NNHRA
Northern Nevada Human Resources Association

2017 HUMAN RESOURCES & EMPLOYMENT GUIDE

10TH Anniversary 2017 Best Places to Work NORTHERN NEVADA
POWERED BY QUANTUM WORKPLACE

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HUMAN RESOURCES for a NEW Nevada

The most successful organizations always have been those that most effectively use the creativity, drive and energy of their human resources. No matter what other financial or intellectual resources an organization may possess, winning organizations unfailingly are those with talented, motivated teams of workers.

This is becoming even more important as the development of the New Nevada and the arrival of tens of thousands of new jobs in our region demands the highest standards in human resource management.

Organizations that effectively manage their human resources in this time of rapid change in northern Nevada will substantially improve the likelihood that they will thrive. Organizations that fail to change will find themselves sliding down a slippery slope, unable to find their footing to begin moving forward.

The Northern Nevada Human Resources Association helps build the professional strength of its members, the professionals who provide excellent leadership in human-resource management to dozens of organizations in the private and public sectors.

At least 50,000 new jobs are expected to arrive in northern Nevada by the year 2020. The competition for skilled, creative and motivated workers will continue to increase as we welcome the new companies that will diversify the economic base of the region.

Northern Nevada Human Resources Association — NNHRA, for short — believes that the organizations that take steps today to become employers of choice will find long-term success in the competition for the best talent.

The annual Best Places to Work initiative sponsored by NNHRA provides one of the best ways that an organization can build a reputation as an employer of choice.

Celebrating its 10th anniversary in 2017, Reno's Best Places to Work awards are based on a confidential, online survey of the employees of participating organizations conducted by Quantum Workplace. (There is no cost to participate.)

Through the survey, businesses gain valuable insight about employee engagement, leadership development, employee recognition, recruitment, turnover and retention and management involvement.

Top companies are recognized at a gala event each spring, and they proudly display the Best Places to Work designation in their employee-recruitment initiatives as well as their marketing materials.

But all companies that participate will strengthen their position in the competition for top talent. The survey results provide a rare opportunity to learn what employees are really thinking, and the results provide baseline statistics to judge the effectiveness of efforts to improve the workplace environment.

The high-profile Best Places to Work awards, however, represent only the most visible elements of NNHRA's efforts to build strong organizations through strong management of human resources.

The publication you hold in your hands, for instance, reflects the commitment of NNHRA members to share their expertise and insights with business owners and managers across northern Nevada. This annual publication, produced through a partnership with Northern Nevada Business Weekly, is an important element of our mission to educate the business community and strengthen best practices in the management of human resources.

The arrival of the New Nevada places historic demands on our workforce. But at the same time, NNHRA recognizes that our community can take advantage of this historic opportunity to improve the skills of our workforce and open the doors for residents to put their new skills to work in satisfying careers.

The Nevada Workforce Readiness initiative undertaken by NNHRA in cooperation with the Nevada State SHRM Council and the Southern Nevada Human Resource Association provides a centralized list of resources that links Nevada job seekers with Nevada employers.

The centerpiece of the initiative is an ambitious website, http://nvstatecouncil.shrm.org/nevada-workforce-readiness-nvwr.

For employers, the site provides connections to college and university job boards, opens the doors to nonprofit organizations that offer assistance in recruitment of skilled workers, and provides links to numerous "how-to" publications on subjects ranging from the calculation of the costs of turnover to effective strategies for hiring military veterans.

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Job seekers, meanwhile, turn to the site to learn about the many organizations that provide occupational training as well as the organizations that provide financial and other support for job-seekers who are building their skills.

NNHRA provides important resources, too, for human resources professionals in the region. As the local chapter of the Society for Human Resource Management, NNHRA allows its members to access the resources and tools, global best practices and professional network of more than 10,0000 SHRM members worldwide. SHRM also delivers certification preparation courses and other educational products that enhance the careers of NNHRA members.

When it was founded more than 50 years ago, NNHRA was created to provide a forum where human resource professionals could discuss current challenges. The organization continues to provide that forum through regular meetings, in Reno as well as Carson City, that provide top-quality presentations on the issues that human resources professionals face every day. Recent topics have ranged from the neurology of the relationship between managers and employees to the skills that ensure that hard conversations become productive tools for employee development.

> No matter what other financial or intellectual resources an organization may possess, winning organizations unfailingly are those with talented, motivated teams of workers.

An added bonus: Many of NNHRA's programs, seminars, and conferences offer professional certification credits.

Because the membership of NNHRA includes HR professionals from large corporations and small businesses as well as consultants, coaches and educational experts, the informal networking at NNHRA meetings provides a rich flow of ideas and insights. A simple question at a breakfast meeting generates suggestions and strategies that become the cornerstones of best practices at organizations across the region.

NNHRA also provides an important channel of communication between human-relations professionals and state lawmakers. The organization's Legislative Affairs initiatives keep NNHRA members up-to-date on legislative proposals that affect them. Legislators and other state officials, meanwhile, often turn to NNHRA for its experienced, wise counsel as they consider new programs and new legislation.

NNHRA always welcomes new members who wish to strengthen their professional skills and learn the best practices that create excellent organizations. The NNHRA website, http://nnhra.org, provides detailed information about the organization as well as an easy link for new members to sign up.

Please join us in building a strong human-resources cornerstone that will support the New Nevada. •

Welcome from Karyn Jensen, 2017 NNHRA President

W˜lc°m¸ t˝t˙ ¸ 2017 Sp^ i˘˘Editi1n of t˙ ¸ N1rt˙ ern Nevada H m˘ n Res1 r ces Ass ci˘ti1n (NNHRA) HR & Employment G id¸! W¸ ˘re pleased to offer t˙†s " ˘'u˘' le inf1rm˘ti1n a‹t h1red by NNHRA mem€ers. Th¸ c1ntent covers a broad range of .ignific˘nt to–†fs, ˘nd represents NNHRA's c°mmitment to educ˘t¸ 1ur mem€ers ˘nd c°mmunity. As a mem€er of NNHRA /1r t˙ e pa‹t 25 ye˘rs, ˘nd as President of NNHRA /1r 2017, I ˘ – <‰ i1n˘t¸ ˘€1 t adv˘ncing o r „ .iti1n as t˙ e premier HR le˘rning org˘n‹fi˘ti1n for t˙ ¸ fl1rt˙ ern Nevada regi1n. And, I a– Ł cited to say that we ar¸ c˜l˜•r˘ting o r 50t Š˘ nnivers˘ry as ˘n org˘n‹fi˘ti1n t˙†s >e˘r as well as 1 r 10- >e˘r ˘nnivers˘ry of t˙†s ‡egi1n's Best Places t˝ W1rŸ Progr˘–.

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THE NEW NEVADA requires new human resources strategies

by Valerie Cotta

The State Department of Employment, Training and Rehabilitation (DETR) recently reported that Nevada is the sixth-fastest growing state with a private-sector employment annual growth rate of 3.2 percent. But we're only beginning to see the effects of unprecedented demand for skilled talent in northern Nevada.

Your talent will be gone in 18 months unless your company proactively and quickly adapts to the reality of the New Nevada.

This is one of the largest workforce-related challenges that executives in northern Nevada have ever faced. Yet, the New Nevada economy is our biggest opportunity to elevate our community through higher paying jobs in diversified industries. The long-term Nevada efforts of economic diversification are showing results in our region.

Advanced manufacturing, logistics and distribution, and technology, now account for the majority of the companies that the Economic Development Authority of Western Nevada (EDAWN) works with to grow existing business and bring new primary jobs to the region. (Primary employers are the community's wealth-builders, those that generate at least 50 percent of their revenue from markets outside of Nevada. Payrolls and taxes they pay circulate throughout the community.)

Northern Nevada's central location is perfect to manufacture and deliver, with access to the western states' highest population centers within a one-day truck drive. Technology companies value the proximity to Silicon Valley's resources, the low seismic activity, and quality of life.

The comprehensive EPIC study estimated the economic diversification efforts would bring 52,400 new jobs to the region by 2019. That's explosive job growth in a community of 615,000 people; and the results to date are tracking above projections.

Beyond the sheer size of the wave of new jobs, it's important to note the sorts of positions that are being created. The companies driving the creation of the New Nevada require different skills, knowledge and ability than those that were sufficient in the past. The majority of these new jobs are skilled talent positions that require a high school degree with industrial skills certification or an associate's degree. This change comes when employers are already feeling pressures of a smaller, less experienced workforce. Baby Boomers are retiring, Millennials simply don't bring the same experience, and Americans working, or actively looking for a job, are at the lowest level in nearly four decades. High demand, coupled with a limited skilled talent pool, has led to compensation pressures in northern Nevada, where entry-level positions offer $12 to $15 per hour.

Higher wages alone aren't enough for successful retention and recruiting. Success in the New Nevada requires companies to reflect that employees are not a cost, but a core asset. Adoption of a successful human resources philosophy will enhance retention and recruitment strategies.

New Nevada retention efforts are founded on the realization that different things are valued by the various generations within your workforce. The only way to give employees what they value is to create an open, retribution-free employee feedback system, such as anonymous surveys or monthly open town hall meetings. The goal is to appeal to your employees' human needs of belonging, growth, security and meaning.

"Your talent will be gone in 18 months unless your company proactively and quickly adapts to the reality of the New Nevada."

So what can employers do? Employees seek social connection and belonging at work. Opportunities for appreciation, celebration, and social events fulfill the need to belong in the form of:

- Onboarding
- Mentoring
- Recognition awards
- Social spaces with food and opportunities for play or interaction

Employees, who seek personal growth, value opportunities to learn with:

- Cross training
- Tuition reimbursement
- Leadership training
- Succession planning
- Challenge projects that deepen company understanding and grow skills

Employees who seek security value:

- Financial, health, and retirement benefits
- Performance-driven bonus or stock plans

Successful organizations understand that all people seek meaning in their lives, that most people quit their direct supervisor, not their job, and that the 21st century brings technology that enables work to be done anywhere at any time, not just 9 to 5 in the office. Successful retention strategies incorporate these strategies.

- Companies that express their mission in terms of the difference they make, help employees see daily how their work contributes to the world
- Leadership training at all supervisor levels ensures employees engage and thrive
- Companies that explore different ways to get work done will find a larger pool of qualified skilled applicants, and surprisingly build higher productivity. These include:
    - Results Only Work Environment (ROWE)
    - Flex-time
    - Part-time

Recruiting without retention strategies in place is an endless and costly loop. Short-term recruiting, through the regular routes, may not be as effective as imaginative, non-traditional recruiting that taps into potential target candidates that may not have considered looking for a new job or can transfer their skills into your industry.

Untapped target candidates may include:

- Parents with some childcare obligations
- Diverse ethnic groups
- People with disabilities that don't interfere with their job requirements
- Retirees
- Veterans

Novel recruiting may include advertising vehicles such as social media, mobile applications, entertainment venues, Pandora radio and restaurant food trays or grocery carts.

Long-term recruiting strategies include building a local or national brand as an employer of choice, so the community and your employees become company advocates. Companies can connect into the existing community organizations that support workforce development to build a steady, larger pool of potential candidates.

Companies who support curriculum development in the education systems are able to ensure graduates' skills are pertinent to their industry requirements.

- Donating equipment, serving as guest speakers, and providing opportunities for job-shadowing for students at all levels enhance company branding

- Internships for high school, college or university students remain the most effective technique to promote the company, attract the best students and recruit recent graduates who naturally gravitate to firms they know from internships

Other organizations serve motivated people who are underemployed or unemployed to be trained, and matched with in-demand jobs. For access to candidates connect to organizations like:

- Nevada JobConnect
- JOIN Inc.
- Community Service Agency
- For more organizations like these see the Nevada State SHRM Council Nevada Workforce Readiness website, http://nvstatecouncil.shrm.org/nevada-workforce-readiness-nvwr.

Consider supporting EDAWN's efforts to develop our region's workforce and to attract Skilled Talent to the region. The New Nevada economy is both exciting and challenging. A big competitive advantage is the reward for the top executives who recognize the New Nevada reality and proactively and quickly adapt. •

— Valerie Cotta is the workforce development program manager for the Economic Development Authority of Western Nevada (EDAWN). Contact her at cotta@edawn.org or 775-829-3736.

Selecting a **WORKPLACE INVESTIGATOR**

by Charity F. Felts, Esq

Employee complaints, reports of workplace theft, and health and safety issues are a few topics that can necessitate a workplace investigation. The importance of a prompt and thorough workplace investigation cannot be overstated. Whether you're an HR department of one or a member of an ethics and compliance department of a large employer, the choice of who will conduct an investigation is a very important one. No two investigations are the same and the facts of each complaint and the individuals involved will inform your decision of who should conduct the investigation. Here are some arguments and considerations for and against internal and external investigators.

Select a qualified investigator

To lend credibility to your investigation, you must ensure that the person selected is impartial and objective and possesses the necessary skills to conduct a thorough and reasonable investigation. According to EEOC guidance, whoever conducts the investigation should be well trained and possess the skills required for interviewing witnesses and evaluating credibility. The person selected should have conducted prior workplace investigations or at least should be trained in conducting workplace investigations, and the investigator should have a working knowledge of relevant employment laws. Additionally, the selected investigator should possess strong interpersonal skills and an attention to detail.

Using an internal investigator

A member of the HR department is probably the most common choice for an in-house investigator. These folks generally have relevant job training or educational background that will aid the investigation process. Additionally, an HR professional is a familiar face that employees may feel more comfortable with and may be willing to confide sensitive information. The HR professional's knowledge of the organization can inform the situation and point to the best employees to interview. But this internal knowledge and connection can backfire and create a situation where interviewees, including the complaining party and the accused, may feel the HR employee is unable to remain impartial.

Neutrality is critically important during an investigation. If the HR professional is not seen as neutral, or if the subject of the investigation is direct or upper management, an internal choice may not make sense and may compromise the integrity of the investigation. HR professionals who are asked to investigate their direct management, or say the president of the company, are faced with an unenviable task and added pressures because of the perceived value of the subject of the complaint. Companies would be better suited to select an outside investigator in these situations. It is also valuable to have recusal procedures in place or a plan to refer to an outside investigator in the event a conflict situation arises.

Using an external investigator

If the organization does not have an internal person who is skilled in conducting investigations, or if the subject of the investigation implicates the internal investigator's impartiality, it makes sense to hire an external investigator. Admittedly, outside investigators will not be as familiar with the internal structure or workings of the organization. In that case, the outside investigator can work with an internal liaison to assist with identifying witnesses and coordinating interviews.

A natural byproduct of selecting an external investigator is added cost. Employees may also be less comfortable speaking to an outsider, especially if that person is an attorney. If you do select an attorney to conduct the investigation, you may be able to invoke the attorney-client privilege. This privilege can apply whether the attorney is internal or external and may ultimately be waived if the employer decides to release the results of the investigation. To the extent your organization wants to invoke the attorney-client privilege protection over the investigation, it should retain an attorney investigator from the outset.

Remember your purpose

The purpose of a workplace investigation is not to exonerate the company but, generally, to determine if the allegations can be substantiated and whether there has been a violation of company policy. The investigator must be able to separate himself or herself from the outcome of the investigation. Remember that you may want to rely on the investigation in the event the complaint leads to litigation. By identifying the issues and potential conflicts, creating a plan at the beginning, and defining scope, you will be in a position to select an investigator best suited for the particular needs of the investigation. •

— Charity Felts is an attorney with Erickson, Thorpe & Swainston, LTD. She can be contacted at cfelts@etsreno.com or 775-786-3930.

THE EMERGING ROLE

of Human Resources in Organizational Communications

by Rich Burns

As a Human Resources leader, you may have asked yourself, are managers keeping employees informed on their careers? Do they give timely, effective feedback on performances? Can they settle conflicts and avoid discrimination/harassment complaints? The data shows that the answer to these questions is "no" in most cases.

Communication challenges for HR leaders

An article by Lou Solomon, *Top Complaints from Employees About Their Leaders* published in the Harvard Business Review, cited an Interact/Harris Poll of 1,000 U.S. workers, which revealed that 91 percent of employees say "communication issues are the greatest factor in dragging executives down;" and the vast majority of leaders are not engaging in crucial moments that could help employees see them as trustworthy. Furthermore "employees called out a striking lack of emotional intelligence" on the part of their managers. Unfortunately, these dismal findings are not surprising to many HR professionals.

This is the challenge for HR leaders and their staffs in an environment of rapid change where companies reorganize on the fly, labor laws change and technologies impact employee roles at a dizzying pace.

HR leaders need to take ownership of organizational communications in both traditional *and* strategic contexts. A basic HR function is communicating employee administrative information—benefits, policies, compensation, etc. However, HR must step up and drive a management communications culture designed to promote employee engagement/connection, accountability, and performance excellence throughout the organization.

How organizations communicate

Organizations message internally via two primary axes: *audiences* and *channels*. The picture becomes fairly complex when you consider the number of components in each axis. Examples of audiences are: all employees across the organization, business and service line groupings, departments, and many others. Channels are also quite varied: websites, newsletters, mail and email, surveys etc. Within this complex picture of audiences and channels, how can the HR Leader drive both administrative and strategic communications? The answer is she/he cannot. Instead, the challenge for HR is to achieve a *culture* of open and honest communications through personal influence to get buy-in at all levels. Then they can deliver management development in communications principles.

Keys to effective communications

There are three main components in building a culture of effective communications: *trust, connecting with the audience* and *messaging.*

Trust

Trust is the essential building block upon which all other communications rest. Abraham Lincoln tells us: "If you trust, you will be disappointed occasionally, but if you mistrust, you will be miserable all the time." Trust is a two-way street. The foundations of trust are honesty, credibility and commitment. Employees must trust the honesty and integrity of the source. A reputation for honesty is hard to earn and easy to lose. The next part is *competence* and subject matter expertise. A lack of credibility drains trust. Employees must have faith in the expert knowledge behind communications. And finally, there is *commitment*. If you are distracted or feigning interest, you will lose trust.

Connecting with the audience

Our Millennial workforce exists in what some call the "shortcut society." As Carrie Fisher said, "instant gratification takes too long." This audience binge-watches entertainment, sees no need for painstaking research because Google is at their fingertips. In order to connect with them and their very busy management staff, you will need to front-load your message with a high-impact "hook" to get their attention for any detail that follows.

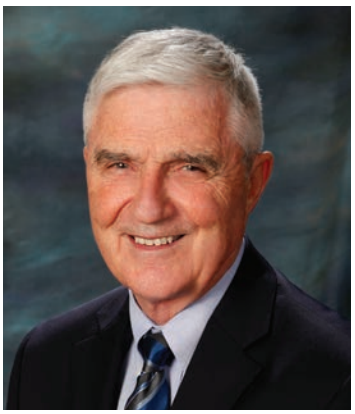
Messaging

Legendary basketball coach, Red Auerbach once said, "It's not what I tell my players that counts, it's what they *hear*." Keep the message crisp. Remember, complex confuses and simple sticks. Craft your message to that which you want your audience to *think, feel* and *do.*

The new HR leader role

It is essential that HR takes the lead in organizational communications in the larger sense and beyond that of the old "Personnel Department." This requires that the leader has a firm grasp of communication principles, takes steps to assess the organization's communication competence and provides a focused development program to fill in the gaps. •

— Rich Burns is a principal consultant at Alinear Solutions. He can be contacted at rich.burns@utexas.edu or 512-694-3072.



MARIJUANA and the workplace:

Tips you need to know

by Dora Lane and Anthony Hall

Last November, Nevada residents voted to approve legalizing the recreational use and possession of marijuana by adults age 21 or older. According to a 2016 Gallup poll, one in eight adults in the United States smokes marijuana. This intersection of Nevada's legalization and the population's increasing use of marijuana leads to the undeniable conclusion that at some point, most businesses will face issues related to an employee who uses marijuana or tests positive for the drug in an employment-related drug test.

Nevada employment concerns triggered By legal marijuana

When employers handle a workplace marijuana issue, numerous Nevada employment laws may come into play. For example, Nevada's medical marijuana law includes an employment accommodation requirement. Nevada's lawful product statute may be triggered when an employee uses marijuana legally off-duty and off-site. In addition, federal drug-free workplace laws may affect how an employer implements workplace policies related to marijuana. Here are some tips to help employers navigate hazy marijuana issues.

Tip #1: You may prohibit marijuana use and possession at work

The recently passed recreational marijuana ballot measure means that Nevadans will not be prosecuted criminally for compliant marijuana use, but the measure does not affect an employer's right to implement policies prohibiting marijuana consumption or possession, subject to other legal requirements. Our state's medical marijuana law similarly does not require any employer to allow marijuana use in the workplace. Consequently, Nevada employers may prohibit the possession and use of both recreational and medical marijuana on their work premises and while employees are on duty.

Tip #2: You generally may discipline or terminate employees who violate your marijuana policies

Nevada's marijuana laws do not specifically address whether an employer may terminate or discipline employees who violate workplace policies prohibiting the use or possession of marijuana at work, but because Nevada's marijuana laws do not prohibit such employment policies, employers should be entitled to enforce them. One caveat is that when dealing with an employee who may be under the influence at work due to medical marijuana use, an employer should not take adverse action until the employer has conducted a reasonable accommodation analysis.

Tip #3: You may need to reasonably accommodate medical marijuana use (and a potential underlying medical condition)

In certain circumstances, Nevada employers are required to make reasonable accommodations for the medical needs of an employee who holds a valid medical marijuana registry card. The Nevada law states that an employer is not required to modify the job or working conditions of a person who uses medical marijuana when the job requirements or working conditions at issue "are based upon the reasonable business purposes of the employer . . .," and need not provide reasonable accommodations that would pose a threat of harm or danger to persons or property or impose an undue hardship on the employer, or prohibit the employee from fulfilling any and all of his or her job responsibilities. Nevada's law does not specify what level of accommodation is required so until we have more guidance, employers are urged to engage in an interactive process with an employee who holds a valid registry medical marijuana card before taking any adverse action due to the employee's off-duty marijuana use. In addition, employers should bear in mind any potential accommodation obligations they might have as a result of the underlying medical condition necessitating the medical marijuana use (even where the employee does not have a valid medical marijuana registry card).

> At some point, most businesses will face issues related to an employee who uses marijuana or tests positive for the drug in an employment-related drug test.

Tip #4: It Is unclear whether legal off-duty marijuana use is protected under Nevada's lawful product statute

It is an unlawful employment practice under Nevada law for an employer to refuse to hire a prospective employee, or to discharge or discriminate against an employee because the employee engages in the lawful use of any product outside the premises of the employer during the employee's nonworking hours, as long as the use does not adversely affect the employee's ability to perform his or her job or the safety of other employees. At present, marijuana remains illegal under federal law, which begs the question whether its off-duty use is "lawful." Accordingly, there is a good argument that the statute should not protect off-duty

marijuana use (as was the ruling by the Colorado Supreme Court under that state's lawful activities statute). That said, no Nevada cases have yet considered or decided this issue, so employers should consider the risk of such a claim before making adverse employment decisions involving positive marijuana drug tests or other marijuana-related issues.

Tip #5: Consider other legal requirements of your business

Keep in mind that certain specific federal laws and regulations such as the Department of Transportation regulations and the federal Drug-Free Workplace Act of 1988 may require covered businesses to address drug use, including marijuana use, in a certain manner. If your organization is subject to these other types of laws, be sure to evaluate any potential drug testing requirements, accommodations, and adverse employment decisions in light of the applicable federal requirements.

Final guidance

Take this opportunity to review your workplace drug policies and revise them to reflect that the use and possession of marijuana on work premises or while on duty, or being under the influence while on duty is prohibited. Include a statement that your organization will comply with applicable reasonable accommodation laws. Finally, train your supervisors and remind employees of your policies in light of the legalization of recreational marijuana in Nevada. •

— Dora Lane and Anthony Hall are partners at Holland & Hart LLP, Reno. If you have any questions about marijuana or other workplace issues, please contact the authors at DLane@hollandhart.com or AHall@hollandhart.com.

Get Creative for **SUCCESSFUL HIRING** in 2017

by Celeste Johnson

Northern Nevada is now an employee market. Implications for employers include a multitude of things – one being the way they hire. Employers must step out of their box, implementing creative tactics and strategies to find (and retain) top talent. Here are some creative strategies employers should consider when looking to grow and change in 2017.

1. Re-think your strategy
When a key employee leaves your company, do you automatically replace the position? Every time someone leaves you have an opportunity to reset your goals and objectives as well as revisit your organizational structure. Maybe the position is something that can be outsourced, automated, shared between two current employees, or done remotely, leaving you freedom to allocate that budget elsewhere. This is a chance for you to get creative and ensure you are as efficient as possible with your staff.

2. And now re-think your benchmark
Do you hire directly from a job description? If so, it might be time to throw it in the trash. Stop and think about what you really want and need for a position and go recruit for that. Don't be afraid to make your job postings truly reflect how great your company is and what the job will really be. In the end, "check the box" hiring does not work in this environment where people already have jobs.

3. Constantly recruit
So you don't currently have any openings. Do you bury your head in the sand? No. Keep recruiting on top of mind — over time you will find you have given yourself better options and less stress. You lose options when you are always in the reactive mode. Additionally, if you find a rock star, there might be a way for them to help your business move forward, even if it's not on the job postings list.

4. Be honest
Do you truly know how to hire? Have you ever taken a class? Been trained? Do you know what types of questions to ask? Or, are you repeating the process based on how you were hired? Turnover is costly, at least 1.5 times the cost of the position. How many of your hires are successful? If you don't have consistent success, seek advice and training. The result of doing a better job hiring is a better workforce, which makes you more profitable, which then attracts better talent.

5. Place intelligence and fit over specific skills
This is where the strategy, "look forward, and reason backward," comes into play. How do you see a position a year down the road? Take three to five key pieces and decide what you are looking for most. Find the talent before they hit the workforce, you can train them. Maybe you recruit from a different geographical location. Where would this person hang out? Anyone can go to job boards. Where else would the candidate be?

6. Remember that people want different things
As an HR professional, I say this with caution. Not everyone has to be treated the same. What might be really important to one employee could vary dramatically to the next. If I know a key or potential employee wants to ski on Wednesdays because lift lines are shorter and I can accommodate, why wouldn't I? If this skier is also considering my competition and I make this happen, guess who they happily come work for?

7. Don't drag your feet
It's an employee market and great candidates are most likely also being recruiting by your competitors. Ask yourself: can they be successful in this position? If the answer is yes, don't wait. Continuing to think there is a better candidate is a losing strategy.

8. Think about the value, adjust accordingly
Think about how much value you are placing on talent. If recruiting is not a priority and not a budget line item, then you will probably continue to struggle to find talent in 2017. Re-think what you are doing and make some investments — your talent is an asset. Plan to spend some money to attract talent and you will receive a ROI.

Bottom line, employers will need to get creative with the way they hire and in turn, how they think about their internal organizational structure. This is a competitive employee market — it's time to get creative. •

— Celeste Johnson is the chief operating officer of The Applied Companies, which provide HR solutions for today's workplace. Go to www.theappliedcompanies.com for more information.

Using an internal **ORGANIZATIONAL DEVELOPMENT** practitioner to implement change

by Terry L. Hurt, Psy. D - SPHR

As divisional program manager of a public services department, I was presented with an assignment to assess the current quality assurance (QA) program to recommend and implement changes as needed. I was chosen for this project because of my previous experience as an internal organizational development (OD) practitioner.

Organizational development is cited in scholarly articles as a planned system-wide process of data collection, diagnosis, action planning, intervention, and evaluation aimed at: (1) enhancing congruence between organizational structure, process, strategy, people, and culture; (2) developing new and creative organizational solutions; and (3) developing the organization's self-renewing capacity.

This article provides a brief overview of published OD processes and the analysis of a QA program by an internal OD practitioner along with the process steps it takes to implement planned changes such as diagnosis, planning, implementation, evaluating and institutionalizing change. The article is not meant to oversimplify a very complex process.

Diagnosis

One of the first steps in diagnosing an organization in preparation for the design of an intervention for process change is to understand how the organization is currently operating.

The problem presented with this organization was that major changes regarding a new core practice model had been mandated. This model contained new core elements of casework that would require major changes in the department's core activities and would need to be reviewed during the QA process to meet these new requirements.

The urgency and driving force for solving the problem was that the department had only six months to create and implement a new program for case reviews to be in compliance with the new regulations. The intervention design also included change in the daily core activities of the caseworkers to align with the new core practice model.

Planning

A high level planning committee and work team was formed including upper management, supervisors, caseworkers, and selected line staff to assess the capacity and design the intervention. The first meeting was planned to assure that all involved had a mutual understanding of why the changes were needed and had input on how the changes would be implemented.

During the initial meeting, goals of the intervention were created to guide the group through the planned change. Objectives were identified as steps needed to achieve the goals and milestones were targeted to keep us on our six-month implementation timeline. New process and procedural guidelines were developed. New training modules and QA software elements were created to address all requirements.

Implementation

An implementation team was formed, including select staff who served as lead workers during the implementation process.

Monthly meetings were held with all caseworkers introducing and providing training on the new program elements that would be required. The new case review audit worksheets outlining the elements required were provided to all caseworkers and supervisors to serve as a daily guide. Weekly meetings with the lead caseworkers and supervisors were held to provide implementation feedback, to identify barriers to implementation, and to brainstorm ideas on how to remove such barriers. These meetings would continue on an ongoing basis to identify future problems and ameliorate them.

Evaluating and institutionalizing change

A new database was created to capture data from the case reviews, providing performance analysis at the division, unit, and caseworker level. Feedback from surveys and interviews with caseworkers regarding utilization of the new practices were entered into the database.

Through constant feedback from the supervisors, caseworkers, and case reviews it was ascertained that all of the caseworkers had comprehensive knowledge of the new requirements. The QA database and the case review database provided performance data by division, unit and caseworker. This measured the acceptance and preference of the implemented changes and monitored whether or not the changes became the normal behavior in the daily core practice. This also determined if the changes had become the norm with the understanding of its value to the organization.

Summary and conclusion

OD interventions are unique to the organization and its circumstances. As the problem of this organization was presented, steps to diagnose, plan, implement, evaluate and assess institutionalizing change were taken. The intervention met the indicators of OD success as the goals and objectives were met. •

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The EEOC's Position on **NATIONAL ORIGIN DISCRIMINATION**

by Molly Malone Rezac

Most employers know that Title VII prohibits discrimination based upon an individual's national origin. However, employers may not realize all of what that prohibition encompasses. In November 2016, the U.S. Equal Employment Opportunity Commission (EEOC) released its Enforcement Guidance on National Origin Discrimination ("Guidance"), setting forth its interpretation of what is covered by Title VII's prohibition against national origin discrimination. Interestingly, the EEOC is candid that the Guidance is not always reflective of the current state of the law. Yet, as the Guidance is used as a "reference for staff at the [EEOC] and other federal agencies who investigate, adjudicate, litigate, or conduct outreach on national origin discrimination under Title VII," and given that the EEOC is the required first step for any potential plaintiff wanting to make a discrimination claim, it is important for employers to know the agency's position on such discrimination. Employers can then use this information to make an informed decision when faced with discrimination issues. Below is a summarized top ten points from the Guidance:

1. What Is national origin discrimination?
Discrimination because a person is from a certain place (or their ancestors are) or because the individual has the physical, cultural or linguistic characteristics of a particular national origin group is prohibited. While this seems simple enough, read on, as the interpretation of what this actually means may be surprising.

2. Perception
According to the EEOC, employment discrimination based upon the belief or perception that an individual is from a particular country or part of the world or belongs to one or more particular national origin groups is unlawful. For example, discrimination based upon the belief that an individual is from the Middle East or is of Arab ethnicity is unlawful. This is the case even if this belief is incorrect and the individual is not actually from the Middle East or of Arab ethnicity. The fact that the employer believed they were and discriminated against the individual because of that belief is enough to violate Title VII.

3. Association
The EEOC takes the position that employment discrimination based upon an employee's association with someone of a particular national origin is unlawful. For example, according to the EEOC, an employer cannot discriminate against an employee because that employee is married to, or has a child with, someone of a different national origin or ethnicity.

4. Look policies
"Corporate look" or "image" policies can serve as a proxy for discriminatory preferences or prejudice and may have a disparate impact on employees based upon their national origin. Be sure to review such policies to eliminate such impact.

5. Discriminatory customer preferences
The Guidance clearly points out that customers are not always right. Employers cannot rely upon the discriminatory preference of a customer as the basis for adverse employment actions without incurring liability under Title VII.

6. Recruitment
Beware of using limited recruiting methods such as only asking current employees to tell their family, friends and acquaintances about job openings or to provide referrals. The Guidance points out that this type of recruiting may reinforce the existing racial or ethnic makeup of employees and have a disparate impact on certain national origin groups. Instead, use a variety of recruitment tactics to ensure that diverse candidates are within your applicant pool.

7. Social security numbers
Employees are permitted to choose which document they provide for employment eligibility verification purposes. Employees are not required to provide a Social Security Card. As stated in the Guidance, both the U.S. Citizenship and Immigration Services and the Social Security Administration provide that newly hired employees should be allowed to work if they have applied for but have not yet receive a Social Security Numbers.

8. Accents
In order for an employment decision to be made based upon an individual's accent, the accent must "interfere materially with job performance." This means that the employer is required to provide evidence that (1) effective spoken communication in English is required to perform the job duties; and (2) the individual's accent materially interferes with his or her ability to communicate in spoken English.

9. Fluency or English-only rules
English fluency or proficiency requirements are permissible only if required for the effective performance of the position. If English fluency or spoken English are not requirements for getting the job done, it will not be seen as business necessity and will not be permissible. Similarly, the EEOC takes the position that English-only rules that require employees

to only speak English in the workplace at all times will be presumed to violate Title VII. Policies that restrict language may be applied only to those specific employment situations for which they are needed to promote safe and efficient job performance or business operations. Essentially, employers should narrowly tailor such policies such that the restrictions of the use of other languages should be done only for workplace situations where the restriction is job related and consistent with business necessity.

10. Promising practices

The Guidance also provides the EEOC's "promising practices" that, while these practices cannot insulate an employer from liability, they may help reduce the risks of violations of Title VII. These promising practices include: (1) using a variety of recruiting methods to attract a diverse pool of candidates; (2) having written objective criteria that is tied to business needs for evaluating applicants in an interview (along with using the same or similar questions to all applicants); (3) having objective, job-related criteria for identifying unsatisfactory job performance; (4) translating and training (in employee's primary language) on such criteria; (5) translating and training employees on the employer's policies regarding harassment, complaint procedures and other workplace policies and, during investigations, providing interpreters when necessary; and (6) training supervisors on how to identify and respond to conduct that violates their policies so that the conduct does not rise to the level of actionable harassment.

Today's diverse workplace presents new and evolving issues with respect to Title VII's protections against discrimination. Knowing the EEOC's position on the protections afforded under Title VII may assist employers in navigating those new, deep waters. •

— Molly Malone Rezac is an attorney at Ogletree Deakins. She focuses her efforts on all types of employment litigation matters including discrimination claims under Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and the Fair Labor Standards Act (FLSA), in addition to retaliation claims, wrongful discharge claims, Family and Medical Leave Act (FMLA) claims, breach of contract claims, and claims involving workplace torts. She can be contacted at 775-287-7205 or molly.rezac@ogletreedeakins.com.

LANGUAGE AND LITERACY programs:

Improve Workplace Safety and add value to Diversity Management

by Alissa Gee, PHR

Strategic Human Resource programs and initiatives rarely exist in silos. Rather, they often function to meet broad organizational goals and objectives as well as specific Human Resource functions such as recruitment, retention, training and development. In fact, thoughtfully planned programs that can successfully achieve goals in a variety of areas simultaneously result in improved efficiency of our limited time and resources and greater strategic advancement. Language and Literacy Programs merge an unsuspected pair of HR functional areas – safety and diversity – in an initiative that benefits our employees, organizations and communities.

How do safety and diversity overlap?

The Occupational Safety and Health Act, has made safety a fundamental standard in the workplace. While it is a more immediate concern in certain industries, northern Nevada has a large population of workers employed in safety-sensitive positions. A major part of our ability to help our employees make safe decisions depends on communication skills and our access to training. A vital clarification here is required: access to training does not simply mean attendance in class. Rather, it requires the participants to understand the information being presented. This means that job instructions or safety training may need to be offered in a language other than English. OSHA's standards further emphasize this point, stating, "An employer must instruct its employees using both a language and a vocabulary that the employees can understand." This concept makes perfect logical sense. Yet many employers continue to offer trainings in English alone, wasting both time and valuable resources.

According to 2011-2015 U.S. Census Bureau statistics, a language other than English is spoken in 30 percent of Nevada households. Furthermore, the latest available Census data reports that out of those households, approximately forty-two percent reported their ability to speak English as less than "very well." What this means for Human Resource professionals is that our ability to create safe places to work and manage workplace diversity may very well begin with addressing the communication and language barrier.

Managing workplace diversity is multifaceted and nuanced among organizations. A study by Harold Andrew Patrick and Vincent Raj Kumar explored the barriers to workplace diversity and aimed to reveal the most effective strategies for improving diversity and inclusion. They found that among the top strategies for increasing workplace inclusiveness was an organizational effort towards offering language training to employees. This strategy surprisingly ranked higher than examining employee practices for intentional or unintentional discrimination.

The correlation between OSHA safety standards, the current demographics of the State of Nevada and Patrick and Kumar's study reveal both a challenge and an opportunity to improve the way we communicate with our employees in the workplace. The common link identified between these seemingly unrelated facts is an unrecognized need to mend the language barrier in our community and our organizations.

A potential solution

Several organizations have developed Language and Literacy Programs as higher level diversity and safety strategies that offer employees resources to enhance their language skills. These programs can be an effective method to simultaneously meet safety and diversity goals, and improve employee morale. There is no universal approach to implementing a Language and Literacy program into an organization; the program should reflect the unique company culture, align with overall strategic goals, and address specific employee concerns as identified in a needs assessment. There are, however, a few things to consider before you develop a Language and Literacy Program.

Tips for implementing a Language and Literacy program

1. Communicate your intentions

As with many things in Human Resources, it is important to help others understand not just what we are doing, but why we are doing it. When you create opportunities for your frontline employees as well as your management team to align new initiatives and their actions with broader, big-picture goals, you gain their buy-in. This critical buy-in secures more participation, better feedback throughout the process, and a greater chance of implementing positive change.

2. Use valuable experiences/perspectives from your team

Another way to gain critical buy-in is to involve a diverse group of employees in the process. Put together a committee of employees from various races, ethnicities, language skills, job roles, levels in the organization, etc. Your team members have unique experiences and perspectives to offer, which will help navigate cultural differences by predicting and responding to challenges along the way. Furthermore, empowering employees to be involved in the development and implementation of the program can increase engagement and build interest in the initiative among their peers.

3. Build self-efficacy
Language and Literacy Programs should be about more than simply offering language training or resources to employees. A study done by Larry Mikulecky and Paul Lloyd evaluated the impact of workplace literacy programs and found that the most impactful programs were not those focused solely on the delivery of training material, but incorporated a strong component of building employee's belief in their ability to learn the language skills. In fact, courses that deliberately discussed participant's beliefs and their plans saw gains in reading scores nearly three times as great. They maintain that "programs and assessments that focus merely on performance are likely to miss the complex, intertwined mixture of changes in self-perception, literacy practices, understanding of the literacy process, and hopes and aspirations, which are necessary elements in improving and sustaining literacy performance."

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4. Use workplace examples
Resources, events and trainings offered as part of a Language and Literacy Program should include opportunities for employees to practice skills in the workplace. The same study by Mikulecky and Lloyd also found that literacy programs that included job-related reading and writing scenarios for twenty to thirty percent of instruction showed an increase of reading scores two times greater than that of other programs. These functional context programs are effective because they allow participants to learn the initial skills in the classroom and carry them over into their daily practice, reinforcing the material learned.

5. Remember that communication is a two-way street
Communication goes both ways when developing a Language and Literacy Program. Offering the opportunity for employees to learn English language skills will certainly benefit persons living in the United States, their families, and our communities. Moreover, what better way to emphasize that we are all on the same team than to concurrently make

available resources to learn the language(s) of our non-English speakers? Embedding this concept in the plans for your Language and Literacy program will help build an inclusive culture and keep morale high.

Safety is not a practice that begins and ends with the workday. Safety is a lifestyle that impacts the way we behave at work, at home and in our communities. Implementing a Language and Literacy Program could be a great opportunity to not only increase workplace safety, but also to show how much you value your employees. If we can dismantle some of the primary obstacles we face when communicating with our diverse populations, we can maximize our employee's potential, their commitment to our organizations and embrace the rich dimensions of our diverse workforce. •

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How to **MAXIMIZE** your Employee Benefits Plan

by Melissa Davies, RHU

Modern workplaces face rapid changes in technology and a perpetually shifting business environment. In the midst of this dynamic, evolving business landscape, employers cannot lose sight of one fundamental business necessity: the human element. As employers increasingly focus on recruitment and retention of a high-quality workforce, while also controlling costs, offering a competitive compensation package moves to the forefront. Businesses within our community are having a harder and harder time attracting and retaining good employees.

As business and labor relations shift, it is vital to establish strong, active relationships between employees and management. HR professionals and their employees both know the key role that the workplace plays in offering financial protection and a better quality of life through a comprehensive benefits package. However, employees may not know how to capitalize on benefit offerings or which plan offerings to choose based on their needs and the needs of their families. Insurance policies and coverage summaries can seem like they are written in a foreign language. But with a little guidance, anyone can become knowledgeable in this area of financial wellbeing and protection.

Benefit education and communication are key to helping employees understand and value their benefits package. Employers need to create a centralized hub for benefit education materials, including plan descriptions and costs, and should have a dedicated insurance broker who can help explain these complex coverages to their employees. To find an insurance broker in your area, visit www.nahu.org.

Employer communication and guidance from a knowledgeable insurance broker benefit the business as a whole. It is most critical for employers and HR professionals to highlight the value of their company's benefit package in order to get the most return on investment (ROI) for the high cost of benefit plans. An employee that understands and appreciates the value his or her plan offers will become an improved asset to any employer. This will not only increase company morale and productivity, but will help to attract and retain a quality workforce.

Having a proper method in place to disseminate benefit information is crucial. Some methods include:

- Having a consistent means of sending out notifications on important benefit deadlines and updates. This can be done via emails, payroll stuffers, postings in breakrooms, etc.
- Educational resources that explain differences between health plan options, including health savings accounts versus traditional plans, if applicable, or explanations of what a PPO is versus a HMO. There are a number of resources available online, such as www.insurance.com, or through your company's insurance broker.
- Comprehensive and easy-to-read plan information on coverage details, provider networks, as well as insurance carrier contact information.
- Important plan details that include information on pre-authorization requirements, claims appeal rights, benefit exclusions, etc.
- Contact information for their HR Department & Broker's Office as a resource to ask questions.

In this day and age, there are also many technology-driven platforms that can provide HR Professionals solutions to assist with benefits communication. These can usually be accessed 24/7 by employees, and provide a centralized hub of information on plan benefits, rates, qualifications, and even wellness materials. This also gives employers the opportunity to use data and reporting capabilities to refine benefit offerings by pinpointing underutilized plans or discovering any gaps in coverages, in addition to streamlining their benefits administration process.

As with any business decision, the financial ramifications play an important part for any employer. Employers are able to maximize their employee benefit offerings by managing costs through claims analysis. Obtaining good data can often be challenging, especially after recent changes within the Affordable Care Act (ACA). Fully-insured carriers are only required to release full data for companies with 100 or more employees, so for those employers under this threshold, this has become much more difficult.

To get the full value of analyzing claims, larger employers need help from their broker, or the insurance carriers they work with, to create an analysis tool that includes the following features:

- Benchmarking costs and claims against national or regional data
- Using health and prescription claims data to discover high-cost health areas that may be addressed with more benefit education or wellness programs
- Showing the impact of plan design changes such as higher copays for certain services such as emergency room visits, high-end prescriptions, etc.

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Employers are not limited to offering simple insurance plans. Another successful way to create a robust benefits package is to offer a Workplace Wellness Program. These types of programs are appealing to Millennials and can provide rewards to employees who meet specific criteria or goals such as joining a gym, quitting smoking or simply taking a daily walk. Health conscious and active employees tend to be more productive in the workplace. Among the aspects that often are included in Workplace Wellness Programs are base and variable pay, insurance premium discounts, paid time off, gift cards, gym memberships, recognition and training and career opportunities. These more unconventional offerings can create interest in the program and stimulate employees to take a more active role in their health coverage.

After all is said and done and you have put together your benefit offerings, the best way to maximize your employee benefits plan is to simply communicate these effectively so employees know how they can use it for personal success. This not only helps an organization retain top talent, but also meet its strategic goals. When employees win, employers win as well. •

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