



Ideas and Information for Human Resources Professionals

EMPLOYEE RELATIONS

Future Employee Expectations

Today, most new full-time hires expect a company to offer certain standard benefits – health, dental, vision, and life insurance, paid vacation and sick days, and a 401(k) or pension. Some companies go beyond this and provide other benefits such as profit sharing, parking reimbursement, mobile phone reimbursement, wellness programs, and even on-site daycare. So what does the future hold for employees when it comes to their expectations of a traditional benefits package?

In an article titled, "[Student Loan Repayment Programs Are 'The Next 401\(k\)'](#)" on the website *Employee Benefit News*, it claims that the next big thing in employee benefits is student loan repayment. In fact, they view this as not just a fad, but something that will stick given the high cost of tuition and its



appeal to everyone in the workforce. Yes, you read that last part correctly. You may think that tuition reimbursement would only be an attractive benefit to those who are just entering the workforce, but people older than 39 currently have 35% of all student debt. Plus, graduate programs may be covered and so might be loans taken by parents to help pay for their kid's education.

As of 2015, based on data from the Society for Human Resource Management, only about 3% of employers currently offer the benefit, but that's expected to increase sharply. According to the article, the reason is that tuition reimbursement is a concept you don't have to "sell" to decision makers like you would a complicated health plan. They already know today's graduates are struggling to repay their student debt.

A side advantage of adding tuition reimbursement to a company's benefits package is that, by removing the stress of repaying a student loan, employees will be more apt to contribute to their 401(k) or other corporate retirement plan. As companies look for ways to differentiate themselves when recruiting new employees, this benefit appears to



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EMPLOYER WEBINAR

have significant traction.

TECHNOLOGY

Putting A Lock On Cloud-Based Computing

*I've looked at clouds from both sides now
From up and down and still somehow
It's cloud illusions I recall
I really don't know clouds at all*
-- Joni Mitchell, "Both Sides, Now"

And like that song from 1969, it appears that most employees really don't know cloud computing at all. In an article on the *Society for Human Resource Management's* website titled, "[Public Enemy No. 1 for Employers? Careless Cloud Users. Study Says](#)," a North American IT solutions and



managed services provider called Softchoice found that 1 in 3 users of cloud-based apps (e.g., Google Docs and Dropbox) download the app without letting their IT department know. Cloud computing became popular a few years ago because people could store all their documents, photos, and other information and then access that data from anywhere at any time and on any device.

What makes this such a bad situation is not the cloud computing itself, but that the vast majority of employees lack any sense of cybersecurity. That same study found that 1 in 5 employees:

- Keep their passwords in plain sight (e.g., on Post-it Notes on their desks).
- Have accessed work files from a device that was not password-protected.
- Have lost devices that weren't password-protected.

Complicating this further is that the employees who actually do use passwords usually have weak passwords. That is, they are easy to guess (e.g., "1234," "password," or their username). Rather than leave a company and its network vulnerable to attack, some IT people suggest a ban on cloud accounts for work.

Security breaches involving a company's intellectual property can be very costly. Sometimes referred to as "ransomware," the important data of an organization will either be stolen or encrypted and will not be released until a fee is paid.

A better solution to a ban on cloud accounts would be to educate employees on the necessity for cyber security, train them to improve their online security habits, and remind them that IT rules are in place to make a company more secure, not make it more difficult for employees to be productive. Cyber thieves are clever and when they

What Employers Need to Know About the Fair Labor Standards Act New Overtime Exemption Rule

Tuesday, July 12, 2016
2:00 p.m. ET / 11:00 a.m. PT

After a long wait, the Department of Labor (DOL) released revisions to the white collar overtime exemption rules in the Fair Labor Standards Act (FLSA). Non-exempt, or "overtime eligible," workers in the United States are entitled to time-and-a-half pay for their hours worked after 40 hours in a week. The webinar will focus on the new standards for the "white collar" or "EAP" exemption that covers executive, administrative, professional, outside sales, and computer employees.

This webinar will:

- Review the FLSA overtime rules generally, and the employers (or enterprises) that they apply to
- Provide a brief overview of job-specific exemptions, such as switchboard operators
- Discuss the long-standing white collar or EAP exemption salary threshold, and how it will change in December 2016
- Provide insight on how the salary threshold is calculated, both in terms of the timing of paychecks, as well as the inclusion of commissions or bonuses
- Discuss factors outside of the salary threshold that must also be considered when determining if an employee is exempt or not
- Discuss the duties tests that are looked at in addition to salary thresholds
- Provide best practices on reviewing current employee roles
- Discuss the potential conflict between the

can't break into a system using technology, they often rely on the flaws of human nature.

As we become more and more connected to the Internet, we leave ourselves and the companies where we work more accessible to cyber threats. It's imperative that employees keep everything locked down.

WELLNESS

“Stressed” Is “Desserts” Spelled Backward

Stress eating, sometimes called emotional eating, is where a person feels the need to eat (usually in large amounts) some type of “junk” or “comfort food” in response to an emotional situation rather than due to feelings of being hungry. People often do this because, in the short term, they get some relief.

An article on *Employee Benefit News*' website titled, “[Workers Blaming Weight Gain On Job Stress](#)” points to a survey by CareerBuilder where 55% of U.S. workers believe they're overweight and 44% have gained weight in their current job. Of those who gained weight, 25% said it was more than 10 pounds.

These statistics are in stark contrast to the 17% who said they actually lost weight.

What's causing workers to become fat? In the survey, more than 50% said it was because they sat all day, almost half said it was because they were too tired to exercise, and more than one-third said it was due to snacking related to stress.

The stress that's contributing to employee obesity is the same stress that's sabotaging an employer's wellness program. In the same CareerBuilder survey, 25% of respondents said their employer provided a wellness benefit, some of it even on-site, but more than half of them did not take advantage of the benefit offered by their employers due to the stress of their workload and other busy aspects of their lives.

People nowadays are definitely more aware of the importance of being healthy, yet at the same time, spending longer hours at work and overall stress is preventing people from practicing good wellness habits. This stress isn't just affecting the way people eat, it also affects their sleep, the amount of alcohol they drink, and their ability to relax and unwind.

A corporate wellness program can only do so much. It takes leadership, especially from senior executives, to motivate employees. This doesn't mean productivity has to drop, but ways to effectively manage stress and workload should be emphasized.

Management should easily see the benefit of a workforce that's as close to “normal” weight as possible since obesity can cost employers



Affordable Care Act's rate of pay safe harbor for affordability (for applicable large employers) for employees who are moved from salary to hourly as the result of the new rules

This 60-minute basic webinar will help employers get up to date on the new FLSA rules that go into effect in December 2016.

Registration information for this webinar will be available soon!

Please regularly check the [UBA website](#) for details when this becomes available or contact your local [UBA Partner Firm](#). The presentation slides will be posted on the [UBA website](#) the day before the webinar.

About the Presenter

[Jennifer B. Sandberg](#) is a partner in the Atlanta office of Fisher Phillips. Employers, In-House Counsel, and Human Resource professionals view her as a trusted advisor providing solid business advice. She works to understand her clients' business and desired business outcomes in order to provide creative and cost-effective advice and counsel. She assists clients in accomplishing business objectives in the most efficient manner possible. Her advice is custom-tailored for employers with tens of thousands of employees or those with a mere handful of employees.

Certification

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

WISDOM WORKPLACE

Introduction To ADA And ADA Outsourcing

Thursday, June 23, 2016

thousands more due to weight-related conditions like heart disease, stroke and Type 2 diabetes, not to mention the absenteeism costs associated with these conditions.

IN BRIEF

Check The Fine Print

As the saying goes, an oral agreement is as good as the paper it's written on. However, once it's in writing, it might as well be written in stone. Such is the case with labor contracts. Management can promise one thing and workers can promise another, but unless those promises are clearly stated in a labor contract, it's probably not enforceable.

In an article on *The Society For Human Resources* website titled, "[Labor Negotiators Must Pay Attention To Details](#)," they revealed an issue that came back to haunt a company. There was a proposed change from a pension account to a 401(k) where the company would pay a certain amount per hour worked



up to a cap. During the negotiations, the cap was somehow left off. When a representative for the workers asked how the new plan for retirement contributions would be handled, the *verbal* reply was that it would work like it had always worked in the past. Smartly, for the workers, the representative did not bring up the cap.

When all was said and done, a contract was signed with the new retirement contribution amount in place. It's unknown how much back-and-forth took place during negotiations, but typically these can take months with many meetings and lots of offers and counteroffers. Details of a labor contract, no matter how small, can make a huge impact, which is why it's crucial to review everything with a fine-tooth comb. Often, when you've scanned a document dozens of times, you tend to gloss over key points and might miss something even when a change has been highlighted.

Once the company realized that the payment cap wasn't in place, they tried to have the contract voided. Naturally, the workers appealed. Consider the headache facing the company. They have paid people to negotiate and write the labor contract. Now, they will have to pay even more to have one single item settled in court. Even if the company prevails and gets the cap reinstated, they may lose in terms of employee morale.

In the end, the company lost and the contract was validated. The lesson here is that labor negotiators, no matter whether they're on the side of management or labor, need to pay close attention to every single minute aspect of a contract in order to avoid, or at least lessen, any future problems.

2:00 p.m. ET / 11:00 a.m. PT

The Americans with Disabilities Act (ADA) of 1990 is a wide-ranging civil rights law that is intended to protect against discrimination based on disability. In this informative webinar, hear from Unum Assistant Vice President and Senior Counsel, Ellen Donovan McCann, as she provides an introduction to the ADA and ADA Outsourcing. In particular, this webinar will focus on the following:

- The complex legal requirements of the ADA and Equal Employment Opportunity Commission (EEOC) enforcement priorities and settlements
- Essential employer best practices
- Tips on various administrative options that are available to employers to help them achieve compliance with the ADA and avoid time-consuming mistakes and costly penalties

Registration

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

About the Presenter

Ellen McCann, Assistant Vice President and Senior Counsel for Unum. Ms. McCann has worked for Unum Group for 18 years. She advises Unum's human resources departments on all employment-related legal issues, with particular emphasis on wage and hour compliance, leaves of absence, military leaves, restrictive covenants and employee relations issues. She also provides daily legal support to Unum's Leave Management Center, which provides leave administration services to its customers. Presently, Unum's leave administration product includes administration of more than 220 state leave laws in addition to FMLA and covers more than 1.4 million lives. She also provides legal support for Unum's Americans with

Disabilities Act (ADA) offering.

Certification

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

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