

TRAINING FORUM

BLR's Monthly Newsletter for Your Training Needs

September 2013

www.blr.com

Issue 894

CONTENTS

Ask the Trainer.....2

How does training Millennials differ from training employees of other generations?

Trainer's Corner.....2

Conference notice: ASTDs
Learn from the BEST

Best Practices in Training.....4

Football players score big with financial education program

TRAINING TIP

When conducting training in the work area, minimize distractions by selecting a spot where learners cannot see much activity around them, and make sure enough chairs are available if you plan to have learners sit during training.

Need help with your training needs?

BLR® has an online site **TrainingToday**. Call 800-727-5257 for information on this interactive, easy-to-use training solution.



Employers educate workers after being cited for whistleblower violations

Supervisory training and employee education are among the remedies that several employers must provide after federal investigators recently cited them for alleged whistleblower violations.

The U.S. Department of Labor (DOL) reached a settlement agreement with True North Hotel Group, Inc., stipulating that the Overland Park, Kansas-based company must pay \$22,225 in back wages and compensatory damages to a former employee who was terminated in Massachusetts after notifying supervisors about safety concerns and filing a whistleblower complaint with DOL's Occupational Safety and Health Administration (OSHA).

Among other things, the settlement specifies that the company will offer annual training to all managers and supervisors on whistleblower rights and employer responsibilities; provide training materials to all newly hired or promoted managers; and post a whistleblower fact sheet and OSHA poster, in both English and Spanish, in conspicuous locations at all of its worksites.

"Employers must understand that every employee has the right to raise workplace safety and health concerns without fear of retaliation or termination," said Marthe Kent, OSHA's New England regional administrator. "When employees are fearful or reluctant to raise these issues with their employers, hazardous conditions could go undetected until employees are injured or sickened."

In recent months, several other employers have been told to provide whistleblower rights information to their employees after being cited for violations of whistleblower provisions.

Those employers include Coit Services of Bedford Heights, Ohio, which was ordered to reinstate and pay a technician \$161,228 in back wages, compensatory damages, and interest plus attorneys' fees. OSHA said the employer violated the whistleblower provisions of the Clean Air Act and the Toxic Substances Control Act when it wrongfully terminated the technician after he raised safety concerns about breaches of

(continued on page 4)

CASE STUDY

Was HR generalist assigned to cross-training for complaining about discrimination?

Cross-training is typically viewed as a positive move by HR, but an HR generalist maintains that her required participation in cross-training amounted to a demotion—allegedly imposed on her in retaliation for reporting discriminatory employment practices to her employer.

What happened. On April 30, 2007, "Rose" was hired as an HR generalist by Infotech Aerospace Services, Inc. (IAS), a Puerto Rico corporation specializing in the design and supply of aerospace products for military, commercial, and industrial application.

(continued on page 3)

Ask the Trainer

Q How does training Millennials differ from training employees of other generations?

A “There is a cultural aspect of the times you’ve grown up in,” says Beth N. Carvin, CEO and president of Nobscot Corporation (www.nobscot.com). With Millennials, “it’s just become much faster paced. Whether it’s because of video games or the Internet, everything moves faster.

“From a training perspective, we have to be aware that we need to keep things very fast paced and active. You can’t really just put people in a classroom and say, ‘We’re going to do training,’” Carvin says.

“This is a generation that was not only fast-paced, active, and structure-oriented when growing up, they were active before they hit school,” she says, noting that many were involved in structured activities as preschoolers, and that they tend to be team-oriented.

Keeping that in mind, Carvin recommends planning training activities that break learners up into groups and, for a full-day training session, for example, planning

a series of activities and games that support the learning objectives.

Trainers should provide instruction on the training topic before each activity and allow time for discussion after each activity, she says. “Ask questions that will tie the activity into the learning objective and, that way, it sticks with them for the long term.”

Referring to Millennials as a “trophy generation,” Carvin also suggests incorporating competition and prizes—even small ones—into training to help engage learners and get them laughing and enjoying the training process.

Ideally, employees from a mix of generations will complete training together, providing opportunities for them to learn from each other, Carvin says.

Training activities and games that appeal to Millennials also can help make training stick for employees from other generations.

“If you’re careful with your activities, they should appeal to everyone. The world is fast-paced for all of us. Have them get up and work together. Plan more experiential-type training.”

Trainer’s Corner

Conference notice: ASTDs Learn from the BEST

The ASTD Learn from the BEST conference is scheduled for October 1, 2013, in Washington, D.C.

The keynote speaker is David Rock, founder and CEO of NeuroLeadership Group.

Conference sessions, which will be led by ASTD’s 2013 BEST award winners, include the following:

- BB&T Leadership Model—There’s an app for that!;
- End-User Learning and Adoption Model; Using Organizational Networking Analysis to Improve Corporate Performance; Scaling Learning in a Global Enterprise;
- New Captains’ Club: Leadership Development for Sustainable Growth;
- Transforming Learning at Hilton Worldwide: A Showcase of Our Best-in-Class Programs;
- Starting the L&D Function from Scratch; Results-Focused-Training for a Results-Focused Flexible Working Environment;
- Scaling Training Organizations in a Single Bound: Building a SUPER Project Experience;
- Engaging Gen Y in Learning—the TCS Experience; How to Create and Sustain “Buzz” in Your Learning; *and*
- Establishing the Value of the Learning Organization; Participant-Centered Learning in the Service Industry; and Getting Learners to Embrace Training.

For more information, visit www.astdconference.org.

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Issued monthly. Periodicals mail postage paid at Old Saybrook, CT 06475-9998, Standard Mail enclosed. POSTMASTER: Send address changes to Training Forum, 100 Winners Circle, Suite 300, P.O. Box 41503, Nashville, TN 37204-1503.

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Case Study ... (continued from page 1)

Her primary responsibilities included overseeing employee compensation and benefits.

Shortly after being hired, Rose, who had told the company that she had experience preparing affirmative action plans (AAPs) for her previous employer, was asked to prepare IAS's 2008 AAP. Her timely completion of the assignment was important because IAS could not receive contracts with the federal government without the plan.

In 2009, Rose submitted the 2008 AAP to the HR manager, who described it as being "6 months late," "incomplete," and "a draft." IAS hired an outside consultant, who found numerous errors and deficiencies in the AAP after reviewing it.

Rose's version of the AAP purported to find compensation discrimination at the company, but it did not provide any explanation of the methodology used or information on which that conclusion was based. The consultant completed a corrected AAP and has prepared IAS's annual AAP ever since.

Meanwhile, in December 2008, before Rose had submitted her version of the AAP, the HR manager told another supervisor that he planned to cross-train four HR employees, including Rose, in other areas within the HR department. His goal was to create a more flexible workforce and "to ensure that all functions of the Human Resources department could be performed, even in the absence of the employee who usually performed [them]."

Rose was notified of her participation in cross-training in 2009 and was later assigned to new "business partner" responsibilities, which made her "point person of contact" for employees in various IAS departments. Another HR employee assumed Rose's previous compensation responsibilities.

Rose had participated in a similar cross-training exercise in January 2008. Her job title, salary, and benefits did not change, and her performance review for 2008 was favorable. However, she viewed the 2009 cross-training assignment as a demotion.

In March 2009, she was asked to prepare a table comparing the salary, experience, education, and other compensation-related factors of a female employee and her male coworker after the female employee complained about an alleged disparity in their compensation. The HR manager and IAS's general manager both told Rose that all information related to the investigation should be kept confidential and could not be disclosed without the HR manager's approval.

The female employee had a panic attack at work a few months later, and the Puerto Rico State Insurance Fund Corporation (SIF), which administers Puerto Rico's workers' compensation program, visited IAS to investigate. Rose, who was interviewed by the SIF investigator, later admitted to faxing—without authorization—

confidential salary information to the SIF about IAS's internal investigation of the salary discrimination complaint and to having confidential salary information on her "pen drive" and her personal "H: drive" on IAS's server, which are violations of IAS policy.

Rose was placed on a 3-day paid administrative leave and was told that, upon her return to work on June 22, 2009, she would receive a written warning informing her that future disciplinary infractions might result in termination of her employment.

One business day before she was supposed to return to work, she was instructed, via a voicemail message, to contact a supervisor to retrieve her employee badge privately, so she could avoid doing so in front of other employees in the company lobby. Rose did not contact the supervisor and did not report to work as scheduled—instead telling the SIF that she was emotionally distressed by the voicemail message and feared for her safety if she met the supervisor outside IAS's facilities.

IAS kept her position open during the SIF investigation. After SIF found that her emotional condition was not related to her employment, Rose did not request reinstatement and, instead, resigned on March 8, 2010. She then sued IAS and several managers for unlawful employment retaliation under Title VII of the Civil Rights Act, claiming the "demotion" and suspension were adverse employment actions that compelled her to resign. The district court dismissed the case, and Rose appealed to the U.S. Court of Appeals for the 1st Circuit, which includes Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island.

What the court said. The appeals court affirmed, saying her participation in cross-training did not amount to an adverse employment action, she violated IAS policy when disclosing confidential information to SIF without authorization and when keeping confidential information on her personal drives, and she did not show that IAS's explanations for her reassignment to business partner responsibilities and for her suspension were pretexts for discrimination.

Colón v. Tracey, et al. (No. 12-1978) (U.S. Court of Appeals, 1st Cir., 5/17/13)

CASE STUDY

In Brief

Cross-training provides developmental opportunities for employees and helps employers ensure smooth business operations in the event of employee absences. Workers should receive cross-training assignments based on legitimate, nondiscriminatory business reasons.

Best PRACTICES IN TRAINING

Football players score big with financial education program

Not many of us will ever earn a 7-figure salary, and it's hard to imagine that someone who earns millions of dollars per year would need financial counseling. But the NFL Players Association (NFLPA) says financial education is important for its members because most NFL players earn the majority of their lifetime income in their early 20s and are under immense pressure to live a lavish lifestyle.

The NFLPA (www.nflplayers.com) partnered with Financial Finesse (www.financialfinesse.com) in 2009 to design and deliver a customized online financial education platform for current players, former players, and their families, as well as workshops and webcasts aimed at building awareness of the importance of financial responsibility. The financial education program leverages social media and multimedia through video, podcasts, personalized assessments, and contests designed to appeal to the Millennial generation and engage players.

The NFLPA and Financial Finesse describe the results of the program as “groundbreaking,” saying that more than 1,000 players participate and that the majority do so on an ongoing basis. Nearly half of the participants—48 percent—saved at least 20 percent of their annual earnings in preparation for a potential lockout in 2011. “The preparation paid off, enabling players to stand united in negotiations with the NFL, knowing they had the savings to withstand a prolonged lockout,” the organizations explain.

DeMaurice Smith, executive director of the NFLPA, credits the program with being one of the key reasons the NFLPA was able to successfully negotiate a collective bargaining agreement that he says protected players' best interests. He also praises players for applying what they learned in preparation for a possible lockout to other areas of their finances. “What we've realized is that players have competitive

personalities and when they set their mind to something, whether it's winning a game or building their wealth, they become very focused individuals.”

The NFLPA financial education program, which received a Signature Award from the Plan Sponsor Council of America and a Superstars and Innovator Award from The Institute for HealthCare Consumerism, was recently expanded to provide a helpline service to assist players in making “more informed financial decisions” and providing “a second opinion on investment strategies and recommendations from their financial advisors,” the organization states.

Dana Hammonds, director of Player Affairs and Development, says the NFLPA is dedicated to helping players achieve long-term financial security. “We want players to have the ongoing support they need to make solid financial decisions for themselves and their families,” she says. “The Financial Helpline is our next step in this ongoing mission to reach players by providing them with direct access to an expert they know they can trust in a convenient way to get answers to tough financial questions and make more informed decisions that impact their futures.

“There are still far too many players who fall victim to predatory lending, fraud, and, of course, overspending,” she adds. “It's easy to dismiss how much players need education, since they do make very high salaries. But that misses the mark.

“Imagine the challenges we'd face as a society if most Americans made the majority of their income from ages 22 to 25, without the proper financial guidance or education to know how to manage that income, and with massive temptations all around to ‘live the dream.’ The challenges are immense, and will take significant time and resources to combat. That's why we are so committed to this issue, and why we are actively expanding our efforts in this area.”

Employers educate ... (continued from page 1)

lead abatement protocol during a residential water mitigation project.

OSHA said Brillo Motor Transportation, Inc. (Brillo), a commercial motor carrier in Massachusetts, fired a truck driver in retaliation for his refusal to drive hours in excess of those allowed under federal regulations. Brillo was ordered to reinstate the driver and pay him \$96,864 in back wages and interest, \$9,669 in compensatory damages, and \$25,000 in punitive damages plus attorneys' fees.

The Northeast Illinois Regional Commuter Railroad Corp., known as Metra, was ordered to pay \$38,080 in overtime, as well as interest, compensatory damages, and attorneys' fees, to a signalman whose overtime hours were reduced and whose position was eliminated after he reported that signal routes were not tested properly, and he filed a retaliation claim.

Coit Services, Brillo, and Metra had 30 days to appeal their cases.