



2007 SHRM SUPERIOR MERIT AWARD CHAPTER

WWW.STWAHRA.SHRM.ORG

November 2011



November 17, 2011

## How to Read Body Language

This month, Lisa Cox, MHR, CRC, CLCP, will offer a presentation on How to Read Body Language.

Ms. Cox holds a BS in Communications Disorders and a Master’s degree in Human Relations from the University of Oklahoma. She has worked at C.A.R.E. since 1997 and is a Certified Rehabilitation Counselor practicing in Workers’ Compensation, civil litigation, and Social Security Disability. She is an adjunct faculty member at Oklahoma City Community College where she began teaching public speaking in 2000 and has seen hundreds of students become confident, engaging speakers.

Please plan to join us at Meridian Technology Center, 1312 South Sangre Road in Stillwater. The

meeting will take place from 11:30 – 1:00 pm on Thursday, November 17<sup>th</sup> and cost is \$12 for Level I Members and \$14 for non-members/guests.

Please be sure to RSVP on the SAHRA website by clicking [this link](#) no later than 5 pm on Monday, November 14<sup>th</sup> to ensure your seat at the table!

## Dates to Remember:

### Tuesday, November 15, 2011

Investigations – How to Find Out What Really Happened In A Way That Helps Defend Any Discrimination Lawsuit \* Presented by Leonard Court, Attorney, Crowe & Dunlevy \* OKC Metro Employer Council \* Oklahoma History Center, OKC \* 8:30 am – 10:00 am \*

### Thursday, November 17, 2011

How to Read Body Language \* Presented by Lisa Cox, MHR, CRC, CLCP \* Meridian Technology Center \* 11:30 am – 1:00 pm \* [RSVP Link](#) \*

### Thursday, December 15, 2011

“Wine Down” Social \* Zanotti’s Wine Bar \* Stillwater \* 5:30 pm – ? \*

## The Great American SmokeOut

The American Cancer Society is marking the 36<sup>th</sup> Great American Smokeout on November 17, 2011 by encouraging smokers to use the date to make a plan to quit, or to plan in advance and quit smoking on that day. By doing so, smokers will be taking an important step towards a healthier life – one that lead to reducing cancer risk.

Any smoker will tell you, it’s hard to quit. Three-

quarters of all smokers want to quit. Nearly half try every year – and fail. They are two to three times more likely to succeed when they get help than when they don't. Yet many businesses and insurers do not provide help that could significantly improve smokers' chances of success.

Why should employers help employees stop using tobacco? When employees quit smoking, businesses save money. In 1999, each adult smoker cost employers \$1,760 in lost productivity and \$1,623 in excess medical expenditures.

Additionally, studies show that tobacco use costs more than \$5,600 per smoker per year when you factor in:

- Greater health care costs
- Increased absenteeism
- Work time spent on smoking rituals
- Higher life insurance premiums
- Great risk of occupational injury
- Costlier disability
- More disciplinary action

### Do the Math

# of employees	_____
% of smokers or .2125 (average U.S. rate)	x _____
Estimated number of smokers	_____
Cost per smoker: \$5,600	x <u>5,600</u>

Total cost per year: \_\_\_\_\_

Why wouldn't employers help employee stop using tobacco? Tobacco use cessation treatment is the single most cost-effective health insurance benefit for adults. Quitting prevents numerous expensive health problems, including heart disease, stroke, multiple cancers, respiratory diseases, pre-term delivery, and low birth-weight.

Employers can make adhering to a smoke-free policy easier for their employees by offering quitting services. Smoking policies must be supported by procedures for handling violations

that are strictly enforced in order to be effective. Instead of being punitive, such procedures should include help for violators, such as referrals to available quitting services.

If the aforementioned reasons are not enough to encourage your company to offer tobacco use cessation programs, consider the following 10 reasons to help people quit:

1. Health care costs for smokers at any given age are as much as 40 percent higher than those for nonsmokers.
2. Employees who take four 10-minute smoking breaks a day work one month less per year than workers who don't take smoking breaks.
3. On average, smokers cost company drug plans twice as much as nonsmokers.
4. Smokers are absent from work for sickness at least 26 percent more than nonsmokers.
5. Not only is helping adult smokers quit the most cost-effective preventive service that can be provided to employees, tobacco-cessation benefits pay for themselves and can save employers money in two to four years.
6. By creating a smoke-free workplace, a business can not only support workers in quitting tobacco, but can reduce the risk of occupational injuries and reduce fire insurance premiums by as much as 30 percent.
7. Smoking harms nearly every organ in the body, placing smokers at greater risk for many chronic diseases such as asthma, cancer, heart disease, diabetes, and chronic obstructive pulmonary disease.
8. Smoking during pregnancy is the most important preventable cause of poor pregnancy outcomes, resulting in low birth weight, perinatal mortality, and sudden infant death syndrome. Medical costs of complicated birth are 66 percent higher for pregnant smokers than for pregnant nonsmokers.

9. Children exposed to tobacco smoke are at increased risk of respiratory illnesses, middle-ear infections, and decreased lung function. Health care costs for a privately insured child of a smoker average \$174 more per year than the child of a nonsmoker. Employers often pay these costs and for the reduced productivity, as parents care for sick children.
10. Smoking is the leading preventable cause of premature death and disability in the United States, killing about 440,000 people every year. For every person killed by tobacco use, another 20 live with tobacco-related disease.

Ready to create your own tobacco-free workforce? Below is a list of websites with additional resources and information to assist you in that goal:

<http://www.businesscaseroi.org>  
<http://www.globalismokfreepartnership.com>  
<http://www.freeclear.com>  
<http://1800quitnow.cancer.gov>  
<http://www.cancer.org>  
<http://www.nicotine-anonymous.org>  
<http://www.tobaccopreventionandcontrol.ncdhs.gov/cessation/employee-cessation.htm>

## What to Do When an Employee Comes to Work Under the Influence

By: Mary M. Krakow, Attorney

Employers frequently suspect that an employee is under the influence at work. When this situation arises, employers have the right to require the employee to leave the workplace and to take other disciplinary action. Employers must, however, act cautiously so as not to violate applicable state and federal laws. While each situation must be addressed based on all the circumstances involved,

several general rules apply.

Before taking any action against the employee, an employer should document the facts leading it to believe that the employee is under the influence. Often an employer learns of the possible use when a first-line supervisor or a co-worker reports to a manager having smelled alcohol on another employee's breath or having observed some conduct typically associated with drug and alcohol use. Upon receiving this type of report, the manager should ask the reporting employee what he or she saw, smelled, or heard, and write it down. The reporting employee should be allowed to read the documentation and, after confirming its accuracy, asked to sign and date it. Alternatively, the manager should ask the reporting employee to write down what he or she saw, heard, or smelled, and to sign and date the documentation.

*In either instance, the manager must be careful that the documentation provides only factual information, no conclusions.*

In either instance, the manager must be careful that the documentation provides only factual information, not conclusions. For example, the documentation should not state, "Joe is drunk." Rather, it should state, for example, "I smelled alcohol on Joe's breath at approximately 8:00 am when talking with him about today's work assignment. Joe's eyes were bloodshot, his speech was slurred, and he moved very slowly." Appropriate factual documentation will help support any subsequent disciplinary action and reduce the risk of a defamation claim. Defamation claims typically arise when the employee believes the reports about his or her behavior are false and harmful to his or her reputation. The manager should caution the reporting employee to keep the information confidential. The manager also should consult the company's human resources department for assistance.

As soon as possible after receiving the first report, the manager or another employee trained in recognizing the symptoms of alcohol use should interact with the subject employee, observing his or her speech, physical movements, eyes, and breath, and note any other indicators typical of someone under the influence. If necessary to prevent harm to the employee or others, the manager should immediately remove the employee from the job site to a private office or other appropriate workspace. The manager also should document factual observations and date and sign the documentation.

If the facts reasonably support a belief that the employee may be under the influence, and before taking any disciplinary action against the employee, the manager (preferable together with another manager or human resources representative) should meet with the employee. The purpose of this meeting is to provide the employee an opportunity to explain the documented behaviors and observations and gather more facts. The employee's response will determine the employer's next steps. The second company representative should take notes during the meeting.

If the employee denies or offers an alternative explanation for the observed behavior, the employer must assess the employee's credibility and weigh all of the facts before determining the next step.

If, however, the employee admits he or she has an alcohol or drug problem, in most cases the employer should immediately shift into "accommodation" mode. Alcoholism and addiction are regarded as a "disability" under federal law. Under the Americans with Disabilities Act (ADA), time away from work (whether paid or unpaid depending on the employer's leave policies) for addiction treatment is generally regarded as a form of reasonable accommodation that must be provided unless it causes the employer undue

hardship. If the employee takes time away from work for addiction treatment and the employee is otherwise eligible, that time will be covered by the federal Family and Medical Leave Act (FMLA).

Once an employee indicates that he or she has an addiction problem, the employer may require the employee to obtain an assessment/evaluation of his or her need for treatment. The employer or employee may wish to arrange for that assessment, either through the company's employee assistance program (EAP), if available, or otherwise. If the assessment recommends treatment, then the employer may want to require the employee to enter into a written agreement regarding treatment and potential return to work after treatment. Typically this type of agreement outlines what the employee must do and the consequences for failing to meet requirements. At the end of the meeting if the employer concludes, or the employee admits, that he or she is under the influence, the employer may require the employee to leave the workplace. If so, the company should arrange for transportation and not allow the employee to drive.

For both those employees who deny and those who admit the observed behaviors, the employer must determine whether disciplinary action is necessary. The employer should review and assess the documentation, the employee's personnel record, any applicable contracts or policies, and employer's past practices for handling similar situations. Of course, first-time offenders who admit their use should not be terminated so as not to violate the accommodation requirements of the ADA.

## Unemployment Rate

- Nationally:* 9.0% in Oct 2011
- *Oklahoma:* 5.9% in Sep 2011
- *Texas:* 8.5% in Sep 2011
- *Arkansas:* 8.3% in Sep 2011
- *Kansas:* 6.7% in Sep 2011

## Turnover Expected to Rise Worldwide

Employee turnover is expected to increase worldwide during the next five years, according to a global survey by Right Management, the talent and career management experts within ManpowerGroup. More than 2,000 internal and external recruiters, human resource executives, and hiring managers from 17 countries representing more than 20 industry sectors participated in the survey.

Half the survey respondents globally expect higher turnover. About a third foresees no change, and a minority a decrease. North America had the highest percentage of employers anticipating an

increase in turnover, with 59 percent. The Asia-Pacific region closely followed with 58 percent, while 41 percent of European employers expected higher turnover. Only 14 percent of respondents globally anticipated a decrease in employee turnover.

## Promoting Employee Well-Being

As part of the SHRM Foundation Effective Practice Guidelines Series, research on wellness programs and initiatives, as well as guidelines for implementation; have been bundled together in one place for easy access. By visiting [this site](#), you will find links to a free webcast, a downloadable report, and more!

## HR Job Postings

Does your company have an opening in human resources? If so, take advantage of low advertising costs and place your ad in the Stillwater Area Human Resource Association newsletter and on the front page of the SAHRA website.

Consider the following:

1. \$75 per advertisement - one position
2. Position(s) must be related to human resource profession
3. Valid for 28 days from date of insertion
4. Advertisement may be renewed - \$40 renewal fee for 28 additional days
5. Must supply logo in .jpg or .gif format
6. Must supply advertisement as Word document, PDF format, or by e-mail
7. Do not need to be SAHRA/SHRM member

For more information, please contact Coral White, [coral.white@okstate.edu](mailto:coral.white@okstate.edu), (405) 744-5379.

### MISSION STATEMENT Stillwater Area Human Resources Association

*To be recognized and respected as an organization, which promotes the development of Human Resource professionals into strategic business partners within their organizations by providing professional growth through development programs, networking opportunities, and community service projects.*