

JULY 22, 2014

## WHAT'S ONLINE

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to ensure you're in compliance with employment law.

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## DOL insider shares Obama's plan to change overtime regs

### ■ Former administrator reveals what's coming

You've heard about the president's order to the Department of Labor (DOL) to amend the Fair Labor Standards Act overtime regs.

The goal is to make OT available to more workers.

But what you haven't heard is what those new regs will look like or when they'll kick in.

Until now.

### An insider's view

We just got the scoop from Tammy McCutchen, a former administrator of the DOL's Wage and Hour Division.

Not only was McCutchen

instrumental in drafting the most recent changes to the OT rules, she also participated in a number of recent "listening sessions" with DOL Secretary Thomas Perez on the current rulemaking process.

Those sessions involved the DOL soliciting the feedback and questions of employers and employment groups.

At the 2014 Society for Human Resource Management Conference & Expo in Orlando, FL, McCutchen laid out when employers can expect the final rules (not just the proposed version), as well as specific overhauls

*(Please see DOL ... on Page 2)*

## Did high court deal major blow to NLRB?

### ■ Board members deemed illegal, rulings invalid

The Supreme Court's ruling to invalidate President Obama's 2012 recess appointments to the National Labor Relations Board could be a big deal – or a minor administrative hiccup.

The ruling came out of a challenge by Noel Canning, a soft drink bottling company.

### Potential to affect 400+ rulings

In 2013, an appeals court ruled the Senate was in "pro-forma" session when Obama made the appointments,

so they were unconstitutional – and the High Court's now agreed.

The invalid appointees were seated for about 18 months, and ruled on more than 400 cases – many of which were controversial and pro labor.

So what happens to all those rulings? This is new ground, so we're in wait-and-see mode.

Technically, they're invalid, but there's a chance no changes will be made unless they're challenged in court.

*Info: [www.tinyurl.com/court422](http://www.tinyurl.com/court422)*

# DOL ...

(continued from Page 1)

to the regs the DOL is considering. Here's what you need to know.

### Projected start date

The DOL recently said it expects to have proposed rules covering changes to the "white collar" OT exemptions on the table by the end of 2014.

But when will those proposed rules take effect?

McCutchen said the DOL will likely move faster than usual with this rule change.

In her estimation, the final rules are likely to go into effect by Jan. 1, 2016.

### What the regs will look like

Before issuing the new regs, McCutchen said Secretary Perez

and the DOL are asking two critical questions:

#### 1. What should the salary level be moving forward?

One thing is certain about the new OT regs: The minimum salary level employees must be paid to be exempt – \$455 per week or \$23,660 per year – will be increased.

The agency is looking at the most effective ways to increase this level, and these are the front-runners:

- **Raise it to 1975's level and adjust it for inflation.** That would bump the minimum salary level to about \$970 per week or about \$50,440 per year, which would force lots of firms to change the status of many employees they've classified as exempt.
- **Adopt California's salary standard.** That would make the minimum about \$570 per week, which would escalate automatically. In California, the salary level rises as minimum wage rises. Currently, the federal level has no auto-escalations.

#### 2. What changes should be made to the duties test?

The DOL plans to increase the availability of OT by narrowing the current duties test. In doing so, it's also likely to spell out more jobs which will be labeled as "OT exempt."

Plus, the agency will probably revise the "concurrent duties" regs, under the executive exemption test, which gives some managers an exemption even if they're doing the same work as their direct reports.

The DOL is seriously considering replacing it with California's duties test, which requires managers to spend most of their time supervising employees to be considered exempt.

**Bottom line:** Prepare for more borderline workers to be eligible for OT as soon as the new regs kick in.

**Cite:** "It's 7AM: Do You Know Where Your Overtime is Headed?," a presentation by Tammy McCutchen and Michael Lotito at the 2014 SHRM Conference & Expo in Orlando, FL.

## 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.*

### ■ Sexual harassment or just some heavy-handed teasing?

HR manager Lynn Rondo had just entered the building when she found Eric Bressler, the company attorney, waiting outside her office.

"Can't a lady at least grab a cup of coffee before the day's first meeting?" Lynn asked.

"Sure thing," Eric replied. "In fact, I'll join you. And on the way to the break room, I'll fill you in on our new legal conundrum."

"That doesn't sound good," Lynn said. "I may need a bigger mug."

"Here's the deal," Eric said. "Matt Graves is suing us for sexual harassment. He claims for months his supervisor called him just about every homosexual slur under the sun."

"Plus, he claims we terminated him in retaliation for complaining about it."

### 'Wasn't getting hit on'

"That's absurd," Lynn shot back. "As soon as Matt complained, we investigated. And within a matter of weeks, we'd fired his supervisor because we don't tolerate abuse of any kind from management."

"Plus, it wasn't sexual harassment," Lynn continued. "His supervisor knew Matt was straight, so it's not like he was hitting on Matt."

"The retaliation claim's also bogus. We only fired Matt after his attendance problems got out of hand."

"Sounds like we've got a case," Eric said. "We'll fight Matt's claims."

Did the company win?

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

### WHAT'S WORKING in Human Resources™

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# What does Supreme Court's latest health reform decision really mean?

### ■ Companies allowed to opt out of healthcare rule

Some for-profit employers can opt out of health reform's requirement to pay for employee contraceptives, according to the Supreme Court.

In a landmark decision, the court ruled requiring family-owned businesses to pay for insurance coverage for contraception violates the Religious Freedom Restoration Act, which protects religious freedom.

### 'Violate beliefs or create burden'

The case was brought before the High Court by Hobby Lobby and Conestoga Wood Specialties, two family-owned businesses.

It claimed the contraceptive mandate would force it to unfairly violate its religious beliefs by covering emergency contraceptives that endanger a fertilized egg – or place an unfair

substantial burden on the company if it opted not to comply, because that action would result in hefty fines.

A slim 5-4 majority of the court's justices sided with Hobby Lobby.

Does this mean any employer can opt out of the mandate on a religious basis?

No. The court said the ruling only applies to "closely held" for-profit corporations run on religious principles.

A "closely held" corp., according to the IRS, is one that is majority-owned by five or fewer individuals.

But this opens up another can of worms for lower courts to wrestle with: What else can for-profit entities opt out of on religious grounds? Stay tuned.

**Cite:** *Burwell v. Hobby Lobby Stores, Inc., Supreme Court of the United States, No. 13-354, 6/30/14.*

# Ruling outlines how NOT to access employees' social media information

### ■ The effect of the Stored Communications Act

The Stored Communications Act (SCA) isn't very well known to many HR pros or managers. But a recent case shows why it could affect how you access employees' social media activity going forward.

Paramedic Deborah Ehling posted on Facebook that paramedics should've let a mass shooter die. Ehling's privacy settings allowed only her friends to see the post. But one of her co-workers saw it, printed it and showed it to Ehling's manager.

### Company prevails on technicality

The post went into Ehling's personnel file. And later, when she was fired for performance problems, she sued, claiming an SCA rights violation.

Ehling's case was thrown out, but only because her co-worker took it upon himself to show a manager the post. Since the firm didn't know about or ask for the info ahead of time, it didn't violate the act, the court ruled.

**The takeaway:** You need to be careful how you go about accessing employees' info on social media sites.

Remind managers they can't do things like ask employees for their Facebook or Twitter passwords – or for changes to privacy settings.

They also can't "shoulder surf" by forcing an employee to access another person's page while they watch.

**Cite:** *Ehling v. Monmouth-Ocean Hospital Service Corp., U.S. Dist. Ct., Dist. of NJ, No. 2:11-cv-03305, 8/20/13.*

### ■ Tab for ADA violation: \$180K and a bag of chips

Walgreens is paying the price for its inflexibility in accommodating a disabled employee.

You remember the case of the diabetic employee who experienced symptoms of low blood sugar and ate a \$1.39 bag of potato chips to boost her blood sugar and got fired (See story, Page 3, 5/20/14).

The store claimed she violated company policy by eating the chips before paying for them (she paid post-consumption) and for "grazing" on duty.

She claimed an accommodation was in order and sued Walgreens.

Walgreens remained defiant, claiming her firing was justified because she stole chips and stealing isn't a reasonable accommodation.

But it finally cracked, agreeing to pay the ex-worker \$180,000 to settle the lawsuit.

**Info:** [www.tinyurl.com/chips422](http://www.tinyurl.com/chips422)

### ■ Failure to protect evidence costs firm \$25K, maybe more

When you suspect a lawsuit's in your future, it's time to start protecting your paper trail.

A trial court fined Corinthian Colleges \$25K plus attorney fees for failing to preserve email accounts of three former employees it knew had gone to the Equal Employment Opportunity Commission with race discrimination complaints.

Corinthian claimed it didn't set out to delete the accounts, its system simply wipes out terminated workers' accounts automatically.

Didn't matter, the court said. Corinthian should've told IT to save the accounts once it "reasonably" knew litigation was pending.

The fines are due regardless of the outcome of the complaints.

Plus, the court can instruct a jury to assume the missing evidence would hurt Corinthian's case.

**Info:** [www.tinyurl.com/email422](http://www.tinyurl.com/email422)

# 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.

## When to grant more leave after FMLA is exhausted

**Q:** When is more leave a reasonable accommodation once a person's FMLA leave is exhausted?

**A:** If the person has an ADA-covered disability, courts say several things must be considered, says William D. Goren (*WilliamGoren.com*), an attorney and blogger (*WilliamGoren.com/blog*) providing consulting, legal, and training services on all things ADA-related. Such as:

1. Assuming the person can't perform the essential duties of their job at the end of FMLA leave, can the person perform those duties with or without reasonable accommodations?
2. If the answer to the question above is "no," has the person given you an estimated date (in the near future) when he or she can resume those duties with or without accommodations?
3. Would providing leave until that date result in an undue hardship (logistical or financial)? (*Remember, financial hardships are particularly hard to prove.*)

## 4 ways to limit legal exposure when terminating

**Q:** We'd like to fire a worker for performance reasons. How do we know it's safe to do without exposing our company legally?

**A:** Reducing liability starts with a few steps to make sure a lesser punishment isn't appropriate, says Tevis Marshall (*tevis.marshall@ogletreedeakins.com*),

an employment law attorney with Ogletree Deakins (*OgletreeDeakins.com*).

Those steps include:

- Exploring if the person would benefit from special training.
- Getting the worker's side of the story to see if there are more facts to explore (this increases the perception of fairness).
- Documenting only the facts. Avoid anything that can be construed as an opinion, and
- Being consistent. Make sure you'd treat another employee the same for a similar offense.

## The ADA interactive process: When should it start?

**Q:** What is the ADA's interactive process, and when must it begin?

**A:** It's typically a conversation in which the employer asks questions about the nature of an employee's disability and work limitations, says Nathan Pangrace (*npangrace@ralaw.com*) an employment law attorney with Roetzel & Andress (*ralaw.com*).

The goal is to identify what type of accommodation the person needs to complete the essential functions of the job – and whether it's reasonable.

Before it can begin, an employee must make it known an accommodation is needed, but they don't actually have to say "accommodation."

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

## EFFECTIVE COMMUNICATION

### ■ What makes millennials tick, and how to best manage 'em

Millennials are just as skilled as their baby boomer and generation X counterparts, but they tap into their talent very differently.

When dealing with these young workers, keep a few differences in mind to maximize their potential:

#### Their focus on self-image

Facebook and other social media websites have developed a generation obsessed with polishing their image.

*What to do:* Maintain their confidence by offering them prominent roles on projects. They'll want to stay on the front-line, and receive plenty of positive feedback for their work when warranted.

#### Their ability to multi-task

Technology's created a generation proficient at dividing their focus, which has made them more adept at:

- collaborating in teams
- balancing projects, and
- finding ways to innovate while hitting goals.

*What to do:* Don't be afraid to ask them to juggle multiple projects at once. Many embrace it.

#### Their career outlook

With the proliferation of job search sites, and online networking tools, millennials aren't as tied down to one career as workers used to be.

The Internet keeps career advancement opportunities, outside of your company, clearly visible.

*What to do:* Show them a clear career path at your organization.

Keeping millennials loyal to your company requires outlining how they can advance within the ranks.

**Info:** [www.tinyurl.com/mill422](http://www.tinyurl.com/mill422)

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## WHAT WORKED FOR OTHER COMPANIES

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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 **Event was great lead-in to open enrollment**

It always seemed like our open enrollment deadline caught a few employees by surprise – regardless of how well we communicated with them in advance of its arrival.

That needed to change – so they weren't rushed into decisions and we had time to process the paperwork.

That's when we hit on the idea to hold an annual event to kick off open enrollment season.

The event is a health fair, which

takes place about one month before our open enrollment deadline.

We bring in providers to go over plan and rate changes, and they help ensure workers get all of the info they need with plenty of time to make their decisions.

We also have nurses at the fair, who perform routine checks of things like employees' blood pressure.

#### Injected some fun

Still, some fun events had to be mixed in to make sure employees

attended. For example:

- Local gyms were present conducting drawings for free memberships, and
- Our company offered prizes and incentives for participation.

The fair has worked on many levels for both our company and workforce.

It gives workers the necessary time to make the best benefits decisions for themselves, and it ensures we have time to process their selections.

*(Noreen Moran, director of HR, Welch Healthcare & Retirement Group, Norwell, MA)*

**REAL PROBLEMS, REAL SOLUTIONS**

### 2 **Shaved two hours off of new hire onboarding**

Our new hire orientation process was a bit unwieldy.

It took us nearly two hours to outline new hires' benefits and compensation on their first day.

That meant new employees couldn't jump right into their work – something they (and their managers) would prefer.

We needed a way to streamline the orientation process so new hires could not only get on the job faster, but also

free up more of HR's time to handle other duties.

#### Pre-start-date access

Our solution: We adopted a self-guided, interactive benefits orientation program.

The digital platform explains our benefits options in plain English. It even defines hard-to-understand insurance terms.

Then, we provide new hires with access to the platform before their start date.

This lets them learn about their benefits and fill out paperwork at their leisure, from wherever

they have Internet access.

Now they just drop off their benefits paperwork on their first day and get right to work.

Employees love to be able to take things in at their own pace, and our company loves the resources we've saved and productivity we've gained.

*(Robin Vickers, benefits manager, Baylor College of Medicine, Houston)*

### 3 **Found help to improve FMLA procedures**

When I was asked to step up and take on more HR duties, it was an opportune time to improve some important procedures – like how we handled employees who were out on, or returning from, leave under the Family and Medical Leave Act (FMLA).

One thing we needed to find: a go-to doctor who could examine workers on medical leave to see if they were fit to come back to work.

The problem was healthcare isn't

exactly my specialty, and I didn't know where to start the search for a doctor.

#### Reaching out

For some help, I contacted a more experienced HR pro, who knew the ins and outs of FMLA administration, and I asked for her advice.

She helped me interview and evaluate healthcare providers until we found one that met my company's needs.

Plus, she was able to help me in other areas, too.

For example: She suggested we streamline the FMLA process by creating a central location where we keep the necessary forms needed to process and track employees' leave.

I was really glad I brought in some outside help to fill in the gaps.

Not only did we find a healthcare provider to help with FMLA-related exams, but we also created a more efficient way to handle leave requests and absences.

*(An HR assistant at a manufacturing firm in Lake Forest, CA; name withheld upon request)*

### Final reform rule clears up 90-day waiting confusion

A just-released final rule clears up how orientation periods will mesh with the health reform law's rule that employers must offer health insurance to workers within 90 calendar days.

It clarifies that making employees pass through a one-month orientation period prior to starting the 90-day clock will not be viewed as an attempt to avoid compliance with the law.

This essentially gives employers an additional month to offer insurance to workers subject to orientation periods when the waiting period rule kicks in for plans starting on or after Jan. 1.

*Info: [www.tinyurl.com/rules422](http://www.tinyurl.com/rules422)*

### Wellness incentives in EEOC crosshairs: 2 regs to watch

The spring Regulatory Agenda of the Equal Employment Opportunity Commission revealed the agency will issue two proposed regs in the coming months that employers with wellness plans must pay attention to.

The first will address to what extent employers can offer financial incentives or penalties in wellness plans under the Americans with Disabilities Act.

The second will outline to what extent wellness plans can offer financial incentives to encourage employees to

answer questions about their medical conditions under the Genetic Information Nondiscrimination Act.

*Info: [www.tinyurl.com/agendaRegs](http://www.tinyurl.com/agendaRegs)*

### Benefits communication prevents turnover: Study

How important is effective benefits communication? It could be the difference between retaining and losing top talent, says MetLife's 12th Annual U.S. Employee Benefit Trends Study.

MetLife found when workers think their employer's good at benefits communication, they're twice as likely to say they're loyalty lies with it.

The study also highlighted the areas staff would like more help:

- using their benefits effectively (58%)
- understanding how their benefits work (50%), and
- achieving financial security through their benefits (40%).

*Info: [www.tinyurl.com/metlife422](http://www.tinyurl.com/metlife422)*

### Lighter side: 5 clever out-of-office email replies

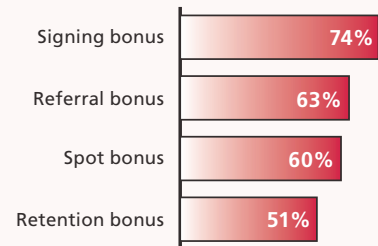
'Tis the season for those pesky out-of-office automatic email replies. Here are some of this summer's best:

- You're receiving this because I'm out of the office. If I was in, chances are you wouldn't have received anything.

## WHAT COMPANIES TOLD US

### Bonuses bouncing back

Which bonuses do you offer?



*Source: "Bonus Programs and Practices" survey by WorldAtWork.*

Bonuses have bounced back in a big way since 2010 (the last time the survey was conducted). Back then, the bonus numbers looked like this:

**signing** – 54%, **referral** – 60%, **spot** – 43% and **retention** – 25%.

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

- I ran away to join a different circus.
- I'm out of the office, and probably out-of-my-mind drunk.
- If you have a problem, if no one else can help, and if you can find them, call ... The A-Team.
- I'm out of the office, but if it's important, tweet me using *#youareinterruptingmyvacation*.

*Info: [www.tinyurl.com/reply422](http://www.tinyurl.com/reply422)*

## Sharpen your judgment...

## THE DECISION

(See case on Page 2)

No. The company lost. Despite getting the retaliation claim tossed, the company was found guilty of allowing sexual harassment to create a hostile work environment.

The company was forced to pay the former employee a whopping \$150,000 in damages.

It tried to get the sexual harassment claim thrown out on the grounds that the supervisor's harassment wasn't sexual in nature because it wasn't motivated by sexual desire.

But the court shot the argument down, saying: "Harassing conduct need not be motivated by sexual desire to support an inference of discrimination on the basis of sex. Sexual

harassment occurs when, as is alleged in this case, sex is used as a weapon to create a hostile work environment."

### ■ Emphasize the need to spot & report harassment

On the surface, it seemed this company tried to do the right thing. It acted as soon as the employee complained about his supervisor's harassing behavior.

The problem was, it took the employee months to complain. And the longer harassing behavior goes on, the harder it is to prove the company didn't know about it.

This case hammers home the importance of training all employees to understand the definition of sexual harassment and the need to report it right away.

**Cite:** Taylor v. Nabors Drilling USA, LP, *Crt. of App. of CA, 2nd Dist., Div 6, No. B241914, 1/13/14. Fictionalized for dramatic effect.*

# Test driving flexible schedule option convinced CEO, retained top talent

■ '40 in 5' work week made us a far more attractive employer

We're a small company trying to attract and retain star workers.

The problem was our competitors were stealing them away because they could provide better work-life arrangements by offering things like flexible scheduling.

Meanwhile, our company still operated on a traditional 9-to-5 workweek. And because of the type of work we do, telecommuting is not an option, and we didn't offer flexible scheduling.

Adding to the problem, employees' workloads were constantly changing based on the projects they were working on. And some days they'd be stressed out trying to cram as much work into eight hours as possible.

### Rethinking the week

So I drafted a plan to make a flexible work schedule. I called it a "40 in 5" work week.

Workers would still need to be in the office each day of the week, but could spread their 40 work hours across those days however they pleased.

The idea was to give workers and their teams the ability to adapt to changing workloads and get the most out of their time.

Plus, if they could design their own schedules, maybe they wouldn't have to use other types of leave as much.

For example: If a worker needed to look after his kids after daycare on Tuesday afternoons, he could schedule his meetings accordingly and make up the hours later in the week. That way, he gets the time he needs, but his team isn't left picking up his slack.

I felt like workers would really benefit from a policy like that, but

our CEO wasn't quite as excited about the idea.

### Starting on a small scale

He likes to have a lot of information up front before making decisions. And he was concerned such a policy might let people slack off.

To prove to him that the policy could help workers and wouldn't hurt the company, I convinced him to let me test drive the policy on a small scale.

So I took a small team of employees who were willing to be my guinea pigs and let them test the policy for about a month. When the period was up, I brought them in and had some panel discussions with them and management to see what areas of the program needed tweaking.

And in the meantime, we also conducted some broader employee surveys to gauge workers' needs and interests in the program.

### Helping retention, productivity

The test drive worked and convinced our CEO to roll out the plan with larger groups.

Now employees are able to create schedules that fit their lives and work flow – and everyone loves it. That's made us a more attractive employer.

Not only is turnover down, but we also increased our bottom line because now workers take less time off for personal issues, and instead adjust their schedules as needed.

*(Megan Lee, director of human resources, Architecture Technology Corp., Minneapolis, in a presentation at the Society for Human Resource Management's Conference & Expo in Orlando, FL)*

**Case Study:**  
**WHAT**  
**WORKED,**  
**WHAT**  
**DIDN'T**

### ■ Why hiring introverts may be the boost your team needs

Be careful your hiring managers aren't boxing out a valuable type of candidate: introverts.

Introverts tend to get a bum rap in businesses. Some employers believe teams need lots of out-spoken extroverts to be successful.

But Krista Williams, a strategic director for Seven Step RPO, a recruitment firm, stresses that businesses do best when teams are balanced with both types of workers.

### Team balancing act

A balanced team ensures that you have a variety of skills and proficiencies that are needed to generate creative solutions, adapt quickly to problems and take advantage of new opportunities.

It also means workers will have a chance to do the work they naturally gravitate towards, which will help ensure you generate the best results, Williams says.

For example: Extroverts may be happiest on the phone all day with customers, while introverts will likely be more than happy doing all the dirty work behind the scenes to make sure things run smoothly.

So Williams suggests making sure hiring managers don't automatically write off introverts.

But since introverts tend to not volunteer loads of info during interviews, Williams says that requires asking specific questions aimed at determining if a candidate is the right fit to round out a team.

Some of her suggested questions:

- What role do you typically play on teams?
- What kind of projects have you led?
- How do you feel about working with people?
- How do you get buy-in from others?

**Info:** [www.tinyurl.com/quiet422](http://www.tinyurl.com/quiet422)

## 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's abrasive style rubs new hire the wrong way: How should HR step in?

#### The Scenario

HR manager Stu Capper approached the lunchroom fridge, opened the door, and reached for his long-awaited meatball sub.

Just as he sat down to take the first saucy bite, new hire Natalie approached him at the table.

"Stu, I need to speak with you right now," Natalie said.

"Can it wait until after lunch?" Stu asked, fingers still wrapped around the roll.

"No, I need to speak with you right away. Can we please find somewhere to talk?" Natalie said, shaking.

Sensing her uneasiness, Stu stowed away his sandwich for later.

They left to find an empty conference room, and Natalie went right to explaining.

"I feel like I'm in a hostile work

environment," she said.

"My manager yells at me all the time, and even when his office door's closed I know everyone can hear it."

#### 'He makes me feel anxious'

"Billy Rice? He's a loud talker; you're right about that. But he's not threatening, just energetic," Stu said.

Natalie continued to shake her head. "He's more than energetic, he comes off as angry. He makes me uncomfortable, and I can't work this way."

"I'm sorry, Natalie," Stu said. "I know he can come off as surly. But he's a good guy. It usually just takes a little while for people to warm up to him."

"Well, I can't take another day of it. I really need your help," she said.

If you were Stu, what would you do?

#### Reader Responses

##### 1 Gary Gillman, business manager, Lancaster DHIA, Manheim, PA

*What Gary would do:* I would get a third person involved, possibly Billy's manager or someone else with authority. If this is a recurring issue, HR may need help getting the message across to Billy.

With another manager involved, we could bring Billy in, discuss the repeated issues with his managing style and find how to help him improve as a manager.

*Reason:* Billy's already been spoken to about his style before, so he might need more than just a heads up. But Stu might need some other help to fully address the problems and develop Billy as a manager.

##### 2 Lisa Gasho, practice manager, Dr. Ron J. Marek, DO, Wichita, KS

*What Lisa would do:* I'd first arrange a meeting between Billy, Natalie and myself so Natalie can let him know how his managing

style affects her. That way, we get all the issues out in the open. From there we can fully address them and clear up any misunderstandings between the two.

*Reason:* Everyone perceives things differently, so communication is crucial. Since Natalie's new, she may not realize that this is how Billy does things. And Billy may not know he's upsetting her. Finding a way for her to express her concerns is key for making their relationship more productive.

##### 3 Tom Wheeland, HR director, Artimus Construction Inc., New York City

*What Tom would do:* Since she's a new employee, I would go to Billy on Natalie's behalf. I'd explain the situation and go into detail about why his managing style might be counterproductive when working with her.

*Reason:* A more experienced employee might be able to talk to Billy on his or her own since they'd have a relationship with each other. But since Natalie's new, she doesn't have that experience, so Billy may not take her criticism to heart.

#### QUOTES

I can't change the direction of the wind, but I can adjust my sails to always reach my destination.

Jimmy Dean

You must do the things you think you cannot do.

Eleanor Roosevelt

When you have a dream, you've got to grab it and never let go.

Carol Burnett

Two roads diverged in a wood and I ... I took the one less traveled by, and that has made all the difference.

Robert Frost

I believe there's an inner power that makes winners or losers. And the winners are the ones who really listen to the truth of their hearts.

Sylvester Stallone

Give light and people will find the way.

Ella Baker

Don't quit. Suffer now and live the rest of your life as a champion.

Muhammad Ali