

Solutions For a New Economy

Today is the New Economy. Those waiting for the economy to return to pre-2006 levels will be waiting for quite some time. The good news however is that the economy has relatively stabilized and some companies are experiencing growth. Outsourcing still remains a golden opportunity to improve one's bottom line. Core Competency Specialization is proving to not only be a wise strategy, but it's positive impact to a company's financial statement is enabling companies to weather the economic storm.

Good to Great Companies

Great companies are supported by professionals that allow the management team to focus on building the business. They don't wait until they have 50 or 250 employees to make the commitment to become great. Employer's Guardian bridges the needs of the good small to medium sized employer so they can become the great company they envision.



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Blackberries on the Beach

Summer vacation time is here! Grab your swimsuit, towel, sunscreen—and BlackBerry?

Many employees feel pressure to stay in touch with the office while on vacation. Whether out of a concern their employers may discover they can get along without them, or because of stated or implied expectations on the part of the employer, employees increasingly take work with them when they head off to the beach, the mountains, a resort, or theme park. According to a 2010 survey by the travel website TripAdvisor, 62% of employees check e-mail while on vacation and 13% routinely call the office to check in. In some companies, "vacation" just means employees work from somewhere else.

But employees may be starting to push back. For example, take the case of Chicago Police Sergeant Jeffrey Allen. Sergeant Allen claims that he and his fellow sergeants were given PDAs so they could access work-related e-mails, voicemails, and text messages regardless of their location. Sergeant Allen claims that he regularly received phone calls, e-mails, and work orders while off the clock and that often he was expected to respond while off duty. Sergeant Allen contends that as a non-exempt employee, the Fair Labor Standards Act (FLSA) requires that he be paid for the time spent responding in his off-duty hours. The court has not decided the case yet, but it may be a harbinger of cases to come.

An April 2011 survey by Motorola Mobility/Wakefield

Research suggests that Sergeant Allen is not alone in being tethered to work even after he's left the office. Nearly half of all survey respondents reported being awakened at night by a telephone call, text, or e-mail message from work, to which they were expected to respond.

Sergeant Allen's complaint reminds us that work is work, even when it's performed away from the office.

The issue is particularly important for employees who are not exempt from the FLSA. For non-exempt (hourly) employees, work away from the office that is more than de minimis must be reported and paid. This includes checking and responding to e-mail messages, text messages, and voicemail messages; phone calls with the office or with clients, customers, or vendors; and working on files, accounts, or projects away from the work site. Employees who perform this work remotely are entitled to be paid for their time (whether they are on vacation or just at home during evenings and weekends). If they work long enough, employees may be entitled to rest breaks and meal periods—and overtime pay if their out-of-office work hours put them over 40 hours in the work-week. Exempt employees who work while on vacation

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Maximize
Employee Performance
Minimize HR & OSHA Risks

Immigration

Gov't.'s new stance on I-9's

It's no secret that our Federal government is struggling to find ways to balance the budget. In the last edition, we talked about how the US Department of Labor was ratcheting up enforcement, not only as a way to enforce compliance with employment laws, but also as a potential revenue stream. The Immigration Reform and Control Act (IRCA) of 1986 requires every U.S. employer to complete a Form I-9 for every new employee in order to verify the employee's identity and employment eligibility.

The Obama Administration has made clear that the focus of enforcement efforts will continue to be on employers whose failure to comply with the I-9 requirements results in the hiring of illegal aliens.

In June 2011, 1,000 employers, located across all 50 states, received Notices of Inspection from Immigration and Customs Enforcement (ICE), requiring them to produce their I-9s for audit within 72 hours. No longer are they targeting common areas of abuse, but they are targeting a wide swath of industries. Increased emphasis on administrative enforcement has allowed ICE to broaden its audit activities beyond particular target industries or geographic regions. The latest round of audits confirms that employers in all industries, must be prepared for an I-9 audit. Previously, the hottest targets were fast food restaurants, food processors, and the hospitality industry.

The government has also begun to pursue significant civil and even criminal penalties against non-compliant employers. Fines ranging from \$110 to \$1,100 can be imposed for each error or omission in the completion of an I-9. For some companies that can be a big ticket for something as simple as missing a signature on the I-9 form. Violations where the employer knowingly hired or continued to employ illegal aliens can also result in criminal penalties, including fines and even jail time for individual owners and managers responsible for such hires.

Executive or the Elephant

Who's really in charge?

Ever hear the phrase "There's an elephant in the room"? "Elephant in the room" is an idiom for an obvious truth that is being ignored or goes unaddressed. The expression also applies to an obvious problem or risk no one wants to discuss. It is based on the idea that an elephant in a room would be impossible to overlook; thus, people in the room who pretend the elephant is not there have chosen to concern themselves with small or irrelevant issues rather than deal with the looming big one. The elephant we're going to discuss is not in the room, but rather is in your head.

You, your associates, direct reports and coworkers also bring their elephants to work every day. And all these elephants in your workplace can cause a great deal of stress and conflict, not to mention affect productivity and achievement.

The author of *The Executive and the Elephant*, Richard Daft, professor of management at the Owen Graduate School of Management, Vanderbilt University, uses the metaphor of an Elephant to define a major part of our brain. It's the area that was developed mostly in our childhood -- the part that causes kids to throw temper tantrums and do reckless things without thinking, and causes adults to do the same. As Daft puts it, the "inner elephant symbolizes the strength of unconscious systems and habits." There's also an executive in there. Think of it as the adult part of our brain, the driver of the elephant, the one sitting atop and in control. As Daft puts it, the "inner executive is our higher consciousness, our own CEO so to speak."

What does the reality of the "executive" and the "elephant" present in each of us mean in our interactions, teamwork, and conflicts?

It means that at the root of many of the "people" problems and "power struggles" in the workplace are people who are acting like children. On this, Daft asserts "the less grown-up people are, the more the inner elephant, with its selfishness, one-sided viewpoint, and so on, is dominant. A well-developed inner executive is a



sign of maturity."

What does this mean for you as a leader in your workplace? Daft writes, "The strength of the leader's elephant will often pull him or her toward ineffective behaviors such as micromanaging or procrastination. For example, a manager (and inner executive) knows he should focus on listening to a direct report. But his mind is drifting while the direct report is talking and he may even take out his Blackberry to check on e-mail; that's the inner elephant controlling behavior.

"The elephant is typically in charge as managers go through their day, reacting automatically to events that occur," Daft continues. "The inner executive is meant to be the inner leader and the elephant is meant to be the follower. But the roles are typically reversed because the elephant is strong and a person's inner executive has not been developed to take charge. Things typically go better when the inner executive is in charge."

According to Daft, there are six ways you can put your inner "executive" in charge and tame your inner elephant.

1. Slow down. Stop and think. Or as the parent tells the child, "Think before you do." Daft, in *The Executive and the Elephant*, quotes New York City Mayor Michael Bloomberg: "The worst advice that people can take is to react before they've had a chance to think. I think we all say things and wish we hadn't said them. Ready, shoot, aim is not the smartest policy." "The best bet here is to adopt a mechanism, such as counting to 10, waiting one minute, or waiting 24

hours, and you will soon stop overreacting," Daft explains. **Follow the 24-hour rule.** When upset, when emotions kick in, take a time-out. (Does that sound like preschool and kindergarten days?) Don't speak to the person upsetting you. Don't kick back with a quick e-mail. You're feeling pain and want to blame someone. Instead, cool down. Wait 24 hours.

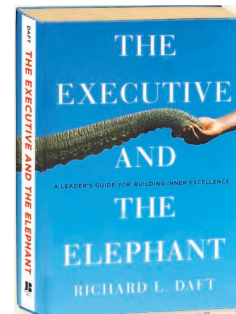
2. Stop interrupting. Act like a leader. Don't be a reactive child. When meeting with associates and direct reports, let them talk. Listen until the other person empties.

3. Review the day. "Spend 10 minutes in the evening reviewing the behaviors that worked and did not work during the day," explains Daft. "At first it is hard to remember anything that happened." But as you recall incidents, "you will discover more of the desired behavior repeating itself the next day while the undesired behavior will appear less often."

4. Consult before acting. Before making a decision or taking an action, Daft recommends you consult with just one person. Consult with several people "and your perspective will become large and unbalanced."

5. Create a mental picture. Do what sports psychologists and coaches teach athletes to do. Visualize the desired behavior in your mind. This visualization has a powerful impact on your elephant.

6. Maximize your strengths. Don't spend so much time on fixing your weaknesses. The inner elephant has a "judge" who likes to focus on your faults and ignore your strengths. Instead, complete one or two assessments that identify your strengths.





Here comes the Sun

90 - 100 degree days followed by rain in June? No doubt about it, we've had some strange weather in California this year. With the weather oddities, it's still important to take caution during the high temperature days.

Hot environments can be found in any climate during any time of the year. However, with the hot season rapidly approaching, the exposure is even greater and special attention needs to be made to minimize the hazards associated.

Heat has an effect on how the body functions. Overexposure to heat can cause: fatigue, heat rash, fainting, muscle cramps, heat exhaustion, and heat stroke. According to the National Weather Service, about 175 Americans die from overexposure to summer heat each year. Some people are more susceptible to the effects of heat.

There are a wide variety of jobs that expose workers to heat. Climate and weather are not always factors, such as indoor working environments with heat producing machinery or equipment, or jobs requiring extensive physical protection such as heavy protective garments. Not everyone is

affected equally by the heat. Age, weight, degree of physical fitness, metabolism, medications, use of alcohol or drugs, water consumption, caffeine consumption, and a variety of medical conditions, such as hypertension, all affect a person's sensitivity to heat.

Another factor is whether or not a person is accustomed to the heat. By gradually being exposed to work in hot conditions, a body develops a greater tolerance for the heat. For most people, acclimatization peaks within 4 to 14 days when performing regular work for at least two hours per day in the heat. With today's fluctuating temperatures, hot to cold and cold to hot, it may take more time to acclimate on high temperature days. It is difficult to predict who will be affected by the heat or when someone will be affected. Environmental factors to consider include:

- Air temperature;
- Humidity;
- Radiant heat from the sun and other sources;
- Conductive heat sources, such as the ground, air movement;
- Workload severity and duration;
- Protective clothing; and
- PPE

Because everyone is different, it is important to pay attention to how you are feeling every time you work in hot conditions. There are a wide variety of health hazards that you need to be aware of.

Fatigue occurs more quickly during exertion in hot conditions because of the body's natural cooling methods. By circulating more blood to the upper layers of the skin in order to release body heat to the environment, relatively less blood is available to provide active muscles, the brain, and other internal organs with the energy they need for peak performance. As a result, performance, coordination, and alertness can decline.

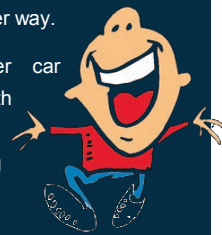
Controlling exposure to the heat can be accomplished through a combination of three general areas: engineering controls, personal protective equipment (PPE), and work practices.

Be sure your IIPP has an Heat Stress Illness prevention plan (required for companies who's employees are exposed to high temperatures.) Contact Employer's Guardian for more information.

EYE ON SAFETY Accident Humor

The following are actual statements found on insurance forms where car drivers attempted to summarize the details of an accident in the fewest words possible.

1. The Telephone pole was approaching. I was attempting to swerve out of its way when it struck the front end.
2. I was on my way to the doctor with rear end trouble when my universal joint gave way causing me to have an accident.
3. Coming home I drove into the wrong house and collided with a tree I don't have.
4. The guy was all over the road. I had to swerve a number of times before I hit him.
5. In an attempt to kill a fly, I drove into a telephone pole.
6. I pulled away from the side of the road, glanced at my mother-in-law and headed over the embankment.
7. The pedestrian had no idea which direction to run, so I ran over him.
8. I had been driving for 40 years when I fell asleep at the wheel and had an accident.
9. I collided with a stationary truck coming the other way.
10. The other car collided with mine without giving warning of its intentions.



Yes, Safety Managers have a sense of humor, but only if your safety program affords maximum protection for the company and the employees. Otherwise, Safety is no laughing matter.

Vacation Time

Continued from Page 1

may claim they should not be charged vacation time for the time they spent working. Federal law allows exempt employees to be charged with partial-day deductions from vacation time without destroying their exempt status.

Employers should consider the following tips for reducing liability for wage violations:

- Consider providing company-issued PDAs and remote access to company computer systems only to exempt employees.

Create a policy that clearly states that the employer has no expectation that employees will perform work, including responding to e-mail, voicemail, or texts, while on vacation and that if a non-exempt employee performs work, the employee must obtain advance authorization and the employee must track the time.

- Train supervisors to understand that non-exempt employees who perform work while on vacation must be compensated.

Employers may be wise to remember that the purpose of vacation time is for employees to rest and rejuvenate so that they may return to work refreshed and

productive. Employees who spend their vacation time responding to e-mails and phone calls are not resting and may return to work even more stressed. Allowing employees to take real time off not only supports the purpose of vacation, it avoids wage/hour compliance issues as well.

by Stephanie M. Caffera, Partner, Nixon Peabody Attorneys at Law.

585-263-1066, scaffera@nixonpeabody.com

NIXON PEABODY LLP
ATTORNEYS AT LAW



Professional Experience

With over 90 years of combined experience, Employer's Guardian provides an unparalleled level of expertise in Human Resources, Risk Management, Payroll Processing, and Management counseling.

Employer's Business Review

IT STARTS WITH...

...an Employer Business Review. This stand-alone report is designed to check a company's standing on Labor Laws and OSHA compliance. Unfortunately, our litigious society targets 'cracks in the armor' and this can cause significant headaches for employers. The Review defines those 'cracks', and therefore a knowledgeable road map can be developed, keeping employees/attorneys from exploiting the 1500+ laws employers have to abide by. Many of our clients use this "3rd Party Review" as a way to check their standing on employment law. Don't let another day go by wondering if your company is in compliance. Call Employer's Guardian today.

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Employer's Guardian, LLC.
2865 Sunrise Blvd., Suite. 225
Rancho Cordova, CA 95742
916.635.2543 ph
916.635.3434 fax

