



UBA  
HR Elements

## Ideas and information for human resource professionals



### The Gratitude Ripple Effect



Positive psychology studies consistently show that [giving thanks](#) for the everyday parts of your life will contribute to greater happiness. Something as easy as writing in a gratitude journal daily or joining a 30-day gratitude challenge raises personal awareness of the positive in

your life. The observations may include things as simple as acknowledging a good piece of chocolate or giving thanks for a sunny afternoon. And research shows these simple acts work. You can bring these same principles and outcomes from home to the workplace. Offering and encouraging acts of gratitude at work can counteract some of the disconnection employees feel as they recover from a “COVID culture.” Furthermore, research shows that a simple thank you or acknowledgement of a job well done can significantly affect both parties involved: the receiver and the giver.

Receiving thanks benefits the receiver whether the appreciation arrives via verbal recognition, a physical note, or tangible reward. The receiver often feels satisfaction or a boost of confidence when someone else notices their work, which increases their sense of belonging. “The Employee Experience Index,” a report from IBM’s Smarter Workforce Institute and [Workhuman](#), showed a large employee experience rating gap between employees that received recognition for their performance (83%) and those who did not (38%). Additionally, research shows that the praise does not have to come from a boss alone; peer-to-peer recognition packs just as much power! Recognition from colleagues may even be more meaningful since this is who you partner with most often during office hours.

What may not be as obvious is that the giver also benefits from this positive transaction. For example, giving gratitude tends to lead to improved relationships. It not only improves the connection with a coworker during good times, it also opens doors for either party to relay concerns during more difficult situations down the road and deal with adversity. The benefits have a ripple effect. Colleagues are more likely to partner with individuals when they already have a relationship with that person. Additionally, noticing the good in others leads to more

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positive feelings about the world around you. Recognizing others increases your connection with colleagues and encourages a feedback culture at work led by your example.

There are times when we hesitate from giving thanks to others. Maybe you are concerned the receiver will be embarrassed or talk yourself out of sharing because you question how much your opinion matters. Professor [Robert Emmons](#), author of *The Psychology of Gratitude* summed up these preconceived notions succinctly, “studies show that we’re likely to undervalue gratitude, underestimate its positive effect on others, and overestimate the awkwardness the recipients would feel.” So, stop overthinking and share your gratitude with your colleagues so you can both increase your happiness at work. Make gratitude a way of life rather than a special occasion.

## FMLA Manager Refresher

Managers have a slew of responsibilities related to supervising employee productivity and



overseeing business operations. But it doesn’t stop there. Managers are also tasked with being knowledgeable in a handful of policies and procedures to support their employees. For example, a manager without basic knowledge of the Family and Medical Leave Act (FMLA) may unknowingly provide inaccurate information to employees. It is easier than you think to make a mistake like this when dealing with a complicated policy. If managers know the basics of FMLA interpretation at

their organization, they are better prepared to support employees and involve Human Resources at the right time. Identifying the answers to these questions will set the groundwork for a manager FMLA primer.

### What is FMLA?

On a broad level, FMLA offers employees meeting specific family and medical reasons up to 12 weeks of leave with job protection and continued access to healthcare within a 12-month period. “Job protection” means eligible employees are guaranteed to return to their same job or a similar role after their leave. This point is key as employees may not realize why FMLA is important to job security.

### Are our employees covered under FMLA?

This question speaks to the fact that not all FMLA plans or policies are created equally. The Department of Labor offers guidelines to determine employer and employee eligibility for the federal program [on its website](#). Requirements include conditions such as number of employees within a geographic area, hours worked for the employer, and qualifying conditions such as birth of a child or caring for a sick family member. Some employers who do not meet the criteria may implement a policy to support an “employee-first” culture.

Since coverage may vary by employee and FMLA notification guidelines are strict, it is important to notify HR if an employee is taking time off that may be considered FMLA-eligible. FMLA leave cannot be backdated so it is better to be safe than sorry!



## Are our employees paid while on FMLA?

This is where it gets complicated! The federal program is unpaid. However, some states or districts have implemented paid family and medical leave programs with varying rules and time periods. As of February 2021, this included California, New Jersey, Rhode Island, New York, Washington, the District of Columbia, and Massachusetts.

Workers in states that do not have paid FMLA leave may often use other types of paid time off during their protected leave. For example, workers may be able to apply for short-term disability or use sick or vacation time, if available, to supplement their income during this time.

The Department of Labor continues to expand the FMLA policy; most recently, it was amended with the Families First Coronavirus Response Act (FFCRA) to grant emergency FMLA leave for family members impacted by the coronavirus (COVID-19). A manager educated in FMLA basics is more prepared to support the many needs of employees both in and out of the office. In addition, ongoing FMLA manager training helps the company stay in compliance with federal mandates.

## Dealing with the Unknown: Return-to-Office Anxiety



The first day returning to the office after a 14-month hiatus may feel like the first day of school. You don a new outfit (your sweats don't seem office appropriate!), grab your packed lunch (not sure what restaurants will be open), and jump in your car early to make that 8:30 a.m. meeting in the office. Under the surface of your well-prepared appearance, you are a [jumble of nerves](#). You have had a hard time sleeping since the company announced that the office was reopening. Your heart beats fast when you think about this change. You try to brush off these thoughts, but they sneak back into your worry queue at the most inopportune times. The feelings are real! A Harvard Business School study reported that 80% of remote workers don't want to return to the office full time. Human Resource practitioners and [managers should prepare](#) for a range of employee feelings about returning to the office. Encouraging open dialogue and flexibility will support a successful transition.

Management will observe a variety of responses to a call for employees to return to the workplace: excitement, fear, stress, and anticipation. For example, new employees who have not met colleagues face-to-face may be enthusiastic about "starting over" in person. Relationships are essential to career development and those new to the organization may be looking to cement them in person. On the other hand, many individuals learned they preferred a virtual work environment. Reasons for this home-based preference include more flexibility, increased time with family and friends, and a higher degree of concentration without office interruptions.

The first thing leaders in the workplace can do is encourage dialogue with employees about this change. These may be tough and somewhat uncomfortable conversations for employees to initiate. "No news is good news" is not an appropriate mantra for this transition. Avoiding this



topic with your direct reports is an invitation for them to seek counsel elsewhere. Instead, ask employees what is on their minds. The coronavirus pandemic is a unique scenario for all, and managers would be wise to listen to questions and concerns. A good manager will advocate for employees and be reasonable when asked for manageable exceptions.

Furthermore, it is important to understand your company's stance on returning to the office. Many companies have changed policies in response to the past year. For example, some companies are offering full time remote work as a permanent option moving forward, an exciting proposition for employees who found this arrangement simpatico with their lifestyle. On the other extreme, some organizations are taking a hard stance, requiring all employees to return to work full time in the office. Regardless of your company's position, be prepared to share information about safety protocols.

There is no doubt that change is hard – even welcome changes that may bring employees closer to the normalcy of years past. Remember that you may feel differently than your staff. Be patient with them as they process dealing with another change in a seemingly endless stream of unknowns.

## PTO: To Infinity and Beyond



Critics of unlimited paid time off (PTO) policies often believe this flexible approach will create havoc across the company; employees will take advantage of this generous benefit and it will be difficult to get work completed as a result. The research suggests otherwise. The [results of a study](#) conducted by Namely showed employees with discretionary vacation end up taking less time on average than those with a traditional policy. This hesitancy may be a biproduct of the uncertainty around what is a “fair” number of days to take without seeming overzealous. Or the low usage may stem from time off being less valued in an “always on” culture where you are expected to respond quickly and jump on client calls no matter the day of the week. In short, employees tend to not be the ones upsetting the vacation apple cart. [Companies considering a change](#) to this unlimited approach should look at two key resources to determine if they are prepared to support a change of this caliber: the time off policy and employee performance goals.

An “unlimited” PTO benefit works best when guidelines, instructions and restrictions are in place ahead of time. As a best practice, companies should outline details of the policy in writing. A well-defined policy will include details such as coordination of benefits between related policies, including short-term and long-term disability. It will also include instructions on what criteria must be met for an employee's time off request to be approved. Will requests be denied if multiple employees ask for time off on the same day as a client event or deliverable? How much advance notice is needed for time off requests to be considered? And most important, what specific performance targets must be met?

An unlimited PTO policy can run amok if employees do not have clear performance goals tied to meaningful metrics. While a policy lays out the black and white criteria, a good manager is needed to interpret the gray areas. Managers must work with their direct reports to set meaningful and



realistic goals at the beginning of the year. Since strong performance is central to this type of paid time off, leaders must be adept at having tough conversations with individuals whose performance is slacking. Goals with a quantitative metric may be easier to evaluate when considering time off requests since there is less subjectivity. As a result, certain cultures and environments may be a better match for a policy that is strongly influenced by goal attainment.

An unlimited time off benefit can be a flashy incentive when recruiting new employees. However, the benefit must be supported by a thoughtful policy and meaningful performance objectives to be successful. Additionally, companies can be proactive in their messaging around the value of time off since it is well known that non-prescriptive vacation benefits are underutilized. Employees may be more inclined to take a day or week off if they see that their company understands the need to step away from work.

## Employer Webinar

### ***Legal Considerations in Safely Returning to Work***

**Tuesday, July 13, 2021 • 2:00 p.m. Eastern**

The COVID-19 pandemic has resulted in workplace closures for over a year. Due to the increase in vaccinations and declining infection rates, many states are lifting stay-at-home and business closure mandates so that the country can return to business as usual. To assist employers in office re-opening, this webinar will address the following issues:

- The importance of complying with EEOC requirements in connection with mandating workforce vaccinations and proof of vaccinations.
- Compliance with OSHA guidance in maintaining a safe workforce upon office re-opening.
- The role of state and local law in implementing a return-to-work strategy.
- Reconfiguring the office layout to promote safety, requiring masks, sanitation and other practical issues.
- Employer liability for workplace COVID-19 exposure

This 60-minute webinar will help employers understand office re-opening issues post-COVID.

### **Registration**

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

### **Presenter**

[Micah Dickie](#) is a litigator in Fisher Phillips' Atlanta office. As a member of the firm's Workplace Safety and Catastrophe Management Practice Group, Micah represents clients during safety and health inspections by the Occupational Safety and Health Administration (OSHA) and defends them during contested OSHA matters. As part of the firm's COVID-19 Taskforce and Vaccine Subcommittee, Micah advises employers on the many workplace law aspects of COVID-19.



## 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.