2022 tHRive HR Fundamentals Cohort | Workshop #1 | The Basics

Thursday, June 2nd

Prepared by:
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People Practices for NonProfits

tHRive Team

Christie Cawley is a Senior Partner, Executive Consultant, Certified Coach & Master Trainer at Center for Victory, a global talent management consulting firm and is also the President of CCK Consulting LLC/tHRive-People Practices for Nonprofits (www.thriveHR.work). Additionally, Christie has a BA, Applied Psychology, is an active member of the Society of Human Resource Management (SHRM), International Coach Federation (ICF), a Certified Master Trainer with Predictive Index Worldwide, Inc. and a member of Vistage Trusted Advisors.

With more than 25 years of professional experience, Christie specializes in leadership development, talent management and business performance using science and the Predictive Index suite of tools to help clients overcome their most challenging human capital and hiring dilemmas. Christie has extensive experience a human resources leader, non-profit executive, executive coach and business consultant, and supports organizations through significant change implementation and coaches for successful execution and sustainability.

Non-Profit Experience: ACTION Housing Inc., AIR, Allegheny Conference, Allegheny Health Choices Inc, Carriage House Inc., Center for Theater Arts, Center for Women, Children's Hospital of Pittsburgh, Construction Junction Inc., CISPAC-Communities In Schools Pittsburgh Allegheny County, DePaul School for Hearing & Speech, Easterseals of Michigan, Family House Inc., Family Means (Wisconsin), Global Links, Hillman Family Foundations, Humane Animal Rescue, Juniata College, Methodist Church Union, NAMI Keystone, National Council of Jewish Women, Pittsburgh (NCJW), P3R, Peoples Oakland, PRC- Pennsylvania Resources Council, Regional Housing Legal Services, The Forbes Funds, Trying Together (formerly PAEYC), University of Pittsburgh (Department of Athletics & Student Life), YMCA Central Virginia, YMCA Greater Dayton Area, and YMCA Greater Pittsburgh.

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Joel Skerlong currently serves as a Project Administrator for tHRive and CCK Consulting LLC and also operates a remote consulting practice for Talent Management Agencies within New York City. Joel specializes in analyzing the components of business strategy, implementing value additive procedures within people operations practices, and developing/driving performance management initiatives. Joel recently obtained his certification as a PI Practitioner for the Predictive Index Worldwide, Inc.

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Workshop #1
The Basics | Agenda

I.   Creating a Fair & Inclusive Work Environment

II.   Policy Review | EEOC, FLSA, & ADA

III.   Patterns of Perceptions

IV.   Key Employment Regulations

V.   Scenario Application

# Creating a Fair & Inclusive Work Environment

Creating a Fair & Inclusive Work Environment

- **If laws did not exist and your goal was to create an equitable workplace, which guidelines/rules would you implement?**

- **What's the rationale for the guidelines/rules that are put in place today?**

Discussion

Policy Review | EEOC, FLSA, & ADA

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POLLING #1
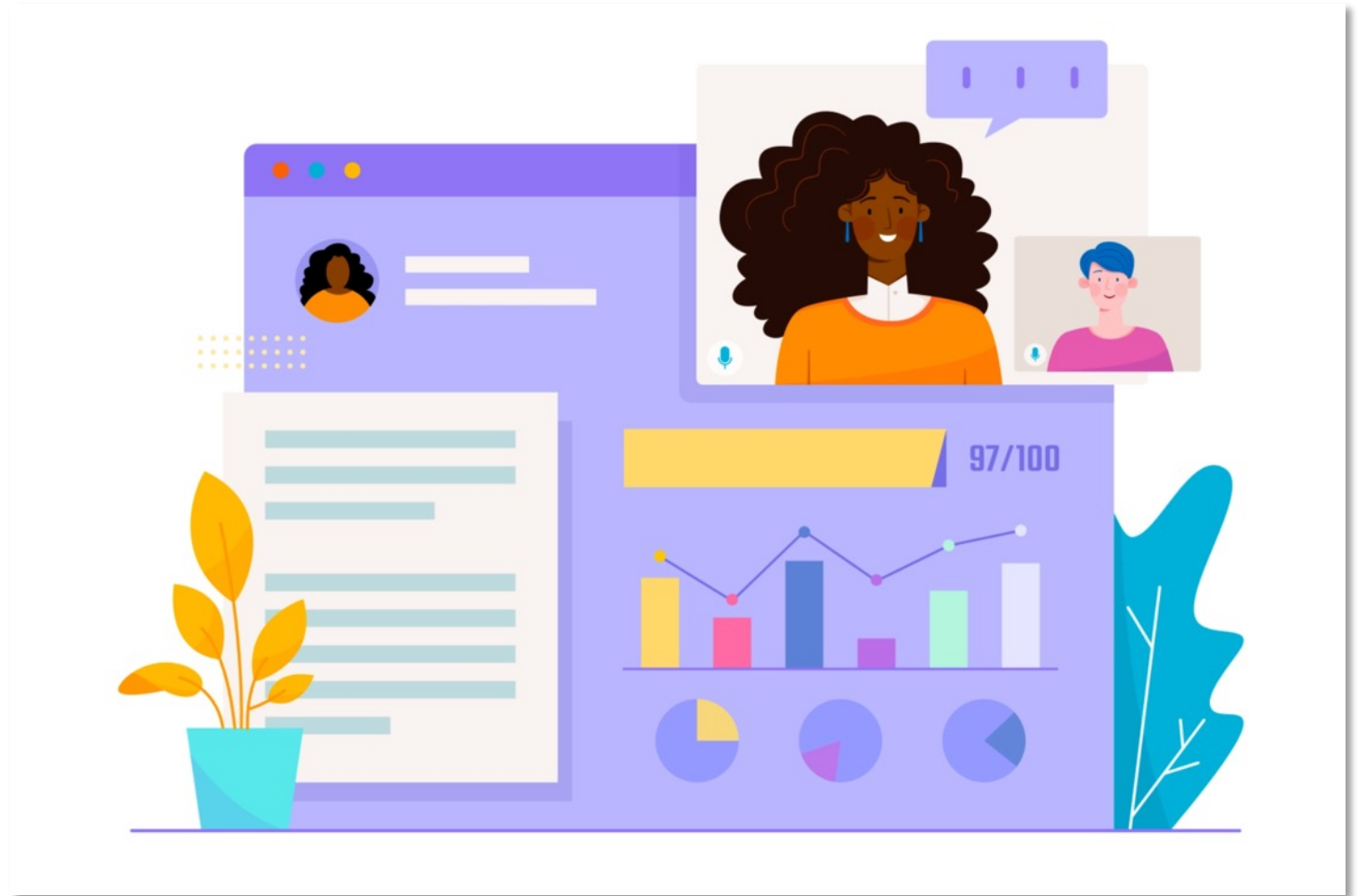
4 Questions to Consider During Policy Review

- **How would you consider this regulation during the hiring process?**

- **How does this regulation impact employee relations?**

- **How does this policy influence employee performance and progressive discipline?**

- **How do the policies allow us to strengthen our organization?**

Anti-Harassment & Anti-Discrimination

Harassment

- Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Discrimination

- The differential treatment of an individual or group of people based on their race, color, national origin, religion, sex (including pregnancy and gender identity), age, marital and parental status, disability, sexual orientation, or genetic information.

Source Material: EEOC

Policy Review | EEOC, FLSA, & ADA

EEOC

- The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information.

- Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered.

- The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

Policy Review | EEOC, FLSA, & ADA

FLSA

- Fair Labor Standards Act (FLSA), also called the Wage and Hour Law, regulates working hours, overtime, wages, equal pay, record keeping, and child labor. It also provides for recovery of wages and assessment of penalties for violations. The Organization complies with all applicable provisions of the FSLA including wage and overtime.

- Employees may be categorized according to whether they are exempt from the requirement of being paid overtime under the Fair Labor Standards Act.

- Exempt Employees: Employees who are exempt by law from the requirement of being paid time and one half pay for work beyond forty hours in a work week in accordance with the Fair Labor Standards Act. Exempt employees meet two requirements: (1) they perform duties which classify them as exempt under the Fair Labor Standards Act, and (2) they are paid on a salary basis (minimum of $684/week or *$35,568/annual). If you are exempt employee, you will be advised that you are in this classification at the time you are hired, transferred or promoted.

- Non-Exempt Employees: Employees who are paid for work beyond forty hours in a work week at the rate of one- and one-half times the hourly rate.

*Watch for PA adjustment in October 2022 – DOL PA

Policy Review | EEOC, FLSA, & ADA

ADA

- **The Americans with Disabilities Act (ADA)** became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Titles

- Employment
- State & Local Government
- Public Accommodations
- Telecommunications
- Miscellaneous Provisions

**ADA | Reasonable Accommodations in the Workplace**

Patterns of Perception

Patterns of Perception

- **Defining & Establishing your organization's Code of Conduct**

- **The majority of violations begin with a pattern of behavior.**

- **What are the typical problematic communication patterns that you've recognized in the past?**

  - *What do these communication patterns sound like?*

  - *What is the best way to handle a problematic situation before the issue escalates?*

  - *How is fairness & equity applied to resolving each situation?*
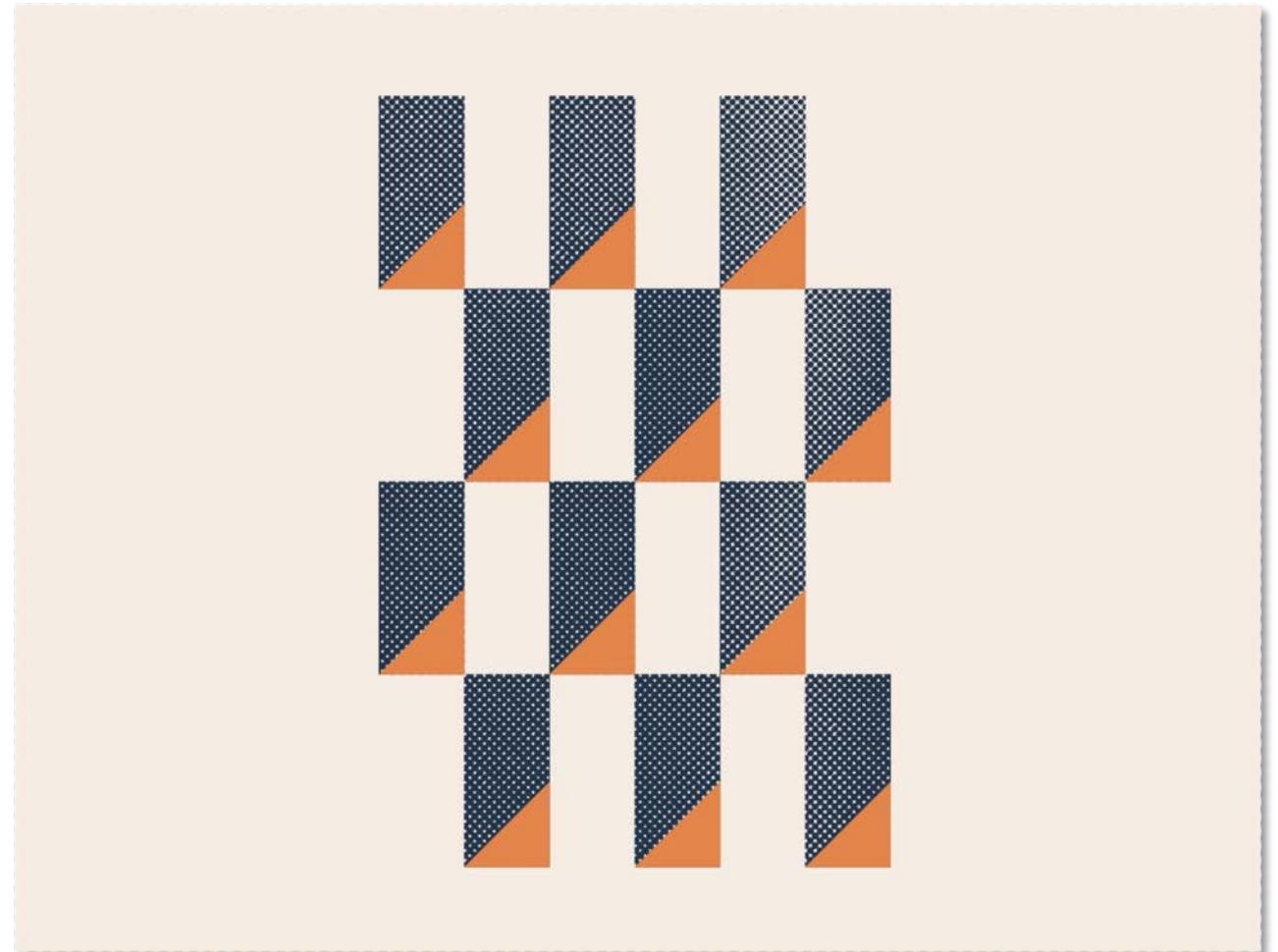
Microaggressions

- In the workplace, racism most often manifests itself through microaggressions, which are defined as indirect, subtle or even unintentional acts of discrimination against members of a marginalized group. They may take the form of stereotyping, "othering" or avoidance.

- What are some examples of microaggression that you've encountered?

- "Microaggression is the modern form of racism," said Jonathan Kanter, director of the Center for the Science of Connection in Seattle. "To reduce racism, we need to decrease microaggression."

Discussion: How do we as a leadership team recognize when behavior can be perceived and/or may be an intended microaggression? Are we clear with our process of identifying and more importantly, addressing this in a pro-active, educational manner?

END RACISM NOW

XENOPHOBIA

Taking Steps to Eliminate Racism in the Workplace

By Arlene Hirsch
October 22, 2018

There's a disturbing paradox in the American workplace. As organizations look to reap the benefits of a diverse, multicultural and inclusive workforce, the countervailing force of racism often undermines that effort, creating challenges that HR often is responsible for overcoming.

Binna Kandola, a British business psychologist and author of *Racism at Work: The Danger of Indifference* (Pearn Kandola Publishing, 2018) likens racism to a virus that lingers in organizations because people have internalized racist stereotypes.

"Unless we are prepared to have a discussion about the impact of stereotypes and how they affect decisions that are made within organizations, we are not going to make any more progress toward eradicating racism," Kandola said.

In the workplace, racism most often manifests itself through microaggressions, which are defined as indirect, subtle or even unintentional acts of discrimination against members of a marginalized group. They may take the form of stereotyping, "othering" or avoidance.

"Microaggression is the modern form of racism," said Jonathan Kanter, director of the Center for the Science of Connection in Seattle. "To reduce racism, we need to decrease microaggression."

Seemingly innocuous questions or comments, such as asking black individuals where they are from or complimenting U.S.-born Latinos on how well they speak English, are considered microaggressions.

"It's the surprise factor that makes these comments microaggressions," Kanter said. "They reveal stereotypical assumptions that [minorities] must be from some other country or may not be well-educated."

Often, an event that generates negative publicity is a signal to an organization that it has a racism problem. Starbucks faced its own public relations nightmare when two black patrons were videotaped being arrested at a store in Philadelphia, ostensibly for trespassing. Their only "crime" was sitting at a table without making a purchase while waiting for a friend.

Racial Bias Training Solutions

For Starbucks, training was part of its immediate response to the PR crisis. Within days of the incident, Starbucks announced its decision to close all of its stores for a one-day racial bias training program (www.shrm.org/ResourcesAndTools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/experts-weigh-in-on-starbucks-racial-bias-training.aspx). The program was designed to create awareness of unconscious biases, foster empathy and build social connections. It used a seven-minute video titled "The Story of Access (http://www.youtube.com/watch?v=IghpTEp_Vpl)" that featured first-person accounts, primarily of black individuals, describing the emotional and psychological toll of dealing with racism on a daily basis. After they watched the video, managers and employees talked as a group about their experiences with racism and theories about race relations.

https://www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/taking-steps-to-eliminate-racism-in...   1/4

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Key Employment Regulations

Key Employment Regulations

HR Regulation	Eligibility Based on Head Count	Notes
ERISA (Employee Retirement Income Security Act of 1974)	All	• Department of Labor - Federal law that sets minimum standards for most voluntarily established retirement and health plans in private industry to provide protection for individuals in these plans
Equal Pay Act of 1963	All	• The Equal Pay Act of 1963 is an amendment to the Fair Labor Standards Act which prohibits employers from discriminating between men and women by paying one gender more than the other "for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions."
FLSA (Fair Labor Standards Act)	All	• Last updated January 2020 - covers federal Minimum Wage, Overtime Eligibility. Administered by Department of Labor
HIPAA (Health Insurance Portability and Accountability Act)	All	• Health Information Privacy Administered by HHS (Health and Human Services)
OSHA (Occupational Safety and Health Administration)	All	• Administered by Department of Labor. OSHA's mission is to ensure that employees work in a safe and healthful environment by setting and enforcing standards…
Allegheny County Human Relations Commission	All	• The HRC was established in order to assure that all persons regardless of race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, sexual orientation, disability, marital status, familial status, age or use of a guide or support animal because of blindness, deafness or physical disability enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and use of public accommodation facilities.
ADA (Americans with Disabilities Act)	15+	• The Attorney General has responsibility for publishing regulations implementing the requirements of title II (state and local government services) and title III (public accommodations and commercial facilities) of the ADA.
Pregnancy Discrimination	15+	• Administered by Equal Employment Opportunity Commission (EEOC)
FMLA (Family Medical Leave Act)	50+	• Administered by Department of Labor
Affordable Care	50+	• The employer shared responsibility provisions (also known as "pay or play") require applicable large employers ("ALEs")—generally those with at least 50 full-time employees, including full-time equivalent employees—to offer affordable health insurance that provides a minimum level of coverage to full-time employees (and their dependents) or pay a penalty tax if any full-time employee is certified to receive a premium tax credit for purchasing individual coverage on the Health Insurance Marketplace (Exchange).
EEOC	50+	• Anti-Discrimination, administered by Equal Employment Opportunity Commission. EEO-1 Reporting Requirements
FFCRA	Under 500	• The Families First Coronavirus Response Act (FFCRA) provides temporary relief to eligible employees affected by the COVID-19 pandemic, contains two laws that provide such relief: (1) a new paid sick leave benefit (Emergency Paid Sick Leave Act or EPSLA), and (2) an expansion of the Family and Medical Leave Act (FMLA)

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Workplace Posters

The CROWN ACT

- **In October 2020, both Allegheny County, Pennsylvania and the City of Pittsburgh passed Creating a Respectful and Open Workplace for Natural Hair (CROWN) Acts, which prohibit discrimination based on hairstyle and "protective and cultural hair textures and hairstyles" (i.e., those that are commonly associated with certain groups that are afforded the protections under existing anti-discrimination laws).**

The CROWN Act

Scenario Application

Scenario Application

- A Manager has been employed by the organization for ~1 Year and her exemplary work performance is recognized/admired.

- The Executive Director receives an anonymous, confidential note/e-mail from another employee that states the Manager is intimidating and bullying that individual.
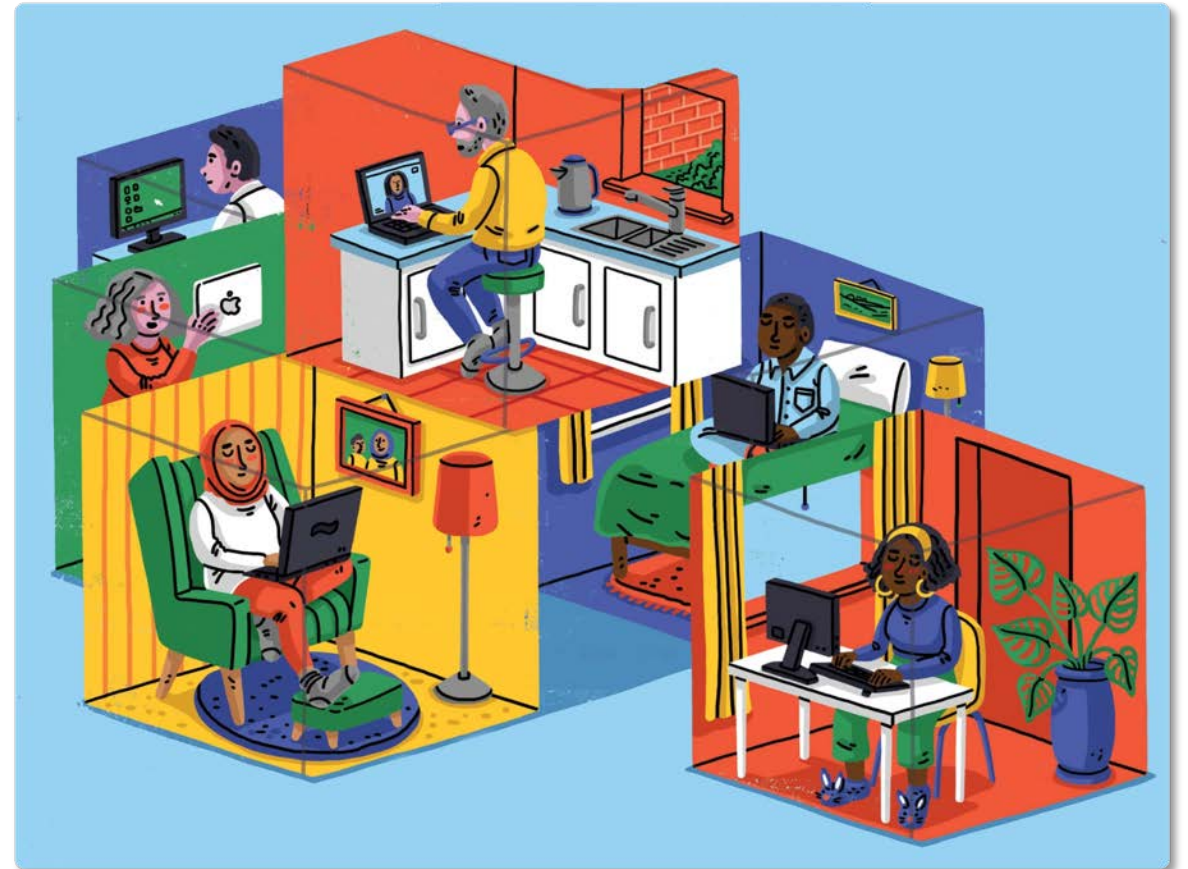
Scenario Application

- *Initial Inquiry Questions Arise*
  - **What do I do?**
  - **Where do I begin?**
  - **What am I looking to understand?**
  - **Do I have all the information?**
- *Identifying Who, What, Where, When, & Why*
- *Which category does this behavior pattern match?*
  - **Legal Consequences?**
    - *Harassment?*
    - *Discrimination?*
  - **Policy Consequences?**
    - *Code of Conduct?*
    - *Bullying?*
- *Where does our organization have the opportunity to elevate our values & practices while addressing/handling this situation?*
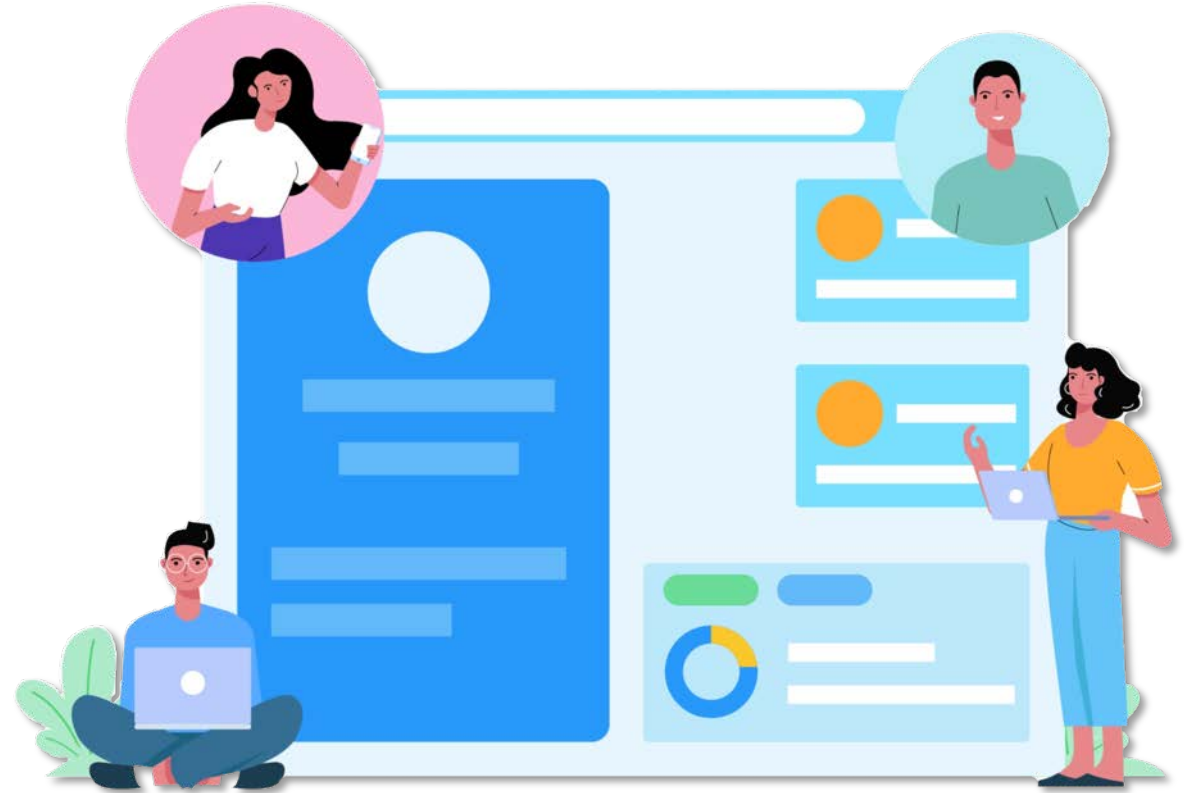
Workshop #2 | The Basics | Pre-Work

- **Review your organization's Employee Handbook &/or Policies**
  - *tHRive Employee Handbook distributed at the conclusion of Workshop #2*

- **Review tHRive Employee Handbook Assessment**

Q&A / Next Steps