



advantage

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) REVIEW

The March issue of Advantage contained an article on older workers and their value in the workforce. This month we will follow up with a review of the ADEA and discrimination of older workers.

The ADEA, enacted in 1967, prohibits discrimination in all aspects of employment for employees and applicants aged 40 and older. The law applies to employers having 20 or more employees for each working day of 20 or more weeks during the current or preceding calendar year. The law covers both public and private employers, employment agencies, labor organizations and U.S. owned or controlled organizations operating in foreign countries. There are some limited exemptions.

Unlawful discrimination in employment includes, but is not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate against workers over 40, for filing an age discrimination charge, testifying, or participating in an investigation, proceeding, or litigation under the ADEA.

With the downturn in the economy, employers tend to cut higher paying jobs. These lost positions are, in many cases, held by older workers. The increased layoffs can contribute to an increase in the number of age bias claims filed with the U.S. Equal Employment Opportunity Commission (EEOC). An article in the March 2003 issue of the *AARP Bulletin* indicates that there was a 41% increase in complaints filed from 1999 to 2002.

Court cases involving age discrimination can be very costly to an employer. In 1999, Johnson & Higgins agreed to pay \$28 million because of its policy to force employees on its board of directors to retire at age 62. The California Public Employees Retirement System (CalPERS) will ultimately pay \$250 million to settle claims regarding injured workers' benefits from a recent case.

The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to prohibit reducing benefits to older workers unless the costs to the employer are the same or greater for older workers as for younger workers.

In addition, the OWBPA allows employers to ask exiting workers to waive their right to sue for age discrimination. The agreement usually involves early retirement benefits, severance pay, or some other benefit as an exchange for the right to pursue a claim. Specific minimum requirements must be met for the waiver to be valid. Involuntary retirement is prohibited.

We have all heard the stories of age related comments made during meetings or in memos such as "eliminate the old people" or "hire some new blood." These may be direct evidence of discriminatory conduct if they appear to be a practice or pattern in the organization.

When there is no such direct evidence of discrimination, an employee must prove that at the time of the adverse employment action:

- They were part of a protected class (over 40 years of age).
- They were an employee of the employer.
- They were subject to the adverse action.
- They were treated differently than younger workers (e.g. they were replaced by a younger worker).

What can employers do to reduce the chance of age discrimination complaints?

- Do not ask age-related questions during employment interviews.
- Prohibit age-related comments, even vague ones, or harassing behavior.
- Provide the same benefits to older workers and younger workers.
- Provide mutually agreeable incentives when asking exiting employees to sign waivers.

- Make sure any adverse employment actions are performed for non-discriminatory reasons (see paragraph below).
- Document any performance issues.
- Value the knowledge and experience of your older workers.

There are two legitimate defenses employers can use to justify adverse employment decisions. These factors need to be established prior to proceeding with any adverse action so that the potential for a lawsuit is minimized. These defenses are:

- Reasonable factors other than age (RFOA). These include performance issues such as rule violations, conflicts, insubordination, and productivity. Health problems could also be a factor if accommodations cause an undue hardship to the organization.
- Bona Fide Occupational Qualifications (BFOQ). These are generally used when jobs are physically strenuous or public safety is a factor. Make sure there is a sound business necessity to institute such policies. Job descriptions or company policies should indicate any BFOQs when individuals are hired.

For more information see:

www.hrflipcards.com HR Flipcards, HR Compliance set

www.aarp.org American Association of Retired Persons

www.aoa.gov U.S. Department of Health and Human Services, Administration on Aging

www.eeoc.gov U.S. Equal Employment Opportunity Commission

EEOC BY THE NUMBERS...AND PREVENTION

Many business owners need to have conversations with their organizations about the hot water they can find themselves in if they do not understand the importance of preventing workplace discrimination. Perhaps the list below of the largest EEOC settlements, for all types of discrimination, is a good place to start the conversation and get the employees' attention. This list is presented by dollar amount and was released by the EEOC in January 2003.

1. \$250 million - CalPERS - age discrimination. (See previous article.)
2. \$81.5 million - Publix Super Markets, Inc. - sex discrimination.
3. \$47 million - Rent-a-Center, Inc. - sex discrimination.
4. \$35 million - IDS Financial Services - age discrimination.
5. \$34 million - Mitsubishi Motors - sexual harassment.
6. \$28.7 million - Pennsylvania State Police - age discrimination.
7. \$28.1 million - Johnson & Higgins, Inc. - age discrimination. (See previous article.)
8. \$25.1 million - United Airlines - age discrimination.
9. \$25 million - Pacific Bell/Nevada Bell - sex/pregnancy discrimination.
10. \$20.1 million - McDonnell Douglas Corp. - age discrimination.
11. \$20 million - Kentucky State Police - age discrimination.
12. \$19.7 million - Pan American Airways - age discrimination.
13. \$18.25 million - Monsanto Co. and Chevron - age discrimination.

In case you do find yourself in the throes of a claim, the Equal Employment Opportunity Commission (EEOC) has launched a new web page to assist employers with information about investigations. The site is intended to help employers, especially small businesses, reach a smooth resolution of charges through a better understanding of the EEOC process. Employers need to be informed of options that allow them to make decisions in the most efficient manner when responding to charges filed. The website is very user friendly and walks employers through the investigative process. It is important to remember that a charge does not constitute a finding that your organization has engaged in discrimination. The EEOC simply has the responsibility to investigate and determine whether there is a reasonable cause to believe discrimination occurred.

The website is designed in a Q & A format with a list of useful links to other related material. The "Question" section is divided into the following areas:

Editor: Deborah Jeffries, PHR, CPC. Advantage is published monthly and is designed to provide information on regulations, HR practices and management ideas and concerns. The intended audience is managers, supervisors, business owners, human resource and employee relations professionals. If you have questions about the content, an opinion about the information, questions about your subscription, or if you need additional Advantage binders, please give us a call at (503) 885-9815 or e-mail djeffries@hrnorthwest.com.



- What is the EEOC? (Defining the laws the commission enforces, its statutory authority and its role in an investigation.)
- What happens when a charge is filed against an organization? (Outlining the investigative procedures, as well as clarifying how to respond to and work with EEOC investigators.)
- How does a charge get resolved? (Detailing the advantages to employers of resolving charges through voluntary mediation, conciliation, and settlements.)
- How else can the EEOC assist organizations? (Providing information on EEOC outreach, education, and technical assistance programs that can help employers proactively prevent discrimination and promote voluntary compliance.)

The EEOC hopes this additional information will help persuade employers to increase their participation in the EEOC's National Mediation Program and agree to voluntary use mediation to resolve their discrimination charges. Mediation has proven to be more fair, expedient, and cost effective, and less adversarial, than the traditional charge process. The numbers do not lie: 7 of every 10 discrimination charges processed through the EEOC's voluntary mediation program are resolved in an average of 82 days, compared to an average of approximately six months during an agency investigation. To learn more, visit the new page at www.eeoc.gov/small/investigations.html.

This website is not the only solution. Employers need to be active in their management of risk and implement plans to protect their organization from being the next target. The latest statistics available from both the EEOC and the Department of Labor (DOL) document that the number of claims filed with those agencies is on the rise. In particular, employment discrimination claims at the EEOC for the 2002 fiscal year are up 4.5% from 2001. The DOL's Wage and Hour Division reported an 8% increase in claims from 2001 to 2002.

Overall, the EEOC reported that 84,442 complaints were filed with the agency in 2002, up from 80,840 in 2001, an increase of 4.5%. Allegations of religious discrimination increased the most, up 21% from 2001. Note, however, that these types of claims account for only 3% of the total number of discrimination claims filed. Age bias and national origin discrimination claims also experienced significant increases, up 14.5% and 13%, respectively. Sex and Equal Pay Act complaints (alleging gender discrimination based on pay) were largely unchanged, and claims under the Americans with Disabilities Act (ADA) actually declined by 3%.

So the next question is, what's behind these increases? Unfortunately, there are no easy explanations. The continued economic downturn and the increase in layoffs are likely factors. As a practical matter, employees who have been terminated are more likely to file complaints, particularly if they feel they were not compensated properly or that the termination was unfair or unwarranted. In addition, the increase in religious and national origin discrimination claims would appear to be tied to the September 11 event.

So what is an employer to do? Every organization should take proactive steps to prevent claims from being filed in the first place. Given the time and money costs, no organization wants to find themselves behind the eight ball and in the position of defending against a claim. We offer the following six steps as avenues for claims prevention.

1. Train supervisors about all aspects of discrimination, wage and hour, FMLA, and other employment laws. Make sure they understand the employer's obligations and are prepared to handle any complaints.
2. Before every termination decision, ensure proper procedures were followed. This means reviewing whether the terminated employee is being treated consistently with other similarly situated employees.
3. Review the exempt employee classification. Much of recent FLSA litigation has focused on whether exempt employees were properly classified and not entitled to overtime because of the nature of their job responsibilities (and watch out, new rules may be on the horizon).
4. Don't retaliate. Retaliation claims accounted for over a quarter of the EEOC discrimination claims filed, and employees often succeed with these claims even if they lose the underlying discrimination complaint.
5. Document, document, document. Every employment decision should be documented so there is no question as to why an action was taken or how the employee was treated.
6. Get a second opinion. Have a group or panel of outside experts you call on when creativity or specialized help is needed. You'll want to make sure that your attorney is part of this group.

Need more information or help with any of the above? Give us a call!

ARE YOU LISTENING?

How much you'll remember of what you hear, and how much it will mean to you, often depends on how well you listen. Listening carefully can pay off in more understanding, fewer *mis*understandings, and greater efficiency in whatever kind of work you are doing. Listening is important in the workplace because we learn from others; it helps us solve problems; it increases our self-confidence; it always builds goodwill and it inspires creativity. So why do so many have challenges listening to others?

The best listeners are those who commit to the conversation. They engage their minds and their intellect in the listening process. They mentally ask questions, develop impressions, and gather information (both verbal and non-verbal) as they listen. They demonstrate that they value the other person and his /her perspective by listening and learning. Here is a list of "Good Listener Behaviors":

1. Tries to see the world, the situation, or the problem itself as the speaker sees them.
2. Places understanding foremost and communicates interest in the message.
3. Is interested in the speaker and expresses this interest through body language and tone of voice.
4. Accepts the speaker as is; respects opinions and attitudes. Is willing to take time to listen, in fact, and is determined to be an attentive listener.
5. Controls emotions and reactions to speaker and their words.
6. Is open-minded and receptive, but critical.
7. Has wide range of interest. Is curious about people, ideas, and concepts.
8. Assumes responsibility for the success of each conversation entered into.
9. Is ready to listen patiently and with empathy.

If you want to increase your active listening ability, here are ten simple rules that will get you started:

1. Think about what is being said. Weigh the evidence presented to determine if the whole picture is being presented – if conclusions are sound.
2. Listen to the facts. Study the relationship and the combination used to arrive at the central idea.
3. Guard against emotional feeling toward words that may upset your ability to do stable thinking.
4. Use self-control and always hear the person out. When the speaker has finished then plan your questions and rebuttal.
5. Be an ambitious listener even to the extent of listening to discussion of subjects that require effort to understand.
6. Be attentive and seize whatever ideas the speaker contributes.
7. Fasten your attention to the ideas presented in the speech rather than how or from whom it was generated.
8. Conserve energy used in pretending you are listening and spend it actually listening.
9. Keep your mind occupied with the speaker's ideas. Don't let outside distractions send your mind on excursions.
10. If notes are necessary, listen first, and then make them brief. Don't try to take dictation and think at the same time.

UP ON THE HILL

Many of you may never have had the opportunity to directly participate in our legislative process. One of our staff members recently attended the SHRM Legislative Conference in Washington, DC and found the experience a real eye-opener. Here is her account and impression of her visit.

"And as part of this exciting and informative conference, the SHRM staff arranged for the attendees to go "up to the hill" to lobby our congressional and senatorial leaders (from our home state). It was very eye opening for this under-informed, tax-paying, voter! I had no idea how it really worked in DC.

I had always made assumptions about the process and had relied on the information I'd learned in school. One of the assumptions that I made (which turned out to be less true than one might hope) was that the legislators actually read the legislation they are voting on. However, it is understandable that when they have over 1,700 pieces of legislation to vote on in a session they might not have the time to read every piece in detail. Thus, I assumed, this would be the role of the staffers or aides (they would read the legislation and provide input to the congressman/woman or senator). This also turned out to be a sometimes-inaccurate assumption. Only if they have the time and/or the interest do they read it. However, if a piece of legislation was presented by someone they "typically" don't agree with, they may gloss over that important document. This

is where we come in!!! I now have a much better understanding of how critical it is that we talk to and educate the folks on Capitol Hill (and in our state capitol).

My visit with the aides on the hill convinced me that we, as HR professionals, have an obligation to assist them with the very tough job of sorting through the proposed legislation to ensure that the appropriate bills are given the proper consideration. None of the staffers I talked to had ever had jobs in industry. They had certainly never dealt with human resources management issues like Family and Medical Leave or the Fair Labor Standards Act. These very bright “20 somethings” were providing our legislators with information and opinions based on very limited knowledge. We (myself and the other delegates from Washington State), as professionals, were able to fill in some of the gaps for them. We explained how the current legislation affects us in the trenches and how some of the proposed legislation would impact both organizations and their employees. We helped them to find the motivation to read or reread the proposed bills with an eye to making legislation that works! A very satisfying adventure.

So, I would encourage each and every one of you to, at the very least, write to your senators and congressional representatives. If you can fit it into your busy schedules, I would highly encourage you to pick up the phone or visit them in person. They NEED your input on the employment legislation that has been proposed and that they have to vote on. Please help them to understand how it will affect you as an HR practitioner and how it will affect your employees. Grassroots really can make a difference – please do your part!”

DEFINING LEADERSHIP

Leadership is one of those words that is often used casually and in a variety of settings. It can be defined in varying ways according to the different users of the term. According to several experts on the subject there is some agreement on what leadership is not. It is not heroism, not showmanship, not domination. Leadership doesn’t depend solely on charisma or flashes of genius.

Tom Peters, in his book Thriving on Chaos, wrote “An ability to embrace new ideas, routinely challenge old ones, and live with paradox will be the effective leader’s premier trait.” So maybe to best understand leadership, we need to think less about how leadership is defined, and focus on what leaders do and how do they act.

Leaders expect to take risks, to be out in front without the benefit of a shield, and to be responsible for encouraging others to take steps into the unknown. Leaders do not carefully weigh all the options, only to decide that they need more information. Rather they gather information and make decisions. They know the decisions might be wrong, but they believe they can adjust or revise the course of action and still be better off than if they had made no decision or waited until some mythical time when all the information necessary for a good decision could be identified.

Leaders also expect much of themselves, and of those they lead. The best leaders actually lead based on this belief in expectations. They are firm subscribers to the theory that the higher the standards, the higher we will reach to attain them. Just think of your best teacher in school. Was he/she the best teacher because of the grades you received, or because of the challenge issued to you? When we rise to meet the expectations set before us, we have the leader who threw down the gauntlet to thank.

Whoever wrote the following surely understood the acts of leadership.

Ten Commandments of Expective Leadership:

1. I will tell no one, but I will expect much.
2. The truth is the only thing that sets you free.
3. I will diligently expect to be what I expect of others.
4. I will unleash, unshackle, and be proud of my enthusiasm.
5. I will search for some positive strength in every person. I will expect each person’s best.
6. I will share life, love, and laughter with my team.
7. I know that expectations are the key to all happenings.
8. I know that the best control is a clearly and mutually understood expectation.
9. I will sculpt a vision and plan boldly.
10. I will live my plan. I will lead my team.

Living and working by the above principles is sure to bring out the best in the leader and those he/she leads.

THE ART OF DELEGATION

Delegation is not dumping the load, it is sharing the load. It is also one of the best employee development tools that a supervisor/manager has. It is the way employees become stronger and more competent. It is the way that employees learn new skills and develop greater personal confidence. It is key to a successful succession when an employee leaves. It is essential to growing organizations. And finally, it is a wonderful gift from any supervisor or manager to a willing employee hungry for more responsibility.

Having said all that, delegation is not particularly easy. It might be if all we had to do was hand off work, but delegation requires planning, ongoing support, and training time. In fact, that is why delegation often doesn't occur. Just think about it – how many times have you heard someone say, "I just don't have time to train them, it is faster to do it myself." And while that might be true at any given moment, it condemns the speaker to always having to do that work since there is never sufficient time to train a replacement. It also condemns the speaker to a life of little advancement since they are not in a position to take on any of the work of their boss if their days are constantly filled with too much else to do.

So, if you don't want to be one of those, here are some tips for you to consider:

- Analyze how you spend your time to see what can be delegated.
- Select the best tasks. Think about such things as how long training will take, the lasting impact of handing this off, fit with other work being performed, etc.
- Determine what skills are needed to succeed at the new work, and how those skills can be best imparted.
- Select the person to delegate to. Don't always choose your "go to" person. They may already be swamped. Consider this a stretch time and give it to someone who may value it or benefit from it most.
- Train – tell, show, have them try, and then evaluate. If necessary, and it may be, then do it all over again. Once it is learned, you are free of that task except to ensure quality.
- Remember to delegate the authority to carry out this work. Consider writing a memo or sending out an email to tell others that someone new will be handling the assignment and that you will appreciate everyone giving them their support in completing the work. This memo will always signal your approval of the individual, and that builds confidence and self-esteem.

The cardinal rule of delegation is to assign tasks to the most junior person capable of carrying out the work. This reserves the most complicated tasks for the most senior staff, and gives everyone an opportunity for development. If in your assessment there is no one qualified or ready, then you know for sure that training must be higher on your priority list.

MOTHER'S DAY QUOTES

"All I am or can be I owe to my angel Mother."

- *Abraham Lincoln, U.S. President*

"There never was a woman like her. She was gentle as a dove and brave as a lioness. The memory of my mother and her teachings were, after all, the only capital I had to start life with, and on that capital I have made my way."

- *Andrew Jackson, U.S. President*

"The mother's heart is the child's schoolroom."

- *Henry Ward Beecher*

U.S. Congressional clergyman

"Who is getting more pleasure from this rocking, the baby or me?"

- *Nancy Thayer, author*

"The heart of a mother is a deep abyss at the bottom of which you will always find forgiveness."

- *Honore de Balzac, author*

"Of all the rights of women, the greatest is to be a mother."

- *Lin Yutang, Chinese writer*

"By and large, mothers and housewives are the only workers who do not have regular time off. They are the great vacationless class."

- *Anne Morrow Lindbergh, author*

"Mama exhorted her children at every opportunity to 'jump at de sun.' We might not land on the sun, but at least we would get off the ground."

- *Zora Neale Hurston, folklorist and writer*

"That best academy, a mother's knee."

- *James Russell Lowell, poet, critic and diplomat*

"Youth fades; love droops, the leaves of friendship fall; a mother's secret hope outlives them all."

- *Oliver Wendell Holmes, physician and poet*

"Is my mother my friend? I would have to say, first of all she is my Mother, with a capital 'M'; she's something sacred to me. I love her dearly...yes, she is also a good friend, someone I can talk openly with if I want to."

- *Sophia Loren, actress*

Q & A

Q: One of our employees has filed a questionable Worker's Compensation (WC) claim. Another employee saw the accident and told his supervisor it was minor and that the claimant stood up laughing. This same employee saw the claimant playing touch football the weekend after the incident. The witness feels intimidated by this employee and doesn't want his name to be used. Is it our responsibility to identify this witness to our insurance carrier?

A: Absolutely. If you want the statements of this witness to carry any weight, then you must divulge the name of the witness. Otherwise, you may as well assume the information will be completely unusable.

The first step is to share this information with your WC carrier. Tell the carrier of your concerns and ask for their recommendation. The carrier will probably recommend that your organization get a statement in writing from this witness, or a possible alternative is to have an adjuster take an "official" statement. It is ideal to get the witness' statement right away because memories fade, relationships can go bad, and there is the potential that the witness may not be called to testify for up to a year. If the witness' account is recorded, his/her memory may be revived with the written statement. If the witness changes his or her posture, then the statement can be used to contradict any testimony given that is adverse to your case.

This kind of information from co-workers is often the key to defeating fraudulent claims. Witnesses like this are rare. When you have one of these questionable slip-and-fall claims, organizations are often put in the position to prove a negative - that something did not happen. A statement from a co-worker with this vantage point is priceless and needs to be recorded and used.

WORKPLACE NEWS

As an organization, are you satisfied with your performance management system? Better yet, are your employees? A survey by Mercer Human Resource Consulting gave 2,600 U.S. workers the opportunity to assess their employers' performance management programs. Unfortunately, the grades are not good.

Through its 2002 People at Work Survey, Mercer asked the U.S. workers across more than 1,100 employers to share their attitudes and perceptions regarding their job, organization, work environment, compensation, benefits, and the management of their organization. About a dozen of the 180+ questions on the survey focused on performance management practices and programs.

The employees surveyed generally agreed that performance management programs are not performing optimally and they would like to see improvement in the evaluation process. They gave their employers' programs the highest marks in five areas:

- "I have clearly defined performance goals and objectives." (61% of the employees gave a favorable response, either agreeing or strongly agreeing with this statement)
- "My last performance review was helpful in identifying actions I could take to improve my performance." (55% favorable)
- "Our performance appraisal process adequately distinguishes poor, average and good performance." (55% favorable)
- "When I do a good job, my performance is recognized." (52% favorable)

The lowest marks showed up in the areas covering coaching, poor performers, and rewards. Note the responses from those surveyed and how performance management programs are affected in those areas:

- "My manager regularly coaches me on improving my performance." (26% favorable)
- "When I do a good job, my performance is rewarded." (29% favorable)
- "Employees in my department who perform poorly are appropriately managed." (29% favorable)
- "I have had a formal performance appraisal in the last 12 months." (33% said yes)
- "My manager gives me regular, informal feedback on my performance." (42% favorable)

Performance management also impacts job commitment and satisfaction on behalf of the employee. The survey asked employees to comment on their overall commitment to their organization and their overall satisfaction with both their jobs and their organizations.

- Among employees who said they'd had a formal performance appraisal in the last 12 months, 62% expressed a strong commitment to their organization. This number compares to 49% for employees who had not had a formal performance appraisal during the past 12 months.
- Among employees who are coached by their manager, 80% feel a strong sense of commitment to the organization, compared to 46% among employees who are not coached. A wonderful point for organizations is to think about implementing an internal mentoring program.
- Among employees who say they have clearly defined performance goals, only 18% are seriously thinking about leaving their organization, while among those without clearly defined goals, 46% are thinking of leaving. In addition, employees who do not understand how their performance is evaluated are more likely to be thinking about leaving than those who do (18% vs. 41%). A good reason for supervisors to ensure employees understand what is expected of them so they can perform well.
- Among employees who say good performance is recognized, 81% express overall satisfaction with their organization, compared to 37% for those who say their good performance is not recognized. Similarly, employees who say good performance is rewarded express higher satisfaction than employees who say good performance is not rewarded (88% vs. 47%).

This feedback is very informative and telling. It's a clear statement to employers about the necessity to have a performance review program, but more importantly to pay close attention to the performance of their employees and to ensure successful performance management programs.

Oregon Legislative Note – SB 783 moved to the Senate Floor on a 4-0 vote in April 2003. The bill mandates organizations to make reasonable accommodations for women who need to express milk, after having a baby. Under the law, organizations also would have to make reasonable efforts to find a space, not a restroom, for the mother to express milk. The bill provides little in the way of details. The details likely would have to be decided by the courts as the bill allows for an aggrieved person to request a jury trial.

The Tualatin Chamber (and we're sure other Chambers as well) has received notification from the U.S. Chamber that an organization calling itself the "Regional Chamber of Commerce" has been contacting local businesses. It appears that the Regional Chamber calls local businesses, identifies itself as "your chamber of commerce" and verifies the businesses' contact information. The Regional Chamber subsequently mails an invoice for \$389 to the business. Local businesses are confused about whether the invoice is for their own local chamber membership or for U.S. Chamber membership and are paying the invoice. The return address posted on the Regional Chamber of Commerce invoices is: 2020 Pennsylvania Ave., NW, #850, Washington, DC 20006. This is a Mail Boxes Etc. address.

A group calling itself the "Federal Chamber of Commerce" has been contacting chambers to offer them a "one-year free membership in the Federal Chamber." It is the U.S. Chamber's understanding that the Regional Chamber of Commerce and the Federal Chamber of Commerce are related organizations.

The Tualatin Chamber of Commerce and the U.S. Chamber of Commerce are NOT affiliated with either of these organizations.

FOR YOUR CALENDAR

Open up your daytimers, computer calendars and palm pilots. The following is a look at upcoming events, special days and other diverse and fun activities you will want to be aware of and get scheduled. To register for our workshops, please call any of our offices, send an e-mail to Susan Jeffries at sjeffries@hrnorthwest.com, or just register online at www.hrnorthwest.com under Consulting services.

MAY

Clean Air, Get Caught Reading, National BBQ, National Bike, National Salsa, and National Family Month (May 11 to June 15).

May 1 & 2 **HR Answers Company Retreat
(Offices Closed)**

May 2 Sibling Appreciation Day

May 4–10 Teacher Appreciation Week

May 4–11 Be Kind to Animals Week

May 5 Cinco de Mayo

May 6–12 National Nurses Week

**May 8, 15,
22 & 29** **HRA Workshop - Tualatin
Beginning Supervision I-IV
8:30 – 12 noon each session**

May 10–18 National Tourism Week

May 11 Mother's Day

May 11–17 National Police Week

May 19–25 Buckle Up America Week
National Backyard Games Week

**May 20, 27
& June 3, 10** **HRA Workshop – Puget Sound
Beginning Supervision I-IV
8:30 – 12 noon each session**

May 26 **Memorial Day - HRA Closed**

JUNE

June 12 **HRA Workshop – Tualatin
Conducting Effective HR Investigations
8:30 - 12 noon**

June 24 **HRA Workshop - Puget Sound
One-on-One Coaching Techniques**

ON MY SOAPBOX

Rarely does this column really climb on a Soapbox against anything. Mostly this is a place for me to ruminate about positive things in my life. But this last week has caused a whole different set of emotions, hence this commentary.

A week ago my Mom had a TIA. That's short for Transient Ischemic Attack: a small stroke with symptoms usually lasting only an hour or so. She was transported to the ER, and then moved to an intensive care unit. So far so good, at least as good as it could be under the circumstances. But things were about to go quite wrong.

It was a very scary time, and a couple of doctors' lack of compassion, inaccurate information, and failure to follow up on promised actions was simply unacceptable. Two doctors (in the space of twenty minutes) gave us exactly opposite information, and when that was identified, no one seemed particularly concerned. In fact, it was suggested that we should simply ignore the fact that it had happened. When I think about that, it angers me. How is a patient or their family supposed to know what to listen to? How can decisions be made when the medical information offered appears unreliable and contradicted?

And then there were the visits by a doctor who should have best understood the situation, since he had been involved with Mom's health care for many years. His conduct and manner caused great emotional pain. He arrived early one morning as she was just waking up. He told her that as a result of what was happening, she was mentally impaired. After announcing this, he departed. There was no family member present to hear this news. In fact, we only learned about the event later. The doctor never even saw fit to share his observation with the family. I arrived about half an hour later and found her greatly depressed, scared, and worried about the trauma this would cause all of us. His behavior would be bad under any circumstances, but what makes it unconscionable is that it doesn't appear to be true. Mom's neurologist, who was mostly wonderful (as were the nurses she had), appeared taken aback when I told him what had occurred, and stated that it was much too early for any such declaration and that many more tests would be necessary before arriving at any conclusion.

Mom is at home now where we discovered that one of her medications has a side effect that was never discussed. This has caused potent and unnecessary headaches over the last few days. We paid big bucks for it and now she can't use it.

We have learned some valuable lessons. Every patient needs aggressive advocacy. Many questions must be asked and the answers need to be listened to very carefully, and then compared to all other information provided. Inconsistencies need to be noted and differences need to be challenged. One caveat: it is possible that you will get a "We don't know" answer. That can be a valid answer; and candidly, it is far more preferable to incorrect information. But don't settle for casual observations, insist on complete answers, demand sufficient time with the doctors so that you understand what is being said. Don't be put off by statements about "being silly" for asking about the things that you want to know. That's what I was told at one point.

We are often in awe of the medical profession and the knowledge that is beyond our understanding. However that is not a reason to back down. Our loved ones deserve the best and most accurate care. It is for us, their family and advocates, to ensure that we are informed. We need to be pushy (if necessary) to get clear instructions. Also, we have a right to expect that a patient will be treated with compassion and sensitivity. Even when the news isn't good, the care in relaying it can be.

Here's wishing you and your loved ones good health. Our hope is that you will never experience what we encountered.

- Judy Clark, President



"Whatever the Question"

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