



Ideas and Information for Human Resources Professionals



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111 Commercial Street
Portland, Maine 04101

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TECHNOLOGY

Don't Worry. Be Appy!

In this day and age, mobile apps are no longer something that's unique to people who have smartphones, nor are they only for "techies" and "nerds" who understand how to use them. Mobile apps are now in the mainstream and implementing them into the workplace should be second nature for HR departments. Wellness apps in particular are a popular way for employees to get information, keep track of their progress, and maintain their privacy. Wellness apps are an easy way for people who want to modify their health to find recipes, fitness routines, health condition (e.g., diabetes) managers, stress relief tools, smoking cessation tips, and a host of other useful information.

However, with thousands of these wellness apps available, deciding which apps to recommend to employees can be difficult. With some, there are enough reviews that HR or an employee can make an informed decision. That being said, HR also needs to determine which apps fit best into the corporate culture and ensure that the apps are part of an overall wellness program. If a recommended app isn't useful, no matter how good it may be, then an employee is likely to become unmotivated rather than trying to find a better app on his or her own. Plus, it needs to be easy to understand how to get the most out of the app. Like any new undertaking, such as learning to play an instrument, starting a gym routine, or modifying a diet, motivation is crucial to keeping employees engaged. Some apps pertaining to the same subject (e.g., running) will be for beginners, some will be for advanced users, and others can cover the entire range.



An article on *Workforce* titled, [Mobile For Wellness? Appsolutely!](#), lists some of the most popular fitness apps: GPS for the Soul (GPS4Soul), which measures your heart rate and offers guides based on your level of stress. Mind Tools, which is a

management and leadership training app that offers self-skills tests, strategy tools and thousands of articles on leadership topics. And finally, Fooducate is a nutrition app that rates food on an A through D scale and helps users track their diet and make better choices.

When an app is rolled out by HR, employees like clear direction such as what the app does, why it pertains to them, and what benefit or outcome can they expect. It's also important for HR to determine whether the app works best on a tablet, smartphone, or wearable device. One way to figure out whether a wellness app should be recommended is for HR to do a trial run.

Once a group of apps has been approved for recommendation, HR may want to consider releasing the names and hyperlinks in a staggered fashion so that excitement is sustained throughout the year. This is another way to keep the company's wellness program in the forefront and also to keep people interested in it.

Apps all by themselves won't solve any health issues, but they will help bring awareness, are easily adoptable, and should be an essential part of any company's wellness program.

EMPLOYEE RELATIONS

They Say It's Your Birthday

Who doesn't like cake? Who doesn't like a party? Who doesn't like to get recognized? Potentially, HR managers don't like these because they can often go awry. Birthday celebrations can be a legal and possibly morale-killing land mine. There are numerous considerations for something that is seemingly innocuous. It's easy to assume that most companies want to show appreciation toward their employees and managers and can sometimes use celebrations as a team-building exercise, but HR managers should first discuss with decision-makers why workplace birthday celebrations could be harmful. In an article on *Society for Human Resource Management* titled, [To Celebrate Birthdays at Work or Not?](#), several "do's" and "don'ts" are listed as a guide for HR managers.

A birthday is a personal holiday – you can't get more personal than celebrating the day of your own birth – and some people may not want to do that at their place of work. Think of how different people react when they're sick. Some people want lots of attention and to be pampered while others try to hide their illness and wish people would leave them alone. The same goes with birthdays and a raucous celebration could be perfect for one employee and dreadful for another. It's best to ask ahead of time (such as when an employee is first hired) whether they object to the company celebrating their birthday.



It's just as important to be consistent! If you forget someone's birthday, or have different types of celebrations based on how much time or money is spent, then it's likely to hurt morale. And whatever you do, never mention the person's age or year they were born! Making fun of an employee – even jokingly – for being "old" or "over the hill," or having party favors that emphasize a person's age, should be heavily discouraged. Also discouraged is the practice of pressuring employees to contribute to a gift or attend a party.

Next are cultural issues and issues of preference. Some people enjoy celebrating their birthday, but *only* on the exact day or after and believe that any celebration beforehand is bad luck. Furthermore, a person may be fine if his or her department is aware of their birthday, but they do not want it broadcast company-wide, or worse, on the company's Web or social media sites.

There are also legal issues of religious tolerance. Some religions (e.g., Jehovah's Witnesses) don't celebrate birthdays. Not only does this pertain to the employee's own birthday, but it also covers requiring them to participate in the birthday celebrations of others.

Last, a birthday celebration could come under scrutiny of the Fair Labor Standards Act. For example, if the department head organizes a lunch party, it could last two or more hours. Yet an hourly employee who was either asked, pressured, or forced to go may only be able to claim his or her standard 30 minutes for lunch since this wasn't an "official" work function. This would force that employee to work overtime to make up the difference.

So now let's say that you've dotted your i's and crossed your t's when it comes to birthday celebrations at your company. What are some ways to recognize an employee without crossing the line? A simple birthday card, whether paper or electronic, is often an easy and thoughtful way to let the employee know that others are wishing him or her well. The aforementioned staff lunch is also good, provided that any pitfalls of recording time worked or making it mandatory are avoided. Gift cards, cash, a paid day off, or a contribution to the person's charity of choice are also good ideas as long as it's the same for everyone regardless of where they are on the corporate ladder. In the end, a mass celebration every month that acknowledges everyone who has a birthday that month (as long as each individual is okay with being recognized) may be the safest option.

Whether a company chooses to celebrate birthdays or not is up to its HR managers, but a fair and equitable policy should at least be in place. Now, would someone please cut the cake? After reading this I'm starving!

WELLNESS

Missing in Action

No matter how good your work team is, if someone is missing, it's probably never going to accomplish as much as if you had a full roster. It's a foregone conclusion that people get sick and, depending on the severity of the illness, will take time off to recuperate. There's absolutely nothing wrong with this, but companies should have some sort of absence management program in place so that workload can be evenly distributed and designated tasks don't fall through the cracks just because the person responsible was out that day. Part of any absence management program should be wellness strategies for reducing the amount of sick time that employees need to take by helping to make them healthier individuals.

It's no secret that a healthy employee is probably not going to miss work due to illness as much as an employee who isn't as healthy. In an article on *Employee Benefit News* titled, [Employers Look to Wellness Programs to Combat Absenteeism](#), a company that has problems dealing with employee absenteeism should consider creating or revising return-to-work policies that emphasize employee wellness. If an employee comes back to work while he or she is still sick, then they may not be able to perform their duties sufficiently. They could also still be contagious and make other employees sick, thereby making things worse than if they had just stayed home.



Of course, while employees are staying at home and suffering from being sick, the productivity at the companies where they work is most likely also suffering. To help bolster the bottom line, wellness and overall improved health should be encouraged. This can be done in a variety of ways, but any major change in an employer's wellness program should be phased in for maximum effectiveness. A culture of wellness helps to create and maintain a cohesive and productive work environment.

Some of the most important factors in ensuring that a wellness program is effective are setting specific goals for measurement, getting senior management to lead by example, having a robust communications campaign, and validating long-term employee engagement.

EMPLOYER WEBINAR

Privacy Issues for Employers and Health Plan Sponsors

Tuesday, April 14, 2015
2:00 p.m. ET / 11:00 a.m. PT

Breaches of health and other personal information continue to make headlines, and the regulatory agencies reportedly are preparing to conduct Health Insurance Portability and Accountability Act (HIPAA) audits. Employers continue to consider how best to use emerging technology, and how to limit their security and risks. Join us for this 90-minute intermediate level webinar to help you double-check your company's privacy and security procedures. Topics include:

- A refresher on HIPAA privacy and security requirements
- Identifying and managing the risks involved in using social media
- Best practices for monitoring employee devices, email and location
- Managing vendors that maintain your data
- How to avoid and manage data breaches
- The role of the Federal Trade Commission (FTC)

Registration for this webinar will be available soon! Please regularly check the [UBA website](#) for details when this becomes available. The presentation slides will be posted on the [UBA website](#) the day before the webinar.

About the Presenter:

Lillian Chaves Moon is a Shareholder in the Orlando, Florida office of Jackson Lewis P.C. She devotes the majority of her

practice to employment litigation, defending employers in federal and state courts, as well as before the EEOC and other administrative agencies. As a member of the firm's Privacy, Social Media and Information Management Practice, Ms. Moon also devotes a significant portion of her practice to counseling clients regarding privacy law obligations and policies, data breach issues, and electronic signature, HIPAA, ERISA, and Privacy Act requirements when establishing corporate electronic recruitment, application, and on-boarding websites, policies, and processes. Additionally, she provides clients with day-to-day advice and counseling regarding employer policies, handbooks, workplace discrimination laws, and OSHA issues as they arise.

Ms. Moon regularly speaks on employment law and privacy-related topics. She is also the Editor-in-Chief of "The Florida Employer," a Jackson Lewis bulletin on employment, labor, benefits, privacy, and immigration law, and is a regular contributor to the firm's Workplace Privacy Blog.

WISDOM WORKPLACE

WisdomWorkplace Webinar Series

Getting the Most out of Your Vision Benefit

Did you happen to miss this webinar that was hosted on March 5, 2015? Are you interested in learning more about maximizing your vision benefit? A full recording of the live webcast is available. In it, VSP® and UBA explore why vision care is important and how high enrollment in a vision plan can be key to helping you improve employee satisfaction and productivity.

Webinar Presenter:

Pat McClelland, Vice President of U.S. Commercial Accounts at VSP Vision Care

Pat has been helping companies of all sizes and industries build strategic benefit packages for nearly 20 years. He manages sales, service, and renewal functions for employer groups of up to 1,000.

A video of the webinar can be [seen here](#). The presentation slides have been posted on the [UBA website](#).

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