

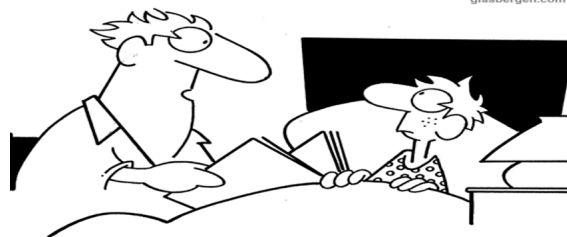
HOT SHEET

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Full-Circle HR

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"The first little pig built his house from straw and qualified for a green energy tax credit."

HR Trends:

- Washington State Paid Family & Medical Leave has had some updates that are effective this summer. For up-to-date information check this website [Help Center – Washington State's Paid Family and Medical Leave](#).
- According to a study by CancerCare, a nonprofit that supports cancer patients with resources and information, cost cutting measures taken to keep insurance premiums down are impairing employees' ability to access needed services and drugs.
- OSHA (Occupational Safety & Health Administration) is ramping up its efforts to protect employees from heat-related illnesses and injuries. They will focus on industries such as farming, bakeries, restaurants, fire services, postal and delivery services and more.
- Despite a recent ban on enforcement of arbitration in cases of sexual harassment, employees can still be offered this option as a way to deal with the situation in a private forum, as long as the employer does not encourage it.
- According to a SHRM Survey, fewer than 1/3 of employers view mental health benefits as a top priority.

Alternative Credentials

As of this month, the unemployment rate dropped to 3.6%. According to a report from SHRM* there are more than 10 million open jobs in this country. Finding the skills to match those jobs is more than tough. Of course, training, coaching and mentoring are long-term solutions. In the meantime, the question is are there applicants out there who may have the skills but our traditional way of thinking about skills and qualifications is getting in the way of making the match. According to Kathy Gurchiek, ** the State of Maryland has dropped its 4-year degree requirements to expand its pool of applicants for open jobs. With over 1 million Maryland workers who don't have a

4-year degree but who do have work experience, training, and other credentials, the state felt that it was critical to open these career opportunities to these workers and to help fill these jobs. Oftentimes, these workers are not able to dedicate the time to get a 4-year degree. Rather, they were able to fit in trainings, certifications, apprenticeships, internships, etc. that allowed them to keep working or raising a family. Some also have been incarcerated or have been in the military and are now entering the mainstream workforce and hoping to advance themselves through a career.

52% of these credentials are training certificates; 48% are course completion certificates; and 38% are industry

or professional certificates. These are verifiable, but there can be difficulty in quantifying them in relationship to the skills required. Additionally, electronic applicant tracking systems often exclude applicants with these credentials. And yet, these credentials are often more current with up-to-date trends and developments in a field than the 4-year degree. While these are not replacements for a 4-year degree, they can be excellent indicators of an applicant's aptitude for gaining the full skills needed for a job. And they can facilitate a smooth transition into on-the-job training and other training programs that give workers the necessary tools for

the job. HR Professionals and hiring managers must challenge themselves to create a recruitment process that more thoroughly identifies the person who has the needed skills and abilities to succeed. One way to do this is to ask questions that require critical thinking about the tasks required for the job i.e., hypothetical questions that invite an applicant to show how they would approach a relevant task. Another option is to develop skills tests that can be taken electronically. Clear and continuous communication between the hiring manager (the one who more closely understands the specific needs of the job) and the recruiter is critical as well.

FMLA and Disability Accommodation Missteps***

Family and Medical Leave and State and Federal Disability Accommodation laws can be confusing. One can easily make some missteps, including missing the sign that your employee may need some help in these areas. Some of the most common mistakes include:

1. Failing to identify your employee's need for accommodation or leave (which may actually be the needed accommodation). Employers who have an absence notification policy are more likely to catch when an employee is absent for a reason that is covered by disability or leave laws. Ensure that your call-in procedures are clear and that they are followed. It is an even stronger procedure to require 2 calls, one

to the manager and the other to HR. **2. Reacting inappropriately to an employee's request for leave or an accommodation.** No, your employee may not be a whiner after all but may just be facing a difficult situation that might be remediable by engaging in an interactive dialogue that could disclose the underlying issue. Employees do not have to ask directly for an accommodation with the correct words, but this discussion might reveal what the issue is and how you might, together, find a reasonable accommodation. **3. Badgering employees about their situation, particularly while on leave.** When an employee is on leave or has an accommodation, it is a good idea to check in with them and

let them know you care and ensure that the leave or accommodation is addressing the need—or if there is a reasonable adjustment that could be made. And, when they are on leave, limit any work-related questions to only the absolutely necessary ones. **4. Revealing an employee's medical condition.** This is 'need to know' information only. **5. Automatically terminating an employee after they have exhausted their FMLA or PFML leave.** Instead of termination, a possible disability accommodation such as transitioning back to work may be more appropriate and reasonable. **5. Contesting an employee's unemployment benefits after terminat-**

It took me quite long time to develop a voice, and now that I have it, I am not going to be silent.
—Madeleine Albright

ing them for unexcused absences. It could be that you are perfectly within your rights to do this—or not—but the exiting employee is not considering whether you broke the law in terminating them or in contesting their unemployment benefits—they are likely thinking that they were treated unfairly. And that could be enough for them to decide to sue you. The time and money to defend yourself alone is not worth the affect to your unemployment rating—let alone if the courts decide against you. Additionally, it costs you good will in your community and with your other employees.

*SHRM, *Making Alternative Credentials Work*, March 2022.

**SHRM, *In Search for Qualified Workers, Maryland Drops Requirement for 4-year Degree*, Kathy Gurchiek, April 21, 2022.

***SHRM Viewpoint: *Common FMLA Missteps, Don't be that Guy*, Jeff Nowak, April 19, 2022.