A GPBG Employer Advisers Publication

THE ADVISER

Practical Advice for *Your* Business & Personnel

INSIDE

FROM THE EDITOR

Life is, by nature, highly interdependent. To try to achieve maximum effectiveness through independence is like trying to play tennis with a golf club – the tool is not suited to the reality. – Stephen Covey

The themes for this edition of *The Adviser* are Interdependence and Engagement. We pulled the theme of Interdependence from the philosophy of Stephen Covey in his fundamental work *The 7 Habits of Highly Effective People*.

At GPBG Employer Advisers, we have nothing against independence. We're quite fond of it actually; because in order to be INTERdependent, one must be truly independent first.

INTERdependence is a hard thing for me because my natural inclination when it comes to getting something done is: 'I'm going to do this task myself so I know it's done correctly!'

I've had to learn the hard way that to be most effective and efficient I need curb my ego (need to have things done *my way*), put my trust in my colleagues, and their abilities, and be INTERdependent. Those ingredients, combined with a clear mission, vision, and core values, create a delectable entrée of engagement and goal accomplishment.

On page 5 a very blunt and "no pulled punches" type of article explains the INTERdependent world that we're living in.

Our centerfold article provides applicable tips and ideas for ensuring your employees succeed.

JOHN A. KRUEGER, PHR -- EXEC. VICE PRESIDENT

Page 8 is an article on team-building and the need for vulnerability-based trust; here we begin a 5 installment segment featuring the work of Patrick Lencioni's book *The 5 Dysfunctions of a Team*.

Roger has the last word with his *President's Message* on page 10, highlighting the beginning of the Trump Administration and the possible consequences of what a Republican executive branch and Congress will have on government entities such as the NLRB and the EEOC.

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BREAK FREE FROM WORKPLACE NEGATIVITY

In going along with our theme of Interdependence and Engagement, we want to share an article with you that is a fundamental tool in being Independent. And as Stephen Covey said in his book *The Seven Habits of Highly Effective People*, "Only truly independent people can be INTERdependent."

Every manager and/or employer has to deal with a certain amount of pessimistic, hostile or uncooperative behavior at times. But a hard-core negative attitude that starts with just one employee can quickly infect an entire department (or a whole company) if the manager doesn't rein it in quickly.

From raunchy reality shows to parent brawls at Little League games, incivility seems to be everywhere — so it's no surprise that rudeness has also invaded the workplace. Squabbling employees, screaming managers, colleagues who never respond to emails, co-workers who send texts while you're talking to them … all these people seem to have forgotten the basic rules of courtesy and respect.

Here are 10 tips for confronting employees whose negative behavior has begun to affect co-workers and the company:

1. Don't get drawn into the employees' negative mindset. Listen to their points, but don't temper your own realistic optimism.

2. Avoid getting into an argument. Negative people thrive on the negative energy of arguments. Point out areas of agreement when possible in order to build rapport. Keep your cool.

3. Set standards. Spell out the consequences of negative behavior, such as decreased morale. Base them on behavior, not attitude.

For example, you may not be able to change the fact that an employee doesn't like a certain company policy. But you can discipline employees if they don't follow the policy or are insubordinate in gossiping about it.

4. Ask questions. Force the employee to be specific about what is creating his or her negative thoughts and actions.

5. Try role-playing. Ask the employee to put himself in your shoes and pretend he has been asked to resolve the problem. That way, you will have the employee contribute his ideas for the best possible solutions. Involving the employee may also lead to more positive feelings about the solution or outcome since he or she had a hand in creating it.

6. Listen carefully. Use active listening to ensure that your understanding the employee correctly.

7. Don't lower your expectations of them. A negative attitude doesn't necessarily mean a poor performer.

8. Empower employees. Stop the "victim" mentality from forming. Allow employees to take responsibility for "good" events, so they can make them happen again; and for the "bad" events, so they have the power to change them in the future.

9. Solicit feedback. Always ask for employees' opinions before making major decisions that will affect them. The more you listen to employees and take an active interest in their concerns, the less likely they will be to complain to each other.

10. Hire right. Identify negative people before they're hired. During the interview, listen for feelings that "life isn't fair" in response to questions like: *Have you ever felt you've been treated unfairly in the past? What were your chief concerns about management in your previous jobs?* and *What would you have changed if you were the manager at your last job?*

The Takeaway:

1. **Don't shower negativists with lots of attention.** You're only rewarding bad behavior.

2. **Keep asking them to pitch in** and do tasks outside their normal job descriptions. Otherwise, you're also punishing positive (or less vocal) employees.

3. **Don't correct them less often in order to avoid dealing with the attitude.** Employees can't be expected to change for the better if they're not asked to.

4. **Don't allow employees to get bored or complacent.** A negative attitude develops easily when there's "nothing to look forward to."

THE POWER OF *INTERDEPENDENCE*
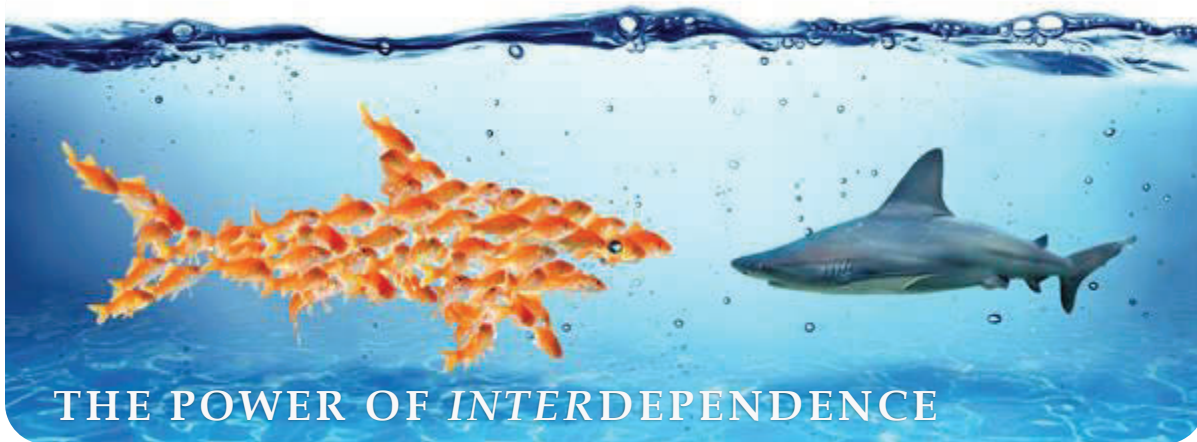
The results aren't surprising, although they are telling. Independence is a cherished trait for governments, businesses and individuals, especially in a country whose Founding Fathers didn't put their lives on the line for a Declaration of *Interdependence*.

And yet, to be truly independent seems largely a fantasy. Are we ever not subject to the authority of someone else, not influenced by the thoughts or actions of others, not depending or contingent upon something else for existence or not relying on others for support in one form or another?

One reason we cling to the notion of independence is no one likes the idea of being dependent. Who wants to be powerless?

not independent, interdependent

Certainly we all start out in life as dependent upon others. As we grow, that changes. We assert our independence, or so we think. What we really reach is a state of interdependence, where we and others are mutually dependent. We depend on others. Others depend on us. It's that way in our relationship with the environment. We depend on it. It depends on us.

And it's that way in business. The quaint idea of the independent business on Main Street has its purpose; namely, to differentiate itself from the faceless, corporate-owned businesses, otherwise known as chains or franchises, occupying blocks of faceless strip malls.

But the idea of any business being truly independent is simply untrue, even self-defeating. Success in business doesn't come by setting your organization apart from customers, employees, partners, suppliers, communities and, yes, the environment. Our businesses depend on others, just as we'd like to think others depend on our business. It's when we dismiss interdependence as a sign of weakness that we get into trouble. Arrogance takes root. We think we know what's best for us and for others. We stop listening. We exhibit no curiosity about others. And then we wonder why our competitors are lauded for their creativity and innovation.

we don't succeed alone

Business being a competitive sport long played primarily by men, perhaps interdependence is unmanly. And yet, name a championship athlete that rose to the top on his (or her) own. Certainly, not in a team sport. How about tennis players, golfers, runners, skiers, wrestlers or any other individual sport athlete? They absolutely depend on others. Even if it's only other competitors. There's no sport without competitors.

Interdependence isn't about weakening your position or relinquishing control. I learned early on as a business owner that "being in control" was a myth. Once I started taking on employees and clients, I quickly became aware I didn't call all the shots. My clients could come and go as they please. As could my employees, especially my best ones. And that's saying nothing about the economy. None of us can prevent bursting bubbles and recessions.

The best thing we can do in business is to recognize we are not independent actors. Our businesses are who they are as the result of a complex interplay of customer decisions, competitive maneuvering and economic and environmental systems that sometimes work to our advantage, sometimes to our disadvantage. Conditions around us are changing constantly, a response to this endless interplay, which seems to only have multiplied and accelerated as technology races on.

what we can control

What we do have something to say about is how we respond to situations as they arise. It's not as though everything is outside our control, so nothing that we do matters. We can control the reason we exist as a business, the larger purpose or motivation for showing up to work each day. We can control who we are being as a business — a business others want to come into contact with and benefit from. We can control the values we operate by. We can choose to bring passion and compassion to our work. We can put resilient systems into place. We can rethink our products and services. We can compete like hell to win. In short, we can do everything that businesses have been doing forever.

We just can't do it by thinking we can do it all alone. There is a world that depends on us. And we depend on it. So let's take good care of each other.

It is common knowledge that helping employees set and reach goals is a critical part of every employer's responsibilities. Employees want to see how their work contributes to larger corporate objectives, and setting the right targets makes this connection explicit for them, and for you, as their employer. Goal-setting is particularly important as a mechanism for providing ongoing and year-end feedback. By establishing and monitoring targets, you can give your employees real-time input on their performance while motivating them to achieve more.

What the Experts Say
So, how involved should you be in helping employees establish and achieve their goals? Since failure to meet goals can have consequences for you, your employee, and the organization as a whole, you need to balance your involvement with the employee's ownership over the process; aka resist the temptation to micro-manage. Linda Hill, the Wallace Brett Donham Professor of Business Administration at the Harvard Business School and co-author of *Being the Boss: The 3 Imperatives for Becoming a Great Leader*, says "An employer's job is to provide 'supportive autonomy' that's appropriate to the person's level of capability." The key is to be hands-on while giving your people the room they need to succeed on their own. Here are some principles to follow as you navigate how to best support your people in reaching their objectives.

Take time to get to know your people (from day one!)
Sounds pretty obvious, but from the work Roger and I have done this last year, we can tell you that some of the common areas of frustration from employees is that their superiors don't communicate well. "We only hear from them when we've screwed up!" is the battle cry of middle-management and below. Whether it's true or not is beside the point; it's their perception, and perception is reality. Therefore: 1) Tell your employees what you expect from them; 2) Ask them how they prefer to be managed (I would imagine most like to be autonomous and/or self-governing, but heck, maybe there are some that like to be looked after constantly/micro-managed; and 3) Leave them alone to get their work done and hold them accountable during the agreed-upon update/progress-report meetings and upon project completion.

Connect employee goals to larger company goals
For goals to be meaningful and effective in motivating employees, they must be tied to larger organizational ambitions. Employees who don't understand the roles they play in company success are more likely to become disengaged. "Achieving goals is often about making tradeoffs when things don't go as planned. [Employees] need to understand the bigger picture to make those tradeoffs when things go wrong," says Hill. No matter what level the employee is at, he should be able to articulate exactly how his efforts feed into the broader company strategy.

Make sure goals are attainable but challenging
Since employees are ultimately responsible for reaching their goals, they need to have a strong voice in setting them. Ask your employee to draft goals that directly contribute to the organization's mission. Once she's suggested initial goals, discuss whether her targets are both realistic and challenging enough. "Stretch targets emerge as a process of negotiation between the employee and the employer," says Srikant M. Datar, the Arthur Lowes Dickinson Professor of Accounting at

Harvard University. Be careful though: your team members are likely to resent you if you insist on goals that are too challenging to accomplish. At the same time, you don't want to aim too low, either. If you are overly cautious, you will miss opportunities and settle for mediocrity. "When done well, stretch goals create a lot of energy and momentum in an organization," says Datar. But, when done badly, they "do not achieve the goal of motivating employees and helping them achieve better performance as they were designed to do," he adds. Even worse, poorly set goals can be destructive to employees' morale and productivity, and to the organization's performance overall.

Create a plan for success
Once a goal is set, ask your employee to explain how he plans to meet it. Have him break goals down into tasks and set interim objectives, especially if it's a large or long-term project. Ask your employee: what are the appropriate milestones? What are possible risks and how do you plan to manage them? Because targets are rarely pursued in a vacuum, Hill suggests that you "help your people understand who they are dependent on to achieve those goals." Then problem solve with them on how to best influence those people to get the job done.

Monitor progress
Staying on top of employee progress will help head off any troubles early on. "We often get problems because we don't signal that we are partners in achieving goals," says Hill. Don't wait for review time or the end of a project to check in. Review both long-term and short-term goals on a weekly basis. Even your high-performing employees need ongoing feedback and coaching. Ask your employee what type of monitoring and feedback would be most helpful to her, especially if the task is particularly challenging or something she is doing for the first time.

When things go wrong
Very few of us reach our goals without some road bumps along the way. Build relationships with employees so that they feel comfortable coming to you if and when problems arise. If your employee encounters an unforeseen obstacle, the goal may need reworking. First, however, ask him to bring a potential solution to you so you can give him coaching and advice. If his efforts to solve the problem fail, you will need to get further involved.

What about personal goals?
Some employers neglect to think about what an employee is personally trying to accomplish in the context of work. "If I account for the interests of the whole person, not just the work person, I'm going to get more value from them," says Stewart D. Friedman, Practice Professor of Management at the Wharton School and author of *Total Leadership: Be a Better Leader, Have a Richer Life.* For example, if your employee has expressed an interest in teaching but that is not part of his job responsibilities, you may be able to find ways to sculpt his job to include opportunities to train peers or less experienced colleagues.

The first step is for you to understand what these goals are. Ask employees if they have any personal goals they want to share with you. Don't pressure them; they should only share these aspirations if they feel comfortable. Friedman suggests you then ask, 'What adjustments might we try that would help you achieve your goals?' This allows the employee to take ownership over the solution. Just as with work goals, you need to be sure personal goals contribute to your team, unit, or to the company. "It's got to be a shared commitment to experiment and mutual responsibility to check in on how it's going. It's got to be a win for both," says Friedman.

When goals aren't met
There will be times, even with the best support, when employees fail to meet their targets. "Hold people accountable. You can't say 'Gee, that's too bad.' You need to figure out what went wrong and why," says Hill. Discuss with your employee what happened and what each of you think went wrong. If the problem was within his control, ask him to apply the possible solutions you've discussed, take another stab at reaching the goal, and check in with you more frequently. If it was something that was outside of his power or the goal was too ambitious, acknowledge the disappointment but don't dwell on it. "Do the diagnosis, get the learning, and move on," says Hill.

It's possible that you may have contributed to the problem. Be willing to reflect on your role in the failure. Were you too hands off and failed to check in frequently enough? Did you not review his work in a timely way? Have an open discussion about what you can do next time. "If you don't hold yourself accountable, they're going to have trouble with you," says Hill.

Principles to Remember

Do:
- Connect individuals' goals to broader organization objectives
- Show employees that you are a partner in achieving their goals
- Learn about and incorporate employees' personal interests into their professional goals

Don't:
- Allow employees to set goals alone
- Take a hands-off approach to high performers — they need input and feedback to meet their goals as well
- Ignore failures — be sure people have the opportunity to learn when they don't achieve goals

COURAGE TO BE IMPERFECT

EMPATHY

COMPASSION TO BE KIND TO OURSEVES & OTHERS

AUTHENTICITY TO BE WHO WE ARE

VULNERABILITY → BE PREPARED TO TAKE RISKS

"The birthplace of creativity, innovation & change." - Brene Brown

cc Michael Sahota 2012
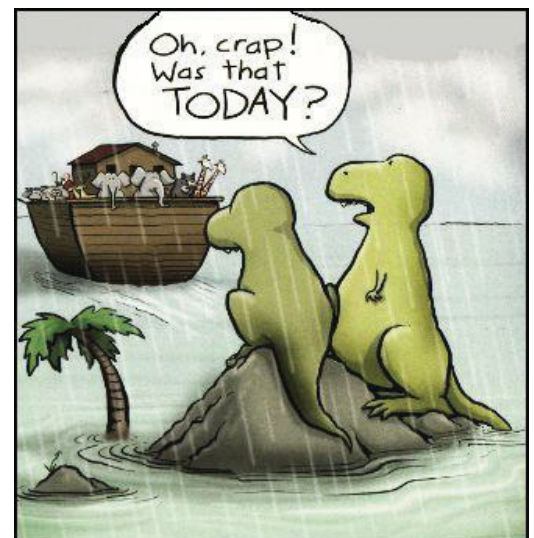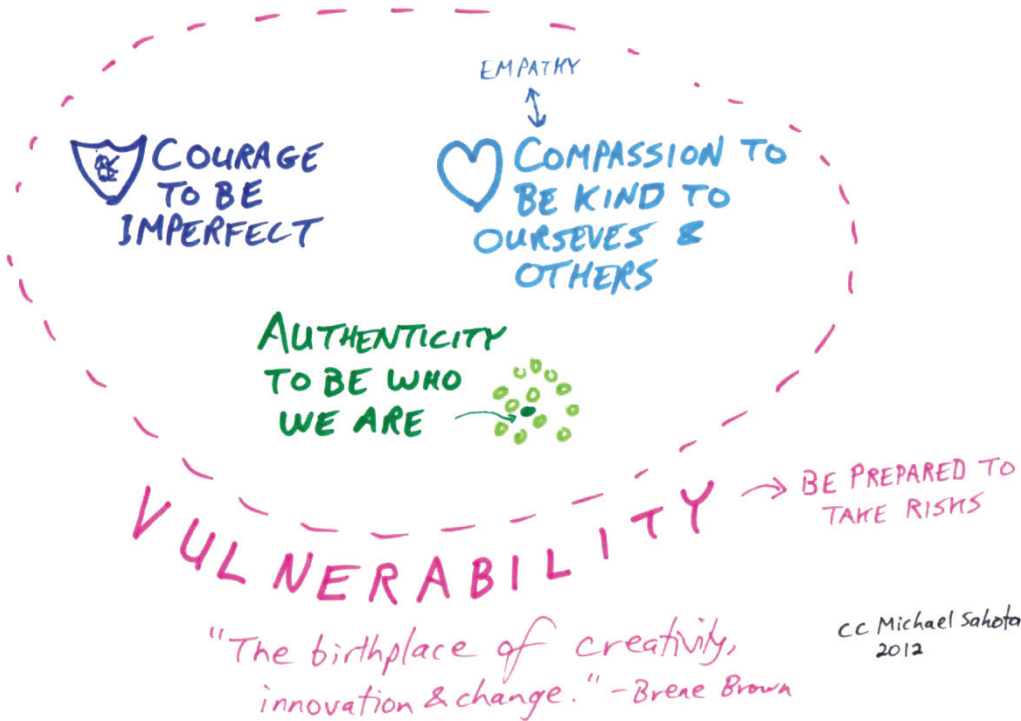
At GPBG Employer Advisers we use the simple principles found in Patrick Lencioni's *5 Dysfunctions of a Team* for an array of different workplace situations, all of which could be categorized under the heading of "getting everyone on (or back on) the same page." The way that Lencioni lays out how to become a highly functional team is brilliant, simple, and tends to make the reader scratch his or her head and ponder, 'Why didn't I think of that?!'

In this, and our next 4 installments of *The Adviser*, we will be taking an in-depth look at each dysfunction, and the steps to take to overcome the featured dysfunction.

These dysfunctions are pervasive in all kinds of organizations (corporate, nonprofit, and even small groups). It is difficult to pinpoint the root cause of the problems we see, but this book does just that. By identifying the dysfunctions by name, leaders can now be on the lookout for them and learn to address the root causes that keep teams from reaching their full potential.

Dysfunction #1: Absence of Trust
The fear of being vulnerable with team members prevents the building of trust within the team.

Trust is knowing that when a team member does push you, they're doing it because they care about the team (Lencioni).

The concept of trust amongst teams boils down to vulnerability. It "is the confidence among team members that their peers' intentions are good, and that there is no reason to be protective or careful around the group." This is different from *reliance* where you might 'trust' someone to always do good work based on their track record.

Vulnerability is vital here because it is the indicator that trust is high enough that people are no longer worried about protecting themselves. Most people have difficulty admitting their weaknesses and faults because of the competitive instincts we develop at work. People are constantly trying to protect their reputations, CYA, and cast blame on others when a mistake is made.

There are tons of clichés passed off as vital career advice that encourage you to put yourself before others – "look out for number one" and "never let them see you sweat" (5 Dysfunctions Field Guide).

Teams that lack trust waste inordinate amounts of time and

energy managing behaviors and interactions within the group (5 Dysfunctions).

For trust to work, leaders must not only show vulnerability first, but create an environment that does not punish it.

If we don't trust one another, then we aren't going to engage in open, constructive, ideological conflict. And we'll just continue to preserve a sense of artificial harmony (Lencioni).

Lencioni gives the following characteristics to look for in a team:

Members of teams with an absence of trust…
- Conceal their weaknesses and mistakes from one another
- Hesitate to ask for help or provide constructive feedback
- Hesitate to offer help outside their own areas of responsibility
- Jump to conclusions about the intentions and aptitudes of others without attempting to clarify them
- Fail to recognize and tap into one another's skills and experiences
- Hold grudges
- Dread meetings and find reasons to avoid spending time together

Members of trusting teams…
- Admit weaknesses and mistakes
- Ask for help
- Accept questions and input about their areas of responsibility
- Give one another the benefit of the doubt before arriving at a negative conclusion
- Take risks in offering feedback and assistance
- Appreciate and tap into one another's skills and experiences
- Focus time and energy on important issues, not politics
- Offer and accept apologies without hesitation
- Look forward to meetings and other opportunities to work as a group

So what do you do if your team is dealing with a lack of trust?
Here are some of the suggestions offered.

Personal Histories – This helps team members relate to each other on a

more personal basis. The core of empathy and understanding is seeing each other as humans. Too often, we work with people who we know very little about. This means even a little bit of insight into a person can help break down large barriers. Revealing even small things about your personal life can help make someone comfortable opening up about other things (such as bigger vulnerabilities). This creates a gradual process of building trust.

Another thing Lencioni highlights in regards to this exercise is the *Fundamental Attribution Error*. This means that we usually think others do bad things because they're naturally predisposed to do them, but when *we do bad things* – it is because of being in a tough spot or situation. Similarly, when we do something good, we assume it is due to our inherent capabilities. When others do well, we attribute it to a situation or luck.

The more team members learn about each other, the more they are able to empathize with them. For example, a person may have gone through a traumatic experience in another career or business, and this shapes how they now make decisions. A little bit of understanding helps create the flexibility to have a more trusting team.

Team Effectiveness Exercise – This one requires a higher level of trust than the personal histories exercise, but is effective. It gives team members a forum for providing each other with direct and actionable feedback on how their individual performance can improve the performance of the team.

Behavioral (Personality) Profiles – There are lots of tests out there that serve a similar purpose. The idea here is to provide a vocabulary for describing differences and similarities that make it safe to give each other feedback (instead of sounding like unfounded generalizations). **We personally recommend the DISC profile assessment**. This helps you understand how people think and approach things. For example, it lets you identify who is a big picture person and who is a detail oriented person. This better equips leaders with understanding *how* to talk to people of different personality types and make sure they are empowered with the type of information they need to be successful.

Additional Resources
Below in **bold** are the titles of articles and a snippet from each. To learn more and/or read the entire article, type the name of the article into your preferred search engine.

What Bosses Gain by Being Vulnerable (Harvard Business Review) – "Vulnerability here does not mean being weak or submissive. To the contrary, it implies the courage to be yourself. It means replacing "professional distance and cool" with uncertainty, risk, and emotional exposure. Opportunities for vulnerability present themselves to us at work every day. Examples she gives of vulnerability include calling an employee or colleague whose child is not well, reaching out to someone who has just had a loss in their family, asking someone for help, taking responsibility for something that went wrong at work, or sitting by the bedside of a colleague

or employee with a terminal illness."

Expressing Your Vulnerability Makes You Stronger (Harvard Business Review) – "By humbling myself with an apology and reaching out to this fellow coach and dad, I realized that I was taking a leadership step that I encourage in my clients. When angry or fearful, step back and be self-reflective. Don't vilify your boss or co-workers or employees or competitors. Strive to put yourself in the shoes of your perceived adversary. Avoid impulsive statements and actions. Express regret or apology. Gain strength by allowing yourself to be humble and vulnerable."

Building Trust Inside Your Team – "Open communication is essential for building trust. You need to get everyone on your team talking to one another in an honest, meaningful way, and you can use several strategies to accomplish this."

11 Ways to Build Trust (Jon Gordon) – "Many of the suggestions you are already know. Many ideas I share are common sense. However, I've found that so often amidst the chaos of life and work we forget the simple and powerful truths that matter most. So here are 11 thoughts about trust. Feel free to share these simple reminders with your leaders, colleagues and team."

Takeaway
The most important point we have to make sure gets understood when we teach how to overcome this first dysfunction is the definition of trust. Most people think of trust as something that is evidentiary (i.e. because of your past success and reliability, I trust that you will be a good member of this team.) And yes, this is an applicable way to define trust. But this is not the trust we are talking about when it comes to gaining trust within a Team.

Vulnerability-based trust is what is needed to form the foundation of a high-functioning team. This type of trust "requires team members to make themselves vulnerable to one another, and be confident that their respective vulnerabilities will not be used against them. The vulnerabilities I'm referring to include weaknesses, skill deficiencies, interpersonal shortcomings, mistakes, and requests for help."

"As 'soft' as all of this might sound, it is only when team members are truly comfortable being exposed to one another that they begin to act without concern for protecting themselves. As a result, they can focus their energy and attention completely on the job at hand, rather than being strategically disingenuous or political with one another."

Next Installment
We'll take a look at Dysfunction #2, Fear of Conflict...

Call John (701-226-0941) with the answer to this question and he'll buy you lunch at the restaurant of your choice! **You throw away the outside and cook the inside; you eat the outside and throw away the inside. What did you eat?**

THE 5 DYSFUNCTIONS OF A TEAM

INATTENTION TO RESULTS

AVOIDANCE OF ACCOUNTABILITY

LACK OF COMMITMENT

FEAR OF CONFLICT

ABSENCE OF TRUST

the President's Message

ROGER KRUEGER, FOUNDER & PRESIDENT

As I sit at my desk in March of 2017, I marvel at the adaptability of the people of the United States. Forty-one days ago, almost to this moment our nation had the 45th consecutive non-violent transition of government. We said good-bye to our 44th President, Barack Obama and hello to our 45th President Donald Trump. Notice my choice of terms "non-violent transition of government" is a tad misleading, there was and continues to be civil unrest and highly uncivil interactions that accompany these transitions. The majority of this discourse has its roots in the old phrase, **"It depends on whose ox is being gored."**
Arguably, after 8 years of a significantly alternative leadership style frequently characterized by angst, anger, personal attacks and questionable "healthy" and unbiased news reporting, we have somehow emerged from the tunnel of transition with the "Union Still intact."
The last time we experienced a similar circumstance, Abraham Lincoln was President and the "transition" was much more violent as we were plunged into the bloodiest 4 years of Civil War where somewhere in excess of 650,000 lives were lost to the "Clash of Human Wills." What an obscene price to pay for this ultimate human arrogance and unbridled greed.

By Jan. 20, 2017, when Donald J. Trump was sworn in as president, Republicans had control of the White House and both houses of Congress for the first time since 2007. Expect them to use that power to reshape the employment law landscape.

Buckle up your seatbelts, sit back and take a gander at what a small sample of the future might have in store:

➤ President Trump has exercised the opportunity to nominate a Supreme Court justice that could provide a 5-4 conservative majority well into the future.
➤ The administration change will also tilt the balances of the National Labor Relations Board and the EEOC.
➤ Trump's Labor Department will probably not defend the Obama administration's Fair Labor Standards Act overtime regulations that are currently in legal limbo. It is doubtful whether the overtime overhaul in its current form will ever see the light of day again after being blocked in federal court.

➤ The EEOC's investigatory practices have been the subject of two Supreme Court cases under the Obama administration, with employers alleging the commission strong-armed them into settlements or issued overly broad subpoenas. Chair Jenny Yang, who has pushed the EEOC's aggressive policies, will leave her position July 1, 2017. The Trump administration will have the opportunity to appoint a new chair and conceivably change the commission's direction. Most likely President Trump will appoint as EEOC chair a less aggressive successor to the controversial Yang. Trump campaigned on a platform of less regulation and the EEOC has been a lightning rod for criticism during the Obama administration. No doubt the Trump administration will govern very differently than the departing Obama administration. Stay tuned.
➤ The Environmental Protection Agency (EPA) has had a similar "lightening rod" status as it relates to controversy with the business community and state and local government. Many of their executive rules and pronouncements have left a bitter taste in the mouths of the aforementioned entities. Here's some updates:
  o One that has had a horrible effect on farmers, homeowners, ranchers and businesses is the innocent-sounding 'Clean Water' or "Waters of the United States" rule, otherwise known as WOTUS. President Trump has announced that the sphere of influence of the EPA is and shall be construed to be restricted to "Navigable Waters" Only.
  o Hillary's famous threat, supported by Obama, to close all coal mines has been pronounce Dead On Arrival.

The incredible irony of this Trump Transition is that whatever the media and the liberal opposition thought they knew, believed to be truth and postulated through their filter of needs and wants, "AIN'T necessarily gonna happen cause the 'Trumpster' has just now begun placing his mark on the historical record of his Administration!"
As Harley-Davidson, arguably the world's most famous motorcycle brand name, told us long ago: **"Boys and Girls, The Joy Is In The Ride."**

POLICY MANUAL UPDATES

It's time to review and update your employee handbook, if you haven't already done so, to ensure it is legally compliant and reflects the latest developments affecting HR.
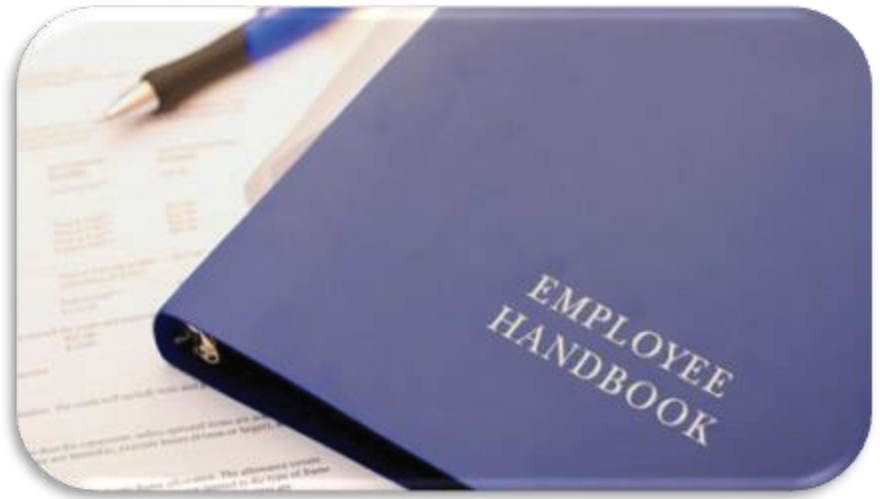
An updated handbook is a critical tool for communicating workplace policies on employee conduct and performance, and can also serve as evidence and may minimize employer liability in case of a lawsuit. The following policies may need to be revised or added based on recent changes:

SOCIAL MEDIA POLICY: NLRA (National Labor Relations Act) prohibits employers from banning employees from sharing information such as hours, wages, etc. on social media. You can, however, prohibit them from sharing any proprietary information or trade secrets on social media. If your employees should not expect privacy when using social media on company devices, make sure they are aware of this information. Additionally, safe driving policies should be updated to prohibit the use of mobile devices while driving and provide for the safety of employees and third parties on the road.

E-CIGARETTES: You almost certainly have language in your handbook to address smoking cigarettes in or around the office, but if your company is older than the advent of e-cigarettes, you may need to update the terminology. To protect other employees who have allergies or asthma, it's wise to include a policy against use of e-cigarettes in the office or within a certain number of feet of the entrance to the building, just as you would with regular cigarettes.

REASONABLE ACCOMMODATION: Update handbooks with the latest reasonable accommodation requirements based on pregnancy, religion, disability, sexual orientation and gender identity, and any other protected categories under federal, state and local laws. Reasonable accommodation policies should also set forth the process for requesting such an accommodation and the circumstances under which an accommodation may be provided.

EMPLOYEE LEAVE: Employee handbooks should reflect the latest leave laws such as paid sick leave, safe leave, organ donor leave, or leave to serve in the military or National Guard. Under recently-released EEOC guidance, employers may also be required to provide leave as a reasonable accommodation under the Americans with Disabilities Act (ADA) if it would not create an undue hardship. (Employers with 15 or more employees must comply with the ADA.) Employers should make sure leave of absence policies are detailed, narrowly tailored and avoid providing for automatic termination.

UPDATES TO EQUAL EMPLOYMENT OPPORTUNITY POLICY: Your policy probably already states that discrimination against employees based on age, race, or nation of origin is not permitted. Today's handbook also needs to make clear that discrimination against people who are transsexual, bisexual, asexual, or intersex is not permitted. A simple "Discrimination based on an employee's gender/sexual orientation is prohibited" statement will suffice.

EDITS TO SUBSTANCE ABUSE (DRUG AND ALCOHOL USE) POLICY: Many states have now made marijuana legal, either for medical use or recreational use. It is, however, still illegal on a federal level, so your employee policy can simply state that no illegal drugs are allowed. You may also include information on your drug-testing policy. If your organization does random drug testing, for instance, what levels of marijuana would be considered a termination-worthy offense?

CHANGES TO DRESS CODE: Your dress code needs to be gender non-specific. Instead of saying 'Women's skirts must be knee-length" or 'Women may not wear dark nail polish," the handbook should say, "Skirts must be knee-length" and "No dark nail polish."

Workplace rules and regulations may continue to change under President Donald Trump's administration, but employers should make sure their handbooks are up to date under current laws, she added. Trump has made overtures that regulations will be pulled back, and if that happens, it could be positive for businesses that have been struggling to keep up with all of the latest changes.