

EMPLOYEE & LABOR RELATIONS – TAKING THE ORGANIZATIONAL TEMPERATURE

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Human Resource executives are the strategic backbone of the business world. Issues like mediation, training, evaluation, implementation of corporate policies, as well as Federal and State mandated programs are part of an HR staff's everyday job. That is why it is important for the HR professional, no matter what their level, to take these same skills and apply them to the implementation of their own career goals and objectives. In this issue you will see our Career Focus section provides some helpful and thought-provoking insights on how to get the ball rolling... see page 14.

Full-Day Seminars to Sharpen Your HR Management Skills

Check out some of our most popular offerings to fine tune your skills as an HR manager. See page 24 for further details.

Hollywood Movies Cure Continuing Education Blues

Novato, CA: "Greed, for lack of a better word, is good. Greed is right. Greed works. Greed clarifies, cuts through, and captures the essence of the evolutionary spirit," says a well-tailored Michael Douglas as Gordon Gecko in the movie *Wall Street*, and soon the lights go on in the meeting room and colleagues dissect and examine Gecko's business philosophy.

The room is filled with HR and mental health professionals earning CE units in an entertaining and exciting new way. "I've sat through too many dull and boring CE classes myself," says Patti Nolan, LCSW, BCD a Marin County psychotherapist, "but a class I took in Kauai from Dr. Ray Liles was different. He used clips from Hollywood movies to make his points and the audience instantly understood what he was talking about." In 1999, Nolan founded *filmTx*TM a California Continuing Education Provider offering seminars to Psychologists, LCSWs, MFTs, Nurses and HR Professionals. Expanding to meet demand, this Fall, *filmTx*TM offers 65 one-day seminars in 13 different cities and the company even creates customized presentations for corporate clients.

"Films are a catalyst. They present dramatic problems, crises, and turnarounds," John K. Clemens told *Inc.* magazine. Professor Clemens, who shows films like *Hoosiers* and *Citizen Kane* in his graduate management and executive education courses at New York's Hartwick College adds: "Films beg to be interpreted and discussed, and from those discussions businesspeople come up with principles for their own jobs."

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See you at the movies!

...I'm buying the popcorn.

Patti Nolan LCSW, BCD

Movies also influence our decisions. "Consider the phrase 'Failure is not an option,'" suggests film columnist Gil Mansergh, MA. "It probably appears in half the mission statements in corporate America, but it was originally a line in Ron Howard's movie *Apollo 13*. Mansergh, who selects the film clips used in the *filmTx*TM seminars knows his material. "I screen over 300 movies a year for my movie column and radio show and I keep track of which scenes will effectively prompt elaboration and discussion."

"Movies are an extremely powerful educational tool," notes psychologist and former HR and OD Vice President Jim Andrews, Ph.D.. "I'm presenting a new seminar for *filmTX*TM this Fall, and I'm excited by how involved people become in the classroom. People love movies. They love to watch them, talk about them, and share them with others. This is a great idea, and the popcorn just makes the whole thing even better."

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President's Message

By Edie Dykstra, SPHR
2004 NCHRA President



Another year has come and gone, and as always, it has been a busy year for NCHRA. But all that work has paid off... the best just got better!

Our professional development group has evolved into the California Human Resources Management Institute – the Institute as we have coined it. As a 501(c)(3) non profit, we are now able to apply for grants to enrich our educational offerings. Look for us to continue to expand our offerings, with even more topics in more places.

By the end of 2004, we will have offered 63 half-day workshops, 67 full-day seminars, 12 full-day conferences, 14 two-day "HR Fundamentals," 23 eleven-week certification programs, and two eLearning Programs. We also sponsored the "Disney Keys to Excellence" program, their only partner in Northern California.

Our Annual Conference was held in Oakland on September 13 and 14 with over 500 attendees, and 120+ vendors in our trade show. Feedback for this event has been positive and invaluable as we begin to prepare for our 2005 Annual Conference.

Our Legislative Action Committee is always highly productive. Highlights of the year include a very successful annual trip to Sacra-

mento. We were joined by other SHRM affiliates around the state, most notably PIHRA from the Los Angeles area. Recent LAC activity includes a survey that was e-mailed to the membership regarding AB1825 (Reyes) regarding Sexual Harassment... did you complete the survey?

Our chapters have had an active year as well. By year-end, 96 chapter events will have been offered. These include program meetings, networking and social events. Our chapter consolidation efforts have also proven successful.

What's in store for 2005? We are always looking for new ways to continue to *serve the professional* and *advance the profession*. Human Resources is a profession that will continue to be challenged by the marketplace and by technology. Our combination of resources, including California-specific resources, will evolve in 2005. Stay tuned for more information.

A round of applause is in order for our volunteers, our staff and executive director, and our board. Thank you all for a great year!

HR

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NCHRA Conference Review to Come



Using Conflict as a Force for Positive Change

The most effective organizations use breakdowns, especially breakdowns in communication, to lead the way toward improvement and evolution. When conflict arises, these organizations recognize and take advantage of the opportunity for positive change that it represents. In order to do this, these organizations undertake an ongoing effort to overcome common, instinctive conflict habits. They do not leave conflicts to fester beneath the surface until they become incurable infections. They do not let conflicts escalate into scorched-earth wars. Instead, they engage with conflict proactively and skillfully to discover the potential that it represents.

Your organization can also be one that realizes the larger, creative possibilities of conflict. With a conflict resolution program that includes mediation as its centerpiece, you can change the way your organization perceives and works with conflict. This article sketches the broad outlines of what it takes to make that change. You may want to keep it for future reference as you embark upon the effort. And it does take effort – a commitment to restructure your own thinking so that you approach conflict with the tools provided here and in the spirit of possibility.

I. Questioning and Changing Beliefs about Conflict

Deep down, most of us believe that when conflict arises in our lives, it means that we have failed somehow – we were not good enough, smart enough, or strong enough to prevent this dreadful problem from coming upon us. We feel threatened, ashamed to be in this predicament. We see the conflict as a zero-sum game in which one person must win and one must lose. Some people respond to these beliefs by making sure that they will not be the loser, making each conflict an occasion for all-out war. Perhaps a more common, and

often more insidious, response to these beliefs is to avoid conflict at all costs, ignoring conflicts and refusing to deal with them until they become intolerable. A significant number of the employment lawsuits that I mediate began with this response to conflict.

These responses allow conflict to persist unnecessarily. Worse, they reinforce the beliefs that say conflict can only be painful, divisive and costly, because that is what it is when we deal with it in these ways. These beliefs are so deeply embedded and so frequently reinforced in our culture that most people never consider that another response is possible.

When conflict arises, it is possible to see it as an event with positive potential:

- Conflict can be an occasion to examine ourselves and our practices in order to be sure that we are acting in accordance with our beliefs and our values.
- Conflict can be an opportunity to understand each other better, and to deepen and enhance relationships.
- Conflict can be used to illuminate ways in which organizational structures and practices can be upgraded.
- Conflict can be worked through in a way that leaves everyone feeling better off than they were before the conflict arose.

Maybe you find it hard to believe that your organization could use conflict in these ways. Many people do. That is



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because, quite simply, in our culture most people lack important conflict skills. And even if they have the skills, they find themselves unable or unwilling to use them when they are embroiled in intense conflict with coworkers.

This is where mediation comes in. A skillful mediator can create the context and conditions in which your colleagues will use their conflicts to generate positive results. As people begin to experience the positive potential of conflict, interest in working with conflict in this way will begin to spread. People develop the ability to be more self-sufficient the next time conflict arises. Like any cultural change, this one does not occur overnight. Nonetheless, direct experience of the creative possibilities of conflict will gradually shift the ways that your organization deals with conflict.

II. How Mediation Works

Mediation is a process in which a neutral person works with the parties to a conflict to help them understand each other better and, based on that enhanced understanding, make agreements about how they will deal with each other so they are both happier with their working relationship. Thus, in mediation the *parties make the decisions together* that will resolve their conflict. This is in direct contrast to other dispute resolution processes like investigation, arbitration, and litigation, in which the decisions are made by a third person, and the parties lose control over their situation. In mediation, the parties have the *power* and the *responsibility* to resolve their conflict.

The mediation process begins when the mediator describes the process to the parties, letting them know what they can expect and what will be needed from them in order for the process to succeed. The mediator talks with the parties to ensure that each sees the prospect of some advantage to be gained by working with the conflict in this way, and that each is willing to move forward.

The next step in the mediation process is for each party to describe her perspective on the situation, and to begin talking about what change would enable her to be happier in the working relationship. The mediator works to understand each of the parties, and to help them understand each other, guiding the discussion to illuminate the sources and triggers for their conflict.

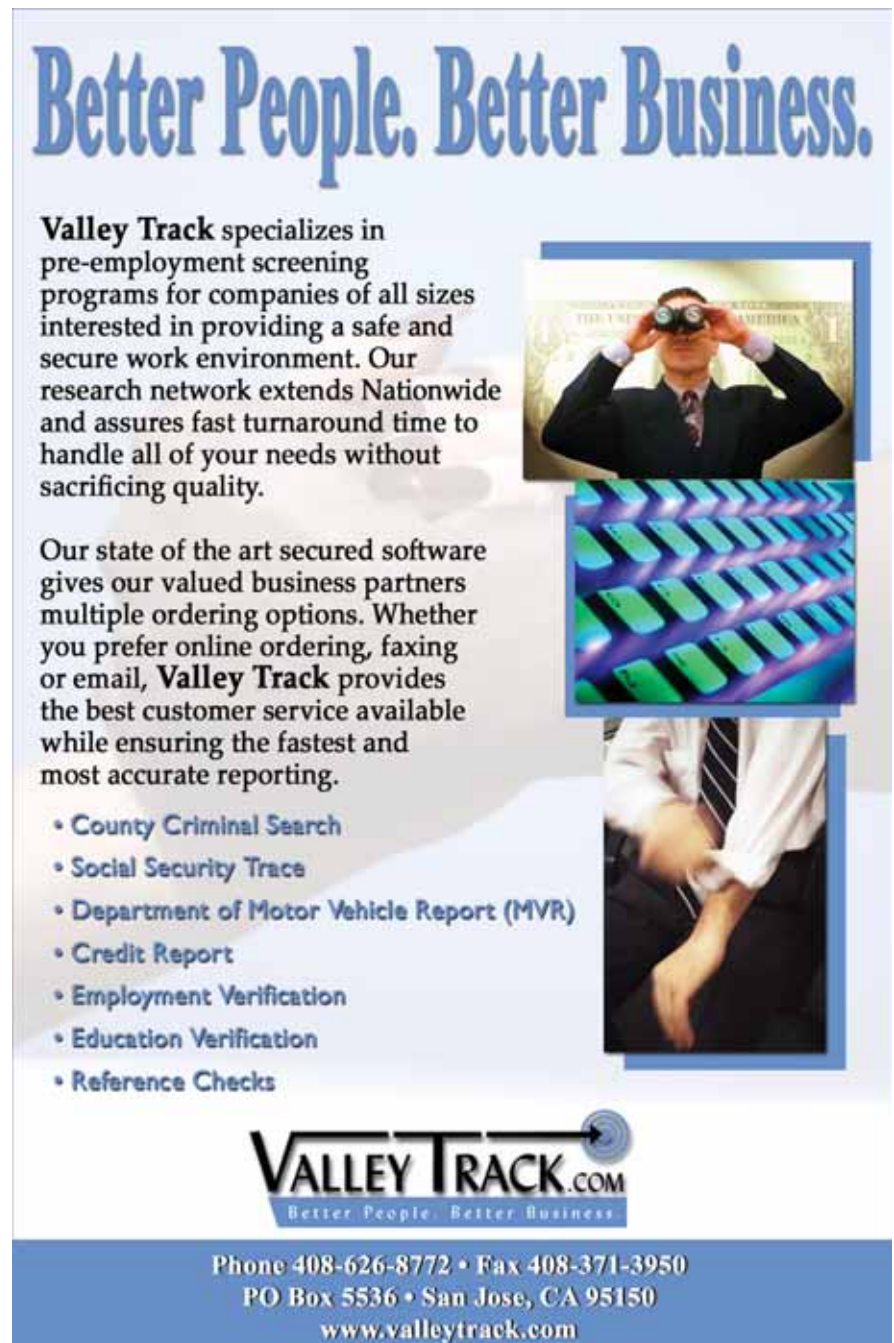
Sometimes parties come to see that they have made unwarranted assumptions about each other's intentions. Sometimes they come to see that they have been judging each other's different styles negatively, when they could just as well have valued their diverse styles as means to make them a better team. Sometimes they come to see that the other is, after all, not the demonic character they had thought, but simply another human being doing his best under difficult circumstances. These moments of recognition can be quite moving, and when they occur, they become the foundation for

a new way for the parties to relate to each other.

III. Transformative Aspects of Mediation

Mediation includes two essential elements that set it apart from less structured methods of problem solving and that make it extremely effective as a means to generate positive change:

- A *knowing, voluntary commitment* by each party to participate in the process, and
- A *neutral* third party.



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A. The Power of Choice

After describing the mediation process and what will be required of the parties in that process, the mediator asks, "Does this sound like something that would be worthwhile for you? Do you think you would have something to gain for yourself by engaging with each other in this way?"

This is a critical moment in the mediation, and success turns upon the mediator's ability to elicit from each party a clear idea of what benefits they could derive from mediating their dispute.

When a party *chooses* to engage in a process whose outcome will be an *agreement* with the other party – something that benefits the other party as well as himself – he is stepping away from the belief that resolution requires a winner and a loser. He is stepping into the possibility that his relationship with the other person can be changed for the better. He is stepping into his responsibility for contributing to make that change happen. When he makes this choice, the likelihood of positive outcome is increased exponentially.

For most parties in conflict with colleagues, this choice represents a significant shift in attitude and mindset. People frequently come into mediation saying, "I'm not doing anything wrong; it's the *other* person who is causing this problem." They believe that the appropriate resolution would be one in which *someone else* makes the other person stop, by disciplining or even firing the other person. It often requires all of the mediator's arts to generate interest in the possibility of dealing directly with the other person to find a way to work happily and productively together.

A party's recognition that she has something to gain for herself by working with the other person toward a win/win resolution is a recognition that she will benefit and be empowered when she takes responsibility for resolving her own conflict. This is a huge step toward a positive outcome and a new set of beliefs about conflict.

B. The Gift of Neutrality

The mediator commits to being neutral in her work with the parties. At a minimum, this means that the mediator will not attempt to use her influence to coerce a particular outcome. It means that she will accept and work with the parties as they are, rather than judging them and making them wrong for their attitudes, actions and beliefs. It is this neutrality that creates a space in which parties are free to exercise choice and take responsibility: a person who is being coerced is, by definition, not responsible for his actions. Only when a party is free to say "no" can his "yes" be truly meaningful.

Clearly then, neutrality of the mediator is an important element in using conflict to generate positive change: it means that parties will receive help resolving their conflict while retaining their power and responsibility. The help will be of a kind that actually calls upon them to exercise that power and responsibility.

Meeting this commitment is challenging for any mediator. It can be particularly so for HR professionals attempting to mediate with their own colleagues. Most HR professionals have strong beliefs about the inappropriateness of certain behaviors in the workplace, and when they work with colleagues who may be crossing the line, they can have a hard time resisting the urge to lecture and to push for behavioral change. While there is nothing wrong with this in other contexts, in



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mediation it can be a breach of the commitment to neutrality. The mediator who judges a party and tells him that he needs to change may disempower that party, trigger his fears and defenses, and ultimately prevent him from taking responsibility. It is important for the mediator to tell himself the truth about whether he can be or wants to be neutral in a particular conflict. If he is not neutral, but he thinks mediation would benefit the parties, he should help them find another mediator who can be neutral.

IV. Mediation as Part of a Transformative Conflict Resolution Program

Mediation can be used on an *ad hoc*, case-by-case basis. It can also be used as part of a larger program that aims to build an organization's competence around conflict. Many organizations have developed conflict resolution programs that include such elements as:

- Organization-wide training in basic communication and conflict skills,
- Development of a cadre of trained mediators drawn from different departments and levels within the organization,
- Designation of conflict 'coaches' when conflicts arise. A coach is typically the party's peer and will help the party think through her objectives and approach before the party sits down to talk with the other party.

Whether standing alone or as part of a larger program, mediation represents an investment in upgrading your organization's relationship to conflict. Because it gives people a new experience of conflict, in which they take ownership of a resolution that leaves them both better off, it leads them to be more ready and willing to be skillful, responsible and proactive the next time conflict arises. When you assess the true cost of conflict in your organization – including lost productivity, drain on managerial time and attention, low morale and high attorneys' fees – you may consider the investment in mediation to be well worth your while. **HR**

Laura Farrow is an attorney mediator who mediates a wide range of disputes. Ms. Farrow specializes in mediating disputes in the workplace. She teaches workshops on workplace mediation through NCHRA several times each year.

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Economic Trends Increase Vulnerability to Talent Loss

Top Five Ways to Revive your Retention Plan

The past few years have been challenging times for most organizations. Facing layoffs, revenue loss, changing employment laws, and corporate ethics scandals; leaders have been on the edge of their seats, attempting to avoid the next corporate disaster. And now, even amid economic recovery, data suggests leaders should remain vigilant. Current economic trends implicate the next potential crisis on the horizon is talent loss. After a couple of years in hibernation, talent retention issues have come again to the business forefront. Is your organization prepared?

WorkTrends 2004 (a program that surveys 10,000 U.S. employees annually on topics such as job satisfaction, leadership effectiveness, business ethics and employee retention) results show significant eroding trends in employees' confidence in job security and intent to remain. In fact, perceptions of job security decreased by four percentage points, the largest decline in any factor measured by this year's study. Overall, the study shows employees feel less secure, less invested in, and less cared for by their organizations.

Amidst anticipation of Wall Street revitalization and predictions of job growth, this economic recovery will include an interesting challenge. One usually expects to have either layoffs or job growth, not both. It appears job growth and layoffs are occurring concurrently. Not only do employees have more employment options to consider, they continue to be concerned about job security within their organization. This spells double trouble for corporations trying to retain their talented employees.

Turn-over is remarkably expensive. With the loss of productivity, training time, and overall disruptions, a very conservative estimate of turnover cost is at 30 percent of an employee's annual salary. Some experts estimate the cost of turnover as being up to 2.5 times an employee's salary for management and sales positions.

Bureau of Labor Statistics results show that many employees are already leaving their jobs. In June, hires outpaced separations in every industry, and quits as a percentage of total separations rose to 55.2 percent.

Why are employees choosing to leave? A statistical evaluation of WorkTrends 2004 results indicate that the five key drivers of intent to remain in rank order are:

1. Career development opportunity
2. Confidence in the future of one's organization
3. Sense of accomplishment
4. Pay satisfaction
5. Job security

Simply stated, the more present these conditions, the stronger the intent to stay.

Despite the increased pull to new jobs and continued layoff concerns, efforts to keep talented employees can be highly effective. Talent loss is not a given in any situation, even when organizations downsize. A talent retention initiative based on the five key drivers of intent to remain can significantly decrease your retention vulnerability. A focus on these drivers can guide leaders towards building organizations where employees believe in a promising future and want to stay. Here are five key aspects of a retention plan that can keep your employees from walking out your door.

1. Career Development Opportunity

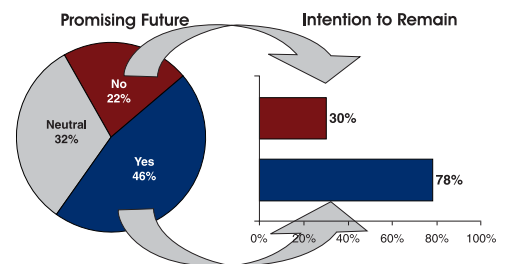
Employee perceptions of career development opportunities are the number one driver of employee intent to remain. Employees want to be on a career path leading to a promising future. Employers must first seek to understand employee interests and properly identify development needs. Then, employers must provide the financial and structural support necessary to make employee development a reality. Here are some actions that can be taken to improve employee perceptions of career development opportunities:

- Create individual development programs for each employee.
- Establish and use a training budget.
- Provide cross-training opportunities.
- Implement a mentorship program, broadening exposure to managers beyond the immediate manager.

2. Confidence in Future

Employees want to be on a winning team – when they see a promising future for themselves and their organization, their intent to remain rises dramatically. Consider the following example. Our WorkTrends research shows that of those employees who see a promising future at their company, 78 percent indicate their intent to remain at their organization, almost 20 percentage points above the national average. For those employees who do not see a promising future for themselves, only 30 percent indicate they intend to remain.

Here are some actions that can be taken to build employee confidence in their organizations future:



WorkTrends 2004 results show those who perceive a promising future within their organization are more likely to intend to remain.

- Promote a clear mission, vision and strategy.
- Share information about the viability of your organization, both the good news and bad.
- Solicit and act on feedback from employees and customers.

3. Sense of Accomplishment

In addition to financial recognition, employees want to feel an intrinsic sense of accomplishment. The more employees understand how their work contributes to the organization's success, the more likely they are to feel a sense of accomplishment in the work they perform, and the more likely they are to remain with the organization. Here are some actions that can be taken to improve employee sense of accomplishment:

- Create opportunities for contact with higher management.



- Provide meaningful recognition and reinforcement for performance.
- Provide opportunities to exercise control, discretion, and autonomy including decision making, planning, and problem solving.
- Take the time to discuss action planning with employees to communicate how their work first into the big picture.

4. Amount of Pay

On average, organizations spend about 50 percent of their overall budget on pay and benefits. Since this is typically the largest expense organizations face, pay systems are very carefully monitored and controlled. Constricted by limited budgets and often inflexible pay grades, managers can sometimes regard compensation as an area where they have little influence. It is important for employers to understand that it is the *perception* of low pay and not necessarily *actual market-based knowledge* that causes dissatisfaction. Here are some actions that can be taken to improve employee perception of pay:

- Conduct annual compensation market-place review and share results with employees.
- Create a one-page summary of all company-sponsored pay and benefits paid on behalf of employees.
- Keep employees feeling psychologically rewarded through recognition of superior performance.

5. Job Security

As mentioned above, employee perceptions of job security had the greatest decline of any WorkTrends item. As a key driver of intent to remain, it is important that employers focus on improving these perceptions. Here are some actions that can be taken to improve perceptions of job security:

- Regularly communicate with employees on issues relating to the company's viability and success.

- Give employees easy access to information regarding open positions and clearly communicate internal promotions.
- Be up-front with new employees on benefits and frustrations of the job.
- Provide clear and honest communication surrounding mergers and acquisitions and layoffs.

The message is clear. If you do not already have a talent retention program in place, now is the time to act. And if you have already taken action, now is the time to make sure you can handle the latest changes in the economic climate. Focusing on actions

to increase the presence of these five drivers will provide the greatest impact on creating a productive and healthy workforce. **HR**

Jack W. Wiley is President & CEO, Gantz Wiley Research. Founded in 1986, Gantz Wiley Research has provided consulting services to industry leading organizations worldwide, helping them to drive business performance through the strategic use of employee and customer surveys. Gantz Wiley Research has offices in Minneapolis, Minn., San Francisco, Calif., and Melbourne, Australia.



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Ask yourself what you MUST have when it comes to the above questions and determine if you are meeting them, then do a self-evaluation every six months. If you aren't meeting the majority, can you feel successful? In order to ensure job satisfaction, these are the non-negotiable factors by which you want to evaluate yourself and your employees.

Think of yourself as a product or service with specific features and benefits

By summing up your non-negotiable factors, you can begin viewing yourself as a product or service. All products and services have requirements in order to provide value, as do you. All products and services have unique benefits, as do you. To ensure your success,

define your value and benefits, then strategically manage yourself into positions that are a good fit with them, accentuating what works well and improving, minimizing or eliminating what doesn't. HR

Susan Zitron-Woods has been a successful career and executive coach, and author of many career articles and a self-published book, "Coaching for the Life of Your Career in the 21st Century" for over 12 years.

The Consultant's Tool Kit – An NCHRA Annual Conference Concurrent Session

By Richard Sherwood, SPHR

As the economy continues to falter more HR professionals are considering the "consulting option." With little job security – or worse, no job at all – HR executives are finding themselves with much to offer by way of management talent and HR experience. Tired of putting their professional resources in the hands of others to use for their own corporate benefit, a special breed of entrepreneurs are using their intellectual capital to go it on their own.

At the 2004 NCHRA Annual Conference and Trade Show Richard Sherwood, SPHR, Partner, Innovative HR Solutions, gave attendees a hard look at what they needed to know before taking the "plunge." The benefits can be rewarding but anyone considering the path needs to take off the rose colored glasses and realistically evaluate whether or not consulting is a viable option. Here are some issues to consider:

Advantages of Consulting

- Set your own schedule
- You choose with whom you want to work
- You determine your compensation
- You gain control over your career and life

Challenges of Consulting

- It can be lonely
- You will need to establish your own daily agenda
- You will need to be very self-directed
- You will need to maintain the long perspective

Many individuals understand the "pros" and "cons" of consulting but are unaware of the business and legal structures that should be in place before taking on a full client load, not to mention the financial considerations. The first step is to create a Business Plan – a blueprint for the future. This is a summary of your business objectives, as well as an outline of your financial plan and the legal structure of your company. It should include:

- Legal Structure
- Mission Statement

- Summary of Services
- Client Profile
- Anticipated Revenue
- Projected Expenses
- Marketing/Sales
- Management
- Location of Business

Once your business plan is set, consider the legal structure of your company. Will it be a Sole Proprietorship, Partnership, Corporation or some other legal entity? What is the name? Will you have a Board of Directors or advisory group? All these decisions must be weighed carefully. Each legal structure has good and bad points depending on what you want to achieve, as well as the structure of your business. Take your time and do your research to be sure you are going to use the most appropriate legal structure.

Anyone considering the consulting path will need to review the financial considerations. Establish separate savings, checking and credit card accounts are an important first step. It will also be important to establish a realistic budget based on your business plan – be sure to include both revenue and expenses. And do not forget the cost of building a modern telecommunications infrastructure (phone, fax, e-mail, Web site, database management) to effectively communicate with your current and prospective clients.

Do you already have a client or clients? If so, you are lucky, but you need to consider how you will promote your services to the business community and sustain your work load. Prospering as a consultant is not a matter of luck but of diligence and determination. This brief overview is by no means all that needs to be considered for a consultant to begin a business and prosper. If you are considering the consulting path evaluate your choices carefully before making the plunge. Be prepared. You have a lot of work ahead of you!

HR

Rick Sherwood, SPHR, is a member of NCHRA and a management consultant and Managing Partner of Innovative HR Solutions. He is a facilitator for organizational change and has improved the productivity and financial results for numerous organizations.



Change and Technology in the Healthcare Administration Industry – A Senior HR Executive’s Perspective

A technological tidal wave overtook the healthcare administration industry with the passage of administrative simplification requirements in the Health Insurance Portability and Accountability Act (HIPAA) in 1996. Health plan administrators are simultaneously faced with employer plan sponsors demanding higher levels of service, mandated technological upgrades, and an increasingly bleak outlook on profitability as infrastructure change requirements to accomplish both become clear.

The full force of these waves hit my organization two years ago. A firm commitment to technology existed before the mandates with our enhanced service offerings through technology due to proprietary software, robust IT budgets and experienced IT professionals. Administrative efficiency advanced next to a paperless workflow and electronic data capture conversion implemented company-wide overnight. The well-founded reasons: higher efficiencies moving electronic images rather than paper, enhanced client data access, work at home opportunities and increased retention, reductions in storage costs, increased accuracy and reduced labor costs with optical character recognition significantly curtailing manual entry.

What worked? The technology itself. What was the problem? This change wasn't about technology.

All planning had focused on technology, overlooking the human elements of this massive change effort. Individuals who had handled paper claims for years had a foreign process. No longer an envelope opening unit, the mailroom now processed documents for electronic scanning and became the first point of system entry.

Similarly radical changes were enterprise wide. An industry typically averse to technological change – government mandates were required for many health plan administrators to even consider technology – most staff had no experience with such efforts.

With significantly reduced productivity and a line and managerial workforce suddenly not trained to perform jobs they had successfully done for years, HR was called in to help make sense of the changing seas and play an integral role in righting the ship.

The first realization after the waters began to settle – focus on the process and the people, not the technology.

Discussions or examination of the technology made insignificant improvement to productivity or morale. Honing in on an employee-centric message – that the work processes and tools had changed, not the job itself – energized the workforce to find solutions. The teams, and not IT, were the experts needed to solve our problems. Both simple solutions – they couldn't see the images (order bigger monitors); they no longer felt any pressure to produce volume because they couldn't physically see pending work (create a "virtual stack" by emailing daily volumes); sluggish system response time because of image files (pull smaller batches) – and complex workflows arose from daily best practice meetings.

Beyond the transaction work, significant recruiting and training implications were unearthed and led to overhauls of these processes. Revamped recruiting efforts focused on change aptitude as much as how to pay a claim for a doctor's office visit. Training materials were modularized so that when technological improvements changed one element, that module could be revised and retrained independently.

A painful lesson, the project left us a stronger company – better project management, and an understanding that people and processes are the solution, not technology alone. Additionally, reduction of a transaction focus afforded development of value added service products for clients and a better trained, more involved and more flexible workforce. The more quantifiable results are equally impressive: higher revenue per employee, plummeting storage costs and headcounts in non-value added functions, and a 15 percent increase of auto adjudicated claims allowing for staff redeployment to customer contact arenas.

HR's role in delivering healthcare administration firm products will continue to be critical as technological tools reshape the industry landscape. By maintaining focus on process through people rather than technological tools, human resource professionals in healthcare administration – or any field – ensure the success of these projects and their firms. **HR**

Danika Davis, PHR, Vice President HR, Delta Health Systems Administration Services located in Stockton. Ms. Davis is an NCHRA member and currently sits on the NCHRA Board of Directors.

What every employer should know about a new State of California "Partnership Program." Be sure read this important article presented by Marc Derendinger about a long-term care insurance program for the workplace endorsed by the State of California. Log into the NCHRA Web site at www.nchra.org, Practice Tools, HR West, Supplemental Articles, Vol.2, Issues 1-6.

The 2004 California Legislative Session

Following the election of Governor Schwarzenegger in October, 2003, most State Capitol watchers expected a lot to change in the legislature. Indeed, the 2004 legislative session began with a bang! In February, a comprehensive workers' compensation reform bill, SB 899 (Poochigian), was negotiated by various interested groups and legislators, passed and quickly signed by Governor Schwarzenegger. Compared to the gridlock of years past, this was viewed as a major accomplishment.

In July, the state budget negotiations stalled and the budget did not pass on time, despite the Governor's campaign promise to the contrary. However, these negotiations resulted in an interesting development as the so-called, "Sue your Boss" law became a key to the budget resolution. At the time this article was drafted, the Governor's time to sign or veto bills had not yet expired.

Legislative Affairs Committee Update

In 2004, the Legislative Affairs Committee continued its long-standing work of identifying and tracking key bills impacting Human Resources. At the start of the legislative session, NCHRA and its southern California counterpart, Professionals in Human Resources Association (PIHRA) sponsored a bill that would have made it easier for employers to provide meaningful job references. Despite positive informal feedback from legislators, this bill, AB 1912, did not gain momentum. Look for a similar bill to be proposed in 2005.

The LAC took an active grassroots lobbying role with respect to two bills described below, AB 1825 regarding sexual harassment training for supervisors, and SB 1841, regarding electronic monitoring notice requirements. NCHRA members participated in letter-writing campaigns to their legislators and the Governor on these bills.

In April, the LAC also organized a conference in Sacramento in which members of PIHRA also participated. Julianne Broyles from the California Chamber of Commerce was an entertaining keynote speaker. The group also heard from PIHRA's lobbyist on trends in the legislature. A full day of legislator visits followed, where the LAC voiced its support and opposition to various bills, while learning a lot in the process.

Sexual Harassment Training for Supervisors

The Fair Employment and Housing Act (Govt. Code §12940(j)(1), "FEHA"), requires California employers to "take all reasonable steps to prevent harassment from occurring." It does not, however, specify that training is required. AB1825 (Reyes) will change that.

Using nearly identical language as that found in a Connecticut law that has been in place for many years, AB 1825 will require employers with 50 or more employees (including the State, its subdivisions and cities) to provide two hours of sexual harassment training every two years to supervisors. The initial training must be provided within one year of January 1, 2005, unless training that meets the bill's requirements was provided before January 1, 2003. Thereafter, two hours of training must be provided every two years after January 1, 2006. Furthermore, newly hired or promoted supervisors must receive the training within six months of their assumption of such duties.

AB 1825, which was amended several times and passed the Assembly and Senate with ease, also dictates the content and delivery of the training. For example, the training must include information and practical guidance regarding the federal and state statutory provisions regarding the prohibition against and prevention and correction of sexual harassment, as well as the remedies available. It must also

include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation. It must be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination and retaliation. Finally, it must be "classroom or other effective interactive training and education."

The State of California, which already requires new supervisors to attend 80 hours of training, is required to incorporate two hours of sexual harassment training into its curricula.

As a result of negotiations over the bill's language, the author included a provision, stating that a claim that the training and education did not reach a particular individual shall not in and of itself result in the liability of an employer to any employee alleging harassment. However, an employer's compliance does not insulate them from harassment liability.

If enacted, employers will need to review their existing training to ensure that two hours is devoted to sexual harassment and that it meets all of the bill's requirements. They should also set up specific tracking mechanisms to meet the scheduling requirements.

Electronic Monitoring

For the third time, the Legislature has sent a bill, authored by Senator Bowen, to the governor which requires advance written notice by employers who wish to monitor employees electronically. Governor Davis vetoed similar bills on two separate occasions, each time noting that employees are well-aware that their use of company computers and equipment is not private.

SB 1841 (Bowen), which is also based on a Connecticut law, pertains to all employers regardless of size and prohibits them from engaging in electronic monitoring of their property and equipment without first providing written or electronic notice to employees. The

notice must describe the form of communication or other activity that will be monitored and the kinds of information that will be obtained, including whether communications not related to the employer's business are likely to be monitored. Posting a notice is not sufficient. If the employer monitors employees' telephone conversations, a notice to employees pursuant to the California Public Utilities Commission's General Order 107-B is deemed to be in compliance with this bill's notice requirements for that monitoring activity.

Employers may conduct electronic monitoring without providing advance notice only if an employee is engaged in unlawful conduct and the monitoring will produce evidence of the unlawful conduct and is otherwise conducted according to state and federal law.

Labor Code Private Attorneys General Actions ("Sue Your Boss Law")

On August 11, 2004, SB1809 (Dunn) was enacted into law, most of which takes effect immediately although two

items are retroactive to January 1, 2004. This bill amends and limits the scope of the Labor Code Private Attorneys General Act of 2004. The highlights are as follows. It redistributes the penalties collected in civil actions brought by aggrieved employees, with a larger percentage tagged for the Labor & Workforce Development Agency. Aggrieved employees are now required to follow procedural prerequisites before filing a lawsuit, including written notice to the Agency. It authorizes the superior court to review and approve any penalties sought as part of a settlement under this Act and, most importantly, provides that civil penalties for violations of most posting and notice requirements under the Labor Code can only be recovered by the Agency, with the exception of payroll and workplace injury posting requirements.

Minimum Wage Increase

If enacted, AB2832 (Lieber) would have increased the minimum wage from its current level of \$6.75 per hour to \$7.25 per hour as of January 1, 2005

and to \$7.75 per hour as of January 1, 2006.

Offshoring Jobs

At the beginning of the legislative session, several bills were introduced on the topic of offshoring or outsourcing jobs to other countries. Most of these bills stalled or were substantially pared down, in part, because any regulation of offshoring jobs was seen as premature without first having clear data on the number of California jobs so impacted.

AB 3021 (Assembly Labor and Employment Committee) will require employers with more than 250 employees to include in their first wage report of the calendar year information regarding the number of individuals the employer employed or hired as service-providers, both outside California and outside the United States. This requirement will begin on January 1, 2006. It also establishes penalties for failure to report or for underreporting.

Employee Paychecks

SB 1618 (Battin) will require employers to furnish employees with an itemized paycheck stub showing no more than the last 4 digits of employees' social security numbers. This requirement goes into effect January 1, 2008. SB 1499 (Murray) will require employers who cash employees' paychecks to do so without a discount or fee. **HR**

Mary L. Topliff of the Law Offices of Mary L. Topliff in San Francisco is an employment law attorney and the co-chair of the Legislative Affairs Committee of the Northern California Human Resources Association.



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Advancing the Profession: HR Recertification

NCHRA and the Institute have many resources available for you to prepare for the HR certification exam and to keep your certification current.

Preparing for the Exam

For each exam window periods, NCHRA offers an eleven week and a three-day accelerated certification preparation course using the SHRM Learning System and led by certified and trained facilitators. Every year, our pass rates exceed the national pass rate and in May of 2004, NCHRA's PHR pass rate was 13 percent above the national rate and NCHRA's SPHR pass rate was eight percent above the national rate.

Keeping Your Certification Current

After you have earned your PHR or SPHR designation, 60 credit hours must be accumulated during the three-year recertification cycle. Credit hours can be obtained through continuing education, instruction, on-the-job experience, research and publishing and other professional contributions.

Recertification through Continuing Education

While in some areas a maximum number of credits can be earned, there is no limit to the number of CPE credits that can be earned through continuing education. Recertification credit is awarded on an hour-for-hour basis for all educational time in HR-related continuing education events. The California Human Resource Management Institute, the professional division of NCHRA, offers over 200 continuing education programs each year that are directly aligned with HRCI's codified body of knowledge. NCHRA is a HRCI approved provider and each program is developed and delivered under professional continuing education standards and guidelines and

are approved by HRCI for recertification credit. As a NCHRA member, attendees receive a significant discount on education programs.

Earn Recertification Credits for Instruction and Authorship

As a certified HR professional, NCHRA and the Institute also offers opportunities to earn recertification as an instructor or author of an NCHRA course. Whether you are a content expert on a topic that can be delivered in one of our CPE program formats or if you are interested in giving back to the profession by facilitating a certification preparation course, you can earn up to 20 recertification credits for the first time you instruct a topic. Please contact the Tamra Aguinaldo, PHR at profdev@nchra.org for opportunities.

HRCI's New Recertification Requirements

In recognition of rapidly changing workplace practices and policies, benchmarking with similar certification programs, and feedback from certified and non-certified professionals, HRCI has developed new recertification requirements effective for existing certificants whose certification expires in 2006 or later. There are now increased maximum of credits given for on the job experience. For SPHR candidates, there are specified hours required in Strategic Management. The Institute offers many continuing education programs to satisfy the 15 required hours in this area. Please visit www.hrci.org to download a recertification handbook.

Congratulations on obtaining your PHR or SPHR designation. Recertification demonstrates your continued dedication to stay up-to-date with the rapidly changing HR profession. NCHRA and the California Human Resource Management Institute are here to support you in maintaining your certification and advancing your professional development.

HR



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Continuing Education *Calendar*

Please consult www.chrmi.org for updated information, registration/cancellation policies or to register online.

Contra Costa

12/1 *Time Off, Leaves of Absence and Related Benefits in California*
Wed Marriott, Walnut Creek
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM40403)

Peninsula

12/8 *Time Off, Leaves of Absence and Related Benefits in California*
Wed Crowne Plaza, Foster City
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM40504)

Sacramento

12/7 *Design a Successful Compensation System*
Tues Hilton, Sacramento
Workshop 9:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$145
(Code WK42103)

San Francisco

11/16 *Essential Safety Programs*
Tues NCHRA Training Center, SF
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM40121)

11/17 *Workplace Investigations: Effective Strategies for Internal Investigators*
Wed NCHRA Training Center, SF
Workshop 9:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$145
(Code WK40135)

Santa Clara

11/17-18 *Essentials of HR Management*
Wed-Hyatt, San Jose
Thurs Seminar 8:30 a.m. - 5:00 p.m.
NCHRA Members \$425, General \$475
(Code CPF40203)

12/1-2 *HR Metrics: Basic & Advanced*
Wed-Thurs Hyatt, San Jose
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245,
General \$295 per Seminar
NCHRA Members \$440,
General \$530 for both Seminars
(Code SM40209)

Solano

12/2 *Workplace Investigations: Effective Strategies for Internal Investigators*
Thurs Hilton Garden Inn, Fairfield
Workshop 9:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$145
(Code WK40705)

2005 Continuing Education Calendar

1/11 *2005 Employment Law Update*
Tues Seascape, Aptos
Workshop 8:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$125
(Code WK51301)

1/20 *Affirmative Action and Equal Employment Opportunity*
Thurs NCHRA Training Center, SF
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM50103)

1/20 *2005 Employment Law Update*
Thurs Hilton, Sacramento
Workshop 8:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$125
(Code WK52101)

1/27 *2005 Employment Law Update*
Thurs FountainGrove Inn, Santa Rosa
Workshop 8:00 a.m. - 12:00 p.m.
NCHRA Members \$95, General \$125
(Code WK50801)

1/27 *Affirmative Action and Equal Employment Opportunity*
Thurs Hyatt, San Jose
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM50201)

1/27 *Finance Basics for HR Professionals*
Thurs NCHRA Training Center, SF
Seminar 9:00 a.m. - 4:30 p.m.
NCHRA Members \$245, General \$295
(Code SM50101)

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In the Chapters

The Sonoma County and Napa Valley Chapters of NCHRA have merged to form the new North Bay Chapter of NCHRA. Members in these geographic areas will continue to have a local HR community and can enjoy the same type of low-cost educational programs, community service events, and the camaraderie that being an active member allows. North Bay Chapter members will continue to be notified of all chapter meetings through the bi-monthly Chapter eMemo, as well as specific email notices about North Bay Chapter meetings.

Will the needs of those in Sonoma County and Napa Valley truly be served? Yes! Members of the North Bay Chapter Board will have representation from Napa Valley and Sonoma County, as well as Mendocino and Lake Counties. Chapter meetings will continue to take place in Sonoma County and Napa Valley several times a year. In addition, through surveys and North Bay Chapter Board feedback, the California Human Resource Management Institute (formerly the NCHRA Professional Development Department) will continue to place periodic educational programs in both locations. **HR**

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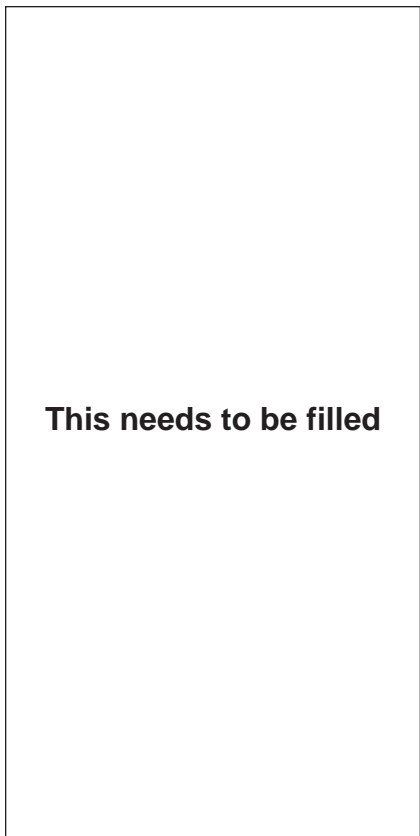
In the PEGs

NCHRA Professional Emphasis Groups (PEG) meetings are a benefit for members only. All PEGs have access to a private discussion forum on www.nchra.org. Watch the NCHRA Web site for listings of all PEG programs.

Consultants Forum – South Bay Meeting meets the third Thursday of each month at Spherion – located at Vallco Financial Center – 10080 North Wolfe Road, Suite SW3-190, Cupertino, CA, 6:00 – 7:30 p.m.

All NCHRA Consultants...Mark Your Calendar for Thursday, January 20, 2005, from 6:00pm – 7:30pm. Rick Gilbert, Ph.D., author and lecturer will present "Speaking to the Big Dogs – a Consultant's Guide to Presenting to the C-level."

See the NCHRA Web site for registration details or watch for the promotional email. Location may change due to attendance size. Attendance limited to the first 50 consultants (advance registration is required). **HR**



This needs to be filled

NCHRA Member Highlights

The Board of Directors wants to welcome NCHRA's 188 new members! If you know someone who would benefit from joining NCHRA, please call the NCHRA office at (415) 291-1992 or submit the "Contact NCHRA" form on www.nchra.org to request a membership kit.

Member Orientation Meeting

Solano/Yolo Chapter Member Orientation
Hilton Garden Inn
2200 Gateway Court, Fairfield
Thursday, November 4, 2004
10:30 – 11:30 a.m.

NCHRA Career Center at www.nchra.org

We've enhanced the functionality of the NCHRA Career Center to bring you the most comprehensive career and candidate search mechanisms out there to assist with your search.

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NCHRA JobNet Groups

NCHRA JobNet Groups meet at locations around the Bay Area to exchange recent job listings and discuss career development issues. Visit our Web site at www.nchra.org, click on Career Center, then click on JobNet Group Meeting to see various locations and schedules. **HR**

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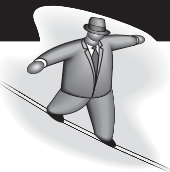
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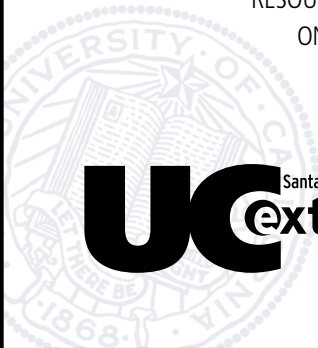
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