

EMPLOYER DIGEST



QUALIFIED
STAFFING

WE GO TO WORK FOR YOU.

LETTER FROM *the President:*

In last year's digest, I mentioned that over the past 30 years Qualified Staffing has witnessed just about every ebb and flow in the employment world. Little did we know then what 2020 had in store. In a time when so much is changing and unknown, we believe it's more important than ever to hold to what we know isn't changing. For us, that's our mission and core values. We remain committed to excellence in the services we provide to both our clients and job seekers. We hope you'll find the following information to be a helpful resource to you as you continue to navigate the changing employment landscape.

Sincerely,

Doug Billot

Doug Billot, President

The contents of this employer digest are for informational purposes only and do not constitute legal advice. Contact your attorney(s) for questions regarding all legal matters.



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A woman with blonde hair, wearing a black blazer, white shirt, and a white face mask, is looking down at a black folder she is holding. The background is a blurred city street.

LEADERSHIP DURING *Uncertain Times*

During the last two decades, our country has experienced several periods of great business uncertainty. Periods of severe business, economic, and personal crisis resulted from the widespread dot-com failures in 2001, the subprime mortgage crisis in 2008, and now the worldwide COVID-19 pandemic. Each of these events brought a more severe economic impact than the last. Beyond its severe economic impact, COVID-19 also brought an unprecedented level of concern and uncertainty regarding our personal health and well-being. The full effect on our nation's economy and our personal lives remains uncertain. This uncertainty presents unique challenges to business leaders in managing their most valuable asset – their employees.

No one likes uncertainty. During a crisis, your employees are likely to experience a wide range of concerns and questions. Will they keep their job? Will the company survive? Will they be able to make ends meet at home? What happens if they have a family emergency or a spouse loses employment?

Your leadership team is the company's barometer. The way you respond to uncertainty will influence your employees' attitude and outlook. Studies show that as human anxiety levels rise, decision-making ability declines. Providing leadership and good communication will help reassure your staff through uncertain times and give them the ability to stay focused and make good decisions for themselves and your company.

(OVER) COMMUNICATE

If you think you are communicating too much during uncertain times, you're probably communicating just enough. More than ever before, those connected to your company need to hear from you regularly. If you don't find ways to provide employees with the information they seek, they'll find other sources for information. Their source of information (or disinformation) could become the rumor mill. Nothing shuts down a rumor mill faster than frequent, transparent communication.

But what if you don't have all the answers? That's ok. Just be honest in your communications. Show legitimate concern over uncertainty and the challenges you are facing, while also providing reassurance and optimism. After all, our economy is very resilient and has always bounced back. Chances are, your business has survived many tough challenges and downturns in the past. When times are difficult, don't sugarcoat or be evasive in your communications. Instead, show strength and confidence to your employees. This is your time to inspire, reassure and demonstrate compassion while making difficult decisions.

COACH MIDDLE MANAGEMENT

A well-intentioned but inexperienced manager can do damage to your overall message. Don't assume all your managers and team leaders are on the same page as you are. You should communicate to them how the company is addressing current challenges, determine what questions they have, and answer them. Then, guide them on how to best communicate that information to their teams. Ideally, a low-level employee should get the same answers from their manager as they would from you.

CREATE A PLAN

Create a plan to address the existing uncertainties and challenges. Be sure your management team has input into developing your strategy. Fully assess your current situation and a range of contingencies. Encourage brainstorming and creativity from your team in addressing novel situations. Be decisive whenever reasonably possible—don't wait for complete clarity. Decisiveness will help remove uncertainty and apprehension with your management team. Weigh the cost of indecision, and don't let the fear of a wrong decision paralyze your organization. Even a plan providing a general roadmap with key trigger points is better than no plan at all. Be agile in decision making and don't be afraid to address new issues and modify your plan accordingly. Be sure your team understands the plan and how to communicate it through different levels within your organization.

CONSIDER PEOPLE NOT MERELY PROFITS

Amid uncertainty, it makes sense to be concerned about your company's bottom line. However, if your team believes that you care more about profits than their wellbeing, you'll probably lose their trust and support. When things rebound, you could face a costly turnover problem. Of course, keeping your company healthy and weathering the storm is crucial. Hard decisions will need to be made. However, remember to lead from both your heart and your head. Be willing to address unique personal circumstances and demonstrate compassion. Your employees will take note and be more supportive when difficult decisions must be made. Remember, your employees' perception is your reality, and it's up to you to convey the message that they are your most important asset.

FIND A SHARED SENSE OF PURPOSE

Create an atmosphere that "we're all in this together." Don't let people feel isolated. Most people feel there is strength in numbers and find additional motivation in supporting team goals and objectives. A crisis is an opportunity for your team to bond and come out stronger on the other side. Use your company's mission statement and core values to remind your employees of your shared purpose for the company and its employees. In addition, consider finding ways for your team to help the community during a crisis. Collective efforts to give back to the community creates a shared purpose and helps curb anxiety.

TAKING THE RIGHT APPROACH TO UNCERTAINTY

The past has taught us that, unfortunately, periods of great uncertainty do arise in business, often without warning. During uncertainty, employees are looking for leadership and reassurance. Developing a plan, creating a shared sense of purpose and good communications are critical during this time. Demonstrating leadership, decisiveness and compassion are key in responding to uncertainty and creating trust with your team, because your actions will be remembered after things resume to normal. The proper approach can further strengthen your organization and create lasting goodwill with your employees.

UNEMPLOYMENT *Overview*

When we originally began writing this digest, the employment world looked a lot different than it does now. We were prepared to talk about continuing record-low employment and how that affects recruiting the best talent. Then the unthinkable happened. In the blink of an eye, COVID-19 pushed unemployment from about 4% to over 14% - the highest since The Great Depression.

At the time of this writing, unemployment has begun to drop, and the Fed expects the number to be closer to 9% by the end of 2020.

While higher unemployment would normally translate to more available talent, the crisis and subsequent stimulus packages made it more desirable for some people to delay their return to the labor force. The fact that some workers are legitimately fearful of returning and catching COVID-19 likely also played a role. This means employers need to find innovative ways to attract talent. Here are a few considerations:

- 1 Wages - are you competitive? See subsequent pages for info on wage numbers for key industries. If you're curious to where you stand vs. your competition, we'd be happy to do a free wage analysis for your company.
- 2 Training and Development - are you giving training and growth opportunities to those who want them?
- 3 Safety - are you going out of your way to provide a safe working environment? Have you made all reasonable accommodations for COVID-19 and other illnesses?
- 4 Culture - a key to creating a solid culture is to ask yourself the question: Why would someone want to work for us? Is your culture inviting to new employees? Does it make current employees want to stay?

These topics and more are covered in later sections of this digest.

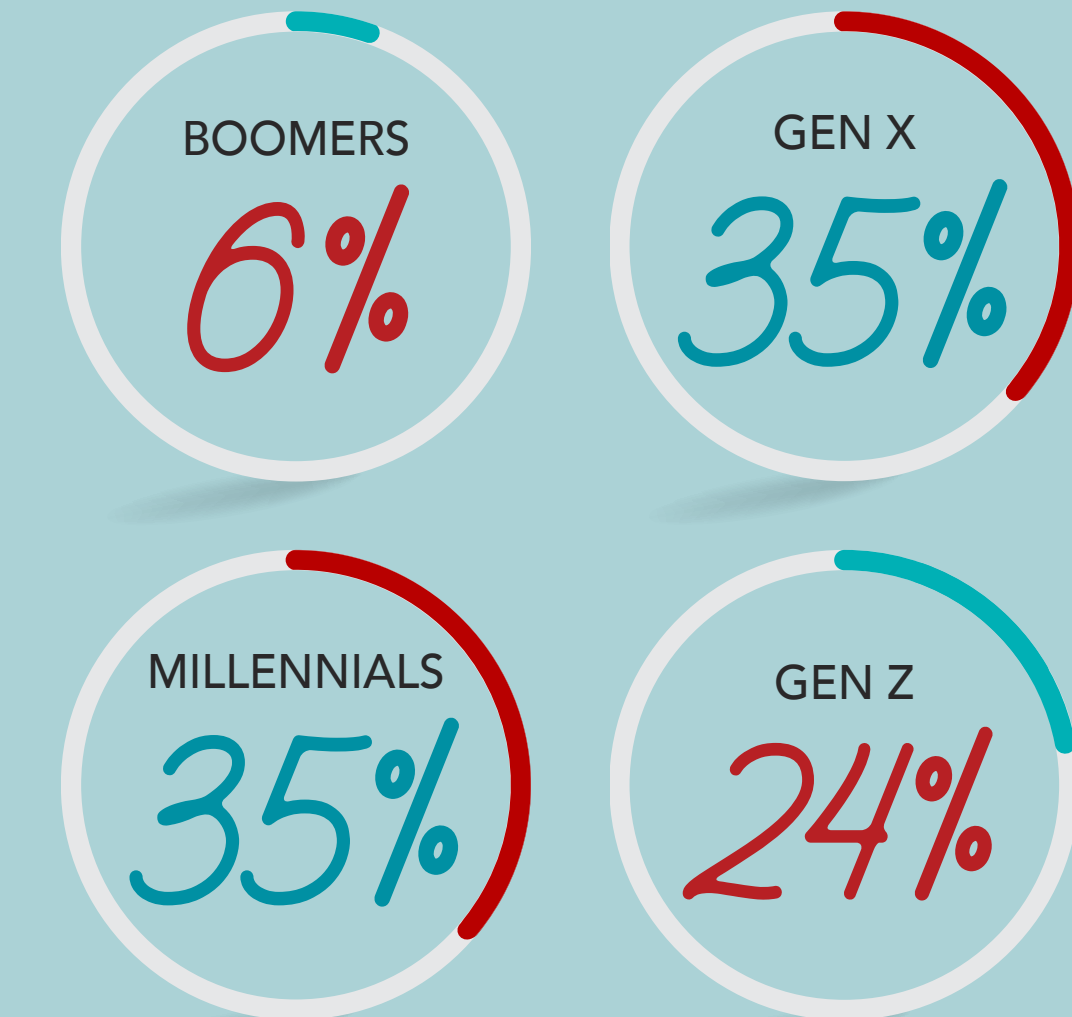


FUN *Fact:*

WOMEN NOW MAKE
UP MORE THAN 50%
OF THE WORKFORCE



EMPLOYMENT BY GENERATION



Source: statista.com

WAGES

What are people earning in the US today? While individual rates can vary greatly based on variables such as location, education, and industry, the median U.S. wage for full-time and salaried workers at the end of 2019 was around \$936 per week or \$48,672 annually. Break those numbers down further and it's about \$23.40 on average per hour.

This rate comes at an increase of 4% over last year, according to Bureau of Labor Statistics 2019 Fourth Quarter Report. If pay rates continue to trend upward, what can you do to stay competitive in attracting new talent and keeping the qualified talent you already have, without hurting your bottom line?

DEVELOP A STRUCTURED PROGRESSIVE PAY PLAN

One way to stay competitive while possibly boosting productivity at the same time, is to consider offering employees a Structured Progressive Pay Plan. This plan, often implemented at the time of hire, gives employees a goal-based step ladder toward a higher wage payout.

With each successful review or goal reached, the employee is given a raise in pay until they reach the set pay cap. This reward-based incentive may help reduce absences, turnover, and could also help improve employee engagement. Just be sure to communicate the goals, expectations, and pay raise scale clearly to the employee and always stick to the agreement.

PAY ATTENTION TO PAY INEQUALITIES

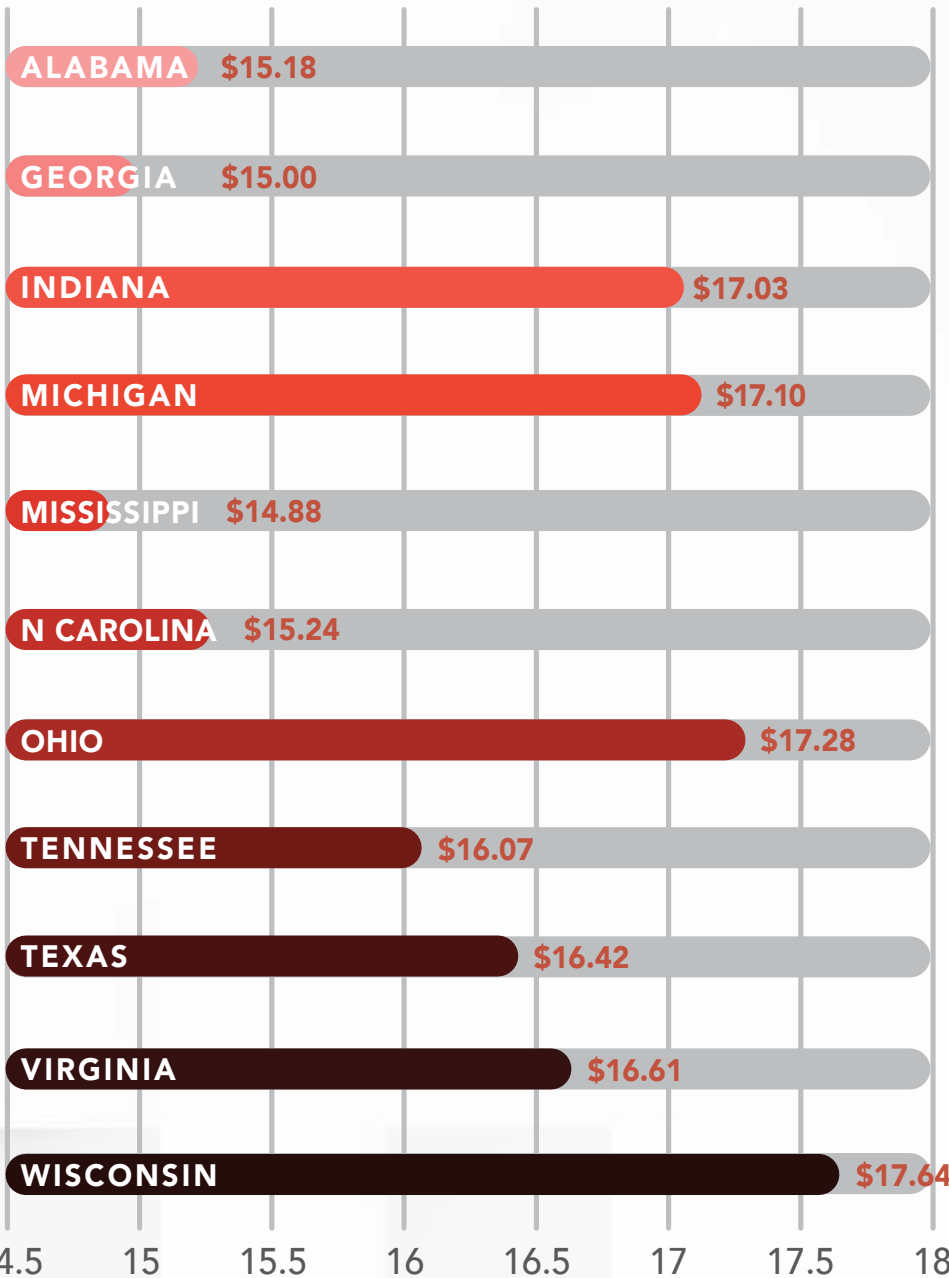
With the Equal Employment Opportunity Commission (EEOC) decision to require most employers to submit pay data sorted by race, ethnicity, gender and job category, it is a good idea to pay attention to any possible pay inequalities happening within your business and address them promptly.

BENCHMARK PAY RATES

Another way to stay competitive is to know what other people are paying their employees in the same market and industry. It is a good idea to consider these rates at least annually to reduce turnover and stay competitive in attracting new talent.

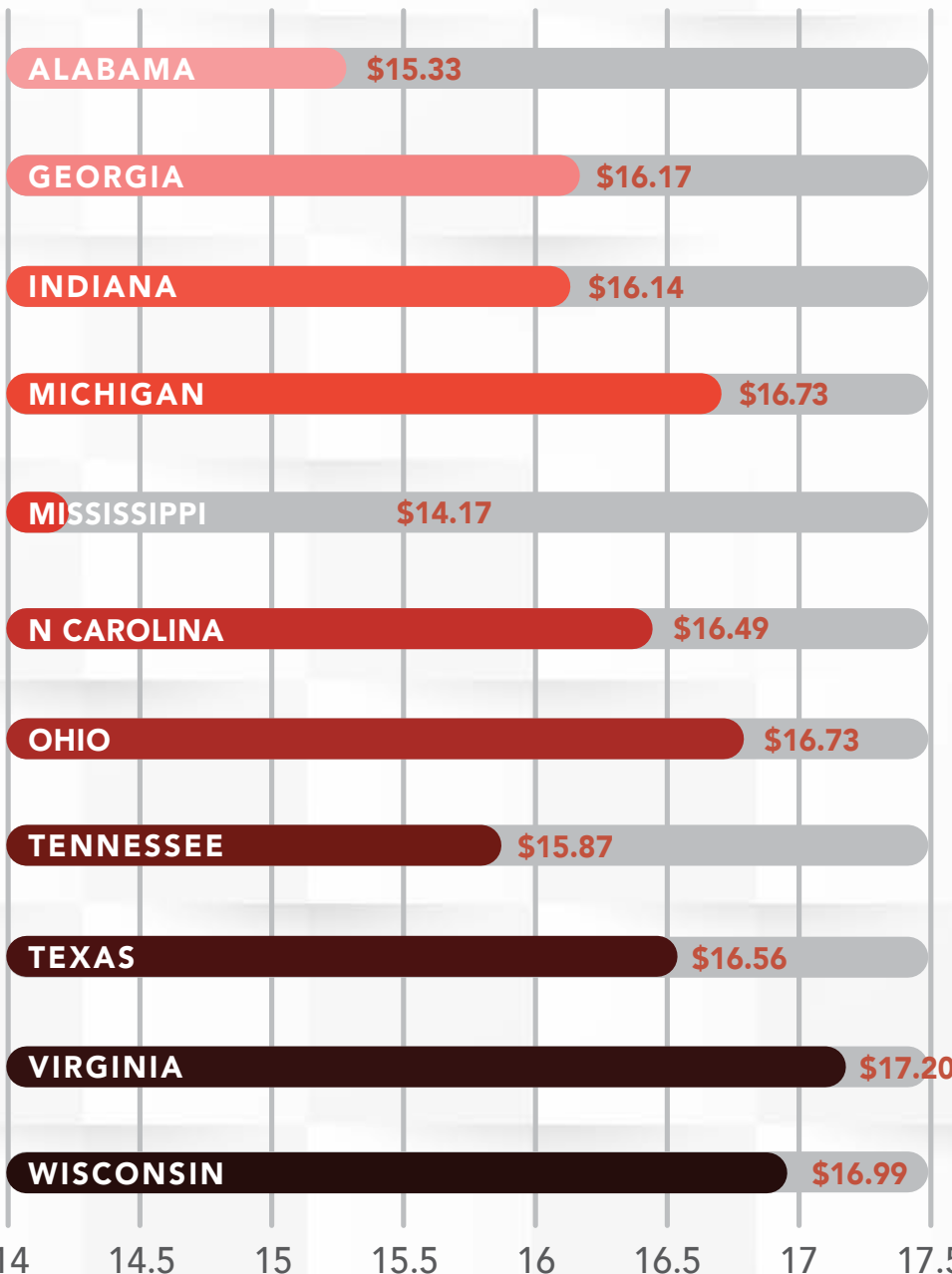
Curious what employees are making in your industry? Here are the latest pay rate breakdown for each industry by state.

PRODUCTION OCCUPATIONS



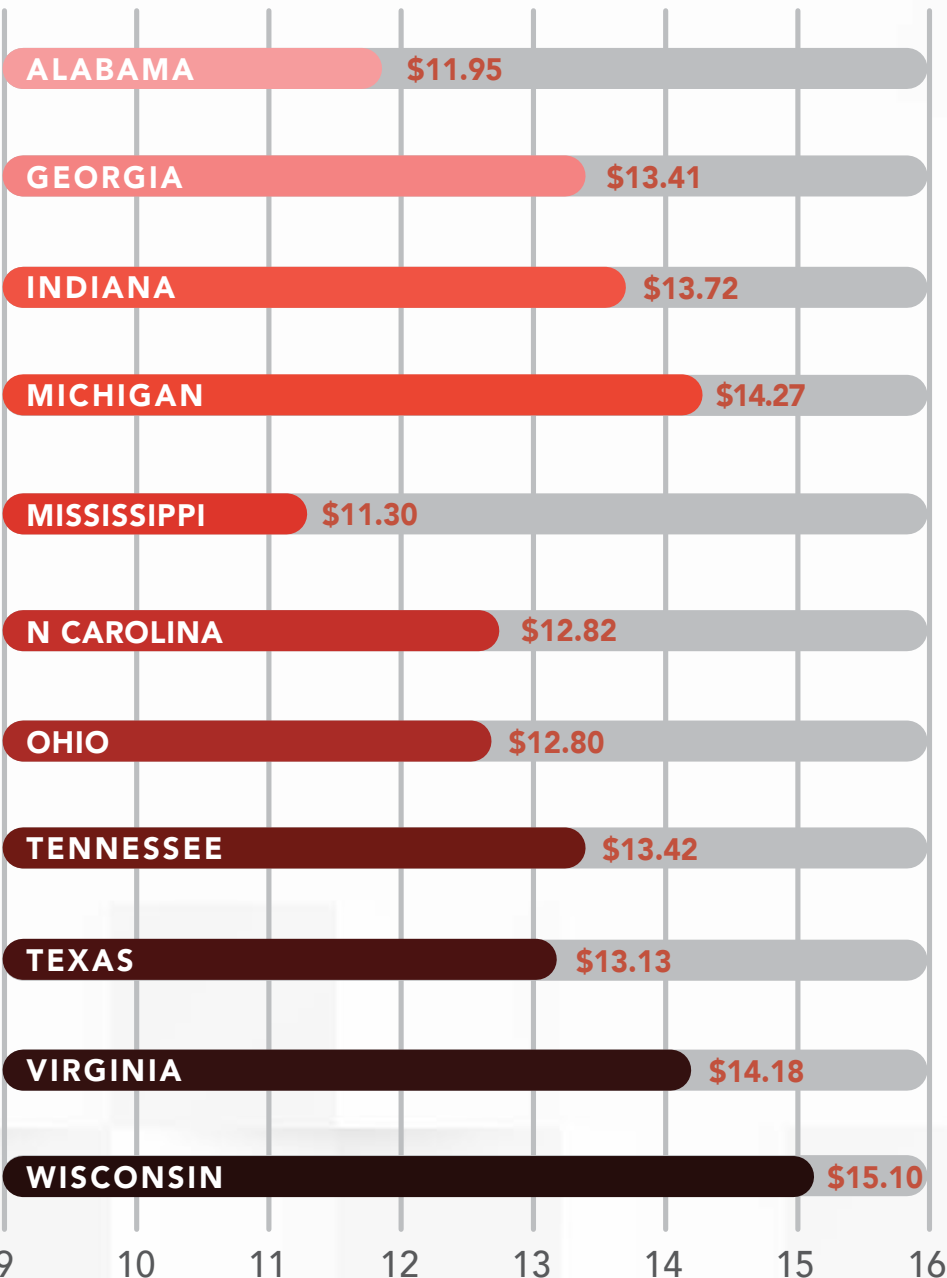
The average median wage for temporary staffing is 25% lower than the numbers listed in this chart.

OFFICE & ADMINISTRATIVE SUPPORT



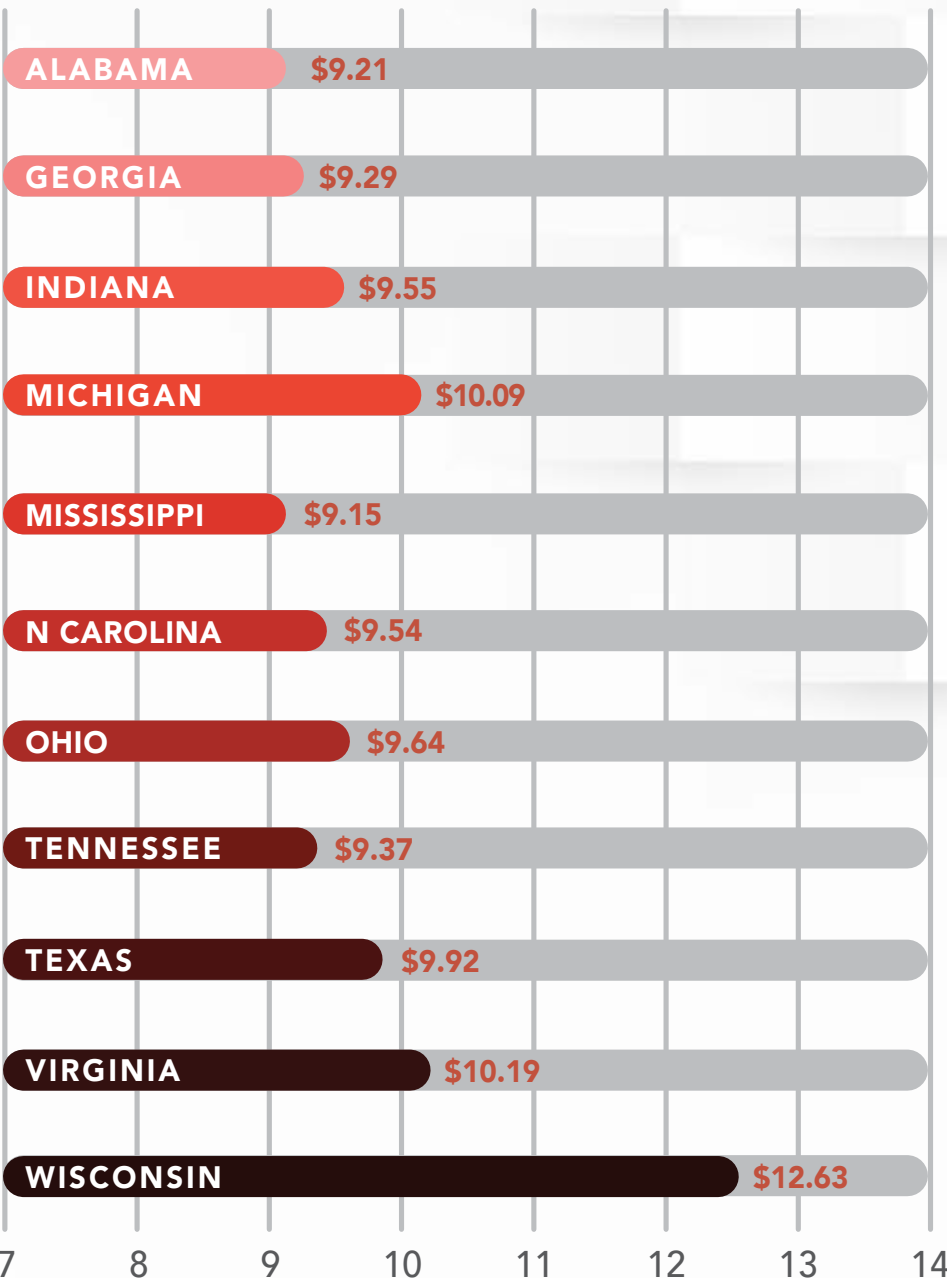
The average median wage for temporary staffing is 13% lower than the numbers listed in this chart.

HEALTHCARE SUPPORT



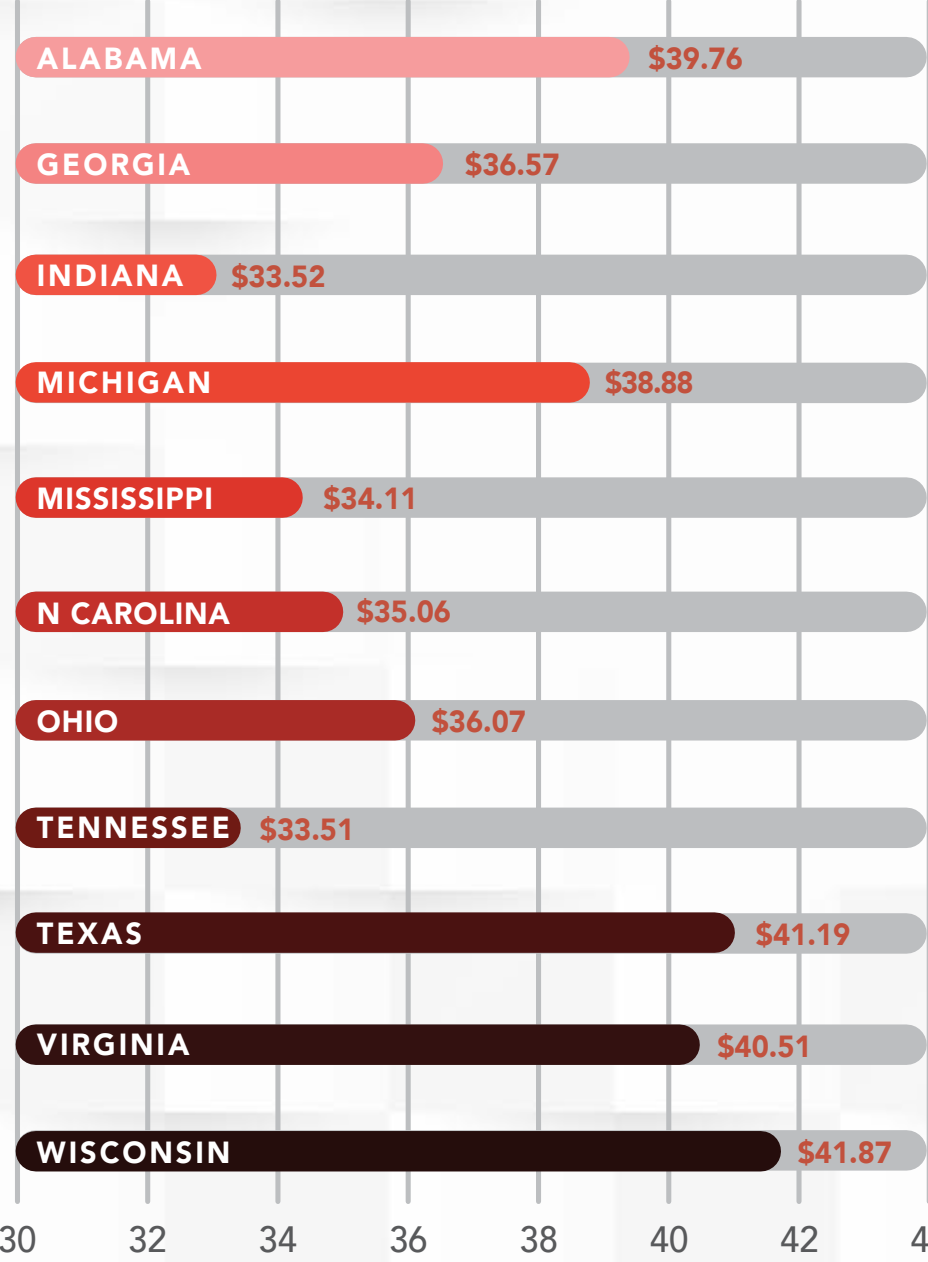
The average median wage for temporary staffing is 2% lower than the numbers listed in this chart.

FOOD PREP & SERVING



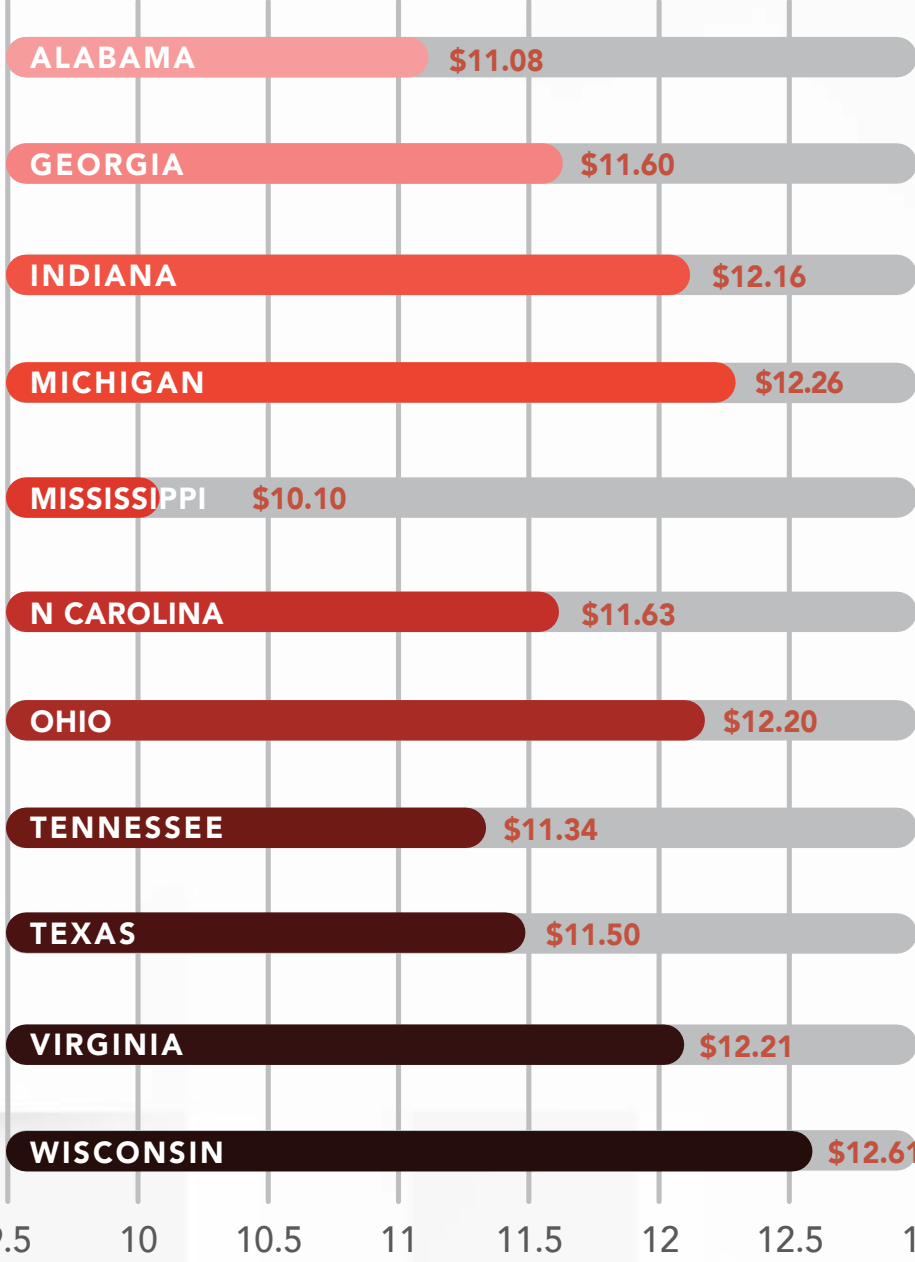
The average median wage for temporary staffing is 4% higher than the numbers listed in this chart.

ARCHITECTURE & ENGINEERING



The average median wage for temporary staffing is consistent with the numbers listed in this chart.

BUILDING GROUNDS & MAINTENANCE



The average median wage for temporary staffing is 8% lower than the numbers listed in this chart.



Throughout 2019, we asked each of our applicants the minimum hourly wage for which they would be willing to work. We averaged the numbers, and here's the

Breakdown
BY STATE

ALABAMA\$11.74
GEORGIA\$11.16
MICHIGAN\$12.08
MISSISSIPPI\$10.55
NORTH CAROLINA	...\$11.79
TENNESSEE\$10.16
TEXAS\$10.82
VIRGINIA\$11.48
WISCONSIN\$13.01

Reducing **TURNOVER**

A quick Google search will net you a variety of advice on how to find and hire the best talent. But what if you didn't have to hire in the first place? Unless your open positions are a direct result of company growth or bad hiring, your need for talent likely came from someone leaving your company. We've done our homework on the current status of voluntary turnover, and what we found is jaw-dropping.

In 2019, we watched the annual number of hires reach 69.9 million, although at the same time the annual number of quits jumped to 42.1 million. This was a total increase of 1.3 million in hires and a 1.8 million in quits from the previous year. What's more interesting, however, is that this is the tenth consecutive year that we've noticed an increase in the number of quits.

You might be wondering what factors are causing people to voluntarily leave their jobs at an increasing rate year-over-year. Looking at the statistics, this rate of turnover could be a sign of a strong job market, proving that jobseekers have plenty of opportunities for employment. It could also show us that people simply aren't happy in their jobs and because of the variety of opportunities available, they risk nothing in leaving their current place of employment for greener pastures. Either way, companies need to take notice of this growing trend and implement strategies to stay ahead of their competition and protect their current employee assets for the long run.

ACCORDING TO THE
US BUREAU OF LABOR
STATISTICS,
5.6 million
PEOPLE PER MONTH
VOLUNTARILY QUIT THEIR
JOBS IN THE Q4 2019.

ACCORDING TO
HUMAN RESOURCES
TODAY, VOLUNTARY
TURNOVER LEVELS
IN US COMPANIES
AVERAGED

16%
IN 2018.

52%

OF PEOPLE WHO
VOLUNTARILY LEFT
THEIR COMPANY SAID
IT WAS PREVENTABLE,
ACCORDING TO A RECENT
GALLUP SURVEY.

HOW TO HIRE FOR THE LONG RUN

1 *Lead with Company Culture.*

While it is important to hire employees based on their skill sets for a certain job, it is also important to consider if your new hire will align with your current values, mission, and company culture. Hiring someone who doesn't align with your company values could lead to a disengaged employee who fails to recognize their purpose and goals.

2 *Implement a Structured Onboarding Process.*

According to research by Brandon Hall Group, organizations with a strong onboarding process improve new hire retention by 82% and productivity by over 70%. Companies with weak onboarding programs are more likely to lose these individuals in the first year.

3 *Invest in Leaders.*

You've probably heard the saying "People don't quit jobs, they quit bosses." According to Gallup, 50% of the surveyed audience said they have left a job "to get away from their manager." What this tells us is that it's more important than ever to make sure our best leaders are taking on the management roles. One way to better understand if you've hired the right people for the job is to implement exit interviews as well as annual employee surveys.

UNDERSTANDING YOUR COMPANY TURNOVER RATE

Knowing what your company turnover rate is and comparing that rate to the national average is something that should be done on a regularly scheduled basis. These numbers can not only offer insight into your overall employee satisfaction levels, but also help alert you to areas of the

organization that may need attention, such as pay rates, company culture, or management issues.

Here is an easy way to find out what your company turnover rate is so you can begin to track it over the long run.

$$\text{MONTHLY TURNOVER \%} = \frac{\text{Employees separated}}{\text{Average number of employees}} \times 100$$

JOB POSTS & descriptions

There are many things in life that seem easier said than done, hiring new employees to your team is one of them. In a perfect world, we could simply put out a “help wanted” sign and qualified applicants would file through the door. Unfortunately, in the current job market and technology era, cutting through the noise to be seen takes so much more.

If you’re wondering if there’s a golden ticket that will allow you to pass to the front of the line to get in front of the applicants first, there isn’t. However, there are a few things you can do to make yourself stand out among the crowd.

CREATE JOB LISTINGS THAT GET YOU NOTICED

A job posting is your first meeting with a potential new hire. What type of impression do you want to make? What do you want them to know? What do you want to know about them?

With this outlook in mind, let’s walk through the steps of creating a stellar job post that will connect you with the right candidates.

THE JOB POST TITLE

What you title your job post does matter. In fact, it probably matters the most. The job post title is often the deciding factor on whether an applicant opens the job to read more or scrolls past to something more enticing.

Although, before you start getting overly creative with your title and post a listing

for your next Data Entry Extraordinaire, remember that people probably won’t be typing that term into their search bar. It’s best to use clear and concise keywords like Accountant, so algorithms can accurately categorize your listing and show it to the right people who are actively looking for it.

THE JOB POST DESCRIPTION

The job post description is also a key factor to finding the right applicants. It should actively tell candidates more about what the position will entail and help them easily identify any requirements or skills needed.

As with the job post title, the description should also be clear and concise. It’s also best to start with the most important information first, that way you can entice

the applicant to read more. In order to make your job post information easy to digest, it’s best to break information up into smaller sections and utilize bullet points where applicable. Since the average jobseeker spends only 14 seconds reading your listing, you need to make sure the information is to the point and easy to read. Don’t forget to also include all important key factors like location, benefits, job explanation, and requirements.

SELL THE BENEFITS

When it comes to selling a product, we always lead with the benefits, right? Think of your open job as a product. What makes it unique? What makes it special? Leading with the best parts of your job offering is a great way to attract attention. A four day work week? Now that might turn some heads.



Job Posting STATS

61%

OF CANDIDATES SAY
THE SALARY RANGE IS
THE MOST IMPORTANT
PART OF THE JOB
DESCRIPTION

BETWEEN
23%-27%

OF CANDIDATES
SAY THAT COMPANY
DETAILS AND MISSION
STATEMENT ARE
NOT AN IMPORTANT
PART OF THE JOB
DESCRIPTION

37%

OF JOB SEEKERS SAY
THEY WILL MOVE ON
IF THEY CAN'T FIND
MORE COMPANY
INFORMATION
ONLINE

AFTER VIEWING A JOB
POSTING, MEN APPLY

13%

MORE OFTEN
THAN WOMEN

AFTER VIEWING
A JOB POSTING,

64%

OF CANDIDATES SAY
THEY RESEARCH THE
COMPANY FURTHER
ONLINE

14
seconds -

THE AVERAGE TIME
A JOB SEEKER
SPENDS REVIEWING
A JOB POSTING

57%

OF APPLICATIONS
HAPPEN BETWEEN
MONDAY AND
WEDNESDAY

50%

OF CANDIDATES SAY
THEY WOULDN'T WORK
FOR A COMPANY WITH A
BAD REPUTATION, EVEN
FOR A PAY INCREASE

DO'S AND DON'TS OF Job Posting

DO:

- Be clear and concise.
- Use direct and personal verbiage.
- Highlight the most important information first.
- Use bullet points
- Be authentic
- Share your job location
- Respond to applicants quickly

DON'T:

- Use internal lingo
- Use gender-specific terms or language.
- Use all CAPS

AN ATTENTION GRABBING JOB POST

May Look Like This



Qualified Staffing - Staunton posted a job.

May 8 at 1:54 PM · 🌐

Do you love spending time in the kitchen? Do you find slicing and dicing produce to be therapeutic?

Qualified Staffing is hiring line cooks for a local medical facility. We are looking for individuals who want to be part of a team. These are temp to hire positions!

Apply ASAP!... [See More](#)



QUALIFIED STAFFING - STAUNTON

Line Cook

Fishersville · Full-time · \$12.97 / hour

[Apply Now](#)



4 Interesting Places TO LOOK FOR CANDIDATES

- 1 Employee Referrals - ask your current employees if they know someone looking for a job.
- 2 Utilize your social media channels and ask people to share the news.
- 3 Place hiring information on your own website so fans of your brand easily know how to apply.
- 4 Share the news that you're hiring with your customers - the initial relationship is already formed.

HOW TO KNOW IF YOU HAVE A POSITIVE COMPANY *Culture* OR A NEGATIVE ONE, AND WHAT TO DO ABOUT IT.

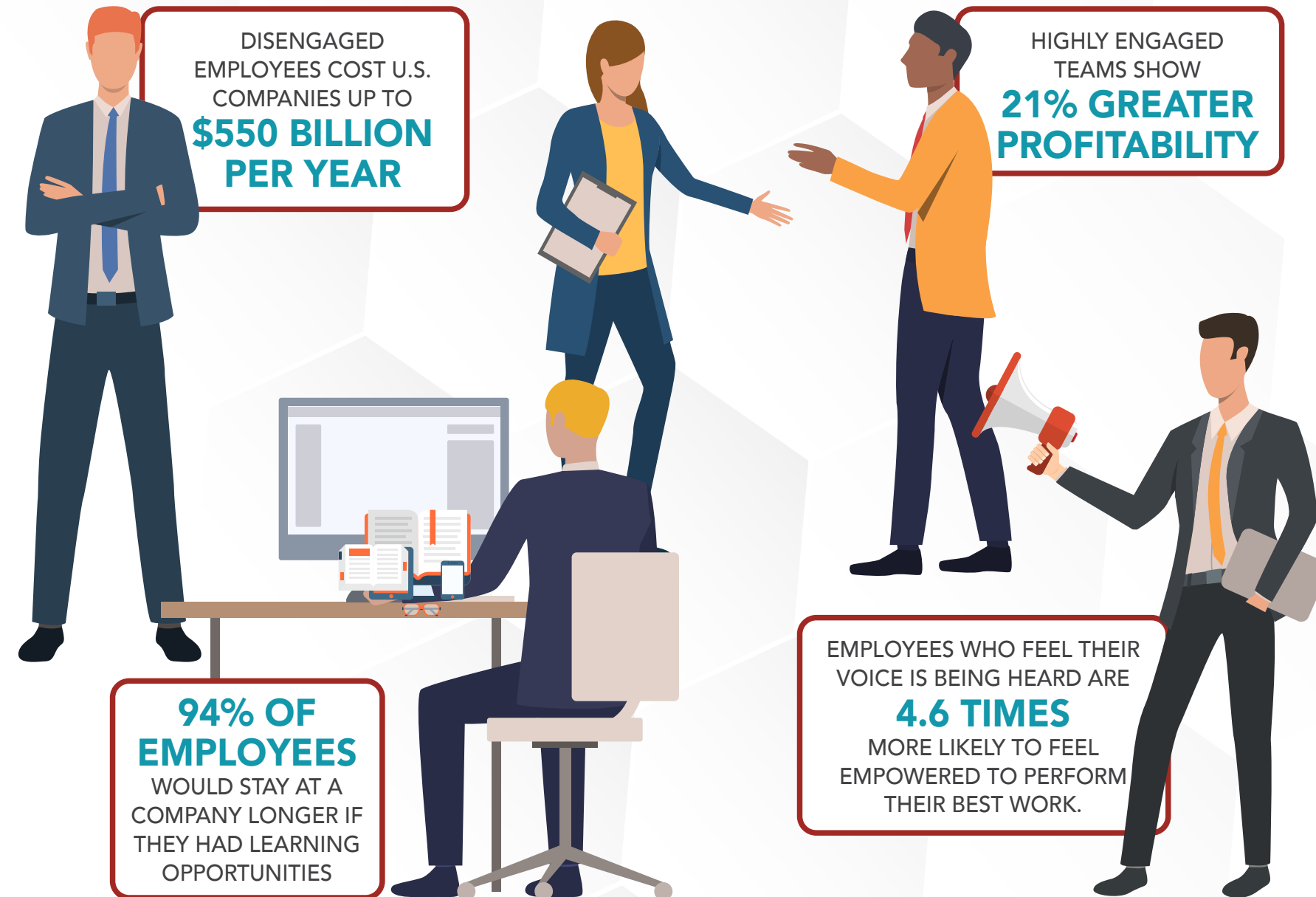
It's one of those corporate buzzwords that has been thrown around for years, but what does it really mean and is it really that important?

When we use the word "culture," what we're really talking about is the personality of a company. It's the mission, values, ethics, language, norms, and general expectations of that company. It even dives as deep as to embody how you treat your customers and how you envision your impact on the future. When you look at how much that one little word truly encompasses, it's easy to understand just how important it is and why your company should be paying attention to the signs of a good culture or a bad one.

COMPANY *Culture* MATTERS, WHY?

While having an impact on turnover rates and the type of talent you attract, culture can also have a big impact on the engagement level of your current workforce, all of which can impact your bottom-line.

For example, based on information from Employee Benefit News, the cost of replacing an employee can typically be found by calculating 33% of their annual salary. When you multiply this number over time, in a company with a high turnover rate, the numbers can be staggering.



- Disengaged employees cost U.S. companies up to \$550 billion a year (2017) report by The Engagement Institute—a joint study by The Conference Board, Sirota-Mercer, Deloitte, ROI, The Culture Works and Consulting LLP
- Highly engaged teams show 21% greater profitability (Gallup poll, 2017)
- 94% of employees stated that they would stay at a company longer if they were offered learning opportunities. According to LinkedIn Learning
- Employees who feel their voice is heard are 4.6 times more likely to feel empowered to perform their best work; a recent Salesforce report, "The Impact of Equality and Values Driven Business",

TIPS FOR UNDERSTANDING YOUR *Culture*

Understanding your current company culture is often easier said than done. It is an everchanging horizon with goals that will undoubtedly double in distance every time they are reached. But this is the beauty of growth. Each new talent addition to your team and each new idea could spark a new way of thinking. But every map begins with a starting point, so use these tips to help you understand where you stand today.

YOU ARE HERE

1

Actively observe how your employees react to their work environment and specifically how they interact with each other.

- o Do they smile and greet one another?
- o Do they seem happy to come to work?
- o Do they display family photos and small knick-knacks in their individual spaces?

Did you know bare office spaces are a sign that employees could be disengaged from their jobs and may be looking for employment elsewhere?

2

Invite employees to share their opinions using a culture survey. A few good questions to ask are: (Answer each with Strongly Agree, Agree, Disagree, or Strongly Disagree)

- o My company takes steps to further my education.
- o I am satisfied with the job-related training my organization offers.
- o I understand how my work impacts the organization's business goals.
- o I have the ability to make decisions affecting my work.
- o My supervisor and I have a good working relationship.
- o Management and employees treat each other with respect.

3

Take time to not only share your company goals and values with your employees, but also act upon them. Culture begins at the top and is learned by everyone else through interaction.

4

Implement standard entrance and exit interviews to better understand how both new and past employees view your brand.

5

Look at the facts:

- o Are you providing opportunity for your employees to grow in their positions and knowledge through continued education and networking opportunities?
- o Are your employees empowered to make decisions in their roles or do they constantly need to ask for permission to get things accomplished?

COMPANY *Culture* CHECKLIST

Let's discuss a few things that you can implement today in order to move your company toward a better culture.

First, you have to make it a priority. That means setting aside time to assess your current company culture. Be honest and get honest feedback from your employees. You can do this by surveying through an anonymous service like Survey Monkey.

After you get the results, you should create a vision for where you want your company to be within a specific time frame. Set goals that are measurable.

Then, be transparent with your employees about your cultural goals and how they can contribute to meeting them.

Once the plan is in motion, continually monitor your goals to be sure the needle is moving.

Remember, culture isn't static. You will likely need to update and repeat this process on a regular basis.



Broken Company Culture? **HERE'S HOW TO FIX IT.**

- 1** Acknowledge a problem and honestly look for solutions.
- 2** Create a safe environment for management to share issues and ideas.
- 3** Commit time and research into creating a new company culture using the 5 steps referenced on the next page.

Training

If your company's first inclination is to look outside its own four walls to fill vacancies, it could be playing a losing game. Talent is in high demand. Any Economics 101 course worth its weight in salt teaches that high demand reduces supply which increases price. That's true in the employment world too.

The money you're spending to recruit might be better spent on training an employee who already works for you to keep them growing and engaged. According to Harvard Business Review, there is a huge gap between what employers are willing to spend to recruit and hire and what they are willing to spend to train and retain. In fact, it costs an employer an average of \$3,000 less per year to continue training an existing employee than it would to hire a new one.

SPEAKING OF *training*,

LinkedIn recently completed a workforce learning report. In it, they outlined that 94% of people said their company offered them learning opportunities.



7 Tips FOR STARTING YOUR NEW TRAINING PROGRAM

No matter where you are in your current employee training plan, now is a great time to either get something started or re-evaluate what you've already been doing. It may be a good time to ask yourself: Is your current plan showing results? If not, follow these tips for creating an employee training program that gets results.

1

Have everyone get involved. You most likely have employees who are equipped with skills that would be helpful to other members of your team. Schedule internal Lunch and Learn events or recurrent training days for these employees to teach within the company.

2

Look for areas that need attention and provide specific training to correct common issues within your company. A.K.A. fix what is broken.

3

Benchmark your company against your competitors. In which areas do you need to see growth to stay competitive? Use this data to help tailor your training investments.

4

Integrate training into the job description and monitor the results. If training is part of the job from the beginning, it makes it easier to implement and discuss as part of your annual employee reviews.

5

Encourage your employees to participate in relevant outside learning opportunities through local events and organizations.

6

Ask for employee feedback. Find out what training worked for them and what didn't. This may be a great opportunity to introduce an employee survey (see page 16).

7

Evaluate and evolve training often and as needed. Your business is consistently changing, make sure your training isn't getting left behind.

Why EMPLOYEE TRAINING IS IMPORTANT

There are many reasons why you should prioritize employee training within your business. One of the most prominent is safety, which we will discuss further in the Workplace Safety section of this digest.

Aside from safety, did you know that providing training to your employees can also help you improve efficiency and production? In a study of more than 3,100 U.S. workplaces, the National Center on the Educational Quality of the Workforce (EQW) found that, on average, a 10 percent increase in workforce education level led to an 8.6 percent gain in total productivity.

Beyond the mentioned reasons, implementing a solid training program could help you retain your current employees. A low employee turnover rate leads to an improved employer brand image (see page 6), which could also help you attract new qualified talent going forward. For instance, according to a recent Gallup poll, 59% of millennials; 44% of Gen Xers and 41% of baby boomers say opportunities to learn and grow are extremely important to them when applying for a job.

Workplace SAFETY

Creating a safe working environment should be considered a priority of every company. Without it, things like engagement, productivity, and good culture will have difficulty taking root. Workplace safety encompasses more than just making sure those with higher risk jobs have protective eyewear or hard hats, it's also about preventing the spread of sickness, reducing stress and fatigue, and safeguarding workers against acts of violence.

Workplace safety is a big deal, creating costs of around \$170 billion a year. Plus, there are other hidden costs such as lost time, a need for new or updated training, and even the effects of lowered employee morale. And as you can see in the stats, workplace injuries occur every 7 seconds. So, what can we do about it? It all comes down to planning for workplace safety as early as possible and having a plan in place for when things inevitably do go wrong.



STATS

43%
OF WORKERS
are sleep deprived

Every 7
SECONDS
the frequency of
workplace injuries

47%
OF PEOPLE
aged 18-30 went to
work when they were
sick in the past year

83%
OF US
WORKERS
suffer from
work-related
stress

4.6
MILLION
number of
workplace injuries
per year

- The National Safety Council estimates a worker is injured on the job every seven seconds.
- Statista survey from 2017 found that 47 percent of those aged 18 to 30 years went to work when they were sick within the past year.
- More than 43% of workers are sleep-deprived (National Safety Council)
- 83% of US workers suffer from work-related stress (Everest College)

WHAT TO DO BEFORE AN INJURY HAPPENS

How quickly you respond to a workplace accident can make a big difference in the outcome. For this reason, it is important to put plans in place now, before anyone even gets hurt. Here are a few questions you should ask yourself in order to prepare yourself and your team for a quick injury response.

1. Where might injuries take place in our place of work?
2. What steps could we take to minimize these risks?
3. Do we have appropriate safety products available to our employees?
4. Do our employees know what to do when there is an injury?
5. Can we offer further training?
6. Who is in charge of handling risk assessment, claims, and follow-up?

WHAT TO DO WHEN AN INJURY HAPPENS

When a workplace injury happens, seconds count.

Here are a few tips of what to do immediately following a workplace injury.

1. Seek medical attention. Call 911 if the injury looks severe.
2. Get a statement from the injured worker as to what happened.
3. Question witnesses as to the nature of the incident.
4. File an incident report.

WHAT TO DO AFTER AN INJURY HAPPENS

1. Respond to workers compensation claims.
2. Create alternative opportunities for work (modified duty) until the employee is well.
3. Welcome the employee back once they have recovered.
4. Look for opportunities to prevent future injuries and take action.

CREATING A *Workplace* SAFETY PLAN

Even with the safest workers in town, your company still needs to have a solid plan in place. A safe workplace nurtures workers' self-confidence. They ultimately become more productive, because they don't have to tiptoe around shoddy equipment or ease their way through potentially dangerous procedures. A focus on safety also helps with retention, as workers aren't tempted to look for other opportunities at less dangerous facilities.

You may be wondering how you could possibly plan for events that you can't foresee. While we cannot possibly be prepared for or prevent every incident, we can create a general plan so we are ready to act swiftly if an injury happens.

1



Consider and identify any possible risks.

2



Clearly define company safety policies and protocols in written form.

3



Make sure you're hiring the safest workers.

4



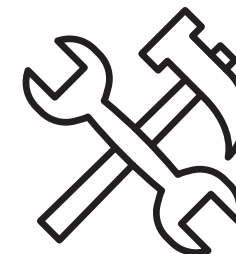
Invest in Education - make sure employees are properly trained and know what to do in case of an emergency.

5



Provide adequate resources.

6



Run safety audits often and promptly make any needed adjustments.

How to know YOU'RE HIRING THE SAFEST WORKERS.

Part of creating a safe workplace is hiring safe workers. How can you do that? By taking extra care to follow the steps and ask the right questions during the hiring process. For example, Qualified Staffing performs reference checks, requires skills assessments, conducts drug testing on our applicants, runs screening background checks, and asks safety-related questions in our in-depth interviews.

Here are three questions you can use during employee interviews that can help build a strong culture of safety consciousness:

1 Tell me about a time you had to follow specific safety protocols in your previous jobs.

This will help you see whether a potential employee has any experience with strict safety procedures. It will provide a signal as to how much training they might require, or how responsive they are likely to be to the level of training and attention your workplace requires.

2 Tell me about a time you felt unsafe at work and what you did to resolve the issue.

Admittedly, this question gives candidates a wide latitude. The goal here isn't necessarily to find out a candidate's safety acumen. The goal is more to start a dialog.

3 Ask about specific safety concerns that relate to your business.

You know your business better than anyone. Set the tone by steering the conversation to specific concerns you might have about incoming employees.

These questions will help you determine whether or not a potential employee is one who has a propensity to act in a safe manner while on the job. Also, they underline the importance of safety and begin a conversation that will continue throughout your new hire's career.

THE IMPORTANCE OF *Modified Duty* IN WORKERS' COMPENSATION CASES

Modified duty (also sometimes called light duty) is an offer of a work assignment made to an employee who is recovering from an injury, and who has received clearance from a physician to return to work with specific medical limitations. An employee assigned to modified duty may perform a portion of the duties of their regular job or a completely different job. The key is that the light duty job be within the Claimant's restrictions. Modified duty is intended to allow employees to earn a salary and perform productive work while they continue to recover. Often, however, it is also used as a tool to provoke settlement.

The benefits of using modified duty where allowed are many – both for the company and the injured worker. It has been proven that injured workers who return to work on modified duty tend to heal 30% faster than those injured workers who do not work until released.

Often, the most expensive part of a workers' compensation claim is the indemnity benefits

(a percentage of the worker's weekly wages) paid to the injured worker for lost wages. Also, it is what usually motivates a Claimant to stay out of work. Who wouldn't want to stay home and get paid? Employers who institute effective return-to-work programs have reported considerable savings. In addition to lost wages, according to the National Institute on Disability and Rehabilitation Research, employees are less likely to seek legal counsel if the employer facilitates early return to work through light-duty positions. If an injured worker is released to modified duty by their treating physician and you help facilitate a return to work within their restrictions, the indemnity benefit is eliminated (or at least reduced). Ultimately, this reduces reserves and legal costs. It is also likely that you could curtail attorneys from faking a case because in most states the Claimant's attorneys only get paid a portion of what the Claimant gets in indemnity benefits. If the Claimant can't get indemnity benefits, there is no money in it for an attorney. (Keep in mind that this is coming from an attorney whose livelihood depends on claimants getting an attorney.)

In many states, if an employee refuses modified duty while she is collecting workers' compensation payments for a work-related illness or injury, part or all of her workers' compensation payments may be withheld.

Return-to-work programs should operate hand-in-hand with your company's current risk management tools as one component of your overall risk management program. The basic elements of a return-to-work program include:

Develop Job Descriptions:

Detailed functional job descriptions should include information about specific physical demands. Medical providers make informed decisions about an individual's specific capacity and limitations relative to the written job description.

Provide Alternate Duty: When an injured or ill employee has limitations, it may be necessary to place the employee in a different job to continue working. Create a job bank that lists different job types (with detailed job descriptions) that you can use when an employee needs alternative duties. When you are determining transitional jobs, consider the types of restrictions that are typically associated with various injuries.

Work Hardening or Conditioning: Ideally, employees that return after an absence return to their previous position—but this is not always the case. Getting employees to return to work is more apt to be successful if they are allowed to return gradually, slowly building up strength and endurance for job demands. For example, a worker is much more likely to return to work (and a doctor is more likely to approve) a job that starts with a return to work 4 hours a day then increases each week.

If injured employees are not offered alternate duty, they are allowed to stay at home. When at home, the employee can perform a variety of different activities such as: sit for extended periods of time (watching lawyer commercials), answer the phone, work at a desk or counter, pay bills, carry out trash, lift a gallon of milk (8lbs), and execute a range of different everyday tasks. If all of these activities can be done at home, why not have the injured employee perform similar activities at work? Avoid paying an employee to stay home when tasks at the company can be accomplished with accommodating work restrictions. The longer an employee is out of work, the harder it becomes to get the employee back to work. Although the employee may not be able to produce at 100%, some productivity is better than none. Keeping the employee active can help promote physical and mental healing as well as create good morale throughout the workplace. It will also act as a deterrent to others so that other workers do not try to also stay at home and get paid.

Return to work often can be influenced by economic incentives to remain disabled. Rarely does someone set out to fake an injury and then return to work. It's much

more likely that they have an actual injury, but once they start getting paid (while not working), they get used to not having to work and want it to continue. If a Claimant is out for 2 years or more, it is a statistical anomaly they will ever return to work. It is important to have the Claimant return to work to break the cycle.

One study found that the likelihood of back pain patients returning to work is inversely related to the duration of pain. Only 50% of patients returned to work after pain of 6 months duration, 25% returned after 12 months, and almost **no patients** returned to work after 2 years. (Waddell, G. (1987) A new clinical model for the treatment of low-back pain. Spine, 12, 632-644.) Other studies have found that employees who stay out of work with a job-related injury for more than twelve weeks have less than a 50% chance of ever returning to work.

As you can see, a return to work program is important. Not only does it reduce costs, but it can also be used effectively to help settle a case. It is common that a Claimant who realizes they are about to be returned to work will suddenly decide they want to resolve their case. If they are not really hurt and are attempting to "get" something from the employer, there is no better way to push the case towards settlement than making them come back to work. In summary, there are numerous benefits to a return-to-work program and institution of a program is something that should be done if at all possible.

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KEY *Points*

Employees are
less likely
to seek legal counsel if
the employer uses early
return-to-work.

Injured workers on
modified duty heal
30%
FASTER.

Modified duty
is intended to
allow employees
to earn a salary
and perform work
while they recover.



What can organizations with limited opportunities for advancement between entry-level and higher-level jobs do to keep employees engaged in their work? Here are a few ideas for motivating employees when promotions or pay raises are not an option.

BE TRANSPARENT FROM THE START

Craft detailed, accurate job descriptions and direct an open discussion regarding career opportunities during the interview process. Ask questions designed to determine a candidate's career goals. Will their goals realistically be attainable in your company? Setting real expectations today, even if it means potentially losing a candidate's interest, will likely save you from costly turnover tomorrow. These initial steps can translate into more accurate hires for the position and a better fit for your company overall.

GENERATE OPPORTUNITIES FOR DEVELOPMENT

According to a recent Gallup poll, 87% of Millennials rate developmental opportunities as highly important to them in a job. These types of opportunities can be work-based internal training programs, mentoring programs, or participation in outside professional organizations. Depending on the position, you might also consider offering travel to educational conferences a reward for good performance.

PERSONALIZE YOUR MOTIVATIONAL APPROACH

Employees are individually motivated. These motivators may include money, camaraderie, or personal goal-driven incentives. It is up to the manager to find out what motivates the individual and use that information to encourage and engage that individual properly.

A great way to get to know your employees better is to schedule weekly or bi-weekly one-on-one time with them. These meetings are an exceptional opportunity to discuss goals, successes, and to promote mentoring.

SET SMALLER WEEKLY GOALS

Companies often have broad yearly goals. However, it is important for an employee to know how they can contribute in smaller, measurable ways. Look for ways to break down large goals into smaller, more attainable objectives in order to help motivate your employees. Reaching small milestones not only adds to employee satisfaction, but it also provides opportunities for management to give praise and provide positive encouragement.

Consider giving your employee input in goal-setting. Getting employee buy-in is a great way to both empower and to hold accountable. Sit down with your employee to discuss what needs to be accomplished within a certain timeframe. Listen to their ideas and feedback, and then set milestones.

Motivating Employees IN A FLAT ORGANIZATION

TAKE TIME TO RECOGNIZE EMPLOYEES

It's probably one of the easiest ways to engage and motivate employees, yet it is so often overlooked. Recognizing your employees for their hard work can be done on a personal level, at company meetings, or even in a newsletter or social media feed. This may look like a material award or a few kind words said on their behalf. It could even be as simple as sending an email with no other agenda than to say "good job."

LET THEM LEAD

If you want your employees to lead, you need to create a company culture where leaders encourage other employees to also lead. Allow your employees the chance to make decisions that are low-risk if they fail. Smaller risks help your workers grow in their on-the-job decision-making skills. You'll also give them satisfaction in knowing you trust them to do the right thing. Remember to encourage them past their comfort zones, trust them to make their best decision, and let go of your need for constant control.

OFFER WORK-LIFE BALANCE

38% of candidates listed Work-Life Balance as the most attractive component of a potential place of work in a recent Recruiter Sentiment Study by MRI Network This outranked Advancement Opportunities as most important.

Creating a work-life balance for your employees could come in the form of a flexible schedule or offering work-from-home days. Maybe your company can offer flexible schedules during the summer when the weather is nice. Qualified Staffing started this in 2019 for our internal staff, and it was very well received.

TO RECAP

Not every company is structured for upward mobility. However, that doesn't mean you don't have the ability to engage your employees in different ways. Be transparent, find out what motivates them, include them in goal-setting, and consider ways to offer a good work-life balance. If you do, you'll be miles ahead of many other leaders.



ONLINE Reputation

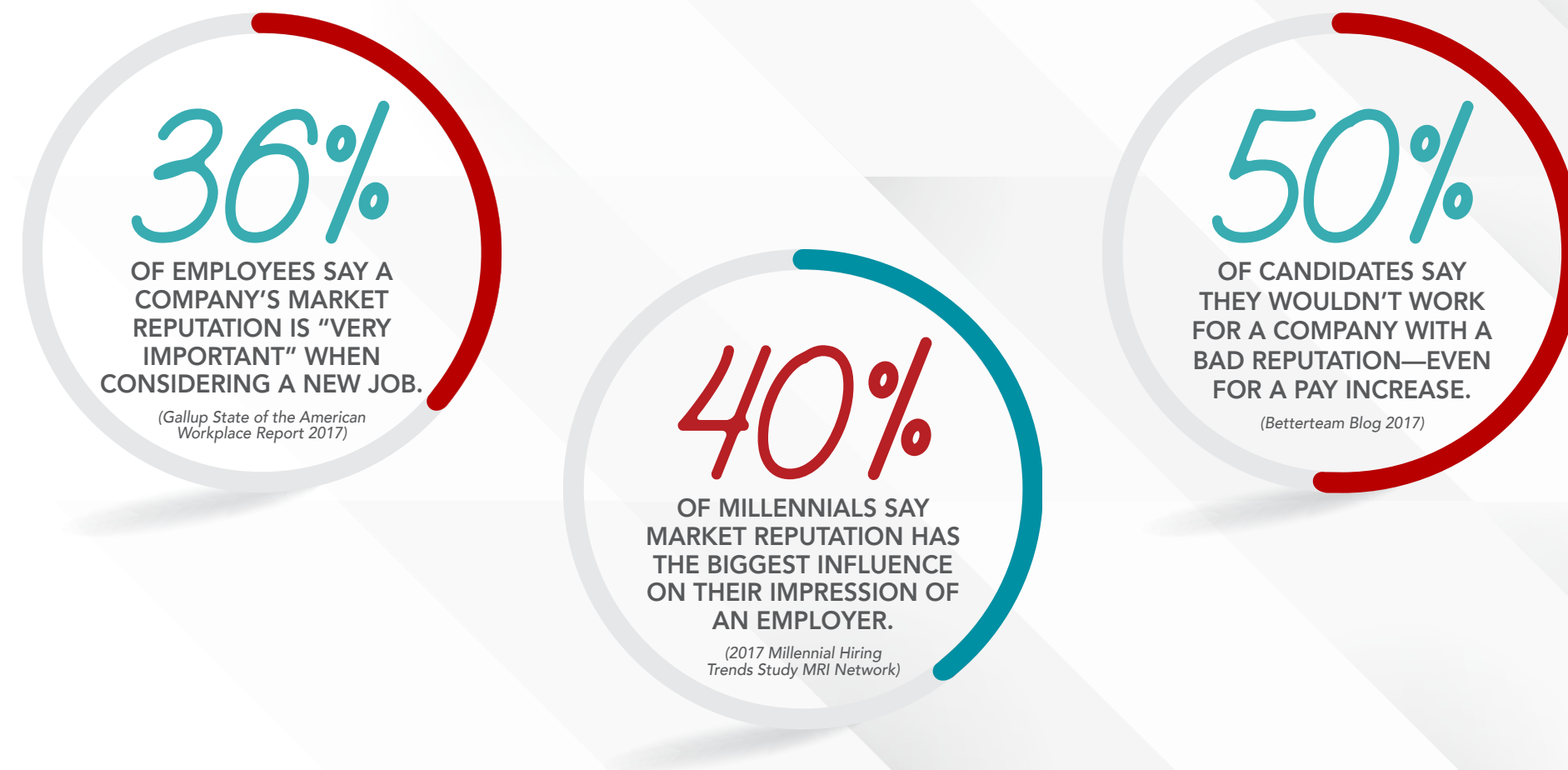
How often do you look at online reviews before deciding to make a purchase or use a service? According to Inc., 91 % of people will reference an online review before making a final decision. This fact probably isn't surprising to most businesses, especially those in competitive markets.

Now you may be thinking, "I have a dedicated marketing team that has paid a lot of attention to our Google and social media to ensure our products look great. Our branding job is done, right?" Not necessarily.

USE YOUR ONLINE REPUTATION TO ATTRACT AND RETAIN TALENT

Your product or service may look great to the consumer, but how do your jobs look to the job seeker? This is a side of online branding that many companies fail to recognize, but promoting your "employer brand" to the job seeker is just as important as promoting your products to a consumer.

What exactly do we mean when we say "employer brand"? Harvard Business Review describes the employer brand as an employer's reputation as a place to work, and their employee value proposition, as opposed to the more general corporate brand reputation and value proposition to customers.



5 QUICK TIPS FOR IMPROVING Your Employer Brand

1. Claim your business pages online (Find specific How To's on the next page)
2. Continually monitor your online reputation through social media pages, online review pages, and job boards. Programs such as ReviewTrackers.com can help with this.
3. Always respond to comments and reviews in a personal tone.
4. Encourage people and current employees to leave you a review online.
5. Use the information you receive in negative reviews to help improve your process.

DIGITAL Makeover

HOW TO'S

GLASSSDOOR.COM

Glassdoor is a website that showcases job postings, salary calculators, and, more importantly, company reviews. Reviews created by current and past employees are telling a story. Do you know the story? Is it accurate? Is it positive? The last thing you want is a page that has just three reviews left by disgruntled employees who were rightfully terminated. Think of this as an online billboard for those considering working for your company. Put yourself in their shoes. Would you want to work here? If not, consider these ways you can actively give your company a digital makeover.

- a. Create an account** and claim your company page. When you do, you'll be able to solicit and respond to reviews on your page.
- b. Ask your current employees** to leave reviews. While most online platforms discourage companies from asking for "good" reviews, there is nothing wrong with asking your current employees to leave an honest review. In fact, we think you should.
- c. Actively respond to reviews.** If you receive a poor review, respond by thanking the person for taking the time to voice their concern and leave them a way to contact you if they wish to discuss the issue further. They likely won't contact you, but you'll show other visitors that you care.

GOOGLE

- a. Claim your Google page using Google My Business**
Add all your company info

- b. Solicit reviews**

Be careful – never ask for "good" reviews as this is heavily frowned upon by Google and can do more harm than good.
Consider offering an incentive for people to leave you an honest review.

- c. Respond to reviews – good and bad**

- Good** – be as personal as possible.
1. Tell them "Thank You".
 2. Use their name in your response.
- Bad** – take the argument offline
1. Give an alternate way for the person to contact you regarding their complaint. "Call us at...email us at...etc."
 2. Never argue to defend yourself. This will only lead to a fight you can't control.



FACEBOOK

Just because you haven't set up a Facebook page for your business doesn't mean one doesn't exist. If someone checks in at your business, Facebook generates an unofficial page for your business. If you're in this situation, you don't have control over your Facebook reputation. Not to worry. Facebook has a remedy for this.

If you already have a Facebook page, it would be good for you to follow items 2 and 3 from the Google checklist we mentioned earlier, as the rules are basically the same.





2020 *Legal Trends*

PAID LEAVE

Employers in all states should pay attention to mandated paid leave trends in other states. Mandated paid family leave has become a reality in five states including California, Massachusetts, New Jersey, New York and Rhode Island.

Additionally, some states are removing qualifications for paid leave. Nevada, for example, requires up to 40 hours of paid leave for any reason. The number of hours required is in proportion to the number of hours the employee works. This even applies to part-time workers.

By 2023, employees in Oregon will be eligible for 12 weeks of paid family leave up to \$1,215 per week. The state plans to pay for the increased benefits through additional payroll taxes.

PAY EQUITY/SALARY HISTORY

Another trend starting to take hold in the several states is the banning of employers asking candidates about their salary history. Proponents of the laws believe they will help reduce the pay gap between men and women. States that already have such laws include California, Delaware, Massachusetts, and Oregon. Additionally, several major cities such as New Orleans, New York, Philadelphia, and Pittsburg have enacted their own laws.

PREDICTABLE SCHEDULING LAWS

What are they? Some cities and states are passing laws that prevent employers from making last-minute scheduling changes. In most cases, employers are required to provide advance notice of work schedules. The goal with the laws is to make it easier for employees to navigate childcare and second job responsibilities.

APPEARANCE DISCRIMINATION

A few states are banning employers from setting policies that discriminate on the basis of the way an employee wears their hair. New York and New Jersey have both banned discrimination on basis of hairstyle.



MANAGING *Marijuana* IN THE WORKPLACE

Feeling confused about the do's and don'ts of handling marijuana use in your workforce? You're not alone.

According to a recent Gallup poll, about 66% of Americans now favor the legalization of marijuana. This is an increase over the mere 31% who favored it in 2001. And more importantly, according to SAMHSA; RTI International, over 122 million people in the US have taken their interest one step further and tried marijuana for themselves.

What do these numbers mean to you? It means that your chances of encountering marijuana use in your workforce and needing to know your rights as an employer are quite high.

KNOW THE NUMBERS

- As of January 2020, more than 30 states have legalized medical marijuana, with several of those states also legalizing marijuana for recreational use.
- Individuals who test positive for marijuana have 55% higher chance of having an industrial accident.
- Overall, individuals who use marijuana account for 85% more injuries.
- Marijuana use accounts for 75% more absenteeism in the workplace.
- 66% of Americans favor the legalization of marijuana.
- 122 million people in the US have tried marijuana at least once.

THE *state* OF MARIJUANA LAWS

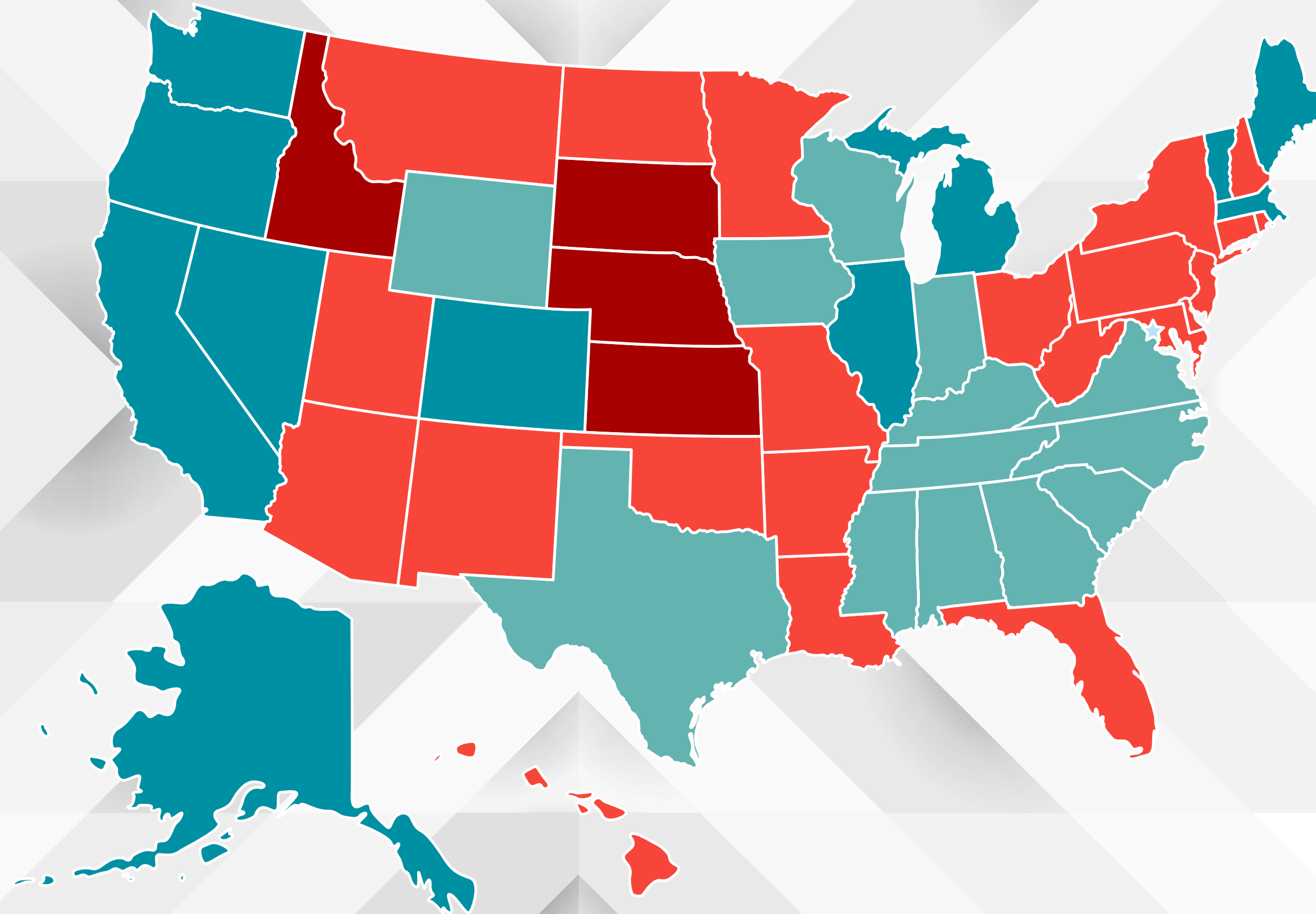
STATES THAT ALLOW RECREATIONAL
AND MEDICAL MARIJUANA USE

STATES WITH COMPREHENSIVE
MEDICAL MARIJUANA PROGRAMS

STATES THAT ALLOW CBD
OR LOW-THC PRODUCTS

STATES WITH NO PUBLIC
CANNABIS ACCESS PROGRAM

*Data as of January 2020



CLEARING THE *Smoke* AND MOVING AHEAD

With all the recent changes surrounding marijuana use and the workplace, it is important to stay up to date on any relevant state laws. These laws could mandate your policies and testing rules going forward.

For example, a couple of states have recently made the decision to prohibit pre-employment testing, apart from roles that are deemed high-risk such as emergency responders and care providers. Likewise, other states that allow pre-employment testing are adopting provisions that bar employers from refusing to hire applicants based solely on a positive marijuana test.

While this ever-changing landscape can be difficult to maneuver, there are a few things you can do now to help your company stay in the lead.

- Talk to a lawyer about your current policies and any new policies going forward.
- For companies with locations in more than one state, understand that each may operate under different laws.
- Stay transparent with your employees about company marijuana policies and any changes as they arise.

Medical Privacy

IN THE WORKPLACE

The advent of our technological revolution has brought with it instantaneous communication and dissemination of information across multiple platforms. With it have come concerns over the privacy and security of that information, especially when it comes to medical information.

In response, multiple laws have been passed by Congress over the last few decades in an effort to ensure that our medical information, referred to as “Protected Health Information” (or “PHI”) in the Health Insurance Portability and Accountability Act (HIPAA), remains secure and confidential. These laws include the workplace, making it imperative that employers understand their duties and obligations to protect their employees’ PHI.

The Federal laws that impose medical privacy obligations on employers include the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Health Insurance Portability and Accountability Act (HIPAA) and the Genetic Information Nondiscrimination Act (GINA). These laws provide restrictions and confidentiality requirements at all stages of employment, from the application process through an employee’s work for the employer.

While it is generally true that HIPAA does not apply to employers simply because they collect employee health information, HIPAA will affect employers in the process of obtaining this information because HIPAA usually applies to the health care entity from which the employer is seeking the information. Generally speaking, the most pertinent rules directly imposing employer requirements for the medical privacy of their employees come from the ADA.

MEDICAL INQUIRIES OF JOB APPLICANTS

The ADA prohibits phrasing any inquiry to a job applicant in terms of the applicant’s medical history, condition or disability. This includes any questions about the applicant’s physical or mental history, prior Workers’ Compensation claims or a medical condition “checklist.” Questions at the application stage must be job-related, but an employer may ask applicants to demonstrate their ability to perform essential functions of the job they are applying for. For example, an employer can ask about an applicant’s education, experience, qualifications, prior employment and training and whether the applicant can comply with the employer’s attendance requirements. Similarly, GINA prohibits collecting genetic information or family medical history in the application process.

The ADA, however, recognizes a specific and distinct process for inquiring about medical conditions:

- **AFTER** a “conditional” offer of employment and
 - **BEFORE** the employee begins working, an employer may lawfully:
 - make medical inquiries, including a medical examination and questionnaire IF:
 - the medical inquiries are administered to all applicants in the same job group
- AND**
- the medical information is kept strictly confidential.

This so-called “Window of Opportunity” under the ADA allows employers to obtain all the medical information it might need before the new employee actually begins working. Unlike before the passage of the ADA, however, if an employer should discover that the employee has a disability, defined as any physical or mental condition that “significantly limits a major life activity,” a “good faith dialogue” with the employee may be necessary to determine if a “reasonable accommodation” exists that would allow the employee to perform the job’s “essential functions.” All of these phrases under the ADA have been interpreted by the courts over the last 30 years to have specific applications. Employers should take care and consult counsel as necessary to ensure ADA compliance in both the application process and an employer’s obligations to provide reasonable accommodation.

MEDICAL INQUIRIES OF EXISTING EMPLOYEES

After an employee begins working, the ADA imposes much stricter requirements regarding an employee’s medical privacy. Any and all medical inquiries by an employer to an employee must be demonstrably job-related and consistent with business necessity. In addition, all information regarding an employee’s medical condition must be kept confidential and maintained in separate files, accessible only by those with a strict need to know.

Examples of medical inquiries of existing employees that violate the ADA include asking an employee if they have a disability, asking other people about an employee’s disability, asking an employee about his/her genetic information or family history of illness, asking an employee about a prior workers’ compensation case and asking an employee about his/her prescription medication. Examples of sufficient business necessity for medical inquiries of an existing employee include medical documentation to support FMLA leave (in accordance with FMLA provisions), medical information necessary to comply with state workers’ compensation laws and medical documentation necessary to meet an employer’s obligation to provide reasonable accommodation under the ADA. The ADA, FMLA and Georgia’s Workers’

Compensation Act all have specific provisions and instructions for an employer’s ability to obtain verification and appropriate information regarding an employee’s need for reasonable accommodation, medical leave and workers’ compensation benefits.

A difficult situation can arise where an existing employee behaves in such a way as to cause the employer to believe that he or she either cannot perform their job adequately, or may even present a risk of harm to others or themselves. The ADA does not prohibit an employer from obtaining medical information that an employee can perform the essential functions of their job (with or without reasonable accommodation) or that the employee does not pose a significant risk of harm to others or themselves. An employer may obtain this information from the employee’s physician or their own choice of medical expert, but must be cautious to limit such inquiries to these issues, as opposed to a general inquiry about the employee’s condition. Similarly, the ADA allows an employer to obtain medical documentation to assist in its obligation to reasonably accommodate an employee’s disability. The ADA therefore provides a specific mechanism to allow an employer to address questions that arise regarding any employee’s ability to safely and adequately perform their job.

PERIODIC MEDICAL TESTING:

Generally, periodic testing of current employees is only acceptable for those affecting public safety, such as Police Officers, Fire Fighters and Emergency Medical Technicians, or other positions where medical testing is required by Federal or State law, such as with long-haul truck drivers. Voluntary Wellness Programs are not illegal so long as the program is completely voluntary, all medical information is completely confidential and the program clearly states it is not for use with any employment action. Similarly, lawful periodic drug testing is permitted provided it is non-discriminatory and complies with the same confidentiality requirements as any other PHI. Georgia’s Drug Free Workplace Act provides details on how a lawful drug and alcohol testing program can be administered, and achieve reduced workers’ compensation premiums.

By Attorney Joseph Chancey, Drew, Eckl, & Farnham

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SEXUAL HARASSMENT & DISCRIMINATION IN THE *Workplace*

KEYS TO PROPERLY HANDLING A SEXUAL HARASSMENT OR DISCRIMINATION CLAIM

It goes without saying that harassment and discrimination should have no place in your company. However, 64% of employees say sexual harassment or discrimination in the workplace is a serious issue. If you're faced with a sexual harassment or discrimination claim, poor handling of a complaint could mean grave consequences for your company in terms of liability and/or damaging publicity. How your company chooses to handle a complaint in the early hours could set your entire path in stone.



What to do when **A CLAIM IS MADE**

TAKE EVERY COMPLAINT SERIOUSLY

Whether they are embarrassed or fear retribution, employees often wrestle with making a sexual harassment or discrimination complaint. Your initial response is critical. Treat the employee with understanding and begin your investigation as soon as possible. Employees who feel you care about them enough to act respectfully and quickly are less likely to seek outside litigation rather than an internal resolution.

OBTAIN LEGAL COUNSEL

Involve outside legal counsel specializing in sexual harassment or discrimination as soon as possible. Seemingly simple situations are often legally complex, and you need to ensure your company is compliant throughout this process. Remember, any communication with your legal counsel should be kept confidential unless another party has a legitimate need to know.

THINK TWICE BEFORE EMAILING OR TEXTING

Emotions can run high when a complaint is filed. It might be tempting to email or text another executive or confidant in the company to vent

frustrations or give an opinion on the matter. Don't. If the matter ends up in court, there is a very real possibility that these communications will be brought up in litigation.

DON'T DELETE OR DESTROY

Ensure all communications pertinent to the claim are kept. Courts can fine and/or sanction evidence from companies who don't preserve emails and documents relevant to the claim.

INVESTIGATE IMMEDIATELY

The investigation should start as soon as possible and be conducted by persons trained in the area of sexual harassment or discrimination. Employees conducting the investigation should be impartial and able to treat the complaint with seriousness, even if it appears to lack merit at face value. If an employee has a friendship with or reports to the accuser or the accused, you need to keep them out of the investigation.

MAKE AN INSURANCE CLAIM

Do this quickly to avoid the claim being denied. Have your legal counsel review your policy and send notification to the insurance carrier.

Once the investigation begins, the investigating employee(s) should lay out a plan with help from your legal counsel. Items in the initial plan should include:

- Determining the depth of the investigation
- Interviewing both parties
- Interviewing possible witnesses
- Inspection of supporting information (emails, personnel files, etc.)

ADDITIONAL TIPS FOR SETTING THE STAGE:

- Pick investigators who have displayed the ability to use good judgment. They also need to be skilled communicators who exude likability and trustworthiness.
- Communicate and plan with legal counsel from the beginning. Counsel should review all memos and documents created in conjunction with the investigation prior to distribution.
- Document your reasoning for any delay in the investigation if you can't start immediately. This may include the time it takes to hire an independent investigator or legal counsel. Failure to document small details could grow to have a huge impact down the road.
- Know your company sexual harassment or discrimination policy backward and forward. Then, follow it to the letter. Failure to follow your own policies will come back to bite you.
- Encourage the complaining employee to bring concerns of retaliation to the investigator(s) immediately.
- Tell the accused employee to refrain from communicating with the accuser and lay out the repercussions for not doing so.
- Try to determine the accuser's desired resolution. This could help lead to a faster conclusion.
- Approach the investigation with an open mind, see it through, and avoid premature conclusions.
- Determine the right questions for interviews. Your attorneys and the U.S. Equal Employment Opportunity Commission (EEOC) are good resources.
- Be fair to all parties, and communicate your desire to be impartial.

WHAT TO DO DURING the investigation

DETERMINE APPROPRIATE MEASURES TO TAKE DURING THE INVESTIGATION

Depending on the severity of the complaint, it might be necessary to allow the accuser paid time off during the investigation. Additionally, you might consider placing the accused on paid or unpaid leave. If you do neither, you may need to adjust schedules or assignments to eliminate contact between the two parties.

STICK TO YOUR COMPANY'S HARASSMENT POLICY (IF YOU DON'T HAVE ONE, YOU SHOULD)

Certain behaviors might not necessarily be a violation of law, but they may well violate your own policy. In fact, your safest route is to refrain from making a legal determination, as this could be taken as an admission of liability, even if it's later determined that no law was broken. Rather, make a determination as to whether or not policy was violated or else document that there wasn't sufficient evidence to make that determination. In the case of a violation, corrective action should happen in accordance with your company standards.

BE PREPARED TO WORK WITH GOVERNMENT AGENCIES

Some claims, particularly discrimination claims, may prompt an investigation by the EEOC. If this happens, be prepared to give a response to the complaint along with supporting documentation, but be sure to work with your legal counsel on this.

MAKE SURE YOUR ACTIONS CAN'T BE CONSIDERED RETALIATION

Whether the claim was credible or not, you need to be careful to not take actions that can be considered retaliatory. In court, juries often find it easier to believe that false accusations equal motive to retaliate. Tread lightly. Firing, pay reductions, job description changes, demotions, shift changes, and so on can be construed as retaliation.

CREATE A MEDIA RESPONSE

Once a complaint has been made, it's time to assess the possible impact and craft a careful media response to combat it should it hit the press. Be sure to address both an internal and external response to the issue.

THE JOB ISN'T OVER ONCE A DECISION IS MADE

After an investigation is conducted, the EEOC recommends that a written report is documented with the investigation process, findings, recommendations, and any disciplinary action imposed, as well as any corrective and preventive action included. You will also want to inform all parties of the decision made. Just remember not to cross any lines of confidentiality during the process of disclosure.

Finally, it's also a good idea to follow-up with your employee at a later date to ensure there are no recurring complaints and the problem has been properly dealt with. Taking the time to follow up on an occurrence can show your employees that you take their complaints seriously and generally care about them and their welfare.

QUALIFIED STAFFING

Locations

Alabama

BIRMINGHAM.....205-564-2179
TUSCALOOSA.....205-391-9041

Georgia

CALHOUN.....706-624-0086
CARTERSVILLE.....770-383-9850
CONYERS.....770-760-8934
DALTON.....706-370-4695
MACON.....478-405-8810
ROME.....706-232-8488
MARIETTA.....770-419-1776
WARNER ROBINS.....478-929-9395

Indiana

NEW ALBANY.....812-920-5073

Michigan

FLINT.....810-230-6944
HOWELL.....517-579-5184
LAPEER.....810-664-0573
MARYSVILLE.....810-388-4000
LIVONIA.....248-522-7839
OWOSSO.....989-729-6858
SAGINAW.....989-799-0912
STERLING HEIGHTS....586-580-0079

Mississippi

COLUMBUS.....662-327-8230
TUPELO.....662-680-6999



North Carolina

WAKE FOREST.....919-556-1201

Tennessee

CHATTANOOGA.....423-242-0062
COOKEVILLE.....931-303-0026

Texas

KATY.....832-639-2480

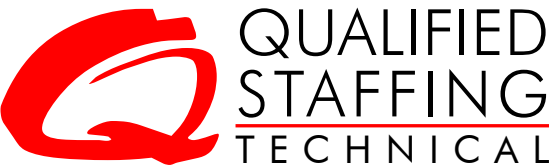
Virginia

CHARLOTTESVILLE...434-974-7878
HARRISONBURG.....540-434-9675
RICHMOND.....804-282-5627
STAUNTON.....540-248-5627
WINCHESTER.....540-450-8820

Wisconsin

APPLETON.....920-734-9975
MANITOWOC.....920-682-9975

PLUS DOZENS OF ON-SITES IN OTHER STATES



.....248-704-8945



QUALIFIED STAFFING

WE GO TO WORK FOR YOU.®

OUR *Mission*

Our mission is to empower people to be successful by placing them in the right position with the right client. We do this every day, relentlessly, by building trusted relationships with our employees and clients. When people succeed, families and communities thrive.



Why Qualified Staffing? **NATIONAL FOOTPRINT & RESOURCES**

- OVER 30 LOCATIONS
- DOZENS OF ONSITES
- WE CAN BE ANYWHERE YOU ARE
- LOCAL DECISION MAKING

WE ARE TRUE STAFFING EXPERTS.

- Our managers have an average of 10 years experience, OSHA and American Staffing Association certifications.

OUR CLIENTS STAY WITH US.

- Many of our clients have been with us for more than 10 years.

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- We offer our employees the same benefits as our company president. This is virtually unheard of in the staffing industry.

WE HAVE SAFETY AND RETURN TO WORK PROGRAMS.

- We have programs in place to reduce worker injuries and time off.

WE ARE LOCALLY FOCUSED WITH NATIONAL RESOURCES.

- We have the flexibility of a local branch with the resources of a national company. We have 30 offices across nine states.

OUR CORE *Values*

- BE HONEST.
- BE COMMITTED TO EXCELLENCE.
- BE THE SOLUTION.
- BE A TEAM PLAYER.
- BE CONSIDERATE.



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