

TRAINING FORUM

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TRAINING TIP

Make sure employees know before training what the session will cover and how the topic impacts their job and the company. They will be more engaged in the training if they understand how the topic relates specifically to them.

Need help with your training needs?

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



Worker fatalities demonstrate importance of safety training

Case studies provide real-life examples of why it is important for learners to complete safety training and apply that knowledge back on the job.

In the month of June alone, the federal Occupational Safety and Health Administration (OSHA) issued statements regarding citations to five companies where training might have helped save a worker's life.

OSHA proposed fines of \$157,000 against Witt Plumbing, Inc., as a result of a January 16 incident in which a worker died from injuries sustained when a trench collapsed at a jobsite in Hastings, Nebraska. The company was cited for failing to train workers on trenching hazards and four other safety violations.

"This tragedy might have been prevented with the use of protective shoring that the company planned to bring to the jobsite that afternoon. All too often, compromising safety procedures has tragic consequences, and hazards like these cause numerous deaths and injuries every year," said

Bonita Winingham, OSHA's area director in Omaha. "No job should cost a worker's life because an employer failed to properly protect and train them."

OSHA also cited Environmental Enterprises, Inc., for 22 safety and health violations and proposed \$325,710 in fines as a result of a December 28 fire and explosion at the Cincinnati waste treatment facility in which a worker was fatally burned. The violations include failure to provide new training to employees assigned to handle waste materials, train workers on the selection and use of personal protective equipment (PPE) for protection from various materials that are part of their routine assignments, and provide training and PPE to employees assigned to work on energized circuits.

Penalties totaling \$116,200 were proposed against Nix Forest Industries, Inc., in Timpson, Texas, stemming from a December incident

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CASE STUDY

Was lack of PhD—or discrimination—the reason instructor was denied position?

A university passed over an instructor who had applied for a tenure-track position because she did not hold a PhD degree. The instructor said the employer's focus on her education level was a pretext for discrimination. She maintained that she was qualified for the position, but was not selected due to gender and national origin discrimination.

What happened

In 1998, 2 years after "Kelly" moved from New York to Puerto Rico with a master's degree in architecture, she started working as a graphics instructor in the Department of Engineering at the University of Puerto Rico (UPR) Mayaguez Campus.

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Ask the Trainer

Q What is the difference between onboarding and assimilation training for newly promoted or newly hired leaders, and why is it important to offer the latter?

A “There’s a lot of onboarding going on and not so much extensive assimilation coaching,” says Diane Egbers, president of Leadership Excelleration, Inc., (LEI Consulting) (www.leadershipexcelleration.com). She is also a coauthor of *The Ascending Leader: Conquer the Seven Enemies of Success—A Strategic Guide for the Newly Promoted*.

Onboarding and orientation address the question, “What do I know about what it’s like to work here?” Assimilation support (coaching and/or training), on the other hand, focuses on the question, “Am I fully prepared to lead?” Egbers says, “Those are both important, but distinct, questions.”

Whether a company offers assimilation support generally depends on its size and complexity, says Egbers. While larger companies are more likely to offer assimilation training to executives, she says such support is helpful to new leaders at every level.

For new senior leaders, assimilation coaches are sometimes provided for 3 to 4 months to help ensure a

smooth transition into the new role. Some companies include an assimilation component in their onboarding process for mid-level executives, Egbers says.

However, few companies offer assimilation support to frontline managers. That is a mistake when you consider that 40 percent of newly promoted leaders fail within the first 18 months, according to Egbers.

At a minimum, Egbers recommends that organizations educate all new leaders about common failures that newly promoted leaders face and train each leader’s manager to support them.

In their book, Egbers and coauthor Karen Schenck identify common failures and offer best practices to use assimilation support for new leaders: Manage job-related stress; focus on the bigger picture and do not get “consumed by the crisis of the day”; adapt to the culture before trying to lead; calibrate with your manager, so you know what is expected of you and you have his or her support; connect with stakeholders and peers, who can provide critical information about the organization; engage your team; and inspire your team by developing a vision and a business plan.

Trainer’s Corner

Free safety smartphone apps can supplement training efforts

Providing learners with tools to use after training can help reinforce the training message. In the past, that might have included a handout or checklist, but now technology provides more options.

The National Institute for Occupational Safety and Health (NIOSH) recently released a Ladder Safety smartphone app that “uses visual and audio signals to make it easier for workers using extension ladders to check the angle the ladder is positioned at, as well as access useful tips for using extension ladders safely.”

Employers providing heat safety training might be interested in a free app for mobile devices from the Occupational Safety and Health Administration (OSHA). The app “enables workers and supervisors to monitor the heat index at their worksites. The app displays a risk level for workers based on the heat index, as well as reminders about protective measures that should be taken at that risk level,” OSHA reports.

To download the Ladder Safety app, go to www.cdc.gov/niosh/topics/falls. To download the heat safety app in English or Spanish, go to www.osha.gov/SLTC/heatillness/heat_index/heat_app.html.

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Case Study ... (continued from page 1)

She worked under temporary service contracts, which were formalized every semester.

In 2001, most of the graphics classes were taught by instructors with temporary service contracts. The engineering department wanted to offer more graphics classes but was having a hard time hiring tenure-track graphics professors who held a PhD degree, as required by departmental guidelines. The department received approval from the then-interim chancellor to hire tenure-track graphics professors without a PhD. Kelly did not apply, but three individuals who lacked a PhD did. Two of them were hired.

In 2006, in amending the university's general rules and regulations, UPR's Board of Trustees clarified that a successful candidate for a tenure-track faculty position must have a PhD degree. The amended regulations state, "As of fiscal year 2006–2007, in order to hold a position of professor or researcher ..., the person must have, at least, obtained a doctoral degree or equivalent terminal degree in areas that train him or her especially for the subject matters that he or she teaches, researches, or is in charge of."

After the 2001 appointments, the department did not seek or hire anyone for a tenure-track position until 2008, when the engineering department director issued a public announcement for an assistant graphics professor position. The announcement stated that candidates must have a PhD or master of science degree in architecture or mechanical engineering. Kelly and four other candidates who lacked PhD degrees expressed interest.

The department's personnel committee recommended that Kelly be promoted to the position. However, the new chancellor rejected the recommendation, saying the public announcement violated the amended general rules and regulations, and Kelly was not qualified because she lacked a PhD.

The UPR offered to grant Kelly a leave of absence to pursue a PhD, as well as pay her tuition, books, living expenses, and travel. She never accepted the offer.

A new public announcement for tenure-track positions was issued, specifying that successful "applicants must have a PhD" and "demonstrate potential for high-quality research and teaching."

Kelly and nine other candidates applied. Eight of them either already had a PhD or were enrolled in a PhD program.

Although some personnel committee members wanted to offer a position to Kelly, she was ultimately ranked fourth. The top three candidates—a woman, a man from Columbia, and a man from Spain—were hired on July 1, 2009. Each of them had a PhD and teaching experience.

As a result of those hirings, the UPR did not formalize a new temporary service contract for Kelly at the end of December 2009. She filed suit, alleging gender and national origin discrimination in violation of Title VII of the Civil Rights Act of 1964.

The district court granted UPR's motion for summary judgment, concluding that Kelly's claims arising from UPR's failure to give her a tenure-track position in 2001—even though she had not applied—were untimely and no longer actionable.

Regarding the 2008 and 2009 employment actions, the district court said Kelly did not establish a *prima facie* case of discrimination "because she did not demonstrate that she was qualified for the position and because the candidates chosen were more qualified." Even if she had established a *prima facie* case, the court said that "the PhD requirement was a legitimate, nondiscriminatory reason for UPR's decision not to hire" Kelly, and her services were not needed after the three candidates with a PhD were hired.

Kelly appealed to the U.S. Court of Appeals for the 1st Circuit, which includes Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island.

What the court said

The appeals court affirmed, saying it is too late for Kelly to pursue claims for acts that occurred before August 8, 2008; she was not qualified for a tenure-track position; the PhD requirement was a legitimate, nondiscriminatory reason for the university's action; and Kelly did not show that this reason "was a sham to cover up a discriminatory purpose" (i.e., a pretext).

Since Kelly did not accept UPR's offer of leave and financial assistance to pursue a doctoral degree and did not show that the university had a difficult time recruiting individuals for the tenure-track positions, she did not qualify for an exception to the General Rules and Regulations that would have permitted the UPR to hire her.

Johnson v. University of Puerto Rico (No. 12-1621)
(U.S. Court of Appeals, 1st Cir., 4/18/13).

CASE STUDY

In Brief

During training, make sure supervisors and managers understand the importance of clearly articulating job requirements, including academic degrees, before posting a job opening. In addition, they should work with HR to ensure that job postings accurately reflect the requirements.

Best PRACTICES IN TRAINING

Employees generate ideas to provide instruction on health, wellness

At Billtrust, it used to be that HR came up with the ideas for educating employees about health and wellness. Now, HR fine-tunes ideas generated by an 18-member employee committee, a process that taps employees' creativity and increases engagement in the learning process.

Billtrust (www.billtrust.com), a provider of outsourced billing solutions, recently rolled out the first of several health and wellness committee proposals: participation in the Global Corporate Challenge (GCC), which Billtrust describes as "the world's largest corporate wellness initiative."

Seventy of Billtrust's approximately 180 employees accepted the company's invitation to participate in the GCC—"an overwhelming response," says Jeanne O'Connor, Billtrust's HR director. Participants were divided into 10 teams of seven employees for the 16-week program in which they "compete against each other and companies and teams all over the globe."

Each team member strives to walk 10,000 steps per day—a figure well above the 3,000 steps per day that the average office worker walks, O'Connor says. Participants wear a pedometer and log their steps on a mobile app. There is a formula to convert distances biked and swum into steps and incentives to motivate employees, such as the ability to "unlock" locations on the GCC website as participants "walk around the globe." In addition, teammates—some of whom work in different Billtrust locations—encourage each other, which O'Connor says promotes teambuilding and camaraderie.

Billtrust promotes the program through companywide meetings, e-mails, and postings on a Yammer social media site for its employees.

O'Connor says participants quickly found ways to change their sedentary lifestyle and be more active, such as conducting small group meetings while taking

walks outside, joining walking groups during lunch, and parking their cars farther away from the building. The goal is for employees to continue being active after they are done participating in the GCC, she says.

Billtrust looks for ongoing opportunities to educate its employees on health and wellness. Last year, for example, the company sponsored a WeightWatchers at Work® program. This summer, Billtrust also plans to launch a "'water' you drinking?" challenge—another committee idea—to teach employees the benefits of drinking water over sugary beverages and to encourage them to drink eight glasses of water daily, O'Connor says. She notes that the cost of promoting water drinking to employees is minimal; the company is going to buy each employee a reusable water bottle with Billtrust's logo and "award prizes to those who rise to the challenge."

O'Connor attributes the success of Billtrust's health and wellness programs to two factors: "We try to make them fun, and we try to involve employees in the decision-making process."

O'Connor says employers have ongoing obligations to train employees to improve their skills and to educate them in ways to improve their health and wellness. "Why wouldn't we want to provide them some training on how to stay healthy and fit?" When you consider the benefits in terms of employees' health, productivity, absenteeism, morale, and lower healthcare premiums, "it's a no-brainer to do these types of things"—even if only one or two employees are healthier or more productive as a result.

While she believes strongly that all employers should promote health and wellness to their employees, she says the methods they use will vary. "What works for Billtrust might not work for someone else," O'Connor says, noting that Billtrust has a competitive culture. "Think about what's important for your culture."

Worker fatalities ... (continued from page 1)

in which a worker was killed after being struck by a broken band saw blade. The 17 alleged safety violations include failure to provide easily understood lockout/tagout training for energy control, as well as to certify that energy-control training was completed and current.

Among other things, OSHA cited Plains Trucking, LLC, in Ross, North Dakota, for failing to train workers on chemical hazards and precautions after a

worker was fatally injured on March 27 while cleaning the inside of a crude oil tanker that exploded.

OSHA also cited Davis Tool & Die for 17 safety violations, including lack of training, after a maintenance worker was electrocuted on March 6 in Fenton, Missouri.

Each company had 15 days to comply with the citations, request a conference, or contest the citations and penalties.