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Cardenas
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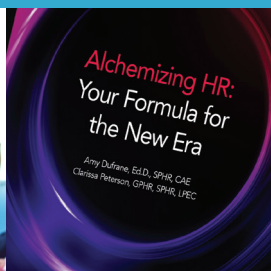
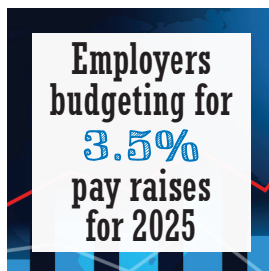
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a note from the editor

2011 Cover with Judy Bell

We were SO honored to have Judy Bell, with Judy Bell Consulting and HR and Executive Coach, on our premier cover, HR Professionals Magazine of Greater Memphis. We quickly outgrew that title as we have moved into 11 Southeastern states!



We have a special issue for you this month! I am so excited to present our 14th anniversary issue! We are celebrating 14 fabulous years at *HR Professionals Magazine* this month! Hat's off to our sponsors, contributors, and YOU for making these past 14 years so successful! We are honored to be the official media sponsor for the SHRM State Conferences in Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. What a pleasure to work with the SHRM State Councils and the SHRM volunteers in our distribution footprint! I also want to say a huge thank you to the extraordinary SHRM Public Affairs Team who graciously works with us to bring you the latest SHRM educational opportunities, updates on SHRM Conferences, and breaking news in the HR community!

We are kicking off year 14 with five important SHRM State Conferences in September. We are beginning with Mississippi SHRM in Biloxi on September 9. We travel to Houston next for the annual Texas SHRM Global Conference. This is the only global HR conference in the U.S. Next, we will cover the NC SHRM Conference in Cherokee. Unfortunately, this conference coincides with the SC SHRM Conference in Myrtle Beach and the SHRM Georgia Conference in Columbus this year. We regret that we are unable to attend all these important conferences. Although we are unable to personally cover these, we will provide pictorial highlights for you. Hopefully, there will be no conflicts in 2025.

So excited to present Elizabeth and Frank Cardenas with FEDLogic on our September cover! We are honoring this successful entrepreneurial couple because of their contributions to the HR community. FEDLogic provides huge savings in employee benefits by assisting employers with federal and state benefit navigation solutions beyond Medicare.

As you may know, the SHRM Certification Winter Exam Testing Window opens December 1. See Page 43 for details and the link to apply for our next Online SHRM Certification Exam Prep Class beginning October 16. The last day to register for our next class is October 11. Register at www.hrprofessionalsmagazine.com. If you are not a certified HR professional, I encourage you to get certified! It will take your career in human resource management to the next level. Get certified!

Just a reminder about our complimentary monthly webinar sponsored by Data Facts. It will be October 25. Watch your email for your invitation.



Cynthia

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Elizabeth and Frank Cardenas

FEDlogic:

Revolutionizing Employee Benefits Through Expert Advocacy

By JOEL LEE

During World War II, the US federal government-imposed wage freezes to control inflation amid a rising demand for labor and a reduced workforce. In response, employers began offering new benefits to attract workers, giving rise to the American tradition of employment-based health insurance, which now covers over 60% of Americans through self-insured employer-sponsored plans. While healthcare costs were modest in the 1940s, today's healthcare has become significantly more expensive.

Each year, the range of programs and plans aimed at reducing an employer's health benefit spending expands exponentially. However, their effectiveness varies widely, ranging from wasteful to moderately useful, with few proving highly beneficial. Our story this month features a cost containment solution that has proven itself time and again to be one of those rare, highly beneficial programs; FEDlogic.

Launched by husband-and-wife team Frank and Elizabeth Cardenas in 2015, the company works with hundreds of employers nationwide to provide unprecedented support to more than three million individuals. The FEDlogic team judges their success by one simple metric: the number of families they have the privilege to serve. Their passion and relentless pursuit of helping families is quite honestly unlike anything I have encountered.

While FEDlogic judges its success by simply making a difference in people's lives, they understand that employers continue to face rising healthcare costs without unlimited budgets. FEDlogic was not founded as a cost containment solution; to say it has been an unexpectedly beneficial outcome would be an understatement. FEDlogic's employer clients average a 7:1 return on investment, saving more than \$50,000,000 on their healthcare spend in 2023 alone. I often find one metric stands out above all else when identifying the effectiveness of a solution; *what is the renewal rate of existing clients?* Since inception, more than 97% of FEDlogic's clients renew their contracts year in and year out.

"At Primo Water, we are proud to offer federal and state benefit advocacy support through FEDlogic. We know how complicated understanding federal and state benefits can be, and partnering with FEDlogic provides our associates and their household members the ability to connect with experts. For us, the ROI is secondary to the role FEDlogic plays in helping our associates navigate critical events in their lives, whether these events are exciting, such as retirement or more heart-breaking, such as a serious long-term illness. We choose our vendor relationships with care and FEDlogic's story and genuine commitment to helping others got us from the start, which is why we'll be a client for years to come!" - Katie Burgess, Director Benefits, Primo Water Corporation.

The business model is straightforward: provide unlimited, unbiased, and highly effective education and advocacy to all employees and their families on ALL federal and state programs and benefits. While the model is simple, executing it can be deviously difficult. The advocacy team at FEDlogic is composed entirely of subject matter experts who have spent decades working within federal, state, and tribal benefit systems. They possess in-depth knowledge of the policies and their practical implications gained through years of hands-on experience.

"When I first learned about FEDlogic, I had no idea how valuable it would be. Starting the retirement process was overwhelming but having FEDlogic through my employer made it so much easier. The team was knowledgeable and patient, and they answered all my questions with kindness. Their experience is truly priceless!" - Nancy, Employee.

"I know firsthand how valuable government programs can be for people in need, but also how challenging it can be to identify and access them," says Frank Cardenas, cofounder and CEO of FEDlogic. "My older sister was born with a developmental disability, and it wasn't until I began working for the federal government that I learned about programs that could have been incredibly helpful for my family. This experience fuels both Elizabeth and me every day, driving our passion and dedication to help others navigate these complex systems."

Elizabeth Cardenas, cofounder and President, adds, "We experienced firsthand the disconnect between federal and state programs and the individuals they are meant to help. FEDlogic's mission is to bridge that gap by providing expert guidance to families, helping them understand the benefits they're entitled to. By partnering with employers who genuinely care about their employees' well-being, we've been able to create a model that supports both employers and employees, ensuring families feel secure and supported during uncertain times."

FEDlogic continues to grow rapidly, almost entirely through word-of-mouth referrals. When so many purported cost management offerings have flashed brightly and quickly burnt out, FEDlogic remains one of the few proven and effective solutions. A ten-minute conversation with anyone at FEDlogic, or anyone who has the pleasure of working with their team, will tell you everything you need to know about why they will be here for decades to come.

Joel Lee, Healthcare Consultant | Owner, Lee Strategies



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EMBRACE FAILURE

By SEAN WALL-CARTY

Whenever we think of the word failure, we think of all those things. We think of what people may say about us and how we are viewed by those people. The fact is we all have failures in common. Yet, in most situations, we tend to be harder on ourselves than anyone else can be. The truth is the best learning happens when we fail.

You might not remember when you started walking. Think of how often you would've fallen and learned not to fall again. Out of those failures came the ability to walk. For bike riders, how many times did you fall off your bike? Did you quit? Probably not. How many times did you fall? And now, more than likely, YOU can ride a bike. Out of the failures from falling off your bike, you learned how to ride a bike and not fall.

I wonder why we don't look at life this way. When we were kids, we saw failure as an opportunity to improve. It could be as simple as playing a video game and beating that level that you could not beat. You kept trying until you could win the level. Well, at least I hope you did.

In business, failure is probably one of the scariest things we must deal with. Yet, we tend not to embrace it. We tend to fear failure. The problem with fearing failure is that it limits our capacity for success. Fear of failing limits our capacity to go beyond what we thought we could do.

Why is embracing failure important?

1. Failure provides us with **valuable lessons** that can help us learn what does not work, allowing us to adjust strategies and approaches.
2. Facing and overcoming failure **builds resilience** and mental toughness, enabling us to handle future challenges more effectively.
3. Failure often pushes us to think outside the box and come up with **creative solutions**. (Many great inventions and breakthroughs have arisen from initial failures.)
4. Dealing with failure requires **critical thinking and problem-solving**, thereby enhancing our skills over time.
5. When failure is seen as a **learning experience** rather than a setback, we are more likely to take calculated risks, leading to potential innovations and advancements.
6. Experiencing failure tends to foster **humility and self-awareness**, which are essential for personal development and building strong, empathetic relationships.
7. Failure can be a powerful **motivator**, driving you to work harder and persevere to achieve your goals.
8. Failure provides us with **direct feedback** on what needs improvement, offering a clear path for progress and growth.

Every time we fail, it is an opportunity to learn. We must remember that life is about learning, even if we're not in school. Learning to embrace failure in most situations is our greatest opportunity to learn, grow and become better than we were. This article doesn't suggest that you purposely fail. However, the suggestion here is not to be afraid of failure. This article also does not tell you to make risky decisions that you will fail in, as an attempt to learn something. The important part about failure is what you do next. In most situations, you analyze the breakdown and try to make corrections to improve.

Short, when you fail, I recommend the following steps.

Step One: Own the failure. Don't try to run from it; don't try to hide from it. Just know it's a failure, and it's OK in most situations.

Step Two: Analyze what went wrong. This moment requires objective reflection on all your steps to arrive at failure. Understanding how you got to where you are in honest moments of reflection is key.

Step Three: Create a corrective plan. Now that you understand what went wrong. The idea is to think of concepts that will help you be successful. Ask yourself: What is something different I will do? What is something I will not do again?

Step Four: Initiate the plan. Use the items from your corrective plan and put them in motion. Don't be afraid to change or deviate from the plan if you will not be successful. If there's another fail, follow steps one through four again until you succeed.

These are quick tips about what to do when failure occurs. Keep in mind embracing that failure is the most straightforward path to learning and growth. Some people may even call this resiliency.

Check out these other articles on failure:

The Value of Failure: How We Can Make the Most of Losing
<https://knowledge.wharton.upenn.edu/article/lessons-from-failure/>

Why Do Some People Succeed after Failing, While Others Continue to Flounder?
<https://insight.kellogg.northwestern.edu/article/some-people-succeed-after-failing-others-flounder>

Strategies for Learning from Failure
<https://hbr.org/2011/04/strategies-for-learning-from-failure>



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Employers can expect to cover around 70% of healthcare costs, with claims for major events such as ESRD, ALS, cancer, and Medicare-age claims increasing by 12-14% per year. During critical events like disability or retirement, many employees are often unaware of the benefits available to them, which can result in significant costs for both employee and employer.

FEDlogic's mission is to bridge this information gap by providing unbiased expert guidance to help families navigate through complex federal policies. By educating individuals on their healthcare options, many discover alternative avenues with better coverage and lower costs. Employers who use FEDlogic's services can save an estimated \$26,400 per transition from the group health plan.

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FEDlogic's mission is to provide families with unlimited and unbiased access to the knowledge of our experts at no cost to the family. Our primary objective is to help people, especially during times of need and crisis. Saving employers money has been a positive byproduct but never the primary objective.



A TEAM OF EXPERTS

All FEDlogic experts have held technical and leadership roles with the Social Security Administration. We understand policies from the inside-out and provide unparalleled practical guidance and insight.



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Our phone-based consultations are unlimited, confidential, and free for employees and their household members. An expert is available throughout, and consultations are scheduled at the employee's convenience.



NOTHING TO SELL

Employees can trust us. We don't sell, endorse or promote any products or services; our goal is to provide unbiased education to support families in navigating their benefit options.

What do HR Pros Think of FEDlogic?

What was the reason you initially contacted FEDlogic?

We are a member of a group captive for stop-loss reinsurance, and FEDlogic is one of their trusted vendors. This partnership allowed us to work with FEDlogic.

Can you describe your experience with a FEDlogic expert?

FEDlogic experts are very knowledgeable. We had members with various needs, such as long-term benefits for diabetes and information on retirement and Medicare. Both members were very pleased with the assistance they received from FEDlogic.

What features of FEDlogic's service do you find most valuable?

FEDlogic is incredibly beneficial for our organization. It helps our members, especially those close to retirement, to plan their future effectively. The service provides valuable steps and information for early retirement planning.

Is there a specific moment or experience that stood out in your interaction with FEDlogic?

The webinars provided by FEDlogic are fantastic and very informative. They allow our members to choose relevant topics, gain information, and ask questions.

Would you recommend FEDlogic to others? If so, why?

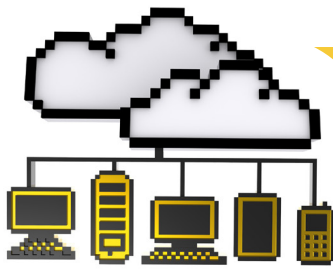
Yes, I would recommend FEDlogic. We had a member who faced a catastrophic loss due to a misunderstanding about Medicare and COBRA. If we had FEDlogic's services then, we could have avoided that scenario. FEDlogic helps our members save on costs and avoid financial issues.

Mara Rayner
Director of Human Resource Benefits

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In an Artificial Intelligence world, **YOU** are not obsolete!

BY GENE PAGE

Despite the innovation in technology including the insertion of Artificial Intelligence (AI), the human element is still needed and required. In the area of security, we have been flooded with the latest and greatest products and programs. Most of these offerings are exclusively digital and provide no tangible physical protective measures.

Does this new technology give us the solutions we have long been waiting for?

No, the world of safety and security has rapidly changed. Criminals are becoming better at adapting and overcoming digital security measures. Cybercriminals successfully circumvent security roadblocks faster than IT professionals and the safety industry can respond.

Criminals have also become more physically brazen and are not concerned about being identified during the commission of a crime. Camera systems were designed to mitigate or prevent some criminal acts or behavior. The fear of the consequences of being identified has eroded over the past few years. Criminals now record or livestream themselves on social media while committing physical and violent crimes, including acts of murder. Industry security standards have long been centered on pairing camera systems and alarms for a business or a home, because we, as good citizens and neighbors, see it as a deterrent. Unfortunately, criminals have been emboldened by an ineffective judicial system which requires us to stay out in front with solutions. It's a challenging and strange time in our country.

An additional problem with the standard physical security measures and protocols such as camera systems, alarms, etc., is that it is only as good as the *response* (Police/Fire/EMS). If First Responders are delayed or don't respond at all, our system isn't worth very much. The great reduction in services that were once provided by First Responders has dwindled in most cities, counties, and townships. This has been attributed to reduced law enforcement staffing, increased call volume, and budget constraints.

What does it all mean?

Even though we have rapidly advanced in the world of digital security, humans are needed now more than ever. How many times have you been forced to stop your workday at the office due to an internet outage, power outage, or trying to fix a simple IT issue? Think about the financial impact of being prevented from working just one or two hours, or even all day! Being totally dependent on the existence of technology has its consequences. If we take that same example and convert it to a security failure, we must now factor in the risk of personal injury or even death in some instances.

Do humans still matter?

The answer is always yes! There are many facets of security that require a human presence. These needs will continue to exist until robotics and AI are *successfully* and *completely* integrated. Remember the Terminator

movie franchise? Hopefully, this will not happen in our lifetime... or ever! In the meantime, let's explore some of the key areas in security where "you" are still required.

Facility Security Assessments- If your company hasn't reviewed or updated its security posture in over a year, you are a great candidate for a new assessment. To perform a new assessment, you need an actual human. They will physically travel to your office, identify vulnerabilities at a given location, and recommend necessary safety and security measures to keep you and your colleagues safe. They can also recommend, schedule, and provide onsite security and safety courses. Various security training programs, such as active shooter, undergo continual changes and your team should be provided with the very best and latest versions. Company policies are consistently being updated why not require the same for your security program?

Threat Assessments- How many times have we called customer service only to be talking to a computer? As a society, we are notably losing the ability to interact on a personal level. We see examples of this in a restaurant where people are sitting together at a table, but everyone is focused on their devices, and no one is talking. Threat assessments require experts in human behavior. Yes, humans are still the best to perform personal threat assessments, conduct interviews, and make proactive decisions based upon cognitively gained facts. The investigator can also identify early indicators of violent behavior. The information gleaned can be used to support additional measures or changes in your company's security program.

Security Officer and Executive Protection- We still need human security officers to be physically present. Onsite security officers make critical decisions such as coordinating a physical response to an alarm or patrolling an estate or facility. Providing close protection for a VIP requires specially trained men and women to continually assess the situation and environment and respond appropriately. At the end of the day, all these positions we have discussed still require a human being!

Fear not, the entertainment industry will continue to send us blockbuster movies featuring cyborgs and SkyNet-type self-aware computer systems. As you can happily tell by my sub-par sentence structure and potential misuse of participles, this article was clearly not written by AI, it's very human! So, grab some popcorn, laugh at the mention of humans being phased out, because when we combine our security system with human ingenuity and presence, we will have a *complete* safety and security program.

Gene Page, Consultant
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SafeHaven Security Group has consultants with extensive experience in examining threats in the workplace, assessing vulnerability, and evaluating security plans. We can partner with your business to provide expertise that you can't get from a computer and ensure your employees thrive in a safe workplace.

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The Complicated State of Non-Compete Agreements

BY MARY C. MOFFATT

Non-competition agreements in the employment context have been around for centuries. During his 2020 presidential campaign, Joe Biden vowed to take on non-competes and no-poaching agreements. In fulfillment of that promise, in July 2021, President Biden issued Executive Order 14036, observing that “powerful companies require workers to sign non-competes agreements that restrict their ability to change jobs.” He went on to encourage the Federal Trade Commission (FTC) to “curtail the unfair use of non-competes clauses...that may unfairly limit worker mobility” and “to enforce the antitrust laws fairly and vigorously.” On January 19, 2023, the FTC issued its proposed Non-Compete Clause Rule (88 FR 3482), which was finalized and published in May 2024.

Fast forward to August 20, 2024 - United States District Judge Ada E. Brown of the Northern District of Texas issued an Order to Set Aside the Federal Trade Commission’s Non-Compete Rule. *Ryan LLC, Chamber of Commerce et al. v. Federal Trade Commission, U.S.D.C.N.D. Texas, Case No. 3:24-cv-986* (hereinafter “*Ryan*”). After a thorough analysis, the Texas court determined that the appropriate remedy was to set aside, on a national basis, the FTC’s Final Rule.

Judge Brown’s Order does not terminate the issue, however.

While employers should have a collective sigh of relief from Judge Brown’s Order in *Ryan*, the FTC will likely appeal the *Ryan* decision to the Fifth Circuit Court of Appeals, and possibly ultimately appeal to the Supreme Court. If that fails, the FTC may simply go back to the drawing board and re-work the Rule.

Background.

Readers will recall that on May 7, 2024, the FTC published its final Non-Compete Rule in the Federal Register, declaring that non-competes clauses in employment agreements, with very few exceptions, are “unfair methods of competition” under §5 under the FTC Act. The effect of the Final Rule was essentially to ban all non-competes agreements for any worker in the United States, regardless of industry, title, job function, or compensation. The Final Rule was slated to become effective 120 days from publication in the Federal Register, or September 4, 2024. The impact would have rendered most non-competes agreements across the nation unenforceable.

The Final Rule was very broad to say the least. Under Section 910.1 of the Final Rule, the FTC defined a “non-competes clause” as follows:

...a term or condition of employment that prohibits a worker from, penalizes a worker for, or functions to prevent a worker from (i) seeking or accepting work in the United States with a different person where such work would begin after the conclusion of the employment that includes the term or condition; or (ii) operating a business in the United States after the conclusion of the employment that includes the term or condition.

16 CFR 910.1.

The FTC has contended it would not have impacted other types of restrictive covenants, such as non-solicitation, non-disclosure, and training repayment agreements. However, in the preliminary comments to the actual Rule provisions, the FTC specifically addressed such agreements by stating that they are covered by the Final Rule only if they are “so broad or onerous that it has the same functional effect as a term or condition prohibiting or penalizing a worker from seeking or accepting other work or starting a business after their employment ends, (then) such a term is a non-competes clause under the Final Rule.”

The FTC references nondisclosure agreements (NDAs), training repayment agreements, non-solicitation agreements, no-hire agreements, and “no-business” agreements as examples to evaluate whether the functional effect is applicable, that is “where they function to prevent a worker from seeking or accepting other work or starting a business after their employment ends.”

Quoting from a First Circuit Court of Appeals case, the FTC states in the Final Rule:

As the First Circuit stated in a recent opinion, “[O]verly broad nondisclosure agreements, while not specifically prohibiting an employee from entering into competition with the former employer, raise the same policy concerns about restraining competition as non-competes clauses where, as here, they have the effect of preventing the defendant from competing with the plaintiff.” Quoting, *TLG Mgmt. v. Rodriguez*, 966 F.3d 46, 57 (1st Cir. 2020).

Under the FTC’s proposed Final Rule, only existing non-competes for “senior executives” would be permitted to remain in force, but the Rule would prohibit *new* non-competes even for senior executives. The Final Rule defined ‘senior executive’ as individuals (1) earning more than \$151,164 annually and (2) in a ‘policy-making position,’ which the FTC defined as a position with final authority to make policy decisions that control significant aspects of the business, but it does not include authority (that is) limited to advising or exerting influence over such policy decisions or authority for only a subsidiary of or affiliate of a common enterprise.

The *Ryan* case in Texas.

In response to the FTC rule, the plaintiffs in *Ryan* sued the FTC, asserting the agency acted without statutory authority, and that the FTC’s actions were arbitrary and capricious.

In its 27-page Order, the *Ryan* Court granted summary judgment to the plaintiffs, concluding that the FTC promulgated the rule in excess of its statutory authority. The Court held the FTC rule is “arbitrary and capricious” – essentially it is “unreasonably overbroad without a reasonable explanation.” The *Ryan* Court further found the rule was based on “inconsistent and flawed empirical evidence,” that it failed to consider the “positive benefits of non-competes agreements, disregarded the substantial body of evidence” supporting non-competes agreements, and failed to address and consider alternatives to the sweeping rule.

The *ATS Tree Service* case in Pennsylvania

In contrast to the *Ryan* decision, a federal court in Pennsylvania found the FTC Final Rule lawful and enforceable in the case of *ATS Tree Service v. FTC*, (*Case No. 24-cv-1743 (E.D. Pa, 2024)*). By way of the Memorandum and Order dated July 23, 2024, Judge Kelley Hodge of the Court found the Plaintiff failed to establish irreparable harm so as to support a preliminary injunction with respect to the FTC’s Final Rule. The Court also found that the Plaintiff was unable to establish a likelihood of success as to the merits of the case.

ATS is a professional tree service, known for expertise in the tree care business. ATS spends “thousands of dollars” training its employees, some of whom obtain arborist certifications as a result. ATS employees are entrusted with proprietary information and sign non-competes agreements upon hire, which last for one year after leaving employment with ATS.

ATS argued the FTC Final Rule would cause irreparable harm in the form of monetary losses and business expenses which it would likely incur due to the potential loss of employees and costs of responding to the Final Rule. However, relying on Third Circuit Court of Appeals authority, Judge Hodge held that “monetary loss and business expenses alone are insufficient bases for injunctive relief” because evidently, at least in the Third Circuit, “a loss of money” does not constitute an injury.

The *ATS* Court further sided with the FTC in finding that the Agency acted within its authority under the (FTC) Act in designating all non-competes clauses as “unfair methods of competition.”

The ATS Court's Order denying the injunction does not end the ATS case. In a Joint Status Report filed on August 6, the parties agreed upon dates for summary judgment motions to be filed and ATS specifically *requested* the Court to rule on those Motions by November 27, 2024.

The Properties of the Villages case in Florida

A federal court in Florida also granted a preliminary injunction staying the enforcement of the FTC's Final Rule, but the injunction only operates as to the plaintiff in that particular case. Unlike *Ryan*, the Plaintiff in Florida did not seek a nationwide injunction. *Properties of the Villages v. FTC, Case No. 24-cv-316 (M.D.Fla. 2024)*.

Beware the Patchwork Landscape of Restrictive Covenants

Clearly, restrictive covenants in employment have come under fire across the nation.

For example, the FTC Final Rule is in some respects a lightweight compared to the law in Minnesota, signed in 2023 by Governor Tim Walz, who is now running for Vice-President of the United States. In Minnesota, only non-competes entered into prior to July 1, 2023 are permitted, but *continued employment* is not sufficient consideration to support a non-compete regardless of when it was signed. Agreements which prohibit competition post-employment which were signed on or after July 1, 2023 are banned in Minnesota, with two very narrow exceptions (the sale or dissolution of a business). Like the FTC's Final Rule, the Minnesota 2023 law applies to employees and independent contractors. While the 2023 law does not apply to confidentiality, or non-solicitation agreements, on May 17, 2024 Gov. Walz signed a law banning non-solicitation provisions in staffing agency agreements. (MN SF 3852)

Likewise in other states, such as Oklahoma, North Dakota and California, non-competition agreements are illegal by law. Other states, such as Missouri, Montana, South Carolina and Washington, have laws that require employers to provide an employee

with "new consideration" to support non-compete agreements and most of those laws specifically provide that "continued employment" is not sufficient consideration to support a non-compete agreement for an existing employee.

In addition, many states specifically exempt certain groups of employees from permissible non-competes based on job duties or salary level. For example, in Colorado, non-complete agreements entered on or after August 10, 2022 are permitted only as to "highly compensated employees" earning a salary set by statute (\$123,750 as of 2024). Likewise, non-solicitation provisions in Colorado are only valid and enforceable against workers who earn 60% of the threshold amount for highly compensated workers.

CONCLUSION

Given the patchwork landscape and the increased challenges to restrictive covenants, employers utilizing non-compete agreements, and/or those who do business in states other than their own – (or who hire employees from other states) – are strongly advised to obtain legal advice with respect to a particular state law. Employers should be proactive to consult with counsel to evaluate the most effective and legally compliant way to protect proprietary data, trade secrets and confidential business information.

The FTC will very likely appeal the *Ryan* decision, but for now (and subject to further court orders), the FTC Rule against non-compete agreements has been set aside and will not go into effect.

Stay tuned for further developments.



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5 REASONS WHY YOUR HDHP WILL FAIL

High deductible health plans (HDHPs) are becoming a popular health plan offering among employers nationwide. HDHPs can encourage employees to spend their health dollars wisely and can motivate them to take charge of their own health and wellness. To maximize the odds that your HDHP will be a success, avoid making these five common mistakes.

1

FAILING TO OFFER A HEALTH SAVINGS ACCOUNT (HSA). The cost of higher deductibles for HDHP plans is often offset by the following two factors:

1. Lower premiums than traditional plans
2. Addition of an HSA

An HSA is a tax-advantaged account that allows employees to set money aside to pay for qualified medical expenses. Employers are also able to contribute to an employee's HSA to encourage participation and engagement. Because deductibles are higher, HSAs are a vital component to an HDHP's success.

2

FAILING TO ANALYZE EMPLOYEE POPULATION. HDHPs aren't right for all employees. Survey employees before implementing an HDHP to discover what current perceptions and knowledge are, so you can target the areas that need clarification. Focus on the average age, general health and health literacy of your employees. Knowing this information is key in deciding whether an HDHP is right for your organization.

3

IMPLEMENTING AN HDHP WITHOUT EDUCATING EMPLOYEES. The success of your HDHP is largely dependent on clear, consistent communication. Employees are often skeptical to enroll in an HDHP for a variety of reasons, including concerns about higher out-of-pocket costs, misinformation, a lack of understanding, or reluctance to switch from a traditional plan that is comfortable and familiar. In order to minimize these concerns, employers should communicate early and often and explain that HDHPs are meant to help employees take control of their health.

4

PICKING THE WRONG PLAN DESIGN. Not all HDHPs are the same. Analyzing benchmark data and consulting professional advice is important to determine which HDHP is best for your organization.

5

FAILING TO SUPPLEMENT AN HDHP WITH OTHER BENEFITS. Employee behavior and lifestyle are significant factors in health status and can have a huge impact on the cost of health care. Studies have shown that behaviors can be modified through the use of workplace wellness programs and other voluntary benefits. These programs can motivate employees to eat healthier, exercise more and stop smoking—all of which can help reduce future medical costs.

For more information on strategies to make your HDHP a success, contact The Benefits Group today.

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Does It **REALLY** Help to Look at a Job Candidate's Social Media Profiles?

We won't make you wait for the answer. Yes, social media screening really does help organizations make informed hiring decisions.

That said, using social media information to screen your job applicants and employees must be done ethically, just like every other background screening tool you use.

Why Should Organizations Use Social Media Screening?

In the past few years, social media screening has become more widely accepted as a valuable part of a comprehensive background check. A survey by The Harris Poll found that [71% of hiring decision-makers agree that looking at a candidate's social media profiles is an effective way to screen applicants](#).

Social media screening gives organizations a way to accomplish three big goals.

Eliminates blind spots.

A person's application, resume, and interview give companies lots of information about the candidate but they don't fill in every piece of the puzzle. Social media screening can add the behaviors, opinions, and attitudes they may share on their profiles that won't be present in traditional hiring information. This gives companies a more well-rounded picture of the candidate.

Mitigates risks.

Every new employee poses potential risks to your workplace. There may be red flags on a person's social media profiles that won't be uncovered anywhere else in the hiring process. Posts, comments, or engagements about racism, religion, harassing rhetoric, substance abuse, and violence can be strong indicators of a candidate's suitability (or lack of) for the role and company culture. Identifying these risks before you hire a candidate reduces the chances of dealing with numerous issues down the road.

Protects the company's reputation.

A brand's reputation is crucial to success, and it can be blown apart in an instant. An employee is a representative of the company, and the attitudes and opinions they share on social media can affect the brand.

Proactively screening a candidate's social media profiles for posts, photos, and comments that don't align with the organization's branding image can reduce the chances of the new employee negatively affecting the brand.

Fostering an Effective Social Media Screening Process

As with any policy change, HR must create a comprehensive, compliant plan for adding social media screening to the organization's background check process.

- **Document the process.** Succinctly outline the goal of using social media as part of your background screening strategy. This plan should include what profiles will be screened and the specific type of information that will be considered relevant to the position sought. Be sure to develop a list of the keywords you'll be screening. For example, an animal rescue may want to screen keywords related to animal abuse.
- **Get written authorization.** Using social media for background screening falls under the Fair Credit Reporting Act (FCRA), which requires the subject of a background check (the applicant, in this case) to give consent.
- **Screen with consistency.** Apply the same screening protocol for every applicant to maintain a fair, non-discriminatory process.

- **Use a third-party screener.** Outsourcing your social media screening increases the chances of conducting a more thorough screen and keeping the process compliant. Plus, screeners can remove Title VII information, so you can avoid seeing non-relevant information about the applicant that could create unconscious bias.
- **Make decisions based on comprehensive information.** Use the social media findings along with the rest of the background check, the candidate's application and resume, and the interview to decide whether to hire the person.
- **Follow Adverse Action procedures.** If you decide not to hire the person in whole or part because of information found during the social media screening process, follow the FCRA's requirements for taking Adverse Action.
- **Maintain ethical standards.** Use the guidance from the FCRA, the Equal Employment Opportunity Commission (EEOC), the General Data Protection Regulations (GDPR), and the Data Protection Act (DPA) to drive your screening process.

What Should Organizations NOT Do with Social Media Screening?

Now, let's cover what companies shouldn't do when they use social media for screening purposes.

- **X: Invasive Practices**
Respect candidates' privacy during the screening process. Never ask for passwords or use deceptive methods (like "friending" them with a fake profile) to gain information.
- **X: Unconscious Bias**
Be vigilant about unconscious bias creeping in because of information you see on their social media profiles that are unrelated to the position. Maintain fairness, always.
- **X: Using It as the Only Screening Tool**
Social media screening works best in cooperation with other screening tools like criminal records searches, employment verifications, and drug screening. Using it by itself increases the risk of a bad hire.
- **X: Screening without Permission**
Don't "sneak and screen". That method isn't compliant and is just an all-around shifty practice. Inform the candidate that your background screening process may include looking at their social media profiles.

The Bottom Line on Social Media Screening

With life being lived on social media, screening applicant profiles has become an asset for organizations trying to make informed hiring decisions. Information collected from an applicant's social media activities can offer insights that companies can't get through traditional background searches, on their resumes, and during the interview.

However, companies must be deliberate in adding social media screening to the background check process. Creating a proactive policy, practicing consistency, and maintaining compliance offer a win-win solution for using the information ethically and fairly in every instance.

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Alchemizing HR: Your Formula for the New Era

By AMY SCHABACKER DUFRANE

Writer and literary scholar C.S. Lewis said, “We read to know we are not alone.” That’s exactly why my colleague, Clarissa Peterson, GPHR, SPHR, LPEC and I authored our new book, “Alchemizing HR: Your Formula for the New Era.”

Like it or not, a new era is exactly what we’re in. Some days, it’s exhilarating and productive; others, it’s downright depressing. Despite our focus on people, HR might have the loneliest role of all in this new state of work. Our contributions are essential to our organization’s strategic growth and well-being; however, the degree and speed of transformation are making it harder and harder for HR. Investing in your own career is the best windbreak against the forces of unforeseen circumstances.

Working in HR is extraordinarily rewarding. Conversely, it can be one of the most isolated professions. In some cases, HR is a department of one or a shared services function. Required to maintain a high level of confidentiality, it can be difficult for HR to socialize with other employees for happy hour or company softball games. HRCI recognizes the importance of an HR community; the thriving HRCI community has more than 500,000+ certification holders. Their investment in themselves inspired us to write this book to help further enhance their careers.

We want to thank our fellow HR business leaders who shared their stories with us and made a difference in people’s daily lives. These stories, although often anonymous to protect our working colleagues, serve as a testament to the transformative power of HR professionals. Their contributions will encourage the growth of all HR leaders.

“Alchemizing HR: Your Formula for the New Era” is written to be a hands-on guide to the HRCI Professional Development Model, HRCI certifications, and global HR best practices and standards. We chose “Alchemizing HR” for the title because it evokes the wizard-like ability of successful HR professionals to transform their knowledge and skills into concrete HR outcomes and enterprise value – the book’s central theme.

Chapter 1 describes the components of the HRCI Professional Development Model, including megatrends affecting the workforce and, by extension, the profession. The chapter explains the model’s origins, its relationship with HRCI certifications, and the value certifications create for HR professionals and organizations.

Chapters 2 to 7 delve deeper into the five core knowledge domains and four key skills represented in the model that HR professionals need for continuous development. In these chapters, we detail the formula for success or level of understanding you need in each area as you progress in your career, as defined by the criteria required to pass HRCI certification exams.

The second half of the book connects the dots between the HRCI Professional Development Model’s core domain knowledge and skills and the outcomes they produce. It chronicles obstacles you may encounter and how to overcome them, as well as HRCI resources and additional organization-wide certifications.

Chapter 8 explains how the knowledge and skills outlined in Chapters 2 to 7 lead to concrete HR and business outcomes and enhance your organization’s current and future value.

At any point in your career, you may make a mistake or need to counteract someone else’s mistakes or failures that affect the workforce or the organization. Chapter 9 examines the primary operational and strategic failings that HR professionals contend with and how to use the experience and learnings outlined in the HRCI Professional Development Model to turn failures into successes – or avoid them in the first place.

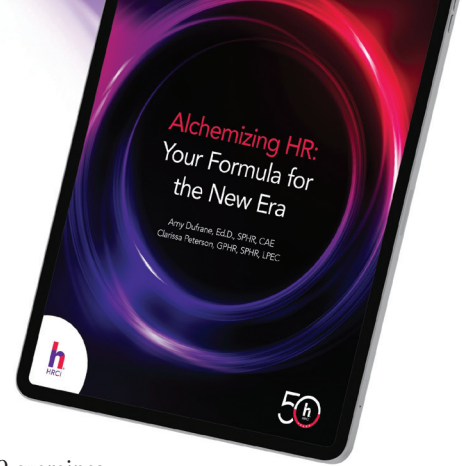
In Chapter 10, we look at a rapidly changing technology - artificial intelligence (AI) - and how it is touching every aspect of the workplace. Chapter 10 also examines the questions and considerations HR leaders should consider about AI and the risks it can pose.

HRCI is committed to helping HR professionals succeed. In Chapter 11, we share three categories of HRCI resources that help with that: certifications, recertifications, and exam-prep study guides; opportunities for learning and development; and virtual and in-person communities and networking.

In the Conclusion, we make the case for HR leaders to take their quest to improve workforce practices and strategies from the personal to the enterprise through organizational certification based on global HR best practices as recommended by the International Organization for Standardization (ISO).

Throughout the book, we bring the knowledge and skills of the HRCI Professional Model to life through stories and advice from HR professionals like you. The examples – including a series of practical “how to” asides separated from the other sections of the book to make them easy to find – demonstrates how to apply learnings from the model to your work to act strategically, make effective decisions, and become better HR practitioners and leaders.

The disruptions and turmoil of the recent past have vaulted HR into the ranks of top leaders. Now, HR professionals must demonstrate that you can continue to work in ways that keep you there. The HRCI Professional Development Model is designed to help you do that. For more information about HRCI and “Alchemizing HR: Your Formula for the New Era,” visit <https://www.hrci.org/alchemizing-hr-book>.



Amy Schabacker Dufrane, Ed.D., SPHR, CAE, is CEO of HRCI® — HR Certification Institute, and is the founder and CEO of HRSI — HR Standards Institute, where she is responsible for driving and disrupting the conversations about building high-performing, strategic HR teams. An engaging thought leader at the intersection of talent strategy and continuous learning, Dr. Dufrane is an award-winning leader and celebrated keynote speaker on the human side of successful business strategy in the 21st century.

Your Handbook for Navigating Modern HR Is Here

Alchemizing HR: Your Formula for the New Era eBook

By HRCI® + HRSI™ CEO Amy Dufrane, Ed.D., SPHR, CAE, and Clarissa Peterson, GPHR, SPHR, LPEC

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The official guide to the HRCI® Professional Development Model—a comprehensive framework designed to empower HR practitioners at any level—gathers insights from HRCI’s popular “Alchemizing HR” webinar series.

Praise for Alchemizing HR: Your Formula for the New Era eBook

“Without question, environmental megatrends have increased the materiality of human resources. With their unique high-level perspective, Amy and Clarissa propose five professional domains and practices for HR professionals to turn their knowledge into enterprise value. Their playbook for HR’s future—grounded in ideas, examples, and actions—enables any HR professional to rise to today’s opportunity.”

- Dave Ulrich, Rensis Likert Professor, Ross School of Business, University of Michigan Partner, the RBL Group



HRCI Recertification Credit

Three (3) business credits toward recertification will be awarded to HRCI certificants who read “Alchemizing HR: Your Formula for the New Era” and add it to their online application.



Get **RESULTS** from your wellness program instead of just giving away money

By NIRAV DESAI



A common problem with employer wellness programs is that they don't really drive behavior change that improves health outcomes.

In a typical homegrown wellness program, an employer incentivizes their employees to complete basic health activities like an annual physical and lab work. The rewards often range from \$150 to over \$2,000 per year in some cases. The downside is that if people aren't sufficiently educated on their lab results or motivated to listen to their doctor and improve outcomes, they can just go through the motions in order to get the incentive.

That leads to this common lament from employers: "We're just giving money away while our population remains unhealthy and our premiums continue to increase."

An alternative approach, i.e., a new incentive model, is in order - one that lets employers stratify the rewards based on actual health outcomes rather than solely rewarding action.

For example, imagine an employer currently offers its employees a \$500 reward just for completing their annual physical and labs. With 50% of their 200 medically enrolled employees participating in the program, they would spend \$50,000 in rewards.

But with the alternative approach, the employer could stratify the reward amount so that the higher the health level, the higher the reward. For simplicity, the employer would contract with a wellness program provider that can assess employee health in one of three tiers: high risk, moderate risk, and low risk.

The rewards could be as follows: High Risk: \$100, Moderate Risk: \$250, and Low Risk: \$500.

In this case, assuming the employees are split evenly across these three risk buckets, the employer's total reward payout would only be \$28,333, a savings of \$21,667 (\$50,000 - \$28,333).

For the employer, their \$21,667 in savings helps to partially (if not fully) subsidize the wellness program that assesses employee health risks. In other words, if your wellness program cost less than \$21,667 annually, and you had to pay out \$28,333 in rewards, you would've restructured your wellness incentives at no additional cost.

But there's even more benefit than that.

Remember, money is a strong motivator for most, if not all, participants. Therefore, the High and Moderate risk employees who are not receiving the full reward will now be motivated to improve their health risk profile in order to earn the maximum reward (and also improve their health!). And encouraging coaches can take that motivation to the next level.

This health improvement is where both employer and employees can enjoy the intended results. Modifiable health risk factors such as

smoking, high blood pressure, high blood glucose, and stress have all been shown to have a negative effect on healthcare costs, productivity, and absenteeism. So if an employee is sufficiently motivated to improve their health behaviors and modifiable risk factor(s), they not only get healthier, but they also boost their employer's bottom line.

The economic impact of improving modifiable risk factors typically far outweighs the cost of an effective wellness program.

As an example, 20.8%¹ of the U.S. working population uses tobacco, and each U.S. worker who smokes costs on average an additional \$5,816 a year² in excess health care spend and lost productivity (not including absenteeism).

In our earlier example, if 20% of the population of 200 medically enrolled are using tobacco (i.e., 40 people), the estimated excess healthcare cost is \$232,640 (40 medically enrolled using tobacco x \$5,816 per user). If just four of these individuals were persuaded to stop using tobacco, that would yield more than the cost of the program. Similar improvements with other risk factors would help even more.

Given those compounding effects across numerous modifiable risk factors, it makes eminent sense to invest in an approach where you can stratify health risks and use those to also stratify wellness rewards (instead of just doling out money) and encourage real behavior change to drive better health outcomes.

One last word

To be clear, there are several regulatory considerations (ACA/HIPAA, GINA, ADA) that affect the design of wellness programs. These cover such topics as reward amounts, how to make the full reward available, ensuring the availability of reasonable alternative standards to earn the reward, and paying out the full reward.

We recommend speaking with legal counsel to ensure you have all your regulatory ducks in a row.

Nirav Desai
SVP and Managing Director
Peak Health



References:

- 1 Cornelius ME, Wang TW, Jamal A, Loretan CG, Neff LJ. Tobacco Product Use Among Adults — United States, 2019. *MMWR Morb Mortal Wkly Rep* 2020;69:1736–1742.
- 2 Adams JM. Good for Health, Good for Business: The Business Case for Reducing Tobacco Use. *Public Health Rep.* 2020 Jan;135(1):3–5.

To learn more about how wellness programs that stratify health risk can help you stratify your rewards, improve your employee population's health, and drive economic benefit, check out Peak Health. Peak Health uses nurses to provide outcomes-driven health risk assessments and wellness coaching. To connect with Peak Health, contact your McGriff Employee Benefits account representative.



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The Right Worktech Platform Can Help Empower Your Employees During Challenging Economic Times

By JACK RUBIN



Financial stress for employees is not just a problem. It's an epidemic. And it's becoming a drain on our economy as a whole. A sobering report from Brightplan's [Financial Wellness Barometer](#) revealed that American workers are losing on average 7.3 hours of productivity each week related to their financial stress, costing American employers nearly \$200 billion per year.

This alarming statistic unfortunately shouldn't come as a surprise. The challenges facing American workers, especially younger employees, are seemingly insurmountable. Consider this - research from the [Federal Reserve Bank of Philadelphia](#) shows that over one-third (34.9%) of American consumers said they are concerned about making ends meet, up from 28.7% a year earlier. The data also indicated that younger Americans have considerable angst as it relates to their finances with over 4 in 10 (41%) of those between 18 and 35 years saying they are concerned about making ends meet.

With stubbornly high inflation still at around [3%](#), hourly workers are continually facing the task of putting food on the table and a roof over their head. Over [3 in 4 \(77%\)](#) of American households have some form of debt, and, according to the [Federal Reserve Bank of New York](#), total personal debt in the U.S. is at an all-time high of \$17.5 trillion. Unfortunately, far too many are missing those monthly payments which is killing their credit scores.

A [study](#) from Experian shows that more than one-third of Americans (34.8%) have subprime credit scores, which means their credit scores are lower than what's needed to get the best interest rates. Building credit is a central goal for so many Americans because good credit unlocks fundamental financial opportunities across apartment leases, car loans, borrowing costs, and more. While unfortunately, a poor credit score has a number of pernicious effects on people's financial lives.

So, what can HR leaders do to help?

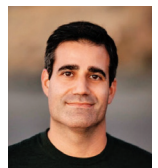
The answer might be a click away on our phones. Fortunately, advancements in technology are empowering American workers to improve their lives in and out of the office.

You see, in the not-so-distant past, traditional HR tech solutions were more aligned to the HR function and processes at work. However, today we can leverage consumer-grade technology to do more for our valued team members. HR Tech is evolving and transforming right before our eyes. In this new space WorkTech (as opposed to HR Tech) is going well beyond HR processes to truly support the day to day needs of the workforce - in and out of the office. And that includes financial wellness tools.

A true worktech platform needs to include relevant, meaningful, easy-to-use financial wellness tools and solutions that can help workers during these challenging economic times. For example, earned wage access has been a proven solution to empower workers to pay bills on time and avoid costly late fees. But EWA is just a start. New products and solutions that address big and pressing needs - such as credit health, savings, financial education, retirement planning, and even cross-border payments to relatives in another country - can propel employees forward on the path to financial security. In many ways, these types of products speak to financial equity and inclusion and can open opportunities that were once not available to many employees because they were mired in debt with bad credit.

The needs of employees have changed. It's imperative that the worktech platforms we offer adapt to these changing needs. We can't let our employees be in a constant state of worry of when and how to pay the rent or bills on time. We need to equip them with the tools that allow them to manage their finances, and in turn, bring the best version of themselves to work every day.

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What Constitutes An Illegal Hostile Work Environment: It's Not Just About What Happens At Work

BY GEOFFREY A. LINDLEY

[E]ven if discriminatory or intimidating conduct occurs wholly offsite, it remains relevant to the extent it affects the employee's working environment.

Okonowsky v. Garland, 2024 U.S. App LEXIS 18357 at *29 (9th Cir. 2024).

Hostile Work Environment

Employees often use the term “hostile work environment” to describe many things that may upset them about their workplace. However, the phrase “hostile work environment” is a legal term of art denoting a particular type of legal claim – one where an employee is subjected to an intimidating, hostile, or offensive work environment based on a protected class. (Remember that offensive behavior in the workplace that is not based on a protected class does not violate Title VII of the Civil Rights Act of 1964, as Title VII is not a general civility code. See *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 81 (1998)). In 1986, the United States Supreme Court explicitly recognized that a hostile work environment based on sex violates Title VII. See *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57 (1986). But what does it mean to create a hostile work environment based on sex? The United States Court of Appeals for the Ninth Circuit recently had the opportunity to address whether social media posts made outside of work can give rise to a legally actionable hostile work environment.

Social Media at Work

Social Media Posts Lead to a Lawsuit

Lindsay Okonowsky, a female, was hired to work as a staff psychologist at the Bureau of Prison's (BOP) Federal Correctional Complex in Lompoc, California (Lompoc) in September 2018 and was assigned as the psychologist for the Special Housing Unit (SHU). *Okonowsky v. Garland*, 2024 U.S. App LEXIS 18357 at *4-*5 (9th Cir. 2024). Okonowsky's position required her to work with custody staff on inmate cell assignments and in scheduling inmate appointments with her. *Id.* at *5.

Steven Hellman worked as a corrections Lieutenant at Lompoc. While he had no supervisory authority over Okonowsky, he did supervise custody staff and was responsible for the safety of inmates and staff, including Okonowsky. Their jobs required them to work together. *Id.* at *6.

In February 2020, Okonowsky became aware of an Instagram page that mentioned Lompoc staff and inmates when her personal Instagram account “suggested” that she follow the page. The relatively new page already had “hundreds of posts, many of which were overtly sexist, racist, anti-Semitic, homophobic, and transphobic memes that explicitly or impliedly referred to the Bureau of Prisons, Lompoc staff, and Lompoc inmates.” About half of the page's followers were “more than one hundred Lompoc employees, including the Human Resources Manager, the Union President, and a member of the prison's Special Investigative Services.” *Id.* at *7.

The information contained in the posts strongly suggested that they came from a Lompoc employee. And not only did he post reference violence against women, including physical harassment and rape, but they also specifically referenced Okonowsky. For example, prior to discovering the Instagram page, Okonowsky had invited some custody staff to her home for a work celebration. However, she found a post on the page “joking” that all the male custody staff employees would “gang bang” Okonowsky at her party, and this post was “liked” by Lompoc staff members. This post understandably upset Okonowsky to the point that she cancelled the gathering. *Id.* at *7-*9.

Okonowsky reported the page to her supervisor, Chief Psychologist Clark Clegg. She also expressed concern to the Acting Safety Manager, Robert Grice, that he was following the page and liking the posts. Grice told her that she needed to “toughen up or get a sense of humor.” *Id.* at *9. Nevertheless, Clegg met with Okonowsky, and she agreed to transfer from the medium security facility where she worked to a low security facility at Lompoc. Additionally, the Acting Warden for Lompoc advised Okonowsky that he had ordered an investigation into the Instagram page. *Id.* at *9-*10. However, no evidence was ever presented that Lompoc completed this investigation. *Id.* at *20.

Following her initial complaint, the posts continued, appearing to specifically target Okonowsky because of her complaint. When Okonowsky made the HR Manager aware of the situation, he told her that he thought that the posts were “funny” and confirmed what Okonowsky suspected, that Hellman was behind the Instagram page and posts. *Id.* at *12-*13. As Okonowsky continued to complain, Hellman was eventually assigned to a different facility at Lompoc on March 11, 2020. *Id.* at *15. Nonetheless, Hellman continued to post. *Id.* at *15-*17.

A new warden eventually convened a Threat Assessment Team (Team) who investigated and issued a report and recommendation on April 16, 2020. While concluding that Hellman's posts amounted to impermissible “harassing conduct” thereby violating Lompoc's standards of conduct, the Team also advised Okonowsky that it could not police Hellman's page. Thus, she should simply not look at it anymore. *Id.* at *17-*18. On April 16, 2020, Lompoc issued Hellman a letter ordering him to stop posting objectionable material or he could be terminated. But Hellman continued to post, and Okonowsky continued to complain to Lompoc management. Her complaints went unanswered. Therefore, in January 2021, Okonowsky transferred to a BOP facility in Texas, and on September 22, 2021, she filed suit claiming that she was subjected to a hostile work environment based on sex. *Id.* at *19-*20.

District Court Dismisses the Case, but Okonowsky Appeals

The BOP moved to dismiss Okonowsky's case, and the United States district court granted the BOP's motion. *Id.* at *21-*22. In doing so, the district court focused on a limited number of posts from Hellman's Instagram account and determined that because the posts were made on a staff member's personal page, were made entirely outside the workplace, were never shown to Okonowsky in the workplace, were never displayed in the workplace, and were never discussed in the workplace without Okonowsky's consent, then Okonowsky could not proceed with her hostile work environment claim. *Id.* at *21-*22. Okonowsky appealed to the United States Court of Appeals for the Ninth Circuit. *Id.* at *23.

The Totality of the Circumstances Test

Is Conduct that Occurs Entirely Outside of the Workplace Legally Actionable?

The factors a court must consider regarding a claim of a sexually hostile work environment are:

- 1) whether [an employee] was subjected to verbal or physical conduct of a sexual nature;
- 2) whether the conduct was

unwelcome; and 3) whether the conduct was “sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment [i.e., was the work environment objectively hostile?].”

Id. at *24 (citing *Fried v. Wynn Las Vegas, LLC*, 18 F.4th 643, 647 (9th Cir. 2021)).

The BOP did not dispute that Okonowsky experienced unwanted and unwelcomed conduct based on her sex which she believed made her work environment hostile. However, the BOP did dispute factor three above and argued that the district court was correct in determining that social media posts made *entirely outside of the workplace* on a personal employee account could not create a hostile *work* environment. *Id.*

In addressing whether conduct outside of the workplace can form the basis of a hostile work environment claim, the appellate court noted that the correct test for determining objective hostility is to look at the totality of the circumstances in each case. *Id.*

The Ubiquity of Social Media

In looking at Hellman’s Instagram account and the posts to which Okonowsky was exposed, the Ninth Circuit noted that:

[I]t makes little sense to describe a social media page that includes overt comments about a specific workplace . . . as “occurring” in only a discrete location. . . . Social media posts are permanently and infinitely viewable and re-viewable by any person with access to the page or site on which the posts appear. No matter where Hellman was or what he was doing when he made his posts, Lompoc employees who followed the page were free to, and did, view, “like,” comment, share, screenshot, print, and otherwise engage with or perceive his abusive posts from anywhere. The Instagram page also served as a record of

which co-workers subscribed to the page and commented on posts, showed their comments and their “likes,” and could be seen at any time from any place—including from the workplace.

Id. at *26-*27.

Therefore, the Ninth Circuit held that “conduct that [takes] place outside of the physical work environment is part of the totality of the circumstances [which courts] evaluate when considering a hostile work environment claim.” *Id.* at *27.

Employer Takeaways

This case makes it clear that employers should not turn a blind eye to employee complaints about co-workers’ personal social media posts outside of work. Sexually explicit or other inappropriate material, behavior, or speech on social media that denigrates people based on a protected class (sex, race, etc.) can absolutely create a legally actionable hostile work environment regardless of whether it was posted on a personal account or on work time. If these posts bleed into the workplace, they can create liability for an employer. Therefore, employers must have comprehensive social media policies that clearly advise employees of what behavior is and is not appropriate. Moreover, when appropriate, HR employees should consider including social media accounts when investigating hostile work environment claims. Lastly, management employees need to be very careful about connecting with subordinates via personal social media accounts.

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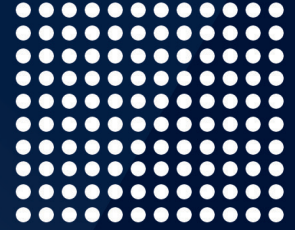
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When surveyed, business owners frequently cite HR management as overly complicated and stressful. They feel overwhelmed by the intricate web of regulations and best practices they must follow. The anxiety of potentially costly mistakes only adds to their stress. But what if there was a way to simplify this process and ensure that you're always on the right track?

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In our experience as small business owners and HR professionals, we've faced the same struggles that many of our readers encounter. We understand the discomfort of dealing with HR issues when you're already juggling numerous responsibilities. Our guide is crafted to alleviate that discomfort by providing you with easy-to-follow checklists that cover the most critical HR tasks.

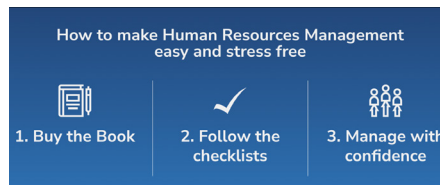
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Our book is packed with practical tools and strategies to help you manage HR with ease. Here's a glimpse of what you'll find inside:

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HR management doesn't have to be a source of stress and uncertainty. With *The Ultimate Guide to HR: Checklists Edition*, you can take control of your HR responsibilities and make informed decisions with ease. This guide is not just a book; it's a powerful tool designed to help you avoid common pitfalls and streamline your HR processes.

The checklists are based on real-world scenarios and best practices, ensuring that you have the most relevant and effective tools at your disposal. By following these checklists, you can reduce the risk of legal issues, improve employee satisfaction, and focus on what matters most—running and growing your business.

What Others are Saying

“I wish I would have had an HR checklist to help me navigate challenging and routine HR requirements throughout my career. Nothing is more regretful than missing an HR detail that comes back to haunt you. I applaud this easy-to-use reference manual John and Chuck have compiled and recommend it highly. This is an essential resource, a gift that will be a substantial contribution to the improvement of our service industry and valuable, helpful assistance to you.”

John Berndt

Former President of Cipriani Hotels and GM of Ritz-Carlton

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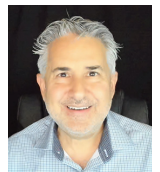
Team at HR Stories bios



John Thalheimer,
MS Org. Leadership

“Employees are at the heart of Business...if we don't have the proper systems to support them, businesses will fail.”

John Thalheimer is an award-winning management consultant, sought-out workshop facilitator, and author who has helped hundreds of businesses and professionals transform their potential into extraordinary performance. John is the CEO of True Star Leadership, a business consulting firm focused on workplace performance. He has over twenty-five years of multi-industry experience focused on improving small business systems. John has a master's degree in Organizational Leadership and a bachelor's in communication and is certified in executive coaching, change management, and six sigma principles. He is the author of *The Truth of Selling*, a marketing book for small business owners.



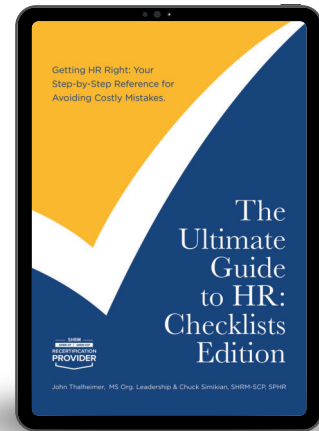
Chuck Simikian, SHRM-SCP, SPHR
“HR has many roles, but they all tie up to one imperative... to protect a company.”

Chuck Simikian, SHRM-SCP, SPHR, the President of Alliance HR Partners Consulting is a seasoned certified HR professional with over 25 years of corporate HR experience spanning all aspects of Human Resources including recruitment, training, employee relations, benefits administration, payroll, and HR compliance across a variety of industries including: hospitality, themed attractions, retail, resorts, non-profits, and law enforcement.



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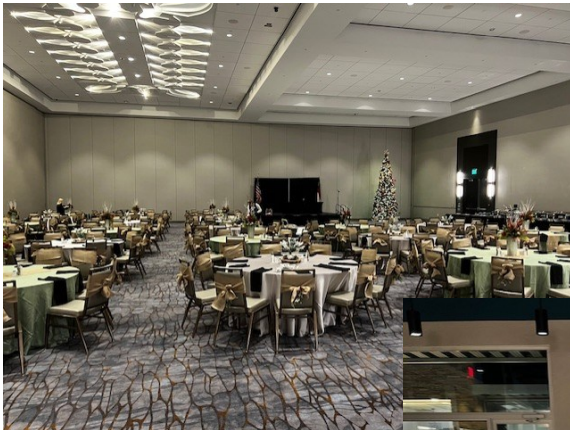
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'PIECES!' – BECAUSE IT'S MORE THAN LEADERSHIP

By BOB BENNETT

'Chemistry is invaluable. You can have as much talent as you want, but talent without chemistry equals frustration.' This quote from J.B. Bickerstaff, coach of the Memphis Grizzlies, illustrates that talent and skills are not enough to assure success. It is a truism that morphs into business settings as well.

Many business executives believe they cannot control chemistry, but as another basketball coach, Brian Gregory from the University of Southern Florida reminds us, 'you can't really out X-and-O guys in the league...because (everyone) is just really good.' We need to find players (employees) who provide the skills needed to succeed and we need to create the proper chemistry, a culture, to embrace the quest toward common objectives.

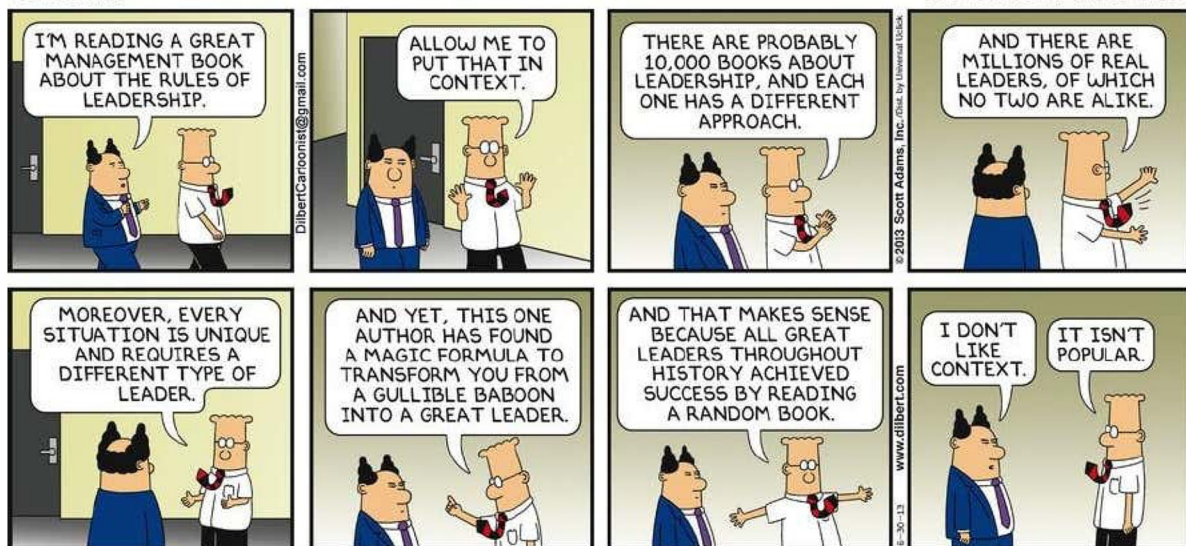
Thirty years ago, when I became Chief Learning Officer at FedEx Express, I was faced with challenges you have, or will, face in your career. I inherited an organization that was considered 'best in class' throughout the industry because of its leading-edge technology and employee development programs. One would consider this an ideal situation were it not for the fact that the organization was perceived by our internal customers to not provide significant value. The operating divisions did not see the importance and quality of the services provided by the Learning and Development Department (L&D) in the same way the organization felt these same services were delivered – often with significant differences. Agreement on what services should be provided and the criteria for what was considered an acceptable quality for those services were lacking.

Obstacles were apparent at all levels – employees, customers, operators, and management. These 'opportunities' to achieve reconciliation had to be addressed holistically and simultaneously, even in areas where there was agreement. CEOs and senior officers saw talent management as a top priority as did the learning organization. They both understood the importance of employees to achieving success: competitors can replicate your products and services, but they cannot replicate your people. An adequately developed, cohesive, happy, and knowledgeable workforce, therefore, was necessary. There was no agreement, however, on how that should be achieved. The approach to achieving reconciliation was critical.

Two social scientists, Jacob Getzels and Mihaly Csikszentmihalyi, focused on two groups of artists both having the same objective, to draw a still life. One group approached the task by asking: how can I produce a good drawing? The second group asked: what subject would provide a good drawing? A panel of experts evaluating the outcomes agreed the second group's work was more creative. The experiment is relevant in that the first group was trying to solve a problem whereas the second group was trying to avoid a problem.

Problem solvers and problem finders exist in a business environment as well. The problem solvers have a plan and concentrate on how they can make it work; they seek best practices. The problem finders look at what pitfalls might 'pop up' and find ways to avoid them. Both have a significant role in establishing the sustainability of a company if both are used effectively. Their efforts must be balanced and coordinated if we are to maximize everyone's potential and allow them to break through any limits that have been imposed on them.

DILBERT



BY SCOTT ADAMS

Michael S. Hamilton, Chief Learning and Development Officer for Americas at Ernst & Young said that a greater return comes from not being the best in class in your field, but rather by being the best in class at engaging employees.

Keeping all this in mind, the challenge is clear. Provide a focused strategy that proactively: addresses needs, gains and maintains executive support, engages employees and users simultaneously, initiates processes to prioritize efforts, ensures reputable processes and results, establishes and reinforces positive behavior, develops and educates the entire company, and facilitates continuous improvement.

That is why I offer the “PIECES!” strategy as an innovative and alternative approach to conducting business. It is an approach that *captures the hearts of people and the mind of business.*

A BETTER WAY

There is a better way to lead that can assure success while facing the fear of change. **It has less to do with the tactics of how and focuses on what and why you do things.** It is a rather straightforward process that when done well, ensures buy-in, commitment, passion, and results. It does not require that you change yourself, a challenging task; it merely requires you to “Put The PIECES! Together.”

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3. **E**xpand Your Sphere of Influence: lead organizations beyond your department and company, and provide services regardless of if it is included in your job description
4. **C**alculate Value Add: keep a focus on the bottom-line, evaluating the benefit to company goals and vision, including but not limited to financial
5. **E**nhance Reputation: strengthen your ‘brand’ and earn the trust of those around you through quality, timely and exceptional results
6. **S**ustain Results: improve efficiency and effectiveness to find ways to provide the same scope and quality of services previously provided as new responsibilities are added
7. **!**: continuously develop yourself, and develop and take care of the people who make all this possible

The above provides an internally focused strategy that proactively addresses needs, gains and maintains executive support, engages employees and users simultaneously, establishes a process to prioritize efforts, ensures repeatable processes and results, establishes and reinforces positive behavior, develops and educates the entire company, and facilitates continuous improvement. PIECES! is an approach that captures the hearts of people and the minds of business.



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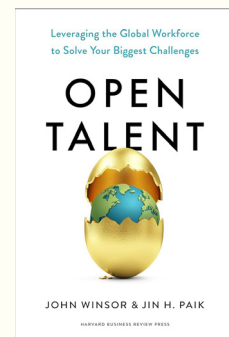




BOOK LOOK

Open Talent – Leveraging the Global Workforce to Solve Your Biggest Changes

By WILLIAM R. CARMICHAEL



We can easily blame COVID-19 but an alarming reality is at play; hiring processes are being disrupted. Many managers are quietly circumventing their organizations' standard hiring processes and are turning to digital talent platforms to find help on an as-needed basis. The fact is, every facet of the traditional talent management process is in disruption. With over 800 digital talent platforms around the world offering the services of an estimated 500 million highly skilled freelance professionals, the reason these managers are skirting hiring norms is that their organization's employment selection procedures can no longer keep up. While business leaders need to quickly fill skill gaps, improve employee retention, and increase engagement, potential talent is also going beyond their corporate environment to supplement their income, pursue passion projects, and explore new interests. In *Open Talent; Leveraging the Global Workforce to Solve Your Biggest Changes*, pioneers and co-authors John Winsor and Jin Paik present a playbook for this growing talent management strategy and discuss potential pitfalls, success measures, and key ecosystems. By embracing open talent, organizations can connect with a vast network of people and organizations, generating innovative solutions once thought impossible.

What Exactly is Open Talent?

Open talent "refers to the accelerated digital transformation of talent through a globally distributed workforce, accessible to companies on demand via digital connections and platforms." Simple enough, or is it? Anyone responsible for their organization's talent strategies can attest to the unprecedented changes at play here. The key, the authors argue, is shifting to a more distributed idea and structure of collaborative work. The authors call this a networked organization, where talent is culled from both inside and outside the organization and viewed through a single lens—as a global ecosystem that can be tapped as needed.

As Winsor and Paik attest, "As the pandemic waned, we returned to sparsely populated offices and empty conference rooms. Our working life had been transformed, seemingly overnight. But the truth is that the ever-growing digital wave has long been breaking down organizational boundaries and increasing open innovation, including the use of crowdsourcing platforms as a talent solution. Now the imperative is clear: adapt to and leverage this new, digitally enabled world of "open talent"—or get left behind."

In this new model, talent is culled from inside and outside the organization, dispensing with siloed approaches to talent acquisition and viewing talent through a single lens: as a global ecosystem that can be tapped as needed. With rich stories, keen insights, and an abundance of practical advice, Winsor and Paik provide a new framework and operating model for transforming your organization into a talent-orchestrating, problem-solving machine."

Takeaways

Concerning application in HR, Harvard Business Review Press had this to say about *Open Talent; Leveraging the Global Workforce to Solve Your Biggest Changes*. "Pioneering experts Winsor and Paik share their expertise on how businesses can develop their capabilities to take advantage of the new world of work. They reveal how they implemented open talent strategies through learning and experimenting to refine winning approaches, and how other companies can adopt their techniques." In doing so, the authors focus on the utilization of several key ecosystems:

- External Talent Clouds and how hiring talent from an ETC platform is more efficient and cost-effective than using a contingent workforce solution.

- Internal Talent Marketplaces by tapping into existing employees, breaking down silos, improving engagement and retention, and encouraging learning.
- Open Innovation improvements by posing better questions for candidates.

Toward this end, the authors also present some guiding questions to foster an environment that leads to a networked organization: • Is the organization mindful of psychological safety? • Does it foster emotional resilience? • Does it recognize the need for flexibility? • Is it open to learning? • Is it digitally connected? • Does it promote conviction, providing incentives to allies and ambassadors? "The most effective networked organizations," they add, "balance the tension between humility and boldness to encourage the spirit of inquiry among leaders and teams."

Structure and Layout

At 250 pages, *Open Talent* can easily be read over a weekend but honestly, that would defeat its true purpose; as a user-friendly guidebook to navigate through the accelerated digital transformation of talent we are now experiencing. Well-researched and written, ideas are supported through a repetitive schema within nine short chapters consisting of:

- Fundamentals of digital platform concepts and their applications
- Concept definitions
- Descriptive charts and diagrams
- Recommendations for concept implementation
- Assessment models and timeline recommendations
- In-depth examples and case studies
- Key ideas and questions for consideration

Who Will Benefit Most from This Book?

Open Talent will appeal to business leaders. Executives, staffing managers, functional managers, and project/program managers in large companies will find value as they think about how to be more innovative in their recruiting efforts. Small/medium business owners and entrepreneurs can glean insights to apply as the dynamics of their businesses change over time. Individuals interested in new ways to partner with businesses will find value in understanding how to increase their visibility, leverage their native skills, and improve access to training opportunities.

About the author: **John Winsor** is the founder and chair of Open Assembly, the world's leading authority on the open talent economy. He is an executive in residence at the Laboratory for Innovation Science at Harvard and the author or coauthor of multiple books, including *Baked In: Creating Products and Businesses That Market Themselves* and *Spark: Be More Innovative Through Co-Creation*. He shares his new thinking through his popular blog at johnwinsor.com.

Dr. Jin H. Paik is a co-founder and managing partner at Altruistic, an AI consultancy, and a principal visiting research scientist at HBS. Previously he was the Head of Labs at the Digital, Data, and Design Institute at Harvard and the founding general manager at the Laboratory for Innovation Science at Harvard. He holds degrees from the University of Michigan, Harvard, and NYU.

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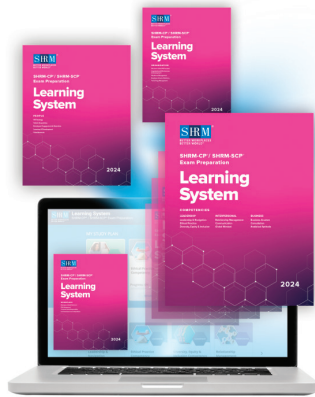


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About the instructor:

Cynthia Y. Thompson is Principal and Founder of The Thompson HR Firm, a human resources consulting company in Memphis. She is a senior human resources executive with more than twenty years of human resources experience concentrated in publicly traded companies. She is the Editor | Publisher of *HR Professionals Magazine*, an HR publication distributed to HR professionals in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

Cynthia has an MBA and is certified as a Senior Professional in Human Resources (SPHR) by the Human Resource Certification Institute and is also certified as a Senior Certified Professional by the Society for Human Resource Management. She is a faculty member of Christian Brothers University. Cynthia was appointed to serve on the Tennessee DOHR Board of Appeals by Gov. Bill Haslam in 2014.



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