



UBA  
HR Elements

## Ideas and information for human resource professionals



### What's in a Name? How Unconscious Bias Affects Recruitment

Modern recruiters are trained to evaluate resumes for a potential match, screening for skills and accomplishments. The first words a recruiter sees are likely those at the top of the page...the candidate's name. While many of us would not knowingly use the gender or ethnicity of a candidate to make a hiring selection, research shows this is a prime area for unconscious bias to lurk. HR practitioners can take proactive steps to avoid unconscious discrimination based on a candidate's moniker.

[Unconscious bias](#) (also known as implicit bias) refers to *unconscious* forms of discrimination and stereotyping based on race, gender, sexuality, ethnicity, etc. This underlying prejudice may play a large role in how we let gender influence our candidate selections. For example, you may have grown up with a mother or aunt in the healthcare profession and instinctively think of nursing as a female profession. It may be hard to believe that you could come into the recruiting process with an unconscious bias that men are less suited for a career as a nurse based on a connection your brain made years ago between women and healthcare. But it is true and could affect how critical you are of a resume coming from a male candidate.

Believe it or not, there is a lot in a name. Implicit gender bias can affect us even in life and death situations. Hurricanes, for example, are identified using a [naming system](#) created by the World Meteorological Organization. A [University of Illinois study](#) suggested that hurricanes with female names cause nearly three times more deaths than hurricanes with masculine names. The study posits that people perceive female-named storms with less danger potential, based on the associations of women as being gentle. In turn, people with this unconscious association do not take proper precautions, resulting in a larger number of deaths.

It is worth your time to evaluate where you hold preconceived notions based on gender. Standout point – if you have a brain, you have unconscious bias. EVERYONE has unconscious bias. The part of your brain responsible for making quick decisions uses a thought process

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**In this edition:**

[Unconscious Bias in Recruitment](#)

[Pandemic Performance Reviews](#)

[Acronyms Explained](#)

[New Rituals at Work](#)



shortcut. Your unconscious draws from past connections to come to expedient conclusions, such as solving a simple math problem like 2+2. This is the same part of the brain that manages activities like reacting to facial expressions or, ahem, associating personal characteristics with occupational stereotypes. It is easy to see how screening resumes in a fast-paced environment could lead to drawing conclusions based on your unconscious bias.

Awareness is the first step. Step 2 involves taking action to balance the scales. One option: slow down. Trip up your natural tendency to speed through reviewing resumes, a task you have done before, so that you can use facts to evaluate. Another option: use a blind resume review process. Cover the name of candidates when evaluating resumes to remove the opportunity for your brain to jump in with an irrelevant connection. Many sophisticated applicant tracking systems include an option to view resumes in this format.

Find a mechanism that enables your recruitment team to be mindful as they look for top talent. After all, recruiting's product is a living, breathing, contributing part of your company's future. Treat it with care.

## Part 1: Pandemic Performance Reviews – Should They Stay or Should They Go?

After reading the headlines of the morning paper or skimming your online newsfeed, it is hard to deny that 2020 has been a year of dramatic change. From the coronavirus (COVID-19) outbreak to increased regulations around international travel and the uptick in children and parents learning and working from home, change is in the air. The business market has seen more than its fair share of fluctuations in response to the pandemic as well. And with that comes the challenge of continuing to support your employees' development in an environment that may feel unstable or even temporary.

Take performance reviews, for example. Word on the street is that many employers have chosen to postpone or even cancel review processes scheduled to take place over the last seven months. While it may be tempting to skip altogether, it is important to consider the message you are sending to your employees. This two-part series will explore some common reasons why employers have decided to halt performance reviews.

**“We are waiting until things go back to normal.”**

During the first few weeks of the pandemic in the United States, companies played the “wait and see” game, and for good reason. Today's leaders did not have experience dealing with this specific type of crisis and there was no rule book from which to draw. As a short-term strategy, many standard meetings and internal processes were put on hold so that companies could



address urgent issues. Company meetings, open job requisitions, and (you guessed it) performance reviews were postponed until things went back to normal.

Weeks have since turned to months. While some employers are still deferring the decision, the time has come to talk about how to handle the elephant in the room. How will you support [performance management](#) moving forward? There is simply no guarantee that work will ever go back to normal. Case in point – how often have you heard the phrase “new normal” mentioned lately? Additionally, and more than ever, motivated employees are still looking for feedback. They still want to know how they can grow and if there is a future for them at your company. If your company is waiting to provide developmental opportunities after things go back to normal, you may just be giving another message to your star employees that they are better off at another company.

### **“We don’t want to give more bad news.”**

Some companies may shy away from completing performance reviews because the messages they need to share are not good. That information could be macro — the company is not doing well or there will be limited year-end raise or bonus potential. The message could be more individualized — an employee’s performance has been subpar after repeated coaching conversations.

Are employees really in a state of mind to hear “more bad news?” The answer, surprisingly enough, is yes. Employees are likely aware that something is wrong, and in this case, their manager is adding insult to injury by avoiding the topic at hand. Refusing to address hard topics has a ripple effect as well. It affects the engagement and wellbeing of employees even in the good times. One of the signs of a good manager is the ability to be transparent and forthright even when times get tough. The *Forbes* article, “[How Great Leaders Deliver Bad News](#),” points out that when a manager is honest in sharing difficult news, people assume that they will be brave in other ways as well. Employees develop further trust in their manager knowing that he or she is not going to hide information. And trust is important when dealing with chaos.

Watch for Part 2 in next month’s HR Elements.

## **Acronym Overload: FSA & OTC Explained**

Medical insurance terminology can be confusing. Then the healthcare industry adds in a bunch of acronyms and your confusion can turn to frustration. Consumers may choose to click past these letter-heavy headlines. Employees may put on blinders during open enrollment instead of investigating further. The unfortunate outcome is that individuals may ignore opportunities that would result in savings on healthcare expenses. A quick review of two common terms, FSA and OTC, and the recently updated CARES Act will help you understand your options. Do not leave money on the table at year-end.



## **FSA: Flexible Spending Account**

What is it? An [FSA](#) is a healthcare savings account that allows the employee to deposit a portion of their paycheck tax-free into a savings account to pay for eligible healthcare expenses. A caveat of this offering is that all savings in an FSA must be used by the end of the plan year. (Some employers offer a grace period of up to 2.5 months.)

It is important to understand where the savings – that is, tax-free earnings – come into play. The example below shows the savings associated with paying for a qualified healthcare expense with, and without, an FSA.

Your salary: \$50,000

Example expense: \$50 copay for a doctor visit

Amount you need to earn to pay this expense:

- Without an FSA account: \$61 (this amount is taxed at a rate of 22% per 2020 individual tax bracket) to get the \$50 you need
- With an FSA account: \$50 (remember, you put this into your FSA tax free!)

Cha-ching! That is \$11 more in your pocket if you pay for this expense with your FSA account.

## **OTC: Over-the-Counter (medications)**

What is it? Over-the-counter drugs are generally available for purchase without a prescription. This type of medication is available without the recommendation of a healthcare professional.

Since 2011, OTC drugs were deemed FSA ineligible without a prescription from your doctor. The CARES Act recently repealed the requirement of a prescription retroactively as of January 1, 2020. This means that you can use your FSA funds to purchase items like cold and flu products without requiring a doctor visit. The recent [CARES Act](#) update also made feminine care products FSA eligible.

Check with your employer to learn more about the FSA options available to you. Do you have money in your FSA account to use before year end? Shop online at the [FSA Store](#) for eligible purchases.

## **Invite New Rituals into Your Workday**

If you put a magnifying glass up to the disruption at work caused by the coronavirus (COVID-19) pandemic, it is a change management issue at its core. And generally, [humans do not like change](#), especially when it comes as a surprise with little or no choice in the matter. We are creatures of habit and fear the unknown. As the saying goes, “better the devil you know than the devil you don’t know.” Last March, our work environments mutated quickly resulting in less face-to-face contact and connection whether you were an essential employee reporting for duty in person or you converted a corner of your bedroom into a makeshift home office.



We lost some of the comfort that accompanied our old daily patterns like happy hours with colleagues after a tough week, stopping by a friend's desk for a laugh on your way into the office or the all-company lunches that took place on Fridays in the summer. People often seek comfort through ritualistic events during times of change. Instead of trying to cram your old routines into a new work structure to create a sense of normalcy, try creating a new set of rituals to stay connected and engaged.

The [Cambridge dictionary](#) defines the word [ritual](#) as “a set of *fixed actions* and sometimes words *performed regularly*, especially as *part of a ceremony*.” While some hear the word and think of a religious rite, the term also describes regular actions you take or meaningful transitions in your day. For example, the small talk that takes place at the start of your weekly meeting. Rituals are happening in your work life whether you use this formal title or not. David Schonthal and Loran Nordgren, professors at the Kellogg School of Management, point out that it is important to acknowledge your old rituals are no more – a mourning, in essence – to allow the birth of new rituals.

What new rituals would help you with this transition? Maybe you mark the end of your workday from home by enjoying a cup of tea. This action signals that your workday has ended and symbolizes a change in the “hat” you are wearing at home. A simple ritual like this can be extremely helpful for those new to the virtual work environment who may have a difficult time demarcating when work ends, and their personal lives begin! Keep in mind – you can also use rituals to purposefully make a change. Is there an area of your day or [work habits](#) you are trying to evolve? What kind of ritual may help move the lever in a positive direction? Think of this as an invitation to look around for new ways to create balance and celebrate your team.

## EMPLOYER WEBINAR

### ***Group Health Plan Tasks Employers Should Complete by Plan Year-End and Open Enrollment Considerations***

**Tuesday, November 10, 2020 • 2:00 p.m. ET / 11:00 a.m. PT**

This webinar will provide employers with an overview of the essential group health plan tasks that should be completed by the end of the plan year and considerations for running a compliant open enrollment period. We will:

- Provide an overview of whether an employer's size during the year will require it to offer coverage in the subsequent year
- Describe the information an applicable large employer will need to collect to prepare for 1094/1095 reporting
- Describe what coverage will need to be reported on employees' W-2s



- Describe the HIPAA breach notification requirement, particularly the timing requirement for notifying HHS of breaches affecting fewer than 500 individuals
- Provide an overview of nondiscrimination testing (under Section 125 and Section 105(h), as applicable) that should be performed at the close of the plan year and again before the start of the plan year
- Describe how records should be kept and how records should be retained under ERISA
- Provide an overview of notices that employers should provide to employees during open enrollment, such as the Medicare creditable coverage disclosure
- Describe the requirements for electronic delivery of participant materials
- Explain the differences between making a change to the plan as part of open enrollment versus making a change to the plan mid-year
- Describe general updates that employers should make to plan documents and handbooks before the start of the plan year
- Describe open enrollment best practices

This 60-minute intermediate level webinar will help employers understand the tasks to complete as the group health plan year concludes and prepare for a successful open enrollment period for the subsequent plan year.

[Register here](#) for the webinar. The presentation will be posted on the [UBA Website](#) the afternoon before the webinar.

## **PRESENTER**

[Chelsea Deppert](#) is an associate in the Atlanta office of Fisher Phillips. She provides practical guidance to employers on the technical aspects of the Employee Retirement Income Security Act (ERISA) and other state and federal laws impacting the design, implementation and ongoing compliance of employee benefit plans and programs. She advises clients with respect to all aspects of employee benefits, including retirement plans, health and other welfare benefit plans.

## **Certification**

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