

Human Resource Executive®

Signs
of

the
Time

Employee activism
is on the rise. How can
HR leaders be ready
if a protest hits their
organization?

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Human Resource Executive®

June 2019

COVER STORY

Signs of the Time

BY WILL BUNCH

A rising tide of employee activism in the American workplace burst into the public's consciousness last fall, when 20,000 Google employees walked off their jobs to protest the handling of sexual-harassment allegations at the tech giant—and Google is now far from being an outlier. Industry trend watchers say HR executives who choose to downplay or ignore the surge in employee activism do so at their own peril. Page 14

HR Tech

What's Coming Up at HR Tech? 18

BY STEVE BOESE

The co-chair of the HR Technology Conference & Exposition® unveils highlights of the agenda for the 2019 conference, which will take place Oct. 1 through Oct. 4 in Las Vegas. Also in this section, members of *HRE* and HR Tech's inaugural Top Tech Influencers weigh in on how technology will transform the workplace, while columnist Josh Bersin explores economic trends impacting HR and Jason Averbook offers advice on creating a digital-HR strategy.

Health & Benefits Finding Purpose—and Business Success 23

BY JEN COLLETTA AND DAVID SHADOVITZ

At the April Health & Benefits Leadership Conference, keynote speaker Vic Strecher shared his journey from pain to purpose—a lesson he said illuminated the potential of purpose-driven employees. Also in this section, find out what American Benefits Council President James Klein sees as the most significant legislative developments that could impact employers.

Rising Stars Innovating for the Future 30

BY HRE STAFF

Each year, *HRE* names up to five Rising Stars to recognize HR professionals for their vision,

leadership and bright futures in the HR function. This year's winners work at companies across a range of industries and have focused on areas like engagement, training, diversity and inclusion, technology and labor relations—but all have a track record of bringing innovation to their organizations.

Employment Law Avoiding Legal Pitfalls 37

BY ANDREW R. MCILVAINE

From #MeToo to evolving pay-equity laws, the legal issues facing employers are vast and varied. *HRE* spoke with several members of this year's Most Powerful Employment Attorneys

list to find out the legal issues HR leaders should be paying attention to. After reading this advice, find out who made the 12th edition of the attorneys list.

Wellness

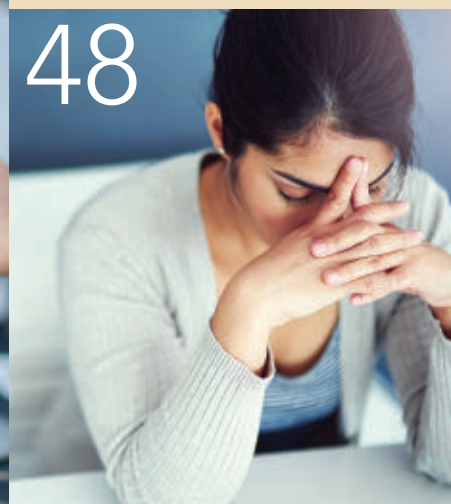
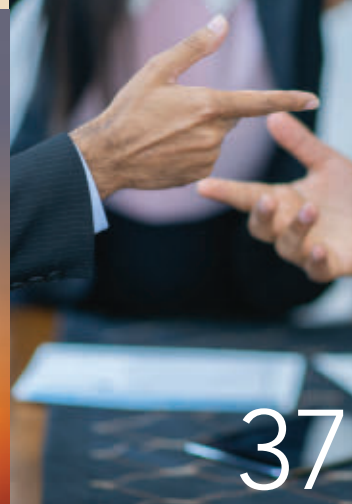
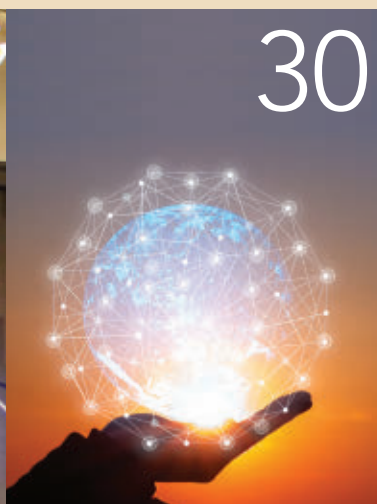
7 Ways to (Effectively) Address Mental Health in the Workplace 48

BY JEN COLLETTA

Workplaces are not immune from the global mental-health crisis—but how can employers tackle this growing, highly stigmatized issue? American Heart Association CEO Nancy Brown recently spoke with *HRE* about seven strategies—developed by the AHA's CEO Roundtable, comprised of representatives from many of the nation's largest companies—that organizations can use to build healthier, more productive workforces.



Cover illustration by Sue Casper



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Reflecting on a Career

It's hard to believe it was 32 years ago when the first issue of *Human Resource Executive*® rolled off the presses.

I joined LRP Media (then LRP Publications) roughly seven months earlier, in November 1986, as editor-in-chief, with about 10 years of business-to-business journalism experience and a limited knowledge of human resources (which, then, was primarily called “personnel”) under my belt. Who would have thought I'd be here in 2019 writing my final editorial? Certainly not I.

Yes, after more than three decades at the editorial helm of *HRE*, I will be folding up my laptop and retiring this month. (That won't be news to those of you who read the special section in last month's edition, prepared by *HRE*'s crafty and conniving editorial team behind my back, about my career and approaching retirement.)

Reflecting on my career here, I can say with complete sincerity it's been a truly amazing journey. I've had the privilege of working side by side with some incredibly dedicated and talented individuals, including everyone on our current team, during a time when HR, as a profession, was undergoing a major metamorphosis. What more could I have asked for?

Granted, long before “C-suite” became part of business' vernacular, HR leaders were having a profound impact on their organizations. But it wouldn't be an exaggeration to say the extent of that influence has grown

exponentially throughout my time at *HRE*.

The reason for this is obvious: Boards, CEOs, C-suite colleagues and even investors have a much better appreciation today of the importance of talent strategy and the role it plays in driving organizational success.

So, what does this mean, if you're an HR leader? Well, it means you're in the driver's seat. That what you do or, for that matter, fail to do can have a profound effect on your respective businesses.

Generally speaking, in my travels and conversations, I've noticed that the most extraordinary and successful HR leaders seem to share several similar traits.

First, they realize that they bring a unique and important perspective to the C-suite conversation. No one is better positioned to explain the talent implications of each and every business decision. Not the CEO. Not the CFO. Not the CMO. The best HR leaders make sure their voices are being heard.

They know their businesses inside and out. They understand the dynamics that are at work in their given industries and develop their talent strategies accordingly. You're regularly going to find these leaders out on the frontlines.

They aren't afraid to take risks when it's called for. Sure, you can count on them to pay close attention to compliance issues. But they're not

going to let that stymie their creativity or ability to innovate.

They understand technology and how it can be fully leveraged to improve the employee experience and drive HR—and how to successfully apply data to the decision-making process. (This point speaks to why we launched the HR Technology Conference 22 years ago.)

They're always looking two or three steps ahead. Or, as one HR executive once put it, they're able to “see around corners.”

And finally, and most importantly, they're guided by an ethical compass. Always! Meaning, they don't bend to pressures to take shortcuts or wrong turns as they attempt to take their organizations from point A to point B.

Sure, not every HR executive fits this description to a T; some may fall noticeably short. But the fact is—and I say this with total confidence—there are a lot more of them out there than HR's critics might have you think.

I consider myself fortunate to know my fair share.

David Shadovitz

David Shadovitz
Editor

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Quoteworthy

“The environment and culture at work is so important for people to be able to fully bring their best selves every day to work, for an experience that is meaningful and valuable.”

—Nancy Brown, CEO of the American Heart Association

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Our Irrational Approach to Paying Internal Talent

“Follow the money” is not only a useful guide to tracking criminal behavior—it is also an important way to learn about priorities.

The labor market has gotten tighter every year for the past decade, but budgets for pay increases have barely budged. The annual budget for so-called “merit” increases—a misnomer, as it is supposed to cover cost-of-living and market-wage changes, and increases to reward good performance—is only 2.9%. That’s up trivially from 2.8% last year, despite the view that the labor market is extraordinarily tight.

OK, by itself that isn’t such an exciting piece of news, just another indicator that the labor market is not as hot as is often thought. The irrational part begins with the fact that talent acquisition and retention are the top concerns in virtually every survey of top executives. Companies are paying roughly a 20% premium to hire a worker away from another employer to do exactly the same job. At the same time, Mercer’s 2018/2019 *U.S. Compensation Planning Survey* finds that the budget for salary increases suggests that the pay increase for a typical promotion is only about 8%.

Let’s put that in an employee context: If I stay, I get about a 3% raise. If I stay until I get promoted, I get an 8% increase. But if I move now to do the same job someplace else, I’ll get a 20% increase. And if I could move to a bigger job elsewhere, who knows how much more I’d earn?

Is it any surprise that virtually all employees report being open to a job elsewhere?

On the irrational part for employers, let’s say turnover costs are the equivalent of a year’s salary. When I hire someone to replace an exiting employee, it’s costing me about 120% more the first year and 20% more thereafter, as opposed to if I had retained the employee.

Now, suppose you are the CFO. You’re likely thinking, “I can’t afford to give everyone a 20% increase or anything near that. I might be willing to give a few marketable people an increase now to keep them from leaving, but we don’t know which ones will actually leave, so it’s cheaper just to let some leave.”

The huge interest in trying to predict “flight risk” is largely to address that way of thinking.

Think of this as the equivalent of trying to decide whether to replace worn parts on your car before they break: If you don’t replace them and they don’t break while you own it, you win. That’s the bet, and there are situations where it makes perfect financial sense. In this case, though, the “parts” are breaking all the time, on a predictable basis, and once employees figure out that they aren’t going to make more

money until they leave, the trickle turns into a stampede.

Let’s say you are an employer with a 10% turnover rate among employees you’d like to keep. For those 10% of your jobs, it’s costing you 120% more to cover the turnover costs and the wage premium for outside hires—overall, 12% more—at least, in part, because of a refusal to raise wages. It’s not ideal, but it would be cheaper to give everyone in the company a big raise.

Is no one thinking like this? Is the message not getting through? Or am I missing something altogether?

Peter Cappelli is the George W. Taylor Professor of Management and director of the Center for Human Resources at The Wharton School of the University of Pennsylvania in Philadelphia. Send questions or comments to hreletters@lrp.com.

HR Leadership

By Eva Sage-Gavin/Columnist



Balance for Better Business

“I think we are witnessing a gigantic movement for gender equality, coming from the rank and file, from society.”—U.N. Secretary General António Guterres, 2019 World Economic Forum

The theme of the 2019 International Women’s Day—#BalanceforBetter—is a rallying cry that reminds us gender parity is good for business, government and society at large. Guterres voices what many of us in leadership positions are seeing: an increasing urgency on the part of people at all levels of our organizations for true gender equality.

Around the globe, we’ve made great strides toward gender parity; however, we still have a long way to go. In the corporate arena, women have increased in number through middle-management levels. But, in upper management and above, the numbers drop off drastically.

In 2013, when I joined my first corporate board, women held 11% of board seats at the world’s largest companies; by last year, that number had grown to just 17.7%, according to the *Russell 3000 Index*. New IPOs are even further behind, and female CEO representation at large-cap companies lags that of boards.

A recent report from the Network of Executive Women asked executive women why they leave. The top answers were not surprising to any female executive, as we’ve all lived them at one point or another: isolation, bias, lack of support through transitions and inflexibility.

Sarah Alter, CEO of NEW, recently shared this: “[Gender parity] means employers must expand and tailor their value proposition beyond one that centers solely on what men have traditionally valued, and into one that includes both genders equally.”

I think employers are up to the task; I don’t believe we’ll get to a doom-and-gloom scenario where women fade off the C-suite radar. I am

an admitted fan of the positive, an advocate for progress, and I do see it occurring. I believe the pace of change will continue to quicken as male and female leaders work toward gender parity—in representation at all levels, in pay equity, in promotion practices, tailored benefits and more.

It’s happening, in pockets—even in traditionally male-dominated industries. Three of the world’s top asset managers are led by women. Four out of the five largest U.S. military contractors have female CEOs. More than 230 firms were recently recognized on the 2019 *Bloomberg Gender Equality Index*, which more than doubled in size from 2018.

Standardized reporting frameworks like the *GEI* are critical to keeping leaders true to our course. Currently, only 10% of eligible companies are disclosing their gender policies and practices. *GEI* firms give me hope, especially those that embrace concrete practices such as compensation reviews to identify gender-based variations and recruiting programs for women looking to return to work after a career break.

Entertainment executive Shonda Rhimes put it well when she said: “Making it through the glass ceiling to the other side was simply a matter of running on a path created by every other woman’s footprints.”

HR leaders can build upon that foundation and speed the change by ensuring gender parity is a topic in the boardroom and the C-suite. We can push for concrete practices, measurements and transparency. We can be instrumental in bettering the balance—and the world.

Eva Sage-Gavin is a former CHRO with more than three decades of experience in Fortune 500 corporations. She currently serves as the senior managing director for Accenture’s global talent and organization consulting practice and as a technology board director. Send questions or comments to hreletters@lrp.com.



Bringing Value to Healthcare Benefits

While efforts to advance value-based healthcare and insurance design across the U.S. are progressing, they are taking too long—the linchpin to the spread of this model is you: HR executives and benefits leaders.

According to a recently published Willis Towers Watson survey, 6% of employers directly negotiated with healthcare providers in 2017 for both quality and cost outcomes (the 1-2 punch needed to deliver value), while 22% of respondents indicated they planned to negotiate directly or would consider it in 2019. A good start, certainly, but this feels like too little. And here's why.

Recently, a woman I've worked with for the last year shared news that rocked me to my core: She was diagnosed with rheumatoid arthritis.

Almost 10 years ago, when Cynthia (name changed for privacy) was approximately 40, she saw an orthopedist for bilateral foot pain that was so severe she stopped running, hiking and taking long walks.

Unfortunately, the physician dismissed Cynthia and her reports of pain. Since that visit, she consulted eight other physicians with continued foot complaints and new symptoms of elbow pain and hand numbness.

Last year, Cynthia was diagnosed with stage-three triple-negative breast cancer, an aggressive form of cancer that affects approximately 20% of breast-cancer patients and has the lowest survival rate. Cynthia was given a somewhat hopeful prognosis and began treatment; however, she had to change course twice because of ongoing pain in her feet and later her hip—until she was finally diagnosed with RA.

Her oncologist is distraught because Cynthia twice stopped effective treatment for her cancer because of symptoms related to her undiagnosed RA. Her concern for Cynthia is two-fold.

First, physicians can most effectively treat RA when it is diagnosed early. Cynthia's presenting symptoms seven years ago were classic for the disease. Second, Cynthia's missed diagnosis of RA negatively impacted her best chance for long-term survival of triple-negative breast cancer.

Cynthia is not alone. In 2015, the National Academy of Medicine reported that

most people will receive an incorrect or late diagnosis at least once, sometimes with serious consequences. In 2017, researchers from Mayo Clinic reported that 21% of patients who sought a second opinion there received a completely changed diagnosis and 66% received a refined or redefined diagnosis. Total costs for cases with a different diagnosis were significantly higher than costs for cases where the diagnoses

remained the same or were refined.

So, I need you to do three things to improve both the quality and cost of healthcare.

Learn how to move to value-based healthcare. My recent podcast with Dr. Steve Schutzer, president of the Connecticut Joint Replacement Surgeons, will ground you in the basics.

Talk with at least some of the healthcare providers who care for your employees and their

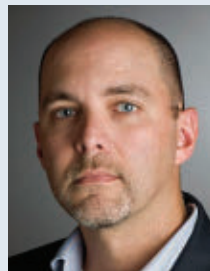
dependents. Ask to see their outcome data.

Finally, work with your insurance broker or consultant to bring value-based healthcare into your insurance-benefit design.

Your employees are counting on you.

Carol Harnett is a respected consultant, speaker and writer in the field of employee benefits. Follow her on Twitter via @carolharnett and on her video blog, The Work.Love.PlayDaily. Send questions or comments to hreletters@lrp.com.

Inside HR Tech By Steve Boese/Columnist



Tackling Financial Stress

The partial government shutdown—which caused about 800,000 federal employees to be temporarily furloughed or to work without pay for about 35 days—ended almost six months ago, but it's not too late to reflect on the HR implications of one of the most widely reported news stories in the last few years.

If there was one aspect of the shutdown that resonated for me, as a follower of HR and workplace issues, it was the sheer volume of stories of financial hardship that emerged.

Most of us can probably relate to relying on the next paycheck being on time in order to pay the bills, keep a roof over our heads and put food on the table. But the number of financial-hardship stories that the shutdown generated was staggering. A recent CareerBuilder study reported that 78% of U.S. workers live paycheck to paycheck in order to make ends meet and that 71% of workers said they were in debt.

The takeaway for HR leaders is pretty simple: If you are not at least talking about employee financial wellness in your organization, then you are probably not doing a complete job of considering the needs and circumstances of your workforce. Chances are, almost three out of four employees are closer to financial troubles than any of us would like to admit.

The shutdown also reminded me that employee success is much more complex than we often think.

HR has traditionally worked to align employee skills with job requirements, provide appropriate learning and development opportunities to help employees grow and, in more recent years, create a positive culture that can indirectly support success. But the impact of employee financial hardship during and after the shutdown must raise the issue of

employee financial wellness much higher on the priority list for HR leaders.

With data from studies like CareerBuilder's and the visceral nature of seeing federal workers talking on TV about having to visit food pantries or make decisions about whether to pay for groceries or medicine, this topic is now in the mainstream and one with which HR leaders in all industries must reckon. Employees can't truly succeed if they are constantly facing financial pressure and stress. This kind of stress never "turns off" and affects everything about their lives—both inside and outside of work.

As attention on this issue grows, there are quite a few HR-tech start-ups tackling employee financial wellness. One in particular, Best Money Moves, was recognized a couple of years ago at HR Tech for its innovative solutions. And larger, more established providers like Mercer and Prudential are beefing up both the tools and support for financial-wellness programs that they offer employers as part of larger wellbeing initiatives. In short, there are now more capable technologies that can help HR leaders organize, communicate, manage and support financial-wellness programs. Look for more of these providers at HR Tech in October.

The recent government shutdown and its impact on the workers who were forced into an unplanned financial hardship are a potent reminder to HR and business leaders that the overall wellbeing of the workforce is of paramount importance. HR leaders should continue to seek to understand how to use the lessons learned from the shutdown to inform ongoing and new investments in HR technology in support of financial wellness and overall wellbeing.

Steve Boese is a co-chair of HRE's HR Technology Conference & Exposition®. Send questions or comments to hreletters@lrp.com.

Top Story



SCOTUS Delivers Employer-Friendly Arbitration Decision

Employers received some clarity this spring when the U.S. Supreme Court handed down a 5-4 ruling in an important workplace-

arbitration case, *Lamps Plus Inc. v. Varela*.

The court's conservative majority ruled in April that employees working for Lamps Plus, based in California, could not, as a group, seek compensation for their contention that the company failed to protect employee data.

The Supreme Court's majority opinion, authored by Chief Justice John Roberts, held that, under the Federal Arbitration Act, class-wide arbitration cannot be compelled by a court unless an agreement expressly states the availability of such arbitration. In short, workers are not entitled to resolve disputes through class arbitration in cases where their arbitration agreement is "ambiguous," the court ruled. Employment-law experts had earlier predicted that, based on questioning by conservative justices, this case would probably swing this way for employers.

Lamps Plus v. Varela continues a trend of rulings that allow employers to use arbitration provisions to prevent both class actions in court and class-wide arbitration proceedings. This latest case began in 2016 after a hacker stole tax filings of about 1,300 Lamps Plus workers. One of those employees, Frank Varela, ended up with a fraudulent tax return filed in his name and sued his employer, asking that his suit be considered a class action as opposed to individual litigation.

Richard Alfred, a Seyfarth Shaw employment litigation partner, calls the ruling "a big victory" for the large number of employers that maintain arbitration agreements with common clauses that simply invoke arbitration as the proper forum for resolving employment disputes—without an express statement including class or collective arbitration in that mandate.

"In such circumstances, there is no longer any question that only individual, not class or collective, arbitration may be allowed as a result of [the] Lamps Plus decision," he explains.

According to Alfred, the court made clear that a shift from individual to class arbitration is a "fundamental" change to arbitration proceedings envisioned by the Federal Arbitration Act. Under the FAA, an agreement that is "ambiguous" as to whether the parties agreed to class arbitration—like an agreement that is silent on that issue—cannot be the basis for compelling the parties to class arbitration.

"Courts may not infer consent to class arbitration absent an express agreement to do so," Alfred says.

John Lewis, a Cleveland-based partner with BakerHostetler, says that, while the decision is of less importance in an environment where class-action waivers are routinely used, it did resolve concerns about the court's jurisdiction to review a decision where arbitration was granted—just not on an individual basis.

"[I]t demonstrated that a state-contract construction principle could not bypass the FAA requirement that arbitration is a matter of consent," he says. "Nothing indicated that Lamps Plus consented to class arbitration."

—Tom Starnier

Pre-Employment Assessments are Changing

Up until fairly recently, candidates for jobs at Procter & Gamble Co. had to drive (or, in some cases, fly) to testing centers to complete the company's pre-employment assessments. Today, however, they need look no farther than their phones.

Moving to a mobile-enabled assessment that utilizes gaming and artificial intelligence has greatly improved P&G's candidate experience and given the company greater access to diverse talent, says Dan Bologna, P&G's global assessment leader.

Thanks to advances in tech and AI, vendors such as Jane.ai, MapRecruit and ThriveMap offer tools designed to help HR determine whether candidates are right for the job and the organization via simulations and "sentiment analysis" designed to see how well they can adapt to change and work with others. These sorts of capabilities are more important than ever before, says Tom Schoenfelder, chief scientist and head of academic research and partnerships at Caliper, an assessment and consulting firm.

"The world of work is being redefined," he says. "Determining someone's ability to be adaptable, open and flexible plays a much bigger role than it used to in understanding whether they're going to thrive."

The so-called "flattening" of organizations also means the ability to work effectively

in a non-hierarchical setting is becoming more critical, says Schoenfelder, as is emotional resilience. "The abilities to bounce back from rejection, communicate your emotionality and manage stress effectively have always been important, but it seems to matter more than ever now because the world is becoming so complex," says Schoenfelder.

The rising importance of soft skills may also be a factor. A recent survey of 2,000 adults conducted by Harris Poll on behalf of recruitment-outsourcing firm Yoh found that, if the perfect candidate didn't exist, 75% of Americans

explore the underpinnings of the product—how it actually operates versus how the vendor says it will, he says.

It's also crucial to pay careful attention to bias and disparate-impact testing—and finally, says Crews, consider pilot testing the product before rolling it out.

At P&G, the company broke with tradition and turned to an off-the-shelf assessment product from an outside vendor: Aon Consulting's Global Assessment and Talent Engine. Not everyone greeted the decision with open arms, says Bologna. Specifically, some managers

were concerned that turning to a tool that's in use by other companies could undermine P&G's differentiation in the talent marketplace.

"We [explained] to them that, although pieces of the assessment are adopted from an off-the-shelf product, the overall sweep of our assessment—including the way we leverage it to

our culture—is unique," says Bologna.

Timeliness and flexibility were also factors in P&G's decision, he says; building its own assessments from scratch could take up to three years.

"Given the speed of today's market," says Bologna, "we can't afford to be a slow-moving, clunky company."

Although P&G has only been using the new assessment for a few months, the response from candidates so far has been positive, says Bologna.

"We introduced a net-promoter score in which we ask candidates how likely they are to speak positive about us after taking the assessment," he says. "So far, 93% are saying 'neutral' or 'positive.' That's phenomenal because assessments typically aren't a great part of a person's day."

—Andrew R. McIlvaine



would most likely hire a job candidate who has soft skills versus the right experience or qualifications.

According to a 2018 study by LinkedIn of 4,000 L&D leaders, executives and employees, the No. 1 priority for talent development is to focus on soft-skills training.

Naturally, HR leaders should proceed cautiously when deciding which, if any, of the new assessment products is right for their organizations.

"Sometimes the hype over what some of these tools can do outstrips their actual capability," says Aaron Crews, chief data analytics officer at law firm Littler. The best plan of action is to have a clearly defined idea of what you're looking for, which can narrow down the "large pool of sparkly stuff" in the marketplace. Next, work with a tech expert to

Are You Using Your Talent Networks Effectively?

When it comes to recruitment marketing, a good chunk of companies receive a failing grade.

That's according to the latest research from SmashFly Technologies, which finds that many organizations aren't making the best use of their talent networks. Indeed, many are neglecting them: The survey finds that 45% of Fortune 500 companies with a talent network never send any communications at all to the network members after they've signed up.

Of the companies that do send out communications, 95% share nothing but job postings. This represents a lost opportunity, says Elyse Mayer, director of marketing for SmashFly, which builds candidate-relationship-management platforms.

"Candidates are hungry for information about your company and what it's like to work there," she says.

Talent networks are typically comprised of candidates who've applied to jobs in the past or who are interested in working for the organization and waiting for a job opening that matches their skills and experience. Mayer

and others say talent networks can be highly effective for engaging passive candidates.

Julia Levy, director of global talent acquisition at financial-technology company Fiserv, says she and her team are seeking new ways to engage passive candidates other than just sending them job postings.

"We use content to sell passive candidates on more than just a job," she says. This includes information about the company itself, which has been named to *Fortune's* list of "Most Admired Companies" for six years in a row.

Doug Berg, who describes himself as "the godfather of talent communities," has spent much of his career in the HCM-software industry convincing companies to add content to their career sites beyond just job listings.

"There's [a lot] of things people want to know about a company," says Berg, the founder and CEO of ZapInfo.

Building a viable talent network doesn't require purchasing an expensive new platform, he says. Instead, many companies are using existing platforms like Facebook, Twitter and LinkedIn to create channels populated with company news and related content.

"These networks can be used for things like Twitter chat sessions with your top product guy," he says.

Content that resonates the most with candidates should

be segmented to their areas of interest, says Berg. "If I'm a designer or an engineer, I want to know how you've applied your expertise in those areas to your projects," he says. By networking with department heads and others within the company, talent-acquisition leaders can identify employees interested in presenting webinars about their work, he adds.

Employees themselves can be an excellent source

This sort of information doesn't need to be created from scratch. Career sites often contain useful information that can be repurposed for distribution to talent networks, says Mayer. Content from outside sources can also fit the bill, she says.

"We've seen companies syndicate content and send it out to their networks," she says. "ADP sent out an email to its talent network with the subject line 'Have You Read

about warehouse jobs and marketing-intern positions," she says. "If I was in that position, I'd unsubscribe from that talent network."

Content needs a strategy behind it, says Berg, with information tailored to specific groups within the talent network. "If you really want engagement, you can't just have a 'push the button once a month' approach," he says.

Initially, Fiserv wasn't doing much more than sending job postings to its talent network, says Levy. Then the company began publishing a general community email to its members and eventually launched a strategy of targeted communications sent to specific groups within the network.

Someone who's indicated an interest in sales roles, for example, will receive specialized information pertaining to that area, she says. Fiserv is also using "personas" to target specialized information.

"We're looking at personas around more general job-seeker characteristics, and even generations: How do millennials prefer to be communicated with, as opposed to Gen X or baby boomers?" says Levy.

Levy gauges the effectiveness of this outreach via embedded links included with every piece of communication that let her track whether recipients end up applying for a job. She recommends working closely with business units to understand their needs as well as conducting new-hire surveys to get a clearer picture of what sort of content resonates the most with passive candidates.

"We're also working with partners like our global-branding team to learn about content we might not otherwise know about, and then using it to help sell passive candidates on the company, not just the job," she says. "We don't have a robust budget or a large team, so it was helpful to start out small and partner with others."

—Andrew R. McIlvaine



of recruitment-marketing content, says consultant Katrina Kibben.

"There's a lot you could share from every department in your company that would be super-interesting to your hiring demographic," she says. "You wouldn't be giving away trade secrets, and you'd attract a whole lot of people."

Candidates want to be "enchanted" with the idea of working on a particular team, says Kibben. This can be addressed via short questionnaires filled out by employees, such as "I'm excited to come to work every morning because of 'fill-in-the-blank,'" she says.

"Videos, blog posts and social-media posts that profile company leaders or show what a day in the life at the company is like can be a starting point to build engagement with your talent network," says Michelle Armer, chief people officer at CareerBuilder.

Candidates are especially interested in useful information, says Kibben. This can include emails offering tips on preparing for an interview, she says.

These 9 Books to Advance Your Career? That's thinking like a smart marketer—what can we utilize without having to create content from scratch?"

When determining which content resonates the most with candidates, Armer suggests asking candidates what drew them to the company during the interview process. "This can give hiring managers a candid look at what is and isn't working," she says.

All of this isn't to say that sending content to talent networks that's exclusively job postings is a bad strategy. So long as the postings are tailored to what candidates have indicated they're interested in, this can be a reasonably effective way to find new hires, says Berg.

However, only 28% of companies in the SmashFly survey are "personalizing" their job-posting content—ensuring that it matches with the types of positions candidates are curious about, says Mayer.

"We've seen examples of a senior marketing person getting sent postings

Where Did Onboarding Go?

A global survey by BlueSteps, the executive-career service of the Association of Executive Search and Leadership Consultants, found a majority of U.S. executives received no formal workplace onboarding.

Specifically:

- U.S. execs were 35% less likely than their global counterparts to have received formal onboarding;
- of the U.S. execs who did receive onboarding, they rated the programs with an average score of 59; and
- only 42% of onboarded execs received any IT training.

EEOC: Discrimination Down, Sexual Harassment Up

The U.S. Equal Employment Opportunity Commission received 76,418 charges of workplace discrimination in fiscal year 2018. That workplace discrimination continues to happen is the bad news. The good news is the EEOC's discrimination data signal fewer people are finding reasons to sue their employers.

According to John Maley, an Indianapolis-based partner at Barnes & Thornburg, the 2018 EEOC stats continue a downward trend that has taken place in the last few years. In fact, between 2008 and 2016, the average number of charges was 94,000, while the 2017 total dipped to 84,254, and dropped again last year by a similar amount.

"This could correlate to the high demand for labor/low unemployment rate [and, thus, more hirings/fewer firings]," Maley says.

The FY 2018 data show that retaliation was the most common reason employees filed a discrimination charge with the agency, followed by cases related to sex, disability and race. The agency also received 7,609 sexual-harassment charges—a marked 13.6% increase from FY 2017—and obtained \$56.6 million in monetary benefits for victims of sexual harassment.

Matthew Gagnon, a partner in the Chicago office of Seyfarth Shaw, says the number of charges filed with the EEOC in FY 2018 was the lowest in over a decade. "However, the big news," he says, "continues to be the sharp increase in enforcement activity around sexual-harassment issues."

Gagnon notes that the EEOC filed 41 lawsuits involving allegations of sexual harassment in FY 2018—that



represents a 50% increase from the previous year.

"This shows that, in the #MeToo era, the EEOC has shifted its focus to identifying and remedying workplace-harassment issues," he says. He notes that the 7,609 charges alleging sexual harassment in FY 2018 is the highest number of such charges since FY 2011—when the EEOC received almost 24,000 more charges overall than it did in FY 2018.

To Gagnon, this trend shows that it is not just the EEOC that is reacting to the #MeToo movement: Employees are also showing a greater

awareness of these issues—as well as an increased willingness to file these types of charges. The good news, he says, is that there are steps employers can take to ameliorate this risk.

Gagnon cites the EEOC's 2016 report from its Select Task Force on the Study of Harassment in the Workplace, which he calls "eye-opening." Among other things, he says, it identified certain industries and workplace risk factors that tend to be associated with sexual-harassment allegations. The report also provides HR professionals concrete recommendations to help them identify and remedy potential problems—before they escalate to litigation, he says.

"For employers, the takeaway is that a steady volume of charges across all topic areas continues," Maley adds, "and best practices remain important to avoid or successfully defend charges."

—Tom Starner

Will Corporate Support Advance The Equality Act?



In four years, the number of cosponsors on the Equality Act—proposed federal legislation that would ban employment discrimination against LGBT workers—jumped from 178 to 240 in the U.S. House of Representatives. Legislative support isn't the only thing that's ballooned: When the bill was first introduced in 2015, it only had public support from three companies—Apple, Levi Strauss & Co. and the Dow Chemical Co.—with Google, Facebook, General Mills and American Airlines later endorsing the bill. However, when the legislation again hit the House floor in March, it was with the support of 167 companies.

Human Rights Campaign organized the corporate push with its Business Coalition for Equality, whose members "are sending a loud and clear message that the time has come for full federal equality," says HRC President Chad Griffin. The companies that endorsed the Equality Act operate in every American state and generate \$3.8 trillion in revenue collectively, as well as employ 8.7 million people, according to HRC. The coalition launched in 2016 with 60 original members.

If passed, the Equality Act would amend the Civil Rights Act of 1964 to add sexual orientation and gender identity as classes protected from discrimination in employment, as well as in public accommodations, housing, education, federal funding, credit and the jury system. Currently, 21 states plus Washington explicitly prohibit public and private employers from

discriminating against LGBT workers, though LGBT-rights supporters have long advocated for a blanket federal law to ensure protections nationwide.

In May, the House approved the bill in a 236-173 vote, marking the first-ever affirmative Congressional vote for LGBT-workplace protections; the Equality Act died in committee the last two sessions. While pundits correctly predicted its passage in the Democratic-controlled House (cosponsors are entirely Democratic, except for two Republicans), it is expected to have an uphill battle in the Senate.

"Despite significant advances, LGBT people across the country remain vulnerable to discrimination on a daily basis and too often have little recourse," said Representative David Cicilline (D-R.I.), the lead sponsor of the bill and one of 10 out LGBT members of Congress. "It is past time for the Equality Act to be written into law."

In lieu of federal action, many corporations have instated their own anti-discrimination measures. According to HRC's *Corporate Equality Index*—which rates the Fortune 500, top 200 revenue-grossing law firms, and hundreds of public and private midsize and large companies on their LGBT policies—91% ban discrimination based on sexual orientation and 83% prohibit gender-identity discrimination; in 2002, those figures stood at 61% and 3%, respectively.

—Jen Colletta

Upcoming Events

June 23-26 SHRM19 Annual Conference & Exposition, Las Vegas Convention Center, Las Vegas. This conference will cover a broad range of topics, including making organizations more compliant, cutting-edge trends that will impact workplaces in the next few years, building a strategic talent-management plan to increase engagement and retention, and more. Attendees will gain the tools and resources needed to implement successful HR practices. For more information: Society for Human Resource Management at <http://annual.shrm.org/about>.

July 29-31 2019 Employee Engagement Conference, Sheraton Denver Downtown, Denver. This conference will provide actionable tools and strategies for taking part in the revolution that drives business results. Attendees will learn how leading companies craft employee experiences that align to business goals and how those experiences create a culture of values, support, high performance and sustained innovation. For more information: Human Capital Institute at <https://hcieengagement.com>.

Aug. 12-15 FDR Training, Philadelphia Marriott Downtown, Philadelphia. Now in its 34th year, FDR Training has been the federal community's most authoritative training event focusing on the areas of EEO, HR, LR, alternative-dispute resolution, legal compliance and much more. Each year, thousands of federal professionals gather to get in-depth, in-person guidance on current issues affecting agencies from the nation's most respected federal experts. FDR also provides attendees the unique opportunity to interact with government leaders, industry experts and peers from across the nation. For more information: LRP Media Group at www.FDRtraining.com.


Aug. 20-23 National Ergonomics Conference & ErgoExpo, Paris Las Vegas Hotel, Las Vegas. A solid ergonomics program is a smart investment, not a company expense! Whether building a new program or strengthening an existing one, ErgoExpo shows how ergonomics can reduce turnover, decrease absenteeism and improve morale at organizations. Whatever the company size, industry or budget, attendees will explore more than 50 sessions, delivering education and product knowledge in the

hottest topics in ergonomics. For more information: LRP Media Group at www.ErgoExpo.com.

Sept. 10-12 2019 Learning & Leadership Development Conference, Encore Boston Harbor, Boston. Attendees will receive the tools and strategies needed to identify, develop and coach leaders to better engage and retain teams, and will find out how retention is the hard-won outcome of engaging and challenging talent. For more information: Human Capital Institute at <https://lldconference.com/>.

Oct. 1-4 HRE's HR Technology Conference & Exposition®, The Venetian, Las Vegas. Whether attendees are looking to increase their knowledge to buy and effectively implement new HR systems or to stay on top of this rapidly changing industry—success starts here. As the industry's leading independent event for 20-plus years, HR Tech has been a key catalyst for tens of thousands of HR and IT executives in their quest to leverage technology and secure HR's role as a pivotal component in their company's overall success. Hailed as the industry's "Town Hall Meeting," HR Tech is a once-a-year chance to learn from—and network with—respected thought leaders and like-minded professionals. HR Tech is not a user conference and does not sell speaking slots. That means each session offers practical and actionable takeaways—minus the sales pitch and vendor hype. Plus, home to the world's largest HR-technology expo—the size of seven football fields—HR Tech gives attendees the chance to compare more products and services side by side than any other event. For more information: LRP Media Group at www.HRTechConference.com.

Nov. 6-8 National Workers' Compensation and Disability Conference® & Expo, Mandalay Bay, Las Vegas. Thousands of workers' compensation and disability-management professionals from across the nation come together for this once-a-year event that's not to be missed! NWDC offers endless opportunities that will propel workers' comp and disability-management programs forward. With more than 35 sessions spanning six unique program tracks, NWDC will help attendees gain new ideas on how to use workers' comp programs to engage absent workers, speed return-to-work and much more. For more information: LRP Media Group at www.WCConference.com.

A man with a beard and a tattoo on his chest is performing a backflip over a rope. He is wearing blue plaid shorts and is upside down. The background is a blurred outdoor setting with trees and a body of water.

jack
isn't thinking
about his
benefits
right now.

And that's exactly how it should be.

Because Jack's thinking about absolutely nothing other than how he's going to land this backflip. (He's totally going to land this backflip.) He's not worried about his coverage. Because his company's got Unum. To be there. In his corner. Just in case.

Get it, Jack.

we've got ù™

From an accident to an illness to a long-term disability, when you've got Unum, we've got you. Get benefits that keep your employees going at unum.com/jackHR

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Holding Leaders Accountable for Recognition

Twenty-five years after the publication of Bob Nelson's *1001 Ways to Reward*



Employees, the author says some companies still fall short at recognition.

But Nelson's advice on changing that may seem counterintuitive.

"Don't do another program, another reward," he says.

His latest book, *1001 Ways to Engage Employees*, reveals that recognition, career development and the role of the manager are the top-three influencing factors for employee engagement. Therefore, he says, "we need fewer programs and more

appreciation, value or making people feel special about the things they've done."

Years ago, employee recognition typically consisted of an annual event in which honored or retired workers received an engraved plaque or gift. Remember lapel pins or the legendary gold watch? The concept of recognition later morphed into attendance awards, safety awards or employee-of-the-month programs where employees were handed a certificate, items from the company store or given the opportunity to choose experience rewards, ranging from flight lessons to weekend getaways. Although many companies still engage in such practices, progressive employers have added another layer—leaders and managers are now being held accountable for acknowledging employee accomplishments in various ways.

"It becomes part of how you do things, not the exception," says Nelson, who was recently named among the top-20 management gurus by Thinkers50, a London-based consulting firm. "HR has to say, 'This isn't optional anymore.'"

Although the types of rewards that employees receive constantly evolve, he says, the need for employees to feel appreciated or valued remains constant.

In an economy that currently boasts a 4% unemployment rate, 6.6 million jobs went unfilled last year, according to the U.S. Department of Labor. Nelson says that, while it's harder to recruit talent and hang on to those who can contribute to your company's success, employees in organizations that support a culture of recognition feel five times more valued than those in cultures that don't. Those workers are also six times more likely to praise their employer as a great place to work and seven times more likely to stay with the company throughout their career.

HR professionals need to convince company leaders and managers to hold each other accountable for acknowledging employees, which includes individuals who exemplify the company's values, says Nelson. HR departments also must present evidence or industry research about the positive impact of ongoing recognition on recruitment and retention, employee morale, engagement, motivation and performance and, just as important, the company's bottom line.

"Every leader, every day, must take time to acknowledge employees, show recognition to people who work for them," says Nelson. "Get your leaders to actually take the time to thank employees in a timely, specific way when they've done a good job. That's HR's biggest challenge—to get them to take this seriously and actually do it."

—Carol Patton



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Signs of the Time

HR leaders need to be prepared in case the growing wave of employee activism hits their organization.

BY WILL BUNCH

A rising tide of employee activism in the American workplace didn't truly burst into the public's consciousness until Nov. 1, 2018.

That was the day that about 20,000 Google employees made international headlines by walking off their jobs—not just at the firm's Silicon Valley headquarters but in more than a dozen other locations around the globe, from New York to Dublin to Singapore. Their worldwide protest was sparked by a *New York Times* investigation into how the search-engine giant handled sexual-harassment allegations raised by employees. Google's tech-savvy workers organized the massive event and developed a list of demands—including more transparency about such incidents, the appointment of an employee representative on the company board and the addition of a chief diversity officer—in little more than a week.

The protesting employees chanted "Time's up!"—the mantra of the broader social movement against misogyny and harassment in the workplace—and carried signs complaining that some of the profits from their labor went toward settlements with misbehaving male executives. None of the Google workers, including the organizers, were punished for taking part.

Instead, top executives at the firm—which famously launched with the motto "Don't be evil"—apologized and promised to meet many, if not all, of the demands. Google CEO Sundar Pichai

insisted that the company was evolving. "It's been a difficult time," he said that week at a conference. "There is anger and frustration within the company. We all feel it. I feel it, too."

The Google protest received widespread media coverage—given the seeming novelty and size of a protest against a ubiquitous, widely used tech firm—but it was also just the leading edge of a sudden and powerful era of inwardly focused employee activism. Within a span of a few months, employee actions—sometimes online petitions, sometimes physical protests—took place at Microsoft and Salesforce (over contracts with U.S. immigration agencies and their controversial policies), Amazon (over placing ads on a right-wing news site) and IBM (over company support for President Donald Trump's agenda). And Google also faced a second worker protest, this time over its work with the Pentagon.

Experts who've watched the explosion of employee activism over the last year say a combination of factors is driving the phenomenon: a younger workforce that's been recruited with the promise of working for a socially responsible company, an improved job market (especially for workers with high-tech skills) that has employees more willing to risk speaking out, and the advent of social media and other 21st-century tools that allow expressions of dissatisfaction to spread rapidly throughout the workforce.



"Millennials expect to have their voices heard," says Jerry Davis, associate dean for business at the University of Michigan, who has watched the trend of employee activism closely. He says companies that come to his Ann Arbor campus to recruit top graduates often make their firms' culture and values a key part of their pitches—but those new hires can be quick to point out contradictions. Davis says it's no surprise that protests are centered—for now—at tech giants headquartered in Silicon Valley or Seattle where "workers know they have some level of power ... that the people who work there have rare and powerful skills."

While the companies that have been hit by these employee actions

responded quickly and with seeming empathy to the workers' demands—often, but not always, making policy changes as a result—these firms have not been particularly eager to relive the experiences. The companies contacted for this story generally declined to make HR executives available for interviews, including Google, whose representative said by email, "I'm afraid we're not able to meet this request."

But industry trend watchers say human resource executives who choose to downplay or ignore the surge in employee activism do so at their own peril. Instead, they advise CHROs to get ahead of the issue—to create open channels of communications and venues where



Google employees staged a walkout Nov. 1, 2018, at their Googleplex offices in Mountain View, Calif., in protest over the company's handling of a large payout to Android chief Andy Rubin, as well as concerns over several other managers who had allegedly engaged in sexual misconduct at the company.

REUTERS

workers feel their concerns are always listened to, if not acted upon.

"Every company talks the talk on culture, but they don't always walk the walk," says Amy Conway-Hatcher, a partner in the corporate investigations and government enforcement practice of Baker Botts. She stresses the importance of companies not only developing codes of conduct but actually living by them.

Some experts say firms that are reluctant to talk about activism by their workers should instead try to own the issue. "This is a sign of health, not a sign that somebody did something wrong," insists Michelle Miller, the co-founder of Coworker.org, an online platform that launched in 2013 with the goal of helping employees address problems in

their workplaces. "Instead of trying to have a legalistic response where you're engaged in neutralizing [activism]," she advises, "as much as humanly possible, actively engage with the questions these employees are raising."

Finding their Voice

One company that did exactly that was Salesforce, the San Francisco-headquartered cloud-based-software company. In June 2018, about 650 employees signed a petition objecting to the company's work for the U.S. Border Patrol, citing news reports about the agency's role in separating immigrant children from their parents at border crossings. Salesforce CEO Marc Benioff later insisted that some of the employee objections were based

on misinformation—the firm's software wasn't used to aid the separations, he said—and its government contract was not terminated.

But Benioff told journalist Kara Swisher in an MSNBC telecast that the accuracy of his employees' objections was "not really the point. The point, in my mind, is we didn't have a way to have the conversation, and now we do." Indeed, while the immigration issue was being discussed, Salesforce consulted with ethics experts from Harvard and Georgetown Law School, as well as groups such as Amnesty International. Ultimately, the company moved to create a brand-new Ethical and Humane Use office.

In the interview, Benioff told Swisher that all tech firms will need

to come to terms with both the ethical implications of their products and how they intersect with their internal culture. "I think every company's going to need to be able to have a structured conversation," he said.

Indeed, the episodes at Silicon Valley fixtures such as Google and Salesforce raise the question of whether employee activism is only an issue in the tech sector, where higher-paid, highly recruitable young workers have more leverage. During Coworker.org's six-year existence, Miller says, she's seen actions at tech companies get more news coverage because of their higher visibility, but cultural issues exist at most workplaces.

"We've often started with people running a campaign around a dress

code,” says Miller, noting that today’s employees are more inclined to rebel against work rules they perceive as too controlling or irrelevant. Coworker.org has worked with employees at companies like Starbucks, where workers recently convinced management to install safe-needle-disposal boxes in bathrooms, or at Publix supermarkets in Florida, where the issue was restrictions on employee facial hair. Miller notes that, while this type of action has risen in tandem with a recent wave of unionized-teacher strikes, some have begun to refer to the new workplace actions at nonunion firms as “alt-labor.”

One reason it’s been hard for companies to develop a plan for dealing with internal employee activism is that the array of issues that have sparked in-house petition drives or protest activities has been diverse and unpredictable. Many arise not from strictly internal issues—like #MeToo complaints at Google or company dress codes—but rather from the extremely fraught intersection between business activity and America’s divisive and restive politics.

At IBM, some employees were infuriated in late 2016 with CEO Ginny Rometty’s open letter that congratulated President Trump on his election victory and outlined various services the tech giant could offer his administration. Dozens of employees signed a petition—assisted by Coworker.org—criticizing Rometty’s letter and declaring “our right to refuse participation in any U.S. government contracts that violate constitutionally protected civil liberties.” Rometty and IBM allowed workers to openly discuss the issue on its intranet, and the debate arguably had an effect; one year later, the company halted its participation in a strategy and policy forum convened by Trump.

Last July, Microsoft CEO Satya Nadella held an employee question-and-answer forum at the company’s headquarters outside Seattle, where workers handed him a petition on a USB drive containing 300,000 signatures—including 500 from company employees—demanding the firm cancel a contract with federal Immigration and Customs Enforcement, or ICE, because of its role in enforcing Trump’s strict immigration policies.

The issue was a thorny one because Nadella had made it clear when he ascended to the CEO post at Microsoft in 2014 that he was making corporate social responsibility the center of a new business model.

“My mission is to put empathy at the center of everything I pursue—from the products we launch to the new markets we enter to the



“Instead of trying to have a legalistic response where you’re engaged in neutralizing [activism], as much as humanly possible, actively engage with the questions these employees are raising.”

—MICHELLE MILLER, CO-FOUNDER OF COWORKER.ORG

employees, customers and partners we work with,” he said at the time. Four years later, Microsoft did not cancel its contract with ICE—officials insisted the work was not connected to family separation—but Nadella promised the company’s future decisions would be guided by ethics. Its president, Brad Smith, also wrote a blog post calling for the U.S. government to better its immigration policies.

The episode dramatized how the push for firms to stress their positive impact on society—considered so critical for both recruiting and engaging a young, highly skilled workforce—has led to a kind of “blowback” directed against company moves that seem like contradictions. “In the changing workplace, employees expect to have a voice in how the company is run,” says Denise Lee Yohn, an author and consultant on brand building who has written about the employee-activism surge. “Younger employees are bringing these experiences, and people are getting more vocal about voicing their positions on social media.”

Getting Ahead of Activism

So, how should HR executives adapt to this new landscape?

Be consistent about the company’s ethics and values. A business’ social outlook needs to be more than just a mission statement or a recruiting tool, but rather something that infuses day-to-day operations.

Yohn says HR executives “need to make sure they are very clear about what the culture and values are—and not just a statement on a plaque ... What are the beliefs and attitudes that leaders want to influence?”

Baker Botts’ Conway-Hatcher says it’s critical that people managers make sure C-suite leaders are held to the exact same code of conduct and ethical standards as rank-and-file employees. “HR leaders should find creative opportunities to focus corporate leaders on what it means to lead, what they expect of their teams and, importantly, what they expect of themselves,” she says. “The bottom line is that double standards don’t work.”

Remember that employees who care about the firm’s face to the outside world are an asset, not a liability. Subra Tangirala, a professor of management and organization at the University of Maryland’s Robert H. Smith School of Business, says business leaders constantly talk about a workforce that is both engaged and empowered to take action—so they shouldn’t be shocked when employees feel empowered to question the boss.

“When people have a larger purpose in mind, they are better engaged,” Tangirala says. What’s more, when companies make a decision with workers’ input, employees “will stand up for the company and what they are doing—that sends a message to the outside world.”

University of Michigan’s Davis agrees: “In a broader sense, you’re embracing innovation, especially since human capital is what’s leveraged by tech companies,” she says. “It benefits you to let [workers] have a voice, and to convey what things might protect you from shocks in the future.”

Worker activism often results from a desirable attribute: greater diversity. In other words, firms that make a priority of hiring more women, more non-whites and employees with a diverse international background should also expect a greater diversity of opinion around hot topics such as sexual-harassment policies, aid to military operations in the Middle East or internet censorship in China. Tangirala notes this can cut both ways, however—firms that react to vocal demands from one set of employees on a politically charged question should make sure there’s not “a silent majority” that feels the opposite way.

Human resource leaders can create regular, open channels of communication. A number of firms conduct regular town-hall-style meetings with CEOs or other C-suite executives, or use intranets or social networks with the goal of fostering discussion and allowing pointed questions—and making sure workers feel heard.

Davis says new communication channels such as Slack are creating platforms where workers are already having conversations that can easily veer into the intersection between company actions and politics or complex social issues. He and other experts believe HR executives would do better to encourage and transparently manage these conversations rather than seek to stifle them.

“Whether it’s a town-hall meeting or some high-tech solution, companies need to make sure there are open lines of communication and the executives need to explain the ‘why’ behind what they are doing,” says Yohn. “They need to explain the rationale.” She notes firms like Microsoft, which transparently explained controversial decisions to workers, didn’t necessarily change course but fostered greater understanding.

The new environment in the workplace is arguably related to one other consequence: an uptick not only in employee activism but in what experts are calling “CEO activism”—such as company leaders like PayPal chief Dan Schulman, who publicly spoke out against North Carolina’s controversial law on transgender bathroom usage. “Employees and CEOs—they probably do feed off one another,” says Yohn, which is why “some business leaders are going out of their way to cultivate a culture where employees feel like they can speak up.”

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From AI to the future of work, the 2019 HR Technology Conference will provide HR leaders a deep dive into today's most pressing HR-technology issues. BY STEVE BOESE

What's Coming Up at HR Tech?

During my welcoming remarks at the HR Technology Conference a few years ago, I made an observation along the lines of “If every company is a technology company (which was a common idea floating around the business world at the time), then every HR leader has to become a technology leader, too.”

My thought process was simple: Organizations succeed, ultimately, only through and because of their people. And as technology capability, acumen and innovation were increasing conditions and even prerequisites for any kind of business success, and that success had to be effected through people, then the “people” leaders in the organization—CHROs and their teams—would also need to become “tech” leaders. That was my thinking back then—and it still is today.

The elements of organizational success are varied, and they can seem very complex at times. The right product or service, a favorable economic climate, connection to a real customer need, slick marketing, rigorous and efficient process control, a highly optimized supply chain and perfect execution are all requirements for an organization's ability to succeed. These elements are so important and complex in their own right that they're all subjects for study, have their own professional organizations and conferences, and have been analyzed for decades. But each has one thing in common, one unifying thread that stitches them together to form what becomes, hopefully, a highly functioning whole—and that is people.

Organizational success, then, is really about the success of people, and it's up to CHROs and their teams to create, shape, support and maintain the conditions, environments, opportunities and even cultures to help people succeed. So for us at HR Tech, the belief that HR's most critical contribution is in helping people succeed in the organization—coupled with the



idea that technology is an essential component of the HR playbook for success—inform what we do, including this year, when the conference returns to Las Vegas in October.

Read on for highlights of what we have planned for HR Tech:

Market Landscape Sessions

Over the years, the HR-technology marketplace and the HR Tech Conference Expo have continued to grow at an almost astonishing pace. In 2018, more than 400 HR-tech providers participated in the expo, and I expect that record to be surpassed this year. I don't have to tell experienced conference attendees that navigating the HR Tech Expo can be a challenge—with a growing number of providers, new categories emerging in the market and both large, established companies as well as a bumper crop of start-ups pushing the innovation

agenda forward. We realize that, for most HR leaders, keeping up with this fast-moving and changing market can be daunting.

We want to help you make better sense of it all, so this year we will continue with our important Market Landscape sessions—informative presentations designed to help you understand individual categories of the HR-tech market, learn about the most significant developments and trends in each, and better plan not only your HR Tech Conference experience. The series can also aid in the development of research, strategy development and technology-purchase plans. These sessions, developed by industry experts, will cover subject domains like payroll, learning, analytics, talent acquisition and artificial intelligence (more on AI below). If you're in the market for solutions in these areas, or just need to learn more about what

is out there, the Market Landscape sessions are designed for you.

Artificial Intelligence

Yes, even if you are a casual observer of the HR-technology world, you've probably heard plenty about artificial intelligence and its emergence in this space—from Amazon's early (and unsuccessful) attempts to use AI to improve diversity hiring to the more recent claims from IBM that it can predict retention and employee flight risk with 95% accuracy.

These are just two popular examples of AI in HR tech, but they illustrate some of the current challenges: Reputable (and positive) use cases are sometimes hard to find and verify, and even the purportedly successful ones, like in IBM's case, still have a shroud of “black-box” technology to them. We think AI has helped the organization meet its

objectives, but we're just not sure how it did, or how it really works.

So at HR Tech in 2019, we'll attempt to shed more light on this issue and provide insight into the rapidly developing world of AI in HR technology. We'll do this with an eye toward presenting verifiable, successful real-world applications of AI as well as helping HR and HRIT leaders better understand some of the behind-the-scenes aspects of AI.

Some sessions of note that will benefit HR leaders—both those who are somewhat experienced with AI as well as those thinking about the topic for the first time this year—include an executive panel, “Reimagining HR in the Age of Artificial Intelligence,” moderated by AI thought leader Jeanne Meister and featuring leaders from Delta Air Lines, TIAA and Hilton; sessions on the successful application of AI technology for recruiting at Facebook, Accenture and Google; and two educational sessions from noted AI researcher John Sumser. These, as well as the above-mentioned Market Landscape session for AI presented by author and expert Ben Eubanks, will help HR leaders understand how AI can help their businesses meet today's talent challenges.

Future of Work

While a majority of the content at HR Tech is focused on understanding technology, succeeding with technology and learning from actual applications of HR tech in leading organizations, we also strive to create opportunities for attendees to think deeply about the future, and provide HR leaders with ideas about how technology will evolve. Being able to understand how work and the workplace may change in the next two, three or five years might be the competitive advantage your organization needs to get ahead of new trends and technologies—rather than having to play catch-up and being forced to adapt.

With that in mind, this year at HR Tech we've invited a stellar collection of leading HR and HR-technology product and thought leaders from organizations like Oracle, ServiceNow, Saba, Ceridian and more to share their visions and even some conceptual HR-technology developments that may one day play a major role in the organizations and workplaces of the future. And since we think this “future of work” theme is so interesting and important for HR and HR tech, we will close the conference with a keynote presentation from author and future of work expert Ravin Jesuthasan on “Reinventing Jobs: Automation and the Future of Work.”

Bonus Content and Fun

An HR Tech Conference preview would not be complete without mentioning a few of the featured

sessions and activities that have come to make the event such an essential part of the HR calendar each year. Once more, the first day of the conference will feature our popular Women in HR Technology Summit, with a half-day of sessions focusing on diversity, inclusion and professional development. The first day concludes with a keynote presentation by Barbara Corcoran, noted entrepreneur and a star of TV's *Shark Tank*—a keynote that is sure to be informative, inspirational and entertaining.

Additional keynote presentations are planned from author and speaker Marcus Buckingham, HR-industry analyst and expert Josh Bersin and an executive panel featuring CHROs and CEOs from some of the world's most admired companies.

Finally, it's worth pointing out a few more elements of the expo that make it such a standout. The record number of exhibitors will all be there to showcase their solutions, connect with HR leaders, and share their insights and plans for future developments.

In addition to all the major HR-tech providers, our expo will once again host the largest collection of HR-tech start-ups in our Start-up Pavilion. Roam the aisles of the Pavilion, meet some of the up-and-coming HR-tech providers and perhaps find that new and innovative tool your organization is looking for.

Once again, we'll also stage the HR Tech Pitchfest in the expo hall, where 30 HR-tech start-ups will demonstrate live to compete for a fantastic prize. The Pitchfest Demo Theater proved to be one

HR IN THE FLOW OF WORK

By Josh Bersin/Columnist



3 Economic Trends Impacting HR

My research and decades of experience have taught me that the economy impacts workforce strategies more than almost anything else. As I'm convinced this year will not be an exception, I want to outline

several important economic trends that all HR leaders should note.

While the GDP is Rising, Productivity is Not

Even though employees around the world are working more hours, productivity (output per hour worked) is lagging. I believe this is a result of several factors.

First, while robotics is now often used in manufacturing, digital tools in most roles have not necessarily made work easier. For instance, 27% of respondents to a 2018 LinkedIn survey said they spend an entire day each week dealing with emails not directly relevant to their jobs. And the average company now has seven different systems for communications—most employees are operating in a digital overload.

We also know that commute times have been inching up in the past few years, and now, 14 million workers spend an hour or more in daily commutes—another productivity killer. Those in HR need to invest in work-at-home solutions, adopt flexible work schedules where possible, simplify the IT infrastructure (and HR tools) and do a much better job of employee communications.

Wages are Relatively Stagnant

After factoring in inflation, U.S. wages have barely budged in the last 40 years and, for those in the bottom 90%, wages are falling behind. We essentially have two workforces: one that has benefited from digital technology and a larger one that has not.

While software engineers and designers are now in high demand, there are many left behind.

The 62% of Americans who did not attend college are seeing twice the unemployment rate and less than half the wages of those who did. Even higher-paid college grads are falling behind. Deloitte research has found that two-thirds of millennials do not believe their standard of living will be as high as that of their parents; 15% of millennials have student debt of \$15,000 or more.

HR leaders need to ask themselves, “Are we paying people enough?” In today's economy, where the most

valuable jobs are based on creativity, services and collaboration, paying people well is an investment, not an expense. I encourage all HR leaders to rethink their entire compensation strategies this year. As your company makes more money, it's important for you to encourage business and finance leaders to share the wealth with employees.

Modern Jobs Demand New Skills

Jobs in virtually every industry are now requiring employees who are digitally savvy, who can effectively communicate verbally and in writing, and who can work in teams and across functional areas. LinkedIn's latest study of skills in San Francisco, the American city with the biggest skills gaps, found that oral communication was the most in-demand skill.

This is why the L&D market is exploding this year (spending on L&D technology is up 10%), and companies are finally getting out of the way and putting learning into the hands of employees. Research shows that employees who spend more time learning are more productive, happy, engaged and perform better than their peers.

HR needs to aggressively support employee career development, technical-skills development and overall on-the-job learning. U.S. companies only spend about \$1,200 per employee per year on training, yet they spend three to five times this amount just to hire a new employee. Employers can clearly afford to spend more on employee development, and we should.

HR has a tremendous amount of responsibility, power and agency to mitigate the impact of these economic trends. Businesses have a responsibility to do the right thing for society, as well as their customers and stakeholders. You, as an HR leader, have a lot more power than you may think.

My presentation at the upcoming HR Technology Conference in October will cover how the technology market is reacting to these and other economic and workforce trends, and what this all means for current and future technology infrastructures. I hope to see you there!

Josh Bersin is an analyst, author, educator and thought leader focusing on the global talent market and the challenges and trends impacting business workforces around the world. Send questions or comments to hreletters@lrp.com.

of the most popular spaces in the expo last year. Plus, the HR Tech Talks Theater will feature a series of short-form, TED-style talks on a range of HR, workplace and technology topics—perfect for maximizing your time in the expo.

At the top of this piece, I referenced an observation I make at the beginning of an HR Tech Conference a few years

ago, so I think it makes sense to close with a call-out to something I say at the end of every HR Tech Conference: “This year’s conference was our absolute best ever.” Every year I say that, every year I mean that and, now that we’ve released the details of the agenda for 2019, I am 100% confident I will both make that statement and

believe it heartily at the conclusion of this year’s event. Please make your plans to join us at the event—as always, it will be not only the largest HR-tech event ever, but the one that solely focuses on what matters most to HR leaders: organizational success through people.

See you in Las Vegas!

The HR Technology Conference & Exposition® will be held Oct. 1 through Oct. 4 at the Venetian in Las Vegas. For more information, visit www.hrtechnologyconference.com. Send questions or comments about this story to hreletters@lrp.com.

HR Tech Influencers Address Impact of Emerging Tech

Influencers including Josh Bersin weigh in on how technology will transform work and the workplace. BY HRE STAFF

Influence in HR technology comes from many places, takes many forms and continues to evolve over time. When the HRE/HR Tech Conference team met over the winter to work on the inaugural HR Tech Influencers list, we knew it would be important to consider all aspects of influence. Some have more of a direct and immediate effect on products, while others have a more subtle yet longer-term impact. However, it’s safe to say all are playing an important role in where HR technology has been, where it is today and, perhaps most importantly, where it is heading. And that, above all else, informed the decision-making that went into compiling our Top 100 HR Tech Influencers list (for the full list, visit <http://hrexecutive.com/top-100>).

Below are excerpts of Q&As with several of our inaugural Influencers about the past, present and future of HR technology:



Josh Bersin
Advisor
Deloitte Consulting
LLP

What area of the HR function will be most impacted by emerging technologies?

Almost every area will be impacted, but the biggest will be the integrated employee experience. We are reaching a point where standalone talent and core HR systems are too complex, and we need integrated experiences, based on employee journeys.

In acquiring and implementing new technologies, what are the most common mistakes HR organizations make?

The biggest mistake companies continue to make is to define “systems-replacement projects” that focus on integrating the backend and buying big, new platforms without a careful design of the employee experience. The days of HR technology being useful mostly to HR are over—if these

systems are not useful and integrated into employees’ work experiences, they are poorly used and a waste of money. My research is showing that many expensive cloud HCM-replacement projects are not making employees’ lives significantly better, so a new set of experience tools is being developed.

How can HR leaders best make the business case for HR-technology investment?

If the HR-technology team does not have a clear productivity business case to drive the project, I think a wholesale replacement of old technology may not pay off. Many of the new systems are actually compelling to employees, but many are not.



Gretchen Alarcon
Group Vice President,
Human Capital
Management
Strategy
Oracle

What area of the HR function will be most impacted by emerging technologies?

AI and digital assistants are streamlining and automating the entire recruiting process: screening resumes, identifying best-fit candidates and even answering commonly asked questions around career paths and job descriptions. With their ability to replicate recurring processes, digital assistants are also effective at driving onboarding, guiding new employees to helpful assets and using machine learning to continuously improve the process. This allows HR professionals to focus almost solely on high-impact projects versus administrative tasks.

In acquiring and implementing new technologies, what are the most common mistakes HR organizations make?

When selecting and integrating new tech into your organization, it’s critical to remember that the success of your investment relies on employee engagement. Ask yourself,

“Beyond the bells and whistles of the technology, how will it work for employees? Will it be easy to use and user-friendly?” HR technology needs to replicate consumer applications in order to be adopted—if it’s too difficult or complicated to navigate, the entire platform and investment will fall flat.

How is HR technology changing the way people work?

It may seem counterintuitive, but I believe AI can re-humanize the way we work. The rise of tech in our personal lives created new employee expectations. We want things simpler, quicker, more accessible—and we want meaning in our work. Technology can help us achieve that.

Emerging technologies allow us to access information anytime, anywhere. And by eliminating the work we don’t want to do, it creates more time to invest in emotional intelligence and form personal, human relationships. This will force the workforce to adapt by building more soft skills rather than the technical skills that technology can automate.



Michael Krupa
Senior Director,
Digitization &
Business Intelligence
Cisco

What area of the HR function will be most impacted by emerging technologies?

Diversity and inclusion will become fundamental to who companies are and how they will succeed in this age of digital transformation. Emerging technologies will help create uncommon D&I solutions and will scale impact by driving innovation, digitization and adoption of D&I solutions. These will leverage artificial intelligence, machine learning, data and analytics—AI/ML solutions help reduce bias in recruiting and job descriptions, and advanced analytics provide intelligence to business leaders as they create their D&I strategies.



What’s the single most dramatic shift you see happening in the HR-tech space today?

The single most dramatic shift is the emergence of artificial intelligence and machine learning in HR technology and technologies that make decisions that impact the workforce. Every vendor in the talent lifecycle is looking to add AI capabilities to their solutions. The challenge for vendors and for creating HR-technology solutions using AI/ML will be explainability in the algorithms and to reduce bias in the datasets and algorithms.

In acquiring and implementing new technologies, what are the most common mistakes HR organizations make?

One of the most common mistakes is failure to explain to the employees and leaders the value or ROI of the solution. This should be tied to a thoughtful communication and change-management strategy that not only prepares the workforce for the new HR-technology solutions but clearly explains how the new solution will address a problem that exists today. That problem or gap should use the language of the business and not the language of HR



Ben Eubanks
Principal Analyst
Lighthouse Research
& Advisory

What’s the single most dramatic shift you see happening in the HR-tech space today?

The biggest shift is in artificial-intelligence applications, but not the way most of us would expect. The real value in AI and algorithms isn’t just in automation. There’s value there, but the real benefits come in augmenting the humans within our organizations.

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In acquiring and implementing new technologies, what are the most common mistakes HR organizations make?

One of the biggest mistakes HR leaders make when implementing new technology is assuming or expecting the technology to make up for incorrect or broken processes. Adding a layer of technology simply means you'll be more efficient at what you're doing, whether those decisions are correct or not. I've yet to meet an HR leader that wants to be highly efficient at making the *wrong*

decisions, so iron out your processes and get them to the point where they need to be before jumping in with a new application.

How can HR leaders best make the business case for HR-technology investment?

The value of HR technology isn't in some amorphous metric such as employee engagement. HR leaders need to speak the language

of the business and understand the key measures of their specific industry and company, then align their business case for HR tech with those specific factors. For instance, manufacturing firms may prioritize productivity and safety, so the HR team should identify solutions that support those elements. On the other hand, healthcare organizations care about patient experience and nurse retention, so HR leaders should look at how to connect those particular dots with the solution they've identified. By making these specific connections, they can more easily get the budget approved and get the technology in place to increase their impact on the business.

PEOPLE SIDE OF DIGITAL

By Jason Averbuck/Columnist



Making Your Digital-HR Strategy Succeed

The world of digital transformation is upon us, and it touches every facet of our organizations, from technology to finance to human resources.

As an HR executive contemplating the digital transformation of your workforce, your approaches are being challenged in the best ways possible. Every process comes under scrutiny, and every technology decision is placed under the microscope, as the world outside of work continues to change at a faster pace than that inside of work. At the same time, the expectations of your workforce have never been higher. "Digital natives" are asking questions like, "Why do we do it that way?" and "Is there an easier way to get work done?"

Digital transformation is the culmination of the perfect storm; its ingredients are a new era of work, a new breed of workers, continually changing technology and evolving expectations for our tools. This requires a different approach to how we, as HR technologists, think about our domain. HR leaders and colleagues need to understand the difference between digital and technology and take a fresh look at the role HR needs to play to be successful in today's world.

Leapgen surveyed a number of global enterprises last year, finding that three out of four respondents had no unified digital-HR strategy. That is, the digital strategy wasn't being thought of distinctly—separate from an HR strategy, a technology strategy or even a combined HR-technology strategy. And if there was one, it wasn't embraced across the enterprise and aligned with the needs of the business. Without a digital-HR strategy, you risk making reactive technology investments. You create or continue a disjointed worker experience and suffer process inefficiencies. You increase your exposure and compliance risk. You're simply not competitive. When that happens, we tend to throw more technology at the problem, wondering why the tech doesn't do what it's supposed to do or produce meaningful analytics we can tie to business outcomes.

Creating and implementing an effective digital-HR strategy begins with an important and critical difference: A digital-HR strategy ends with technology. It begins with mindset; with consideration for the people affected by transformation, using the tools and completing the work to be done; and with a fresh approach to the processes designed to produce the desired outcome.

Mindset is nothing more than a unified vision. Organizations need a clear and concise vision statement that everyone knows, everyone could repeat if asked and

to which every function's individual goals are aligned. Without it, you might as well envision every function building a single room of a house without seeing the master blueprint for the entire house.

After alignment around mindset, you can start designing workforce strategy with people in mind. This is the lo-fi, inspired, creative, design-thinking phase, and you create this strategy with the personas of your workforce at its heart. What is the best experience you can possibly deliver? Do this before process redesign, before change management and certainly before technology transformation occurs—or you will let preconceived notions of what those things can deliver limit your imagination around what's truly possible. Technology doesn't determine strategy; your tools should be configured or selected to meet your strategic business objectives—or they're not the right tools.

In the third phase, you begin the work of reimagining your processes. There's a critical, often-missed step here. We remix processes to support a frictionless experience that will meet the needs of your workforce and produce the desired outcomes. But analytics and data need to be desired outcomes; otherwise, you will have done throwaway work and created an experience and transformation that can't be measured. That which can't be measured can't be optimized.

This leads us finally to technology. When you've done the previous steps thoughtfully, you will find yourself in a position of selecting, implementing or optimizing an anti-fragile technology foundation that allows for agility; that produces meaningful analytics tied to outcomes the business cares about; and that supports your strategy, not the other way around.

These are the tenets of turning your HR-technology strategy into a digital-HR strategy, and it's critical that these steps are performed in this order. This is how you build a workforce experience that will stand the test of time and that will bring your organization through and beyond the digital age. I'll be talking more about these concepts at this year's HR Technology Conference in October, where I hope you'll join me.

Jason Averbuck is a leading analyst, thought leader and consultant in the area of HR, the future of work and the impact technology can have on that future. He is the co-founder and CEO of Leapgen, a global consultancy helping organizations shape their future workplace. Send questions or comments to hreletters@lrp.com.



Pat Wadors
Chief Talent Officer
ServiceNow

What's the single most dramatic shift you see happening in the HR-tech space today?

CHROs are starting to really focus on the employee experience and how technology can manifest a better work experience/increase engagement and innovation. Technology can be in service to employees and our customers so, by keeping the design/workflow consumer-like/human-centric, we will get the best possible outcomes and engagement.

In acquiring and implementing new technologies, what are the most common mistakes HR organizations make?

We tend to look at technology in a siloed fashion—not considering the overall complexity for our employees. We tend to solve for discreet process issues versus looking at the overall experience and interface. The other real risk is customizing core ERP/platform solutions, which inhibits their ability to keep up with new generations of software and learn from other customers. This is costly and stagnates some teams when the complexity is too great to risk changing out antiquated technology.

How can HR leaders best make the business case for HR-technology investment?

Technology enables an amazing employee experience, and [it's imperative to] map the employee journey—tie it to desired outcomes—then leverage technology to manifest that vision. Showing how these affect engagement and productivity with real metrics can be the foundation of the business case.

Send questions or comments about this story to hreletters@lrp.com.

Health & Benefits Leadership Conference keynoter Vic Strecher shared his personal transformation from pain to purpose—a journey on which all employees should be encouraged to embark, he says.

Finding Purpose—and Business Success

In 2010, Vic Strecher's 19-year-old daughter, Julia, a heart-transplant recipient, died suddenly.

The loss sent Strecher, a behavioral scientist and professor at University of Michigan, on a harrowing journey that ultimately brought him to his purpose—a process that he said showed him how organizations can revolutionize their own approaches to employee wellness.

A few months after Julia died, Strecher told the audience during his keynote address at the opening session of the Health & Benefits Leadership Conference in Las Vegas in April, he found himself aimlessly kayaking on Lake Michigan in only his boxers and T-shirt. "I just didn't care about living anymore," he said.

As he paddled, the sun started rising and he heard his daughter's voice, telling him to "get over yourself." When he returned to shore, he realized it was Father's Day—and he took the experience as a sign that he needed to turn his life around, which he said had been gradually spiraling after the loss of his daughter.

To center himself and start to move forward, Strecher, who has since written a book titled *Life on Purpose*, started thinking about what his true purpose was and created his own mission statement: to enjoy love and beauty; to be a good son, father and husband; to teach all of his students as if they were his daughter; and to help 1 billion people find their own purpose.

Living purposefully, Strecher said, means "applying your best self to what matters most"—an approach he said can have a multitude of benefits, both personally and professionally. Strecher cited a number of studies on the power of purpose, such as one in which three groups of people were asked to carry a heavy backpack up a steep hill while blindfolded. The group that was told their backpacks contained nothing but dead weight assessed the hill to have a 42-degree incline—those who were told their packs were filled with



Vic Strecher delivered the opening keynote address April 24 at the 2019 Health & Benefits Leadership Conference in Las Vegas. The author, behavioral scientist and University of Michigan professor spoke about his personal story of finding purpose.

important scientific equipment deemed the hill to have an incline of just 31 degrees.

In another study, researchers found that, when individuals in a meditation group focused on improving their purpose in life, they produced more telomerase—which is connected to a chromosomal structure that can reduce stress and elongate life.

Purpose improves resilience, longevity, job satisfaction and sleep behaviors, Strecher said, and decreases conflict, fear response, depression and risk for Alzheimer's Disease and heart attack.

Purpose is "trans helpful," he added. "Instead of influencing one area, purpose in life is helping lots of different problems. So, as a scientist," he said, "I have to ask, 'What is going on?'"

That prompted Strecher's team at University of Michigan to undertake its own study on the power of purpose. Researchers placed study participants, who had been pre-determined to have sedentary behaviors and be in need of more physical activity, in an MRI machine, showing them frightening pictures like a growling dog and measuring the responses of the amygdala (which responds to fear

and aggression) and the ventromedial prefrontal cortex (which Strecher calls the "guru" part of the brain, which allows us to think about our individual identities). Ideally, right after the amygdala activates, the guru portion of the brain should respond, providing a bounce-back.

While they were in the scanner, researchers told participants they needed to improve their health and showed them resources for how to do that—but one group was first asked to perform self-affirmation, identifying words to describe how they feel when they're at their best.

Benefits

Researchers found subjects who started with self-affirmation had more bloodflow to their prefrontal cortex—suggesting greater resilience. And, one month later, that same group significantly reduced sedentary behavior when compared to the group that did not incorporate self-affirmation.

That finding, Strecher said, has been supported by similar results from 113 experiments in 51 studies.

However, instead of helping employees connect with their deeper drive to improve themselves, many workplace-wellness initiatives, he said, use incentives to encourage participation.

“Are incentives really the deepest motivation you can have?” he asked.

Employees should “set a goal around what matters most to them and apply

a greater purpose, we can create much more than just a ripple. We can create an actual change in how we work and how we think about employee health and employee benefits.”

—Jen Colletta

How Policymakers are Transforming Benefits

The Affordable Care Act. Health-reimbursement arrangements. Student-loan-repayment programs.

These were just a few of the topics American Benefits Council President James Klein touched on during his HBLC keynote, “Rethinking Employee Benefits Public Policy: Short-Term and Long-Term,” which parodied the television game show *Jeopardy*. Selecting answers (remember, *Jeopardy*

theme is, ‘We need to protect the Affordable Care Act’; but longer term, all of them, to one extent or the other, are talking about a larger role for the federal government to play.

“Almost none of them have really said very much at all about what the future role of employers would be in terms of this expanded role for the federal government, and none of them have touched the red-hot issue of how they might change the tax treatment of employer-sponsored healthcare coverage. So, stay tuned on that.”

On the issue of healthcare costs, Klein said that, while bipartisanship may be rare, it can be seen on occasion. While Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.) may not be “kissing one another,” they have announced they are going to work together to address healthcare



chomping at the bit to be able to say, ‘Oh look, oh look. They [the Democrats] are trying to turn your healthcare coverage over to the federal government.’ It’s a very delicate path that they have to navigate.”

It would be a mistake, Klein said, to think there’s just one version of single-payer or Medicare for All. “There are a lot of different approaches to this, some of which actually include the continuation of the employer-sponsored system operating side by side with an expanded Medicare system ...”

Klein suggested that employers should also keep their eyes on health-reimbursement arrangements. “This may be the biggest game changer that we will see in the whole arena of the provision of healthcare coverage in this country,” he said.

The proposed changes, Klein said, would enable employers to make contributions to HRAs on a tax-favored basis and permit their employees to buy whatever plan they like with the money that they’re given. Were this to catch on, he added, it would do for healthcare what 401(k)s did for the retirement system.

“The attractiveness of this concept will depend in large degree to the extent to which employers are confident that their employees will be able to find good-quality coverage at affordable prices in the individual marketplace,” Klein said. (Final rules should be out in the next couple of months and will likely include “guardrails” against employer misuse, he added.)

At the same time, Klein said, employers are going to want to keep an eye on developments in student-loan-payments support.

“This is sort of the shiny new thing, I think, in the world of benefits that we’re hearing so much about as we travel around the country and talk to employers of all sizes,” he said. “The notion here is to allow individuals to come to their employer and say, ‘Look, I’m paying off \$1,000 a month of this enormous student loan that I have.’ You can match that money or, up to a certain level, match that money into the 401(k) plan.”

Given the magnitude of the student-loan-debt problem, Klein suggested more proposals along these lines could follow in the coming months.

—David Shadovitz



HBLC attracted about 900 people from the health and benefits community for four days of workshops, panels and talks about the most pressing issues facing HR and benefits leaders. Among the conference’s offerings was an exposition hall where nearly 90 exhibitors showcased their solutions (left). The expo also featured an Innovation Zone, at which exhibitors presented their most forward-thinking ideas.



themselves to that. That becomes a purpose,” he said. Group affirmation, he added, can also build motivation and encourage employees to see themselves connected to a broader mission.

Moving forward, he said, technology could be key in enabling employees to connect to their purpose. For instance, his digital platform Kumanu uses advanced behavioral and data science to coach employees through finding their purpose—with an aim of ultimately enhancing workplace engagement.

“Over time, we’re going to be getting smarter about what drives that person and helping them focus on purpose, to the point where we shouldn’t need to be paying people to take part in the program because they can see that it’s intrinsically helpful,” he said. Strecher noted that advances in artificial intelligence can help HR and benefits professionals move beyond offering “broccoli and treadmill” content as part of their wellness programs to more meaningful and personalized items.

“All of our jobs have some degree of importance but, at the same time, all we may be doing is creating little more than ripples in a pond,” he said. “However, if we all thought more about the movement for helping people find

requires the contestants to offer up questions that are associated with particular answers) from categories such as Shakespeare Quotations, Playing the “Part,” Beatles Songs, Primary Colors and States of Confusion, Klein recapped some of the more significant developments happening inside the Beltway that could profoundly impact employer policies and programs.

It didn’t take Klein long to get to the ACA and healthcare reform.

Klein began his presentation by noting how all the Democratic Party presidential candidates have made healthcare a campaign priority. “They saw how that issue worked in the last election,” he said. “Short-term, their

costs and have reached out to various stakeholders to ask for suggestions. “They are making this the focus of this year’s and next year’s Congress,” he said.

Meanwhile, most of the Democrats running for president have been talking up a single-payer solution, otherwise known as “Medicare for All.”

While they know this won’t ever get through the Senate and be signed into law by the current president, Klein said, they see it as a way to set the stage were the Democrats to capture both the Senate and White House in 2020.

The danger, he adds, is it also “potentially hands a great campaign issue to the Republicans, who are

CASE STUDIES IN HR EFFECTIVENESS

Leveraging AI and Gamification to Improve Candidate Assessments at P&G

Procter & Gamble (P&G) has long been a global leader in using assessments to identify and nurture talent. P&G was one of the first companies to implement a cognitive-ability assessment in the 1950s, as well as was among the first to use adaptive testing. A willingness to experiment helps the company maintain that strength, and its leaders are eager to find new ways to improve the candidate experience while maintaining the validity of P&G's testing in a digital economy.

From the candidate perspective, P&G was increasingly concerned that barriers to accessing the assessment process—for example, its continued use of a pen-and-paper approach—might deter more technology-minded candidates from participating in the process and cause P&G to lose out on top talent. “We were missing out on a lot of talent just because of our process,” says Daniele Bologna, Ph.D., manager for global selection and assessments at P&G.

As an organization with a large global footprint, P&G depends on a recruitment process that allows it to efficiently and fairly assess candidates in locations around the world. In fact, it assesses about a million candidates in more than two-dozen languages.

The solution? Leverage the latest in measurement technology and AI to gamify the company's cognitive-ability assessments. “Aon provided that breadth of expertise in a global-assessment provider that we needed,” Bologna says.

Aon's Assessment Solutions modernized P&G's assessment process by creating interactive assessments that enabled P&G to continue to attract and acquire diverse talent in a more user-focused, efficient way. “Aon helped us introduce a product in the interactive assessments, what they call smartPredict, which enables us to continue to attract and acquire diverse talent through the use of assessments, which P&G has been doing since the 1950s,” Bologna says. “But this tool allows us to do it in a much more modernized and faster way than our previous assessments.”

Through a series of gamified assessments, recruiters are able to measure whether candidates have the aptitude and cognitive capacity to succeed at P&G. Using gamification principles to develop highly polished, interactive, responsive assessments, a team of psychologists, designers and developers worked together to create the assessments that transformed P&G's cognitive, proctored assessments to a mobile environment, maximizing efficiencies in its recruitment process and delivering a more candidate-centered experience.



Using the latest in AI technology, these assessments employ item generators to create, adapt and modify the assessments as the candidate takes them, creating a custom experience in which the difficulty is adjusted dynamically in response to the candidate's performance. Aon's optimized approach to assessments allows P&G to fully explore and measure each candidate's capabilities.

Aon's assessments enabled P&G to harness the power of AI and gamification to build the future workforce it will need. And it was able to scale these assessments rapidly. “We were able to launch this assessment, from its idea to inception, in less than a year globally,” Bologna says.

The results have surpassed expectations. Internal validation research shows that higher scores on the interactive assessments provide an increase of 100% to 300% in favorable employee outcomes, such as employee performance and potential.

“Based on our validation data, we're seeing that success on the assessments is related to

two to four times more success for the actual employees for various outcomes like performance, potential and turnover,” Bologna says. “To see that level of success in predicting positive employee outcome, that's a pretty remarkable finding for us.”

Candidates benefit as well. The new assessments take 75% less time to complete, compared with previous assessments. An astonishing 94% of people who start the interactive assessments complete them, and 93% said they were more likely to speak positively about their assessment experience.

P&G was able to successfully shift to a mobile-friendly, candidate-centric process that retained a high degree of validity and fairness. Aon's interactive assessments allow P&G to continue to bring in high-quality talent in a faster, more efficient way.

To learn more about gamified assessments, download our whitepaper, *Gamification in Assessment: Upgrade Your Talent Strategy*, at <http://ow.ly/1jev50u03nv>.

HIGHLIGHTS

Organization: Procter & Gamble (P&G)

Headquarters: Cincinnati

Primary business: P&G provides branded consumer packaged goods in five segments: beauty; grooming; healthcare; fabric and home care; and baby, feminine and family care.

HR challenge: P&G needed to modernize its assessment process to continue to attract and acquire diverse talent in a more user-focused, efficient way.



CASE STUDIES IN HR EFFECTIVENESS

Outsourcing Verifications Can Protect Employees and Ease HR Workload

Zimbrick Inc., a Madison, Wis.-based car dealership, has a laser-like focus on employees. “Our employees are the reason for our success,” says Vikki Brueggeman, director of HR at Zimbrick.

Like many other businesses, Zimbrick has grown—it now has more than 1,000 employees—but the company’s HR staff has remained constant. Three team members handle the HR duties required to keep the company running day to day. “This means sometimes the needs of our employees must be balanced against HR work time and data security,” says Brueggeman.

Consequently, Zimbrick’s HR team understandably must prioritize activities that are essential to company operations over the necessary but mundane tasks that often fall to the department. One such task is responding to employment- and income-verification requests.

During the hot residential real-estate market of the late 2000s, Zimbrick’s HR team experienced an influx of mortgage-related verification calls—so many that the department had trouble keeping up. Team members would set aside certain hours to address verification requests to ensure they were completed, but the process was not ideal, as it caused a delay in decisions for employees.

Brueggeman recognized there had to be a better way to handle verification requests. Knowing that the company’s payroll provider offered customers free access to The Work Number® database from Equifax, she decided to try out the service.

“With the mortgage industry going crazy and all of these verifications to do, we thought The Work Number was worth exploring. After all, if we didn’t like it, it was no big deal,” she says. “It turned out we loved it and have been using the service ever since. It takes so much work off your HR staff’s plate, I couldn’t believe it.”

The Work Number database is an automated verification solution that streamlines the transfer of information between employers and those who need to verify an employee’s employment or income, such as lenders, landlords and government agencies. By providing instant employment and income verifications 24 hours a day, seven days a week, it can significantly reduce the level of employer involvement in the process.

“If HR wants a seat at the table, we can’t be bogged down in the details. The Work Number allows those details to be taken care of in a timely manner, without you having to think about it,” says Brueggeman. “It gives me peace of mind to know it’s working in the background, so our team can focus on more strategic activities.”



While the number of verifications has ebbed and flowed over the years, Brueggeman’s enthusiasm for The Work Number database has not waned. In fact, she made it a priority to keep the service when Zimbrick changed payroll providers in 2017. She even included it as a mandate in its payroll-vendor search.

“My entire staff said that whoever we selected had to work with The Work Number—it wasn’t just me. If they didn’t, they were out of consideration. I think that speaks volumes to how well the service works,” says Brueggeman.

While she appreciates how The Work Number database allows Zimbrick’s HR team to concentrate on strategic activities rather than paperwork, Brueggeman says the staff’s satisfaction also stems from the security and privacy benefits it offers.

“You can’t just assume everybody has good intentions anymore, and you don’t know that a caller has the right to ask for an employee’s

information,” says Brueggeman. “To request information from The Work Number, a company or individual has to have credentials assigned to it by Equifax and a permissible purpose under the Fair Credit Reporting Act. This means my staff doesn’t have to ask questions to ensure they don’t give the wrong person confidential information about an employee. We don’t need to play detective.”

According to Brueggeman, The Work Number database makes sense for busy HR departments that have other things to worry about besides responding to verifications.

“It’s a win-win for everybody, and mostly it’s a win for the employees—the verifications get completed, employee information is protected and I don’t have to get my staff involved in the process,” Brueggeman says. “I don’t understand why any employer wouldn’t take advantage of this service.”

HIGHLIGHTS

Organization: Zimbrick Inc.

Headquarters: Madison, Wis.

Primary business: Automobile sales.

HR challenge: To deliver secure, timely income and employment verifications.



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CASE STUDIES IN HR EFFECTIVENESS

Solving HR Problems with a Scalable Solution

“I chose this profession because I thought it was an opportunity to solve complex business problems—and that’s what I get to do every day.”—Melanie Wiegert

Meet Melanie Wiegert, director of human resources for Diamond Mowers in Sioux Falls, S.D. As a longtime ADP® client, Melanie recognizes the value that a comprehensive HCM partner can provide to help her remove obstacles as well as scale with her company as needed.

Learn more about her journey:

On Her Experience with ADP

With my current company, it’s my fourth time being an ADP client—it’s a product that I know and love. If you take the time to invest in and understand the solution and how it will work for you, you can streamline administrative tasks and get on to the real work of HR in a hurry.

On a Scalable Solution

ADP is the right partner for us because it’s scalable. There are a lot of different modules, so you have the opportunity to phase them in over time as you need them. Depending on the size of your HR department, business challenges and what you have an appetite to solve, you can choose the solution that makes sense for you.

On Current Challenges

Our greatest challenge right now is around recruitment. South Dakota is not a very populated state and we have a low unemployment rate, typically around 2%. Plus, in our area of manufacturing, we need a lot of workers in skilled trades like welders and machinists, and there are less and less folks going into those careers today.

We also have the challenge of needing remote sales reps located throughout the country, where we don’t have the same presence that we do here in South Dakota. It can be difficult to hire a remote employee in a major metropolitan location, especially when they’re unfamiliar with our brand.



On Help from ADP

To help us with our recruitment challenges, we added ADP Screening and Selection Services, which places job ads for us, searches resume databases, screens candidates and is as involved with the hiring process as we want. That was helpful because ADP could leverage its network and tools to help us fill our open positions, both local and remote, more quickly—which was exactly what we were looking for.

One of the great things about using ADP Screening and Selection Services is that you get a dedicated representative who works with you throughout the process. On a weekly basis, they will check in with you about the resumes that they gathered or received.

As we went through the recruiting process, our representative was very receptive to our feedback and adjusted their search as necessary. Partnering with ADP gave us a faster track to be able to get more candidates into our funnel earlier in the process.

On Future Plans with ADP

Our plan is to continue down the road with ADP and discover which other products make sense for us. We’ll continue to phase things in one by one and really make sure that we’re making use of the products that are available. One of the best things about ADP is that it can be a single-source solution. There’s a comfort, there’s a familiarity and there’s an ease to that—ADP checks all of those boxes.

HIGHLIGHTS

Organization: Diamond Mowers

Headquarters: Sioux Falls, S.D.

Primary business: Manufacturer of industrial mowing, mulching and brush-cutting equipment for the municipal, skid-steer and excavator markets.

HR challenge: Enhancing recruitment efforts in challenging conditions.



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Innovating for the Future

The 2019 HR's Rising Stars are ensuring their organizations' HR functions are poised for success.

This year, we received an impressive pool of nominations for our annual HR's Rising Stars competition, but several candidates particularly stood out for their proven track records of bringing innovative ideas to fruition—and the exciting potential that each contributes to the future of their organizations.

This year's winners span a number of industries and all offer unique skill sets and focuses—from technology to training, and diversity to development—but all share a passion for people management that has helped their organizations stay ahead of the curve when it comes to talent. The 2019 HR's Rising Stars are: Krista Deguffroy, director of inclusion and compliance at SEI Investments; Karlian Brown Hildevert, director of talent operations and analytics at Frontier Communications; David Mancari, manager of human resources business partners at Montefiore St. Luke's Cornwall; Janna Messman, senior manager and HR business partner at Lockheed Martin Aeronautics; and Krista Simonsen, director of HR at National 4-H Council.

HRE names up to five Rising Stars each year to recognize individuals near the top of their organizations' HR function who have demonstrated leadership, and the ability to successfully launch significant HR initiatives and tackle major HR-related challenges.

Judges for the competition include Charlie Tharp, executive vice president of the HR Policy Association and senior advisor of research and practice for its Center on Executive Compensation; Gregory Hessel, senior client partner with the human resources practice and managing director of global client development at Korn Ferry's Dallas offices; and Jen Colletta, managing editor of *HRE*.

Expanding the Circle at SEI

Krista Deguffroy is helping the financial-services company create a more diverse and inclusive workforce.

It's easy to feel confused and alone when you're standing in the middle of SEI's sprawling 90-acre campus—and that's where Krista Deguffroy often comes in.

Deguffroy is no tour guide, though. As the director of inclusion and compliance at the financial-services company headquartered outside Philadelphia, she focuses on

ensuring SEI provides a welcoming and supportive atmosphere to underrepresented members in its worldwide workforce of 3,200, which includes military veterans, workers on the autism spectrum and people of color.

Armed with both an undergraduate degree in psychology and a master's degree in employment and labor relations from Indiana University of Pennsylvania, Deguffroy joined the company in 2014 as a recruiting specialist and moved into her current role approximately a year later.

It's in this current capacity that Deguffroy says she can envision and execute programs designed to "break bias and change the perceptions of how diversity and inclusion shape the workforce." And that's a big reason why she's been named to this year's HR's Rising Stars list.

"Krista is an ambitious and passionate young professional who

is continuously searching for new ways to better the world around her," says Colleen Stratton, global leader of workforce development and Deguffroy's supervisor.

Accepting Autism

One way she's making that happen at SEI is through its Autism at Work program, which Deguffroy created in 2018 and designed to provide internship opportunities to individuals on the autism spectrum.

With more than 3.5 million Americans currently diagnosed with an autism-spectrum disorder and a low national unemployment rate, there are myriad reasons for employers to explore hiring more neurodiverse workers. So, in an effort to help decipher the working world for the interns, Deguffroy created a curriculum that includes "discovery" weeks, in which interns focus on employment-

readiness tasks including conducting research and attending meetings.

Since self-disclosure is an important element of an autistic worker's journey, Deguffroy says, she created an option that allows interns to make the decision whether to disclose their condition while they are being evaluated for their skills and organizational impact.

"There's still a stigma attached to an autism diagnosis," she says, "but we're trying to change that."

After putting four interns through the program last summer—including two who became full-time SEI employees—this summer's program includes 12 interns.

Engaging Veterans

During her tenure, Deguffroy has also turned her attention to SEI employees who have served in the military but were experiencing difficulties at work. Some veterans were "struggling to adapt" to the company's lack of a hierarchical structure similar to what they had in the military, she says.

Deguffroy expanded the company's "Battle Buddy" program to incorporate both peer veteran and civilian mentors for new military hires; having both types of mentors to act as translators has been very helpful to these warrior workers, she says. There are currently 48 active Battle Buddies in the organization, and approximately 80 have participated in the program over the years.

Deguffroy also helped to expand this program to SEI's military families and spouses who want to engage with others in similar situations. She also updated a video program titled "On the Homefront" that gives viewers the chance to meet and salute the company's veterans.

As proof of the program's success, SEI was recently recognized by the organization Military Friendly as a "Top 10 Veteran Friendly Employer," for its commitment to veterans.

"I am SEI"

Another companywide challenge Deguffroy has taken on involves enhancing the diversity being showcased through the company's external channels.

Working at first with the company's affinity group focused on diversity, Deguffroy decided to create a video that showcases the value the company places on the diversity of its workforce. (In addition to sitting on the board of that diversity group, Deguffroy also serves as president of SEI's Women's Network and is a board member of SEI Salutes, which focuses on supporting the veteran community.)

When it came time to shoot the video, Deguffroy says, "I was surprised by the demand" of workers who wanted to appear in the video. In the end, workers speaking 12 different



Krista Deguffroy

Director of Inclusion and Compliance

SEI Investments, Oaks, Pa.

Greatest HR Achievement: Creating SEI's Autism at Work program to encourage more neurodiverse workforce participation.

Greatest HR Challenge: Increasing engagement and retention levels with employees who are military veterans.

native languages (including German and Swahili) were featured in the video.

"SEI offers a variety of programs to increase focus on all aspects of diversity," says one worker in the video, which is available on YouTube and other platforms. "Everyone is welcome, and we achieve success by bringing people from different backgrounds together."

Looking Ahead

Stratton says Deguffroy is such an asset because she "regularly works toward discovering new potential" for SEI's workplace and workforce. "By creating new programs and opportunities to promote employee growth and learning, Krista has significantly changed the pace for SEI's workforce-development team," Stratton says. "Her patience, empathy and knowledge make her a valuable asset to her team and the organization as a whole."

Deguffroy's empathy is also exhibited in her volunteer work with the Gift of Life Foundation, a nonprofit focused on the needs of those battling blood cancer. She regularly volunteers at the foundation's Family House and

also visits with patients undergoing treatments.

Back at SEI, Stratton says, Deguffroy has already made a remarkable impact on the company in just four years. "Krista's confidence will continue to lead her through to success," she says.

As for where that path may take her, Deguffroy would like to continue her education by attending law school someday, but she's not taking any options off the table.

"Anything in the future is possible," she says. "The past doesn't matter because you're not going backward."

—Michael J. O'Brien

Charting the Next Frontier

From the Navy to the HR department at a telecommunications company, Karlian Brown Hildevert seeks solutions.

When Karlian Brown Hildevert sees something—she says something.

That go-getter attitude evinced itself when she was serving in the Navy, stationed aboard the USS George Washington, on the aircraft carrier's flight-deck crew.

"It was a very dangerous job at that time, but our training for personnel

coming in wasn't standardized—so I spoke to our senior chief about the training program because we just weren't doing well on it," she says. She was ultimately tasked with reviewing and updating training manuals, coordinating training for the 155 members of the division, conducting classroom trainings and recruiting trainers.

Brown Hildevert spent five years in the Navy, leaving in 2011 for civilian life with a renewed career focus: "I knew I wanted to work with people," she says, "and [my Navy experience] sparked that operations piece—looking at how things work, how to get people to work more efficiently and effectively and making sure people know what they need to know."

The Jamaica native and longtime Connecticut resident went on to earn a bachelor's degree in business data analytics in 2014 from the University of Connecticut School of Business. While in school, she was accepted into the recruiting internship program at telecommunications company Frontier Communications and was offered a recruiting coordinator position upon completion.

"I went through the program and thought, 'OK, we could have done this and that better,' so I brought that up to my supervisor and said, 'Next year, I'll help you build out the program since I've been through it,'" recalls Brown Hildevert, who went on to lead the summer-internship program.

After one year as a coordinator, she was promoted to recruiting specialist—and later talent data analyst, talent operations specialist and manager of Frontier's Talent Operations and Analytics. Last year, she took the helm of that department as director.

Experience and Efficiency

As she rose through the ranks, Brown Hildevert continued to proactively address problems she noticed.

One of the most significant shortcomings, she says, was Frontier's applicant-tracking system.

"It wasn't working as efficiently as we would have liked," she says. "It's the basis of our entire recruiting process but it wasn't up to date on the technology so we weren't providing the best services we could for our applicants."

Working closely with recruiters, Brown Hildevert

made an exhaustive list of what worked and what didn't with the ATS and took the lead as the subject-matter expert for the RFP and vendor-selection processes. The company ultimately selected Jobvite as its ATS, rolling it out in February 2018. Brown Hildevert was the point of contact for the launch, ensuring everything from scripts to communication to training was properly implemented.

"Our users now have a better candidate experience," she says of the new system, which enables paperless offers and quicker processes for applicants. "We're now able to have different workflows for different candidates, which are needed because they all have different needs," she adds.

Now, HR and recruiters can see an applicant's history with the company—each position they've applied to, which recruiters they've worked with, where their applications stand—data that had been segmented before.

Karlian Brown Hildevert

Director, Talent Operations & Analytics

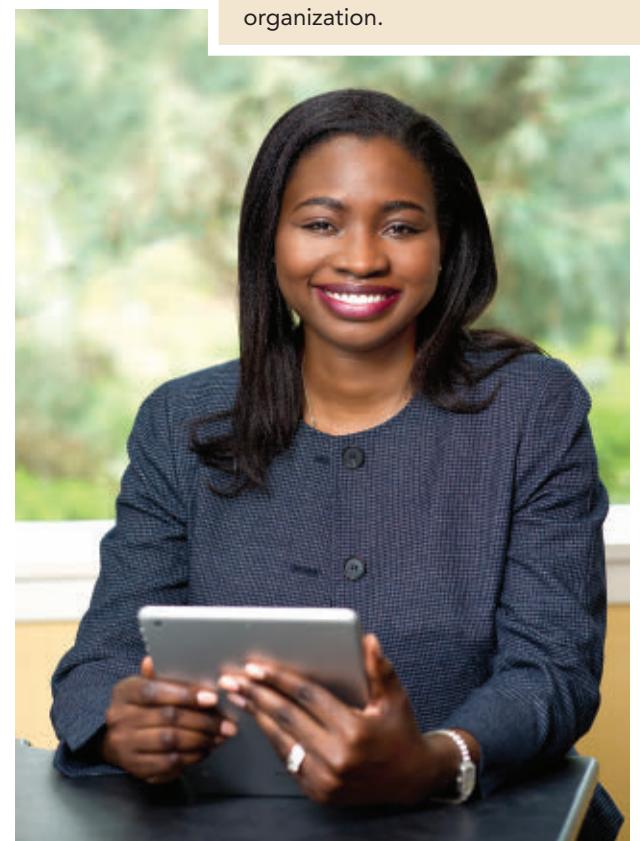
Frontier Communications, Norwalk, Conn.

Greatest HR Achievement:

Improving HR processes through technology, particularly with the introduction of a new applicant-tracking system that created a better candidate experience and made HR operations more efficient.

Greatest HR Challenge:

Overhauling the talent process to ensure Frontier is compliant as a federal contractor, a project that has involved standardizing workflows across the talent organization.



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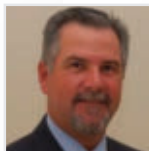
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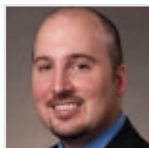
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HR's Rising Stars

"It makes for a better experience for the candidate to not have multiple lines of communications open, which can lead to confusion," she says. The system also enables better reporting, which has enhanced HR's analytics capabilities, and it integrates with other talent features, such as assessment and development.

A Numbers Game

The new ATS also integrates with Frontier's background-check system; previously, the company operated two standalone systems and had to manually copy information across them.

"Now, it's all one fluid movement," says Brown Hildevert, who worked with Jobvite and background-screening vendor Sterling to develop new workflows to support the integration. Now, once an offer has been extended, the candidate signs a release and his or her information transfers to Sterling, with the screening process reflected in a newly developed recruiter dashboard.

Working with Frontier's legal counsel, Brown Hildevert also standardized the process for reviewing background checks. Serving as the adjudication administrator, she monitors all flagged reports and funnels them through the chain of command if needed.

"Even though we have a standardized process, they're reviewed on a case-by-case basis as well, which takes into account the line of business the person would be working in and how what's on the check could affect that line of business," she notes.

Brown Hildevert also standardized other workflow processes, such as those regarding job posting and outreach, with an eye toward compliance as a federal contractor—embedding consistent selection criteria and, ultimately, she says, improving quality of hire. Last year, she took the lead on collecting, reviewing and remediating all I-9 information across the company, an ongoing project.

"We had to pull all the information for all employees in our system and match it to payroll," she says. She developed a data-collection method, as well as a process to review and remediate issues—a project that meshed well with her degree in data analytics.

Brown Hildevert says she's eager to continue to make data-driven decisions for Frontier's HR operations.

"I love mapping, dashboarding and telling a story with the data," she says. "When you look at data trends, you can really see where things are headed."

She would like to see her own career headed toward developing more business acumen.

"So far, I've been on the talent and HR side, and I'd like to develop more in-depth knowledge of areas like sales or field operations to learn more about

the different business functions," she says.

That learning is already happening with Brown Hildevert's current project: redeveloping Frontier's employee-value proposition, a talent-attraction project that is steeped in marketing and communication. "I'm an analytics person—I'm comfortable with numbers and spreadsheets," she says, "so working on the creative side is a new challenge for me."

Elisa Bannon-Jones, executive vice president and CHRO at Frontier, says Brown Hildevert's already well-rounded experiences—both at the company and beyond—illuminate her future potential.

"The changing business landscape requires a different skill set in human resources," she says. "Karlian brings a unique perspective. Her data-driven approach, when blended with her technology acumen, ensures Frontier is continuously innovating for value-added HR solutions. Her experience outside of HR enhances her ability to solve not only HR-related issues, but also business challenges."

Regardless of the challenges that may present themselves, Brown Hildevert says, she'll approach them with the same strategy she always employs: "My mindset is always to focus on the solution, not the problem."

—Jen Colletta

A Healthy Dose of Drive

Through a wide range of new initiatives, MSLC's David Mancari has played a major role in taking engagement to the next level.

David Mancari's first job in HR was as an executive intern at Target Corp. in New York. It was just a 10-week rotational assignment, but it didn't take long for Mancari to see how well HR aligned with "my natural ability" to collaborate with people from different backgrounds. "I really just fell in love with it," he says.

After four-and-a-half years at Target as an HR manager, Mancari joined Montefiore St. Luke's Cornwall as an HR coordinator in 2015. Within a year, he was promoted to employee and labor relations specialist and then, in 2017, manager of human resources business partners for the 1,500-employee nonprofit hospital, whose workforce is 75% unionized.

There, particularly in his current role, Mancari has put that "natural ability" of his to work by spearheading the

development of world-class programs and initiatives that have helped raise the Newburgh, N.Y.-based hospital's engagement score from the 4th percentile in 2012 to the 83rd percentile in 2018. Those efforts have also landed the hospital on the Great Places to Work list for two years running.

Developing Leaders

Giving frontline leaders at MSLC the tools and resources they need to succeed has been a high priority for Mancari, who has a bachelor's degree in business administration from Marist College and is just finishing his MBA at Syracuse University. Specifically, he was instrumental in creating training initiatives aimed at helping these leaders develop their skills and abilities, including how to recognize and engage their talent, and how to more effectively handle disciplinary actions.

Regular CEO forums were established to give employees the opportunity to share what's working in the organization and what could use improvement. One outcome was a program called Badge Buddies, which made it clearer to patients with whom they were interacting at the hospital.

"These forums not only improve the patient experience," says Mancari, "but they also say to employees, 'Hey, you spoke, we listened to you and things got done.'"

David Mancari

Manager of Human Resources Business Partners

Montefiore St. Luke's Cornwall, Newburgh, N.Y.

Greatest HR Achievement: Raising engagement scores and earning MSLC a place on the Great Places to Work list two years running.

Greatest HR Challenge: Building a workplace and culture that is able to successfully compete for talent.

MSLC also uses the gatherings to talk about employee benefits, such as the hospital's home-ownership program, which provides employees who would like to purchase a home in the city of Newburgh a five-year, \$11,000 forgivable loan that could be used to cover closing costs or pay a down payment.

The hospital's employee-assistance program has been a major focal point for Mancari.

"Being a vital-access provider," Mancari says, "we see a lot of traumas on a regular basis. There could be a mass shooting involving children that could seriously impact those providing the care—so, we want to make sure we're providing them the support they need."

When a traumatic event occurs, MSLC's EAP provider, Carebridge, sends in a psychotherapist and social workers, who are able to assist those employees in need of support.

Expanding on that support, Mancari spearheaded the addition of a "second-victim" program to further assist workers throughout the entire organization following such a trauma.

Mancari also led the formation of the hospital's first diversity and inclusion committee, which now stands at 15 members and represents every level of the organization. The committee, he says, is viewed as a way to spur greater workforce creativity and innovation. D&I efforts range from videos in which employees tell their own personal stories to Diversity Days, which encourage employees to share their culture through cuisine in the hospital cafeteria.

"It gets a lot more attention and a lot more buy-in from employees when you have them tell their own stories," Mancari says.

Mancari also took steps to improve the hospital's Catch a Star program,



which recognizes employees for “Service, Teamwork, Attitude and Responsiveness.” Among other things, he brought on to the committee employees from every level of the organization and moved the nomination process online.

Further, he added a new wrinkle to the program: Shining STARS, which recognizes those who received 10 or more nominations. Photos of the recipients are featured in the lobby, along with a “powerful quote” from a patient or co-worker.

On Mancari’s watch, MSLC also deployed Kahoot, an app that periodically solicits feedback from employees on various topics, such as what leadership should be focusing on and how a particular process can be improved.

“It empowers everyone to have a voice within the organization and enables them to share what they think in an open forum,” he says.

It’s simply one more way Mancari has helped improve employee engagement and performance at the hospital.

Improving the Recruiting Process

Strengthening the way MSLC approaches recruiting has been another major focus for Mancari. As recently as 2017, he says, there really wasn’t much of a process at all. In many instances, managers weren’t even able to select their own people. So, to rectify that, he set out to transform how things were done from start to finish.

As a part of that process improvement, Mancari, working closely with the hospital’s chief nursing officer and her assistant, instituted panel interviews, where multiple people were assigned to interview candidates.

“There are certain things one person simply won’t be able to pick up on,” he says. At the same time, Mancari restructured the hospital’s behavioral-based interviewing process, adding the use of guides that helped raise awareness of the core competencies that were being sought for various nursing positions.

As a result of these and other efforts, the RN-vacancy rate decreased from around 8% in 2015 to 3.2% in 2018 and new-hire retention rates improved from 78% to 95% after three months and 78% to 84% after six months during that same time span.

In his nomination of Mancari, MSLC Vice President of Administrative Services Dan Bengyak says that Mancari has excelled in his various roles by “taking on the challenge in front of him and shaping the role into his own.” He adds that nothing ever escapes his “observation and control.”

Along with the broad experience he’s gaining and the success he’s demonstrating in his current role, these attributes should go a long way to helping Mancari achieve his longer-term goal of someday heading HR at a Fortune 500 corporation.

—David Shadovitz

Aiming High

Janna Messman’s vision and leadership have helped keep the global firm’s HR operations on course.

The F-35 Joint Strike Fighter jet is a rather impressive military machine. Built as a replacement for the various fighter jets used by the U.S. Air Force, Navy and Marines (as well as the militaries of U.S. allies), the F-35 is powered by a Pratt & Whitney F135 engine that produces 43,000 pounds of thrust, pushing the aircraft to a top speed of 1,200 miles per hour with a full weapons load. It is designed to evade sophisticated enemy radar and anti-aircraft systems. Variations of the F-35 can, depending on which branch of the armed services it was built for, land vertically (Marines) and be launched from and land on an aircraft carrier at sea (Navy).

Not surprisingly, the F-35 is also very expensive, with the cheapest version costing just under \$90 million. Lockheed Martin, the defense contractor responsible for the F-35, has been under intense pressure from Washington to reduce costs for what has turned out to be the world’s most expensive weapons system.

This is where the work done by HR professionals such as Janna Messmann comes into play.

Five-Year Deal

Armed with a major in human resource management from the University of Central Florida and a master’s degree in organization development from Pepperdine University, Messmann has spent the past 10 years in the HR profession. During this time, she has gained expertise in developing and executing human-capital plans in union and non-union environments, as well as with labor-relations negotiations, organization design and talent acquisition.

As a labor-relations manager with Lockheed Martin Aeronautics, the LM division that builds the F-35, she successfully negotiated a five-year labor contract with approximately 700 union-represented employees.

Getting that agreement in place with the employees was a critical milestone, says Messmann.

“We hadn’t had a five-year agreement with this particular bargaining unit before,” she says. In the past, labor agreements typically lasted for four years. A five-year agreement helps ensure a longer period of labor stability while the company focuses on its rapidly growing business, says Messmann.

That’s not to say the process was a cakewalk.

“The challenge was that we were working with employees from multiple



Janna Messmann

Senior Manager,
HR Business Partner

Lockheed Martin Aeronautics,
Forth Worth, Texas

Greatest HR Achievement: Leading an organization-design initiative to help HR staffers and business stakeholders identify opportunities for improvement.

Greatest HR Challenge: Negotiating a long-term collective-bargaining agreement with the company’s unionized employees.

company sites,” she says. A certain amount of give and take between the parties was necessary, she adds, as Lockheed Martin has a longstanding relationship with the union, which it wanted to maintain and solidify.

Laura Hopkins, director of HR for LM Aeronautics and Messmann’s immediate supervisor, praises her effectiveness:

“Janna’s leadership of these efforts resulted in 100% achievement within established economic parameters, in a timely manner and through effective partnerships with multiple key stakeholders.”



SEI New ways.
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KRISTA DEGUFFROY

A champion of inclusion and
2019 “HR’s Rising Star”

We’re proud of Krista’s dedication to the community and SEI, and wish all the honorees a heartfelt congratulations for their many achievements!

HR's Rising Stars

Messmann also oversaw another milestone involving union-represented employees: outsourcing the role of providing physical security at LM Aeronautics facilities so the company could focus on its core business.

"Our bread and butter is aircraft; providing physical security is not one of our core functions," she says.

The move involved approximately 70 security guards who were also represented by the union, albeit under a separate contract. The guards were given the option of transitioning to similar jobs with the outside firm.

"This was not easy, and the security guards weren't necessarily happy about this," says Messmann. "We negotiated with the union and tried to make it as palatable as possible."

Messmann's leadership here also proved vital, says Hopkins.

"Janna partnered with the labor union to ensure positive employee experiences, facilitated employee-transition sessions and enabled strong leadership support," she says.

Fostering Design-Thinking Skills

Next, Messmann led the design and development phases of Lockheed Martin Aeronautics' largest, most complex organization-design initiative. It required "substantial understanding of our business strategy and priorities, partnership with external experts and multiple internal stakeholders, and extensive project management and communication knowledge and skills," says Hopkins.

The initiative aimed to "build a design-thinking skill set throughout the working teams," says Messmann. The goal was to ensure that staffers in HR and the business units would be better equipped to identify areas for improvement in organizational processes and structures.

The result?

"This effort has created a coalition of organization-design advocates who've learned to assess continued opportunities for design changes throughout our broader organization—which is exactly what we wanted," she says.

Messmann recently transitioned to a new role as senior manager and HR business partner for Lockheed Martin Logistics Services, where she oversees a team of 10 HR staffers who deliver HR services to LMLS' 2,100-plus employees.

Hopkins says Messmann demonstrates high potential for taking on executive-level HR roles in the future.

"Janna is a continuous learner who seeks and takes on projects and initiatives with increased scope and responsibility," she says.

As for Messmann herself, she continues to enjoy her role at the nexus of business and HR.

"I like strategizing with business leaders to solve people problems," she says.

—Andrew R. McIlvaine

Culture Refresh

Krista Simonsen has made building trust in HR a core component of her work at National 4-H Council.

It's only been two years since Krista Simonsen joined the National 4-H Council, a youth-development organization based in Chevy Chase, Md., that supports 140 employees. Since then, she has been promoted from HR manager to HR director and has transformed the way employees are recruited, engaged and rewarded while aligning HR with the organization's business goals and talent strategies.

When she came on board, the organization was facing problems.

"It was a tumultuous time for the HR team," says Simonsen, who earned a bachelor of arts degree from the University of Buffalo in 2011 and two professional certifications: SHRM-CP (certified professional) and PHR (professional in HR). "There was a lack of HR leadership, some turnover and no direction in terms of overall strategy. I had to build trust in the HR department, [ensuring] the team was consistent and competent."

Among her first responsibilities was introducing a pay-for-performance model and internal salary-grading system in an organization that applied traditional approaches to pay raises. To solicit buy-in from staff for both systems, she revised and streamlined existing performance-appraisals forms, created supplemental worksheets that informed employees about the new process, provided tip sheets that helped employees create developmental goals and offered training workshops and individual coaching sessions for supervisors.

Although employees may have been "overeducated" about the new process, she says, it was important that they fully understood why the council was transitioning to a performance-based culture and how it would support and encourage professional development for both staff and the organization.

"The strongest message this sends is that we're a results-driven environment, and you will be rewarded if you work hard and meet our goals," she says, adding that she also works with C-suite executives and board members to identify high-potential employees and create individual professional-development strategies. "Trust has built up around the program."

Shaking Things Up

In recent years, the organization has supported a large number of employees who telecommuted but felt disconnected from—and maybe even

undervalued by—the council.

To address that issue, in 2017, Simonsen rolled out an annual rewards and recognition program that was aligned with the organization's culture. Employees can nominate peers who champion or demonstrate any of the organization's 10 valued behaviors, such as establishing strong connections with members from their team or community. The selection committee, composed of HR staff and past winners, chooses 10 winners, or two individuals who reflect each of the council's five values. Each winner is awarded \$1,000.

Likewise, the HR team beefed up the employee-referral program. In the past, she says, the finder's fee ranged from \$100 to \$250. Now, the program pays either \$500 for referring an hourly applicant or \$1,000 for a salaried candidate who is hired; targeted emails remind employees of the program.

Simonsen says HR also consolidated and centralized recruiting by hiring a full-time, dedicated consultant to maintain compliance and enhance the hiring manager and candidate experiences. An exit-interview process was established, enabling Simonsen to aggregate feedback from departing employees and then share it with board members. HR began using an applicant-tracking system that it had already purchased as part of its HRIS but never used. Attention also shifted toward individual professional development, since few employees shared the same job title or responsibilities.

"There was a real strong financial and strategic push to have full organizational training, where 100 people would get in a room and [receive training] on a specific topic," she says, adding that attendance was low, learning didn't really stick and external trainers were costly. "Now, HR encourages managers to meet with each direct associate at least once a week to identify skills or professional development needed. We partner with them to identify potential training opportunities."

But associates weren't the only individuals learning. Simonsen says she better understands the importance of analytics, especially for providing concrete results to the council's leaders and senior members. Over the past two years, she has grown more comfortable with numbers and is more competent at applying hardcore metrics when addressing issues, trends or solutions with the leadership team.



Krista Simonsen

Director of HR

National 4-H Council,
Chevy Chase, Md.

Greatest HR Achievement: Helping develop policies, procedures and programs that boosted employee trust and engagement while building a healthier, more robust organization.

Greatest HR Challenge: Finding layers of technology to automate and streamline administrative processes that were still paper-based, all with a limited budget.

Future CHRO

Simonsen's boss, Jane Angelich, senior vice president and chief innovation officer at the council, says Simonsen's "quiet assertiveness" is among her standout characteristics.

"Krista's strong suit is her ability to communicate and influence our senior leadership while maintaining respect across the entire organization," she says. "I'm continually impressed with her [understanding of] organizational agility and ability to maintain a calm demeanor. She gets what she needs to get across in all parts of the organization, but she doesn't operate like a bull in a china shop."

Angelich says Simonsen is on track for one more promotion—to CHRO—within the next three years, mainly because she has embraced her role with a "huge amount of passion and a great deal of speed."

Simonsen, however, believes her accomplishments are more the outcome of the trust and confidence placed in her by the council's leaders.

"It's only through that trust that I've been able to ... build as many programs in the short time I've been with the organization," she says. "It's fantastic for the organization and also fantastic for my team and my development."

—Carol Patton

Send questions or comments about this story to hreletters@lrp.com.



Avoiding Legal Pitfalls

Several of this year's Most Powerful Employment Attorneys offer their thoughts on how HR leaders can help keep their organizations out of trouble.

BY ANDREW R. McILVAINE

If you think we live in interesting times right now, just wait. The coming months will feature tons of media coverage of the upcoming presidential election, amid a divisive political landscape. Political discussions and arguments in the workplace are practically guaranteed—along with all the accompanying rancor and potential complaints.

But that's not all. The spotlight that the #MeToo movement has shone on sexual harassment in the workplace has hardly faded. HR leaders should anticipate ongoing awareness of the issue, and should not waver in their efforts to stamp out this behavior. On a related note, more attention than ever is being directed to the wage gap between men and women. A number of states and cities have passed equal-pay laws, and more are considering them. Organizations with multi-state operations are increasingly faced with a patchwork of laws to deal with.

For this year's Most Powerful Employment Attorneys special feature, we spoke to a number of attorneys on the list to get their thoughts on the legal issues HR leaders should be paying the most attention to. The better prepared we are for what lies ahead, the better positioned we'll be to help our organizations thrive.

A Divided Workplace

In the unlikely event you haven't been paying attention, U.S. politics on the national level has come to resemble constant warfare. This has, inevitably, bled into the workplace. A survey by Randstad U.S. late last year found that 55% of employees have witnessed heated political discussions at work, with nearly 40% having engaged in such discourse themselves. In addition, 72% said such discussions have caused them stress, and 44% said they've impacted their productivity.

Should the solution simply be an outright ban on political discussions at work? Elise Bloom, co-chair of Proskauer's labor and employment department and a member of this year's list, says that, while such a ban may be too heavy-handed, efforts to discourage such discussions are probably in an employer's best interests.

"Make it clear that work time is for work activities, and ask people to refrain from having discussions about politics during work hours," she says. "I think it's important to re-focus people on the fact that when you're at work, you're there to get your job done."

However, list member Jonathan Segal, partner at Duane Morris and managing principal of its Duane Morris Institute, says banning or discouraging political talk simply isn't realistic.

"People are going to talk about politics, and I think a rule that has no chance of being enforced undermines an employer's credibility," he says.

Segal and Bloom agree that the heated political climate brings risks for employers. The national debate over immigration, terrorism, the Mueller report and its aftermath, and a host of other issues can lead to workplace conflict that erodes camaraderie and gives rise to complaints.

Concurrent with that, there's been a rise in hate crimes against Jews, Muslims and other groups nationwide (as well as around the world). Offhand comments in the office about certain ethnic or religious groups (sometimes arising from political discussions) can spark complaints about a hostile work environment, says Segal.

By the same token, hostile comments about demographic groups that do not have a history of disenfranchisement—older white males, for example—can lead to similar problems, he adds.

"Comments such as, 'We really don't need to elect another old white male as president' can give rise to complaints of a hostile workplace environment if they're not properly addressed by the employer when brought to their attention," says Segal.

The ideal approach, he says, is for HR to put "guardrails" in place that remind employees of the need to be civil and respectful of each other, regardless of the topic at hand.

"Rather than waiting until there's a problem, it's best to head off the issue upfront by holding a meeting in which you acknowledge that, while people may discuss politics at work, everyone needs to be civil and respectful," says Segal.

Another piece of advice? Try to exercise balance when complaints are brought directly to HR, he says. "It's important to be seen as apolitical and not appear to be targeting one side or another." This includes reminding employees that derogatory remarks about any group, regardless of whether they've been historically disenfranchised or not, are unacceptable.

The Legacy of #MeToo

Although HR leaders may feel they've been inundated with information about preventing sexual harassment, they shouldn't assume that all employees have gotten the message, says Bloom. They should continue to review and evaluate their complaint-resolution processes and ensure their mechanisms for reporting complaints are working.

"There's been a knee-jerk reaction of putting in place reporting hotlines and an ombudsman, but how do you do those things in a way that accomplishes your goals?" she says.

So-called "one-and-done" online sexual-harassment training may not be enough, says Bloom. The

best approach, she says, is live, in-person training that gives employees the opportunity to ask questions, accompanied by an on-site presentation from company leaders about why the training is important.

“That’s where organizations have seen the greatest success and the biggest change,” she says. “Having leaders present reminds everyone that the issue is being taken seriously.”

HR needs to evaluate the organizational culture to ensure sexual harassment isn’t being tolerated, while ensuring that managers up and down the org chart are treating employees fairly, understand the rules and know what to do when a complaint is brought to their attention, says Segal.

“#MeToo will continue to be a big issue for organizations,” he says. “The days of people suffering in silence are over.”

HR leaders should also evaluate whether work events may allow for too much alcohol consumption, how complaints related to incivility are resolved and what, if any, restrictions apply to dating among co-workers (or attempts to date co-workers).

Respect at all levels of an organization is vital, says Segal.

“It’s important to understand that #MeToo does not just refer to sexual harassment,” he says. There’ve been upticks in other categories of harassment as well, including incidents motivated by race, disability and ethnicity, he says.

One of the biggest perils organizations face these days is a “false sense of security” within the C-suite that the harassment issue has been adequately addressed, says Segal.

“HR leaders may feel over-saturated with news about #MeToo, but this behavior remains a very big issue in the workplace,” he says.

Unequal Pay and Other Matters

Pay inequity, and legislative efforts to remedy it, should continue to be on HR’s radar, says Bloom.

“One of the things that keeps HR leaders up at night is ‘How do we go about approaching pay structure and evaluating whether or not we have an issue?’ ” she says.

In some cases, organizations have elected to go with transparency, making it easy for all employees to determine who’s paid what and to see how their pay stacks up against that of their peers, says Bloom.

Although new federal laws mandating equal pay are unlikely in the near future, given the current political stalemate, states such as Washington, Oregon, Maryland and New Jersey (along with cities such as Philadelphia and Cincinnati) have introduced fairly robust pay-equity laws, which include bans on soliciting salary history from candidates, says Segal. (However, at least two states—Wisconsin and Michigan—have gone in the opposite

How They Are Selected

This is the 12th edition of the Nation’s Most Powerful Employment Attorneys, a joint project produced by *Human Resource Executive*® and Lawdragon, which offers the most elite recognition a lawyer can achieve.

We first published this guide in 2007, honoring the nation’s top 50 corporate employment attorneys. It has since grown alongside the practice of employment law in the U.S., and this year recognizes 220 employment lawyers who stand out for their ability to guide employers through the constantly evolving laws governing the workplace. In this issue, we honor 100 leading corporate-side lawyers; 20 specialists apiece in immigration, traditional labor law, and employee benefits and ERISA; and 40 Up-and-Comers.

This year’s guide also celebrates a record class—20—newly added to the *HRE*/Lawdragon Hall of Fame. Now in its sixth year, the HOF features legends of the employment bar whose contributions to the field, as well as their firms, are unparalleled. Very few lawyers are considered for Hall of Fame status—with eligibility requirements that include at least 35 years in the employment-law trenches and consistent recognition for all-around excellence in counseling clients, contributing to the bar and serving as a visionary to improve workplaces. Last year, we admitted a record class of 16, topped by this year’s 20 all-stars. The recognition reflects a transition in the ranks of the leaders of the labor and employment bar—many of whom began their careers when there was only labor law. They have seen and been part of a revolution in the workplace and played a critical role balancing protections for workers with progress for companies. They will be retired from future consideration for other lists; their achievements are perpetually recognized on *HRE*Executive.com at <http://bit.ly/283iMcV> and on Lawdragon’s website at <http://bit.ly/1Y2Elpu>.

Of particular note is the increasing inclusiveness of these guides. This year’s 220 honorees include 72 women, or 33% of the most respected corporate employment lawyers in the U.S., as well as 13% known inclusive (including African-American, Asian-American, Hispanic and self-identified LGBTQ individuals).

Each of these lists is intended to offer corporate counsel and human resource professionals an unsurpassed guide to the best lawyers to help them resolve difficult employment situations and keep them in compliance with the country’s increasingly complicated and changing workplace-related laws and regulations. The process pairs online balloting and submissions with rigorous vetting, as well as editorial and peer review.

In December, *HRE*’s 75,000-plus subscribers and Lawdragon’s 500,000 database members were invited to submit nominations for the guide. Nomination forms were also posted on both websites, and attorneys who came in through

this process are included on these lists. Three months and thousands of submissions later, the vetting began—first by Lawdragon’s research team and then through each nominee’s clients and peers. To make the cut on the general and specialty lists, a lawyer typically has practiced more than 20 years and amassed a list of remarkable accomplishments—defending and counseling companies in the day’s most critical matters, advising them on hiring and retaining the best employees from around the world, and continuing to unravel the ever-evolving world of employee benefits. A recognized attorney has also generally chaired his or her firm’s employment department and often has been selected to lead his or her state or national employment-bar organization.

The Up-and-Comers list recognizes standout lawyers who are typically partners and generally have at least 10 years of experience. This year, we began to implement a ceiling of 20 years in practice for Up-and-Comers, a guideline that will be fully applied in 2020.

All candidates have received glowing recommendations from corporate counsel who have reaped the benefits of their wisdom; in every case, their clients would hire these lawyers when next they are tested. The lawyers included on the *HRE*/Lawdragon lists are also vetted for integrity. Bar records are checked, and peers and counsel are questioned about their integrity beyond a lawyer’s technical and tactical skills. It’s important that those who make the cut admire—even if they don’t always agree with—their colleagues on these lists.

Lastly, an editorial advisory board comprised of a who’s who of the nation’s corporate employment bar vets the finalists. They discuss their own experiences with those being considered and follow the trail to the clients, judges and opposing counsel, who offer first-hand experiences with these lawyers. Only those who earn glowing marks from clients, peers, colleagues and judges make the cut.

For those keeping score of the law-firm representation, 24 firms have three or more lawyers on this year’s guide (not including prior years’ HOF members). They are:

Proskauer	16	Kramer Levin	5
Greenberg Traurig	12	Paul Hastings	5
Jones Day	12	Fragomen	4
Morgan Lewis	8	O’Melveny	4
Seyfarth	8	BakerHostetler	3
Orrick	7	Berry Appleman	3
Winston	7	Cozen O’Connor	3
Gibson Dunn	6	Ford Harrison	3
Littler	6	Norton Rose	3
Duane Morris	5	Ogletree	3
Groom Law Grou	5	Fisher Phillips	3
Jackson Lewis	5	Weil	3

direction, barring towns and cities within those respective states from implementing salary-history bans on employers.)

“There are laws brewing in a variety of states—including red and purple states, not just blue ones,” he adds.

Regardless of which jurisdiction their organization is in, HR should audit their pay practices and anticipate questions from employees about pay equity, says Segal, who notes there has been an uptick in pay-equity suits.

“If employees find out they’re making less than their colleagues for no legitimate reason, it increases the likelihood of such suits and results in lower employee engagement,” he says.

Marijuana legalization will continue to be a vexing issue, particularly for employers with multi-state operations.

“Some states have protections for medical marijuana, while other states, such as California, don’t,” says Segal. In California, for example, the state supreme court recently ruled, in *Ross v. RagingWire Telecommunications Inc.*, that the state’s marijuana-legalization statute did not give the drug the same status as legal prescription drugs.

The legal fights over whether federal laws banning marijuana preempt state law will continue to rage, he says. In the meantime, a growing number of organizations have decided to stop testing for marijuana.

“It’s a hassle—what does the company do when someone tests positive for marijuana?” says Segal. Some employers allow a positive result to be relabeled as negative if a job

candidate or employee can show a valid medical-marijuana prescription. However, organizations that must comply with federal regulations relating to marijuana—such as transportation companies—do not have that option, he says.

More companies are moving away from marijuana testing except when mandated by federal law, Segal says, a trend he expects to continue.

Labor Relations: Whither the NLRB?

For M.J. Asensio, a partner at BakerHostetler and a member of this year’s Most Powerful list under the labor category, one of the most compelling issues in that area will be what happens with the National Labor Relations Board. Two major issues for the business community are the

so-called “quickie-election rules” issued under the Obama administration and the *Browning-Ferris* joint-employer ruling, also issued by the Obama-era NLRB.

Many in the business community think “the quickie-election rules are unfair because employers are given less time to communicate with employees about union-related issues,” he says.

Some thought the Trump administration would overturn the rule, but the NLRB has yet to issue a ruling on the matter, although it has solicited public comment, says Asensio.

“It is notable that [NLRB General Counsel Peter Robb] sent out a memo during the comment period basically stating that he was in favor of modifying, not jettisoning, the quickie-election rule,” he says. “It will be interesting to see whether the board issues a rule or what, if any, activity it takes.”

As for the *Browning-Ferris* ruling, which found that employers may be jointly liable for temporary workers under certain circumstances, it’s seen by many employers as burdensome and overly complicating, says Asensio.

“Under *Browning-Ferris*, you, as an employer, could find yourself subject to liabilities that you probably never anticipated,” he says.

In 2017, the NLRB issued its *Hy-Brand* ruling, which overturned

Browning-Ferris in favor of the pre-Obama standard for determining joint-employer status. However, NLRB Inspector General David Berry later determined board member William Emanuel had a conflict of interest, thus rendering *Hy-Brand* null. What will be interesting to see, says Asensio, is the final form of a proposed rule on joint-employer status, which the NLRB is expected to issue later this year.

It’s been a turbulent time for the NLRB, he says, with former chairman and member Mark Gaston Pearce withdrawing from consideration earlier this year after President Trump unexpectedly nominated the Obama-era member for another term. This leaves the board with a vacancy, while another member’s term expires this year.

“Everyone will be carefully watching to see who the president nominates for the board,” says Asensio.

Employee Benefits: Four Issues

Ian Morrison, co-chair of Seyfarth Shaw’s ERISA and employee benefits litigation practice group and a member of this year’s list, says four issues warrant HR leaders’ attention when it comes to employee benefits.

First, there’s been an “explosion of claims” asserting a right to what ERISA [the Employee Retirement Income Security Act] lawyers call “equitable

remedies” for situations in which a benefit is not otherwise due under an employer’s plan, he says. “These usually stem from some failure to communicate or follow processes in the benefits area that lead someone to think they have coverage when they actually don’t,” says Morrison.

As an example, an employee might contact a call center to get pre-authorization for a medical procedure that isn’t approved under the plan. However, if the call-center rep provides authorization for a service that’s later denied, the employee can bring an equitable-remedy claim against the employer, says Morrison.

“They can say, ‘I asked for guidance, you didn’t tell me this wasn’t covered, you should have told me and now you’re on the hook,’” he says.

The second issue involves the fees and expenses associated with defined-contribution plans, says Morrison.

“Almost every other week, we hear about class-action lawsuits being filed over excessive fees and expenses being paid to service providers,” he says.

For plan sponsors, the best defense is to have a good process in place for regularly examining what the plan is being charged and whether those charges are reasonable, and to document that such oversight is taking place, says Morrison. “People should

know this by now, but we continue to see these lawsuits,” he says.

Issue No. 3 involves mortality tables and defined-benefit plans, says Morrison.

“There have been a bunch of cases filed at the end of last year and earlier this year claiming that recipients are being underpaid,” he says.

The claims essentially rest on the fact that, because people are living longer these days, companies should use 1971 mortality tables because they may otherwise be underestimating life expectancy, says Morrison.

“There’s no law that says you can’t use those mortality tables, and the claims here are the first time we’ve seen this being asserted,” he says.

Finally, there’s the issue of “cross-plan offsetting,” Morrison says. In a typical scenario, he says, a health plan’s third-party administrator concludes it overpaid an out-of-network provider for services provided to a plan member, and reduces the amount it pays to the same provider for a different member to recoup the balance. Providers have, not surprisingly, cried foul.

“The courts have punted on whether [cross-plan offsetting] is allowed under ERISA,” says Morrison. “I expect the issue will continue to be litigated.”

Send comments or questions to hreletters@lrp.com.

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Human Resource
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The Nation's Most Powerful Employment Attorneys—Top 100

The following list, in alphabetical order, was prepared exclusively for *Human Resource Executive*® by Lawdragon, a Los Angeles-based networking site for lawyers and clients. In addition to this list of 100, three lists of 20 are featured after it, specifying the most powerful attorneys for immigration law, labor law, and employee benefits and ERISA law, respectively. The Hall of Fame list, featured on page 46, honors those now considered legends in the field, and the Top 40 Up-and-Comers list on page 47 represents employment- and labor-law stars most likely to take their place on any of the other lists in the years ahead. (Lists can also be found on HRExecutive.com's Awards drop-down tab and on Lawdragon.com.)

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Nancy L. Abell Partner, Employment Law Department	Paul Hastings	Los Angeles	UCLA	40	Trial representation and advice on full range of employment issues, including class and individual cases
Paul Lancaster Adams Shareholder	Ogletree Deakins	Philadelphia	Wake Forest	26	Represents employers in federal and state court employment litigation, class and collective actions, labor arbitrations and administrative proceedings
Rory Judd Albert Partner	Proskauer	New York	Columbia	42	Employee benefits, executive compensation and ERISA litigation
Rosemary Alito Practice Area Leader, Labor, Employment and Workplace Safety	K&L Gates	Newark, N.J.	Rutgers	41	Employment litigation
Lorie E. Almon Co-Managing Partner, New York; Vice Chair, National Wage and Hour Litigation Practice Group	Seyfarth Shaw	New York	University of Virginia	25	Complex employment litigation
Eric Amdursky Partner	O'Melveny	Menlo Park, Calif.	Loyola	24	Employment litigation and counseling
Michael L. Banks Partner	Morgan Lewis	Philadelphia	Columbia	38	Employment litigation
Johnine P. Barnes Shareholder	Greenberg Traurig	Washington	Case Western Reserve University	24	Litigating and defending administrative claims of harassment, retaliation and discrimination on the basis of age, race, sex and disability
Mario A. Barrera Partner	Norton Rose Fulbright	San Antonio	University of Texas	35	Advises on a variety of issues, including discrimination, harassment, retaliation, wage/hour audit and compliance, and executive-compensation agreements
Mark W. Batten Partner; Co-Head, Class and Collective Actions Group	Proskauer	Boston	Harvard	31	Complex employment litigation, including class and collective actions on wage/hour matters and discrimination claims
Joseph Baumgarten Partner	Proskauer	New York	Harvard	36	Labor and employment litigation, arbitration and counseling
Naomi G. Beer Shareholder; Co-Chair, Global Labor and Employment Practice	Greenberg Traurig	Denver	Georgetown	24	Advises clients on complex commercial, class-action and multi-district litigation, and has served as national counsel for clients faced with related proceedings in multiple jurisdictions and forums
Scott C. Beightol Partner	Michael Best	Milwaukee	University of Wisconsin	31	Management-side employment litigation and counseling, non-competes, misconduct investigations, union campaigns, collective bargaining and training
Lisa M. Bertain Shareholder	KYL	San Francisco	University of San Francisco	33	Defends employers in cases involving claims for discrimination, harassment, wrongful termination, defamation, wrongful interference, whistleblower and wage/hour
Charles S. Birenbaum Shareholder; Chair, Northern California; Co-Chair, Labor and Employment's Labor-Management Relations Group	Greenberg Traurig	San Francisco	Georgetown	37	Labor and employment
Elise M. Bloom Co-Chair, Labor and Employment Department; Co-Head, Class and Collective Actions Group	Proskauer	New York	Emory	37	Employment class and collective actions, including wage/hour and discrimination matters; extensive trial experience; and employment counseling/training
Sarah E. Bouchard Partner	Morgan Lewis	Philadelphia	Villanova	24	Complex employment, whistleblower, non-competition and trade-secret matters across the U.S. for clients in many sectors, including financial services, technology, healthcare and retail
James N. Boudreau Shareholder; Co-Chair, Global Labor and Employment Practice	Greenberg Traurig	Philadelphia	University of Minnesota	29	Class-action, wrongful-termination and trade-secret litigation
Robert P. Brooks Managing Partner; Chair, Labor and Employment	AP&S	Providence, R.I.	Suffolk University	32	Labor relations and employment law in the public and private sectors
Paul W. Cane Jr. Partner, Employment Department	Paul Hastings	San Francisco	UC Berkeley	40	Employment litigation, appellate
Mark Casciari Partner	Seyfarth Shaw	Chicago	Boston College	40	Represents employers, employee-benefit plans, and plan administrators and fiduciaries, including litigation in the U.S.
Terri L. Chase Partner	Jones Day	New York	Harvard	25	Complex employment-litigation matters, including defending against employment-discrimination, harassment and retaliation claims; and FLSA and state wage/hour actions
Apalla U. Chopra Partner; Chair, Labor and Employment Practice	O'Melveny	Los Angeles	UC Hastings	27	Labor and employment litigation
Shauna Clark Head, Employment and Labor, United States	Norton Rose Fulbright	Houston	Tulane University	25	Employment law, including trials, class actions, arbitration, mediation and collective bargaining
Joseph T. Clees Shareholder	Ogletree Deakins	Phoenix	Villanova	35	Employment litigation and counseling, training and executive coaching, compliance strategies and litigation avoidance, and tribal law
John J. Coleman III Partner	Burr & Forman	Birmingham, Ala.	Duke	38	Class and individual discrimination; FLSA, NLRA and OSHA litigation defense; union campaigns; and training and counseling
Karen L. Corman Partner	Skadden	Los Angeles	Harvard	32	Labor and employment matters, including advising clients in corporate transactions and assisting clients with legal compliance, personnel policies and employment-related agreements
Joseph J. Costello Partner	Morgan Lewis	Philadelphia	Stanford	34	Labor and employment counseling and litigation, with a focus on ERISA class actions and whistleblower claims
M. Carter Crow Partner in Charge, Houston	Norton Rose Fulbright	Houston	University of Oklahoma	28	Litigation and arbitration matters, with a focus on employment litigation
Lisa J. Damon Partner	Seyfarth Shaw	Boston	Fordham	32	Labor and employment
Mike Delikat Chair, Global Employment Law	Orrick	New York	Harvard	42	Class-action and agency systemic claims defense, whistleblower claims, trade-secret litigation and cross-border employment-law advice
Dennis P. Duffy Partner	BakerHostetler	Houston	University of Virginia	37	Complex labor and employment litigation and strategic advice, including class and collective actions, discrimination, retaliation, wage/hour and labor relations
Juan C. Enjamio Labor and Employment Head, Miami; Managing Partner, Miami Office	Hunton Andrews Kurth	Miami	University of Miami	33	Discrimination and harassment lawsuits, wage/hour collective actions, ERISA litigation, enforcement of non-competition agreements, and employment, labor and commercial issues



The Nation's Most Powerful Employment Attorneys—Top 100

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Anne Marie Estevez Partner	Morgan Lewis	Miami	University of Miami	26	National complex litigator handling class and collective actions in any employment area
Mark J. Foley Partner	Drinker Biddle	Philadelphia	Villanova	32	Collective bargaining and traditional labor litigation and counseling, employment discrimination, wage/hour and other employment litigation
Adam S. Forman Member	EBG	Southfield, Mich.	Syracuse University	23	Employment litigation, training and preventive advice, with deep knowledge on issues related to technology in the workplace, such as social media, internet and privacy issues
Gary D. Friedman Partner	Weil	New York	Georgetown	30	Class actions, high-level counseling and other complex discrimination, wage/hour and trade-secret litigation and arbitrations
Michael J. Gray Practice Leader, Labor and Employment	Jones Day	Chicago	Northwestern	27	Class-action wage/hour and discrimination defense, complex employment litigation and trade-secret enforcement
Elizabeth Hardy Member	KHVPF	Birmingham, Mich.	Wayne State University	35	Employment litigation, appellate
Gerald T. Hathaway Partner	Drinker Biddle	New York	University of Pittsburgh	40	Labor due diligence on deals and guidance on massive layoffs and complex litigation
Lynne Hermle Partner	Orrick	Menlo Park, Calif.	UC Hastings	38	Complex employment litigation, with special focus on EEO, wage class actions and jury trials
Patrick H. Hicks Shareholder	Littler	Las Vegas	UC Hastings	32	Employment litigation
Stephen J. Hirschfeld Founding Partner and Co-Managing Partner	Hirschfeld Kraemer	San Francisco	George Washington University	37	Employment litigation, counseling, union organizing, collective bargaining, labor arbitrations, misconduct investigations and cross-border employment law
Robert W. Horton Member; Chair, Labor and Employment Practice Group	Bass Berry & Sims	Nashville, Tenn.	University of Tennessee	28	Advice and litigation of employment-related issues
Maurice G. Jenkins Principal	Jackson Lewis	Southfield, Mich.	Michigan State University	38	Labor and employment litigation and strategy, arbitrations, corporate governance, compliance investigations, workforce and corporate restructurings
Wendy Johnson Lario Chair, New Jersey Labor and Employment	Greenberg Traurig	Florham Park, N.J.	Seton Hall	27	Represents employers in litigation involving claims, including discrimination, harassment, retaliation, wrongful termination and whistleblowing
Jennifer P. Keller President and COO	Baker Donelson	Johnson City, Tenn.	University of Tennessee	23	Employment-discrimination litigation, litigation-prevention counseling, and management and employee training
Mark D. Kemple Shareholder; Co-Chair, Labor and Employment Class and Collective Action Practice	Greenberg Traurig	Los Angeles	USC	30	Trial experience in many areas of the law, including employment class and individual litigation, consumer class litigation, false advertising and unfair competition
Tracey A. Kennedy Partner	Sheppard Mullin	Los Angeles	University of Texas	30	Employment litigation on behalf of employers and management
F. Curt Kirschner Jr. Partner	Jones Day	San Francisco	University of Michigan	34	Strategic labor relations and employment advice



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Greenberg Traurig is proud to congratulate our
colleagues selected as 2019 Most Powerful Employment Attorneys.

Congratulations to **Johnine Barnes, Naomi Beer, Chuck Birenbaum, Jim Boudreau, Mark Kemple, Wendy Lario, David Long-Daniels, Terence McCourt, and Todd Wozniak** in the Labor & Employment Practice, as well as **Kate Kalmykov, Laura Reiff, and Martha Schoonover** in the Immigration & Compliance Practice on their recognition from *Human Resource Executive* and *Lawdragon*.

We also offer our congratulations to **Jon Sulds**, who has been a member of the publication's Hall of Fame since 2018.



Johnine Barnes



Naomi Beer



Chuck Birenbaum



Jim Boudreau



Mark Kemple



Wendy Lario



David Long-Daniels



Terence McCourt



Todd Wozniak



Kate Kalmykov



Laura Reiff



Martha Schoonover



Jon Sulds



The Nation's Most Powerful Employment Attorneys—Top 100

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Jeffrey S. Klein Chair, National Employment Litigation Practice	Weil	New York	Columbia	38	Complex employment litigation and counseling matters involving wage/hour, discrimination, trade secrets, ERISA and executive-employment issues
Jeffrey Kohn Managing Partner, New York	O'Melveny	New York	George Washington University	35	Broad employment-practice litigation, employment disputes and counseling on executive compensation and benefit plans
Matthew W. Lampe Practice Leader, Labor and Employment	Jones Day	New York	Cornell	30	Class-action and other complex litigation
Kevin B. Leblang Chair, Employment Law	Kramer Levin	New York	Fordham	35	Employment-advisory matters, negotiations and litigation
Mark W. Lerner Partner; Head, Employment Practices and Litigation Group	Kasowitz	New York	Stanford	29	Advice and litigation relating to non-competition agreements, employee raiding and lift-outs, discrimination and harassment claims on behalf of management, theft of company information, executive-compensation disputes, terminations and layoffs, and wage/hour actions
Adam Levin Partner	MSK	Los Angeles	University of San Diego	28	Employment discrimination, wrongful termination, trade secret/unfair competition
Robert G. Lian Jr. Partner; Leader, Labor and Employment Practice	Akin Gump	Washington	Catholic University of America	25	Complex employment litigation, workplace-regulatory investigations and enforcement litigation, and strategic labor advice
Joseph Liburt Partner	Orrick	Menlo Park, Calif.	UC Berkeley	28	Extensive litigation experience defending complex class actions, discrimination, wrongful-termination claims for leading employers
Fermin H. Llaguno Shareholder	Littler	Irvine, Calif.	USC	23	Class- and collective-action avoidance and defense; employment counseling, training and litigation; and wage/hour compliance
David Long-Daniels Shareholder; Co-Chair, Global Labor and Employment Practice	Greenberg Traurig	Atlanta	Mercer University	29	Represents clients in corporate-espionage cases and in cases asserting claims under the FLSA, Title VII of the Civil Rights Act, FMLA and ADA
Alison B. Marshall Partner	Jones Day	Washington	University of Pennsylvania	35	Employment litigation, with emphasis on complex and class actions, government investigations and whistleblower claims
William C. Martucci Partner	Shook	Washington	Georgetown	42	High-stakes employment litigation, especially class actions, wage/hour, and EEOC litigation and jury trials
Michele L. Maryott Partner	Gibson Dunn	Irvine, Calif.	Pepperdine	22	Business litigation, with particular emphasis on employment litigation, class actions and complex commercial disputes
Terence P. McCourt Managing Shareholder, Boston	Greenberg Traurig	Boston	Catholic University of America	37	Represents a broad range of organizations in all facets of management-side labor and employment law
Matthew T. Miklave Partner	Robinson+Cole	Stamford, Conn.	Notre Dame	35	Civil rights, employment relations, traditional union management and complex employment litigation
Marko J. Mrkonich Shareholder	Littler	Minneapolis	Harvard	39	Labor and employment law and firm management
Daniel L. Nash Partner	Akin Gump	Washington	UC Hastings	36	Complex labor and employment litigation, and strategic counseling
Michael Patrick O'Brien Shareholder	Jones Waldo	Salt Lake City	University of Utah	33	Risk avoidance, EEO, fair-labor standards, immigration, and wrongful-termination litigation and counseling
Camille A. Olson Co-Chair, National Complex Litigation Practice Group; National Chair, Complex Discrimination Litigation Practice Group	Seyfarth Shaw	Chicago	University of Michigan	36	Employment-practices litigation
Anthony J. Oncidi Chair, Labor and Employment Group, Los Angeles	Proskauer	Los Angeles	University of Chicago	35	Employment litigation, including wage/hour and discrimination class actions, restrictive covenants and trade secrets
William P. Perkins Partner	Seyfarth Shaw	New York	Western New England College	39	Labor and employment-law matters, including discrimination, reduction in force and wage/hour claims
Jessica Perry Global Lead, Litigation	Orrick	Menlo Park, Calif.	Santa Clara University	19	Represents industry leaders in tech, retail and financial services in class and collective actions, representative and multi-plaintiff actions under state and federal laws
Laura R. Petroff Partner	Winston & Strawn	Los Angeles	Vanderbilt	39	Labor and employment litigation and counseling, including litigation and preventive counseling and guidance
Chuck Poplstein Co-Chair, Human Resources	Thompson Coburn	St. Louis	University of Toledo	39	Representation of private- and public-sector employers in a broad range of labor and employment issues
Roger K. Quillen Chairman and Managing Partner	Fisher Phillips	Atlanta	Ohio State	39	Labor and employment, with an emphasis on appellate litigation
D. Michael Reilly Shareholder; Labor, Employment and Benefits Team Co-Chair; ERISA, Life, Health and Disability Team Co-Chair	Lane Powell	Seattle	Catholic University of America	35	Employment and ERISA advice and litigation; class actions
Michael P. Roche Chair, Labor and Employment	Winston & Strawn	Chicago	University of Illinois	26	Represents employers in class-action and multi-plaintiff suits involving discrimination, wage/hour-law violations, breach of fiduciary duty and denial of benefits
Theodore O. Rogers Jr. Managing Partner, Labor and Employment Law Group	S&C	New York	Harvard	40	Employment litigation and counseling, including restrictive-covenant, discrimination, wage/hour, retaliation and labor issues
Jeremy A. Roth Co-President and Managing Director	Littler	San Diego	Boston University	33	Represents retailers, hotels and other management clients in state and federal courts and before governmental agencies
Paul Salvatore Partner	Proskauer	New York	Cornell	35	Collective bargaining and labor-management relations, employment law, and litigation and counseling
Terry E. Sanchez Partner	Munger Tolles	Los Angeles	Stanford	38	Employment-litigation defense, class action
Eugene Scalia Partner	Gibson Dunn	Washington	University of Chicago	29	National labor and employment practice, including discrimination law, wage/hour, NLRA, ERISA and Sarbanes-Oxley
David E. Schwartz Global Head, Labor and Employment Law Group	Skadden	New York	Cornell	25	Represents clients before state and federal administrative agencies and courts, as well as in arbitration proceedings
Jason C. Schwartz Partner; Co-Chair, Labor and Employment Practice Group	Gibson Dunn	Washington	Georgetown	21	High-profile trade-secret and non-compete matters, wage/hour and discrimination class actions, Sarbanes-Oxley and other whistleblower-protection claims



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The strongest teams are fueled by passionate individuals working together. We are proud to celebrate our partner **Steven Eckhaus** for being named to the Hall of Fame of “Most Powerful Employment Attorneys” for Lawdragon and Human Resource Executive.

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The Nation's Most Powerful Employment Attorneys—Top 100

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Jonathan A. Segal Partner; Managing Principal, Duane Morris Institute	Duane Morris	Philadelphia	University of Pennsylvania	34	Wage/hour compliance, diversity and inclusion programs, gender-pay-gap assessments, and systemic approaches to prevent and remedy harassment
Todd Shadle Shareholder; Chair, Employment Section	Godwin Bowman PC	Dallas	Southern Methodist University	21	Counseling and preparation of policies, litigation, conducting investigations, and assistance in state and federal agencies
Samuel S. Shaulson Partner	Morgan Lewis	New York	University of Pennsylvania	26	Has represented clients in more than 75 class and collective actions, including matters involving Title VII, ADA and FLSA
Patrick W. Shea Global Chair, Employment Law Department	Paul Hastings	New York	Yale	38	Employment litigation and counseling, including employment-discrimination, wage/hour and employee-benefit class actions
Dawn Siler-Nixon Partner	FordHarrison	Tampa, Fla.	University of North Carolina	26	Guides and directs employment decisions to avoid litigation and defend when necessary
Salvador P. Simao Partner	FordHarrison	Berkeley Heights, N.J.	Rutgers	22	Representation of companies in employment-law matters with a specialization in wage/hour litigation and compliance
Grace E. Speights Partner	Morgan Lewis	Washington	George Washington University	37	Employment litigation and counseling, with a focus on employment-discrimination class-action litigation and crisis management
Jonathan Stoler Global Practice Group Leader, Labor and Employment Practice, National Non-Competition and Trade Secrets Team	Sheppard Mullin	New York	Brooklyn	24	Advises on a wide range of labor and employment matters, including the defense of single-plaintiff and class-action discrimination, wrongful-discharge and wage/hour claims
Julianne P. Story Partner	Husch Blackwell	Kansas City, Mo.	University of Kansas	28	Labor and employment-law counseling
Nigel F. Telman Partner; Employment Practice Leader, Chicago; Co-Head, Employment Litigation and Arbitration Group	Proskauer	Chicago	Boston University	26	Single-plaintiff and class- and collective-action litigation, including discrimination and wage/hour; non-compete/trade-secret; and employment counseling and training
Joseph E. Tilson Co-Chair, Labor and Employment	Cozen O'Connor	Chicago	University of Michigan	40	Labor and employment litigation and counseling, including large wage/hour class-action cases
Joseph J. Torres Partner	Winston & Strawn	Chicago	University of Illinois	29	Labor, employment and ERISA litigation before state and federal trial courts, appellate courts and administrative agencies
Julie Totten Co-Leader, Global Employment Law and Litigation Practice Group	Orrick	Sacramento, Calif.	University of San Diego	26	Represents employers in complex cases, including wage/hour class and collective actions, EEO claims, and claims involving breach of contract and wrongful termination
Jeff Weintraub Regional Managing Partner, Memphis	Fisher Phillips	Memphis, Tenn.	University of Memphis	38	Employment-harassment/discrimination and retaliatory-discharge lawsuits alleging violations of public policies and statutes, such as the False Claims Act
Robert M. Wolff Shareholder; Co-Chair, Healthcare Practice Group	Littler	Cleveland	University of Illinois	39	Employment litigation, class action and counseling with emphasis in healthcare, energy, financial and retail industries
Todd D. Wozniak Shareholder; Co-Chair, ERISA and Employee Benefits Litigation Team	Greenberg Traurig	Atlanta	University of Michigan	25	Defends companies and public institutions nationwide in complex labor, employment and ERISA litigation, and enforcement actions

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The Nation's Most Powerful Employment Attorneys

Immigration



Jeremy Fudge
Managing Partner

Immigration



Lynden Melmed
Partner

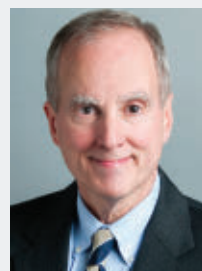
Up and Comers



Kortney Gibson
Partner

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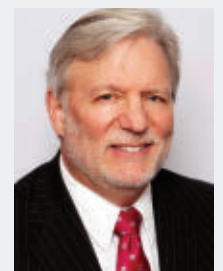
We congratulate
Roger, Charles and Jeff
for being recognized as three of the
“Most Powerful Employment Attorneys”



Roger K. Quillen
Chairman &
Managing Partner



Charles S. Caulkins
Management
Committee Member



Jeff Weintraub
Partner
Memphis



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The Nation's Most Powerful Employment Attorneys—Immigration

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Daryl Buffenstein Senior Counsel	Fragomen	Atlanta	University of Rhodesia	41	Corporate immigration, including strategic planning, legislative and regulatory assistance, DOL and DHS, and immigration compliance; and foreign-national recruitment and retention
Bo Cooper Partner; Leader, Government Strategies and Compliance Group	Fragomen	Washington	Tulane University	32	Legislative and administrative representation, strategic-immigration counseling, compliance planning and responses to government audits
Matthew S. Dunn Co-Chair, Immigration	Kramer Levin	New York	Brooklyn	25	Corporate-immigration counsel to domestic and international companies
Jeremy Fudge Managing Partner	BAL	Richardson, Texas	University of Texas	19	Worldwide immigration services representing clients in a variety of industries, including energy, technology, telecommunications, and engineering and construction
Carl Hampe Partner	Fragomen	Washington	Georgetown	28	Litigation of immigration disputes before the administrative agencies and in the federal courts, defense against immigration-enforcement actions, and advice on regulatory and legislative policy proposals
Kate Kalmykov Shareholder	Greenberg Traurig	Florham Park, N.J.	American University	24	Represents clients in a wide range of employment-based immigrant and non-immigrant visa matters, including students, trainees, professionals, managers and executives, and artists and entertainers
Mark D. Koestler Co-Chair, Immigration	Kramer Levin	New York	Brooklyn	28	Business immigration with an emphasis on the advertising/PR, entertainment and financial-services industries
Lynden Melmed Partner	BAL	Washington	University of Virginia	21	Brings experience in legislative and executive branches to immigration advice
Deborah J. Notkin Partner	Barst Mukamal & Kleiner LLP	New York	New York Law School	32	Immigration law
Julie Pearl CEO	Pearl	San Francisco	UC Hastings	31	Business immigration, representing entrepreneurs and employers globally with immigration needs, such as visas, work permits, permanent residence, compliance assessment and program/policy development
Eleanor Pelta Partner	Morgan Lewis	Washington	Harvard	33	Assists corporate clients in a variety of industries with the international transfer of key personnel
Thomas K. Ragland Member in Charge, Washington	Clark Hill	Washington	Boston College	30	Litigation before the federal courts, immigration courts and the Board of Immigration Appeals, as well as representation of clients before the Department of Homeland Security and U.S. consulates abroad
Laura Foote Reiff Shareholder	Greenberg Traurig	McLean, Va.	George Washington University	30	Business-immigration laws and regulations affecting U.S. and foreign companies, employment compliance and legislative issues
Martha J. Schoonover Shareholder	Greenberg Traurig	McLean, Va.	University of Virginia	39	Business-immigration matters, including assisting employers in obtaining temporary, non-immigrant visas for business persons
Suzanne B. Seltzer Principal	The Seltzer Firm	New York	Georgetown	26	Representation of universities, hospitals, research institutions, and their medical and research personnel in immigration matters; and extensive experience with petitions for extraordinary ability
William A. Stock Founding Member	Klasko Immigration Law Partners	Philadelphia	University of Minnesota	26	U.S. immigration for corporations, universities, hospitals and start-ups; and defense in immigration-related labor enforcement
Christy Nguyen Umstadter Partner	Pearl	San Francisco	UC Hastings	19	Immigration
David A.M. Ware Founding Partner	WareImmigration	Metairie, La.	University of Texas	38	Immigration in practice areas of interest to higher-education and business immigration
Bernard Wolfsdorf Managing Partner	Wolfsdorf Rosenthal	Santa Monica, Calif.	Suffolk University Law School	36	Global corporate immigration, emphasizing compliance for businesses and visas for universities, artists/entertainers and investors
Scott W. Wright Partner	FaegreBD	Minneapolis	University of Minnesota	31	I-9 audits, investigations and immigration-related litigation



The Nation's Most Powerful Employment Attorneys—Labor

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Neil H. Abramson Co-Chair, Labor and Employment Law	Proskauer	New York	Northwestern	31	Employment litigation, including discrimination claims, claims for breach of contract and claims arising from the collective-bargaining relationship; as well as arbitrations, administrative proceedings and collective bargaining
Nicholas Anastasopoulos Partner	Mirick O'Connell	Westborough, Mass.	New England School of Law	23	Traditional private- and public-sector labor law; litigation of employment disputes; and counseling on labor, employment and human resource matters
M.J. Asensio Partner	BakerHostetler	Columbus, Ohio	Indiana University	34	Employment and labor relations
Howard E. Cole Partner	Lewis Roca Rothgerber Christie	Las Vegas	UCLA	40	Employment and labor
Patricia A. Dunn Partner	Jones Day	Washington	George Washington University	36	Renegotiates legacy union contracts to remove operational restrictions and burdensome economic terms
Brian West Easley Partner-in-Charge	Jones Day	Minneapolis	University of Michigan	19	Labor and employment law
Angelo J. Genova Chairman and Managing Partner	Genova Burns	Newark, N.J.	Rutgers	41	Traditional labor law and collective bargaining, employment-litigation defense and counseling
Gregg A. Gilman Co-Chair, Labor and Employment	Davis & Gilbert	New York	University of Michigan	31	Labor and personnel issues, including wage/hour issues, preventive management, terminations, reductions in force, disciplinary measures, restrictive covenants, employment and termination agreements, executive compensation, harassment investigations and employment policies
Cliff Godiner Co-Chair, Human Resources Practice	Thompson Coburn	St. Louis	University of Michigan	33	Represents management in litigation and other employment and labor matters
Betty S.W. Graulich Partner	Reed Smith	Richmond, Va.	University of Virginia	36	Represents a Fortune 50 telecom company, an optical manufacturer and retailer, a private-aviation facilities company, a surgical center and other notable clients
Steven Gutierrez Partner	Holland & Hart	Denver	University of Denver	26	Employment litigation and counseling, traditional labor, misconduct and workplace-violence investigations, and trade-secret/non-compete claims
Jacqueline M. Holmes Partner	Jones Day	Washington	Loyola	23	Helps clients analyze and mitigate OSHA and labor risk, and forcefully defends clients against claims under OSHA, federal whistleblower statutes, the NLRA and the Railway Labor Act
Aparna B. Joshi Partner	O'Melveny	Washington	University of Chicago	19	Represents clients in complex class-action employment litigation and in international labor matters
Michael J. Lebowich Partner; Co-Head, Labor-Management Relations Group	Proskauer	New York	Harvard	22	Represents and counsels employers on a wide range of labor and employment matters, with a particular interest in the field of traditional labor law
Neal D. Mollen Partner	Paul Hastings	Washington	University of Richmond	34	Labor and employment-law matters, with particular emphasis on complex and appellate litigation and traditional labor-law matters, including under the Railway Labor Act
Marilyn A. Pearson Partner	McDermott	Chicago	University of Minnesota	39	Traditional labor law under the NLRA and the Railway Labor Act
Bernard M. Plum Partner	Proskauer	New York	Columbia	40	Collective bargaining, arbitration and strategic planning
Thomas G. Servodidio Firm Vice Chair	Duane Morris	Philadelphia	University of Pennsylvania	32	Represents businesses in all types of employment litigation, including the defense of employment-discrimination claims, wrongful-discharge cases, wage/hour litigation, employment-contract matters and restrictive-covenant litigation
Richard F. Vitarelli Principal	Jackson Lewis	Hartford, Conn.	Suffolk University	25	Represents clients in NLRA and Railway Labor Act matters, as well as employment-law matters
Anna Wermuth Vice Chair, Labor and Employment	Cozen O'Connor	Chicago	Loyola	20	Represents management in labor and employment litigation before state and federal courts and administrative agencies such as the EEOC, DOL and NLRB



The Nation's Most Powerful Employment Attorneys— Employee Benefits and ERISA

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Erin Cho Principal	Groom	Washington	Harvard	21	Advises clients on a wide range of matters involving ERISA's fiduciary and conflict-of-interest rules
Stephen W. Fackler Co-Chair, Executive Compensation and Employee Benefits Practice Group	Gibson Dunn	Palo Alto, Calif.	Stanford	35	Advises public and private companies, private-equity funds and boards of directors on compensation and benefits
Gary Ford Principal	Groom	Washington	Boston University	40	Plan funding and restructuring, litigation, policy and legislation
Nancy S. Gerrie Co-Chair, Employee Benefits and Executive Compensation Practice	Winston & Strawn	Chicago	Northwestern	29	Counsels clients on a variety of retirement plan and other employee-benefit plan matters, including the design, amendment, administration and termination of pension, profit-sharing and 401(k) plans
W. Michael Gradisek , Chair, Employee Benefits and Executive Compensation	Duane Morris	Philadelphia	Ohio Northern University	26	Counsels employers and plan sponsors regarding the requirements imposed by the Internal Revenue Code and ERISA
Paul M. Hamburger Partner; Co-Chair, Employee Benefits and Executive Compensation Group	Proskauer	Washington	University of Michigan	36	Employee-benefit-plan compliance (tax and ERISA) for retirement plans, executive compensation, health plans and other benefits
Eric W. Hilfers , Partner; Head, Executive Compensation and Benefits	Cravath	New York	University of Chicago	21	Advises clients and compensation committees in all aspects of executive compensation and benefits
David Levine Principal	Groom	Washington	University of Pennsylvania	22	Advises plan sponsors, advisors and other service providers on a wide range of employee-benefits matters, from retirement and executive compensation to health- and welfare-plan matters
Ian H. Morrison Co-Chair, ERISA and Employee Benefits Litigation Practice Group	Seyfarth Shaw	Chicago	Washington University	24	Represents employers, employee-benefit plans and fiduciaries in a broad range of employment and employee-benefits litigation
Robert Newman Partner	Covington	Washington	New York University	23	Advises clients on all areas of employee benefits and executive compensation; provides advice regarding plan design, corporate transactions and ERISA litigation
Nicholas J. Pappas Partner	Weil	New York	Rutgers	32	Defends ERISA class actions challenging the administration of healthcare-benefit plans, 401(k) plans and defined-benefit plans
Steven W. Rabitz Partner	Dechert	New York	New York University	24	Fiduciary responsibility, prohibited transaction and funding rules of ERISA, U.S. Federal income tax, securities and other legal matters concerning compensation and benefits
Andrea S. Rattner Partner	Proskauer	New York	Cardozo	33	Employee benefits and executive compensation
John A. Reade Jr. Partner	Duane Morris	Philadelphia	Syracuse University	25	Employee benefits, including executive compensation and severance agreements, qualified and non-qualified plans, health and welfare plans, ERISA litigation and employee-benefits issues in corporate transactions
David E. Rogers Managing Partner, Washington Office	Winston & Strawn	Washington	American University	34	Employee-benefits matters, including all areas of qualified and non-qualified retirement plans, health and welfare plans, executive compensation and executive-employment agreements
Myron D. Rumeld Partner; Co-Chair, Employee Benefits and Executive Compensation Group	Proskauer	New York	Columbia	36	Employee benefits and ERISA litigation
Neal S. Schelberg Partner	Proskauer	New York	Hofstra	40	Compliance issues, negotiating benefit provisions in mergers and other business reorganizations and advising benefit-plan clients and sponsors on investment transactions in traditional and alternative asset classes
Howard Shapiro Partner	Proskauer	New Orleans	Loyola	40	ERISA litigation
Andrée St. Martin Principal	Groom	Washington	Harvard	36	Issues related to Title I of ERISA, including fiduciary responsibility and prohibited transaction matters, as well as similar standards applicable to governmental plans
René E. Thorne , Principal; Office Litigation Manager, New Orleans	Jackson Lewis	New Orleans	Loyola	26	Employee-benefits litigation on behalf of employers, fiduciaries, plans and service providers



The Nation's Most Powerful Employment Attorneys— Hall of Fame 2019 Inductees

The 20 attorneys listed below are this year's inductees to the Most Powerful Employment Attorneys' Hall of Fame. The lawyers will be added to the HOF each year and retired from future consideration for other lists; their achievements will continue to be recognized on HRExecutive.com and on Lawdragon's website. Very few lawyers are considered for this status—which begins with 35 years in the employment-law trenches and requires consistent recognition for excellence in counseling clients, contributing to the bar and serving as a visionary to improve workplaces.

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Charles S. Caulkins Partner	Fisher Phillips	Ft. Lauderdale, Fla.	Creighton	43	Labor and employment, union-representation campaigns, collective bargaining, arbitrations, dispute resolution, FLSA and trade-secret protection
Vincent A. Cino Chairman Emeritus	Jackson Lewis	Morristown, N.J.	Rutgers	40	Advises and litigates on behalf of companies and employers in complex cases
William Cole Partner	MSK	Los Angeles	Stanford	42	Employment litigation, including class actions; and traditional labor law, including NLRB proceedings, arbitrations and union negotiations
Catherine A. Conway , Partner; Co-Chair, Labor and Employment Practice Group	Gibson Dunn	Los Angeles	Indiana University	41	Represents companies in high-stakes employment cases
Harriet E. Cooperman Partner	Saul Ewing Arnstein & Lehr	Baltimore	University of Maryland	41	Labor, employment and employee benefits
Louis P. DiLorenzo Managing Member, New York Office	Bond	New York	SUNY at Buffalo	43	Labor and employment law, especially collective bargaining, workplace investigations and NLRB proceedings
Steven G. Eckhaus Chair, NY Employee Benefits, Compensation, Labor and Employment Group	McDermott	New York	Cornell	43	Executive employment, compensation and employment law in the financial-services industry
Jerry M. Hunter Partner	Bryan Cave Leighton Paisner	St. Louis	Washington University	42	Employment-discrimination litigation and counseling, complex labor-relations issues and strategy, and preventive labor relations
D. Ward Kallstrom Partner	Seyfarth Shaw	San Francisco	Duke	42	Employee-benefits fiduciary advice, claims and litigation, and compliance counseling for multi-employer plans
Jay P. Krupin , National Co-Leader, Labor Relations Practice Team	BakerHostetler	Washington	St. Louis University	41	Employment and personnel issues
Jeffrey C. Londa Shareholder	Ogletree Deakins	Houston	Southern Methodist University	44	Labor and employment law, including complex employment litigation, class and collective actions, collective bargaining and arbitrations
Stuart Newman Partner	Seyfarth Shaw	Atlanta	Albany Law School	45	Focus on traditional labor-relations matters, managing employment litigation, preventive counseling and management training in labor and employment-law subjects
Melanie Nussdorf Partner	Step toe	Washington	New York University	46	Advises financial institutions on fiduciary issues, including prohibited transaction-exemption questions under ERISA and the Internal Revenue Code
Kevin P. O'Brien Partner	Ivins, Phillips & Barker	Washington	Georgetown	43	Employee benefits, including executive compensation, qualified plans, welfare plans, ERISA fiduciary matters; represents clients before the DOL, IRS and PBGC
Paul J. Ondrasik Jr. Partner	Step toe	Washington	University of Virginia	44	ERISA litigation, focusing on defense of complex fiduciary and investment-related claims and class actions
Denyse Sabagh Partner	Duane Morris	Washington	George Mason University	42	Immigration and nationality law and litigation
Richard C. Shea , Chair, Employee Benefits and Executive Compensation Practice	Covington	Washington	University of Virginia	36	Employee benefits and executive compensation, especially strategic advice on legislative, rulemaking, litigation, audit, transactional, advisory and plan-design matters, domestically and globally
Charles R. Smith Partner	K&L Gates	Pittsburgh	University of Pittsburgh	45	Transactions involving ESOPs, fiduciary aspects of employee-benefit plans and defined-benefit pension plan de-risking
Steven W. Sufas Managing Partner, Denver Offices	Ballard Spahr	Denver	University of North Carolina	43	All areas of employment law, including traditional labor law, counseling and litigation
Stanley Weiner Partner	Jones Day	Cleveland	Marquette University	41	Complex labor and employment matters, union-management relations, NLRB proceedings, collective-bargaining negotiations, union-corporate campaigns, and labor-arbitration proceedings and litigation



The Nation's Most Powerful Employment Attorneys—Up-and-Comers

Name/Title	Law Firm	City	Law School	Years in Practice	Practice Specialty
Sarah Adams Principal	Groom	Washington	University of Michigan	14	Litigation on behalf of ERISA plan sponsors, fiduciaries, alleged fiduciaries, and service providers facing allegations of ERISA violations and related claims
Geetha Nadiminti Adinata Partner	FordHarrison	Los Angeles	Univeristy of Florida	14	Business immigration, and I-9 and E-Verify compliance
John M. Bagyi Member	Bond	Albany, N.Y.	Albany Law School	23	Counseling and representation of management in labor and employment matters
Reginald W. Belcher Shareholder	Turner Padgett	Columbia, S.C.	University of South Carolina	23	Defends businesses and employers in state and federal courts and before governmental agencies
Sabrina A. Beldner Partner	McGuireWoods	Los Angeles	Loyola	17	Represents employers in all aspects of employment-related litigation and traditional labor law, including wage/hour class, collective and representative actions, and state and federal litigation of wrongful termination
David S. Birnbaum Partner	Jones Day	Chicago	University of Michigan	14	Represents employers in labor and employment matters, with a focus on collective bargaining, arbitration, litigation, strikes and picketing disputes, and corporate campaigns
Lincoln O. Bisbee Partner	Morgan Lewis	Washington	Miami University	15	Defends employers in class actions and individual plaintiff cases involving wage/hour, discrimination and employment tort claims in federal and state courts and arbitration proceedings
Joanne R. Bush Partner	Jones Day	Houston	Harvard	15	Represents companies in complex wage/hour class and collective actions, as well as employment-discrimination, harassment, retaliation, whistleblower and contract claims
Colleen L. Caden Partner; Chair, Immigration Group	Pryor Cashman	New York	Brooklyn	20	Compliance with DOL and U.S. Citizenship and Immigration Services regulations, representing clients in pharmaceutical, media, consumer products, arts and other industries
Meredith “Merry” Campbell Partner	Shulman Rogers	Potomac, Md.	Harvard	18	Employment law, including equal-employment litigation, wage/hour litigation, the protection of confidential and proprietary business information, and executive compensation
Jesse A. Cripps Partner	Gibson Dunn	Los Angeles	Pepperdine	17	Labor and employment matters under federal and state law, specializing in the defense of high-risk, complex and class-action employment litigation
Felicia A. Davis Partner	Paul Hastings	Los Angeles	UCLA	20	Represents employers in all aspects of labor and employment law, including fair pay, discrimination, retaliation, harassment, defamation, religious accommodation and wage/hour issues
Neil H. Dishman Principal	Jackson Lewis	Chicago	University of Michigan	16	Counsel and defense on a wide spectrum of issues, including race, sex, age, religion, national-origin, disability and sexual-orientation discrimination, and sexual harassment
Edward Easterly Member	HH&E	Allentown, Pa.	Villanova	13	Represents clients in matters related to the ADA, ADEA, FLSA, FMLA, Pennsylvania Labor Relations Act and Pennsylvania Human Relations Act
Corina Farias Partner	Foster	Austin, Texas	Widener	18	Immigration and nationality law
Daniel J. Fazio Partner	Winston & Strawn	Chicago	University of Michigan	14	Represents clients in employment-litigation matters, including wage/hour class and collective actions, restrictive-covenant disputes and harassment, and discrimination and retaliation claims
Steve Flores Partner	Winston & Strawn	Chicago	University of Chicago	12	Advises clients on EBEC in mergers and acquisitions, restructurings and lending transactions
Avi Friedman Partner	Wolfsdorf Rosenthal	Santa Monica, Calif.	Loyola	23	U.S. corporate immigration, including immigrant and non-immigrant visas for universities, artists/entertainers, physicians, investors and multinational corporate managers/employees
Kortney Gibson Partner	BAL	Richardson, Texas	Texas Tech	16	Represents companies in obtaining H-1B specialty occupation and O-1 extraordinary ability non-immigrant visas for foreign nationals; and transferring foreign personnel to start-up and established U.S. offices
Jeremy J. Glenn Member	Cozen O'Connor	Chicago	University of Iowa	22	Represents management in all facets of labor and employment litigation and counseling matters
Sandra Grossman Partner	Grossman Young & Hammond	Bethesda, Md.	Georgetown	15	Service to individual and corporate clients with complex immigration cases and highly specialized needs
Marissa J. Holob Co-Chair, Employee Benefits	Kramer Levin	New York	Cornell	19	Represents public and private companies and tax-exempt entities on the design, negotiation and ongoing compliance of qualified retirement plans, welfare plans, equity and incentive plans, employment agreements and deferred-compensation arrangements
Matthew G. Holt Owner, Managing Attorney	Hurwitz Holt	San Diego	California Western	12	Represents clients in immigration court and on appeal with regard to asylum, bond eligibility, cancellation of removal and adjustment of status
Julia E. Judish Special Counsel	Pillsbury	Washington	Harvard	23	Advises on all facets of the employment relationship and on nonprofit governance, and provides counseling to private-sector employers, nonprofit organizations and government contractors
Eliza A. Kaiser Partner	Kramer Levin	New York	University of Pennsylvania	16	Employment-law litigation and advisory matters
Matthew C. Kane Partner	McGuireWoods	Los Angeles	Pepperdine	25	Defense of employment-related claims and wage/hour class and collective actions, litigation of misappropriation of trade secrets and non-compete agreement claims, and management-side traditional labor-law issues
Lisa Lupion Partner	Orrick	New York	Fordham University	13	Experience litigating a broad range of employment issues, including discrimination, harassment, wrongful-discharge and compensation claims before state and federal courts and administrative agencies
Kevin Miner Partner	Fragomen	Atlanta	William & Mary	24	Represents U.S. employers on business-immigration processes for high-skilled workers, including a particular focus on compliance and shaping immigration policy
Cindy Schmitt Minniti Managing Partner, New York	Reed Smith	New York	St. John's University	20	Represents management exclusively in labor and employment law
Kristen A. Page Practice Managing Partner	Shook	Kansas City, Mo.	University of Missouri at Kansas City	18	Represents corporate employers in federal and state court in business and employment matters
Sarah K. Peterson Principal Attorney	SPS Immigration PLLC	Minneapolis	University of Minnesota	13	Employment-based immigration law, with a focus on international medical graduates, academics and the high-tech industry
Renee Phillips Partner	Orrick	New York	Harvard	17	Defends employers in federal and state court litigations as well as administrative proceedings and arbitrations involving discrimination, harassment, wrongful-termination and whistleblowing claims
Seth J. Safra Partner	Proskauer	Washington	Duke	18	Employee benefits and executive compensation, including the design, implementation and administration of retirement plans
Efrat R. Schulman Partner	Jones Day	Chicago	University of Michigan	16	Labor and employment law, including nationwide class and collective actions under the FLSA, and state wage/hour laws, discrimination lawsuits, and trade-secret and restrictive-covenant matters
Grace Shie Partner	Mayer Brown	Washington	UC Berkeley	16	Advises multinational companies on employee mobility and management of the work corps across the globe, including in major financial centers and emerging markets
Grant Sovern Partner; Chair, National Immigration Practice	Quarles & Brady	Madison, Wis.	University of Michigan	23	Employment immigration for employers and employees
Christopher A. Stecher Shareholder	KYL	San Francisco	University of San Francisco	18	Represents clients in wrongful termination, employment-discrimination, harassment, retaliation, compensation, breach-of-contract and unfair-competition cases, as well as wage/hour class actions and collective actions
Susan A.P. Woodhouse Principal	Littler	San Francisco	Santa Clara University	23	Oversees firm's knowledge-driven, employment-law-technology solutions for clients and firm attorneys
Becki L. Young Partner	Grossman Young & Hammond	Silver Spring, Md.	Georgetown	20	Represents hotels and restaurants, and facilitates the sponsorship of foreign professionals, trainees, interns and individuals of “extraordinary ability”
Joshua Zuckerberg Partner	Pryor Cashman	New York	Brooklyn	22	Represents and counsels employers on all matters affecting the workplace, including discrimination, harassment and disability claims



7 Ways to (Effectively) Address

Mental

Health in the

Workplace

The American Heart Association is urging organizations to make mental health a priority.

BY JEN COLLETTA

We are in the midst of a global mental-health crisis.

In just the last decade, anxiety diagnoses have ballooned by 20% and depression by 15%, while a recent Harris Poll found more than three-quarters of U.S. employees surveyed have struggled with a mental-health issue. With employees typically spending more time working than on any other activity, mental health is squarely in the wheelhouse of employers—but effectively tackling mental health in the workplace means digging much deeper than basic policies and programs.

The American Heart Association's CEO Roundtable recently released *Mental Health: Workforce in Crisis*, featuring a deep dive into mental-health interventions, case studies from many of the 40 Roundtable members—many of the nation's largest companies, whose workforces collectively include more than 10 million people—and a national employee survey. Among the key takeaways of the report are seven actionable strategies employers can take to engender an organizational culture that equates mental health with physical health—a correlation with which more than 95% of surveyed employees agreed.

The seven strategies include:

- **Leadership**—Role model a mental-health-friendly workplace from the upper echelons.
- **Organizational/Environmental Support**—Implement an accessible mental-health plan.
- **Communication**—Frequently share information about policies, programs, benefits, resources and training.
- **Programs and Benefits**—Offer comprehensive benefits that proactively focus on mental health.
- **Engagement**—Invite employees at all levels to take part in decision-making about mental health in the workplace.
- **Community Partnerships**—Involve community stakeholders in executing the mental-health plan.
- **Reporting Outcomes**—Continuously enhance offerings to improve employee wellbeing.

AHA CEO Nancy Brown recently spoke with *HRE* about how employers can use these strategies to build a healthier and more productive workforce.

Can you discuss the connection between mental and physical health? And why is this an area the AHA is committed to researching?

People spend a lot of time talking with their doctors about physical health but not as much about mental health,

even though they're linked. Issues that can be described as mental-health issues, like anxiety and depression, can be risk factors for heart disease and stroke. Our Roundtable has taken this on as an issue and is very dedicated to helping to change the dialogue and the norms in corporate America. This is a group of leaders from large organizations who are committed to working with the American Heart Association to transform health in our workplace and in our communities, and it is very focused on the broader picture of health and wellbeing. We understand that mental- and physical-health issues go together, so our goal is to create dialogue to allow change in the ways our companies and our society think about mental health.

The *Workforce in Crisis* report mentions that workplace interventions have traditionally targeted symptoms rather than the risk factors for poor mental health. How can organizations start to make that mindset shift?

Since mental health and physical health are so linked, companies need to start creating a cultural norm so that employees feel comfortable coming forward if they're facing issues affecting their mental health. Supervisors and leaders of the organization should be equipped to recommend resources to get employees the help they need. One of the things the report talks about is how important leadership from the top is for change. Leaders of the organization can play a significant role in increasing communication around this issue to support employee mental health.

Today's employees have heightened expectations for the employee experience. How can organizations build a positive culture around mental health as part of their overall approach to employee experience?

In our organization, where we have several-thousand employees, we're very focused on the fact that people spend a good majority of their time at work. The environment and culture at work is so important for people to be able to fully bring their best selves every day to work, for an experience that is meaningful and valuable. Having companies visibly represent their commitment to the whole employee can help create a culture where people can bring their best selves to work and feel like they're getting the support and resources they need.

For example, when I first announced to American Heart Association staff in December that [mental health] was going to be a major focus of our CEO Roundtable, I had so many of our employees come up to me personally or via email to tell me their stories. Opening the door for people to be able to talk about what's on their minds is a way to help

make sure employees understand the resources that are available. Many companies have employee-assistance programs that are underutilized, and these could be promoted more. We need to take away the stigma in the workplace so people can be themselves and get the support they need.

How can employers maintain their business objectives while still prioritizing the mental health of their workers in this changing environment, especially in our fast-paced, “always-on” environment? And what role does technology play in this area?

That’s the big debate: Is technology an aid or a problem? A lot goes back to the tone at the top. We’re working to encourage employers to address job strain and burnout, make sure they’re offering accommodations

and are encouraging people to use vacation time. They should make sure they’re using tech to enable flexible work arrangements. Also, many companies—through their insurance and employee-health programs—offer tech-based resources, such as meditation apps and tools that encourage employees to get more exercise and to focus on both physical and mental health. These are great resources that should be promoted, and leaders can live this mission themselves by using them.

Of the seven actionable strategies prompted by the *Workforce in Crisis* report, is there one or two that you think HR leaders can be most effective in making a reality?

HR leaders can really promote a positive view of the whole person, and leaders can further help set an

example to reduce stigma in the workplace. HR should be thinking about training employees and leaders need to recognize signs of mental-health issues and to [know how to] offer resources. Work plans [around wellness] need to incorporate both mental and physical health and can be used to create evidence-based policies that HR leaders can bring to life in the workplace. But the most important thing HR can do is make sure that all employees understand the resources embedded in the company’s offerings, such as through the health-insurance plan or employee-assistance program; for so many people who don’t normally think about accessing those benefits, they don’t know where to start. And think about how those features are highlighted; there are ways HR leaders can make sure they’re promoted in a way that reduces stigma and encourages

participation. Make sure people see the connection between mental and physical health, so that [a mental-health issue] is not seen as something that’s bad.

What’s next for the CEO Roundtable?

This report is just the beginning—not the end—of our interest in mental health. We now intend to work to implement these recommendations in our own companies and help other companies in our networks with resources and support to also implement the recommendations. This is one of the many topics the Roundtable will [explore] that focuses on creating workplaces for people’s optimal health and wellbeing. This is just one step in the longer journey.

Send questions or comments about this story to hreletters@lrp.com.

HR Marketplace

Below is a listing of products, services and solutions for human resource executives and their organizations. To receive more information, please contact them directly.



With Liberty Mutual’s Voluntary Benefits Program, your employees will receive quality insurance coverage, plus exclusive group savings. It’s an effective way to help your employees achieve financial wellness while strengthening your benefits package. We offer a variety of convenient enrollment, payment and service options so employees can choose what works best for them. For more information, www.LibertyMutual.com/employers or (866) 660-2543.



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"Where should HR leaders be placing their focus and energies in the coming 12 months to have a meaningful impact on their organizations' success?"

The following answers to the question above are the opinions of top executives from leading vendors exhibiting at the Society for Human Resource Management's 2019 Annual Conference and Exposition, to be held June 23 through June 26 at Las Vegas Convention Center in Las Vegas.



Jan Johnson
Vice President
Equifax Workforce Solutions Product
Management

When it all boils down, nearly every HR objective—from productivity to retention, morale to culture—starts with finding and hiring the right people. The financial cost of a regrettable hire is staggering, from 20% to more than 200% of an employee's annual salary, measured in lost productivity, tarnished culture and wasted time.

Identifying the right candidates is a competitive differentiator for those who do it well—and a bottom-line liability for those who don't. Pre-employment verification is a powerful yet underused tool that can help employers identify candidates and potential red flags like job-hopping, omission of jobs or exaggeration of titles and experience.

We recently conducted a survey revealing that employers that use this tool may see single-year retention rates up to 45% higher on average than those that don't. And we're helping employers calculate potential savings using pre-employment verification, with one major retailer estimating annual savings of \$2.1 million from a 3% retention improvement for a base of about 30,000 employees.

For many HR organizations, implementing pre-employment verification is more a matter of updating the current practices and culture. As a place for HR leaders to focus, it has the potential to have a very meaningful impact on organizational success.



Don Weinstein
Chief Product and Technology Officer
ADP

These days, it seems like you can personalize—or even humanize—just about anything. With workers being able to customize aspects of their lives, it's likely the need to customize one's financial experience will be in high demand. Platforms are evolving, and ADP has seen the payroll cycle change, leading to the prediction that weekly, bi-weekly or monthly payroll cycles will evolve to meet the needs of individual workers.

Based on data-driven findings, ADP expects employers to shift towards multiple classifications of workers to meet business needs, increase employment engagement and underscore the importance of teams. As organizations continue to shift toward more flexible work arrangements, they'll need to balance the right mix of freelancers (1099), temps and traditional full-time workers (W-2) to bridge skill gaps and reach business objectives.

Work environment and culture often factor into employment decisions, and many workplaces are becoming increasingly digital spaces. Meanwhile, employees and employers continue to demand that workplace technology be as user-friendly as devices they use in their personal lives. The stress of working with complex technologies can lead to a decrease in worker happiness. New HR solutions should be accessible via mobile devices, largely cloud-based and designed with the user in mind.

Visit ADP's Spark blog at www.adp.com/spark.

SHRM Showcase

Below are some of the exhibitors at the SHRM 2019 Annual Conference & Exposition, along with reasons you should visit their booths.



BOOTH: 2216

Designing better ways to work through cutting-edge products, premium services and exceptional experiences that enable people to reach their full potential. HR, Talent, Time Management, Benefits and Payroll. Informed by data and designed for people. www.ADP.com



BOOTH: 932

Workforce Solutions from Equifax is a trusted leader in helping meet the evolving HR, talent acquisition, tax management and compliance needs of employers. www.equifax.com/workforce

Emerging Intelligence

By John Sumser/Columnist



People Analytics Has Arrived

Recently, I spent a day with 50 HR-tech executives from Fortune 100 companies.

About 40% of the group members raised their hands when I asked, "Who has an ongoing project using AI?" However, that number shot up to about 60% when I asked, "Who has a people-analytics team?" Indeed, people analytics is coming to a theater near you.

People-analytics teams range in size from 2% to 7% of the total HR workforce. Sophistication spans the range, from none to groundbreaking. For some, PA is the reporting of standard HR metrics. For others, it is the place where data science takes root in the HR department.

Today, at least two-dozen vendors offer PA tools; from templated reports to automated data-cleaning services, they are the advance guard in HR's move toward data and quantification. The most primitive tools are essentially the latest form of benchmarking, while the most sophisticated aim to finetune HR delivery to optimize organizational performance.

And these are the tools with an explicit focus on HR. Many large PA groups blend the best reporting from their enterprise

providers, BI tools from non-HR sources and data-visualization tools like Qualtrics.

Great PA programs can help an organization deeply understand the workforce and align the business model, objectives, growth and productivity. Understanding how people learn about, join, evolve, progress, interact with and leave a company helps both management and employees. A clearer picture of the culture and its strengths, weaknesses and normal processes makes operational execution simpler and more effective.

The first step in developing a PA function is getting the data ready. A decade's worth of enterprise tools that encouraged idiosyncratic workflows may have made a spectacular mess of the company's data. In order to get to the next level, it's necessary to tidy up those data, which vendors do in different ways.

There are four major categories of vendors delivering the most promising people-analytics insight and data:

Prebuilt Reports, Dashboards and Benchmarking

Vendors in this category—Visier, TrenData, PredictiveHR—get their clients up and running quickly with a templated approach. The best in this group allows

you to test solution scenarios. They often provide industry-wide data for benchmarking purposes.

Organizational-Network Analysis

An appetite for PA often evolves into a desire to understand the organization's underlying network, which is much more than the lines and boxes on the formal org chart. Vendors like Humanyze, TrustSphere and Keen Corp. provide a picture of the inner workings of a company, offering trouble spotting and non-judgmental mapping.

Data Governance and Integration

There are many approaches to managing a company's data. SwoopTalent is building an automated way to avoid the political mess of data governance, while HRCloud and HRNX focus on the standardization of the application-program interface, allowing the company to reliably move data around.

Data-Model Development and Management

This is how data will be managed. OneModel provides tools for building tailored data-science models. It also provides monitoring and maintenance

capacity for the inevitable moment in which a data model ceases to be effective.

As PA programs roll out, companies tend to look at attrition, engagement, promotability, promotion paths, management structure, people-spend optimization and recruiting for retention. These issues are all part of the distinguishing characteristics of an individual organization; yet, most HR departments are still primarily relying on benchmarking. Where industry data and models are available, benchmarking can cover 50% to 60% of the people-analytics territory. The very last thing you want is to be like everybody else.

It's also not reasonable to think of PA on a maturity curve. What makes sense for a company depends on size, region, industry, business model and product/service lifecycle. Instead, each company is going to find the place where investment and return balance out. What constitutes great PA practice is unique to the culture, structure and goals of each organization.

I'll be talking about the evolution of PA-tool providers in my presentations at the upcoming HR Technology Conference in Las Vegas in October.

John Sumser is the principal analyst at HRExaminer. He researches the impact of data, analytics, AI and associated ethical issues on the workplace. Send questions or comments to hreletters@lrp.com.

13.6%

Percentage of the increase in sexual-harassment claims filed with the U.S. Equal Employment Opportunity Commission between fiscal years 2017 and 2018.

Source: Bloomberg News

3

The number of cases the U.S. Supreme Court decided to hear this term that relate to whether it's legal for employers to discriminate against workers because of their LGBT identity.

Source: USA Today



No. 1

Career-growth opportunities now rank first on the list of most important factors for employees looking for new jobs, toppling compensation and healthcare/retirement benefits, the longtime kings.

Source: Jobvite



40%

Percentage of companies that maintain recruitment processes in-house to save money.

Source: CareerBuilder

19%

Percentage of workers who say they have, at some point, turned down a job offer after signing an official offer letter—up 8 percentage points from last year's survey.

Source: Jobvite

68%

Percentage of 271 surveyed organizations that indicate they are combining or planning to combine HR and ERP systems into a single vendor solution.

Source: Information Services Group

Two-thirds

Proportion of Gen Zers who are confident they'll receive a job offer when they graduate from college; however, a quarter of them think they'll earn less than \$30,000.

Source: Yello



18%

HR teams that include a C-level leader are this percentage more likely than teams without one to be responsible for the organization's HR technology.

Source: Betterworks

87%

Percentage of 500 surveyed HR professionals who say that having tools that integrate into their organizations' existing technology is key.

Source: Reward Gateway



7

Under a new rule proposed by the Trump administration, applicants for federal employment would need to divulge whether, within the last seven years, they participated in any court-ordered diversionary programs to avoid a criminal conviction.

Source: American Bar Association



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