‘You’re in Sales,’ Pink Tells HR

BY BILL LEONARD

Like it or not, we are all in sales now. During Tuesday’s general session at the SHRM Annual Conference & Exposition, Daniel Pink argued that sales is the most important part of anyone’s job—especially for those in HR.

“Exchanges in the workplace happen every day. It may not be monetary, but we all give up something for something else of value in return,” said Pink, author of the best-selling book To Sell Is Human: The Surprising Truth About Moving Others (Riverhead, 2012). “Just think about how much time you spend in your job convincing and persuading others to try an idea or accept a report.”

According to Pink’s research, people typically spend 41 percent of their time on the job trying to persuade others. He told the audience that the art of persuasion is actually sales even though money isn’t changing hands.

“Sales is a big part of what people do every day, and my guess is that HR is doing more of this than [people in] other jobs,” he said. “Just think of trying to convince executives in the C-suite to accept a new idea or recruiting a top job candidate to come work for your organization. Even though the cash register isn’t ringing, these are sales.”

Pink hoped everyone at the general session would accept two big concepts—that they actually work in sales and that the sales model of today has radically changed from 30 years ago.

“Our traditional view of sales is outdated,” he claimed. “Years ago, sales had an asymmetry. Sellers had most of the information, while buyers had very little knowledge about what they were buying and not many choices. This world has shifted dramatically.”

According to Pink, the world has moved from “buyer beware” to “seller beware.” To succeed in this brave new

Tie Innovation to Your Culture, Francis Urges

BY KATHY GURCHIEK

Emphasizing the importance of innovation to their employers’ success, SHRM Board of Directors Chair Bette Francis, SPHR, told HR professionals on Tuesday that supporting innovation is their most pressing organizational goal.

It’s critical to the success and survival of every organization, she observed. It’s the difference, she noted, between companies like Apple and Amazon—that are considered the most innovative today—and those like Kodak and Pan American.

“We need to innovate our way out of the problems we face,” she said. “All of us here today can play a critical role in creating real organizational change” by helping build a culture that actively supports innovation.

She cited innovation expert Michael Stanleigh, CEO of Business Improvement Architects, who has found that most innovative organizations:

• Keep their organizational structures flat.
• Dare their employees to dream.
• Expect employees to regularly present new ideas to senior man-

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INSIDE

6 Dan Heath discusses decision-making during Masters Series talk
12 SHRM/Globoforce research investigates employee recognition issues
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TODAY’S KEYNOTERS

Gabby Giffords and Mark Kelly

TODAY’S HIGHLIGHTS

8:30 a.m.-9:45 a.m. General Session with Gabby Giffords and Mark Kelly
10 a.m.-11:15 a.m. Concurrent Sessions
10 a.m.-noon Masters Series with Margaret Heffernan
11:30 a.m.-12:45 p.m. Concurrent Sessions
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SALES, from page 1

world of sales, he said, people need to possess the following three qualities: attunement, buoyancy and clarity.

Attunement means being able to get out of your own head to see things from the perspective of others. Buoyancy is the ability to stay afloat in an “ocean of rejection.”

“Clarity is the ability to distill information and manage information,” he said. “I believe that we have overstated the skill of problem-solving. What we really need more of is the skill of ‘problem-finding,’ and being able to use the information available to understand and see problems before they happen.”

Pink concluded his keynote address by outlining five action items that anyone can start using immediately to become a better salesperson.

First, he said, you can increase your power. “You have to recognize that effectiveness by reducing the feeling of becoming a better salesperson. One can start using immediately to ‘problem-finding,’ and being able to use the information and manage information,” he said. “I believe that we have overstated the skill of problem-solving. What we really need more of is the skill of ‘problem-finding,’ and being able to use the information available to understand and see problems before they happen.”

Pink’s third action item was to “Give people an offramp. … Make it much easier for people to act,” he said. “Don’t push too hard or force them to make a decision. If the decision isn’t pressure-packed, and they have an easy way to make a choice, then sales and persuasion will come much easier.”

His fourth item was to ask yourself if you can do this. “Questions activate responses, and the answer usually will be, ‘Yes, I can do this, and this is how I’m going to do it,’” Pink said.

Pink’s fifth and final action item was to “Make it personal. … Put yourself into it, and put yourself on the line,” he said. Following his own advice, Pink displayed his cellphone number on the screen and invited attendees to “Call me if you have questions and concerns on how to make this work.”

The second recommendation was to not be a glad-hand; just be yourself. “Strong extroverts really aren’t good at sales, because they’re seen as pushy and not genuine,” he said. “You can do better if you don’t pretend to be someone you’re not.”

Pink’s fifth and final action item was to “Make it personal. … Put yourself into it, and put yourself on the line,” he said. Following his own advice, Pink displayed his cellphone number on the screen and invited attendees to “Call me if you have questions and concerns on how to make this work.”

INNOVATION, from page 1

Francis continued: “The wrong culture hinders innovation, both in big ways and small. How many of you have sat in a brainstorming meeting, one of those where it’s announced that ‘No idea is a dumb idea.’ But then one chuckle, one raised eyebrow from anyone in the room and then silence,” and the flow of ideas shuts down.

Francis explained that a culture of innovation:

• Encourages collaboration.
• Gives people the confidence to make suggestions.
• Sees mistakes as steps on the road to progress.
• All of these aspects of an innovation-friendly culture are areas where HR has a vital role to play,” Francis said.

She quoted Scott Anthony, managing partner at innovation consultancy Innosight, who said, “The role of HR cannot be overstated in building a culture of innovation.”

Francis said that happens when HR serves as a catalyst for change. She recalled a groundbreaking program with manufacturers in Texas that were facing shortages of skilled workers. HR professionals there worked with local colleges to shape the future of business, the government leaders across the country.

Francis asked attendees to crowdsourcing their ideas to meet that goal.

“Collaboration is what makes the difference between innovation and stagnation,” Francis said. She asked attendees to share ideas on Twitter using hashtags #shrm13 and #skillsgap, or via the Conference Daily

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Attendants applause during Tuesday’s session.

Grand Prize Winners

Attendees applaud during Tuesday’s session.

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Dana Mortimer, SPHR (at right), of Mme Fruit Products in Prosser, Wash., won the $5,000 grand prize drawing sponsored by Oracle on Tuesday. “I can’t believe they called my name. I’m going to take my daughter on vacation so I can see the backyard,” she said. Also shown, from left, are Sherry DeLong, PHR, of Loparex in Woodville, Wis., who won the $500 drawing; Pamela Stroka, Oracle’s vice president of human capital management and transformation; Kathy Byfield, CCP, of LSG Sky Chefs in Irving, Texas, who won $1,000; and Tracey Gampler, PHR, of Gorilla Gue Co. in Cincinnati, who won the SHRM prize of airfare for two, four-night accommodations, and full conference registration to the 2014 Annual Conference in Orlando. In back from left are Bret Schneider, an Oracle regional manager, and Emile Davis, SHRM manager of exhibits and sponsorships.

Society for Human Resource Management

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Costly Wage and Hour Mistakes Easy to Make

BY JOANNE DESCHENAUX

In this room of HR people, we all think we understand the basics of the Fair Labor Standards Act. But it’s counterintuitive. The law was written in the 1930s. The law hasn’t changed much, but the world has,” said Robert A. Boonin, an attorney with Butzel Long in Ann Arbor, Mich., addressing attendees during a Tuesday concurrent session on wage and hour compliance at the SHRM Annual Conference & Exposition.

Wage and hour lawsuits are the lawsuits “du jour,” he told the audience. Both individual and collective actions have increased radically in recent years. Just look at the numbers, Boonin said:
- Collective actions have increased by more than 500 percent since 2002.
- 90 percent of all employment class actions are wage and hour cases.
- The Department of Labor’s (DOL) investigative budget has increased by 50 percent since 2008. There are now more than 1,800 field agents.
- The DOL estimates that 70 percent of employers are violating the FLSA in some way.

Aggressive Enforcement Agenda
In the past, the DOL has acted primarily by responding to employee complaints of FLSA violations, Boonin said. But the agency’s 2013 agenda focuses on “directed” investigations, in which the agency chooses an employer to investigate even if no complaints against the company have been filed. Instances of directed investigations increased from 6,600 in 2011 to 9,400 in 2012.

The DOL has also focused on the misclassification of independent contractors as employees. This is a delicate area for some employers, Boonin noted. And the agency has issued a new video series called “Know Your Rights,” which “shows that they are trying to reach out and educate employees,” Boonin said.

Another recent DOL initiative is the crackdown on unpaid interns. Almost all unpaid interns in for-profit private-sector jobs are employees subject to minimum wage and overtime rules. “It is almost impossible to legitimately have an unpaid intern. Be very careful and pay your interns,” Boonin advised.

Consequences of Errors
Violating wage and hour laws can cost employers dearly. Successful plaintiffs are entitled to the amount of unpaid overtime for the past two to three years. They may also be entitled to damages equal to the amount of unpaid overtime and to their attorneys’ fees. Employers may face fines, interest and possible criminal sanctions. And in some circumstances, individual employees may be held personally liable; that means the money comes from their pockets and not from the company’s resources.

While HR professionals certainly know that overtime pay is due to all nonexempt employees for all hours actually worked over 40 in a workweek at the rate of 1.5 times the employee’s regular hourly rate of pay, defining “nonexempt,” “worked” and “regular hourly rate” may not be so easy.

Boonin outlined the seven most common wage and hour compliance errors:
- Misclassifying employees as exempt.
- Violating the “salary basis” rule.
- Failing to pay for compensable off-the-clock time.
- Awarding nonexempt employees compensatory time rather than overtime payments.
- Miscounting travel time.
- Miscounting training time.
- Miscalculating the regular rate of pay.

“Wage and hour lawsuits are the ones that employers are losing sleep over,” Boonin said, “but you can eliminate or at least minimize your liability by reviewing your practices.”

Better Understanding of Military Talent Can Benefit Employers

BY KATHY GURCHIEK

By tapping into the talent pool of U.S. military personnel transitioning to civilian employment, HR can effect change that benefits their organizations, said Sherrill Curtis, SPHR.

Curtis spoke at a Monday concurrent session, “10 Steps to Becoming a Military Ready Employer,” at the SHRM Annual Conference & Exposition. She has been involved in three SHRM Pinnacle Award-winning workforce readiness programs that support military talent and their children.

A better understanding of military personnel can go a long way to making an organization a military-ready employer, according to Curtis. The needs of those with post-traumatic stress disorder as a result of military service, for example, are the same as those who have it as a result of a car crash or mugging, and it shouldn’t be used against candidates.

Some employers harbor the mistaken idea, she continued, that veterans are not educated. “We have more people who come back [to civilian life] who are educated, who have dual degrees, who have finished high school,” she noted.

Additionally, they return home with valuable skills—something employers will discover by taking time to talk with them about their service-related responsibilities, Curtis said.

She recalled an interview with a young man who had just returned home from military service. Asked what job he had performed, he humbly replied that he drove a truck. Further conversation revealed that he had been responsible for 200 people and more than $5 million in equipment and that he oversaw the loading, unloading and inventorying of that equipment in record time.

These skills, Curtis said, get lost in the translation. “[If] someone speaks Spanish, you try to help them speak English,” she noted, encouraging HR to similarly help veterans translate their military skills. She pointed to O-NET Online (www.onetonline.org), a job board run by the U.S. Department of Labor, as one of many resources available.

Think about your organization’s job needs, Curtis advised, noting that the military has more than 7,000 job functions in more than 100 areas and that 81 percent of those jobs have a direct civilian job equivalent.

The chances are good, she said, that there are veterans who “can deliver top core competencies,” including leadership and decision-making skills, “that employers crave.”
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Heath Offers a Path to Better Decision-Making

Four Villains Prevent Organizations from Following Best Practices

BY BILL LEONARD

One day, Dan Heath said, he realized that although business success hinges on the decisions that leaders make, there is no training or education on decision-making. He and his brother then began to write the best-selling book Decisive: How to Make Better Choices in Life and Work (Crown Publishing, 2013).

“Bad decisions can have a major economic impact,” Heath said during the Tuesday afternoon Masters Series session at the SHRM Annual Conference & Exposition. “Research has shown that 80 percent of mergers and acquisitions create no value. How can this happen when we are talking about decisions that business leaders obsess over and look at from every angle?”

Heath told the audience that there are four “villains” when it comes to decisions that can put a decision-maker on the wrong path:

- Narrow framing, or putting on blinders and limiting options.
- Confirmation bias, or using preconceived notions to make a decision.
- Short-term emotions.
- Overconfidence.

“Being aware of these villains won’t help us from making bad decisions,” he said. “So, we must have a process in place to ensure that we counteract them.”

Heath said HR professionals are uniquely positioned to help their organizations put a process in place to make better decisions. Four steps that can help organizations avoid bad decision-making, according to Heath, are:

1. Widen your options.
2. Reality-test your assumptions.
3. Get distance before deciding.
4. Prepare to be wrong.

Heath pointed to research conducted by Carnegie Mellon University examining the decision-making processes of teenagers. The research found that teenagers tend to be blind to their options and boil their decisions down to a whether-or-not proposition of only one option. He said researchers found that teenagers only considered more than one alternative 29 percent of the time.

Surprisingly, another study, conducted by Ohio State and Mississippi State universities, found that out of 168 business decisions, the CEOs thought about more than one option only 29 percent of the time.

“So, essentially what the study found is that business leaders are pretty much using the same decision-making process as a teenager,” Heath said. “And that’s a pretty frightening thought, isn’t it?”

Research has shown, according to Heath, that adding just one more option to the decision process boosts the chances for success significantly.

“And if we can realistically boost our success rate by following these processes and suggestions, why wouldn’t you want to do so?” he concluded.
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Partnerships, Certification and Service. At left, journalist Jane Pauley serves as host of Monday night’s SHRM/AARP reception honoring top workplaces for older workers. Below, Erin Borszich, PHR, of VA SCC in Richmond, Va., displays some of the #MyLegoHR figurines designed by certified HR professionals in the HRCI Hideaway. The bottom three photos show attendees volunteering time to assemble hygiene kits for local Chicago charities. Attendees assembled 3,000 kits by Tuesday afternoon. At left, Man Lu and Lu Yang of Beijing, China; at right, Eileen Shue of Mishawaka, Ind.

GIVE ON THE GO CAMPAIGN STATUS

Give on the Go is the SHRM Foundation’s new mobile giving campaign. States are competing with one another to see which one can contribute the most donations to support the Foundation’s research and academic efforts. To donate, use your smartphone to scan the black-and-white QR code found throughout the McCormick Place Convention Center.

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7 a.m.-noon  
HRCI Hideaway  MP North Lobby

7 a.m.-1:30 p.m.  
Information Booth  MP South Lobby

7 a.m.-2 p.m.  
Luggage Check  MP South Lobby—Level 1

8 a.m.-noon  
Conference Registration  MP Hall A

8 a.m.-1:30 p.m.  
SHRMStore  MP Hall A

8:30-9:45 a.m.  
General Session—Mark Kelly & Gabby Giffords  MP Hall B

10-11:15 a.m.  
Concurrent Sessions*  MP

10 a.m.-noon  
Masters Series—Margaret Heffernan  MP S406 Vista Ballroom

11:30 a.m.-12:45 p.m.  
Concurrent Sessions*  MP

*Viewing areas for some concurrent sessions are available in the South Building on the 100 and 400 levels, in the North Building on the 200 level, and in the Lakeside building.

Gabby Giffords, Mark Kelly
At SHRM Annual Conference

BY SHRM CONFERENCE DAILY STAFF


Kelly was a combat pilot in Iraq, an astronaut on four space shuttle missions and commander of the final flight of the space shuttle Endeavour. He has visited the International Space Station four times and is a prostate cancer survivor, but the toughest challenge of his life, he has said, was the assassination attempt on his wife on Jan. 8, 2011.

A gunshot wound to the brain left her fighting for her life, missing a piece of her skull, and suffering difficulty in speaking and a loss of about 50 percent of her vision in both eyes.

The shooting rampage that killed six people—including a 9-year-old girl and a chief judge for the U.S. District Court for Arizona—and wounded 13 others occurred in a parking lot in Tucson where Giffords was meeting with constituents.

In his talk, “Endeavour to Succeed,” Kelly will speak about how focus equals success, even in the face of adversity, His talks are known for showing audiences how to accomplish their mission while maintaining the love and devotion to family that he believes is the foundation of true success.

In their international best-selling memoir, Gabby: A Story of Courage and Hope (Scribner, 2012), which the couple wrote with Jeffrey Zaslow, Kelly and Giffords recount their lives together and their story of hope and resilience.

Kelly’s talk will be followed by a special appearance by Giffords and a moderated question-and-answer session.

Kelly has visited the International Space Station four times and is a prostate cancer survivor. But the toughest challenge of his life, he has said, was the assassination attempt on his wife.

In January 2012, slightly more than a year after she was shot, Giffords resigned from her congressional seat to devote her time to her recovery. In September 2012, during an emotional moment at the Democratic National Convention in Charlotte, N.C., she led the Pledge of Allegiance.

Months later, the couple was in the courtroom when the 24-year-old gunman received seven life sentences without parole plus 140 years. He pleaded guilty in a deal that allowed him to avoid the possibility of a death sentence, according to ABC News.

Giffords, a third-generation Tucson native, served on the U.S. House Armed Services Committee and the Subcommittee on Air and Land Forces and Military Readiness. She chaired the Science and Technology Space Subcommittee and was vice chairman of the Sustainable Energy and Environment Coalition. She supported the Patient Protection and Affordable Care Act of 2010.

Giffords served in the state House of Representatives from 2001 until 2003 and in Arizona’s state Senate from 2003 until 2005.

Masters Series

Margaret Heffernan
Concludes Masters Series

BY BILL LEONARD

M argaret Heffernan will conclude this year’s installment of the Masters Series at 10 a.m.-noon today with the presentation “Talent, Conformity, Culture: Getting the Best from People.”

In this in-depth educational session, Heffernan, a former CEO and author of the book Wildblindness (Bloomsbury, 2011), will examine how employers can develop talented workers into an innovative and highly productive workforce. Heffernan will explain why risk takers tend to lose their creativity in large organizations. In addition, she will offer suggestions for how employers can keep talented and entrepreneurial employees from leaving and will demonstrate how HR can encourage workers to use their entrepreneurial spirit to benefit the organization.

This session will be held in McCormick Place’s Vista Ballroom (S406). Masters Series presentations are popular and typically draw large audiences, so attendees should plan to arrive early and get a good seat. The SHRM Foundation is the sponsor of the Masters Series sessions. Please note that using cameras or recording devices during the presentations is prohibited.

Gabble Giffords

Giffords was first elected to Arizona’s 8th Congressional District seat in 2006 and took office in January 2007. She was re-elected in 2008 and in 2010 was re-elected by a narrow margin.
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Survey: Employee Recognition Valuable but Lacking

BY ERIN BINNEY

A large majority of employers have an employee recognition program, but it might not be as effective as they would like, according to recent SHRM survey results. Approaching performance reviews differently might help.

SHRM/Globoforce Survey: Employee Recognition Programs, Spring 2013 found that 81 percent of respondents’ organizations have an employee recognition program and another 5 percent plan to implement one. However, the survey also found that just 26 percent of the respondents whose organizations have an employee recognition program believe that their employees are satisfied with the level of recognition they receive for doing a good job at work.

“Overall, the way employees are rewarded is not as effective as we would want it to be,” said Evren Esen, manager of SHRM’s Survey Research Center. “There’s definitely room for improvement.”

That certainly seems to be the case with performance appraisals. Slightly more than half (53 percent) of the respondents said annual performance reviews at their organizations are an accurate appraisal of employees’ work.

Having an effective employee recognition program is important particularly because it is believed to drive employee engagement, according to the respondents, and employee engagement was rated as the No. 1 HR challenge their organizations face.

The survey, which was commissioned by Globoforce and conducted by SHRM from March 14, 2013, to March 24, 2013, reflects the responses of 803 HR professionals at organizations with 500 or more employees.

Performance Reviews
Performance reviews represent a powerful but perhaps inadequately used recognition tool. These reviews typically involve an employee completing a self-evaluation followed by the employee’s direct supervisor providing feedback once a year.

When presented with a list of choices that included “opportunity to advance” and “salary and bonus,” respondents indicated that “appreciation by a direct supervisor” has the most impact on employee engagement.

However, only about half of respondents said managers or supervisors at their organizations effectively acknowledge and appreciate employees’ performance.

Furthermore, about half of respondents said their organizations’ performance review processes are effective in achieving organizational goals, while the rest said the processes need to be completely overhauled.

One option for revamping performance reviews is to incorporate feedback from multiple sources within the organization, known as “crowdsourcing feedback,” instead of just from the employee’s supervisor. Nearly three-quarters of respondents (74 percent) said doing this would provide a more accurate picture of employee performance, and 78 percent said it would be helpful to incorporate such data in employee reviews.

Crowdsourcing feedback via social recognition—where employees are empowered to recognize each other for great work—“can provide far greater insight than more-traditional performance review methods,” said Eric Mosley, Globoforce’s co-founder and CEO.

Unlike 360-degree reviews, crowdsourcing feedback doesn’t require a reviewer to remember how a co-worker performed on a project nine months ago, Mosley explained. It occurs on an ongoing basis and yields real-time feedback.

This approach may be gaining traction. Eight-five percent of survey respondents said their organizations use or are considering using social recognition in performance reviews.

However, acquiring more feedback from multiple employees can have its problems. For example, it’s possible a colleague would sing someone’s praises simply because that person is a friend, not because he or she delivers excellent work, Esen noted.

Still, “There has to be an openness on the part of companies to explore different ways of evaluating and recognizing employee performance,” she said.

SHRM Annual Conference attendees can learn more about incorporating crowdsourcing feedback into performance reviews at Mosley’s concurrent session, “The Crowdsourced Performance Review: The New Social Era in HR,” today at 10 a.m. His just-released book, The Crowdsourced Performance Review, is available for purchase at the SHRMStore.

Benchmark Data Show Employees Are Growing Restless

BY JOHN SCORZA

Workers are on the move again as the economy shows signs of strengthening. The Human Capital Benchmarking Database from SHRM reveals that more employees are voluntarily leaving their jobs compared to last year.

In 2011, the voluntary turnover rate was 9 percent. Last year, voluntary turnover increased to 13 percent, according to SHRM’s nationwide survey of HR professionals across a range of industries.

“Now that the U.S. economy is recovering, employers are hiring and employees who stayed with their employers during the recession see that opportunities for job mobility exist,” said Eliza Jacobs, researcher, human capital and workforce analytics, with SHRM. “During the recession, they were happy to have a job, but now they know they can seek employment elsewhere.”

In addition to employees leaving voluntarily to seek greener pastures, employers appear to be at least a little more willing to show them the door and send them on their way. Voluntary turnover due to poor performance, layoffs or other reasons rose from 6 percent in 2011 to 8 percent in 2012.

Overall, the annual turnover rate—due to voluntary and involuntary turnover—rose to 14 percent in 2012, up slightly from 13 percent in 2011. That’s considerably lower than in 2007, before the Great Recession, when the overall annual turnover rate stood at 19 percent.

In Illinois, where thousands of HR professionals are attending the SHRM Annual Conference & Exposition, the turnover numbers tracked lower than at the national level. The overall annual voluntary turnover rate in Illinois was 10 percent in 2012. The voluntary turnover rate was 11 percent, and the involuntary turnover rate was a very low 3 percent.

Despite the increasing mobility of employees, employers appear to be having some difficulty finding suitable candidates for open positions, based on rising cost-per-hire figures. The national average cost-per-hire rose 15 percent from 2011 to 2012—from $2,456 to $2,819.

“We know from SHRM research that employers are having difficulty finding individuals with the skill sets they need to fill vacancies,” Jacobs said. “Therefore, they likely have to utilize more resources than before the recession to find qualified individuals to fill their positions.”

Despite signs of improvement, continuing uncertainty about the economy seems to be putting a damper on employers’ hiring plans for 2013. The percentage of organizations that expect hiring to increase has been falling each year, from 42 percent that forecast increased hiring for 2011 to 38 percent for 2012 and 36 percent for 2013. The percentage of organizations expecting to hire fewer workers fell from 20 percent for 2012 to 18 percent for 2013. A sizable 46 percent expect hiring to stay the same in 2013.

The predictions about revenue were largely flat: 58 percent of organizations expect revenue to increase in 2013, up slightly from 57 percent in 2012. At the same time, fewer organizations expect revenue to decrease: 13 percent in 2013 compared with 16 percent in 2012. The remaining 29 percent expect 2013 revenue to stay about the same.

Other major metrics were fairly static. Average annual salary increases are expected to increase slightly from 2.4 percent in 2012 to 2.6 percent in 2013. The time it took companies to fill open positions decreased slightly from 34 days in 2011 to 32 days in 2012. Average tenure was unchanged at 8 years in both 2011 and 2012.

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Companies Anticipate Higher Health Care Costs

Most Organizations Are Providing HR Staff with Education on Changes in Reform Law

BY STEPHEN MILLER, CEBS

New survey reports looking at how U.S. employers are responding to health care reform were released by SHRM on Sunday, in conjunction with the 2013 SHRM Annual Conference & Exposition.

Part one, Health Care Reform—Challenges and Strategies, examines the challenges that HR professionals are facing and the strategies they are using to handle the new regulations. Part two, Health Care Reform—Impact of Health Care Coverage and Costs, focuses on future health care coverage benefits and expected future costs.

The research was conducted in May among a randomly selected sample from SHRM members. Overall, 818 responses were received, half with the job function of benefits and compensation and half with the job title of HR manager or higher.

Increased Costs, Cost Sharing Expected

A large majority of those surveyed (84 percent) expect their health care coverage costs to increase in 2014. Among these respondents, more than half (55 percent) predicted an increase up to 10 percent, while 19 percent forecast a 10 percent to 15 percent increase; one-quarter (26 percent) expected an increase of 16 percent or more. Generally, small organizations expect greater increases in costs.

Most organizations (83 percent) said they are likely or highly likely to pass on increased costs to their employees.

When asked what actions organizations are taking as a result of Patient Protection and Affordable Care Act (PPACA), respondents noted the following:

- **Staff education.** Nearly three-quarters of organizations are educating HR staff through classes (74 percent) or working with legal/benefits counsel (73 percent) to help them understand the health care law.

- **Redesigned plans.** More than one-half are working with their benefits provider to design a compliant health care plan for 2014 (61 percent) or analyzing the short-term financial impact of the law (60 percent).

- **Less expensive plan options.** More than one-half (56 percent) of organizations already offer (37 percent) or plan to offer (19 percent) their employees alternative, less expensive coverage plans, including high-deductible plans with health savings accounts or health reimbursement arrangements.

- **Self-insurance.** Just over half of organizations have fully insured medical benefits (52 percent). Larger organizations are more likely to be self-insured, as are publicly owned, for-profit companies.

- **Spousal coverage.** Thirteen percent of organizations currently have provisions to limit coverage for employees’ working spouses, such as applying surcharges or exclusions, and 9 percent plan to implement them in 2014.

- **Grandfathered status.** About one-quarter (26 percent) of organizations indicated they will try to keep a grandfathered health plan, which is exempt from certain provisions of the PPACA. More than one-half (55 percent) will not maintain grandfathered status, and 19 percent are unsure.

- **Staff and hour reductions.** Few organizations (3 percent) have reduced or plan to reduce the number of employees. However, 9 percent have already limited part-time workers to less than 30 hours per week; another 12 percent reported they plan to do so.

- **Resources.** To help them comply with reform provisions, organizations are turning to their insurance brokers (78 percent), SHRM resources (62 percent), legal counsel (48 percent), consultants (34 percent) and internal experts (20 percent).
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Train Managers to Limit EEO Liability

**EEOC Investigators Are Becoming More Aggressive**

BY JOANNE DESCHENAUX

Many equal employment opportunity (EEO) lawsuits arise due to the actions of managers and supervisors. Mindy Chapman, Esq., president of Mindy Chapman & Associates LLC in Chicago, said during a Monday concurrent session at the SHRM Annual Conference & Exposition. Common supervisor duties, such as interviewing and hiring, performance management, administration of the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act, against a New York employer that doesn’t know; and 3) things we don’t know we don’t know. Items in that last category—our “blind spots”—are the ones that can present problems for HR and for managers and supervisors. It is especially important to address these blind spots given the more aggressive approach the EEOC has been taking in recent years, she said.

In fiscal year (FY) 2012, there were 99,412 charges filed with the agency, as compared to 80,680 charges in FY 1997. The most frequent claims made involved race and sex discrimination and retaliation.

Also in 2012, the EEOC recovered $365.4 million for discrimination claimants, the largest amount ever recovered by the agency. The EEOC is now on Twitter and has its own YouTube channel, Chapman said. It is reaching out to employees in “technology-savvy” fashion.

The agency’s 2012-2013 Strategic Enforcement Plan tells agency investigators to scrutinize all individual claims to see if they could be class actions. In addition, the agency announced in May its first class action brought under the Genetic Information Nondiscrimination Act, against a New York employer that asked for family medical history while hiring workers and periodically while they were employed.

And, as of 2013, there are several new protected classes, Chapman noted. The EEOC may now examine employment decisions allegedly made on the basis of employees’ or job applicants’ employment status, arrest or conviction records, or credit scores.

The EEOC recently filed charges against BMW and Dollar General for allegedly implementing and utilizing a criminal background policy that results in employees being fired and others being screened out for employment.

“What do protected characteristics mean for us? We never make any employment decision based on that information. We focus only on talent and skills,” Chapman said.

And if managers or supervisors are unsure of the wisdom or legality of a certain course of conduct, they should immediately call HR. If the HR team is unsure, it should call the company’s legal advisors.

“This stuff is tricky, and you don’t get a second bite of the apple,” Chapman said. “In today’s world, it’s just too risky” not to take extra care to comply with EEO laws.

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SHRM Education Debuts Learning Programs This Fall

More than 600 HR professionals attended seminars and programs offered by SHRM Education during the Society’s 2013 Annual Conference & Exposition. Held at the Hyatt McCormick Place, courses ranged from certification preparation to seminars for senior professionals. Topics included Strategic HR, Boundary Spanning Leadership and Gaining a Competitive Advantage.

SHRM Education is expanding its roster of programs to provide a continuous learning experience for HR professionals as they grow and develop throughout their career. Among the new programs being introduced this fall are Business Management, Talent Acquisition, Performance Management, Creating a Culture of Ethics and Compensation Essentials.

A new SHRM Leadership series for the most senior members of the profession will feature programs on Leadership Development, Executive Coaching and Communication for the Business Executive.

Visit www.shrm.org/education.

SHRM Education Debuts Learning Programs This Fall
Build a Business Case for New Technology

Follow These 7 Steps to Structure Your Proposal and Make a Successful Bid

BY NANCY M. DAVIS

As a vendor, Joe Rotella, SPHR, fields lots of inquiries from HR professionals buying products and services. So when it comes to presenting a business case for new technology, the chief technical officer at Delphia Consulting LLC knows just how to do it. And he shared that advice with SHRM Annual Conference & Exposition attendees at a Monday session titled “Technology Meets HR: Selecting and Justifying the Right Solution.”

Regardless of whether you’re buying a color printer or an HR information system, creating a business case remains the same, he insisted. It starts with these seven steps:

• Complete a self-assessment and an internal needs analysis.
• Rank requirements based on organizational impact.
• Identify potential solutions—narrow the field.
• “Get real” with providers—that is, share your “real” budget, he said. “If you are uncomfortable telling the provider about your budget on the phone, ask for another rep or cross that provider off your list.”
• View demos from promising providers. Narrow your choices down to one or two vendors. “Invite that couple of vendors in for a demo,” he said. “Write a script for the demo. Write a story: Say, we’d like to see the following kinds of transactions.”
• Score solutions based on requirements. Create a spreadsheet of selection criteria. Invite your entire selection committee to participate in the demos and have them rate the providers. Use the ratings to select the vendor.
• Select a desired solution—and make the business case.

After selecting the vendor, ask for a proposal with prices and other details. As a courtesy, “tell everyone else who has been in the game that they didn’t win,” he suggested.

Then move forward to implementation planning.

Rotella’s definition of a business case: a structured proposal for business improvement that functions as a decision package for organizational decision-makers.

In effect, he said, “It’s a marketing document, a persuasive document that persuades business leaders to give you the thumbs up.”

Rotella recommends using a business case template by the University of Auckland in New Zealand. This outline starts with an executive summary explaining “why you are looking to change now.” Other components of a business case include the opportunity, needs or problems, solution, benefits, background and cost analysis. It should cover other possible options—such as doing nothing—as well as specific exclusions in the proposal, constraints and security issues. He advised attendees to gain executive buy-in early for change initiatives.

“Most officers do not like surprises.”

Finally, in a business case, the writer needs to document the proposal’s return on investment. Rotella suggests figuring ROI as equaling the payback period for the investment. However, many purchases yield intangible benefits that prove hard to measure, such as time savings.

In reality, return on investment has three perspectives: financial, cultural and processes, he concluded.  

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I’M MORE THAN A PROBLEM-SOLVER. I’M AN INNOVATOR.
An increasing number of government workplace compliance audits and stricter E-Verify laws and regulations have made employment eligibility immigration compliance a critical function for human resource departments across the U.S. U.S. employers have been deputized since 1986 to make sure that they employ a legal workforce. Completing a Form 1-9 Employment Eligibility Verification for each employee enables employers to document that they have met their obligations for verifying the identity and work authorization of their employees.

Studies have found that a typical organization will often have errors on more than half of its 1-9 forms. This can lead to steep penalties, the revocation of a business license, debarment for federal contractors, and discrimination and other damage claims from applicants.

“Since 2008, we’ve seen a 600 percent increase in 1-9 random and targeted audits,” said John Fay, vice president and general counsel for LawLogix Group, addressing attendees of a packed Tuesday concurrent session at the SHRM Annual Conference & Exposition.

Fay addressed five of the most common and dangerous mistakes that arise when using 1-9 forms and E-Verify, the government’s electronic employment verification system.

Denying you have an I-9 problem. So many employers out there think it’s just another form or that they’ll never be audited, Fay said. “But with the increasing use of E-Verify and the uptick in audits, your potential liability can be quite expansive. You really need to pay attention to this,” he said.

Some common I-9 mistakes include:

• Completing the form after the required deadlines. The new hire must complete Section 1 on or before the first day. Section 2 must be completed by the employer within three days of the start date.

• Using the wrong version. The recently released effective version of the form has 3/8/13 on it.

• Not ensuring that the employee signs the form. “An I-9 without an employee signature is no I-9 at all, according to Immigration and Customs Enforcement (ICE),” Fay said.

Waiting for ICE to show up. You can fix your I-9 problems before enforcers arrive at your door, Fay said. “If you review your I-9s now, spot errors and fix them, ICE will treat that effort a lot more favorably than if you don’t.”

Treating employees differently. The anti-discrimination provision of the Immigration and Nationality Act prohibits the use of unfair practices during the I-9 process. In general, employers may not request more or different documents than are required to establish a worker’s identity and eligibility to work in the United States and may not reject documents that appear to be reasonably genuine. For example, employers may not require applicants who appear “foreign” to produce green cards. The employee gets to choose which of the acceptable Form I-9 documents to present.

Improperly retaining I-9 forms. Employers must retain an employee’s completed Form I-9 for as long as the individual works for the employer. Once the individual’s employment has terminated, the employer must determine how long after termination the Form I-9 must be retained—even three years after the date of hire or one year after the date employment is terminated, whichever is later. Forms I-9 can be retained either on paper or electronically.

Not treating E-Verify seriously. Without a doubt, you are prone to more audits if you use E-Verify, Fay said. Some E-Verify best practices include:

• Centralizing operational control of the E-Verify chain.

• Understanding the nuances between I-9 and E-Verify requirements.

• Tracking state law. “It’s kind of crazy out there, with all the different state laws,” he said.

• Implementing a tentative nonconfirmation policy. If you receive a tentative nonconfirmation notice, “you want to make sure you meet with the employee, go over everything so that the employee understands what’s going on, and print out the notice itself. ICE is tracking that,” he said.
Personalize Rewards to Win Global Talent

Traditional Compensation Systems Don’t Work in Competitive Global Environment

BY ROY MAURER

Managing total rewards globally has become a challenging and complex exercise. The multitude of issues to contend with include:
- The scarcity of highly skilled talent.
- Global demographic changes.
- Fewer available resources for pay increases.
- The increasing costs of health care and retirement.
- The decline of the defined benefit paradigm around the world.

“Those of you who work in global benefits, my heart bleeds for you,” HR expert John Rubino, president of Rubino Consulting Services, said at a Monday session at the SHRM Annual Conference & Exposition.

At the same time, global HR trends are challenging employers as they seek to attract the services of top performers, Rubino explained. Those trends include the breakdown of the traditional base pay structure, less emphasis on internal equity, and more variable pay in the compensation mix.

“This is just an inkling of how highly complex it is to do global human resources,” he said. “It’s tough enough doing it in one country. Ratchet that up by about a thousand and you have an idea of what it’s like to do this around the world.”

The Exchange Relationship

In today’s competitive global environment, there is a new exchange relationship between the employer and star employees, Rubino said. The employer provides valuable total rewards, and the employees provide their time, talent, efforts and skills. “None of this is dictated in a command-and-control environment anymore. If you’re a young person with the valued skills, you can dictate to the organization what you want.”

Attracting the Talent You Want

So what are you offering in your total rewards package to attract and engage the talent you seek? ‘In my estimation, you have to give at least 20 percent of your employees zero to have enough money in your budget to truly reward your top performers.’

John Rubino, president of Rubino Consulting Services

Then, pay movement is accelerated for those lower in the range and decelerated for those higher in the range. For those who have reached the range’s top, generally, there’s no increase.

“You’re actually encouraging your talent to leave the organization,” he explained.

“In my estimation, you have to give at least 20 percent of your employees zero to have enough money in your budget to truly reward your top performers.”

If you don’t personalize rewards for your star performers, they will leave, he stressed.

“They know they’re good. They’re employable. They don’t understand what ‘loyalty’ means, and I don’t blame them. Personalizing rewards now is key.”

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NLRB Not Just for Unionized Workforces

BY JOANNE DESCHENAUX

In 2012, only 11.3 percent of employees belonged to a union, down from 27 percent in 1980 and 38 percent in 1950. Because of these low participation figures, the National Labor Relations Board (NLRB) is no longer primarily focused on union elections or collective bargaining. Michael J. Lotito, an attorney with Littler Mendelson in San Francisco, told the audience during a Tuesday concurrent session at the SHRM Annual Conference & Exposition.

“The NLRB is now applying the National Labor Relations Act in a nonunion environment,” he said.

Labor Board in Chaos

The NLRB is made up of five members, but there are currently two vacancies. Additionally, a federal appellate court in the District of Columbia, in the Noel Canning case, held that the “recess” appointments of two of the three sitting members were unconstitutional because they were not actually recess appointments as contemplated by the Constitution and so required Senate approval. A 2010 Supreme Court case ruled that the labor board may not act without a three-member quorum.

The board has requested Supreme Court review of the Noel Canning decision, but the high court has not yet decided whether to hear the case. Because of the decision, the validity of hundreds of orders issued since Jan. 14, 2012, has been called into question, and the board’s ability to act in pending and future cases is imperiled, Lotito said. In addition, the term of the board’s chair expires on Aug. 13, 2013. In July, the Senate will consider the two pending board nominations. But on Aug. 14, “we will have a nonfunctioning board,” Lotito said.

The NLRB’s regional offices will continue to investigate charges and process election petitions, and Noel Canning will not immediately change how the current board, acting general counsel, administrative law judges and regional directors interpret and apply the law, Lotito said. But, he added, “I’ve been doing this for a long time, and we’ve never had a mess like we do now.”

Social Media Policies

Against the backdrop of this confusing situation, the NLRB has taken on a new role—that of monitor of employer activity in response to employee social media posts. Since 2006, thousands of employees have been terminated for their social media conduct, Lotito said. The NLRB first became involved in November 2010, when it filed its first complaint regarding social media. In June 2011, the NLRB reported at least one social media case in every regional office. In August 2011, the general counsel issued a report summarizing 14 social media cases, and in January 2012 issued a second report summarizing 14 additional cases. In the third general counsel’s report, issued in May 2012, the board, for the first time, found a social media policy unlawful in its entirety.

The theory behind all of this NLRB activity is that disciplining employees for their social media conduct may violate section 7 of the National Labor Relations Act, which gives employees—both unionized and nonunionized—the right to engage in “concerted activities” for the purpose of “mutual aid or protection.”

According to the NLRB, this means employees have a statutory right to take action to improve working conditions; discuss dissatisfaction with working conditions with one another; discuss wage rates, bonuses and benefits with one another; complain about favoritism, policies, or other terms and conditions of employment; and criticize management’s actions affecting their conditions of employment.

In determining whether an employer’s discipline in response to an employee’s social media post violates the law, the NLRB will examine whether the post “references, involves or concerns” wages, hours, benefits, working conditions, or other terms and conditions of employment, Lotito said. The board will also investigate whether the post is “concerted”—in other words, does it show that employees are working together to advance the common good?

“No one’s handbook would pass NLRB muster,” Lotito said. He suggested that session participants go back to their organizations and try to refine their social media policies to comply more fully with NLRB directives. He suggested that the policy language be narrowly tailored to meet business objectives and that it contain examples of prohibited conduct that clearly would not be protected.
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SHRM Heads to Orlando Next Year

Mark Your Calendar for June 22-25, 2014, Annual Conference

BY KATHY GURCHIEK

Orlando—so sunny, tropical land of Mickey and Minnie, Orlando Magic basketball and the Arnold Palmer Invitational—will welcome attendees to the SHRM 2014 Annual Conference & Exposition. Orlando is a desirable location for the conference, noted Lisa Block, vice president of meetings and conferences for SHRM.

“It is easy to get to, hotels are in close proximity to the convention center, [and it’s a] great place for adults with [its] upscale dining and shopping—as well as fun for groups after hours at the parks and attractions,” she told SHRM Conference Daily.

Next year’s conference will be held at the Orange County Convention Center. Block said attendees can look forward to great speakers, a wide variety of topics, exhibits, professional resources and a conference mobile app—all hallmarks of the event.

In addition to the long list of conference highlights, attendees can expect some changes and additions to Orlando’s nearby tourist destinations.

This year, SeaWorld Orlando is debuting Antarctica: Empire of the Penguin, which will introduce attendees to “a voyage to the bottom of the world.”

Across the street at Discovery Cove, where freshwater Oasis opened in 2012, swimming and wading adventures include getting up close with otters and marmosets.

Disney, of course, is a land unto itself with its Hollywood Studios, Epcot, Animal Kingdom and Magic Kingdom theme parks. It has begun work to double the size of Fantasyland. It also is transforming Downtown Disney into four neighborhoods with added shopping, dining and entertainment options. Work on Downtown Disney, renamed Disney Springs, begins this summer and will be done in stages; completion is slated for 2016.

SHRM Annual Conference attendees venturing beyond the convention center walls will find a wealth of other attractions that include award-winning restaurants and beautiful golf courses.

Registration for the SHRM 2014 Annual Conference is open. Head to the SHRM registration area in McCormick Place to sign up. You also may register online at the SHRM website beginning today. A special early registration rate of $1,050 ends July 1.

See you at the SHRM 2014 Annual Conference & Exposition—HR’s own magic kingdom!

5 Trends Changing the Nature of Work

BY ALIJA D. WRIGHT

I t once took weeks to send a letter across the country. Today it takes just seconds to send an e-mail. Just as technology and communication have evolved, so too should the ways in which human resource professionals approach how their employees work.

In his Monday session at the SHRM Annual Conference & Exposition, “The Changing Nature of Work: Five Global Trends Affecting Strategic Human Resources,” Gary B. Kushner, SHPR, outlined the five global trends affecting the changing nature of work and how HR professionals must approach those trends within the next 10 years.

Kushner is president and CEO of Kushner & Co., a global HR strategy and employee benefits consulting and administration firm.

The trends include technological advancement, outsourcing, changing worker attitudes and values, demographics and diversity, and globalization.

“The organizations that are going to be successful are those that are nimble,” Kushner told the standing-room-only crowd. He added that embracing change isn’t just a necessity, it is a requirement.

Technology. Smart devices that allow constant connectivity continue to blur the line between work life and personal life. “I think one of the challenges in HR is trying to figure out how to have engaged employees” without having them work around the clock, Kushner said. “For the most part, most organizations haven’t thought through what that differentiator should be.” Telecommuting and flexible hours are just the first steps down that pathway of constant connectivity and work-life balance, he said.

Outsourcing. Companies have come to define which work is critical and which work is not, Kushner said. “Organizations will move in the future to outsourcing the noncore competencies of the workplace,” he said. Organizations now use more “free agents,” he explained, who come in for projects and provide a specific expertise while improving their skill sets—then move on to other organizations. According to Kushner, “the challenge for HR as this trend continues is it causes us to look at our organizational strategy and develop our HR strategies around how work gets done in our organization and by whom.”

Changing worker attitudes and values. There was a time, Kushner said, when people remained in one job their entire lives. According to the Bureau of Labor Statistics, a worker in the U.S. today has an organizational life expectancy of just 3.5 years. That is going to be a challenge for HR, he said, as it struggles to “reconcile how we engage our workers in such a way that they want to be here, but recognize they have interests outside the workplace.”

Demographics and diversity. People are living longer and, for the first time ever, “in the next 10 years, we will have five generations in the workplace,” Kushner pointed out. “You’ll have traditionalists, Boomers, Gen X, Gen Y, and what I like to call Gen wireless. These are people who grew up with technology in their hands—they understand it; they know how to leverage those tools.”

“Within HR, it’s going to change the way we think of some of the traditional ways we strategize all sorts of things in an organization”—especially training and development, he said.

Today, he explained, “institutional knowledge is passed down and around— you end up in a mutual training paradigm. That’s an amazing change in the way we’ve done this for thousands of years.”

Globalization. Before it was bought by Oracle, Sun Microsystems had employees working in the U.S., India and Europe around the clock on special projects. “Now they get 24 hours of work time. This dispersion of work geography is the best possible way that work can get done,” Kushner said.

ASPA/SHRM Annual Conference Sites

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