

# The Chamber of Commerce of Eastern Connecticut Human Resources Council

Issue 1, Volume 1, Fall 2009

Quarterly Newsletter

## What is the Human Resources Council?

The Human Resources Council assists the Chamber in organizing activities with related topics of interest to Chamber members.

The council's goals include networking, education through workshops, seminars and webinars and disbursement of information regarding labor law and other HR regulations and information.

## Council Members

### Patricia Banker

Sound Medical Associates

### Maria Fisher-Proulx

Future Directives LLC

### Michelle Landry

L&M Hospital

### Jessica Linicus

University of New Haven

### Michele Newman

SkillMaster

### Jim O'Shea

Achievement Unlimited of CT

### Parker Elmore

Primoris Benefit Advisors Inc.

### Meredith Diette

Siegel, O'Connor, O'Donnell and Beck, P.C.

### Sheri Cote

Chamber of Commerce

## Webinar Track

**Hiring Do's and Don'ts**  
December 17, 2009

**Employee Handbooks 101**  
January 28, 2010

**The Performance Review**  
February 25, 2010

**How to Handle Employee Separation**  
March 25, 2010

## Coaching: A Recipe to Maximize Performance

by Jim O'Shea

Most performance management systems lack or are light on the most important ingredient required to get the full potential people have to offer: Coaching.

While most of us are familiar with and have experienced "coaches" in the context of sports, fewer have experienced skilled coaching in a work context. Part of that is because we develop managers, not coaches. We emphasize technical skills and knowledge over what is commonly referred to as "soft skills:" communication, interpersonal, and leadership skills.

Effective coaching requires three ingredients:

1. Understanding the coaching process: Coaching is about leading people to answers rather than telling them answers. It's about leading people to accept responsibility and take ownership of their own results. By asking questions and facilitating dialogue about performance, a coach explores with employees what they are doing well, what they could be doing better, and how they are progressing on their goals.
2. Setting measurable goals: Coaching is a more forward-looking process than the traditional performance evaluation. It relies on setting measurable goals and tracking progress towards those goals. Goals should include both results-oriented organizational goals and employee development goals.
3. Consistent follow up: Regularly scheduled, follow-up sessions allow managers to make timely course corrections if employees get off track. They provide managers the opportunity to support employees towards the achievement of their goals, and to hold them accountable for results. The most glaring drawback of traditional performance reviews is that they typically occur just once a year, sometimes every 6 months. Such infrequent assessments of performance hold little developmental value compared to monthly or twice-monthly coaching. Six or twelve months is also far too long to wait to measure progress, provide feedback, make adjustments to goals, and address any significant performance issues.

Because coaching requires skill, many organizations bring in experienced coaches to work with key managers. This coaching can, in turn, help those managers develop their own coaching skills so they are better equipped to coach employees.

*Jim O'Shea is an organizational development specialist, business coach, facilitator, and consultant with more than 25 years of experience in business. His firm, Achievement Unlimited of CT, specializes in helping individuals and organizations achieve their goals using development processes tailored to the specific needs of clients.*

# The Chamber of Commerce of Eastern Connecticut Human Resources Council

Issue 1, Volume 1, Fall 2009

Quarterly Newsletter

## Title VII Protects Employee Interviewed In Internal Sexual Harassment Investigation by Meredith G. Diette, Esq.

Earlier this year, in Crawford v. Metro. Govt. of Nashville, 129 S.Ct. 846, the U.S. Supreme Court held that Title VII's prohibition against retaliation protects employees who participate in internal workplace harassment investigations.

In Crawford, an employer investigated allegations of sexual harassment. During the investigation, the employer interviewed several employees, including Ms. Crawford. As a result of the investigation, the employer substantiated the harassment allegations but issued no discipline. Approximately one year later, the employer terminated Ms. Crawford for misconduct. Ms. Crawford sued under Title VII, which applies to employers with 15 or more employees, claiming that her employer terminated her in retaliation for statements she gave during the sexual harassment investigation.

In court, the employer argued that Title VII's "opposition" clause requires active opposition to unlawful conduct and that participating in interviews during an internal harassment investigation did not trigger Title VII's protection.

The Supreme Court disagreed and found that Title VII covered Ms. Crawford's claims. The Court explained that "when an employee communicates to her employer a belief that the employer has engaged in ... a form of employment discrimination, that communication virtually always constitutes the employee's opposition to the activity."

This decision reminds employers that employees who complain about harassment must be protected against retaliation and not just the underlying harassment.

*Meredith G. Diette, a lawyer with Siegel, O'Connor, O'Donnell & Beck, P.C., represents employers and management in labor and employment law matters.*

## Avoiding Holiday Party Hangovers, Legally Speaking by Ashley E. Baron, Esq.

Ah, the holidays. A time for joy, happiness and employee legal troubles. If that last item is not on your list of desired gifts, the information below will help you prevent your workplace-sponsored holiday party from becoming a liability. So before you declare "What happens at the holiday party stays at the holiday party," below are highlights of some legal issues you should be aware of.

1. Do not insist on having a "Christmas" party. Naming your company party after a holiday only recognized by one religious group creates a surefire way to show your lack of sensitivity and get slapped with a religious discrimination complaint.
2. Ensure invitations include everyone. Inviting employees to bring "husbands and wives" to your party raises several potential discrimination issues. First, you alienate single employees. Second, your homosexual, bisexual and/or transgender employees may feel excluded or discriminated against. If your intention is to allow employees to bring a "plus-one", simply inform employees that they may bring a "guest" or "significant other."
3. Pay employees for party planning time. If members of your staff work evenings or weekends to plan the party, you must pay them for their time doing so. That these employees "volunteered" or that arranging the holiday party "is not really work" will not suffice as a defense. To avoid the issue entirely, instruct the party-planning employees to do so during the regular workday only.
4. Use caution when calling the party "voluntary." If you hold your company party outside of working hours and do not pay employees to attend, be sure your employees understand that attendance is entirely voluntary and will not affect standing in the company. Legally, even if you do not specifically require attendance, you must pay employees, regular or overtime, if they *feel* required to attend the party due to pressure from supervisors or other circumstances making attendance seem mandatory. Some companies avoid this legal pitfall by holding parties during working hours.

CONTINUE READING ON THE NEXT PAGE

# The Chamber of Commerce of Eastern Connecticut Human Resources Council

Issue 1, Volume 1, Fall 2009

Quarterly Newsletter

## Avoiding Holiday Party Hangovers, Legally Speaking (continued)

5. Know the implications of alcohol. Serving alcohol at the party, while not illegal, certainly spikes the risk of liabilities. Several before-party considerations can lessen this liability. Send a memo to employees before the event reminding them about the dangers of drinking and driving and the ban on drinking for persons under 21. Provide a cash bar or a daytime/lunch event which tends to reduce the number of drinks employees consume. When offering an open bar, serve only beer and wine to reduce drunkenness and remind servers to limit or cut off anyone they feel has had too much to drink. Offer taxi rides home to visibly inebriated employees. Remember that if an employee gets drunk at your company party and gets into an accident while driving, you may be liable to any injured third party.

7. Avoid Sexual Harassment Issues. In actuality, the majority of issues created as a result of company holiday parties arise as sexual harassment complaints. Whether it was Jim from accounting who became too touchy after his third martini or Peggy from IT announcing the sexy gift she bought her husband this year, employees need to be reminded that if their conduct would be inappropriate at work, it is also unacceptable at the holiday party. Inviting significant others or clients to the party may encourage employees to remain on their best behavior. Be certain to immediately confront any employee acting inappropriately. Most importantly, remember that any complaints of sexual harassment or otherwise made at or after the holiday party must be investigated promptly using the same procedures for complaints arising during a regular work day.

A good rule of thumb when approaching workplace holiday parties suggests that, although a party all of your company's rules and policies still apply. Ensuring that this rule remains clear to your employees will greatly increase your ability to enjoy your holiday party without incident. Season's greetings!

*Ashley E. Baron is an associate with the law firm of Siegel, O'Connor, O'Donnell & Beck, P.C. focusing on labor and employment matters.*

## EEOC Issues Enforcement Guidance on Several Significant Topics

by Meredith G. Diette, Esq.

During the past year, the EEOC continued its practice of issuing enforcement guidances regarding the laws the agency is charged with enforcing. Below is a list of each guidance and the internet address. While these documents only provide guidance, they are helpful in knowing what the EEOC expects from employers affected by the relevant information. In fact, these guidances set forth the EEOC's position regarding each subject legislation.

1. Employer Best Practices for Workers with Caregiving Responsibilities can be found at [eoc.gov/policy/docs/caregiver-best-practices.html](http://eoc.gov/policy/docs/caregiver-best-practices.html)
2. Understanding Waivers of Discrimination Claims in Employee Severance Agreements can be found at [eoc.gov/policy/docs/qanda\\_severance-agreements.html](http://eoc.gov/policy/docs/qanda_severance-agreements.html)
3. Pandemic Preparedness in the Workplace and the Americans with Disabilities Act can be found at [www.eoc.gov/facts/pandemic\\_flu.html](http://www.eoc.gov/facts/pandemic_flu.html)
4. Questions and Answers on the Notice of Proposed Rulemaking for the ADA Amendments Act of 2008 can be found at [www.eoc.gov/policy/docs/qanda\\_adaaa\\_nprm.html](http://www.eoc.gov/policy/docs/qanda_adaaa_nprm.html)

Employers and human resource professionals should check the EEOC's website regularly for information and updates regarding employment laws and significant court decisions. Moreover, the U.S. Department of Labor provides a website with helpful information and resources.

*The contents of this newsletter are neither intended as individual advice nor offered as a general solution to all apparently similar individual problems. Readers are cautioned not to attempt to solve their individual problems solely on the basis of this information.*