Candidates go through intense, customized training that lasts five to six months.
- **Phase 3:** A contract employment period (trial run) lasting 6-12 months.
- **Phase 4:** Candidates that have the skills and growth potential to be

part of our company culture are converted to full-time employees.

A better look at talent

To make sure we're choosing the right folks, we monitor individuals' progress at several points throughout the program:

- **Stage 1:** The candidate selection. This gives us a surface view of the person in terms of college degree, past work experience, etc. We also conduct an interview screening and an analytical evaluation.
- **Stage 2:** The training. With 600-900 hours of instruction with real-world applicability, we can get a pretty good feel for what type of worker the person could be. We also have a mentor program during this phase to help our candidates along the way.
- **Stage 3:** Post-training support. This involves customized orientations, performance evaluations and ongoing programming.

A big payoff

The program has been a huge success for our company, and we've been able to hone in on an overlooked crop of exceptional talent. As the saying goes, "Not everyone can be a great engineer, but a great engineer can come from anywhere."

And because of the structure of the program, we're training then hiring the talent that fits our culture instead of hiring first and hoping the training will work out.

(Anthony Williams, VP of global talent acquisition and diversity, Akamai Technologies, Cambridge, MA, as presented at the 2017 SHRM Conference & Expo in New Orleans)

Case Study:
WHAT
WORKED,
WHAT
DIDN'T

■ Who's at fault for distracted driving? 43% say ... the boss

It's no secret that smartphones and driving can be a dangerous combination. But a recent survey found that those who get on their phones while driving aren't always young people making social calls.

Harris Poll conducted the survey on behalf of Travelers Insurance and found that 43% of distracted drivers are on their phones because of work.

Whether talking, texting or emailing with the office, many respondents said they feel the need to be available at all times for their jobs – even while driving.

This begs the question: Is the company liable if an employee is in an accident because they were responding to a work-related matter?

Employers are getting sued

While it may seem logical for the blame to be on the driver, lawsuits against employers are finding their way into courtrooms.

The American Association for Justice is warning employers that they could face legal action for their employees' actions behind the wheel under certain circumstances. For example, in 2013, a New Jersey court said a person who texted someone they knew was driving could be held liable.

And at least 25% of survey respondents said employers knew they were behind the wheel when they contacted them.

So what does this all mean for employers? While the legal standard for dealing with cases like this is unclear, it's possible that will change if people continue to "work behind the wheel" – especially when that distracted driving results in fatalities.

The best way to minimize risk? Create/adopt a clearly written policy forbidding work-related phone calls or texts while driving.

Info: www.bit.ly/driving502

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.

A few employees were habitually late – and now everybody's doing it

The Scenario

HR manager Stu Capper sat at his desk, phone to his ear – after the seventh ring, he gave up. He then spotted office manager Liz Brady walking by his office.

"Hey, Liz," Stu called. "Could you come in here?" Liz entered his office.

"Did Peter call out sick? He hasn't answered his phone all morning, and I need to talk to him," Stu said.

"Nope." Liz looked at her watch. It was 9:45. "He'll be here soon I'm guessing."

"Why isn't he here yet?" Stu asked.

"It isn't just Peter," she said. "Half the department doesn't get in until 10 anymore."

'Why should I be on time?'

"What?" Stu leaned back in his chair. "But we expect everyone to be here by 9."

"I know," Liz said. "But I'm trying to be flexible. A lot of people have to deal with traffic or drop their kids off at school in the morning.

"I get all that," Stu said. "But an hour seems excessive, don't you think?"

"Well, I don't know what to do about it," Liz said. "Our employees say the flexibility we give them is a big reason they stay at the company."

"Well, we need to do something about this," Stu said.

"I've warned some of the worst offenders that they need to get here earlier, but they continue to push the envelope," Liz said. "I'm not sure how to get through to them without holding everyone to a strict schedule – which won't be very popular and may drive some of our best employees away."

If you were Stu, what would you do next?

Reader Responses

1 Mark Might, VP of internal operations, Ohio Insurance Guaranty, Columbus, OH

What Mark would do: I'd start keeping track of every employee's tardiness. I'd keep a record of what time everyone actually came in and how many hours they really worked. Their pay would then be docked accordingly.

Reason: A lot of workers may be coming in late, but it's important to see exactly how many hours each individual is actually working – some may work far less than others. Docking pay would let everyone know tardiness won't be tolerated anymore.

2 Leann Edwards, HR rep, Coastal Health Systems, Rockledge, FL

What Leann would do: Since the warnings from the manager didn't work, I'd take the incentive route and be sure to reward the employees that show up on time.

For example, those who weren't late for a

certain period of time get gift cards or cash.

Reason: It's important to kick the habit of coming in late, and I've found that people are more likely to respond to positive reinforcement. Rewarding punctual employees answers their question: "*Why should I be on time when no one else is?*"

3 April Burchett, HR manager, Minden Gardnerville Sanitation, Carson City, NV

What April would do: I'd talk with the office manager and organize a staff meeting. We'd let the workers know that lateness will not be tolerated anymore, and those who continue to be late will be written up. If the tardiness continues, eventually it would lead to termination. I'd let them know that those with legitimate excuses for coming in late can get that approved by managers.

Reason: Since it's important for these employees to be on time for client calls and meetings, we need a strict policy against lateness. But, obviously, there are going to be some exceptions, which is why employees now need manager approval for tardiness.

QUOTES

Happiness lies not in the mere possession of money; it lies in the joy of achievement, in the thrill of creative effort.

Franklin D. Roosevelt

It is not sacrifice if you love what you're doing.

Mia Hamm

Great thoughts, like great deeds, need no trumpet.

Philip James Bailey

Never interrupt someone doing what you said couldn't be done.

Amelia Earhart

A positive attitude causes a chain reaction of positive thoughts, events and outcomes. It is a catalyst and it sparks extraordinary results.

Wade Boggs

You will succeed if you persevere, and you will find a joy in overcoming obstacles, a delight in climbing rugged paths, which you would perhaps never know if you did not sometime slip backward.

Helen Keller