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The HR Report

Your Resource for HR News

KNOW YOUR DHR TEAM

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MESSAGE FROM THE DIRECTOR



Welcome to another edition of *The HR Report*. We hope that you found our prior edition both informative and useful.

This edition addresses topics such as the Affordable Care Act, unpaid internships, and generational diversity. We also focus on the Defense of Marriage Act and the importance of maintaining a healthy workplace. In addition, our Legal Corner from County Counsel addresses union access to employee information.

Our goal for this publication is to keep you informed of new employment laws, HR trends, and best practices. This is part of DHR's drive for service excellence which can be summarized by what I call the 4Cs—Culture, Communication, Collaboration, and Cultivation.

We believe that a **culture** of engagement motivates our employees to maximize their potential.

Communication is key for success and provides us the ability to gauge our strengths and weaknesses.

Collaboration allows us to utilize talent, learn from each other, and build better working relationships.

Through workshops, seminars, or other training activities, **cultivation** makes us well-rounded professionals.

Consider the 4Cs as you strive to provide service excellence and assist your department to achieve its operational objectives.

Send us your comments and suggestions to leadingtheway@hr.lacounty.gov.

DHR

Department of Human Resources
County of Los Angeles

Lisa M. Garrett
Director of Personnel

IMPACT OF THE AFFORDABLE CARE ACT AND NEW "COVERED CALIFORNIA" HEALTH INSURANCE ON COUNTY BENEFITS



DID YOU KNOW?

- The ACA will have minimal impact on County employee health care benefits for 2014.
- In 2014, uninsured persons will be able to use State or federally sponsored health insurance exchanges to buy private health insurance.

In 2010, President Obama signed the Patient Protection and Affordable Care Act (ACA) into law, putting in place comprehensive health care reforms intended to improve access to affordable health coverage for uninsured and under-insured Americans.

The ACA will have little, if any, impact on County employee health care benefits for 2014 because full-time and eligible part-time County employees currently are offered subsidized health insurance that exceeds the minimum federal requirements and is intended to be affordable.

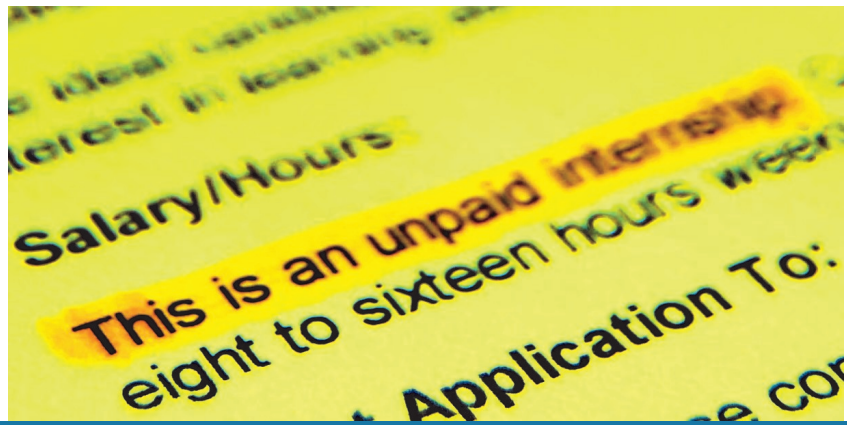
Beginning in 2014, uninsured persons will be able to use State- or federally-sponsored exchanges, or marketplaces to buy private health insurance. Federal income tax credits will subsidize the cost of the private health insurance obtained through the marketplace based upon family income and number of dependents.

For uninsured people, Covered California will be used to implement the ACA's "individual mandate." Private health insurance coverage, through Covered California, will be effective January 1, 2014. Open enrollment began October 1, 2013 and will end March 31, 2014 for the 2014 plan year. Additional details, including a 2014 enrollment guide, 2014 pricing information, answers to FAQs and 2014 benefit comparison charts, are available at Covered California's website www.coveredca.com.

According to its website, Covered California expects to provide new health insurance coverage to 5.3 million Californians who currently have no health insurance. It is estimated that 2.6 million Californians will qualify for subsidies in 2014, while another 2.7 million uninsured Californians will not qualify. Over 5 million uninsured Californians will be subject to penalties if they fail to obtain private health insurance in 2014. An additional 1.4 million Californians will be newly eligible for Medi-Cal in 2014 as a result of health care reforms mandated by the ACA.

Covered California estimates 780,000 people will be eligible for subsidies 2014 in the County of Los Angeles alone, making the County of Los Angeles the largest single marketplace in California (and one of the largest marketplaces in the United States).

UNPAID INTERNSHIPS



DID YOU KNOW?

- The County of Los Angeles sponsors several successful internship programs.
- The Academic Internship Program is the only unpaid internship program administered by DHR. It enables college students to earn academic credit by completing special assignments in County departments.
- The U.S. Department of Labor has developed a six factor test to evaluate whether a worker is a trainee or an employee.

Did you know that a New York federal district court recently ruled that unpaid interns who worked on the production of films for Fox Entertainment Group were actually employees, who should have been paid minimum wage in accordance with the Fair Labor Standards Act (FLSA) and New York State law? See, *Glatt v. Fox Searchlight Pictures, Inc.*, Case No. 11-CV-06784 (S.D.N.Y.), June 11, 2013.

The County of Los Angeles sponsors several successful internship programs to develop future employees and leaders, including the Administrative Internship Program, the Veteran's Internship Program, and the Academic Internship Program. Only one of the Countywide internship programs is unpaid, the Academic Internship Program. The Academic Internship Program enables college students from more than 40 colleges and universities to earn academic credit by completing special assignments in County Departments. DHR closely monitors the unpaid Academic Internship Program's compliance with the FLSA and California minimum wage laws.

Does your Department use unpaid interns or trainees in any program other than the Academic Internship Program? If so, be careful to comply with all applicable laws.

An unpaid intern must be trained in a manner similar to a vocational school. The experience must have an emphasis on education.

Unpaid internships in California must comply with both the FLSA and State of California labor laws, including minimum wage laws. The U.S. Department of Labor (DOL) has defined six criteria unpaid internships must satisfy in order to meet the requirements of the FLSA. In a 2010 opinion letter, the California Division of Labor Standards Enforcement (DLSE) clarified that the DOL's six factor

test is consistent with State labor law and is used by the DLSE in California.

The six factor test is as follows:

The training is similar to what would be given in a vocational school or academic educational instruction.

The training is for the benefit of the trainees/interns.

The trainees/interns do not displace regular employees, but work under the close supervision of regular employees.

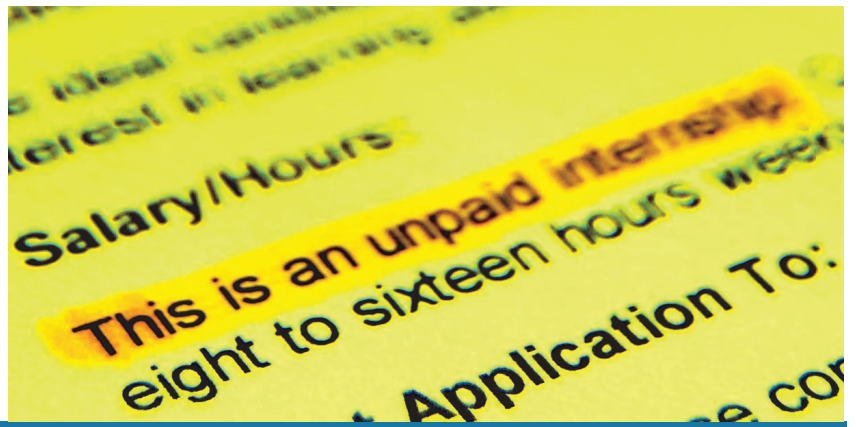
The employer derives no immediate advantage from the activities of the trainees/interns and on occasion, employer operations will actually be impeded.

The trainees/interns are not necessarily entitled to a job at the conclusion of the training period or internship.

The employer and the trainees/interns understand that the trainees/interns are not entitled to wages for the time spent in training.

If all six factors listed above are met, then the worker is a "trainee," an employment relationship does not exist under the FLSA, and the FLSA's minimum wage and overtime provisions do not apply to the worker.

UNPAID INTERNSHIPS



Before a work training or internship begins, both the County and the worker should agree in writing that the worker is not entitled to wages or a County job at the conclusion of the training program or internship. For more information about the six factor test for unpaid trainees and interns, you may check out the DOL's website at <http://www.dol.gov/whd> or call them at (866) 487-9243. If you would like to discuss your department's unpaid internship program and if it meets the provisions of the law, contact Rodney Hoston, AIP coordinator, at (213) 893-7810 or via email to interns@hr.lacounty.gov.



CALIFORNIA SUPREME COURT OPINION



DID YOU KNOW?

- The California Supreme Court determined a union's need for employee information outweighs privacy interests of non-member employees.

The California Supreme Court has issued a significant decision related to union access to employee information in the matter of the *County of Los Angeles v. Los Angeles County Employee Relations Commission*.

On May 30, 2013, the California Supreme Court issued a unanimous ruling that reversed the decision of the 2nd District Appellate Court. At issue was the County's long-standing practice of withholding personal contact information regarding employees who choose not to join a union, but who are nonetheless represented by the union (non-member employees). The California Supreme Court found that the union's need for this information generally outweighs the privacy interests of non-member employees in preventing disclosure.

The commencement of this case stemmed from the Service Employees International Union's (SEIU) request for non-member employee contact information. The County declined to provide the information, consistent with its longstanding practice. SEIU challenged this decision, ultimately resulting in a California Supreme Court decision.

The California Supreme Court recognized that the County's longstanding practice of nondisclosure had contributed to a reasonable expectation of privacy for non-member employees, and an expectation that the County would continue to keep their personal contact information private. However, the Court determined that the reasonableness of this expectation was reduced in light of the common practice of other public employers who give unions this information. Balancing the competing interests, the Court found that the union's need for this information outweighed the privacy interests of non-member employees in preventing disclosure. The Court stated that SEIU had a legitimate and important interest in personal contact information for all employees it represented, and further reasoned that the union's obligation as an exclusively elected "bargaining agent owes a duty of fair representation to all employees in the bargaining unit it represents, including employees who are not union members," which outweighs the non-member employees' reasonable expectation of privacy.

EMPLOYMENT APPLICATION AND CRIMINAL HISTORY



DID YOU KNOW?

- The new bill prohibits asking applicants to disclose information regarding criminal convictions until a determination has been made that the applicant meets the job's minimum requirements.

AB 218, Dickinson. Employment applications: criminal history.

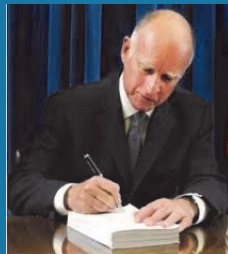
Existing California law prohibits public and private employers from asking an applicant for employment to disclose, either orally or in writing, any information regarding an arrest or detention that did not result in a conviction.

This new bill, effective July 1, 2014, would prohibit a state or local agency, including the County, from asking an applicant to disclose information, orally or in writing, regarding a criminal conviction until the agency has determined the applicant meets the minimum employment qualifications for the position. However, this law does not apply to positions for which the State or local agency is required by law to conduct a criminal history background check for a law enforcement or criminal justice agency as defined in Penal Code Section 13101. Criminal history information can still be requested on an initial job application for any position within a criminal

justice agency.

The Department of Human Resources will review the impact of the new regulation and issue future directives to ensure compliance with the new law. These may include removal of the question concerning an applicant's criminal conviction history from the Los Angeles County Employment Application, revision of the exam bulletin information on records of conviction, and issuance of guidelines in reviewing criminal history information during the examination or selection process.

AB 218 was signed into law by Governor Edmund G. Brown Jr., on October 10, 2013. This bill added Section 432.9 to the Labor Code relating to employment applications, criminal history.



KNOW YOUR MILLENNIALS?



DID YOU KNOW?

- Five generations are now in the workplace, each with its own personality.
- Millennials will be the most educated generation in American history.
- The Pew Report states that only 15% of Millennials cite high paying jobs as one of the most important things in their lives.
- The Baby Boomers were born during the great spike in fertility that began in 1946, right after the end of World War II, and ended almost as abruptly in 1964.
- Generation X covers people born from 1965 through 1980.
- The Millennial Generation refers to those born after 1980 – the first generation to come of age in the new millennium.

There are at least five workforce generations currently working side by side in the County. This article is intended to give you a better understanding of the different ways workers in each generation of the County's workforce are motivated and engaged. It is important for each County workforce member to understand and respect the values, motivations, and work-style preferences of each generation.

Generations, like people, have personalities. Millennials, Americans ages 18 to 29, are making the passage into adulthood. Although they were set back as a group by the Great Recession, they are also now starting their careers. Millennials have begun joining the County workforce. They will continue to do so in ever larger numbers now that the County's hiring freeze has been lifted. Millennials will one day represent the largest portion of the County workforce and occupy senior leadership roles. As a Human Resources professional for the County, you need to know what makes Millennials tick.

Although there is no consensus of the exact dates of the five generations, they are generally broken down into the following groups:

- The Greatest Generation are those born before 1927.
- The Silent Generation or Traditionalists usually describes adults born between 1927 and 1945.

It is especially important to appreciate trends unique to the youngest generation joining the County workforce, the Millennials. The Pew Research Center recently issued a report exploring the behaviors, values, and opinions of the teens and twenty-somethings that make up the Millennial Generation. The Report "Millennials: Confident, Connected, Open to Change" can be downloaded at <http://www.pewsocialtrends.org/2010/02/24/millennials-confident-connected-open-to-change>.

Here are some of the Report's findings:

- Millennials are confident, self-expressive, liberal, upbeat and open to change. They are more ethnically and racially diverse than older adults. They're less religious, less likely to have served in the military, and are on track to become the most educated generation in American history. They embrace multiple modes of self-expression. Three-quarters have created a profile on a social networking site. One-in-five have posted a video of themselves online. Nearly four-in-ten have a tattoo and half of those have more than one (18% have six or more). Nearly one-in-four have a piercing in some place other than an earlobe.
- Despite struggling to find jobs in the Great Recession, about nine-in-ten either say that they currently have enough money or that they will eventually meet their long-term financial goals. In 2010, fully 37% of 18 to 29 year olds were unemployed, the highest share in more than three decades.
- According to the Pew Report, Millennials are the least overtly religious American generation in modern times. One-in-four are unaffiliated with any religion. Only about six-in-ten were raised by both parents and they aren't rushing to the altar. Just one-in-five Millennials (21%) are married, half the amount of their parent's generation at the same age. The Pew Research Center estimates that in 2006, more than a third of Millennial woman who gave birth were unmarried, a far higher rate than earlier generations.

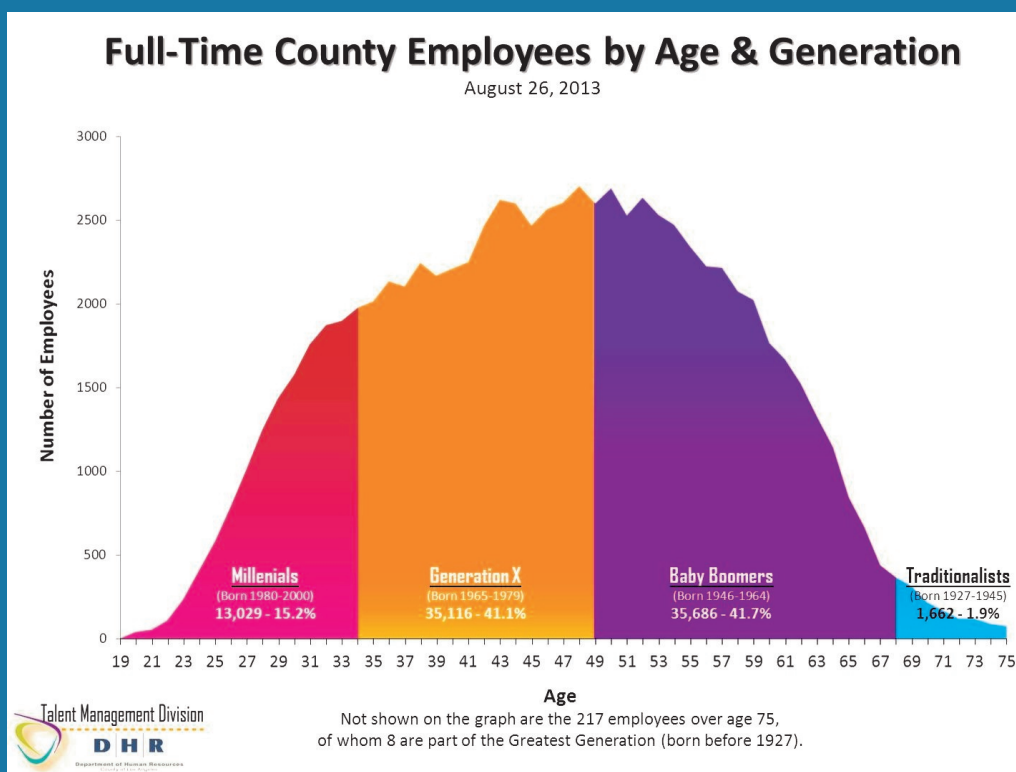
KNOW YOUR MILLENNIALS?



- Driven by the demands of a modern knowledge-based economy, and accelerated by recent high unemployment, Millennials are on course to become the most educated generation in American history. Among 18 to 24 year olds, a record share – 39.6% – was enrolled in college as of 2008.
- They get along well with their parents. Millennials report having fewer spats with mom or dad than older adults did with their parents growing up. They respect their elders. A majority of Millennials say the older generation is superior to the younger generation when it comes to moral values and work ethic.
- Despite having come of age at a time when the United States has been waging two wars, just 2% of Millennial males are military veterans, compared to, at the same age, 6% of Gen X men, 13% of Baby Boomer men and 24% of Silent men.

Most Millennials (61%) say their generation has a unique and distinctive identity, with the most often cited reason (24%) being their use of technology. Gen Xers also cite technology as their generation's biggest source of distinctiveness, but far fewer – just 12% - say this. Boomers cite their work ethic as their most prominent identity badge. The Silents cite the shared experience of the Great Depression and World War II as what makes their generation distinct.

The chart below shows the distribution of the County's workforce and reinforces the reasons why it is important for HR professionals and managers to understand the characteristics of each generation.



DEFENSE OF MARRIAGE ACT (DOMA) AND PROPOSITION 8



DID YOU KNOW?

- If you entered into a same-sex marriage prior to June 26, 2013, consider calling the DHR Employee Benefits Hotline to confirm your employee benefit information.
- If your marital status changed, consider updating your beneficiary.

The recent Supreme Court rulings regarding same-sex marriage impact the County's flexible benefit programs. Although there are still unanswered questions, the Internal Revenue Service (IRS) recently issued guidance that answers the most pressing of them. Here is what we now know.

Supreme Court Rulings

As has been widely reported, on June 26, 2013, the United States Supreme Court issued two decisions regarding same-sex marriage:

One holding Section 3 of the federal Defense of Marriage Act (DOMA) unconstitutional and another holding that a group of supporters of California's Proposition 8, which purported to ban same-sex marriage in California, had no standing to litigate its enforceability.

The Court effectively struck down both laws as violating the Equal Protection Clause of the U.S. Constitution. It is clear that valid same-sex marriages are now fully recognized under California and United States law, regardless of the jurisdiction of valid issuance. The State of California resumed issuing same-sex marriage

certificates on June 28, 2013, two days after the rulings.

Internal Revenue Service Guidance

The Supreme Court's rulings immediately raised unanswered questions because literally thousands of federal laws and regulations use the terms "spouse," "marriage," "husband," and "wife." For example, the rulings immediately raised the question of what happens for federal tax purposes if a legally married same-sex couple subsequently moves to and resides in a state that does not recognize same-sex marriages. It is now clear that a valid same-sex marriage will be recognized for federal tax purposes regardless of whether the state of residence recognizes same-sex marriage. The IRS answered that question on August 29, 2013 in Revenue Ruling 2013-17. Ruling 2013-17 holds that for federal tax purposes, the IRS will recognize a valid same-sex marriage, even if the same-sex married couple moves to a state that does not. It remains unclear whether the IRS would recognize a same-sex common law marriage from a state or jurisdiction that recognizes both same-sex marriage and common law marriage (there are four of them: Iowa, New Hampshire, Connecticut and Rhode Island, plus the District of Columbia).

The IRS also published two FAQs based on the holdings in Ruling 2013-17 which clarify that if an employer provided health coverage for an employee's same-sex spouse and included the value of that coverage in the employee's gross income, the employee may file an amended Form 1040, for all years for which the period of limitations for filing a claim for refund is open, to recover the federal income tax paid on the value of the health coverage provided to the employee's spouse.

DEFENSE OF MARRIAGE ACT (DOMA) AND PROPOSITION 8



Impact on Health Benefits

The cost of medical and dental coverage for same-sex spouse's and their child(ren) is now paid from the employee's monthly benefits allowance with pre-tax rather than post-tax dollars for federal income tax purposes (i.e., no more imputed income for federal income tax purposes). Employees with same-sex spouses enrolled in health benefits began seeing the cost of coverage for their spouse and spouse's child(ren) paid with pre-tax dollars for federal tax purposes in their August 15, 2013 paychecks.

Health Care and Dependent Care Spending Accounts

On July 15, 2013, the County began reimbursing qualifying health and dependent care expenses for same-sex spouses and their child(ren) from County sponsored health and dependent care spending accounts.

Life Insurance

Life insurance products are regulated by state law and are not affected by the Supreme Court rulings. The life insurance products offered through the County recognize same-sex spouses and domestic partners.

Deferred Income Plans

Participants in a same-sex marriage may want to revisit their Horizons Plan, Savings Plan or PSP beneficiary designation(s). A same-sex spouse has community property rights in an employee's retirement benefits and, in order to waive those rights, he or she must consent to any non-spouse beneficiary. In the absence of a beneficiary designation, an employee's spouse is the default beneficiary. In addition, same-sex spouses are now eligible to receive a spousal rollover, postpone required minimum distributions, and receive benefits under a Qualified Domestic Relations Order. Participants can also receive a hardship distribution if their same-sex spouse experiences a qualifying event.

LACERA

Dissolving your California registered domestic partnership prior to marriage could jeopardize your LACERA benefits. Before considering any such action, we advise you to speak with a LACERA Retirement Benefits Specialist at (800) 786-6464. LACERA is awaiting guidance from the IRS on the June 26, 2013 Supreme Court decision on the Defense of Marriage Act (DOMA). Information will be updated by LACERA on lacera.com as more information becomes available.

Family Medical Leave Act (FMLA)

If an employee is married to a same-sex partner, the employee is now entitled to take FMLA leave to care for his/her spouse suffering from a serious health condition, for military caregiver leave, or to take qualifying exigency when a same-sex spouse is called to military active duty in a foreign country.

Personal Income Tax Questions

Married employees with same-sex spouses may wish to consult with their individual tax advisors regarding whether to claim tax refunds for imputed income in open tax years, whether to amend returns to file jointly, and whether to file joint or separate returns in the future.

A HEALTHY WORKPLACE



DID YOU KNOW?

- Wellness programs contribute to improving health, employee morale, and productivity.
- Countywide Fitness Challenge events are well attended and fun!

Through the years, the definition of a “healthy workplace” has evolved from just focusing on the physical work environment (occupational health and safety, ergonomics, etc.) to include lifestyle, workplace culture, and the community. Now, the term “healthy workplace” embraces respect for diversity, employee engagement, and a promotion of healthy lifestyle choices.

For this edition, our attention is focused on employee wellness. According to the Centers for Disease Control and Prevention, employee wellness contributes to many benefits including improving staff morale, health, and productivity and a decline in healthcare costs. Why then are wellness programs generally not better attended?

According to a report obtained by Forbes magazine, 86% of employees do not participate in wellness initiatives because they just do not have the time and 45% surveyed abstained because they do not find the initiatives fun or engaging. The report, published by Global Corporate Challenge, is based on a survey of health and wellness managers from over 375 organizations across a wide spectrum including government. The survey also revealed that top objectives for wellness participants are to improve health and to increase morale and employee engagement.

It is a different story here in the County of Los Angeles. Our Countywide Fitness Challenge is well-attended because the events are peppered with fun and interesting activities ranging from hiking, 5k runs, power walks, paddle boarding, kayaking, cycling, boot camp, master dance mash-up classes, healthy cooking demonstrations by a master chef, softball tournaments, volleyball, horseshoes, and biometric screenings.

Mark Sisson, fitness guru, blogger, former distance runner, triathlete, Ironman competitor, and one of Amazon.com’s best-selling health authors, offers five ways to make your workplace healthier and more productive. But before you get one or all of these ideas in place, talk to your supervisor first to obtain approval.

Start a healthy breakfast club. A great way to start the day is with a hearty and healthy breakfast. Stock up on non-fat yogurt and/or oatmeal. Add flavor (not sugar) by adding in either fresh or dried fruits. Instead of regular milk, use low fat soy or soy chocolate milk. The breakfast club is also a great way to talk about the week’s on-goings and create harmony and camaraderie among the group.

Establish walking meetings. “Kill two birds with one stone.” Walk and talk. Do not disregard sit-down meetings but once in a while, a walking meeting might bring more productivity and stimulation to the group. You will get sun and fresh air too!

Put plants in your office. According to an article in huffingtonpost.com, plants bring beauty to a surrounding and also purify the air and create a more relaxing and restful ambience. Spending time in nature is linked to reducing stress. Bring the outdoors, indoors. Here are five plants to consider: peace lily, bamboo palm, golden pothos, spider plant, and snake plant.

Start a walking club. Whether it is up and down the hill or around the block, it will do your body good. It is more fun if you are more than one! According to the American Heart Association, walking helps reduce the risk of coronary heart disease, improves blood pressure and blood sugar levels, helps to maintain body weight and lower the risk of obesity, and enhances mental well-being. Are these enough reasons to start a walking club?

A HEALTHY WORKPLACE



Participate in fitness-related challenges. Now in its fourth year, the Countywide Fitness Challenge (CFC) offers new locations throughout the County of Los Angeles and more events for you, your family, and friends to enjoy. Activities include hiking, power walking, cooking demonstrations and back by popular demand—a triathlon. The CFC, administered by DHR, is a collaboration between the Departments of Beaches and Harbors and Parks and Recreation, the American Heart Association, the American Cancer Society, the American Diabetes Association, and County-sponsored health plans.

The County's health insurance carriers agree that obesity is the leading contributor to chronic health conditions (such as hypertension, diabetes, and depression) and data shows that County employees are impacted by this trend.

A healthy workplace equals a healthy County. Get started on a healthier you today.



DanceMania! at the Hollywood Bowl on August 24, 2013 where 503 County employees and their families came out for healthy hikes, yoga, chair massage, and a master dance mash-up class of salsa, hip hop, and Gangnam Style.

PERFORMANCE EVALUATIONS TIPS



DID YOU KNOW?

- The County is converting to an electronic performance evaluation system.
- The Performance Evaluation should be a routine review instead of a critique.

Performance evaluations (PEs) are important human resource tool that supervisors and employee often overlook or avoid because it requires direct, honest communication based on specific, observable results. If approached from that framework, it can help employees optimize success in their jobs and contribute to the success of the organization.

While there are many valid systems to review performance, the County has chosen to transition to single format supervisor electronic reviews. The County is in the process of converting all departments from paper performance evaluations to electronic performance evaluation using an electronic system called Performance Net. As of September 2013, 14 County departments are currently using Performance Net. Six more departments are scheduled to convert to Performance Net by December 31, 2013. We thought it might be a good time to

take a moment to review performance evaluation tips, in order to maximize the value of the County's investment in and roll-out of the new Performance Net platform.

The Performance Net system gives County managers powerful new tools to improve the organizational and individual value of annual performance reviews. Performance Net also provides greatly enhanced inter-departmental and intra-departmental consistency in the performance evaluation process. Evaluating performance standards consistently is in the best interest of the County and its employees.

An article based on a 2012 report by Business Management Daily titled "10 Secrets to an Effective Review" was designed to briefly revisit the topic of what makes a good performance evaluation and what not to do. The full report can be accessed online at www.businessmanagementdaily.com/EffectivePerformanceReview.

The tips below were modified to describe the County of Los Angeles Performance Net system and highlight best practices during the performance evaluation process.

Use the Performance Net daily "log" tool. There is no longer any need to keep scraps of paper in a manila folder. With Performance Net, a manager can easily log daily performance notes for each subordinate. The key is to use the Performance Net to log individual performance regularly. It makes writing the performance evaluation much easier for the manager at the end of the year.

Go into the review fully prepared and with the right attitude. You can gain valuable insights, and you have information that will help your staff grow professionally. Do not look at it as a critique — look at it as a routine review. Go in ready to talk, listen, and motivate your employee.

Set the right atmosphere. Hold the review in a private, neutral environment. A small conference room is ideal. If you must hold a review in your office, come out from behind your desk. Do not schedule reviews on Friday afternoon.

Focus your words on results. Provide an overview of the points you want to discuss and make clear you do not expect to do all the talking. Start by discussing any problems you have observed, cite specific examples, and let the employee respond.

Use clear, non-judgmental language to turn a negative into a positive. Here are two examples:

- Instead of saying "Your work has been sloppy lately," consider saying "Your work product is not meeting performance standards of the unit."
- Instead of asking "Do you not bother to proofread anymore," consider asking "Is there a reason these errors are still occurring?"

PERFORMANCE EVALUATIONS TIPS



Before the review, critically review the intangible standards of the position, such as judgment, cooperativeness, and leadership. For each intangible, you should be able to answer the question “Why is an employee holding this Item being rated on this measure?”

Avoid negative surprise. An employee should never be surprised when discussing areas of improvement needed or management dissatisfaction. If any aspect of a subordinate’s performance is “Improvement Needed” or “Unsatisfactory,” the area of dissatisfaction should have been discussed with the employee during the course of the year.

Do not get trapped by rating inappropriately. Rating inappropriately undermines the credibility of the performance evaluation process and minimizes the value of the review to the County. The County needs to know that people within a single classification are held to consistent standards of performance. If you are rating inappropriately, you create a record that will not help you if you later want to terminate or discipline an employee.

Avoid humor. It is not funny in a performance evaluation. According to Business Management Daily, the performance evaluation should be based on factual examples rather than general comments.

One of the features of Performance Net is a unique legal check, which all managers and supervisors are strongly encouraged to use and take full advantage of before finalizing a review. The Performance Net has a sophisticated legal checker that actually watches for comments that could potentially increase the County’s (and the supervisor’s personal) legal liability in an employment lawsuit, and makes suggestions for the phrasing of comments to minimize potential legal liability. Managers and supervisors should take advantage of the special Performance Net legal checker before sending the review to the subordinate for discussion. Using it is very much in the County’s and the manager’s best interests.



THE HR BOOKSHELF

Lean In: Women, Work, and the Will to Lead by Sheryl Sandberg (March 11, 2013. Knopf.)

Sheryl Sandberg joins the ranks of CEOs in writing a memoir/personal development/perspective in the style of Jack Welch's *Winning*, or Tony Hsieh's *Delivering Happiness*. As the title implies, Sandberg's work is principally written for women who aspire to senior executive roles in the world of work. The mix of practical workplace advice, examples from her life in negotiating household roles, and an invitation for women to reach out to one another in creating social change, is well-written and informative, with enough self-aware humor about her role as CEO of Facebook and its challenges to create a book that is both entertaining and enlightening.

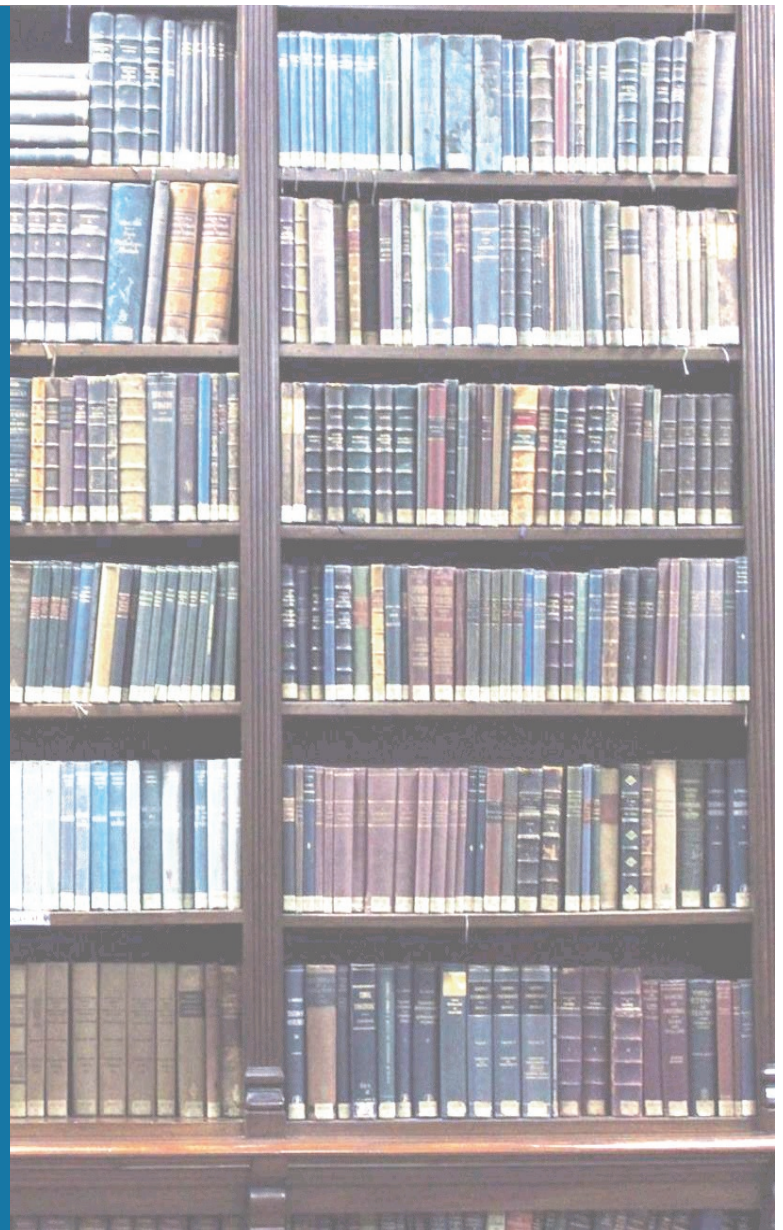
The author provides solid advice regarding individual behavior in the workplace. Early in the book, she discusses an example of women in a staff role who did not feel empowered to literally "take a seat at the table." The chapter regarding mentorship should be required reading for every newly-minted graduate entering the workforce. In another conversation, she quotes Tina Fey's humorous response to questions about attaining a work-life balance. Sandberg could have made the work more valuable by discussing policy prescriptions and ways beyond cheerleading to make the workplace more welcoming to the ranks of women as they grow into executive roles. Overall, however, *Lean In* is a satisfying and provocative read for every professional.

David and Goliath: Underdogs, Misfits, and the Art of Battling Giants

by Malcolm Gladwell (October 1, 2013. Little, Brown and Company)

Science writer Malcolm Gladwell takes readers on another tour of the counterintuitive; this time in *David and Goliath*. Here, he looks at the successes of underdogs, to examine how they have prevailed. He discusses technological, strategic, and other hidden advantages of those who are not considered in the "first tier," whether in military encounters, sports, politics, civil rights, and education. Drawing from familiar stories, Gladwell demonstrates how those who are disadvantaged can overcome by understanding the vulnerabilities of the powerful.

All of us can draw both policy and behavioral lessons from the book – from affirmative action to accomplishing more with fewer resources. As with his other bestsellers, Gladwell does not provide lessons, but provokes new ideas and possibilities.





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