



Human Resource Leadership for Improved Profitability

STRATEGIC WORKPLACE SOLUTIONS, LLC

The Lighthouse Report

MAY 2008

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INSIDE THIS ISSUE:

Meet Barbara 2
Morrow

Whistleblower 2
Policy Guidelines

Employee Guide 3
Lines...

SWS Contact 4
Information

What's New at 4
SWS

Legal Update: Status of Genetic Information Nondiscrimination Law

On May 1st, the House of Representatives approved the Genetic Information Nondiscrimination Act (H.R. 493) by the lopsided vote of 414-1. The legislation will prohibit employers and health insurance companies from discriminating against or refusing coverage to individuals based on the results of genetic testing.

The House action follows the Senate's unanimous approval of the bill on April 24, 2008. With final approval from both houses of Congress, the measure will now move to the White House for President Bush's signature. The president has already indicated that he will sign the bill into law.

Bill Leonard
Senior Writer
SHRM Online

SWS will keep you posted regarding the implementation of this new law.

Bullying in the Workplace—Study & Court Ruling

"Workplace bullying appears to inflict more harm on employees than sexual harassment, according to a new peer-reviewed study by Dr. M. Sandy Hershcovis and Dr. Julian Barling. The authors distinguished among different forms of nonviolent workplace aggression. Incivility included rudeness and discourteous verbal and non-verbal behaviors. Bullying included persistently criticizing employees' work; yelling; repeatedly reminding employees of mistakes; spreading gossip or lies; ignoring or excluding workers; and insulting employees' habits, attitudes or private life. Interpersonal conflict included behaviors that involved hostility, verbal aggression and angry exchanges.

Both bullying and sexual harassment can create negative work environments and unhealthy consequences for employees, but the researchers found that workplace aggression has more severe consequences. Employees who experienced bullying, incivility or interpersonal conflict were more likely to quit their jobs, have lower well-being, be less satisfied with their jobs and have less satisfying relationships with their bosses than employees who were sexually harassed, the researchers found.

Furthermore, bullied employees reported more job stress, less job commitment, and higher levels of anger and anxiety. No differences were found between employees experiencing either type of mistreatment on how satisfied they were with their co-workers or with their work."

Sources: shrm.org & newkarala.com

"Last month, the Indiana Supreme Court ruled in favor of a hospital employee who sued a surgeon for emotional distress and assault based on his treatment of the person at work. The ruling drew national attention as an acknowledgment by the courts of workplace bullying both as a phenomenon and as legal terminology, says Garry Mathiason, chair of the corporate compliance practice group at labor and employment law firm Littler Mendelson."

Source: Karen E. Klein, businessweek.com

Meet SWS Team Member Barbara Morrow



With demonstrated success in developing compensation and employee retention programs for a large corporation and nonprofit organizations, Barbara brings unique insight into creating strategies and plans that enable organizations to attract and retain valued employees. Throughout her career in compensation analysis and management, Barbara has been recognized for her insight into assessing organization needs, collaborating with cross-functional teams, and developing realistic and successful solutions.

Barbara joined Strategic Workplace Solutions in March 2008 after retiring from Sunoco and relocating to Western North Carolina. During her career at Sunoco, Barbara focused on compensation matters, culminating in her role as a Compensation Manager charged with directing the design and administration of corporate-wide compensation programs for

4000 employees. In that capacity, Barbara initiated and implemented programs that improved employee performance and boosted retention. She also developed recommendations for CEO and non-employee Board of Directors compensation.

Barbara earned her M.B.A. from the University of Pennsylvania's Wharton School and her B.S. in Business Administration from Drexel University. Well-respected in her industry, she has spoken on compensation matters to professional organizations. She is a member of the Society for Human Resource Management and also has her Compensation Professional Certification (CCP) from WorldAtWork.

Policy for Reporting Potential Ethical Violations (Whistleblower)

It is important to have written guidelines to promote compliance with the company's mission, vision, values, code of ethics, policies, and applicable laws and regulations. These guidelines are intended to encourage and enable employees and others to raise serious concerns about the company internally before seeking resolution from outside sources. They include procedures for reporting violations or suspected violations.

Your guidelines should:

1. Define whistleblower. (an employee or representative of the company who reports an activity that he/she considers to be illegal, dishonest, and/or unethical)
2. Define illegal or dishonest activities. Examples include, but are not limited to: violations of the company's code of ethics or policies; violation of federal, state or local laws; billing for services not performed or for goods not delivered; other fraudulent financial reporting.
3. Describe the responsibility to report.
4. State what is to be reported, who is to receive the report, and the method of reporting.
5. Identify who is responsible for investigating the activity or for determining fault or corrective measures.
6. Describe how the investigation will proceed, addressing confidentiality.
7. Address retaliation, false reporting, and sanctions.

By Carolyn Worthington

Employee Guidelines: Who Needs Them?

Well, if you have a business with employees, you do.

Some businesses take an ad hoc approach when dealing with job performance and other workplace issues. For example, you may realize you need an attendance policy after an employee calls in sick every Monday morning, or when a former employee sues the organization for wrongful termination, stating that s/he never received the policy upon which his termination was based.

Reactionary policies -- written after a specific employment issue occurs -- may not provide adequate protection from litigation. Sometimes these ad hoc decisions set an undesirable precedent for future decisions or result in "bad press" for your business. The employment arena is continually changing with new regulations and trends affecting your workplace. You must stay on top of these issues to successfully manage and protect your organization and your workers. Lawsuits alleging wrongful employment practices are the fastest-growing area of civil litigation.

For these reasons and more, it's a good idea to have basic workplace policies and guidelines in writing. Most large organizations have both a policy manual and an employee handbook, small to medium size businesses may have just an employee handbook, and very small businesses may have just a few key guidelines. In the rest of this article, we will focus on the employee handbook.

The employee handbook is possibly the most effective tool for communicating important information to employees and for creating a positive employee relations climate. Developing and updating your handbook is a primary responsibility of the human resource function, and the HR professional (either internal or outsourced) typically leads this project, ensuring that the resulting document is tailored to meet the specific needs of your organization.

The employee handbook codifies your business practices so they can be applied consistently throughout your organization. Potential conflicts

are avoided by spelling out the company's and the employees' rights and responsibilities. It also provides important information about your organization's employment practices, such as performance evaluation, pay, benefits, EEO, attendance, leaves of absence, safety, employee relations, and code of conduct.

The employee handbook is an essential tool for identifying organizational policies and culture, orienting new employees, answering questions that arise during employment, and guiding employment actions in compliance with applicable laws. Employers who fail to develop and adapt their workplace policies and practices may learn a costly lesson after a problem arises.

Writing an employee handbook can be a daunting task. You may be tempted to "borrow" the handbook used by another organization—avoid this temptation! The "lending" business may be subject to completely different laws or unique regulatory controls. Further, the "lending" company's policies may be out of date, not applicable, or poorly written. You could be adopting someone else's problems.

Our website offers an Employee Handbook Planning Guide (HR Resources link), which is provided as a courtesy to clients and colleagues. We hope you find this document useful. If you decide to outsource the creation/ updating of your employee handbook, we will be happy to talk with you about our approach.

By Carolyn Worthington

In this issue, we have included information to help you establish "whistleblower" related guidelines (see previous page). In the next few issues, we will provide information about other handbook topics—so let us know which ones you are most interested in learning about.

"An employee handbook codifies your business practices so they can be applied consistently throughout your organization."



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**The right human resource decision today
improves your profitability tomorrow.**

SWS helps organizations to:

- Improve individual and organizational performance
- Identify and resolve HR/OD challenges
- Build effective leaders and teams across differences
- Enhance employee relations/communications



Strategic Workplace Solutions News

Bonnie Snyder presented ***Succession Planning: Building Bench Strength in a Competitive Labor Market*** to the Iredell Human Resource Association in April. In this session, Bonnie explored the pro's and con's of succession planning from the perspective of the organization, leaders, and employees. She then shared the basics of succession planning and encouraged the attendees to apply this information to their own organizations.

Barbara Morrow will be making a presentation at Olsten Staffing Agency's monthly luncheon in June. The topic is: ***Total Reward Strategies to Attract, Motivate & Retain Talent in a Competitive Labor Market.***

The common theme here is the competitive labor market. Human resource and other business leaders are finding it challenging to attract

and retain good employees. SWS works with these leaders to explore strategies related to workforce planning, job design, employee selection, and workplace practices that foster clarity regarding workforce needs and how to best meet them.

Carol Rovello is representing SWS in the Center for Diversity Education's (CDE) inaugural Houses of Worship Walk-About on May 18th from 1:00 to 5:00. It's a good cause, consistent with the diversity work we do at SWS, and good exercise!

Did you know? We will modify our professional development programs to accommodate your workplace—before and after-hours programs as well as lunch & learn sessions can be scheduled based on our mutual convenience.