



Ideas and Information for Human Resources Professionals



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WELLNESS

Say What?

Like the commercial for a wireless carrier that asks, "Can you hear me now?" hearing loss is a very real danger and one that's irreversible. With the proliferation of personal listening devices, earbuds, and designer headphones, more and more people are subjecting their ears to potentially damaging levels of noise.

Have you, or someone you know, ever worn earbuds or headphones to listen in private, yet a person next to them can still clearly hear the music? If that's happened, then it's likely the volume was too high. In an article on [CNN.com](#) titled, [A Billion at Risk for Hearing Loss from Exposure to Loud Music](#), the World Health Organization says that more than one billion -- yes, BILLION -- teens and young adults are at risk of losing their hearing.

The *World Health Organization* analyzed the listening habits of people age 12 to 35 in what they considered the wealthier countries around the world. Their findings were that nearly 50% of the people analyzed listened to sound at an unsafe volume on personal audio devices and about 40% were exposed to music and noise at damaging levels at entertainment locations.

If someone is at a bar, nightclub, music or sporting event, just 100 decibels of noise (which is a typical level at these locations) for 15 minutes is all it takes. However, when it comes to our ears, the level of sound doesn't have to be too high to cause permanent damage. In fact, exposure to noise at a mere 85 decibels (approximately the level of traffic noise heard from inside a car) for eight hours is high enough to be considered unsafe.

Worst of all, once your hearing is damaged and lost, it won't come back. Typically, most people don't really think about hearing



loss until they notice that they can't hear part of the conversation at a dinner table, or they have to turn up the TV volume higher than they used to. The *World Health Organization* feels strongly enough about hearing loss that they created the [Make Listening Safe](#) initiative.

The world around us is loud and our individual choices can make it even louder, but everyone has a personal responsibility to protect their own hearing. Best of all, it's really easy to practice safe listening habits. Some things you can do to protect your hearing are:

- Turn down the volume (a good rule of thumb is to not go above 60%)
- Wear noise-canceling headphones
- Take frequent, quiet breaks when listening to music, or listen for an hour or less per day
- Download a smartphone app that can monitor noise levels
- Use ear protection at all locations (bar, concert, sporting event, etc.) where you know it will be loud

EMPLOYER WEBINAR

1-2-3, Let's Count Employees!

Tuesday, May 5, 2015
2:00 p.m. ET / 11:00 a.m. PT

As we move through 2015, do you know what employers will need to report at year end or even which employees should be offered coverage? This webinar will discuss PPACA's Pay or Play mandate and how to count employees for purposes of reporting and offering coverage. Counting employees is no longer as simple as 1-2-3, so to make sure you know how to properly count the appropriate employees. This webinar will review such topics as:

- Determining applicable large employer status
- Which workers to count and how to count the worker for large employer status
- Counting leased or staffing agency employees
- Full-time vs. part-time
- Handling new employees or employees whose hours change
- Measurement and stability periods
- Minimum value and affordability
- Transition Rules
- Documentation of benefit-eligible employees and hours

This 90-minute basic to intermediate webinar will help you determine your business size and how to measure the hours in your workforce.

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:

[Randall M. Limbeck](#) is a Shareholder in the Omaha office of Jackson Lewis P.C. He specializes in representation of clients in the areas of ERISA, employee benefits, and executive compensation. Mr. Limbeck has represented clients in a broad range of industries and size with respect to design, document drafting, employee communications, litigation and assistance in dealings with the IRS and Department of Labor.

TECHNOLOGY

Better Research through Social Media

As the saying goes, what happens on social media stays on social media. But that doesn't mean anyone has the right to dig through someone else's personal history if they're being considered for a job. This task should be left to a company's HR

department or their hiring managers.

It's true that social media can be extremely revealing when it comes to finding out more about an applicant than they would normally divulge during an interview. However, to lessen any liability, it's best to let a dedicated person or department perform this type of research. Why? Because they will usually know the legalities of navigating a candidate's social media as well as treating each search consistently when gathering information they consider relevant to the hiring process.



An article on *Society for Human Resource Management's* website shrm.org titled, [Minimize Potential Liability with Social Media](#), gets into the nitty-gritty of this, but also sheds light on the importance of checking an applicant's social media. For example, if an applicant posts text, photos, or videos that the company deems inappropriate (e.g., threatening, racist, crude, offensive, unprofessional, etc.), then the company would have a genuine reason not to hire him or her.

There are other strategies recommended in the online article such as:

- It's advisable to conduct social media checks at the end of the application process. It's less risky that way because the interview process may reveal that a candidate should be eliminated for other reasons, or the candidate may disclose what's discoverable on his or her social media sites.
- Never ask a job applicant for their social media passwords. There are currently 18 states that prohibit this and it also might be prohibited by the Stored Communications Act.
- Have a plan to only review specific websites and only look at content that's available to the public. Furthermore, only look at content that's been posted by the applicant and not what others have said about him or her.
- If a third party is used for this process, make sure they comply with the Fair Credit Reporting Act.
- In some cases it may be worthwhile to provide the applicant with an opportunity to explain anything negative.
- Finally, if an applicant is being rejected based on social media, make sure it's not in conflict with the Americans with Disabilities Act.

EMPLOYEE RELATIONS

I'm Sorry... Really

There are some people who have no problem saying that they're sorry. There are some people who rarely, or flat-out refuse, to say they're sorry. And then there are people who apologize at the drop of a hat and profusely without truly being sorry. The latter group could include an airline gate agent who has to appear remorseful when your luggage is lost even though they couldn't care less.

When it comes to saying you're sorry, I'm not talking about the infamous media "non-apologies" we hear so often from celebrities and politicians. These almost always start out, "I'm sorry if I offended anyone..." and are often used when someone isn't sorry or is trying to avoid being sued. The easiest way to tell if someone isn't really sorry is whether they actually admit fault or guilt when delivering the apology. But I'm not talking about these people; I'm talking about friends and colleagues with whom we associate with every day.



Did a coworker take credit for a task you did? Did your neighbor borrow an item and break it? Did your son or daughter do something that you specifically forbade them to do? These are the people we expect to own up to their mistakes.

So what types of people are willing to swallow their pride and truly make an honest apology? An article on *The Huffington Post* titled, [Some Personalities Are More Likely to Apologize than Others](#), references a study published in the journal *Personality and Individual Differences* that used the HEXACO model of personality (honesty/humility, emotionality, extraversion, agreeableness, conscientiousness, and openness). In that study, researchers noted that people who scored high in conscientiousness, honesty, and humility were also more likely to say they apologized more frequently. Consequently, and surprising to the researchers, agreeable people were less likely to offer quick apologies.

Take this into consideration during your everyday interactions and learn to recognize someone who is genuinely sincere in his or her apology. Likewise, if you're the one that's responsible, then accept your mistake, apologize, and move on.

Making Sleep a Priority

In our busy lives we try to accomplish as much as possible and, for many of us, sleep simply gets in the way. Unfortunately, a lack of sleep affects our job performance and overall health. Similar to the people who say they don't have time to work out, or time to have dinner with friends, etc., there is always time to do these activities if you make them a priority. The same goes for sleep.

Consider sleep to be the last task on your to-do list and, if you really make an effort to sleep, you're likely to get more of it. How do I know? An article titled, [Prioritizing Sleep Helps You Get More of It](#), on *The Huffington Post*, reported on a survey of more than 1,000 adults in the United States. In this survey, participants reported getting 36 more minutes of sleep per night if they were either very or extremely motivated.

However, no matter how determined someone might be to sleep, they could be inadvertently sabotaging their own efforts. In the article, here are some strategies for a nightly regimen before bedtime:

- Stop drinking caffeinated beverages six hours before bed
- Stop drinking alcohol three hours before bed
- Finish eating two to three hours before bed
- Finish exercising two hours before bed
- Turn off electronics and stop working, studying, and stressing at least one hour before bed

While some things simply can't be avoided and it's necessary to put off falling asleep, by sticking to a routine you're bound to get more sleep. This, in turn, will help you be more productive at work, give you a more positive attitude, and improve your well-being. Nighty-night!

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