

# The Bulletin

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The Employers' Association  
Empowering excellence.

March 2017

A monthly digest of news and information of interest to HR professionals.

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## Employment Law Conference 2017: Like, the Totally Awesome '80s!

**Date:** March 17, 2017

**Time:** 8:00 am - 3:30 pm

**Location:** Hilton Garden Inn at Levis Commons, Perrysburg, Ohio

Duuude! Like, you *totally* need to register your posse today for the EA's *outrageous* 2017 Employment Law Conference. With gnarly sessions presented by totally rad attorneys from area law firms, this year's conference is designed to give you the 411 on the current issues facing employers, including new developments in drug testing, legalities of personal activities, cyber security, workplace investigations, discrimination, social media policies, and workplace diversity, as well as FMLA, ADA, FLSA, Worker's Comp, and much more.

**Primo sponsorship opportunities are available!** Promote your company by becoming one of our mad cool resource partners or donating a totally excellent event prize. Please call us for more information (419-893-3000), and we'll hook you up.

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## Ways to Exercise When You're Stuck Inside

*Many individuals prefer to exercise outdoors, but there are times when it is just not possible. Don't let the snow, ice, and low temps kill your workout!*

### Exercising Indoors Can Help in Two Ways

1. Keeps you from getting bored.
2. Prevents you from overdoing it in any one area.

### **Find a nearby indoor studio or gym.**

Ask for a guest pass so you can try out the equipment or attend a group class. The great thing about gyms are that you have an entire group of people working out together, which increases your motivation! Most fitness centers offer a range of classes from strength, aerobics, even flexibility courses!

### **Hit the local indoor pool.**

Water workouts are great for all levels. The water provides resistance which is great for your joints and makes a great workout. Try water aerobics, aqua jogging, laps, water Zumba, or even water cycling!

### **Channel Your Inner Child**

Gather friends or colleagues for a pickup game of indoor basketball, hockey, or even soccer. If you prefer to workout solo use the gymnasium bleachers as a substitute for a hill workout, or you can use the painted lines to do shuffle runs or a type of sprint!

### **Workout at Home**

Squats, lunges, pushups, and planks are all exercises that require no equipment and engage multiple muscle groups. You can also use your body weight to achieve a vigorous strengthening program.

*Source: U.S. News*

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**That Difficult Conversation (Part I)...** Every HR professional has had to have a tough talk with an employee about their performance. Here are the first 6 tips (of 11) to help take the pain – and risk – out of those meetings. Thank you Jonathan Segal:

- **Don't Delay** - Have the conversation right away. Delaying only gives the employee power to make a pre-emptive strike. If you must defer the discussion, document what the conversation will be about, when it will occur and why you have to wait.
- **Avoid Chitchat** – Treat the person respectfully, but don't engage in small talk to put off the issue. Acknowledge immediately that this going to be a difficult conversation about serious performance issues.
- **Document in Writing** – Ideally, you should prepare two documents before meeting with the employee. The first lists talking points for yourself; the second is a document for the employee. Consider giving the memo (or appraisal) to the worker at the beginning of the meeting and allowing them a short period of time to review it. After all, you've spent considerable time writing it, so give them some time to digest it before you begin discussing the situation.
- **Provide Examples** – Of course, you should broadly identify where an employee's performance has fallen short. However, without more information, such generalities provide little guidance. They also don't offer the employer much support in the event of a claim.
- **Avoid Focusing on Intent** – When an employee fails relative to performance expectations, the employer may be disappointed or even angry. You may want to say, "you don't care" or "you're not trying." This is ill-advised, for multiple reasons. First, intent is largely irrelevant. The issue is results. Second, you can't prove intent. An employee has the upper hand in being able to demonstrate how hard he or she tried. Finally, by impugning intent, you are, albeit unconsciously, attacking the employee. When attacked, employees fight back.
- **Stay Away from 'Why?'** – It is critical that managers do not inquire or speculate as to whether a physical or emotional condition or a work/life man agreement issue may be giving rise to the performance deficiency. That does not mean you should not try to help. Just don't speculate as to the reason for the performance deficiency. There are plenty of supportive things you can say, such as, "We want you to succeed. Is there anything we can do to help?" If the employee mentions a disability, condition or religious belief, you must begin an interactive dialogue.