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Public-sector HR professionals face workforce planning challenges that are often greater than and unique from those confronted by their colleagues in the private sector. Effective succession planning and employee training requires strong executive leadership in clearly articulating visions, missions and strategic objectives, as well as cooperative, supportive efforts by staff in several functional areas. To succeed in finding solutions for making up skilled labor shortages resulting from changing demographics and economic disruptions, HR professionals must master new roles as leaders, business partners and change agents.

Many levels of a good workforce plan must be well thought out, strategized and masterfully executed, from having a succession plan for aging public servants to figuring out how to recruit the best talent from the next generation of potential employees. The task of actually implementing workforce planning can also be quite daunting because it is so difficult to define. One thing is certain: A good plan is systematic, fully integrated into organizational processes and involves moving proactively to avoid talent surpluses or shortages. By planning ahead, HR specialists can provide agency and department managers with the right number of people who have the right skill at the right time.

This issue of HR News addresses some the critical challenges being discussed surrounding today's workforce planning efforts in the public sector. IPMA-HR member Josh Didawick, IPMA-CP, provides an insightful view on what the next generation of workers, Generation Z, might be looking for when seeking employment in the public sector (page 8). Writer Ed Lamb interviews Minnesota's municipalities about their incredibly successful workforce planning toolkit, which is being used in many government departments across the city (page 12). And Tim Eisenhower of a social business software company discusses the importance of improving communications in the workplace, especially among intergenerational workers (page 10).

In this issue IPMA-HR Research Manager Melissa Paluch also addresses some of the training challenges the public sector is facing with midlevel employees (page 18) and writer Amanda Cuda investigates why there are still large job gaps in the public sector (page 6).

For our Comp Doctor™ column, Jim Fox and Bruce Lawson advise on how to improve on ever-expanding job evaluation systems (page 24). While David Ritter and Kaitlyn Jakubowski of Barnes & Thornburg LLP, our Labor Relations specialists, outline the latest legal developments surrounding pregnancy accommodations, race discriminations and sex discrimination.

All this and more can be found in this issue of HR News. We hope you will find these articles useful. —*NC*

*Jenny Chang*  
Jenny Chang

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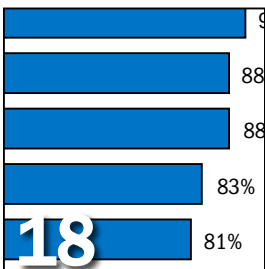
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Coming up in the July issue of  
**HR NEWS**

**Competitive Pay,  
Compensation Practices and  
Rewards and Recognition**

# Coming to Terms With the Job Gap in the Public Sector

By Amanda Cuda

Even as the Great Recession recedes farther into the rearview mirror, the effects of the financial crisis continue to be felt, particularly when it comes to jobs. According to the Hamilton Project, an economic policy initiative of the Brookings Institute that involves publishing a jobs gap report, the United States during March 2015 needed 4 million additional jobs to reach prerecession employment levels. Report authors predicted that the gap could close by November 2016, if new job creation remains at a 2014–2015 average of 216,000 per month.

Though both private and public sector employers are making strides toward restoring employment to predownturn levels, numbers show that the job gap is closing at a slower rate in the public sector. On September 5, 2014, a Hamilton Project report titled “A Tale of Two Job Gaps” claimed that while the private sector had seen 54 straight months of payroll gains, totaling 10 million jobs, the public sector had actually lost more than half a million jobs over the same period. Other organizations have echoed this, with the U.S. Bureau of Labor Statics reporting that the number of government jobs declined by 3,000 in March 2015 alone.

This disparity has existed for a while. On August 2, 2012, the Hamilton Project issued an analysis of a decline in public sector jobs, showing that the percent of the population in government jobs was at a 30-year low. The report also noted that the decline in public sector employment was a relatively new phenomenon at the time. In the years leading up to the Great Recession—2001 to 2007—nearly 10 percent of U.S. adults were employed by the government, a percentage that held nearly constant since 1980. By 2012, just 9 percent of Americans were employed in those jobs.

Despite this, human resources staff at some public sector organizations remain optimistic. For instance, Austin, Texas, HR and Civil Services Director Mark Washington said the city fared relatively well during the recession, with an unemployment rate of 8–9 percent.

“Our economy was one of the last to feel the effect of the downturn, but one of the first to recover,” he said.

Though Austin’s situation is positive, the statistics, and some others in the public sector predict a continued hard path to recovery, with some predicting that there might be more job losses down the line.

## How Different Are Public and Private Employment Pictures?

The most optimistic thing the September 2014 Hamilton Project report says is that the public sector job gap had stopped growing in the few months preceding its publication. More discouragingly, the authors attributed the then-stalled labor market recovery to the sag in public sector employment. “If public sector employment had remained constant as a share of the population,” the report states, “the total jobs gap would be roughly 28 percent smaller.”

Other, more recent reports show that the contrast between public and private sector employment persists. In April 2015, for instance, the Center on Budget and Policy Priorities (CBPP) released a report showing that the preceding March marked the 61st straight month of private sector job creation, with payrolls growing by 12.1 million jobs since February 2010. That translates to roughly 199,000 jobs a month.

However, like the Hamilton Project, the CBPP painted a less rosy picture of employment in the public sector, where jobs had fallen by 578,000 since February 2010. Local government jobs declined by 361,000. Earlier, in its August 2012 analysis, the Hamilton Project noted that emergency responders, air traffic controllers, teachers, and police officers were particularly affected by public sector job cuts.

In its September 2014 report, the Hamilton Project explains that one possible reason the public sector jobs gap remained so wide

is that it developed later than the one in the public sector. While private employers started shedding employees and positions in early 2008, widespread government workforce reductions did not occur until summer 2009. In other words, by the time the public sector job gap appeared, private sector employment had begun to rebound.

## What Public Sector Organizations Are Facing

Though not all public sector organizations are siphoning off jobs at high rates, some HR professionals admit that recovering from the recession continues to be a challenge and that more hurdles to government job creation may arise down the road.

Some organizations' leaders believe they have dodged a jobs gap bullet, including Austin's Washington. He admitted, however, that like any employer, the city did have to take some measures to cut costs during the recession and that those decisions have had some repercussions in the postrecovery world.

"Although we did not cut jobs, we did use some belt tightening to balance the budget," Washington said. "In fiscal year 2009-2010, we froze pay for nonsworn employees and renegotiated contracts for sworn employees at modest increases. We also created a second tier in the pension plan to lower employer costs and reduce liability."

Now that the economy is recovering, he said, Austin is not faced with a jobs gap, though the city has had its challenges. Given the recession-based decisions about pay that Austin had to make, "we felt the effects of retention risks when the economy recovered and needed to resume a more aggressive pay philosophy," said Washington.


An HR specialist in at least one other public sector organization said recession-related job loss may be on the horizon. The Montana Department of Revenue implemented pay and job freezes in response to the Great Recession but "didn't actually lose any positions," said Chris Blazer, IPMA-CP, senior human resources generalist. "We just didn't have people in certain positions."

But, Blazer said, that could soon change. In the current legislative session, there have been indications that the state will take a stronger hand when it comes to cutting costs. "Positions will not only be vacant, but they'll go away and we won't be able to fill them," Blazer said.

The possibility of state government job cuts in Montana speaks to the underlying problem of the employment gap in both public and private sectors, Blazer said. Fewer workers make it harder for organizations to serve their customers and constituents optimally.

"Basically, we have fewer people doing the same amount of work," she said. "And I don't see that changing any time soon."

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*Amanda Cuda is a full-time general assignment reporter for the Connecticut Post newspaper in Bridgeport, Conn. She also freelances for several publications, including HR News. —*



# Welcoming Generation Z on the Doorstep

By Josh Didawick, IPMA-CP

One of the more interesting topics related to the workforce continues to be multiple generations in the workplace. There are numerous reasons for the fascination, as well as the phenomenon's existence, but simply put, we continue to have very different generations working together. Organizations are constantly on the lookout for better ways of doing business with multiple generations because maximizing people's value and production can make for competitive advantages.

What has led to so many generations crammed into cube farms is actually the confluence of multiple factors. First, people are generally working longer. Life expectancies have risen, meaning many Americans plan on delaying retirement longer than previous generations. At the same time, many retirement accounts took a hit during the financial crisis. The Federal Reserve's lowering of interest rates may have been great for borrowers, but for those late in their careers, little-to-no interest on some of their safe investment vehicles further hurt their nest eggs. As a result, there continue to be experienced workers sticking around while younger hires and jobseekers elbow their way into the workforce.

Now, just as managers and HR professionals are thinking they have the millennials figured out, a curveball emerges. All young people are not millennials. In fact, the youngest members of the age cohort generally referred to as millennials are actually Generation Z and they are now starting to enter the workforce.

Millennials—born after 1980 and sometimes referred to as Generation Y—made their mark in the workplace in large part by wanting to make their mark on the workplace. They were not content with sitting back and paying their dues to move up the ladder. If they had good ideas, they were disruptive to the status quo. The oldest millennials are now entering positions of leadership and will continue to wield considerable power to effect change when their energy and ideas are harnessed and unleashed in the right direction.

What is interesting is that Generation Z—born after 1995—is just beginning to graduate from college and is now making its way into the workforce. Like Gen Y, they, too, are ready to make a difference.



## The Gen Z Difference

One of the factors that branded millennials was that they were entering such a fragile job market. One of the main distinctions of Generation Z is experiencing is that its members are entering a decent, if not great, job market. This should enable them to strike out on their own, but underemployment or piecing together multiple part-time jobs could be an issue they continue to face.

Many of the Z's resisted helicopter parents. As Alexandra Levit, consultant who speaks to college students around the country, put it in a March 28, 2015, New York Times article, "They don't wait for their parents to teach them things or tell them how to make decisions." These factors come together to mean that Z's may be less likely than their predecessors to return home after college.

This independent streak can also have significant positive effects at work. The Z cohort is truly the first generation of digital natives who are used to technology coming and going quickly. They have grown up teaching themselves new technology. When they have a question about how to do something, their instinct is to read about it online or watch YouTube videos. They are remarkably adept at finding the answer so as to not slow down their own development and learning.

Even though they are entering the job market when the economy is the strongest it has been in nearly a decade, the optimism that may engender is not an overriding influence on their attitudes. Having grown up in the post-9/11 world, lived much of their lives with the United States at war, and been school age during a spate of tragic mass shootings, this youngest generation has a pragmatic side.

One study of 7-13 year olds mentioned in the Intelligence Group's Cassandra Report revealed that 43 percent feel that school shootings and violence will have the most impact on their generation. Further setting members of Generation Z apart, as noted by Emily Anatole in an analysis posted to Forbes.com in 2013, is that they have grown up during the "invention of social networking and the election of the first black president." They have witnessed history, both good and bad, through a 24/7 media lens, and on social media. This perspective may just give Generation Z an edge and grit that make them resilient and hungry.

Generation Z is also growing up as the most ethnically diverse population in history. The U.S. Census reported in December 2012 that for the first time in history non-Hispanic whites made up less than half of all births in the country. While employers are striving to create and promote more diverse workplaces, diversity is the norm for Gen Z. This diversity and interconnectedness, plus their upbringing during globalization, make them more accustomed to working with and learning from people of different cultures, religions and belief systems.

## An Employer's Survival Kit

Making connections with members of Generation Z is critical. For organizations recruiting out of high school and college, tapping into social media is an obvious route. A more resource-intensive approach is reaching out through technical and trade schools, as well as colleges, to offer internship and mentoring opportunities. Taking these steps will not only improve career preparedness among students and recent graduates, it may also create a talent pipeline for an organization.

Generation Z's independent streak makes them willing to strike out on their own and follow their passion. As a cohort, this is not a group just looking to punch a time clock and collect a paycheck. Organizations and HR professionals will find success recruiting Generation Z by highlighting the differences employees can make and the entrepreneurial opportunities a position offers. While it may sound counterintuitive to some to mention entrepreneurship in the public sector, there are tremendous opportunities for work done in the public sector to look and feel like entrepreneurial ventures. Entrepreneurs go into business because they have a passion for something and a desire to build a successful program from the ground up. Pride of accomplishment and sense of ownership are some of the qualities the public sector needs on the ground and which Generation Z will be offering. By tapping into a job candidate's or new hire's passion and empowering workers to own what they are working on, employers will be delighted to see the results.

Designing and delivering new employment benefits is another area that employers may want to give some attention to over the next several years as generations shift out of and into the workplace. As baby boomers retire and the workforce turns over, there may be an opportunity to redesign benefit plans, especially in the public sector where such changes tend to lag behind the private sector. For starters,

70 percent of students graduating from public and not-for-profit colleges and universities have student loan debt, and the average amount is in the neighborhood of \$28,000 per borrower. While this issue is not new, it has gained increased national attention since the start of this decade. Employers that take an aggressive look at offering student loan repayment and tuition assistance programs may find themselves with a competitive advantage in recruiting the pragmatic Generation Z out of college and in building loyalty.

Another step employers may want to consider is making benefits more portable. With past generations, a change like this may have been taboo, but younger workers, such as those coming up in Generation Z, are expected to work for many employers throughout their careers. Rather than resist this trend, employers can embrace it and use it as an attractor. While some retirement plans have already transitioned to deferred compensation and hybrid plans, and many private sector employer-sponsored health plans are offering health savings accounts with high-deductible health plans, these changes have come slower in the public sector. By offering some benefits that are more portable in nature and educating employees of Generation Z about the importance of sound financial management and planning for retirement and health care, employers may actually free up financial resources that can be used to pay other forms of compensation. More established generations in the workforce may see these shifts as less relevant or worthwhile, but pragmatic members of Generation Z may see the positive aspects of using these types of plans as investment vehicles early in their careers.

Expect the topic of multiple generations in the workplace to stay relevant for quite some time. Each generation takes pleasure in reflecting on its differences from other generations. Moreover, changes in technology and shifts in societal trends occur more quickly today than they did just decades ago. There are incentives in recognizing that not every young person is a millennial and that Generation Z will bring its own distinct style and flavor to the workplace. Ultimately, getting to know and understand the younger generations that will eventually inherit and shape the workplace will have a positive effect on Generation Z's development, which will mean positive contributions to organizations' objectives.

Now that employers are armed with a little more knowledge about this generation as it prepares to enter the workforce, the only question is what to call the generation after Z.

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*Josh Didawick, IPMA-CP, SPHR is the director of human resources for the charming and historic City of Staunton, Va. You can follow him on Twitter @joshdidawick. —N*

# COMMUNICATION IN THE WORKPLACE: Debunking the Millennial Mystery

By Tim Eisenhauer

**A**s millennials become more of a presence in the workplace, employers seem to be struggling to maintain thorough and efficient communication practices. It is somewhat of a perplexing challenge because (a) employees born in the 1980s and 1990s are not aliens and (b) younger workers likely speak the same language as older ones. So, why is communication such an issue?

Maintaining transparency within any organization is critical to cultivating trust, engagement, loyalty and employee satisfaction. When individuals or groups of people feel isolated or left out, dissention, distrust and suspicion grow.

In any environment, the absolute best way to communicate with anyone is face to face. So much information passes back and forth through subtle interpersonal hints that in-person communication goes well beyond the actual words spoken. Contextual cues, expressions, tone of voice, body language and the ability to adjust responses based on reactions all provide a multidimensional, interactive communication experience, even when the interaction consists of just one presenter speaking to a thousand audience members.

But the reality of modern business is that face-to-face communication is not always possible. With employees scattered across time zones and even continents, this type of intimate communication is extremely rare. Instead, co-workers and colleagues must rely on electronic tools to share information and ideas. Tools like social intranets, collaboration spaces and enterprise social software provide exceptional

means for communicating among large employee groups, and many provide for two- or three-way private conversations, supporting management-to-employee, employee-to-management and employee-to-employee peer interactions.

The problem is that not all modes of communication technology work best for every employee. In his 1964 book *Understanding Media: The Extensions of Man*, renowned media theorist Marshall McLuhan famously coined the phrase “the medium is the message.” Purporting that the form of communication medium embeds itself into the message, actually influencing how a message is perceived, is easy to see in modern times and in business. For instance, information shared on the company intranet is perceived to be more formal and top-down, resulting in the system being used primarily to communicate policies and procedures. Email is viewed as somewhat less formal, making it appropriate for communicating time-sensitive “blasts” of information that may (but not necessarily) be read and responded to immediately. Social platforms are more informal still, permitting free-flowing conversations, unstructured discussions and brainstorming. Finally, text messages are considered extremely informal, yet also urgent and expected to elicit an immediate response.

While it is virtually impossible to please all the people all of the time, it is important to understand how types of communication are perceived by the audience and make the very best effort to use the medium that will reach the intended audience with the right nuance and implication.



Unlike baby boomers or members of Generation X, who have learned to adjust their communication methods in order to keep up with technology, millennials have literally grown up with it. They have never known a time when you could not reach into your pocket and make a phone call to anywhere from anywhere, nor when you could not access an infinite amount of data on a device that fits into the palm of your hand.

For Gen Xers, and even more so baby boomers, these are massive adjustments even though they have lived through the telecommunications evolution. They have experienced firsthand how various forms of technology have been used and must now adapt to how they are changing every day. Twenty years ago, the use of email was forbidden in many of even the largest and most modern companies; it was just too new. Now, most of those companies likely could not do business without email. And even just five years ago, many people would never consider sending text messages to their boss, or vice versa. Texting was considered far too personal and informal for business communication. Now, it is extremely commonplace.

Social collaboration platforms have also evolved tremendously from the fun, recreational pastimes of Facebook and Instagram to now give businesses the power to wield these massive community platforms for efficient, effective communication in the workplace. This is quite natural and comfortable for younger workers because it has become second nature for them to use these platforms to communicate among peers and to share so much of their lives with their networks. For older

workers, the transition may be a bit more difficult because they are simply not used to the sharing lifestyle.

However, absent the ability to have genuine face-to-face conversations, using social collaboration platforms is the best means to fill the gap by enabling everyone to converse openly, with context, with personality and with the immediacy and transparency that modern, effective business communication requires.

Ultimately, the best way to communicate with millennials—or any other group of employees—is the manner in which they desire. So let's stop treating this new generation of workers like they are visitors from another planet who must be dealt with in some special way and more like the social, engaged and motivated humans they are—just like the rest of us.

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*Tim Eisenhauer, co-founder and president of Axero Solutions ([www.axerosolutions.com](http://www.axerosolutions.com)), a social business software company known for the development of Communifire. He can be reached at (978) 455-7318. —N*

# Minnesota Municipalities Get Tools to Conduct Workforce Planning

By Ed Lamb

“Why workforce planning?” asks the first page of a 2014 League of Minnesota Cities’ toolkit that gives municipal human resources professionals in the state no excuses for avoiding the task. The answers may sound familiar to many readers:

- Pending shortages of skilled and talented public sector employees due to retirements and noncompetitive pay
- Recruitment challenges associated with specialization and merit system requirements
- Generational differences that lead recent college graduates to prefer private sector employment or nonprofit work outside of government

For these reasons, the *City Workforce Planning Toolkit* urges “officials to analyze their city government workforce needs for the years ahead and to take actions that make their city an attractive employer.” It also provides step-by-step guidance, worksheets and formulas for doing so. Available for free online in the Resource Library of the Governing & Managing section of [www.lmc.org](http://www.lmc.org), the toolkit exists to meet government HR practitioners’ need for a single, interactive and evolving source for defining and solving problems related to staff succession, onboarding, employee development and benefits design and delivery.



League HR Director Laura Kushner and City of Edina HR Director Lisa Schaefer played key roles in developing and producing the toolkit, relying on expertise and feedback from colleagues across Minnesota. They recently shared their insights on the kit and workforce planning challenges in general. Kushner and Schaefer corresponded via email, with Kushner answering the bulk of the questions in consultation with Schaefer.

**HR News:** Did you receive specific requests for putting the *City Workforce Planning Toolkit* together?

**Laura Kushner:** Every few years, there seems to be a new program or concept floating around the human resources profession, and many of us are a little embarrassed to admit we don't really know what it means or how to accomplish it. Workforce planning, back when we developed the toolkit, seemed to fall into this category. We knew that it was important and that it would become a reality in the not-too-distant future, but we didn't know how to get started on it.

**HR News:** How did you decide what to include, like the gap analysis worksheets and sample job descriptions?

**Kushner:** We came up with the idea for a toolkit because we were searching for something to help our cities figure out what to do about workforce planning, and we couldn't find anything that was geared for smaller employers. Also, there didn't seem to be any tools that took an employer step by step through every aspect of what needed to be accomplished to be ready for the next generation of workers. So, if nobody else was doing it, we decided we had better develop something ourselves.

**HR News:** Do you have a sense of how many towns and cities in Minnesota have used the toolkit since it first became available?

**Kushner:** We know that there are at least a few employers that have used the toolkit because they have given us feedback that they found it very helpful. One large municipal employer gave the Succession Planning Worksheet to each of its department directors to complete after sitting down with them to explain the concept. Then, members of the HR department started working on other sections of the toolkit. The overall director knew the department directors would have a better appreciation and understanding of why changes needed to be made once they had done the first analysis to see what was going to be happening in the near future within their own departments.

**HR News:** Have you had any interest or adoption outside Minnesota?

We have definitely heard from public employers outside Minnesota, but we don't know of any that have definitely used the toolkit. Some have requested permission to link to it through their websites, and we have had some interest from other associations wanting to publish magazine articles about it.

**HR News:** Judging from users' responses, which tools have proven particularly useful?

**Kushner:** We believe the sample succession planning form is the most popular tool in the toolkit. It requires each department to identify the positions that are likely to become vacant with the retirement of baby boomers and to develop a strategy for either recruiting new workers or preparing and developing staff already employed by the city. Unfortunately, some employers want to jump right to this tool. We think it's more beneficial to start with the Problem Identification and Gap Analysis tool. Starting with problem identification forces the

employer to first investigate whether the city service is essential or not and, then, whether it could be accomplished using other methods.

For example, if the city has a fall leaf pickup service for its residents, this tool requires the city to identify whether that service is essential or not and whether it could be discontinued, contracted out or shared with another municipality. The tool also requires department directors to think about what types of changes could happen within the next five years that might change how the service is delivered; for example, will there be new technology that might be helpful, will there be changes in the demographics, etc.?

**HR News:** Have you developed any other tips for how to best use the toolkit?

**Kushner:** It's a lot of work to actually follow all of the steps in the toolkit, so we often recommend that an employer just pick one or two to work on each year. We don't want to overwhelm staff who already have so much on their plates.

**HR News:** What one piece of advice would you share with all city- and town-level HR professionals engaging in workforce planning?

**Lisa Schaefer:** We could only narrow it down to two! The first is: *Don't ignore workforce planning because you're too busy.* Boomer retirements are starting to happen, and the better the economy gets, the faster it will occur. Even if you can only work on one aspect per year, that is better than doing nothing.

The second is: *Don't be afraid of the next generation of workers.* Instead, embrace their potential! Millennials tend to be global thinkers and creative and ambitious workers who want their work to make a meaningful contribution to society. Government work provides a unique opportunity to contribute directly to the quality of life of citizens through service. Millennials want to make a difference from day one, and they need to know that they will be allowed to contribute ideas and opinions. We need to do a better job of educating millennials about these impacts, such as safe communities, clean water, natural parks and innovative recreational programs.

**Kushner:** Our organization is in the process of updating materials that we provide to cities so that they are more "millennial-friendly." For example, we've tweaked our model personnel policy language to remove language that may be foreign to millennials. We've also emphasized the potential for employee development and the strong benefit packages that most cities offer. In our opinion, every organization should be thinking about doing the same. There will be stiff competition in the next 10 years to attract and retain the next generation of workers, and the public sector is going to have to adapt and change if it wants to compete.

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*Ed Lamb is a freelance editor and writer in Virginia Beach, Va. He can be reached via email at [thoroughcursor@gmail.com](mailto:thoroughcursor@gmail.com). —N*

# Pre-Conference Workshops You Don't Want to Miss

**J**ump-start your learning with Saturday and Sunday's outstanding Pre-Conference Workshops. Held September 26-27 from 8:30 a.m. to 4:30 p.m., industry veterans will provide intensive, information-rich sessions on some of public sector HR's key challenges. Don't miss this opportunity to enhance your career!

## Conducting a Job Analysis

**September 26 | 8:30am-4:30pm**

3 IPMA-CP recertification points | Awarded Certificate of Completion

**Intended Audience:** HR Professionals interested in gaining knowledge of job analysis, which serves as a foundation for most other HR activities.

Join Dennis Doverspike, professor of psychology at the University of Akron, for a one day training covering the required fundamentals of a job analysis through the IPMA-HR job analysis method.

This course is appropriate for:

- Helping to prepare generalists and others for the certification exam or exams; thus it should provide coverage of the basics of job analysis techniques.
- Entry level HR professionals, who see a need for basic level training or an introduction into job analysis.
- Experienced HR professionals who are looking at a refresher and an overview of recent trends.
- Organizations who are looking to train the trainer or train their staff.

**Dennis Doverspike**, Ph.D. is a certified specialist in Industrial-Organizational Psychology and in Organizational and Business Consulting Psychology. He has over 30 years of experience with consulting firms and with public and private sector organizations.



## Employment and Labor Laws

**September 27 | 8:30am to 12:00pm**

1 IPMA-CP recertification points | Awarded Certificate of Completion

**Intended Audience:** HR Managers and Directors, HR Executives, HR Generalists, Line Managers and Supervisors, Legal Staff

Join renowned employment and labor law attorney David Ritter, a partner with Barnes & Thornburg, for a half-day workshop that

provides the most comprehensive, practical, up-to-date employment law training available for public sector HR practitioners. This four-part half-day workshop is geared to the real-world needs of human resources professionals and managers, providing "best practice" insights and information on some of the most pressing issues in employment and labor law today.

Workshop will cover:

- Legal implications of social media in the workplace, including activities of the NLRB; privacy concerns and social media policies.
- Challenges with the Family and Medical Leave Act & American with Disabilities. These laws continue to be difficult for employers to comply with because they are complicated and there are ways for employees to "game the system."
- Avoiding employment violations with the Fair Labor Standards Act. Plaintiffs lawyers file more lawsuits nationally alleging violations of the FLSA than any other type of employment law violation.
- Conducting Employee Investigations. Whether you do investigations all of the time or are a bit rust, come brush up on your skills in this area so you can confidently conduct your next investigation.

**David Ritter**, a partner at Barnes & Thornburgh, has nearly 30 years of experience representing public and private companies in all aspects of labor and employment law and litigation.



## Leveraging the Power of Employee Engagement in Government

**PART I: September 26 | 8:30am to 4:30pm**

**PART II: September 27 | 8:30am to 4:30pm**

6 IPMA-CP recertification points | Awarded Certificate of Completion

**Intended Audience:** Senior-Level — of most benefit to those in state and local government

This highly-interactive two-part workshop will prepare participants for developing and improving upon employee engagement strategies with a focus on engagement in the unique environment of government.

Key takeaways of this workshop include:

- Discovering the unique challenges of improving employee engagement in the public sector.

- Finding out how engagement levels compare between the public and private sectors.
- Understanding best practices for measuring employee engagement, analyzing results and taking action.
- Learning about what the role of HR is in measuring and improving employee engagement.
- Formulating your own strategy for increasing employee engagement, including action steps to get you started and sustain the momentum.

**Robert “Bob” Lavigna** has more than 30 years of experience leading public sector HR organizations and programs. As Assistant Vice Chancellor-HR for the University of Wisconsin, he directs the full range of centralized HR activities for a university ranked among the world’s top 25 research institutions.



**Fagan Stackhouse** has worked in the public human resources field for over 40 years in local jurisdictions across the country. He is currently serving as the human resources director for Charleston County.



## Developing Competencies for HR Success

**September 26-27 | 8:30am – 4:30pm**

**September 28 | 11:00am– 12:15pm** (During Concurrent Sessions)

**September 29 | 1:45pm– 3:00pm** (During Concurrent Sessions)

**September 30 | 3:30pm– 4:45pm** (During Concurrent Sessions)

8 IPMA-CP recertification points | Awarded Certificate of Completion

**Intended Audience:** Early Career, Mid-Level and Senior-Level

Attendees of this year’s conference will have the opportunity to complete IPMA-HR’s very popular course, Developing Competencies for HR Success, at no additional cost — a huge savings of over \$800! Just pay your full registration fee, register for the course, and you’ll soon discover the best way to become a strategic player in your organization — in just 5 days!

This intensive course will help you and your staff develop the 20 competencies needed to build up your skills in self-assessment,

building teams, coaching staff, resolving disputes and reaching consensus, creating a risk-taking environment, communication skills, building trust relationships, using consensus- and coalition-building skills — and more.



**Richard “Dick” Heil**, the instructor for the course, is the founder and president of The Curtis Group, a private consulting firm that specializes in human resource and management issues in public and non-profit organizations.

## Alternative Pay Delivery Strategies & Implementation Tactics

**PART I: September 26 | 8:30am to 4:30pm**

**PART II: September 27 | 8:30am to 4:30pm**

6 IPMA-CP recertification points | Awarded Certificate of Completion

**Intended Audience:** Senior-Level and Policy Makers

An organization’s compensation philosophy is critical to attracting, retaining and motivating employees. Join Bruce Lawson and Sandra Spellman of Fox Lawson & Associates, for a two-day course on how to understand, strategize and implement an effective pay delivery system that shows you value your employees.

**Day 1** (Sat, Sept. 26) will provide you with an understanding of the available options to constructing a compensation philosophy/pay delivery system that is appropriate for your organizational strategy.

**Day 2** (Sun, Sept. 27) will focus on the best tactics to help you successfully implement your strategy.

**Bruce Lawson** is a managing director of Fox Lawson & Associates, responsible for all consulting activities in the areas of job evaluation and compensation, organization analysis, personnel systems and policy development.



**Sandra Spellman** is a senior consultant with Fox Lawson & Associates, responsible for conducting classification, job evaluation, and human resource process consulting projects. —*N*



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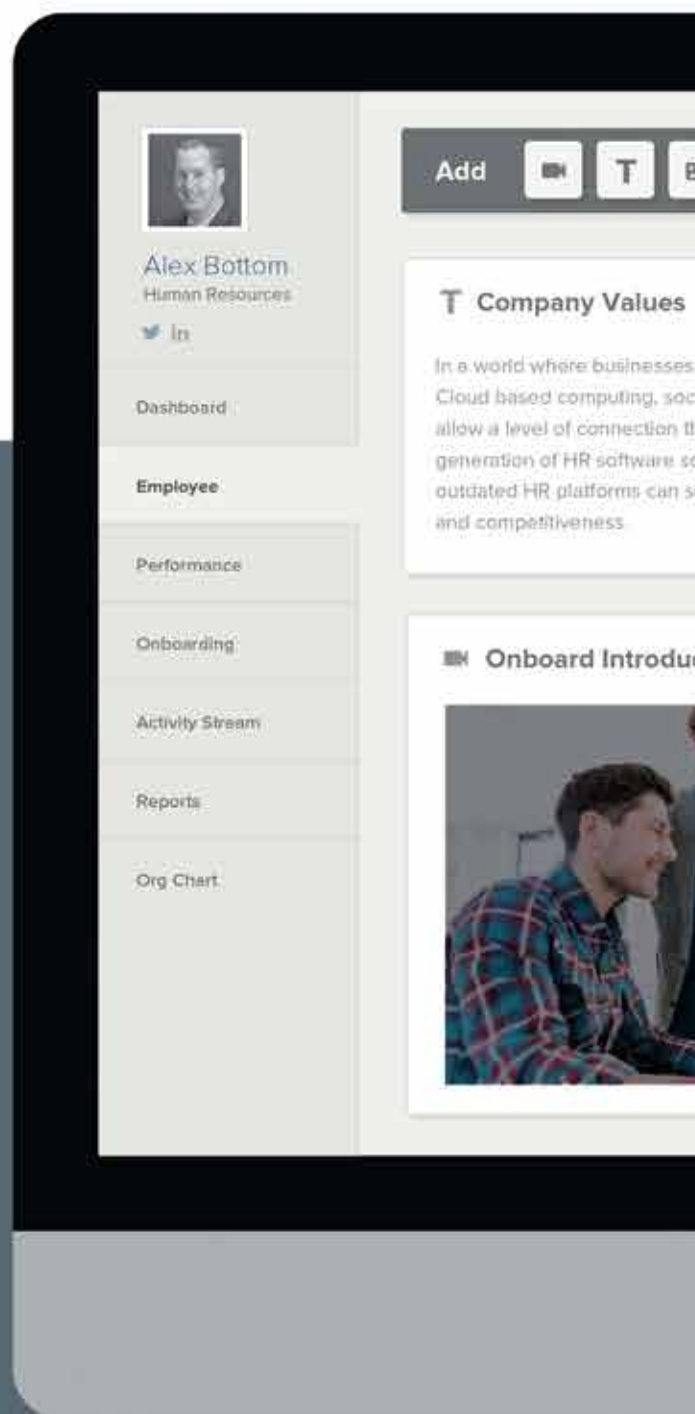
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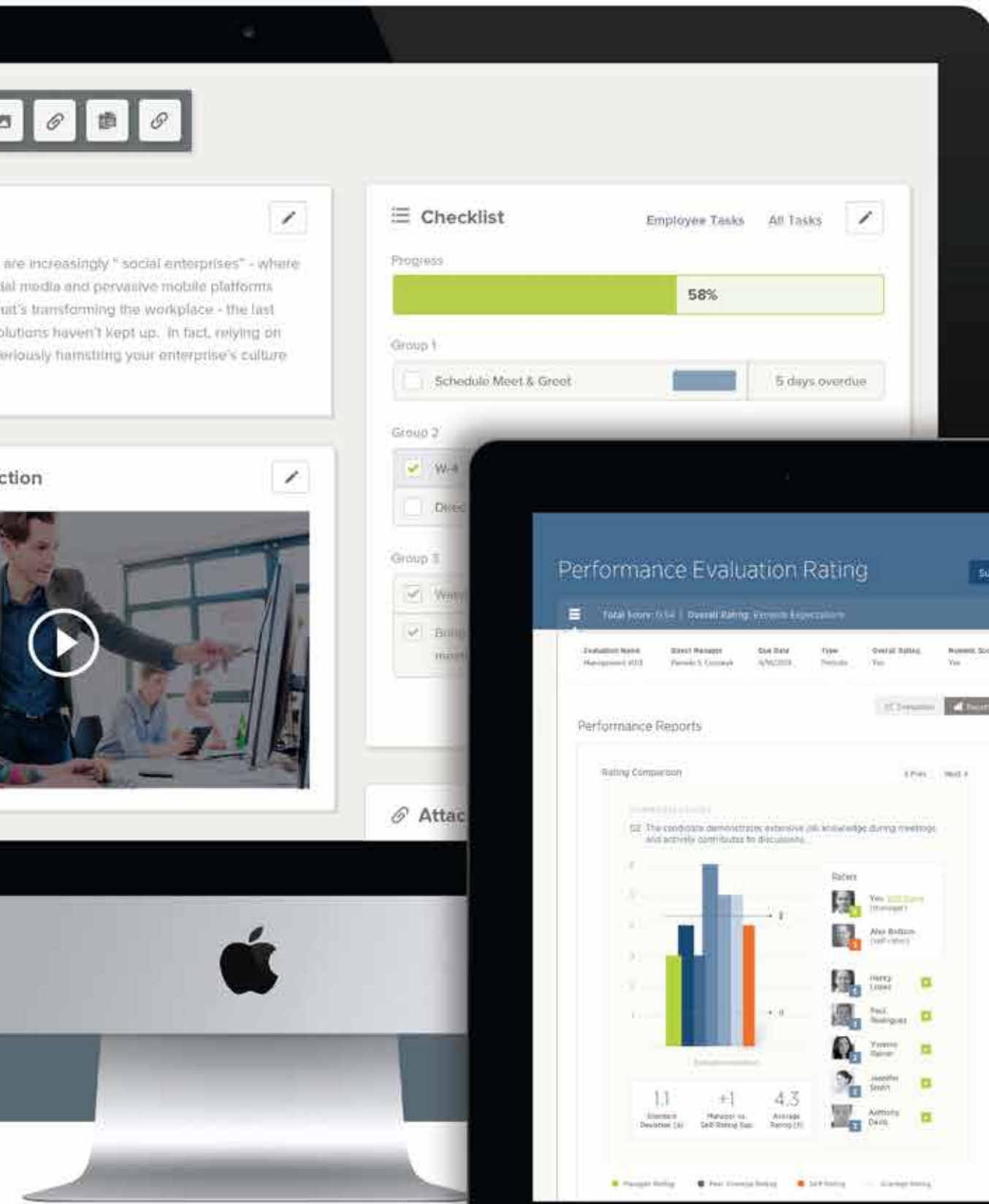
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are increasingly "social enterprises" - where  
social media and pervasive mobile platforms  
are transforming the workplace - the last  
solutions haven't kept up. In fact, relying on  
old solutions seriously hamstringing your enterprise's culture

ction



### Checklist

Employee Tasks All Tasks



Group 1

☐ Schedule Meet & Greet 5 days overdue

Group 2

☒ W-4  
☐ Direct

Group 3

☒ W-4  
☒ Build  
☐ Direct

Attach

### Performance Evaluation Rating

Submit

Total Score: 0.94 Overall Rating: Exceeds Expectations

Evaluation Name	Direct Manager	Due Date	Type	Overall Rating	Current Score
Management 2013	Patrick S. Conroy	6/16/2013	Periodic	Yes	Yes

### Performance Reports

#### Rating Comparison

CE The candidate demonstrates extensive job knowledge during meetings and actively contributes to discussions.



1.1 Manager Rating  
4.3 Peer Average Rating  
4.3 Self-Rating

Robert  
You (Self-Rating)  
Alex Bottom (Self-Rating)  
Henry (Self-Rating)  
Paul (Self-Rating)  
Yvonne (Self-Rating)  
Jacqueline (Self-Rating)  
Anthony (Self-Rating)

# Training and the Seemingly Apathetic Midlevel Employee

By Melissa Paluch

Last fall I was on a mission to determine the state of public sector organizations' training budgets in the wake of the economic recession that hit with full force in 2008. What I was surprised to find is an even more interesting backstory of a particular class of professionals underserved by training.

I surveyed IPMA-HR members to dig deep and unearth issues regarding training, and I assumed budgetary constraints for this line item would top my list of concerns. What I learned was that budgets were not as negatively impacted by the Great Recession as I originally thought they would be and that human resources professionals are quite creative at delivering effective training programs regardless of budget.

Around half (47 percent) of HR professionals surveyed reported that their budgets remained the same postrecession as before the economic downturn. This resulted in only a very modest impact on their ability to deliver training and career development to their organization's staff. Slightly more than a quarter each said that their budgets had increased (26 percent) or had decreased (26 percent). Among the quarter of organizations that saw training budget cuts, in-house training by staff was the solution mentioned most often by survey respondents.

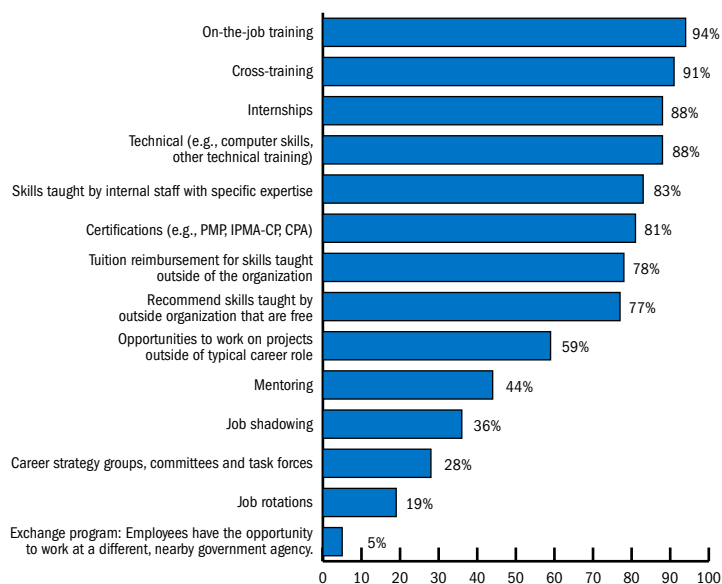
## Good News Worth Highlighting

The good news is that the majority of HR professionals offer career development methods that their peers deem to be very effective. Specifically, as shown in Table 1, the training opportunities ranked as most common and effective were on-the-job training (94 percent) and cross-training (91 percent). These methods are also in the middle range for cost.

Lavena Holmes, HR director for the Port of San Francisco, uses cross-training to give staff experience in key areas of her organization, especially those that may lose staff due to retirements. "In my organization," Holmes said, "many of the single-position jobs are bigger in scope. It is not just learning that specific job, as there are many interrelated parts and you have to know the organization from the inside. So, we do cross-training of our staff, but we have to be careful that people are not working outside of their classification. We get around this, by adding 'acting' to their title."

Holmes also noted that "retirement should not be the driver for cross-training staff; instead, it should be based on the needs of the organization. Only cross-training staff based on pending retirements is quite reactionary."

**Table 1**



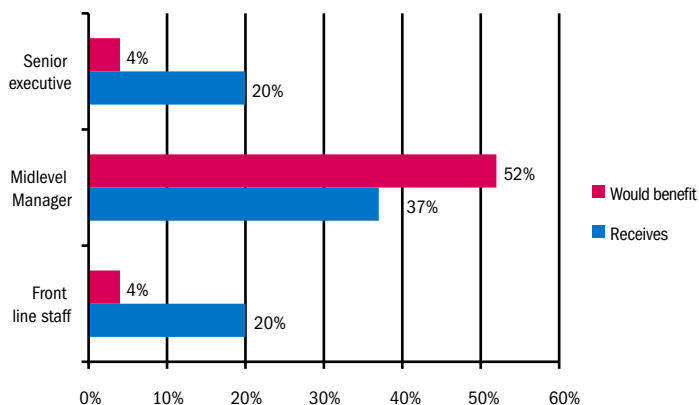
Tuition reimbursement, certifications and technical training are the most costly forms of career development, according to survey respondents, and each landed in the middle in terms of effectiveness and utilization.

## Bad News Cannot Be Ignored

There is an unmet need for career development among midlevel staff and managers. As seen in Table 2, more HR professionals (52 percent) indicated that this level of staff would benefit from career development than reported that those workers received career development opportunities (37 percent). Still, midlevel managers are the most at risk for needing to be replaced due to retirement and also, of course, the most likely to advance to the senior executive level. Lack of career development for midcareer employees can create a skills gap

in the center of the organization chart and also lead to a talent drain among senior executives.

**Table 2**



The need for middle managers to be trained, particularly in the HR function, was expressed most clearly by Angie Murphy, HR manager for the City of Altus, Okla. “After years of budget cuts and realignments, our city’s structure became decentralized and more flat. As a result, middle level management is being asked to step up more than they had in the past. And to be quite honest, some did not have the human resources or administrative skills to step up into department management roles. Thus, I needed to come up with flexible training suitable for their demanding roles. In the end, I’ve developed online training on my own. And this has been working quite well.”

The dearth of training for midlevel professionals was called out by IPMA-HR’s Employee Engagement Survey, which also showed that midlevel public sector professionals are much less satisfied with their opportunities for career development than are entry-level employees and senior executives. Compared to senior and entry-level employees, those with midlevel experience were also much less likely to agree that their organizations have career development strategies at all levels. Furthermore, they were also less likely to be knowledgeable about the training opportunities and career development strategies available.

Perhaps communication about professional development and career development opportunities is what is needed? According to the 2014 AON Hewitt Employee Engagement Study, 42 percent of employees feel they receive too little communication related to important areas of engagement such as career development.

## Information You Can Use

Based on the research, the following outlines an effective training strategy, with careful attention paid to expense, efficiency and employees underserved by training:

- Developing an effective communications strategy for career development and training is very important. Staff at all levels should be made aware of what is available and how they can move

## 2015 Career Development Survey Results

In February 2015, IPMA HR conducted a survey asking its members the topics they would like to see covered by the association in the form of a course and/or webinar, here is what made the TOP 5 list:

- Workforce Development and Succession Planning
- Conducting Employee Engagement Investigations
- Legal Implications of Social Media in the Workplace
- Healthcare Reform Updates
- Marketing/Branding in the Public Sector

When asked about management or leadership courses and or/ webinars they would like to see developed, the following made the TOP 5 list:

- Integrating HR Across Business Operations
- Conflict and Relationship Management
- Developing Employees
- Influencing Business Decisions through Effective Communication
- Developing Effective Coaching Skills

up the ladder or laterally to meet their goals and the goals of the organization.

- Careful attention needs to be paid to fostering the career development of midlevel managers, as they are the most likely to take the helm when senior executives vacate their jobs through retirement. Senior executives are thought to be the most difficult to replace.
- Career development and training can be provided on even a limited budget. One way that inexpensive career development and training can be accomplished is by having staff members with sought-after expertise provide instruction and coaching.
- On-the-job training and cross-training are most likely to be the types of training offered by HR professional, and that should continue because those methods were deemed to be the most effective and in the middle range for cost.
- It appears that hands-on career development and training opportunities are the most effective. Instructional methods that get trainees actively involved in creating products and solving problems may have an edge and, thus, should be incorporated into any lesson plan.

Melissa Paluch is IPMA-HR’s research manager. She can be reached at [mpaluch@ipma-hr.org](mailto:mpaluch@ipma-hr.org). —*MP*

By David B. Ritter, Partner & Kaitlyn N. Jakubowski, Associate, Barnes & Thornburg LLP

## U.S. Supreme Court Holds *McDonnell Douglas* Applies to Pregnancy Accommodation Claims

In a majority opinion written by Justice Stephen Breyer, the U.S. Supreme Court held that the burden-shifting framework for analyzing a disparate treatment claim under Title VII of the Civil Rights Act of 1964 that was established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) applies to pregnancy accommodation claims. The Court further found that a pregnant employee created a genuine issue of material fact as to whether her employer provided more favorable treatment to at least some employees whose situations could not be reasonably distinguished from hers (*Young v. UPS*, 575 U.S. \_\_\_, March 25, 2015).

The petitioner worked as a part-time driver for the respondent and became pregnant in 2006. The petitioner's doctor told her that she should not lift more than 20 pounds during the first 20 weeks of her pregnancy, then not more than 10 pounds thereafter. The petitioner's job required her to lift parcels weighing up to 70 pounds by herself and up to 150 pounds with assistance. Accordingly, the respondent told the petitioner that she could not work while under a lifting restriction. Thereafter, the petitioner stayed home without pay during most of her pregnancy and eventually lost her employee medical coverage.

The petitioner brought a disparate treatment claim under Title VII, claiming that the respondent acted unlawfully in refusing to accommodate her pregnancy-related lifting restriction. The petitioner further alleged that the respondent accommodated other drivers who were similar in their inability to work. The respondent argued that these other drivers were "(1) drivers who had become disabled on the job, (2) those who had

lost their Department of Transportation certifications, and (3) those who suffered from a disability covered by the Americans with Disabilities Act of 1990" and that it had not discriminated against the petitioner because she did not fall into any of those categories.

The Court first noted that Title VII "forbids a covered employer to 'discriminate against any individual with respect to ... terms, conditions, or privileges of employment, because of such individual's sex.'" It also explained that "because of sex" is defined to include "because of or on the basis of pregnancy." The second clause of that because of sex definition requires that women affected by pregnancy "shall be treated the same for all employment-related purposes ... as other persons not so affected but similar in their ability or inability to work."

The Court noted that this case required them to consider application of the second clause to a disparate treatment claim, which can be proven by either direct evidence or using the burden-shifting framework set forth in *McDonnell Douglas*. Under *McDonnell Douglas*, a plaintiff must establish a prima facie case of discrimination, after which the employer must "articulate a legitimate, nondiscriminatory reason for treating employees outside the protected class better than employees within the protected class," the Court stated. "If the employer articulates such a reason, the plaintiff then has an opportunity to prove that the reason offered was not true, but merely a pretext for discrimination."

Lower courts considering the petitioner's claim had held that she could not establish prima facie discrimination under *McDonnell Douglas* because those with whom she compared herself—workers disabled on the job, stripped of their DOT certification or ADA-qualified—were too different to qualify as similarly situated.

In reaching its decision to vacate the lower courts' decisions, the Supreme Court engaged in an analysis of the language in the second clause of the definition applied when deciding *McDonnell Douglas* that requires pregnant women to be treated the same as persons who

are not affected by pregnancy but are similar in their ability or inability to work. The Court interpreted this language to provide that a plaintiff alleging that the denial of an accommodation constituted disparate treatment under the second clause may make out a prima facie case by showing, as in *McDonnell Douglas*, that she belongs to the protected class, that she sought accommodation, that the employer did not accommodate her, and that the employer did accommodate others "similar in their ability or inability to work." Then, according to the Court, the employer may attempt to justify its refusal to accommodate by putting forth a legitimate, nondiscriminatory reason for denying the accommodation. If such a reason is offered, the plaintiff may then show that the reason is pretextual.

Under this interpretation, the Court determined that the petitioner created a genuine dispute of material fact as to the fourth prong of the *McDonnell Douglas* analysis.

## N.D. Illinois Holds EEOC Not Required to Name Specific Aggrieved Individual in Race Discrimination Claim

The U.S. District Court for the Northern District of Illinois denied an employer's motion to dismiss a complaint of race discrimination in violation of Title VII of the Civil Rights Act of 1964 that the Equal Employment Opportunity Commission (EEOC) had brought on behalf of aggrieved individuals (*EEOC v. Rosebud Restaurants, Inc.*, No. 13-cv-06656, April 7, 2015).

The EEOC alleged that the defendant failed or refused to hire African-American applicants because of their race from November 2009 to the present. The

defendant argued that the complaint failed to state a claim for relief on the basis that Title VII “requires a complaint to name an individual aggrieved by the alleged discrimination and that no such individual” had been named. The defendant also compared the language in § 706 of Title VII to the language in § 707, which allows for the filing of a civil action against an employer “engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this subchapter” noting the absence of the “pattern or practice” phrase in § 706.

The court disagreed, stating that § 706 entitles the EEOC to prevent “any person from engaging in any unlawful employment practice” prohibited by Title VII and contains no provision limiting such actions to matters brought on behalf of individuals. Accordingly, the court held that widespread discriminatory actions are within the authority granted to the EEOC by § 706 because they are within the category of discrimination prohibited by Title VII.

Noting further that the “detail required to permit an employment discrimination complaint to survive dismissal is minimal,” the court concluded that the EEOC could bring its current claims against the defendant under the authorization provided by § 706 and that the commission’s allegations of intentional discrimination were sufficient to state a claim for Title VII relief even in the absence of the identification of an individual job applicant who was rejected because of his or her race.

## N.D. Illinois Holds Realtor Assistant’s Allegations Sufficient to Sustain Title VII Claim Against Company as Employer

The U.S. District Court for the Northern District of Illinois denied an employer’s

**motion to dismiss a former employee’s claim of discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964 (*Leone v. Naperville Professionals, Inc.*, No. 14 C 9583, April 17, 2015).**

The plaintiff had worked for the defendant as an administrative assistant to one of its Realtors. She was supervised by that Realtor and the defendant’s office manager. In September 2012, the plaintiff told her supervisors that she was pregnant and would require three months off of work for the birth of her son beginning in May 2013. The office manager assured the plaintiff that the plaintiff would still have her job when she returned from maternity leave. Prior to the scheduled leave, however, the plaintiff was diagnosed with hyperemesis, which, the court noted, “is a pregnancy-related condition characterized by severe nausea, vomiting, weight loss and electrolyte disturbance.” The plaintiff’s doctors placed her on bed rest, and the plaintiff missed work from October 2012 through Jan. 7, 2013.

On Jan. 1, 2013, the plaintiff signed an acknowledgement stating that her position with the defendant was as an “unlicensed assistant” for her supervising Realtor. The acknowledgement announced a new policy, effective March 1, 2013, that “all unlicensed assistants must have an employment contract on file with” the defendant, but did not clarify whether the contract was to be between the assistant and the defendant or with the assistant and the Realtor.

After the plaintiff returned to work on Jan. 7, 2013, her supervising Realtor reduced her share of work on his most lucrative account in favor of his other, nonpregnant administrative assistant, which cost the plaintiff hundreds of dollars each month. After the plaintiff left work to give birth to her son, the Realtor hired a new, full-time assistant to replace the plaintiff. The new assistant was neither pregnant nor a new mother. Upon the plaintiff’s return to work three months later, the Realtor terminated the plaintiff’s employment, stating that he no longer needed her services because business had slowed. The Realtor also handed the plaintiff a list of purported

transgressions dating back to October 2012.

The defendant sought to dismiss the plaintiff’s complaint for lack of subject matter jurisdiction because it never had an employment relationship with the plaintiff, as well as for failure to state a claim because it was not an employer amenable to suit under Title VII.

The court noted that in order to determine whether an individual is an employee within the meaning of Title VII, a test that assesses the following five factors should be applied: “(1) the extent of the employer’s control and supervision over the worker, (2) the kind of occupation and nature of skill required, (3) responsibility for the costs of operation, (4) method and form of payment and benefits, and (5) length of job commitment and/or expectations.”

Applying the test to the limited facts available to it, the court determined that it could not find at this stage that the defendant was not the employer of the plaintiff. The court cited the following facts:

- The plaintiff contended she was supervised by the office manager.
- The plaintiff stated she was bound to follow the defendant’s policies and procedures
- The acknowledgment signed by plaintiff confirmed that she was bound to follow the defendant’s policies and subject to termination if she failed to do so.
- The acknowledgement suggested that the plaintiff may have had an employment contract with the defendant and likely received her paycheck through the defendant’s payroll system.

Further, to counter the defendant’s argument that it was not an employer amenable to suit under Title VII because it employed only 9 people rather than the minimum of 15 specified in the statute, the plaintiff pointed to the defendant’s website listing of 60 real estate brokers, many of whom employed assistants who had the same working relationship as the plaintiff had to the defendant.

Based on its determination that the plaintiff pled enough facts to survive

CONTINUED ON PAGE 22

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dismissal on the issue of her employment relationship with the defendant, the court declined to find that the defendant was not an employer covered under Title VII.

## Fifth Circuit Holds Constructive Discharge Claim Fails on Finding That Pregnant Employee Was Not Disciplined or Threatened With Termination

**The U.S. Court of Appeals for the Fifth Circuit upheld summary judgment in favor of an employer against a former employee's claims of employment discrimination, hostile work environment, retaliation, and interference with leave benefits (*Brown v. Liberty Mutual Group, Inc.*, No. 14-10219, April 10, 2015).**

The plaintiff had worked for the defendant as a sales representative and, following a promotion, a lead sales representative. When the plaintiff informed her supervisor on Jan. 11, 2011, that she was pregnant, the supervisor replied that she had never supervised a pregnant person in the office before and that this would be a new experience. Shortly thereafter, the supervisor began to question the plaintiff's sales performance and admonished the plaintiff that she risked losing certain perks if she failed to meet her sales expectations. After the plaintiff missed work due to a pregnancy-related health issue, the supervisor suggested that the plaintiff take leave under the Family and Medical Leave Act (FMLA), which the plaintiff declined to do at that time.

During the first week of January 2011, an auditor who was unaware of the plaintiff's pregnancy selected the plaintiff to undergo an audit of her insurance sales. That audit revealed a number of policies

for which the information that the plaintiff had entered did not match the information provided by the policyholders. The auditor consequently asked the supervisor to look into the discrepancies. On Feb. 14, 2011, the supervisor called the plaintiff into a meeting during which the supervisor, the supervisor's supervisor, and a human resources representative asked the plaintiff a series of questions regarding her sales practices. The plaintiff received no disciplinary action as a result of the audit.

The plaintiff went on a previously scheduled vacation from Feb. 18, 2011, through Feb. 27, 2011, but did not return to work on the 28th, claiming stress. Thereafter, she requested and received short-term disability and medical leave under the FMLA. On April 15, 2011, before the end of her medical leave, the plaintiff resigned from her position.

The plaintiff filed suit one year later, alleging that the defendant had subjected her to pregnancy-based discrimination, a hostile work environment, and retaliation in violation of Title VII of the Civil Rights Act of 1964. She also claimed that the defendant had interfered with her exercise of her rights under the FMLA. Last, the plaintiff claimed that she had been constructively discharged from her position rather than resigned voluntarily.

The court first determined that the plaintiff could not establish that she suffered an adverse employment action necessary to prove her discrimination claim. In reaching this decision, the court noted that, to prove a constructive discharge, a plaintiff must establish that working conditions were so intolerable that a reasonable employee would feel compelled to resign and that informal criticisms of an employee's work rarely suffice to support a finding of constructive termination. The court also determined that the plaintiff's claims of being harassed by comments about her sales numbers, threats of penalties if she did not meet her sales goals, and the meeting with her supervisor and other managers following the audit did not amount to harassment sufficiently severe or pervasive enough to prove a hostile

work environment claim. Finally, the court noted that mere work-related reprimands are generally insufficient to rise to the level of being "materially adverse," which is the standard required to prove a retaliation claim.

The court also determined that the plaintiff could not establish that the defendant interfered with her FMLA rights. Whereas the plaintiff claimed that the defendant interfered with her ability to take additional FMLA leave once her child was born by constructively discharging her, that claim had to fail because the court had determined that the plaintiff had not offered enough evidence to support a finding of constructive discharge.

Accordingly, the court affirmed summary judgment on all claims in favor of the defendant.

---

Contact David B. Ritter, partner at Barnes & Thornburg LLP, either by email at [david.ritter@btlaw.com](mailto:david.ritter@btlaw.com), or by phone at (312) 214-4862. Contact Kaitlyn N. Jakubowski, associate at Barnes & Thornburg LLP, either by email at [kaitlyn.jakubowski@btlaw.com](mailto:kaitlyn.jakubowski@btlaw.com) or by phone at (312) 214-4860. —*N*

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## SAVE THE DATE

# IPMA-HR INTERNATIONAL TRAINING CONFERENCE & EXPO

September 26-30, 2015  
Denver, Colorado



[ipma-hr.org/itc2015/welcome](http://ipma-hr.org/itc2015/welcome)

NOV 01

**Question:** We are about to redo our classification and compensation program that has not been looked at in over 15 years. We want to substantially reduce the number of classifications because they have exploded over the years and it is getting harder to manage and maintain equity. We used to have a job evaluation system to assure equity, but that has fallen by the wayside and it was not a good experience. We are hoping to avoid using job evaluation and base our pay on the market only. Can you advise us on the advantages and disadvantages of this approach? Since we only have one chance to get it right, we want to make sure that we build something that will last.

**CompDoctor™:** Boy, have we heard this question over and over again. And it doesn't much matter what type of organization or how large or small it is. Overtime, classification systems just seem to grow one job description at a time. After a number of years, the systems tend to get out of whack! (That is a professional term, by the way. For a complete definition of the term, we suggest you go to [http://www.foxlawson.com/wp-content/uploads/2013/11/CompDoctor\\_03-07.pdf](http://www.foxlawson.com/wp-content/uploads/2013/11/CompDoctor_03-07.pdf))

If you have used a formal job evaluation system in the past, we find that organizations often jettison these after a few years because of either the time involved in maintaining the system, the system's failure to give them the answer they want, and/or the values that control the perception of job value change over time, so the old system doesn't seem to be compatible with the new order of things.

The problem is really two fold. On the one hand, a job evaluation system helps to keep your internal equity in-line, and introduce some justification into your system. On the other hand, most job evaluation systems are quite subjective and the basis for job comparison shifts to the point that the job values tend to get skewed, usually upward.

Basing pay just on the market is fraught with problems as well. Here, we have a situation that sounds good on paper, but has trouble in the real world. Unless you

have an organization that looks exactly like every other organization that you want to compare to (and, by the way, we have never, ever seen two organizations that are exactly alike), you will never be able to get absolutely solid, market data on every job. There will always be some gaps, or some of your jobs will not be defined exactly the same way that your compar-

**“Job evaluation only produces an internally equitable job worth hierarchy.”**

ators' jobs are. Jobs with the same title can have substantially different duties and responsibilities, decision-making authority, and/or reporting relationships. That means that you will have to have some way of assigning pay to those jobs that do not have a good market match. Further, you will never to be able to argue that you are unique!

Before we go much further, it is always a good idea to get back to basics. Essentially, it is our belief that you need both market data and job evaluation. Here is why. Job evaluation is great for establishing internal equity among jobs. While it is easy to rank order jobs that are in the same department or job family, the real difficulty is when you try to compare one job in one family with a job in another job family. Apples and oranges, right. Well, this is where job evaluation comes in. By using the same criteria to evaluate and compare one job against another, even though they are doing different things in different departments with different definitions and terms and reports, you can easily compare one job to another on common characteristics, such as accountability, supervision, complexity, and so

forth. But, here is the problem. Job evaluation only produces an internally equitable job worth hierarchy. It has nothing to do with the value of the job in the market. This may sound easy, but when people evaluate jobs, we often hear such phrases as: but they are paid a lot in the market, so we need to give them a higher job evaluation. Wrong. That conversation should not happen at this point.

Given that fact that job evaluation does not consider market, it should be obvious that you need market data to complete the process. Otherwise, how can we use job evaluation to set equitable salaries? Job evaluation helps you to establish an internally equitable job worth hierarchy, and when market data is added, it allows you to establish an internally equitable and market competitive salary structure. Regressing job values against market data does this. While it may sound complicated, you can do this with Excel. From this process, you can then set up salary grades and pay levels for each grade.

The beauty of this process is that it will align all of your jobs in a well documented, internally equitable and market competitive pay structure. It is highly defensible, transparent, and can be managed effectively for many years to come. In addition, since the job values help to establish internal equity, you only need to obtain market data for about 30 percent of your jobs. The job evaluation system will help you to set competitive wages for the jobs on which you do not have market data.

We have seen clients that have adhered to this process maintain their systems in an equitable fashion for over 20 years. It does take some discipline to maintain, but we have also seen that job classifications do not grow, salary equity is maintained and market competitiveness is achieved.

Now, let's consider the use of market data without job evaluation. We would argue that this cannot be done, unless, of course, you have exactly the same jobs as everyone else that you want to compare to or are willing to focus solely on the type and level of work performed without consideration of the job specifics. We addressed that issue above, so we hope you have figured that such an occurrence is highly unlikely.



If you use just market data to establish your salary structure, here is what you get: You will need to have market data for 50% or more of your job titles. We did not pick that number out of thin air. It is the professionally accepted standard espoused by organizations such as *WorldatWork*.™ Can you do that? In addition, you will have to have absolute confidence that the market is the true arbiter of job value for your organization. That may not be a good idea if the market contains a bias in favor of, or against certain protected classes. Finally, how are you going to provide a market value for the jobs that you don't have any market data for? Most will answer the later question by slotting the jobs into the salary structure based on a whole job ranking of the un-market data job to the jobs where you have good market data. This is the typical approach, but because whole job ranking is not supported by the

EEOC as a legitimate system for judging job worth, you may want to reexamine this approach. It is difficult to defend and it is not transparent. In our experience, organizations that take this approach, end up redoing the system again five (5) years later because it is out of whack!

So, while we can respect your desire to avoid job evaluation, in public sector organizations, we have found that job evaluation with market data is probably your best long-term solution. In either approach, you will use both market data and some form of job evaluation. If you want your system to last and achieve pay equity, then why wouldn't you strive to use the most defensible approach available? In our opinion, that means formal job evaluation combined (regressed) with market data.

You will hate us now, but thank us later.

*The Comp Doctor™ is the team of Jim Fox and Bruce Lawson of Gallagher Human Resources Consulting (formerly Fox Lawson & Associates), a compensation, benefits and human resources consulting firm that specializes in assisting governments in fixing their compensation, benefits and classification systems. You may find them on the Web at [www.foxlawson.com](http://www.foxlawson.com). If you have a question, you would like to have them answer, please write to them at [jim\\_fox@ajg.com](mailto:jim_fox@ajg.com), or [bruce\\_lawson@ajg.com](mailto:bruce_lawson@ajg.com). They will try to include it in the next issue of Comp Doctor™.* —*N*

## Member News

**Pam Kannady**, IPMA-CP, will retire on July 1, 2015. Pam was the HR director for the Kansas City Public Library and also worked for the City of Olathe in Kansas and the State of Kansas. Pam served as IPMA-HR president and on the Executive Council. She also served as past-president of the IPMA-HR Central Region where she chaired and served on numerous committees and taskforces.

The IPMA-HR Western Region selected **Andrea Cutler**, IPMA-CP, HR manager for the City of Santa Fe Springs in California as the recipient of the 2015 Muriel M. Morse Achievement Award. Cutler serves on the IPMA-HR Executive Council. Oregon's Portland Metro was chosen as the winner of the Agency Award of Excellence for a medium size agency. The awards were presented at the 2015 IPMA-HR Western Region conference in Seattle, Wash. Congratulations to the award recipients.

The Minnesota Counties HR Professional Award selected **Melanie Ault**, IPMA-CP, HR director of Anoka County, Minn. as the recipient of the Outstanding HR Professionals Award.

**James May** has retired from his position as the HR director for Monterey County, Calif. He also worked for the City of Phoenix.

**Passion Hayes**, IPMA-CP, HR director for the Town of Addison in Texas, was nominated for the Human Resources Management Professional of the Year Award by the Texas Municipal Human Resources Association. The award recognizes the human resources professional, who has made significant contributions to the field of municipal human resources management in the past 18 months. —*N*



## Certification Corner

*Congratulations to these newly certified individuals!*

**Gina Conrad**, IPMA-CP  
Departmental HR Officer  
County of San Diego  
San Diego, Calif.

**Kim Gordon**, IPMA-CP  
Deputy Clerk-Payroll  
Searcy, Ariz.

**Stacy Hawks**, IPMA-CP  
Human Resources Analyst  
City of Virginia Beach  
Virginia Beach, Va.

**Lavena Holmes**, IPMA-CP  
Human Resources Director  
Port of San Francisco  
San Francisco, Calif.

**Angela Johnson**, IPMA-CP  
Human Resources Analyst  
County of San Diego  
San Diego, Calif.

**Helen Lee**, IPMA-CP  
Consultant  
Lee Consulting  
Cerritos, Calif.

**Gregg M. Lindberg**, IPMA-CP  
Human Resources Manager  
Three Rivers Park Dist  
Minneapolis, Minn.

**Angie Murphy**, IPMA-CP  
Human Resources Manager  
City of Altus  
Altus, Okla.

## IPMA-HR 2015 International Training Conference Scholarships Extended to June 19

IPMA-HR is offering a \$500 **William F. Danielson Scholarship** to an individual and upto \$2,000 to two individuals for the **Ronald Gabriel Scholarships** again this year. Both scholarships will be offered to new HR professionals interested in attending the 2015 IPMA-HR International Training Forum & Expo. Registration fee will be waived and awardee will be given scholarships to be used towards hotel, travel and meal expenses.

To be eligible, individuals must be an IPMA-HR member—either an individual member or a covered staff member of an agency

membership—and have less than five years of HR experience.

The International Training Forum & Expo will be held September 26-30 in Denver. Deadline for receipt of scholarship applications is now **June 19, 2015**.

Applications are available online at <http://ipma-hr.org/public-sector-hr-community/awards-scholarships-fellowships>. —*N*

# IPMA-HR Recognizes New Members

IPMA-HR would like to recognize the following individuals and agencies for recently becoming members.

## New Agency Members

Colorado Dept of Health Care  
Policy & Financing  
Denver, Colo.

City of Fridley  
Fridley, Minn.

Government of Virgin Islands,  
Department of Finance  
St. Thomas, V.I.

City of Suffolk  
Suffolk, Va.

City of Baton Rouge Parish  
of East  
Baton Rouge, La.

Canyon County  
Caldwell, Idaho

Coleridge Collymore  
Fairfax, Va.

Linda Delaney  
Cordova, Tenn.

Brenda J. DePuy  
Manassas, Va.

Carol Diotte  
Albany, N.Y.

Theresa Eisenbach  
Bridgeport, Conn.

Britoni Garson  
North Palm Beach, Fla.

Diane Godding  
Fairfax, Va.

Caitlin Humrickhouse  
Chicago, Ill.

Heather James  
Davidson, N.C.

Karissa Johnson  
Saint Paul, Minn.

Alicia E. Jones  
Memphis, Tenn.

Michael Krusen  
Elmira, N.Y.

Patricia Meredith  
Kirkville, Mo.

Sheryl Morrison  
Las Vegas, Nev.

Max Penate  
Downey, Calif.

Dawn Prince  
Peoria, Ill.

Leara Sampson  
Monterey, Calif.

Taylor Sorgenfrie  
Wilsonville, Ore.

Ashley N. Tanis  
Dighton, Mass.

Iliana Venegas  
Austin, Texas

Heidi-Lynn Wagner  
Albany, N.Y.

Monica Walker  
San Bruno, Calif.

Esther Walton  
Taylor, Texas

Angela S. Wasson  
Monroe, Ohio

Ricky Williams  
Raleigh, N.C.

## New Individual Members

Nancy Armstrong  
Piedmont, Okla.

Lisa G. Baber  
Henrico, Va.

Karen L. Bass  
Frederick, Md.

Dawn Besthoff  
New York, N.Y.

Nancy Bingham  
Rochelle, Ill.

Amy Bonner  
Dover, Del.

Jeffrey Burton  
Austin, Texas

Anita Cassano  
Mount Holly, N.J.

## Public Sector HR Award Nominations Extended to June 19

Does your agency have a program or process that deserves recognition? If so, consider nominating your agency for an **Award for Excellence**. Awards are given for small, medium and large agencies. Agencies must have a minimum of three years of consecutive membership to receive the award.

In addition, there are two options for recognizing individuals: **The Warner W. Stockberger Achievement Award** is given annually to a person in public or private life who has made outstanding contributions in the field of public sector personnel management. Recipients are chosen without regard to membership status.

The other option is **Honorary Life Membership**, which is awarded to not more than two members per year who have rendered distinguished service in advancing or upholding the purposes of this organization as stated in IPMA-HR's bylaws. Members who have held office or made significant contributions to the association at the national, regional or chapter levels or who have accomplished distinguished authorship or research or other professional achievements may be selected to receive an IPMA-HR Honorary Life Membership.

Awards will be presented during the 2015 IPMA-HR International Training Conference & Expo, which will be held September 26 – 30 in Denver.

Deadline for award nominations are now June 19, 2015. To obtain nomination forms for the above awards, please visit <http://ipma-hr.org/public-sector-hr-community/awards-scholarships-fellowships>.

—X

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Both Congress and the President are anxiously awaiting the Supreme Court's decision in *King v. Burwell*. The case will decide whether individuals in federally established exchanges can legally receive subsidies under the Affordable Care Act. The Court's decision is expected in June and will have a large impact on any health care legislation Congress considers. Here is an update on recent Congressional and Administrative actions.

## Congressional Actions

### Health Care Reform

**Repealing the Excise Tax** – Representative Courtney (D-CT-02), along with 69 bipartisan co-sponsors, introduced the *Middle Class Health Benefits Tax Repeal Act of 2015* (H.R. 2050) on April 28, 2015. The bill repeals the 40% non-deductible excise tax on certain “luxury” health care plans.

To remain competitive employers, state and local governments often incentivize employees through generous insurance plans and benefits. IPMA-HR supports repealing the excise tax because the tax will make it almost impossible for public employers to continue to offer their employees generous health benefits. The tax will force employers to either provide less generous coverage for their employees or pass the cost of the tax on to their employees. IPMA-HR has endorsed Courtney's bill and is working with other organizations to get the excise tax repealed.

**Raising the Federal Minimum Wage** – On April 30, 2015, Democratic leaders in both chambers introduced the *Raise the Wage Act* (S. 1150/H.R. 2150). Senate Health, Education, Labor, & Pensions (HELP) Committee Ranking Member Patty Murray (D-WA) and House Education & Workforce Committee Ranking Member Bobby Scott (D-VA-03) introduced legislation that would raise the federal minimum wage to \$12 per hour by 2020. The bill would also phase out the subminimum wage for tipped workers and automatically increase the minimum wage beginning in 2021 to keep pace with overall wage increases.


President Obama along with Secretary of Labor Perez have endorsed the Raise the Wage Act. The federal minimum wage was last raised in 2009 and is currently \$7.25 per hour. The President has made raising the federal minimum wage a priority in his second term; the President has advocated for an increase in the minimum wage in his last three State of the Union addresses. In 2014, President Obama signed an executive order raising the minimum wage of new federal contract workers to \$10.10 per hour. There are 29 states and the District of Columbia that provide a minimum wage that is greater than the federal minimum wage.

## Regulatory Actions

**EEOC Issues Guidance on Employee Wellness Programs** – The EEOC released its proposed rule for wellness programs that reward participating employees on April 15, 2015. “The proposed rule amends the ADA regulations to provide guidance on the extent to which employers may use incentives to encourage employees to participate in wellness programs that include disability-related inquiries and/or medical examinations.” The proposed rule does not address the interplay between wellness programs and the Genetic Information Nondiscrimination Act (GINA). This issue will be addressed in subsequent EEOC rulemaking. IPMA-HR is working with other organizations to prepare comments on the proposed rule. The EEOC will accept comments from the public until June 19, 2015.

**IRS/Treasury Propose Excise Tax Regulations** – In coordination with other employer associations, IPMA-HR submitted comments on the IRS and Treasury's proposed regulations for administering the excise tax. IPMA-HR comments focused on ensuring that the excise tax does not unequally affect older employees and retirees; health care costs for high-risk employees remain low; and that the per-employee dollar limits for coverage is subject to an annual “health cost adjustment percentage” as opposed to a cost-of-living adjustment. The IRS and Treasury are preparing for when the tax goes into effect in 2018.

**OMB Reviews Proposed FLSA Overtime Changes** – The Department of Labor (DOL) submitted to the Office of Management and Budget (OMB) its proposed regulations to update the rules governing overtime exemptions. Following OMB approval, DOL will publish the proposed regulations for public notice and comment. The proposed regulations are expected to modify the exemptions for executive, professional, and administrative employees; increase the salary basis test; and revise the duties test.

For more information on these issues, please visit: <http://ipma-hr.org/publications/government-affairs> or contact Brittany Webster, IPMA-HR Government Affairs Manager at [bwebster@ipma-hr.org](mailto:bwebster@ipma-hr.org). 



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## Director of Management Services City of Boca Raton Boca Raton, Fla. Salary Range: \$115,000 - \$140,000

**Job Description:** The City of Boca Raton is a full-service city, providing a full range of high-quality municipal services to the City's residents, businesses and visitors. The City's Management Services Division is a new and still evolving unit of the City Manager's Office designed to combine and oversee Risk Management, Human Resources and Organizational Development. Additional administrative functions may be added. Combined staffing for these functions is currently 20.5, including the new director. These functions are currently being managed by well-qualified and well-performing managers.

Risk Management functions include benefits/health plan administration, insurance/liability claims administration, workers compensation program administration and safety (8 employees). Human Resources functions include Employee Recruitment/Discipline, Employee Development/Training and Labor Negotiations and Policies. (10.5 employees). Organizational Development is an internal consultancy which provides administrative analysis, advice and support to the Manager's Office and department heads (1 employee).

Boca Raton has been able to provide a high quality of life, while providing one of the lowest property tax rates and water and sewer rates of any full service city in Florida. Boca Raton continues to revitalize its downtown and to support economic development and its industrial and commercial bases. The City is home to three institutions of higher learning: Florida Atlantic University (FAU), Lynn University, and Palm Beach State College. Boca Raton is the second largest city in the West Palm Beach - Boca Raton Standard Metropolitan Statistical Area (SMSA).

The City utilizes the Council-Manager form of government. The City Council consists of the Mayor and four Council Members who are all elected at-large on a nonpartisan basis for three-year terms. The City Council appoints the City Manager who is the Chief Administrative Officer of the City and directs the business of the City and its various departments. The City Council determines policy, adopts legislation, approves the City's budget, sets taxes and fees, and appoints the City Attorney and members of various boards and committees.

The Management Services Director will serve as a key member of the City's executive team. Primary responsibilities are to lead and manage all assigned Management Services programs, functions and activities. The Director administers the departmental budget. He or she may serve as facilitator and liaison to various boards and City committees.

**Job Requirements:** Requirements include a bachelor's degree in public or business administration, human resources, or related field combines with five years of progressively responsible relevant professional and management level experience. A Master's Degree or SPHR, IPMA-CP, CCP or ICMA-CM is highly desired. A valid Florida Driver's License is required.

The ideal candidate will be an experienced career-oriented local government professional who, although a generalist, has considerable and current knowledge of the principles, practices, and procedures relating to all aspects of municipal human resource management, municipal risk management and insurance administration including knowledge of local, state, and federal regulations relating to workers' compensation, equal employment opportunity, affirmative action, wage and hourly pay practices, healthcare, and the Americans with Disabilities Act (ADA). Visit the City's website at: <http://www.ci.boca-raton.fl.us>

**To Apply:** Open until filled. First review of resumes scheduled for June 8, 2015. To apply, please submit a letter of interest, resume and current salary to:

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E-mail [slavin@bellsouth.net](mailto:slavin@bellsouth.net).  
[www.slavinweb.com](http://www.slavinweb.com)

Note: Under Florida Law, resumes are public documents and will be provided to the media upon request. Please call prior to submitting your resume if confidentiality is important to you. AN EQUAL OPPORTUNITY RECRUITER/EMPLOYER

## IPMA-HR Graduate Study Fellowship and Scholarship Programs Extended to June 19


IPMA-HR is once again providing the opportunity for its members and for the children of members to apply for funding for the upcoming school year through the IPMA-HR Graduate Study Fellowship Program and the Scholarship Program. The deadline to apply for both programs is extended to June 19, 2015.

### Graduate Study Fellowship Program

The Graduate Study Fellowship Program provides up to two fellowships of \$2,000 each for IPMA-HR members who are seeking graduate degrees at the master's level in human resource management, public administration, business administration, or a related field.

### Scholarship Program

IPMA-HR provides one-time scholarships of \$1,000 to the children of IPMA-HR members who are seeking undergraduate degrees at accredited colleges and universities. Preference is given to students who are seeking degrees in human resource management or public administration.

Visit <http://ipma-hr.org/public-sector-hr-community/awards-scholarships-fellowships> to download the application for the IPMA-HR Fellowship program. —

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|-----------------|---|
| June 17         | <p><b>The Family and Medical Leave Act &amp; Americans with Disabilities Act Online Webinar</b><br/>         For more information, visit<br/> <a href="http://bit.ly/1D6WOSX">http://bit.ly/1D6WOSX</a></p>                                     |
| June 21-24      | <p><b>Eastern Region Conference</b><br/> <i>Morgantown, W. Va.</i><br/>         For more information, visit<br/> <a href="http://www.ipma-er.org/">www.ipma-er.org/</a></p>   |
| Aug. 25-Dec. 29 | <p><b>Public Sector HR Essentials Certificate Program Online Course</b><br/>         For more information, visit<br/> <a href="http://bit.ly/1QeQ3sy">http://bit.ly/1QeQ3sy</a></p>   |
| Sept. 10-Dec. 3 | <p><b>Developing Competencies for HR Success Online Course</b><br/>         For more information, visit<br/> <a href="http://bit.ly/1K23jfj">http://bit.ly/1K23jfj</a></p>  |
| Sept. 26-30     | <p><b>IPMA-HR International Training Conference &amp; Expo Annual Conference</b><br/> <i>Denver, Co.</i><br/>         Regular updates available at<br/> <a href="http://ipma-hr.org/itc2015/welcome">http://ipma-hr.org/itc2015/welcome</a></p> |
| October 14      | <p><b>Fair Labor and Standards Act Online Webinar</b><br/>         For more information, visit<br/> <a href="http://bit.ly/1D6WOSX">http://bit.ly/1D6WOSX</a></p>   |



*Executive Director Neil Reichenberg meets with French MBA students visiting Georgetown University from Versailles University. Discussion with the group included critical trends with people management, global talent shortages, global workforce study, best practices of leading HR organizations, performance management and employee engagement.*



*Members of the IPMA-HR Texas Chapter met for the first time this past March in Austin since the chapter was revived in October 2014. This was their annual chapter meeting, which was attended by 90 participants including (left to right) Executive Director Neil Reichenberg, President Richard Stokes, City of Austin's Assistant City Manager Anthony Snipes, Texas Chapter Secretary Debbie Manor (also HR director for Travis County), Texas Chapter President Mark Washington (also HR director for City of Austin) and Southern Region President Jim Taylor.*

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