



Ideas and Information for Human Resources Professionals

EMPLOYEE RELATIONS

CAN YOU HEAR ME NOW?!

If your boss has never yelled at you, then either you own your own business, are self-employed, or have a boss who is mute. At some point in your working career, it's safe to say that you've been yelled at by a supervisor. Whether that anger toward you was justified or not is probably up for debate, but what can almost be guaranteed is that you weren't quite sure how to handle it and respond.

An article on *Business Insider's* website titled, "[6 ways to respond to your boss yelling at you](#)," discusses the multiple ways employees can react to their boss yelling at them. Let's get two important things out of the way first. If your boss isn't just yelling at you, but is actually bullying you, then you should go to your human resources department immediately. However, if you're just being yelled at, then never, EVER, for any reason should you yell back. Don't give your boss a reason to be madder at you. It's just not worth it.



Do you think you're right and the boss is wrong? Don't yell back. Are you the scapegoat for someone else's mistake? Don't yell back. Is your boss just venting and you happen to be in the wrong place at the wrong time? Don't yell back. Yelling never accomplishes anything and if you yell at your boss, you risk the obvious of being fired, or at least being watched like a hawk or having a grudge held against you.

Now, there's nothing wrong with standing up for yourself and, fortunately, there are many ways to accomplish this without further upsetting the boss. Once things have calmed down, analyze exactly WHY the boss is yelling at you because, you know, you could actually be seriously at fault.

Regardless of fault, the primary reason that your boss is yelling is



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EMPLOYER WEBINAR

The \$36,000 Question: An In-Depth Review of the ACA's \$100 a Day Penalty

Tuesday, November 10, 2015
2:00 p.m. ET / 11:00 a.m. PT

The Patient Protection and Affordable

most likely because he or she has simply reached the breaking point. After you sit there (or stand) and “ride out the storm,” ask to speak with your boss privately at a later day and time. Make it a formal meeting either in the boss’s office or a conference room. Before the meeting, make sure you have a plan for mending the relationship and resolving the issue that made your boss so angry in the first place.

The reason your boss was so angry could have been a misunderstanding. If that’s the case, then say so, but remain composed and keep things as factual as possible without straying off-message. Your boss may then ask questions so as to better understand the situation. Be honest, but remember to stay focused and stick to the point.

If, in fact, the reason your boss was yelling at you was because you screwed up, then take responsibility for your mistake. Don’t place blame with others, make excuses, or be argumentative. Accept blame and tell the boss that you understand why you made the mistake, say that you’re sorry, and that you will work diligently to correct the mistake as quickly as possible. After all, everyone makes mistakes.

Let’s assume that whatever the boss was yelling at you about wasn’t your fault. When you have the follow-up meeting with your boss, try and have a solution developed. By demonstrating initiative and thinking on your feet, you just might be able to turn this around in your favor and show the boss that you’re a team player that can shake off being berated.

Finally, make sure that you’re proactive and stay on top of the resolution. Give your boss regular updates and ask for feedback to ensure that you’re on track and won’t get yelled at again. If all goes well, you should be back on your boss’s good side in no time!

TECHNOLOGY

Care Act (ACA) requires employers and plan administrators to self-report a variety of failures to comply with group health plan requirements, including many related to COBRA, HIPAA, Mental Health Parity, and comparable contributions for health savings accounts (HSAs). The excise tax is \$100 a day, per affected individual.

This webinar will:

- Discuss the violations of federal law that would trigger the excise tax, including:
 - COBRA offers
 - Pediatric vaccine coverage
 - Special enrollment requirements
 - Providing coverage under the Mothers and Newborns Act
 - Mental health parity violations
- Discuss the ACA violations that would trigger the excise tax, including:
 - Employer contributions to individual medical plans
 - Eligibility waiting periods in excess of 90 days
 - Preexisting medical condition exclusions
 - Failure to extend dependent eligibility coverage until age 26
 - Summary of benefits and coverage failures
- Discuss the HSA comparable contribution rules, and how the tax is calculated when they are violated
- Explain how to use IRS Form 8928, when it must be filed, and who will pay the excise tax
- Describe the situations that would cause the excise tax to be paid by a third-party administrator or insurer
- Provide best practices on filing Form 8928
- Discuss the risks of not filing or paying the excise tax
- Discuss the 30-day window for correcting failures and the

Turning Off Electronics Can Be a Real Turn On

It's amazing how dependent we've become on technology and how connected we are to our mobile devices. If you've ever left your home or business without your smartphone or tablet, then you know the stress it induces. But what happens in the workforce when employees (primarily the current, younger generation) are asked to engage more directly with their colleagues -- maybe even in face-to-face dialogue. Shocking!

I think that everyone can agree that technology has made our lives more productive and that goes double for the workplace. However, there needs to be a balance. You can't simply depend on your smartphone (or home Internet for telecommuters) to



communicate all the time. On *Society for Human Resource Management's* (SHRM) website, an article titled, "[5 Keys to Balancing Technology in the Workplace](#)," it lists some crucial times when genuine, open conversation can actually be more beneficial.

To start, if you're being spoken to by someone, whether it's a supervisor, subordinate, or customer, then it's unbelievably rude to continue flipping through your smartphone even if you acknowledge and answer them. You might as well respond by turning your back. It's always best to stop whatever you're doing, put down that phone or tablet, look that person in the face and address them.

Next, let's say that you're in an important company meeting, or you're with a client. It may be better to listen and take hand-written notes like they did before mobile devices went mainstream. This is because, according to some studies, people who do this are able to remember important points better than those who type them into a device. In addition, it's much quieter. Writing something down using pen and paper is almost silent, while tapping on a mobile device or clacking on a laptop keyboard can be distracting and annoying. Plus, even if you have your device set on "vibrate," that makes enough of a recognizable noise as to be disruptive.

While banning technology is unrealistic, a company's C-level executives or middle management can certainly set rules for employees to follow regarding technology, but they must also practice what they preach and inspire staff to accept the fact that technology isn't always the best way to accomplish something. Good manners and proper business etiquette go a long way in influencing the correct behavior from employees rather than cramming rules down to the masses.

WELLNESS

"reasonable cause" exception, including the requirement to retroactively fix the failure

This 90-minute intermediate to expert level webinar will help employers understand how to avoid triggering the excise tax, and how to pay it in the event a penalty is due.

[Register here](#) for the webinar. The presentation slides will be posted on the [UBA website](#) the day before the webinar.

About the Presenter

[Joseph J. Lazzarotti](#) is a Shareholder in the Morristown, New Jersey, office of Jackson Lewis P.C. He leads the firm's Privacy, e-Communication and Data Security Practice. He also is a member of the Employee Benefits Counseling and Litigation Practice Group and is a member of the Firm's Healthcare Reform Taskforce.

Mr. Lazzarotti advises employers and plan sponsors regarding the establishment, administration and operation of fully insured and self-funded health and welfare plans, which includes counseling concerning the Affordable Care Act, as well as assisting in the set-up of administrative and other arrangements with third-party administrators, claims administrators and other vendors.

Certification

This webinar event has been submitted to the [Human Resource Certification Institute](#) to qualify for 1.5 recertification credit hours.

IN BRIEF

The Security of Smart Gadgets

If you're Inspector Gadget, you might say, "Go-go gadget security!" but for the rest of us we're stuck with the task of keeping our smartphones, tablets, wearable technology, and any other connected devices (collectively known as the "Internet of Things") secure. For individual users, this represents a minor

I Like Wellness. Yes, I do! I Like Wellness. How 'Bout You?

With apologies to the rock band Queen, we are the champions (of wellness), my friends. Sometimes, it takes more than incentives to get employees involved and interested in wellness. What may be needed is a wellness champion, or even a network of wellness champions. This is a group of employees who are actively and intently trying to promote a corporate culture of wellness and improve everyone's health through education about what the company's wellness program offers.

Wellness champions almost always volunteer for the task, though some companies may provide a token reward such as a gift card or similar compensation. Regardless, the champion must be passionate about the wellness program or a specific aspect of it (weight loss, smoking cessation, diabetes management, etc.) and it further helps if that champion has already achieved their wellness goals. The champion must also place a high importance on the goal of improving one's health and sharing their experiences to motivate others.



A wellness champion isn't just a role model for other employees, he or she is able to demonstrate that they have "walked in the shoes" of the employees facing similar health issues. Having social media skills is also desirable since it will be easier to connect with colleagues and offer encouragement and regular communication.

So what can a company do to ensure the success of a wellness champion? According to an article on *Society for Human Resource Management's* (SHRM) website titled, "[Building a Wellness Champion Network](#)," the company's wellness leader, or HR department, should set clear expectations, ask about any conflicts of interest (for example, if the employee also sells health products as a side business), establish reporting metrics, and encourage the social aspect of it with health fairs, educational "lunch and learns," and other on-site wellness activities.

For the wellness champion, or network of champions, to be successful they should communicate on a regular basis, make sure what they're doing is visible and inviting to all employees, share examples of how they and their fellow co-workers achieved their wellness goals, organize health-related activities, and, above all, make it fun! The greater the success of the wellness program and its champions, the greater the likelihood of others joining the cause, becoming wellness champions themselves, and adding their enthusiasm and experiences to the network.

issue and some may not even give it a second thought, but for corporations of all sizes, data security is a huge concern.

This technology is already commonplace in the workforce, but as more and more devices are being added and used for productivity, so too does their hacking vulnerability increase. It's not just personal information that's at risk, but if that device is tied into the company, then the company's data may be compromised. In an article on *Society for Human Resource Management's* (SHRM) website titled, "[Fitbits, Smartwatches and Workplace Security](#)," it is recommended that whoever is in charge of a company's technology must weigh the options of the desire to collect and analyze data with the risks of loss or misuse. New business models and value propositions need to take that risk into account.

One of the ways to reduce that risk is by educating employees on the security risks associated with their devices. Employees may not recognize the severity of the risk, or even be aware that a risk is posed at all. The article states that good cybersecurity training is money well-spent when you consider the potential expense of dealing with a breach in data security.

However, any employee education and training must be done so as not to be frightening or threatening. It's crucial to follow cybersecurity protocols and policies, but these can be more effectively followed with behavior and attitude changes versus punishment. One of the ways to affect an employee's behavior is to reinforce their desire for privacy. As the corporate culture shifts from one of apathy toward data security to one of diligence, it will be much easier to maintain a low risk being breached.