The 2016 HR Professional's Guide to Success

Table of Contents

Workplace Conflict Resolution

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Special Report from www.BusinessManagementDaily.com

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D isputes between employees are inevitable. But if left unresolved, they can disrupt your department's productivity, sap morale and even cause some good employees to quit.

That's why **Business Management Daily** has prepared this "workplace survival" special report for managers, employees and HR professionals: **Workplace Conflict Resolution:** *10 ways to manage employee conflict and improve office communication, the workplace environment and team productivity*.

Learn how to resolve workplace conflict on everything from refereeing staff rivalries to dealing with a boss who's throwing more than just a temper tantrum to managing co-worker resentment when you get a promotion.

Section 1: Managing Employee Conflict

Workplace Conflict Resolution Tips_____#1

Negotiating workplace conflict: 9 tips for managers

Conflict happens in all corners of the workplace. But if issues aren't settled, bad things can happen: Good people quit, morale can plummet, and sometimes violence can erupt.

But supervisors and managers don't need to become certified mediators to settle disputes. You just need to understand some basics about human behavior, practice the fine art of paying attention and offer yourself as a neutral party who wants to resolve the problem.

Here are nine insights and tricks of the trade, according to Jeffrey Krivis' book, *Improvisational Negotiation*:

1. Let people tell their story. When people are deeply upset about something, they *need* to get their story out. This is a basic principle of mediation and one that's important to remember.

Yes, allowing people to speak their minds *can* increase the level of conflict with which you must deal. That's OK. You have to get through the conflict phase to find the solution.

Sometimes, feeling that he or she is finally "been heard" can dramatically change an angry person's outlook. Plus, as the employee tells the story, new information may come to light that allows a solution to emerge naturally.

2. Bring a reality check to the table. Often in a conflict, the parties are so focused on minutiae that they lose sight of the big picture and its implications. As the mediator, you need to bring people back to reality by wrenching their attention away from the grain of sand and having them focus on the whole beach. Doing so may help resolution arrive at a startling speed.

3. Identify the true impediment. In every conflict, ask yourself: *What is the true motivating factor here? What is really keeping this person from agreeing to a solution?*

When you can identify the impediment, then you can predict how the person will respond to certain ideas, and you can shape negotiations accordingly.

4. Learn to "read minds." Mind-reading is not magic. It is a combination of observation and intuition, which is born of experience. You can learn a lot about how the parties see a dispute by paying attention to body language and listening closely not only to their words but also to the emotional tone behind their words.

5. Think creatively about ways people can cooperate rather than clash. In every negotiation, there's a tension between the desire to compete and the desire to cooperate.

Be on the lookout for signals that support a cooperative environment. That's where the most creative solutions are born.

6. Take the spotlight off someone who's refusing to budge. Isolation tends to create movement. When you mediate a multiparty conflict, you'll often discover that one person insists on taking a hard-line approach, refusing to compromise and shooting down every solution presented.

Suggestion: Take the attention off the "last man (or woman) standing" and begin settling around that person. You'll find that the holdout starts to anxiously call and send emails, trying to get things going again. When his or her perceived power is neutralized, the balky negotiator quickly sees the value of compromise.

7. "Edit the script" to help people see their situation in a different light.
People tend to get stuck in their positions because they're telling what happened from a narrow viewpoint and in a negative, hopeless tone. They *can't* see the situation any other way unless you help them do so.

As the mediator, you can take a larger view that looks not at one party or the other "winning" but at both parties working toward a mutual goal. One way to do that is to *edit their script.* Retell their story about the dispute in a positive, forward-looking construction.

In that way, you literally give them the words to see their options in a new light.

8. Avoid the "winner's curse" by carefully pacing negotiations. Believe it or not, it's possible to reach a solution *too quickly.*

We all have an inner clock that lets us know how long a negotiation should take. When a deal seems too easy, a kind of buyer's remorse can set in. One or both parties may be left feeling that if things had moved more slowly, they might have cut a better deal.

Don't rush the dance or the negotiation will fail.

Even when you know you can wrap up things quickly, it's to everyone's advantage to keep the negotiation proceeding normally, for a reasonable amount of time, before the inevitable settlement.

9. Realize that every conflict can't be solved. What if you've tried to help two warring factions find a fair solution, but you just can't reach that elusive goal? That can happen—and often does. Not every negotiation will have a win/win outcome. Not everyone can live together in harmony. There are times when you just have to accept that both parties will leave the table equally unhappy. Isolate the participants if possible, and just move on.

Workplace Conflict Resolution Tips_____#2

Team conflict resolution: Knowing when to referee

Suddenly the air is charged as you hear two employees arguing again. Today, one is accusing the other of fouling up the production schedule; yesterday, it was because a customer's order went out a day late.

Enough is enough. The constant bickering disturbs other workers and upsets the department's workflow.

Disputes between employees are common and inevitable. The difficult decision is when to step in, says Joseph F. Byrnes, professor of management at Bentley College's Graduate School in Waltham, Mass. "Give the warring parties a chance to resolve it on their own," he says. "The time to take action is when things get out of hand, and the problems are affecting their work or disrupting other people's work."

Find out if the conflict is work related and has a *structural root* or whether it's *interpersonal* and has no relationship to the job, Byrnes advises. An interpersonal conflict can happen on or off the job, whereas structural ones are inevitable in many organizations.

Advice: An easy way to evaluate the conflict, Byrnes says, is to ask yourself: "If you took these two people out of the situation and put two new people in, would you still have the conflict?" If the answer is yes, it's a structural conflict; if no, the cause is definitely interpersonal.

Structured conflicts can turn personal

Byrnes points out that structural conflicts can often turn interpersonal. After months—sometimes years—of battling, the two people concerned forget that there are actually systemic reasons for the conflict.

Managers can resolve both structural and interpersonal conflicts, Byrnes says, and often the techniques are not so different. To resolve a *structural* conflict:

■ **Expand resources.** You can often alleviate a workflow problem by changing the way jobs are scheduled or by providing more resources.

■ **Clarify job responsibilities.** Conflicts frequently arise when one department encroaches on another's domain. In engineering companies, for example, designers and engineers often have their differences. The designer creates a product on paper so that the engineer can create the actual product. Inevitably, problems arise when the two professionals work together to create the prototype. Each has his or her own ideas about how things should be done; hence, tempers often flare before solutions are found.

"The manager can step in and redefine who does what in the process and possibly act as a liaison between the two parties," Byrnes says.

Here are five techniques Byrnes suggests for dealing with either kind of conflict:

1. **Demand a truce.** Order the combatants to stop fighting and work out the problem themselves. If they're not successful, offer to step in and act as arbitrator. "They'll often welcome your stepping in because you're lifting the burden of solving the conflict from their shoulders," Byrnes says.
2. **Reduce interaction.** "Often, conflicts cool off when the two parties don't have to speak to each other throughout the day," he says. "If they're normally exchanging information all day long, suggest they meet less frequently, once in the morning and once in the afternoon. If they're constantly exchanging written information, for example, ask them to convey it through a neutral third party."
3. **Mediate.** Meet with the parties together. (If the issue is explosive, it might be better to meet with each one alone to gather facts.) Find out what the problem is, thrash it out and work together to find a solution. Talking it out can relieve pressure and often defuse the situation.
4. **Keep emotions in check.** Interpersonal conflicts are not that straightforward, Byrnes cautions, because they're usually based on irrational differences. One worker, for example, may dislike a colleague because he thinks, feels or acts a certain way. "No matter what the reason behind the disagreement, make it clear that you don't have to like a person to work with him. As difficult as they may find it, they must learn to keep their emotions and feelings out of the workplace," Byrnes says.
5. **Create common goals.** "Often, combatants—whether the cause is structural or interpersonal—fail to see the big picture," he says. "They concentrate on their particular jobs, which usually represent only one process or part of the company's goals. By reiterating the company's goals and demonstrating how both employees are vital to the company's success, you might temporarily squelch their anger and create harmony—or at least coexistence." Then everyone will be able to function effectively on the job.

Workplace Conflict Resolution Tips   #3

Don't be swayed by office politics

Let's assume that operating procedures are about to be changed to meet a new production schedule. Senior members of your staff favor one solution; the younger ones defend an alternate way. Either one could work.

Each faction is jockeying for power, each wants your support, and you are caught in the middle of office politics. How do you handle the situation?

As the manager, your approach should be to resolve the situation without offending or alienating either group. "Uppermost is not being seduced by the politics of one group over another," clinical psychologist William Knaus says.

When politics get in the way, it's time to step in cautiously. "You don't want your boss to think that your division is riddled with divisive disputes," Knaus says. "Your credibility is on the line if you can't right the situation."

Easing tensions between warring factions isn't easy.

"A bad move on the manager's part could create irreparable barriers, decrease productivity, as well as dampen morale," Knaus says. "The situation must be carefully managed so that you're not taking sides."

Your goal is to keep everyone focused on solving a problem and not be sidetracked by personal or political issues. Sensitive handling involves:

■ **Recognizing different factions.** Managers must recognize and respect group differences so they remain objective and aren't sidetracked by petty conflicts.

"It's only natural that there will be differences of opinion among people with contrasting temperaments, abilities, responsibilities and work styles," Knaus says. "But you can't let these differences be a disruptive force."

■ **Being sensitive to people's needs.** "It's also important to understand that different people are motivated by different things," such as money, recognition or power, Knaus explains. Once you recognize those needs, you'll be better equipped to respond to different factions.

■ **Encouraging the factions to discuss their differences.** Set a time limit so disagreements can be resolved quickly. "The manager's job is not to prove anyone right or wrong. The objective is to establish a common ground between factions or seek an alternative that best meets the needs of the organization and both groups," Knaus says.

Advice: If an issue is unusually sensitive or complicated, Knaus suggests turning it over to an informed, impartial third party to mediate. This can be an expedient solution that will leave you in the clear and ensure objectivity.

Workplace Conflict Resolution Tips   #4

6 steps for managing 'difficult' employees

Working alongside difficult people can be hard enough. But managing someone with whom you have a personality clash can cause major tension.

Experienced managers know how to separate emotions from the work at hand when dealing with employees. Rather than dwelling on an employee's negative personality traits, smart managers focus on tasks, projects and results. They don't allow their personal feelings to interfere, and they treat everyone the same way.

But in too many cases, managers simply turn away from their least favorite employees. Rather than interacting with them, they avoid them. What's worse, managers may just write off the problem employees and do the employees' jobs themselves.

Turning your back on difficult employees isn't just a management mistake—it can also create legal trouble. That's because employees who frequently bump heads with management are also the ones most likely to file lawsuits when they feel they're being treated unfairly.

That's why, when confronted with employees who don't do what's asked, it's best to devise a strategy for making the best of a potentially explosive situation.

Although it may be hard to transform a difficult employee into a warm, friendly ally, you can take the following steps to make it easier for the employee to comply:

1. Confront problems head-on. If you don't like an employee, that person probably feels the same way about you. By clearing the air and calmly acknowledging any ill will, you can help the employee focus on getting the job done.

To level with the person, use phrases such as this: *"When I ask you to do something, I need to rely on you. I realize we're very different people, but we can't let that stop us from doing our jobs."*

2. Seek confirmation. When giving instructions, don't assume you're making yourself clear. Ask the employee to explain what you just said and what you expect of him or her.

3. Rehearse. Making simple requests is painless. But if you must explain something more complicated, don't wing it. You may waste time backtracking or jumbling words.

As you rehearse, use the fewest words possible to describe your goal. Boil down the expected outcome to its essential.

Once you find a concise way to summarize the outcome you want, write it down and memorize the key phrase that captures the main point.

4. Speak and write. To ensure the employee understands you, assign tasks both orally and in print. Get in the habit of talking with that person and telling him or her what you need. Let the employee ask questions and offer suggestions. Then, follow up soon after the discussion with an email or memo that summarizes what's expected, along with the timetable for the project.

5. Stick to behavior. When managing someone with an attitude problem, don't let the person's personality interfere with the job at hand. Focus on describing the work that you need done.

Avoid lacing your comments with any quips or cynical asides about the person's spotty track record on complying with your past requests. What you may view as a harmless jab ("Maybe you'll hit the deadline this time") may make the employee even more jaded and resistant to help.

6. Talk on the employee's turf. If you have a personality conflict with a certain employee, the last thing you should do is make him or her feel "bossed around" when you assign a task.

A practical way to encourage such employees to comply is to meet in their offices, not yours. Calling employees into your office to assign a task could instantly put them on the defensive.

Section 2: Dealing With Difficult Co-Workers and Bosses

Are you frustrated by your boss, aggravated by colleagues or stuck on a management dilemma?

In this section you'll find answers to all kinds of "in the trenches" questions, compiled from Marie McIntyre's blog, **Your Office Coach**.

Marie McIntyre, Ph.D., has more than 20 years' experience as a manager, business owner and the HR director at a Fortune 500 company. She's authored two business books and writes a nationwide newspaper column. Her website **www.YourOfficeCoach.com**, offers a variety of career success strategies.

Here's a sampling of readers' questions answered by Marie on everything from office politics to employee conflict to dealing with a boss who's out of control.

Workplace Conflict Resolution Tips   #5

My boss is driving me nuts! How do I make it stop?

Q: "When my boss assigns a project, he never shares all the information that resides in his head. As a result, I usually fail to achieve his vision and have to redo my work. If I ask for details, it's like pulling teeth. I've started emailing him my questions with bullet points, so he can type in the answers. 'Mr. Visionary' says he wants me to think outside the box, but I think he really expects me to read his mind. Help! How do I work with this person?" *— Karen, Atlanta*

Marie's Answer: You and your scattered boss illustrate a typical difference in thinking styles. "Creative Visionaries" focus on the big picture, get excited about new ideas and love making changes. Sound familiar?

"Organized Implementers," on the other hand, emphasize details and outline action steps. They plan ahead and despise last-minute changes. You seem to fall into this category.

Visionaries and Implementers can make a terrific pairing, but they also drive each other nuts! To manage this style gap, consider these suggestions:

- **Realize that all brains are not the same.** Your boss's frustrating traits reflect the way his brain operates. He can't impart details because he hasn't thought of them yet. He can't give facts in an orderly manner because he's not a structured thinker. For you, however, organizing information is as natural as breathing.

- **Recognize each other's strengths.** Mr. Visionary may be dreadful with details, but he's probably a great idea person. You may lack his creative abilities, but you're great at keeping everything on track. Each style makes an important contribution.

- **Accommodate the differences.** Since your boss isn't likely to change, you're smart to focus on adapting. Your email strategy is a great example. You might also build checkpoints into your project schedules to be sure his plans haven't shifted.

- **Ask for what you need.** When problems arise, focus on what you require, not what's wrong with your boss. For example: "I'll need a decision on the format by noon in order to meet the print deadline" sounds better than "Have you made a decision yet?"

- **Team up for success.** People with dissimilar styles view projects from different perspectives. Blending these viewpoints frequently produces the best result.

Workplace Conflict Resolution Tips_____ #6

When the boss hires an incompetent 'good friend'

Q: "My boss hired his 'good friend' as a top-level manager. This woman has no qualifications for the job, and she's making costly mistakes. She also pawns her work off on others and treats everyone rudely. We've tried talking to the boss about this woman's inexperience and offensive behavior, but he refuses to listen. Some long-term employees are considering leaving. How can we explain this without putting our jobs on the line? Her behavior has had a major impact on our work and may do long-term damage to the company." — *Afraid to Speak Up*

Marie's Answer: Help your boss see the problem by getting his attention without insulting his management ability. Start by viewing things from his perspective. Friend or not, this woman was his choice for a high-level job. So when you say, "She has no qualifications," you're really saying, "You were an idiot to hire someone like that." Not exactly the smartest approach. You need to:

- **Convey the gravity of the situation** by focusing on the facts that matter most to your boss. His reaction to "she treats everyone rudely" may be that you should have thicker skin.
- **Show that her "costly mistakes" increase expenses** or alienate customers. Then he might start to worry.
- **Present a business case that reflects concern** for the company, not personal animosity. Do so in a calm, professional manner. Anything that resembles whining or complaining will turn off your boss.

- **Don't expect him to admit to a hiring error** or agree that she's a problem. If he simply listens to your concerns, then he's starting to get the message.

Caution: If the quote marks around "good friend" mean that she's more than just a buddy, you may be out of luck. People are seldom rational about their romantic partners.

Workplace Conflict Resolution Tips_____ #7

My co-workers resent my promotion: How do I resolve this workplace conflict?

Q: "My boss is promoting me to supervisor, but several co-workers are unhappy about it. Ever since he told them, a few people have been very nasty to me. None of these co-workers showed any interest in the position, yet they now find fault with everything I do. I feel like I'm under a microscope. I don't go to work every day to make friends. My goal is to do a good job and earn a living. After I'm promoted, should I talk to these people about their behavior or should I act like it never happened? How do I squash this jealousy and nip this behavior in the bud?"
— New Supervisor

Marie's Answer: Being elevated above your peers is seldom easy, but these back-stabbing co-workers sound particularly tough. So you need both a transition plan and some self-examination.

- **Ask your manager to "reintroduce" you** to the group as a supervisor when the promotion becomes official, explaining your responsibilities and the reasons for your selection. After acknowledging that this change will be an adjustment, he should stress that he expects everyone to be helpful and supportive.
- **Rehashing the past would be counterproductive,** since you want to start this new job on a positive note. But if the juvenile behavior resurfaces, immediately talk with your manager about how to handle it.
- **Stop and take a long, hard look in the mirror.** For some reason, these co-workers don't want to work for you, so you should ask yourself why. Don't just dismiss their reaction as jealousy.
- **Recognize the importance of relationships,** even if you don't "go to work to make friends." Otherwise, you'll have a rough time as a manager. Management is not about friendship, but it is about inspiring and motivating your employees.

No one is fully prepared for the challenges of their first supervisory role. But your learning curve will be much easier if your new staff is pulling for you, not against you.

Workplace Conflict Resolution Tips_____   #8

Handling a 'newbie' manager: Deal with it or go over her head?

Q: "My team recently got a new boss who is very green as a manager. Although I have 20 years' experience, she makes it abundantly clear that she feels superior to me in every way. She talks incessantly about her credentials and all the 'important' tasks she has been given. I find her condescending, unapproachable and inflexible. Staff meetings have become a painful experience because they accomplish nothing. Our new boss will not discuss projects in detail nor take any direction from 'subordinates.'

"I have known her manager for a long time and have a good relationship with him. He's a fair guy, and he respects my opinion. Should I tell him how I feel about my new boss?"   — *The Underling*

Marie's Answer: Although "newbie" managers can be frustrating, the biggest problem with this supervisor is your reaction to her. You're doing a very poor job of "managing up." Some tips:

- **Like many new supervisors,** your boss feels insecure and inadequate. To compensate, she puffs herself up to show that she's the boss. If you threaten her authority, she's likely to retaliate.
- **Your own emotional needs** are also on display. You resent her failure to recognize your experience and follow your advice. But if you display this resentment, you may soon be labeled "difficult to manage."
- **Battling with your boss** is always a hazardous move. Your supervisor has a higher position and greater access to upper management, so you could easily wind up the loser.
- **Adopting a helpful and cooperative attitude** toward this inexperienced manager is a better career strategy. You'll win political points by becoming her ally.
- **Complaining to upper management** is likely to backfire. Although you would undoubtedly enjoy describing her incompetence, remember that her manager selected her. So when you disparage her, you also criticize his judgment.

Workplace Conflict Resolution Tips _____ #9

Favoritism in the workplace: 'She's the boss's pet'

Q: "I work with someone who is the boss's pet. She talks on the phone with him all the time, and he allows her to work extra hours, even though I also could use the overtime. This co-worker reviews all orders and also is responsible for updating the computer records. Whenever a problem arises, the boss calls her to discuss it. There are only two of us here, but he won't cross-train me on her duties. How should I handle this unfairness?" — _The Unfavored One_

Marie's Answer: Your colleague apparently has been given the lead role in your office, even though no one has officially said so. If your boss was smart, he would formally define duties and clarify roles, but many small-office managers fail to do this. Having a peer elevated above you without explanation is annoying, so your resentment is normal. However, it's also a complete waste of emotional energy. Instead, focus on furthering your own career. Here's how:

- **Make every effort to get along well with your co-worker.** Since the boss favors her, alienating your co-worker will jeopardize only your own future.
- **Stop worrying about her relationship with the boss** and start improving your own. Do outstanding work. Make suggestions for improvements. Be consistently pleasant and helpful.
- **Don't focus just on your own narrow responsibilities.** Managers appreciate employees who show interest in the bigger picture. Find opportunities to ask your boss questions about the business.

Bottom line: Act like someone your boss would want to promote and assign more responsibility to. Consider this question: Do you really want a larger role, or do you just resent the attention that your co-worker receives?

Workplace Conflict Resolution Tips_____ #10

Dealing with a boss who throws more than a temper tantrum

Q: "My boss recently got upset with a co-worker about some problems with customer orders. To get her attention, the boss reached across the desk and grabbed 'Angela' by the jaw. When I spoke with Angela about the manager's improper behavior, she agreed that he was probably wrong, although she wasn't too disturbed about it. I decided to have a talk with my boss. I told him that I found his actions inappropriate, and he agreed with me. But when he learned that I

had already discussed the situation with Angela, he became very irritated. My talking to her really bothered him. Should I have handled this situation differently? What should I do now?"   — *Appalled Worker*

Marie's Answer: Your manager's physical confrontation with Angela was appalling and also illegal, since he could be charged with battery for such uninvited touching. Now what?

- **Your boss should be ashamed of himself** for losing control. That may explain why he's upset that you discussed his outburst with Angela.
- **Giving honest feedback to a manager takes courage,** so congratulations to you for calling him on his offensive and immature behavior. If your comments help to curb his impulsive reactions in the future, then you will have done him a big favor.
- **Grabbing an employee is so out of line** that someone really needs to know about it. This guy could easily create legal liability for the company. So if you have a trustworthy human resources manager, consider having a confidential talk with that person.
- **As for your boss, you don't need to say** anything further to him. Odds are that he's more upset with himself than with you. And he now knows that someone is watching his behavior.

When the boss blames all workers—guilty and innocent

Q: "Whenever our boss is upset, he calls a group meeting and administers a general scolding. Since he is never specific, we are all left wondering who screwed up. To me, this approach seems immature and unproductive. If I make a mistake, I would rather be chewed out privately, not included in a public lecture that makes everyone feel bad. Our manager's collective reprimands have sunk morale into a black hole."   — *Blamed for Nothing*

Marie's Answer: Chastising an entire group for an individual performance issue is worse than a waste of time and demoralizes all. It's like lecturing everyone on punctuality because one person is chronically tardy. Nevertheless, some cowardly managers use this tactic to avoid uncomfortable one-on-one discussions. They fail to realize that the problem employee is invariably the one person who doesn't get the message. Try this:

- **If your boss is open to feedback**, try asking for a more personalized approach. For example: "When you're upset with us, sometimes we're not sure who actually made the error. If you could tell us about our individual mistakes privately, it would be easier to prevent them in the future."
- **But if the direct approach seems too risky,** just check with him after each tirade to find out if you're part of the problem.

Understand the difference between true conflicts and different communication styles

Remember, not every conflict is a battle to be fought. With an "equal opportunity" workplace, it is easy to forget that certain gender differences—as well as cultural differences—can still play underlying roles in office communications and perceived conflicts.

In her book, *You Just Don't Understand: Women and Men in Conversation,* Georgetown University professor of linguistics, Deborah Tannen notes, "To most women, conflict is a threat to connection…disputes are preferably settled without direct confrontation. But to many men, conflict is the necessary means by which status is negotiated, so it is to be accepted and may even be sought, embraced and enjoyed." Thus, it is easy to see how certain preferred male/female conversational styles can unintentionally offend the opposite gender. While it may seem at first that conflict is the opposite of rapport and affiliation; it is more complicated than that. Conflict may be valued as a way of creating involvement…and involvement can lead to a kind of bonding and ultimately benefit the entire team. For example, Tannen points out that, in general, many women like to talk in an inclusive manner that is meant to "build community." While many men prefer to speak in a "let's get to the point" manner to quickly address the problem at hand. Depending on the situation or task, one style can frustrate another, though parties using both styles share the same solution-minded goals.

Likewise, different cultural and geographical backgrounds can lead to miscommunication. Tannen advises that simply being aware of different communication styles—with neither being "right" or "wrong"—can help everyone accept those differences with good will.

Tannen also advises managers to be on the lookout for any "metamessages" workers are sending. For example, if a proposed solution involves asking one coworker to help another, this is probably framed as a positive. But to some, it can unintentionally send the negative metamessage, "She's more competent than you," or "He's not working fast enough."

Learning about style differences won't make conflicts go away. But, Tannen concludes, "Having others understand *why* we talk and act as we do can protect us from the pain of their puzzlement and criticism." Working together towards better understanding can banish mutual mystification and blame.

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FMLA Intermittent Leave: 5 guidelines to managing intermittent leave and curbing leave abuse under the new FMLA regulations

One of the biggest employer complaints about the Family and Medical Leave Act (FMLA) is the productivity problems caused by employees' use—and abuse—of FMLA intermittent leave. The problem: Employees with chronic health problems often take FMLA leave in short increments of an hour or less. The Department of Labor took steps to help minimize workplace disruptions due to unscheduled FMLA absences by saying that, in most cases, employees who take FMLA intermittent leave must follow their employers' call-in procedures for reporting an absence. Amend your organization's policies, update your employee handbook and revisit how you track FMLA intermittent leave with these 5 guidelines.

www.businessmanagementdaily.com/FMLAIntermittentLeave

Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes

Employers, beware: The Department of Labor's Wage and Hour Division reports that wage-and-hour labor litigation continues to increase exponentially. Federal class actions brought under the Fair Labor Standards Act (FLSA) outnumber all other types of private class actions in employment-related cases. Use this special report, Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes, to review your overtime pay policy and double-check your FLSA exempt employees' status. Expecting a visit from a DOL auditor? Get prepared by taking the self-audit at the end of this report.

www.businessmanagementdaily.com/OvertimeLaborLaw

Office Communication Toolkit: 10 tips for managers on active listening skills, motivating employees, workplace productivity, employee retention strategies and change management techniques

A manager's job is 100 times easier and more rewarding when his or her employees are performing like a well-oiled machine. But when that machine runs slowly or breaks down entirely, a manager's job becomes exponentially harder. The best managers are the best listeners ... listen to our 10 tips and maximize office communication skills and bolster workplace productivity.

www.businessmanagementdaily.com/OfficeCommunicationToolkit

Workplace Violence Prevention Toolkit: HR advice, guidelines and policies to keep your workplace safe

Unfortunately, in the wake of a spate of workplace shootings, HR professionals and managers nationwide must consider the horrific possibility of violence erupting at their own facilities and events. To help employers prevent tragedy, this toolkit offers business advice, guidelines and policies aimed at keeping workplaces safe from employee violence. Learn prevention strategies, tips on identifying potentially violent workers, managerial advice on maintaining a safe workplace. It includes two sample anti-violence policies, adaptable for use in any company, plus checklists to use in case violence erupts.

www.businessmanagementdaily.com/WorkplaceViolencePrevention

[14 Tips on Business Etiquette](http://www.businessmanagementdaily.com/BusinessEtiquette101): Setting a professional tone with co-workers, clients and customers

For organizations and employees alike, recognizing the critical link between business protocol and profit is key to your success. Learn how to confidently interact with colleagues in ways that make you and your whole organization shine. Discover best practices on making proper introductions; cubicle etiquette; "casual dress" rules; handshake protocol; guest etiquette; workplace behavior faux pas; business dining etiquette, office wedding invites and other co-worker special occasions; business letter and email protocol—and even how your office decorations may affect your professional image.

www.businessmanagementdaily.com/BusinessEtiquette101

[12 Ways to Optimize Your Employee Benefits Program](http://www.businessmanagementdaily.com/EmployeeBenefitsProgram): Low-cost employee incentives, recognition programs and employee rewards

If you've had to cut pay and staff and now expect more from those who remain, it's vital to revamp your employee recognition and rewards program. Employers can double their rewards and recognition efforts in innovative, cost-efficient ways with employee-of-the-month awards, employee incentive pay, employee appreciation luncheons, more time off, shopping sprees, wellness incentive contests, plus employee rewards customized to motivate Millennials, Gen Xers, Baby Boomers and the Matures. Now is the time to get clever with your employee recognition programs. This report shows you how with great ideas offered up from our [Business Management Daily](http://www.businessmanagementdaily.com) readers.

www.businessmanagementdaily.com/EmployeeBenefitsProgram

[The Case in Point Yearbook](http://www.businessmanagementdaily.com/CIPYearbook): Real-Life Employment Law Advice … from Mindy Chapman's Case in Point blog

Mindy Chapman, Esq., has been providing sound employment law advice in her Case in Point blog since 2007. In her trademark entertaining style, she dissects an important employment law court ruling and provides essential employment law advice via three "Lessons Learned." Topics include: ADA guidelines, age discrimination cases, sexual harassment laws, EEOC cases, FMLA requirements and more.

www.businessmanagementdaily.com/CIPYearbook

[The Bully Boss Strikes Again!](http://www.businessmanagementdaily.com/BullyBoss) How to deal with bosses who make crazy requests

And you thought your boss was unreasonable? Bet he never asked you to perform oral surgery or fill in for the bomb squad. Talk about "other duties as assigned!" Even if your direct supervisor swamps you with petty tasks and doesn't appreciate all you do, you can always "manage up" to make sure the boss's boss knows your worth. This report includes practical advice on how to manage a toxic boss along with dozens of outrageous stories about bully bosses.

http://www.businessmanagementdaily.com/BullyBoss

Microsoft Email: Outlook Tips & Training: How to improve productivity by effectively employing under-used features already at your fingertips

We all use Outlook. It's easy. You can answer email, keep your appointments and your calendar, and save your files in various folders. But are you using it to manage your entire workflow? You can. Melissa P. Esquibel combines her 25+ years of experience in information technology with a background in training, technical writing and business risk analysis to move beyond email and help you understand Outlook's amazing workflow benefits. You'll discover how to get more out of Outlook than you ever dreamed possible with this hands-on road map to Outlook that can send your productivity skyrocketing.

http://www.businessmanagementdaily.com/MicrosoftEmailOutlook

17 Team Building Ideas: The team building kit for managers with team building exercises, activities and games to build winning teams today!

With employees still reeling from workplace budget cuts, now's a great time for new team building ideas. No, you don't need an expensive round of paintball to gain the benefits of team building exercises, but you do need to squeeze the most out of them. This report provides teamwork examples, exercises and tips for leading winning teams. Go from being a manager who oversees people to a leader who molds them into winning teams with these 17 team building ideas.

www.businessmanagementdaily.com/TeamBuildingIdeas

10 Time Management Tips: A how-to guide on efficiently managing your time through effective delegating, calendar management and using productivity tools

In this era of downsizing and the quest for efficiency, businesses of all sizes are asking employees to take on extra tasks to boost productivity. Has your job turned into one of those "stretch jobs"? If so, you may be looking for a better way to get more done in less time, reduce stress and stop burning the midnight oil. Read about calendar management, keyboard shortcuts, running productive meetings, setting up agenda templates and using tech tools for project management with these 10 time management tips. Learn to prioritize your tasks and stop working in a crisis mode all the time

www.businessmanagementdaily.com/TimeManagementTips
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10 Most Common Legal Mistakes HR Makes

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The human resources department has a host of responsibilities. Juggling them is often overwhelming, to say the least. One small misstep could cost the company hundreds, thousands and even millions of dollars. Knowing in which areas of HR's numerous responsibilities the most common pitfalls lurk goes a long way to ensuring that you don't fall into these traps.

#1: Advertisements, Interviews, and Offer Letters

Mistake: improper language in job advertisements. Too many employers still use inappropriate terms — such as "girl," "boy," or "young" — in their job advertisements. This is particularly true when managers, rather than HR, write the ads.

Mistake: unlawful interview inquiries. Too many hiring managers ask about personal and/or protected characteristics during job interviews, which sets the employer up for a discrimination lawsuit if the applicant is not hired.

Mistake: inaccurate description of the job. Some hiring managers work so hard to get top-notch recruits in the door that they fail to be realistic with their description of the job. The unhappy employee will leave, and it will have been a shameful waste of the employer's time and money.

Mistake: inadvertent creation of contractual promises. Too many employers include language in their job offer letters that inadvertently creates an employment contract. For instance, mentioning a yearly salary implies a yearly contract.

#2: Wage and Hour Issues

Mistake: misclassification of workers. *Exempt vs. non-exempt status:* Finding and correcting these mistakes are an Obama administration priority. While there are many factors to consider, you're basically basing your determination on the employee's level of responsibility and/or training, and a salary test.

Mistake: mandating confidentiality of wage information. Prohibiting employees from discussing their wages is a violation of the National Labor Relations Act.

#3: Privacy Assumptions and Violations

Mistake: permitting an expectation of electronic privacy. Too many employers fail to advise employees to expect no privacy on their computers. If you asked employees, "Do you think the stuff you put into that computer is private?" you might get some interesting answers.

Mistake: improper electronic monitoring. Some states have statutes that require employers to give employees notice if they are being monitored electronically.

Mistake: inadvertently revealing private employee information. HR possesses a great deal of sensitive information about individual employees. It is your duty to keep that information confidential.

#4: Training and Performance

Mistake: failure to train supervisors. When supervisors are not trained, *they're* the ones who get you into trouble. They may say rude, racist, or sexist things, or be unintentionally discriminatory, and because they are in a supervisory position, the entire company is on the hook.

Mistake: misleading performance evaluations. If you try to discipline an employee for a performance/behavior problem that was never noted on their evaluation, your hands may be tied.

#5: Rough Beginnings and Sharp Endings

Mistake: sloppy start. Among HR's common errors in this area are: failing to submit the state notice of a new hire; failing to tell the employee the key terms and conditions of employment; and providing the employee with a misleading description of working conditions.

Mistake: sloppy finish. Regardless of whether a termination is voluntary or involuntary, always allow the employee to leave with dignity.

#6: Investigations

Mistake: failure to oversee supervisory investigations. As an HR professional, you know that timeliness and thoroughness are important in an investigation. But what about when a supervisor is the one investigating, not HR? It's still HR's responsibility to provide oversight.

#7: Record-Keeping/I-9 Issues

Mistake: failure to document past practices. Courts love to know not only whether the treatment of an employee was against the law or company policy, but whether it was in line with past practices.

Mistake: failure to comply with Form I-9 requirements. Failure to complete the I-9 form properly and failure to keep the form in a separate file are common mistakes employers make.

#8: Breakdowns In Communication

Mistake: failure to keep employees in the loop. Forgetting to notify employees about policy/procedure changes, outcomes of investigations/discipline issues, or unsatisfactory behavior or work quality can be a costly slip-up.

#9: Accommodations

Mistake: failure to explore accommodations. "Accommodation" can be defined as "a determination in favor of the employee." Employers should explore accommodation options when an employee: has a disability, is pregnant, is called to active military duty or has a family member called to active military duty, or wants to engage in a religious observance/practice.

#10: Non-Compete Agreements

Mistake: unreasonable scope. Obviously, an agreement prohibiting an employee from working at any position in the same general industry forever and ever isn't going to hold water.

Mistake: lack of consideration. Legally, contracts are valid only if both sides give something. If the employee gives up their right to compete, the employer must also give something. Too often, the employer gives nothing, making the non-compete agreement invalid in a court of law.

25 Off-Limits Interview Questions

www.BusinessManagementDaily.com

Job interviews present a minefield of legal problems. One wrong question could spark a discrimination lawsuit. That's why you should never "wing it" during interviews. Instead, create a list of interview questions, and make sure every question asks for job-related information that will help in the selection process.

Federal and state laws prohibit discrimination on the basis of an applicant's race, color, national origin, religion, sex, age or disability. Some state laws also prohibit discrimination based on factors such as marital status or sexual orientation. If you ask a job applicant a question specifically relating to one of those characteristics, you're subject to being sued.

Every question you ask should somehow relate to this central theme: *"How are you qualified to perform the job you are applying for?"* Managers usually land in trouble when they ask for information that's irrelevant to a candidate's ability to do the job.

To avoid the appearance of discrimination during interviews, <u>do not ask</u> the following 25 questions:

1. Are you married? Divorced?
2. If you're single, are you living with anyone?
3. How old are you?
4. Do you have children? If so, how many and how old are they?
5. Do you own or rent your home?
6. What church do you attend?
7. Do you have any debts?
8. Do you belong to any social or political groups?
9. How much and what kinds of insurance do you have?

The following questions could result in an Americans with Disabilities Act (ADA) lawsuit:

10. Do you suffer from an illness or disability?

11. Have you ever had or been treated for any of these conditions or diseases? (followed by a checklist)

12. Have you been hospitalized? What for?

13. Have you ever been treated by a psychiatrist or psychologist?

14. Have you had a major illness recently?

15. How many days of work did you miss last year because of illness?

16. Do you have any disabilities or impairments that might affect your performance in this job?

17. Are you taking any prescribed drugs?

18. Have you ever been treated for drug addiction or alcoholism?

Many companies ask female applicants questions they don't ask males. Not smart. Here are some questions to avoid with female applicants:

19. Do you plan to get married?

20. Do you intend to start a family?

21. What are your day care plans?

22. Are you comfortable supervising men?

23. What would you do if your husband was transferred?

24. Do you think you could perform the job as well as a man?

Final point: If a job candidate reveals information that you're not allowed to ask, don't pursue the topic further. The "she brought it up" excuse won't fly in court, so change the subject right away.

Sample Policy:

Performance Reviews

Sample Policy: Performance Reviews

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Sample Policy 1:

"Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted annually to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals."

Sample Policy 2:

"XYZ hires the most qualified people available and gives them maximum opportunity to advance. A written evaluation will be discussed with the employee no less than once a year. The objectives of the performance evaluation process are: to review job performance, to facilitate timely written and verbal feedback, to provide a record that a performance review was prepared and discussed, to identify specific opportunities for personal development, to provide recommendations for future assignments and to provide background information for advancement and compensation decisions."

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Policy Considerations

Inadequate or unfair performance reviews can cause serious morale problems, miscommunication, faulty decision making and costly legal repercussions. At their best, professional and objective appraisals help make your company a well-oiled machine. Performance reviews have three basic purposes:

- To give all employees feedback on their performance.
- To establish a basis for modifying work-related behavior.
- To provide management with information on which to judge compensation, work assignments, promotions or retention.

Here are the key points to consider when creating your company policy on performance reviews:

You should encourage managers to discuss work performance with their employees on a regular basis, not just once a year or when serious problems arise.

But do set at least one formal annual review for every employee, and make sure all managers abide by the timetable.

The review process really begins with an accurate job description. This will enable the employer and employee to have a clear understanding of the work to be done and how it will be evaluated in advance of any review. Then you can compare results expected with results achieved.

Standards for employees performing the same job should be consistently applied to all. Base your standards on measurable results and behaviors where possible, not on subjective opinions about the employee's style or personality.

You should use consistent review forms and ratings for all employees in similar positions, but allow managers the latitude to add comments explaining their ratings and to offer suggestions for improvement.

Effective reviews have clear, accurate ratings on how employees are performing. Emphasize that you want managers to make honest, objective appraisals. Consider the consequences if your supervisors indiscriminately handed out good reviews even to poor performers. Their appraisals would pull the rug out from under your company's legal defense if someone sued you because he was fired or denied a promotion.

The manager who says "all my employees are outstanding" may not be discriminating "satisfactory" performance from "above average" or "excellent." Define the limits for these categories whenever possible, and make sure all parties understand them. *Example:* "Product shipped on or prior to deadline 85% of the time is satisfactory, 90% is above average, and 95% is excellent.Monitor each manager's reviews for consistency, and compare managers across departments who are reviewing employees with the same or similar work assignments.

Caution: Do not require managers to adhere to any set quota on ratings of employees, even if the ratings are tied to raises or merit pay. You want to encourage honest, accurate ratings, not ones tied to budgetary limits.

You should ask employees to sign and date their written appraisals, acknowledging that they have read them.

Employees should have the right to respond to their review or to appeal a review they disagree with. Keep any written responses by an employee in your records with the manager's review, along with notes on any action taken as a result of the employee's response.

Managers who are charged with conducting reviews need adequate training. They require an understanding of how the process should work, how to use it effectively and how to make fair, informed ratings that are consistent across the board. For new managers, consider conducting training sessions to practice oral review techniques and build their confidence. Reviews themselves should be critiqued by top management or human resources, particularly for less experienced managers.

Note: Negative performance reviews by themselves are not actionable. You do not need to shy away from accurate, truthful evaluations of employees who have filed suit against your firm. Courts have ruled that a bad performance review, on its own, is not enough to prove that a company retaliated against a worker.