



IDEAS AND INFORMATION FOR HUMAN RESOURCES PROFESSIONALS

April 2016

EMPLOYEE RELATIONS

The Other Side of Office Politics

Everyone is aware of office politics, but what about politics in the office? Whether you label yourself as a republican, democrat, independent, liberal, conservative, or anything else, it's best to keep your opinions to yourself. During an election year, people can become quite passionate about which candidate they prefer. Throw a particular issue into the mix, and things can get downright heated. All this creates the perfect storm for getting fired.

It seems so easy to just keep quiet, yet so few people are able to stop when it comes to expressing their political opinions. Have you ever heard people arguing during a meeting? It can be much worse when there's a clash of politics. At best, espousing an opinion may make others uncomfortable. At worst, that person now becomes alienated or even terminated.

Employees may think that their political opinions are protected as free speech under the First Amendment. They are wrong! The government may not censor your speech, but an employer has every right to enforce a ban in the workplace. In fact, in "at-will employment" states, employers can fire someone for any reason not prohibited by federal, state, or local laws.

In an article titled, "[Electing to Talk Politics at Work has Serious Implications](#)" on the website *Workforce*, the author discusses that a business owner or boss may easily fire someone if their political opinions are different. Yet, even if they align, an employee still may be fired if they cross the line from good to poor judgement.

Some examples of poor judgement would be if two or more employees get



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into an argument over politics. Doing so wastes valuable work time and usually has a negative effect on morale. If an employee uses discriminatory language, such as an inappropriate comment about a candidate's gender, race, age, etc., then an employer has an obligation to address this. Otherwise, the employer may be held liable for promoting a hostile work environment.

And just because employees aren't at their place of work doesn't mean they should let down their guard. If an employee is representing the company at an event, at a vendor, or at a meeting with another company, they can be labeled unfavorably by discussing their political views. Plus, if an employee is being interviewed, even if it's at a political rally, they would be well-advised to avoid anything that identifies them as working for a specific employer such as the company name or logo on a shirt, hat, uniform, etc.

Most everyone has formed an opinion on a few political issues, and some of those opinions may be stronger than others. Regardless, it's best to just walk away from any political discussion in the workplace. If an employee does decide to jump into the fire and discuss his or her side of the subject, then it's best to think before speaking or that person may argue themselves out of a job.

TECHNOLOGY

Investors Do Better Interacting with People Instead of Technology

Many employers have done an excellent job of integrating financial wellness programs with their employees in order for them to improve their overall financial well-being. However, the most significant progress appears to be when investors actually speak with a qualified human being rather than relying on technology. The key, according to an article on the website of *Employee Benefit News* titled "[Technology Alone Not Enough in Financial Wellness](#)" is the level of employee engagement.

The article stresses that people who interacted with a certified financial planner five or more times during the year had a much better grasp on their finances, an emergency fund, retirement contributions, and cash flow management when compared to people who only used online tools. Were employees who talked to a real person getting better advice? Were employees who were more worried about their money doing more to understand and solve their problems by actually talking to someone? This was not known, but what was discovered was that technology can only do so much.

For example, if you get on a scale, it's going to give you a number. The scale won't tell you what to eat, how many calories you'll need to burn, or what steps you'll need to take if something unexpected happens. In terms of a person's financial well-being, technology overload can occur and he or she will get bombarded with information that's either not understood or unusable.

Once employers figure out that technology alone is not a viable solution to help employees with their finances, they can shift some of their financial wellness and retirement programs to one-on-one guidance with certified financial planners. Furthermore, they can incorporate education and

EMPLOYER WEBINAR

Special Delivery: Providing Participant Materials for Group Health Plans

**Tuesday, May 10, 2016
2:00 p.m. ET / 11:00 a.m. PT**

Group health plans have a variety of requirements relating to materials and notices that must be provided to participants. These requirements come from different places – the Department of Labor, ERISA, the Patient Protection and Affordable Care Act (ACA) and more. Employers must not only ensure that participants are provided certain information and notices, but must ensure the timing and delivery of the information is appropriate.

This webinar will help employers understand the materials and notices they are obligated to provide, who they must give them to, how they should deliver them, and when they need to be provided.

This webinar will:

- Explain the basics of participant material and notice requirements, including the Mental Health Parity and Addiction Equity Act (MHPAEA) Criteria for Medically Necessary Determination Notice, Women's Health and Cancer Rights Act (WHCRA) Notices, Summary Plan Descriptions, Summary of Benefits and Coverage notice of modification, Summary of Material Modifications, grandfathered plan disclosures, and annual notices
- Discuss the requirements of paper delivery
- Explain which notices may be provided electronically, and the difference in electronic delivery requirements for employees who use computers as part of their jobs and those who do not
- Provide best practices on electronic disclosure consent, recordkeeping for the consent forms, and frequency of obtaining consent forms
- Explain how different delivery methods may be used for different groups of plan participants

focused presentations, such as workshops on retirement, student loan repayment, tackling credit card debt, etc., into the mix in order to drive up employee engagement.

The takeaway is that there is no single solution to help employees with their monetary planning and problems. It takes a combination of technology, education, and personal face time to ensure that a company's workforce is making progress toward their financial goals.

WELLNESS

There's Always Time for a Workout

An often heard excuse for people not exercising is that they don't have time to do it. We all have time for something, it just depends on whether we want to make time for it. Consider this: If you think you're too busy to work out, but then an activity comes up you want to do, I'm willing to bet that you'll find a way to do that activity. But maybe you really are too busy to exercise either before or after work. Are there any options?

Enter the lunchtime workout. Nearly everyone who has a job will take time to eat lunch. Now, suppose you replace some of that time with exercise? See how easy it was to find those precious minutes? If you want to use your real excuse for not wanting to work out, now would be the moment to do it.

If, on the other hand, you're intrigued with this newfound possibility for self-improvement, read on. An article on *The Washington Post's* website titled "[How to Actually Get a Good Lunchtime Workout, Even If You Can't Leave the Office](#)" has some excellent tips on the ways to maximize your fitness routine in a short timeframe.

As with most things, those who fail to plan, plan to fail. Are you still going to eat? Are you able to take a shower afterward? Will you want a change of clothing? Make a checklist of everything you think you'll need. This may include your workout clothes and shoes, a small lunch, fresh underwear or an entire outfit, deodorant, dry shampoo or baby wipes to help freshen up if you're not able to take a shower, shower supplies if you are able to take one, and bottled water to keep hydrated. If this seems too much, then think about what items you're able to keep at the office so that you can pack light the other times.

Before you begin your lunchtime workout, you need to consider how much to eat ahead of time. If you're going to run, or do a high-intensity exercise, then a good breakfast might be the best course of action. If your exercise routine is at a more reasonable pace, then it's perfectly okay to eat a small lunch or a piece of fruit before you start as long as your body can tolerate it. That way, you'll have plenty of fuel to burn and maintain blood sugar levels during your workout. When you're done exercising, a blend of both protein and carbohydrates is ideal.

Now you're ready to work out! If your office is near a park or trail, then that's an easy way to get in a quick run. If you're not near one of those, or it's too cold or raining outside, then see if there's a nearby gym. Barring that, bring a small set of dumbbells into your office or go to the stairs and run up and down them for a few intervals. There are numerous free apps available online with a plethora of 30-minute strength, cardio, and other

- Discuss when notices or materials should be sent to both the plan participant and their covered spouse or children separately
- Explain why Michelle's Law Enrollment Notice is outdated, but should still be included in plan documents for the time being
- Discuss why placing notices in employer common areas or providing a kiosk for employees to use to access notices is not adequate
- Discuss which documents and notices must be provided upon request, and the amount of time an employer has to provide requested documents

This 60-minute beginner to intermediate level webinar will help employers understand the plan document requirements for group health plans.

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

About the Presenter

[Monique Warren](#) is a Principal in the White Plains, New York, office of Jackson Lewis P.C. She counsels employers on employee benefits compliance and administrative matters, drafts plan documents and employee communication materials, and represents employers to government agencies.

Ms. Warren's expertise includes health and welfare plans as well as retirement plans. She has extensive experience helping group health plan sponsors navigate COBRA, HIPAA, and other ERISA and Internal Revenue Code provisions. A significant part of her practice currently focuses on employer issues related to the 2010 health care reform law. She also has extensive experience helping retirement plan sponsors comply with ERISA fiduciary requirements and the Code's qualification requirements and correcting plan errors under the Department of Labor's and Internal Revenue Service's voluntary correction programs.

In addition to authoring many articles, Ms. Warren has been interviewed by and quoted in newspapers and periodicals including *The Wall Street Journal* and

training routines. These will help you tailor your workout for whatever time and equipment is available. All you need is the motivation to start!

IN BRIEF

Let's Be Careful Out There

Corporate disaster plans used to be just weather-related, but in today's world these plans should include acts of terrorism. Recently, as many of you know, a bomb exploded in the Brussels, Belgium, airport causing more than just death and destruction. It caused fear, travel delays, and a general feeling of helplessness.

In an article on *The Society for Human Resources* website titled "[Businesses Move to Protect Employees After Brussels Bombings](#)" they revealed that aerospace manufacturer Boeing already has security measures in place. For example, any Boeing worker in an affected area would receive a security alert with information about what happened along with precautions to take for their safety. In addition, if transportation is affected, then Boeing tries to find other ways to get them safely to their destination.

While Boeing is a large, global company, this could just as easily be scaled down to a smaller company with employees who only work in the United States. Terrorism can happen anywhere and at any time, so companies should be just as vigilant in having a plan in place to communicate with all their employees even if normal lines of communication (phone, text, email) are not available or have been overloaded. They also, like Boeing, need to find ways to get their employees get home safely.

Regardless of the disaster, but especially if it's terror-related, companies need to be able to continue doing business. A continuity plan is essential to ensure smooth operation as well as calming the fears of employees. Counseling and other psychological help should be made available if needed so that employees can continue working at peak efficiency without having other concerns.

Finally, whatever plans are put in place should be tested. Simply having a plan in place doesn't mean that it's going to work. Everyone in the company should be familiar with this plan, know how to access it in times of emergency, and carry out their specific function. Companies may not be able to fight terrorism, but they can and should be prepared when it happens.

edits the firm's *Benefits Law Advisor Blog*.

Certification

This webinar event has been submitted to the [Human Resource Certification Institute](#) to qualify for 1 recertification credit hour.

WISDOM WORKPLACE WEBINAR

What's New and Alarming in Absence Management: Current and Challenging Issues in FMLA and ADA

Thursday, May 12, 2016
2:00 p.m. ET / 11:00 a.m. PT

The Family and Medical Leave Act (FMLA) continues to transform week by week with changes from the courts, while the states continue to add further regulatory obligations. Meanwhile, the Americans with Disabilities Act (ADA) is now considered an "inadvertent leave act" since it can have a similar impact upon absences and productivity.

In this informative session, hear from attorney and FMLA/ADA expert Matt Morris of ComPsych on the latest changes in both the FMLA and ADA, along with strategies for staying compliant and reducing their impact on your organization. In particular, Matt will focus on the top four areas for employers over the last year: compliance, manager oversight, intermittent leave/misuse, and ADA leaves. ComPsych is the insourced partner with Principal, providing fully branded leave administration for our Principal Absence Management clients.

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

About the Presenter

Matt Morris is Vice President of FMLASource, a ComPsych company. An employment lawyer by background, Matt is responsible for FMLASource's compliance solution and has spent the

past 15 years working with employers on their absence management programs. Matt is a frequent speaker on the FMLA, state leaves, the ADA, and compliance challenges regarding leaves of absence. He was invited by the U.S. Department of Labor (DOL) to participate in a roundtable discussion about the FMLA and his response to the DOL's proposed FMLA regulations was cited 38 times by the DOL in the final rule. Prior to his work in FMLA administration, Matt practiced for many years at a boutique Chicago employment law firm. He received his B.A., magna cum laude, from Miami University and his J.D. from The University of Michigan Law School.

Certification

This webinar event has been submitted to the [Human Resource Certification Institute](#) to qualify for 1 recertification credit hour.

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