# *The*
# BIG BOOK
## *of*
# HR

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THE BIG BOOK OF HR

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*In memory of R. Gregory Green, SPHR, GPHR.*
*Your leadership helped the HR profession soar to great heights.*

—Barbara Mitchell and Cornelia Gamlem

❧

*Dedication*

*This book is dedicated to my family,*
*who have encouraged me in this project and in so many other ways!*
*Thanks for always being there.*

—Barbara Mitchell

*This book is dedicated to my parents,*
*Vincent and Cornelia Gibaldi,*
*who taught me the value of hard work and integrity.*
*I wish they were here to share this milestone with me.*

—Cornelia Gamlem

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**C O N T E N T S**

## Section Four: Employee Development

## Section Five: Employee Relations

## How to Use This Book

*The Big Book of HR* has 30 chapters and is organized into five sections. For the most part, each chapter deals with one topic or one function and contains easy-to-follow text, lots of examples, tips, and sidebars to give you as much information as possible. The Appendix is filled with additional resources to help you design your own forms or processes.

### Section One: Selecting and Assimilating New Employees
### (Chapters 1–12)

In this section we discuss how you get started to determine what kind of employees and what number of employees your organization will need to meet your strategic goals and objectives. We look at the legal issues around the rights of employees before discussing the recruiting process, including where to find candidates, how to interview and select the best applicant, how to make a job offer, and then how to assimilate the new hires successfully into your organization.

### Section Two: Employee Engagement and Retention
### (Chapters 13–16)

In this section we explore the critical areas of how to engage your employees so that they are as productive as possible and, then, how to retain them for your organization. Both of these functions have major impact on your bottom line. We look at the issue of workplace flexibility and the role this plays in the retention process, and also give you information on how to craft rewards and recognition programs that will work for your organization.

### Section Three: Total Rewards
### (Chapters 17–21)

In this section we look at the legal issues around compensation, and introduce you to compensation and how critical it is to have a well-designed system that will work for your organization. We lead you through the steps to developing a compensation structure and then discuss the increasingly complex, but critical, area of employee benefits.

### Section Four: Employee Development
### (Chapters 22–26)

In this section we look at how critical it is to provide development opportunities for your employees and work through the process of determining what development is needed in your organization. We then look at the many ways to provide development, including training and mentoring, and also at the very positive

impact that coaching can have in your employee development strategy. We discuss performance management strategy, including the appraisal process, the feedback process, and how to have the critical conversations so necessary to move employees toward reaching their full potential.

## Section Five: Employee Relations (Chapters 27–30)

In this section we look at the areas of employee and labor relations, risk management, conflict resolution, and ending the employment relationship. Each of these topics has huge impact in the lifecycle of employment.

## Appendix: Additional Resources

This section has templates, charts, forms, and more to help your organization manage your human resources processes and maximize productivity.

# Selecting
*and*
# Assimilating
# New Employees

Chapter 1

# Introduction to HR

Welcome to *The Big Book of HR.* You may be a HR professional just starting out in your career, or a manager or a business owner without HR support who needs to gather information on how to hire, develop, or fire an employee. This book is intended for anyone who works with people and who wants to maximize the impact his/her employees have to ensure the success of the organization. Although there are strong links between HR practices, this book is designed so that each chapter stands alone. Where it makes sense, we refer you to other chapters in the book for more information or to the Appendix, which is filled with forms and other valuable information you can use to supplement what you are already doing in your organization.

Business only gets more complicated—doesn't seem to ever go the other way. Managing people is not an easy process, and we've tried to give you as many tips and suggestions as possible to help you do your best. Because things change so quickly, follow us on the Web at *www.bigbookofhr.com* for current information and a blog with updates on emerging HR trends and issues.

The HR profession has had many names—Industrial Relations, Personnel, HR—and now some organizations have invented new names, such as Google, where HR is "People Operations." HR used to be seen as only doing administrative work, but now HR (or whatever you call it in your organization) is actively involved in setting strategy around the people who do the work that move your organization toward the achievement of your mission, vision, and organizational goals. HR can and should serve as advisors to organizational leadership to develop strategic workforce plans that link to the organization's strategic plan to ensure that the right people are on board so that the firm can meet its objectives and fulfill its mission. HR partners with line management to provide development opportunities to maximize the potential of each and every employee. HR advises management on total rewards programs (compensation and benefits) and rewards and recognition programs designed to minimize costly employee turnover and to maximize employee engagement and retention.

In order to add real value to organizations, HR professionals must understand the business they are in—not just their part of the business. They need to also understand the economics of business—how the organization is funded if it is a non-profit or how it makes money if it is a for-profit organization. A fully functional HR professional, like any other businessperson, should be able to read and understand a profit and loss statement, create and manage to a budget, and understand profit centers. Too often HR professionals limit themselves by not actively participating in discussions around marketing, finance, and the operations of the organization. They only speak up when the discussion gets around to topics like pay or benefits. The late Pam Farr, the brilliant and highly strategic HR executive at Marriott International, used to tell the story that she would time herself in

senior leadership meetings. She would wait at least 20 minutes before bringing up an HR-related issue. All the while, she would be actively engaged in the marketing or finance discussions. This positioned her as a valued partner to the other executives, who saw her first as a business colleague and then as the HR leader she was.

To really set yourself apart as a HR professional, think about how you can add value to your organization. Can you:

▸ Participate with understanding in discussions around your organization's business objectives?

▸ Find a way to do something more efficiently than it is currently being done?

▸ Determine how people and processes can contribute to the bottom line?

▸ Partner with other leaders in your organization to maximize efficiency?

▸ Think strategically—anticipate challenges and resolve potential problems?

▸ Ask the right questions to help your organization meet its goals and achieve its mission?

▸ Lead change initiatives when required?

▸ Communicate effectively in order to influence other leaders?

▸ Demonstrate your proficiency in HR related topics such as staffing, retention, compensation, benefits, total rewards, rewards and recognition, employee engagement, employee relations, and so forth?

▸ Lead the organization in an ethical fashion—protect the organization and its employees from doing anything that is unethical?

There are several topics of general interest that impact everything else in HR that we want to introduce you to before you look at specific HR functions that are discussed in great detail in this book:

▸ The impact of multiple generations in the workplace.

▸ The impact of globalization.

▸ The impact of technology.

## The Impact of Multiple Generations in the Workplace

During the past 10 years or so, we've all become well aware of the issues around having four generations at work at the same time. Perhaps your organization doesn't have all four working together, but chances are you have at least one from each generation. And, the downturn in the economy that began in 2008 has intensified this issue now that Veterans and Baby Boomers are not retiring at the pace that was once expected.

We've learned that the generations have both differences and similarities, and the most important thing to consider is how to maximize the similarities so that

we can all work toward the mission of the organization. Organizations need to be aware of the makeup of their employee population and design strategies to attract and retain the talent needed—no matter what generation they come from!

According to Nicole Lipkin, author of *Y in the Workplace: Managing the "Me First" Generation,* "What we're witnessing is not a generational thing. Who doesn't want flexibility? Who doesn't want to understand the context for their work? Who doesn't want better work/life balance? The only difference is that Generation Y is finally saying what every other generation is thinking."[1]

There is a great deal of information available on the four generations including in *The Essential HR Handbook: A Quick and Handy Resource for Any Manager or HR Professional*.[2] However, most of us are still learning about Generation Y or the Millennial Generation. What we are learning about them is the following:

They want a constant stream of feedback. They want to know how they are doing on every project every day. This is not a generation who will sit back and wait until their annual performance appraisal to hear what you think of them. And, they won't wait for you to give them feedback—they'll ask you up-front.

According to an article in the *Harvard Business Review,* "Millennials view work as a key part of life, not as a separate activity that needs to be 'balanced' by it."[3] This translates into their need for finding work that excites them and where they can have friends at work. They also want to be able to learn new skills and connect to something that is meaningful to them personally.

This is a generation that is accustomed to being praised for anything they accomplish. Many of them have been serious over-achievers from a very early age and thrive on praise for a job well done. Millennials like to work in teams—they are used to working in teams—but they also can work alone. (Consider all the time they've spent playing video games while growing up!) They want to be recognized for good work and they respond well to being mentored.

Millennials love to try new ideas; accordingly use their enthusiasm to bring along some of your other employees who don't easily embrace change. Also, Millennials have been volunteering all their lives, so be sure your organization offers them opportunities to continue that passion.

Obviously, your organization needs to provide Millennials with state-of-the-art technology in order to really engage them in their work—or get them to help you find good technology solutions.

You need to be honest with them, starting with your Website and continuing on through the hiring process and how you on-board them and, according to Bruce Tulgan in *Not Everyone Gets a Trophy, How to Manage Generation Y,* "There are few things Gen Yers are more sensitive to than false advertising. They will spread the word if they feel duped."[4]

The impact the generational differences have on the workplace can be a challenge for managers and for HR, but as long as we acknowledge that each generation has distinct behaviors, habits, expectations, and attitudes, and we understand those differences, HR can help organizations to smooth out the differences and use the strengths that each employee brings—whatever generation

he/she belongs to. With the variety of multigenerational employees in today's workplace, organizations can achieve a strategic advantage by embracing the diversity the various generations bring to the workplace.

## The Impact of Globalization

The world and the business climate have experienced rapid globalization in recent decades, which now requires HR to shift perspectives in many ways including recruiting globally and managing in different cultures. HR professionals or managers who work in global organizations must be highly flexible and adaptable to survive and thrive in the ever increasingly complex world we now work in. Working now requires a global mindset—an awareness of cultural differences and that doing business in other countries can be (and most likely is) significantly different from the way it is done in the United States or wherever your home country is. We need to learn local laws and regulations, and also learn how to influence and appreciate the culture in which we are working. As stated in *Managing Across Cultures,* "It simply can't be overstated: You will not succeed in global business today if you don't understand, appreciate, and know how to manage across cultures."[5]

To thrive in the global economy, we must all be highly flexible and must adapt to current situations, including when and how work is done and the language in which it is conducted. A lot of issues around managing in a global economy result from the fact that many times we are managing people we can't see or perhaps have never met other than on Skype.

As Stephen Covey put it in *The 7 Habits of Highly Successful People,* "Seek first to understand, than to be understood."[6] It is essential that you understand your organization's culture as well as your headquarters' culture. Once you are clear on that, it is time to begin to understand cultures in other places and other businesses. It is not just the visible things such as business card protocol in Japan, it is the deeper issues of how people behave, how they interact with others, according to Lance Richards, GPHR, SPHR, vice president of global workforce solutions at Kelly OCG.

Welcome to the 21st century, where we now all live in what has become a global village. The global economy touches every aspect of our lives and particularly our businesses. There was a time when global or international HR was a specialty that only impacted a few U.S. businesses, reports Melanie Young, GPHR, SPHR, vice president of the Global HR, Corporate and Global Business Group for Arrow Electronics. Now it is a fact of life for most of us. Consider these interesting (and real) challenges:

▸ You work for a global organization and are asked to serve on a global task force with people from your own county, the country in which your organization is headquartered in Europe, and others from South America and Asia. Your first challenge is to find a time when you can meet by teleconference or on Skype! There are huge cultural differences on the project team—different approaches to problem-solving. You learn

quickly that you have to modify your communication style as you can't be too direct, and you certainly can't talk about how wonderful things are in your country because most everyone else feels that their way of doing things is right and has been working quite well!

▸ Working for the same global organization as in the previous point, you have the responsibility for designing a new performance management system that will be used around the world. Suddenly, you need to get up to speed on work councils in Europe and privacy laws in various countries. You learn that in some countries performance reviews can't be shared with anyone in the organization, including HR, and that some other countries require disclaimers that might be illegal in the United States.

▸ You are doing recruiting for a global organization and discover that their way of interviewing involves asking personal questions including age, marital status, religion, and other topics that are illegal in the United States. Your organization constructs a new job portal that asks candidates about their religion, race, nationality, age, and other such information.

▸ You are meeting with a group of global employees and tell what you think is a humorous story, and it is met with stony silence.

These are examples of what HR professionals are dealing with in our global marketplace. They illustrate the complexity of the challenges HR is facing and will continue to face; therefore, HR professionals need to prepare themselves to be able to tackle these kinds of issues.

According to Silvia Bagdadli, an associate professor of organization and human resource management at Bocconi University and the director of the executive master in strategic human resource management program at the SDA Bocconi School of Management in Milan, Italy, as reported in the May 2011 issue of *HR Magazine,* "Global HR professionals need to have several competencies: knowledge of HR strategies, models, methods and techniques; problem solving skills; people management skills; and, finally, the ability to adapt to international contexts."[7]

So what can HR professionals do to gain the experience needed to work in the global arena? Consider:

▸ Keeping up with international news and issues by reading publications that cover global issues, such as *The International Herald Tribune, The New York Times, The Washington Post,* and *The Wall Street Journal,* and major business magazines, including *The Economist, Fortune, Forbes,* and *The Harvard Business Review.* Read daily newspapers from other countries on-line. (Many countries publish news in English, or Google has a translation service.)

▸ Networking with colleagues who have international background or experience. Consider asking one or more of these colleagues to serve as your mentor on global issues.

‣ Volunteering to serve on international task forces or committees to gain experience.

‣ Learning a foreign language either online or by taking classes.

‣ Taking an assignment in a less-desirable location to gain valuable experience with the hope of using that experience as a springboard to a better position someplace else in the world.

‣ Enrolling in a global HR master's program or taking international business classes.

‣ Taking advantage of global HR information on the Society for Human Resource Management (SHRM) Website (*www.shrm.org*).

As you begin to work in other countries or with coworkers from other parts of the world, it is critical to understand that how we communicate is important for all aspects of working globally, because it impacts relationship-building and is a key to how much influence and creditability you can gain. How you communicate with people from other countries can be more important than if you speak a common language. You'll want to be sure to share your message in a way that will acknowledge and show respect for the difference in culture or business environment. Without being condescending or patronizing, try to use simple words and concepts, brief sentences, and graphics to allow for consistent understanding. Using over-sophisticated language or overly complicated slides or templates, may confuse your listeners and also come across as arrogant. Take the time before you meet or present to someone new or to an unknown group, to get to know enough about them to decide how and what to present.

Building relationships with people from other countries and cultures is done the same way you would if you wanted to get to know a coworker in your own country. Ask questions to get to know your fellow employees. If asked, participate in activities where you get to know the employees and how they spend their time outside of work. This will give you great insights into their culture. Whenever possible, involve people in what you are doing. For example, seek input on how they prefer to organize meetings, solicit ideas for the agenda, and ask who they suggest should be included in the meeting. If you are scheduling an international conference call, go with the time that works best for the majority of participants, even if this means an early or late call for you.

In most cultures, if you get a chance to meet face-to-face, food and the meal event is an important relationship building step. Do your best by trying the local food. Most often they will serve dishes that are known to be acceptable to Americans unless you let them know you are willing to try something new.

## The Impact of Technology

One of the core competencies of a HR professional is the ability to understand how technology impacts current processes and how technology can be used to maximize efficiency while not damaging the strong interpersonal relationships required to do business. HR needs to look at the challenges of technology and the

impact it has on the work we do. For example, who could have imagined, just a few short years ago, the impact social media has had on recruiting! And what about the unique challenges we now face in managing people who don't work in the same place we do—maybe not even in the same country—and how we can keep connected using a wide variety of technological solutions.

We use technology to develop our employees by using virtual meeting software and other high-tech resources to keep employees up-to-date on new policies and procedures. We rely on intranets to share valuable information with our employees. Employees enroll and manage their benefits on-line. They make changes to their personal information such as marital status or benefits changes without HR having to fill out a form or enter data. We use technology to upload information to get employees on payroll, to make changes to deductions, or to enter paid time off information. We use technology to track applicants, capture EEO data, create skills inventories, and conduct background investigations on applicants. We rely more heavily on technology every day. Some forward-thinking organizations are even moving to paperless employee filing systems!

With our ever-increasing dependence on technology, it is important to be sure that privacy is maintained and that all employee data are kept secure. HR and IT can work together to be sure everything is being done in this critical area.

HR needs to be able to have strong partnerships with technology partners in order to maximize the products you use. There are lots of firms that specialize in products for HR, and SHRM is a good source for up-to-date information on new and innovative products. SHRM has a practice area around HR technology that can be found at *www.shrm.org*.

INTRODUCTION TO HR

Chapter 2

# Workforce Planning...Succession Planning

Great NHL hockey star Wayne Gretzky often said, "Good hockey players skate to where the puck is while *great* hockey players skate to where the puck is going." The same can be said of great organizations: You have to know where you're headed to be successful, and when it comes to your people, it's called workforce planning.

Any strategic business plan deals with resource requirements, and, just as financial requirements need to be addressed, a well-crafted strategic plan needs to ensure that the appropriate people with the right skills are available to accomplish plan goals and objectives. Smart organizations include HR in the organization's strategic planning process so that there is an easy transition from strategic planning to workforce planning. If you aren't included in your organization's strategic planning process, consider talking with your CEO or other key players in your organization to inform them of the value you bring to the strategic planning process. After all, the best strategic plan will be ineffective without the right people in the right places with the right skills to carry it out—or, as Jim Collins put it so well in *Good to Great,* "having the right people on the bus."[1]

If you are not successful in being included in the strategic planning process, you will need access to the plan to be able to do a workforce or HR plan that links to the strategic plan.

Workforce planning is the process an organization uses to analyze its current workforce in light of what is projected over the length of the strategic plan. Is the organization going to grow, and, if so, what skills are needed and where will the jobs be located? Is the organization going to need to downsize or outsource positions? If so, can any of the affected employees be trained to take on new responsibilities? These are just some of many issues included in a workforce plan. Workforce planning requires leadership, a clear vision, mission and strategic objectives, and the involvement of a significant number of participants including leaders and managers. It is an inclusive process that draws together finance, operations, human resources, marketing, and other key functions.

Workforce planning focuses on developing information that can help an organization make good decisions for both the short- and long-term with the realization that plans, no matter how well thought out, may need to be revised to meet the changing business climate. Therefore, plans need to be evaluated often and revised as needed.

In order to be successful, any workforce plan must be carefully grounded in the culture in which it will be utilized—in other words, there is no "cookie-cutter" approach to workforce planning; each one is unique.

A well-crafted workforce plan also provides managers with a better understanding of the strengths and weaknesses of their people. Workforce planning

requires all participants to open their minds to the limitations and the possibilities and to consider issues around succession management (see "Succession Management as a Workforce Planning Tool," beginning on page 23).

Workforce planning allows the organization to build a longer-term context for short-term decision-making in an attempt to predict the future. It includes an inventory of all current and future positions, and focuses attention on positions that are key to the organization's success and/or positions that are hard to fill and, therefore, will take more time to recruit.

Some people see workforce planning as only a staffing tool for anticipating hiring needs, but it can also be a critical tool for determining employee development and succession needs. Successful organizations conduct regular and thorough workforce plans so that staffing needs can be measured, employee development needs can be assessed, and contingent workforce options can be utilized to create a fully functional workforce that is able to meet the organization's business requirements.

> **Tips for Effective Workforce Planning**
> - Designate a team lead from the HR department to manage the process.
> - Find a senior executive to "champion" the process.
> - Identify key stakeholders and involve them in the planning process.
> - Coordinate the plan with the strategic plan, succession planning, and career development initiatives.
> - Ensure workforce planning is an ongoing activity and evaluated frequently.

A strategic plan charts the future with broad mission-related targets and milestones; a workforce plan translates strategic thinking into concrete actions in the areas of workforce staffing and training needs. When an organization successfully aligns human resources activities with organization strategies, activities fit strategically and reinforce each other. This strategic fit produces consistency and ensures that HR-related activities will reinforce the organization's business strategy.

HR functions impacted by the strategic plan include:

- ▸ Staffing.
- ▸ Compensation.
- ▸ Retention.
- ▸ Succession management.
- ▸ Employee development.
- ▸ Management development.

# Step-by-Step Process to Develop a Workforce Plan

## Step 1: Analyze Current Workforce

This step looks at the current workforce—its skills and demographic makeup, including race, gender, and age. Age may be a particularly important factor to consider if the organization has a significant number of people moving toward retirement age who will need to be replaced. During this process, you will need to understand the skill sets of your current workforce. A current workforce or supply analysis also involves making projections of attrition (due to resignations,

retirements, internal transfers, promotions, and involuntary terminations) over the planning period so that attrition is taken into consideration while looking at what the future needs will be for numbers of employees and particular skills.

⇄ See Chapter 30, Ending the Employment Relationship, for information on tracking attrition.

When the current workforce analysis is complete, you will have a good understanding of your current workforce and its strengths and weaknesses.

Depending on the size of your organization, you may want to limit the number of levels you include in the current workforce analysis. Here are some ideas of what you might want to include in your current workforce analysis:

▸ List current employees and their skills/abilities/strengths.

▸ Look at who might retire or leave the organization and what gaps that creates.

▸ Review historic turnover (attrition) data.

▸ Are there any poor performers who need to be retrained or be terminated?

▸ How will the current workforce impact (positively or negatively) achieving stated goals and objectives as outlined in your strategic plan?

## Step 2: Determine What Knowledge/Skills and Abilities Will Be Required to Achieve Business Objectives for the Next Year

The strategic plan may have outlined new products or services to be added. Therefore consider what changes are anticipated during the next (insert the number of years in the plan) years related to:

▸ Mission and vision.

▸ Budget and economic forecasts.

▸ Competitive factors in your line of business.

▸ Labor force trends.

▸ Pending or existing government regulations.

▸ Innovations in technology.

▸ Outsourcing options.

▸ Strategic partner options.

▸ Potential mergers and/or acquisitions.

▸ New products.

▸ Expanding to new locations.

Consider:

▸ What are the key business goals and objectives for the next year?

▸ What are the key success factors for achieving these goals and objectives?

▸ What are the key work activities associated with these success factors, goals, and objectives?

▸ Are more employees needed to achieve the stated goals and objectives?

▸ What skills are needed to deliver these goals and objectives?

▸ Is the organization growing or downsizing?

▸ How is the business changing in relationship to:

  › Competition?

  › New projects that will require new skills?

  › New locations (domestic or global)?

  › Number of new projects or deliverables?

## Step 3: Do a Gap Analysis

Determine the gaps that exist between what you have and what you need. Answer these questions:

▸ Can current employees be trained to take on new responsibilities? If not, how will you deal with them (transfer to other departments, demote, terminate)?

▸ Do you need to hire from the outside?

▸ If you need to hire, when does new staff need to be on board and trained?

▸ Is your organization doing what it needs to do to retain key employees?

▸ Is the organizational structure what it should be to accomplish the goals and objectives?

You now have a plan that should tell you when and how you need to add people or skills to meet your organization's strategic objectives.

## Step 4: Implement the Workforce Plan

No plan is ever successful without an implementation phase to translate the actions into a workable schedule that includes well-defined objectives, specific and measurable workforce goals, and time tables and milestones. It involves dedicating time, energy, and resources to address the critical gaps or surpluses that exit within the organization, as related to the critical business issues identified in the strategic planning process.

A successful workforce plan requires the commitment and leadership of everyone in the organization, especially top management. Senior-level managers should lead the planning process, assure that workforce plans are aligned with the strategic direction of the business, and hold subordinate mangers accountable for carrying on the workforce plan.

During the implementation phase the plan should be continually measured for its success in meeting both efficiency and effectiveness measurements. Look at the following:

▸ Do workload and/or workforce gaps still exist? And, if so, what should be corrected?

▸ Are the assumptions used to develop the plan still valid?

▸ Has organizational effectiveness increased?

▸ Do adequate staffing levels exist?

Successful workforce plans, like strategic plans, cannot be static; they must be constantly evaluated and adjusted as needed.

## Checklist for Evaluating a Workforce Plan

❑ Is the plan based on the organization's strategic plan, and have you considered the mission, vision, and values?

❑ Was the plan evaluated on its impact on the current workforce, and will a proper diversity mix result from any proposed actions?

❑ Have you determined the number and skill set of employees who will be needed to address upcoming challenges?

❑ Was a gap analysis conducted to assess what is needed versus what you now have?

❑ Are strategies identified to address the gaps between the projected supply and demand?

❑ Is there an action plan complete with responsible parties, due dates, and resources needed?

❑ Has the plan been communicated to appropriate stakeholders?

❑ Is there a strategy to update the plan?

> ### How to Get Buy-In for a Workforce Plan
>
> It is critical to any organizational planning process that top management supports the process. Without that support, it will be difficult to conduct a workforce plan, and implementing it will be next to impossible. Some of the selling points to use are:
>
> · A workforce plan is the logical next step after the strategic plan is developed.
>
> · Organizations can't achieve their objectives without the right people in the right positions.
>
> · A well-crafted workforce plan has the potential to save the organization time and money by laying out a logical way to hire, train, and develop employees. This is the one that usually gets their attention!

## Succession Management as a Workforce Planning Tool

Another aspect of effective workforce planning is succession planning. Succession planning is used by organizations to identify and prepare employees who have the potential skills and abilities to move into key positions when the incumbent leaves the job. Having a succession plan generally ensures a smooth continuation of business when positions become vacant because of promotion, resignation, or transfer within the organization.

You've probably heard or read about the many highly visible examples of what happens when organizations don't have a succession plan. What happens when a senior executive is killed in a plane crash, or is indicted on a fraud charge, or has a serious illness and has to step down? Who takes the place of that executive,

and how quickly can that person be the leader the organization requires at that difficult time and into the future? This is why having a succession plan is critical to any organization's success.

Most succession plans have historically focused only on high-level positions, but in recent years, more attention has been given to selecting successors for positions throughout the organization. This makes sense in the highly aggressive talent competition most organizations find themselves in. You have to know who your key players are at any level—and what positions you can't go long without having filled. These positions may be in sales, marketing, IT or other places within the organization.

Multiple options exist to do succession planning including highly sophisticated software models that collect data from performance reviews, employee development plans, courses taken, skills inventories, and recommendations for future development.

Not only does a succession plan help to facilitate a smooth transition, it can also be a retention tool for high performers who are slotted for higher-level positions by allowing them to know the organization values their skills and abilities and has plans for them if they stay with the organization.

Many organizations struggle with whether or not to tell an employee that he/she is slotted for a higher-level job in the succession plan. We've seen arguments on both sides; however, we believe the case for telling people is stronger than not telling them—and it may keep a superstar on board!

## Succession Planning Tips

▸ Train high-potential employees and provide them with coaching.

>    See Chapter 23, Best Approaches to Developing Employees, and Chapter 24, Coaching as a Development Strategy.

▸ Reward managers for developing their employees.

▸ Provide more than one way to succeed in your organization. Take the management track or remain an individual contributor—each adds value.

▸ Allow employees to move laterally—not just up in the organization—to gain valuable experiences.

Although executive support is a key to any program's success, it is vital to have that support for succession management. It seems like such a no-brainer that organizations should know who would fill key positions should the incumbent leave for any reason, but it is amazing how few organizations take the time to put a succession management system in place.

Organizations that create an effective succession management process:

▸ Quickly anticipate and fill succession gaps.

▸ Identify employees with high potential and actively plan their careers to develop "bench strength."

▸ Align their workforce planning with their business strategy so that as the organization grows and the strategy evolves, changes can be made quickly to recruiting and employee development practices.

Succession management is a comprehensive process that starts by identifying possible successors and a development plan for each person, and goes below the executive level to as deep into the organization as possible. The goal of an effective succession management system is to have a pipeline of highly developed leaders all across the organization who are prepared (or are preparing) to fill vacancies as they arise. It makes sense to make succession management an ongoing planning process whereby periodic discussions are held to assess talent and to determine development plans for those identified as high performers with the ability to move up the organization.

Succession management can be made too complicated by elaborate forms and processes. Then the process dominates the discussion rather than the focus being on the potential of employees under discussion. It can be as simple as an Excel spreadsheet where you list your key players and who would replace them in case they leave for any reason. The most effective succession processes are flexible, open, inclusive, and owned by top management with HR support.

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### Key Recommendations for Succession Management[2]

- Understand the unique context of your organization.
- Recognize that subject matter experts have special challenges when it comes to succession management.
- Identify key positions and the talent potential for these positions.
- Establish succession plans for key positions that identify at least one, and preferably more than one, potential successor.
- Engage in detailed developmental planning for the targeted successor population.
- Use leadership competency with caution; the future is imperfectly predicted.
- Avoid the basic obstacles to an effective succession management system.
- Work toward continuous succession management system improvement.

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If an organization has a board of directors, the board may take on the responsibility for succession planning for top executives. John Berry of PriceWaterhouseCoopers' (PwC) Center for Board Governance suggests four key actions that a board can take in order to ensure qualified candidates are available when needed:

▸ Monitor career development plans for leading candidates.

▸ Help mitigate the effects of a "horse race" (when there are two or more candidates competing for the same position).

▸ Get to know the leading candidates.

▸ Ensure that job criteria are continually updated.

Barry said, "Boards need to consider whether candidates are being effectively evaluated and coached and rotated to various positions within the company. Candidates should be given developmental assignments and attend educational programs to enhance necessary skills."[3]

Consider the story of the 2009 transition at Xerox when Anne Mulcahy was replaced by Ursula Burns as CEO, as reported in the *Harvard Business Review* in October 2010.[4]

Ms. Mulcahy tells how she identified Ms. Burns early in her career as someone with great potential. During the lead-up to Anne Mulcahy's stepping down, Ursula Burns was being prepared, behind the scenes, for taking on the role. While this wasn't an easy process, the two women focused on issues that included the fact that it wasn't going to be easy for Ms. Mulcahy to step down and give up the power. However, they agreed that no matter what, they would put the company first.

Before the announcement was made, Ursula Burns was gaining valuable experience with the Board of Directors and she was also maturing as a leader.

One of the lessons learned, according to Ms. Mulcahy, is that leaders and boards need to start the succession planning discussions as early as possible so that people are prepared and the organization is ready to absorb the changes related to new leadership.

An integrated process that links succession planning with leadership development can provide a competitive advantage to forward thinking organizations. Incorporating succession management into the organization's culture helps to build strong leaders and can also be a recruitment and retention advantage. By providing an opportunity for employees to learn and grow, you are feeding a very significant need that most people have. Succession management is a huge investment in building a successful organization—one that can be sustained over time.

## Discussion Questions

1. Why is it so important for HR to participate in the development of the organization's strategic plan?

2. What are some of the benefits of doing a workforce plan?

3. Name three to four HR functions impacted by a workforce plan.

4. List the steps to create a workforce plan.

5. Why is management support critical to successfully implementing a workforce plan?

6. How does succession management support the workforce planning process?

7. How can boards of directors participate in succession management?

WORKFORCE PLANNING...SUCCESSION PLANNING

Chapter 3

# The Legal Landscape of Employee Rights

*"All may dismiss their employee(s) at will, be they many or few, for good cause, for no cause, or even for cause morally wrong, without thereby being guilty of legal wrong."*

—*Payne v. Western and Arkansas Railroad Company,* 1894

## Employment at Will

Since the last half of the 19th century, employment in the United States has been "at will," or terminable by either the employer or employee for any reason whatsoever. The employment-at-will doctrine avows that, when an employee does not have a written employment contract and the term of employment is of indefinite duration, the employer can terminate the employee for good cause, bad cause, or no cause at all.[1] At the same time employees are free to leave the employer at any time, with or without cause or notice.

The employment-at-will doctrine has eroded over time. With the advent of unions, collective bargaining agreements generally require just cause for adverse employment actions. Legislation at the federal and state levels contributed to the erosion by providing employee rights. Other exceptions to the doctrine arose from case law and include:

- ‣ The public policy exception, which prohibits employment termination or other adverse action for reasons such as the following:
  - › Exercising a legal right such as the right to report an unsafe working condition.
  - › Responding to a legal obligation such as jury duty or military reserve duty.
  - › Whistleblowing or discriminatory employer behavior.
- ‣ The implied contract exception, such as statements implying job security. The courts have found such statements as well as statements in policies and handbooks to be implied or sometimes even express contracts.
- ‣ The covenant of good faith and fair dealing, such as knowingly terminating someone near retirement where the action results in the denial of retirement benefits.

Selected laws focusing on employee rights and the major antidiscrimination laws are covered in this chapter. Other legal and regulatory issues affecting benefits, compensation, and employees' safety and security will be discussed in Chapters 17, 20, and 29.

Recognize that laws and regulations are not static and frequently change. References to Websites are provided so current information can be referenced.

However, neither the information in this book, nor any information found on the Internet, should be a substitute for legal advice. Guidance should be sought for state-specific laws and regulations.

# Theories of Discrimination

Understanding the theories of discrimination is important to understanding the anti-discrimination laws. Laws that protect employees' rights apply to the life cycle of the employment relationship—from sourcing and recruiting, to selection and hiring, to performance management, compensation, benefits, training, termination, and all other terms and conditions of employment.

There are two theories of discrimination:

» **Disparate treatment** is intentional discrimination. It involves all employment-related actions or decisions, such as hiring, salary, benefits, termination, and so forth, in which an employee is treated differently than another similarly situated employee or class because of a protected attribute (race, color, religion, gender, national origin, age, disability).

Unfair treatment, or the perception of unfair treatment, may or may not be discriminatory. For example, an employee may perceive that a low performance rating or merit increase is unlawful discrimination. In fact, the employee may not be performing up to legitimate standards.

» **Disparate impact** generally occurs when a neutral policy inadvertently discriminates or has a discriminatory effect on a protected class or group of people covered by discrimination law. In the landmark Supreme Court case *Griggs v. Duke Power,* Willie Griggs was denied a promotion based on his lack of a high school diploma and the results of two pre-employment tests. The Court found that these requirements were not related to job success and had a negative impact on protected classes.

Disparate impact differs from disparate treatment, where the employment practice itself is discriminatory. It occurs when an employer engages in a practice that has the *effect* of excluding individuals because of a protected attribute regardless of the employer's intent. It applies to employment practices that are "facially neutral," meaning that the practice does not appear to be discriminatory on the surface and it is generally applied in an even-handed manner to all individuals.

Inconsistent application of the organization's policies or the inconsistent treatment of individuals could result in disparate impact discrimination.

# Non-Discrimination Laws
## Title VII, Civil Rights Act of 1964 (Title VII)

Coverage: It is unlawful to discriminate on the basis of race, color, religion, national origin, and sex in all employment decisions and terms and conditions of employment.

Applicability: All employers with fifteen (15) or more employees.

Special Considerations:

‣ Prohibits retaliation.

‣ Prohibits sexual harassment.

‣ Allows for a Bona Fide Occupational Qualification (BFOQ). If gender, religion, or national origin is a BFOQ reasonably necessary to carrying out a particular job function in the normal operations of the business or enterprise, the factors may be used in employment practices. For example, being female can be a BFOQ for a women's bathing suit model.

‣ Covers *co-employment,* meaning not just the company's employees, but those workers from contract and temporary agencies. Both companies can be liable.

‣ Requires reasonable accommodation for all deeply held religious beliefs.

Remedies for violating the law can include payment of attorney's fees and other actual damages and injunctive relief such as:

‣ Back pay.

‣ Reinstatement.

‣ Remedial training.

‣ Remedial transfer.

‣ Remedial promotion.

‣ Requiring employers to take steps to prevent future discrimination.

## Civil Rights Act of 1991

Title VII was amended in 1991 by expanding the remedies to include jury trials, and punitive and compensatory damages for intentional discrimination. Compensatory damages can include such out-of-pocket expenses as job search costs and medical expenses as well as emotional distress damages. These expanded remedies also apply to the Americans with Disabilities Act, which is also discussed in this chapter.

## Pregnancy Discrimination Act of 1978 ( PDA)

This law amended Title VII to prohibit discrimination on the basis of pregnancy, childbirth, or related conditions. It requires employers to treat pregnancy the same as any other short-term disability.

## Age Discrimination in Employment Act (ADEA), 1967

Coverage: It is unlawful to discriminate on the basis of the employee being over the age of 40 in all employment decisions and terms and conditions of employment.

Applicability: All employers with twenty (20) or more employees.

Special Considerations:

▸ Discrimination can occur within protected age group.

▸ Age can be a BFOQ in rare circumstances.

▸ Prohibits retaliation.

Remedies for violating the law are the same as Title VII, plus:

▸ Liquidated or double damages for willful violations.

▸ Lost retirement benefits.

## Americans with Disabilities Act (ADA), 1990 and the ADA Amendment Act (ADAAA), 2008

Coverage: It is unlawful to discriminate against qualified individuals with physical or mental disabilities that substantially limit one or more major life activities in all employment decisions and terms and conditions of employment.

Applicability: All employers with fifteen (15) or more employees.

Remedies for violating the law are the same as Title VII.

Special Considerations and Key Points:

▸ Requires reasonable accommodation to allow covered individuals to perform the essential job functions unless it creates an undue hardship.

▸ Prohibits discrimination only against those individuals qualified to perform a job's essential functions. There is no requirement for employers to lower their standards or to hire individuals who do not meet a position's minimum education, skill, and knowledge requirements.

▸ Discrimination would include, but not be limited to, questions about the nature of a disability during a job interview; failure or refusal to consider a request for accommodation of the disability; refusal to hire, demotion, placement on an involuntary leave, termination, harassment, denial of any other term, condition or privilege of employment.

⇄ Appendix: Definitions under the ADA.

A reasonable accommodation removes unnecessary barriers that prevent or restrict employment opportunities and enables a qualified individual with a disability to perform the essential functions of a job. Examples include:

▸ Part-time or modified work schedules.

▸ Job restructuring (task exchange).

▸ Reassignment to a vacant position (current employees only).

▸ Acquisition/modification of equipment or devices.

▸ Adjustment/modification of examinations, training, materials or policies.

It is *not* a reasonable accommodation to eliminate essential functions or duties of the position or to lower quantity or quality standards.

All requests for accommodation from applicants and employees must be considered. Failure to do so is discriminatory behavior and is actionable. Accommodation requests cannot be ignored or refused without proper consideration.

THE LEGAL LANDSCAPE OF EMPLOYEE RIGHTS

An undue hardship occurs when an accommodation would be unduly cost-ly or disruptive, or fundamentally alter the nature or operation of the business. Determination of whether a particular accommodation will impose an undue hardship is on a case-by-case basis. Overall determination of significant cost depends on the size and nature of the business.

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### A Process for Accommodation

- Consider **and document** all requests.
  - Responsibility applies to applicants and employees alike. A current employee can develop a disability during the course of employment.
- Each request should be considered on a case-by-case basis.
- Evaluate all available options.
  - Evaluate the job's functions against the individual's qualifications during the selection process.
  - Identify barriers to job performance. Assess how they could be overcome through accommodation.
  - Consult with the individual to find out his/her specific abilities and limitations relating to the job's essential functions.
  - Several accommodations may be appropriate. Consider each accommodation's effectiveness, cost, impact on the work environment, timeliness, and resources available to implement and maintain it.
  - Consider the individual's preference. However, the employer is not required to implement the individual's choice. The option chosen should serve the needs of both the individual and the company.
- Document the possible accommodations considered and resources consulted.
- Document the interactive steps—discussions with the individual.

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## Genetic Information Nondiscrimination Act of 2008 ( GINA)

Coverage: It is unlawful to discriminate on the basis of genetic information in all employment decisions and terms and conditions of employment.

Applicability: All employers with fifteen (15) or more employees.

Special Considerations:

▶ Prohibits retaliation.

▶ Restricts employers from requesting, requiring, or purchasing genetic information.

▶ Requires that genetic information be maintained as a confidential medical record, and places strict limits on disclosure of genetic information.

▶ Provides remedies for individuals whose genetic information is acquired, used, or disclosed in violation of its protections.

Remedies for violating the law are the same as Title VII.

⇄ Appendix: Guidelines for Preventing Workplace Discrimination. Appendix: Preventing Harassment—Managers' Initiatives

Equal Pay Act (EPA), 1963, and the Lilly Ledbetter Fair Pay Act, 2009

Both of these laws cover compensation only and are discussed in Chapter 17, The Legal Landscape of Compensation.

# Retaliation

Retaliation is a form of discrimination and all of the laws discussed in the previous section prohibit retaliation. An employer may not fire, demote, harass, or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

Retaliation occurs when an employer takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**.

▶ An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding, such as termination, refusal to hire, and denial of promotion.

▶ Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals.

▶ A protected activity includes opposition to a practice believed to be unlawful or participation in an employment discrimination proceeding, such as complaining to anyone about alleged discrimination against oneself or others, threatening to file a charge of discrimination, or refusing to obey an order reasonably believed to be discriminatory.

⇄ Appendix: Guidelines for Avoiding Retaliation.

# Equal Employment Opportunity Commission (EEOC)

The laws previously discussed are enforced by the EEOC. Employees may bring an individual charge of discrimination. The charge must be filed within 180 days of the discriminatory action, or 300 days in states that have a fair employment practice law and state agency. The employer has the opportunity to respond to the charge. The EEOC may attempt to settle or mediate. Potential outcomes include resolution, action based on a determination that discriminatory action took place, and dismissal on the basis of no reasonable cause of wrongful actions. The EEOC can bring a suit directly against the company if they believe there is a pattern or practice of discrimination. Suit would be brought in federal court.

## Posting Requirements

Employers are required to post notices describing the federal laws prohibiting job discrimination. The EEOC's poster is available on-line and in various languages.

> @ For additional information about the laws and posting requirements, visit *www.eeoc.gov.*

# Other Laws Affecting Employee Rights
## Immigration Reform & Control Act ( IRCA)

Coverage: Prohibits discrimination against job applicants on the basis of national origin and citizenship. It also establishes penalties for hiring individuals who do not have the right to work in the United States or who are here illegally.

Applicability: All employers with one (1) or more employees.

Special Considerations: Employers must verify that workers have the right to work in the United States. Within three days of hiring, the new employee and the employer must complete the Form I-9. This form verifies both identity and the employee's right to work in the United States. Employers are required to maintain these forms for a period of either three years after the date of hire or one year after employment is terminated, whichever is later. The form must be available for inspection by authorized U.S. Government officials (for example, Department of Homeland Security, Department of Justice).

Violation: Employers who knowingly hire someone who is not entitled to work in the United States face both civil and criminal penalties. Fines can also be imposed for recordkeeping violations.

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States. It is an electronic program through which employers verify the employment eligibility of their employees after hire. Employers submit information taken from a new hire's Form I-9 to determine whether the information matches government records and whether the new hire is authorized to work in the United States. Government contractors must use E-Verify. Certain states have mandated its use. Many employers use it voluntarily because it provides a safe harbor and shows good intent.

> @ For additional information on IRCA, Form I-9, and E-Verify, visit *www.uscis.gov/i-9* and *www.uscis.gov/I-9Central.*

## Uniformed Services Employment & Reemployment Rights Act ( USERRA)

Coverage: Prohibits discrimination on the basis of military obligation.

Applicability: Employers with one (1) or more employees.

Special Considerations:

▸ Requires job-protected military leave for up to five years (extended in some circumstances).

▸ Requires that returning service members be reemployed in the job that they would have attained had they not been absent for military service.

- ‣ Requires oral or written notice of the need for leave.
- ‣ Gives employees on military leave the same non-seniority-based benefits and rights generally provided to other employees with similar seniority, status, and pay on other types of leave.
- ‣ Gives employees on military leave the same seniority-based benefits they would have received if they had not taken military leave.
- ‣ Requires that military leave not create a break in service for retirement plan purposes.
- ‣ Requires employers to give notice of rights and obligation under the law.

Remedies for violating the law include:

- ‣ Back pay.
- ‣ Lost benefits.
- ‣ Attorneys' fees.
- ‣ Double damages for willful violations.

@ USERRA is enforced by DOL Veterans Employment & Training Service. For additional information, including information on the posting requirement, visit *www.dol.gov/vets/programs/userra/main.htm.*

## The Consumer Credit Protection Act (CCPA), 1968

The CCPA protects employees from discharge by their employers because their wages have been garnished for any one debt, and limits the amount of an employee's earnings that may be garnished in any one week.

@ The Wage and Hour Division (WHD) of the Department of Labor administers this Act. For additional information, visit *www.dol.gov/compliance/laws/comp-ccpa.htm.*

## Employee Polygraph Protection Act (EPPA), 1988

This law makes it unlawful for employers to use polygraphs or lie detectors in pre-employment and post-employment decisions excluding for a few narrowly defined exceptions for "security-sensitive" positions. In addition, employers are required to display the EPPA poster in the workplace for their employees.

@ For additional information, visit *www.dol.gov/compliance/laws/comp-eppa.htm.*

## Fair Credit Reporting Act (FCRA), 1970

This law protects the privacy of background information and ensures that information supplied is accurate. Employers who obtain consumer reports for applicants or employees through consumer reporting agencies and use such reports for employment purposes must obtain the consent and cooperation of applicants and employees. Employers must notify with a disclosure and obtain authorization before obtaining consumer reports for applicants or employees. In addition, employers must notify employees and applicants:

- ▸ Before taking adverse action based on such reports.
- ▸ After adverse action is taken.
- ▸ When using investigative reports.

Employers are also required to: a) disclose whether an adverse employment decision was influenced by a credit report; b) furnish the negative report and a summary of the FCRA rights to the applicant or employee; and c) afford the applicant or employee an opportunity to correct errors in the report.

@ Employers can find additional information at *business.ftc.gov/ documents/bus08-using-consumer-reports-what-employers-need-know.*

## Fair and Accurate Credit Transactions Act ( FACT) , 2003

This law is an amendment to the FCRA. It provides relief to employers who use the services of a third party to conduct workplace investigations. It reversed the consent and disclosure requirements in the event that the investigation involves suspected workplace misconduct or violation of a law, regulation, or employer policy. Employers may hire third parties to investigate workplace issues without first notifying the individual(s) being investigated and gaining consent.

## National Labor Relations Act ( NLRA) , 1935

A common misconception about the NLRA, or the Wagner Act, is that it only applies to those organizations whose employees are represented by unions. In fact, the rights granted under the NLRA apply to all workers, whether or not they are union members and whether or not union organizing activity has taken place. All employees are granted the following rights:

- ⯈ To organize.
- ⯈ To form, join, assist, and be represented by a union.
- ⯈ To bargain collectively through representatives of their own choosing.
- ⯈ To engage in concerted activity for the purpose of mutual aid and protection.

  The following is an example of a protected activity: After an employee in a non-unionized organization had consulted with his colleagues and they all agreed that he should speak on their behalf, the employee approaches his boss about certain working conditions. The employee and his colleagues were acting "in concert" and have the right to discuss terms and conditions of employment.

The NLRA prohibits employers from engaging in certain conduct, or unfair labor practices that would interfere in the employees' rights. Examples include:

- ▸ Employer-controlled or -dominated unions.
- ▸ Discriminating in the terms of employment to discourage union membership (for example, refusing to hire someone who has a history of union membership).
- ▸ Refusing to bargain in good faith.

@ Employers can find additional information at the National Labor Relations Board Website at *nlrb.gov/.*

## Discussion Questions

1. What can organizations do to ensure that their managers understand the legal landscape of employee rights? What types of steps has your organization implemented and what has been the outcome?

2. With continued changes in the legal requirements, how does your organization stay informed and keep the management staff informed?

3. Do the managers in your organization understand that retaliation can be a cause of action in an EEOC complaint? If not, what steps can you take to ensure that they avoid any actions that could be perceived as retaliatory?

4. What can organizations do to ensure that there managers are aware of employees' rights under the National Labor Relations Act as well as the organizations' rights and responsibilities?

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# Barbara Mitchell

Barbara Mitchell, managing partner of The Mitchell Group, is a human resources and organization development consultant. Prior to co-founding The Millennium Group International, LLC (TMG) in 1998, Barbara served in senior human resources leadership positions with Marriott International and Human Genome Sciences. TMG was sold in 2008.

Barbara's book *The Essential Human Resources Handbook,* co-authored with Sharon Armstrong, was published in July 2008 by Career Press. She also contributed to *On Staffing—Advice and Perspective from HR Leaders* and *Cover Letters for Dummies.* She served on the Society of Human Resource Management's Special Expert Panel on Consulting and Outsourcing in recognition of her expertise and long service to the HR profession.

Ms. Mitchell is a past president of the Employment Management Association, which was a professional emphasis group of the Society for Human Resource Management (SHRM). She is a past president of the Personnel and Industrial Relations Association (PIRA) of Los Angeles, the Leesburg/Greater Loudoun (VA) SHRM chapter, and WTPF, the Forum for HR Professionals.

Barbara is a graduate of North Park University (Chicago, Illinois) and has taken graduate-level classes at UCLA and the University of Denver. She is a frequent speaker on topics relating to recruitment, retention, generations at work, and many other topics, and has presented at many trade associations nationally. Barbara serves as vice president of the board of directors for the Loudoun County Literacy Council and the Northern Virginia Habitat for Humanity.

# Cornelia Gamlem

Cornelia Gamlem, SPHR, is president and founder of the GEMS Group ltd, a HR consulting firm, and has more than 25 years of human resources and consulting experience. She worked for CSC for many years, where she held senior HR positions and was responsible for managing policies, programs, and initiatives supporting best human resources and employment practices. Cornelia served on national task forces focused on issues of equal employment opportunity, affirmative action, and workplace diversity that influenced public policy. Since starting her consulting practice, she has consulted with a wide range of clients on these issues.

Cornelia served on SHRM's National Board of Directors and its Global Forum Board of Directors, and chaired its National Workplace Diversity Committee, and she has authored articles and white papers for SHRM and other industry publications. On behalf of SHRM, she has testified before the Equal Employment Opportunity Commission on three occasions.

She is often called upon for interviews and has been quoted in the *Wall Street Journal, New York Times, Financial Times, Newsday, Boston Globe, Fortune,* and *HR Magazine.* Cornelia is a frequent speaker on topics related to workplace diversity and inclusion, gender awareness, workplace harassment, generational differences, conflict management, difficult conversations, performance management, effective

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A graduate of Marymount University, where she received a masters degree in human resource management, Cornelia is also certified as Senior Professional in Human Resources (SPHR). She has taught HR courses at a number of colleges and universities in the Washington, D.C. metropolitan area.