



# *Breaking the Cycle* of **Stress** and **Distraction**

by Using Your **Emotional Intelligence**

AND MORE



August/September 2018

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# Breaking the Cycle of **Stress** and **Distraction**

by Using Your **Emotional Intelligence**

by Kandi Wiens



**B**eing able to focus helps us succeed. Whether it's focusing inward and attuning ourselves to our intuitions and values or outward and navigating the world around us, honing our attention is a valuable asset.

All too often though, our focus and attention get hijacked, leaving us feeling frazzled, forgetful, and unable to concentrate. In coaching work with executives, these are the kinds of statements I most often hear when they've lost their focus:

- "I feel completely overwhelmed."
- "My workload is insane, and there's never enough time to get things done when I'm in meetings and dealing with urgent issues all day long."
- "I'm mentally exhausted from the pressure and constant distractions in my office. I just can't seem to focus."

Constant distractions and a lack of time certainly interrupt our focus, but stress also plays a major role.

Chronic stress floods our nervous system with cortisol and adrenaline that short-circuits important cognitive functions. Researchers have studied the negative effects of stress on focus, memory, and other cognitive functions for decades. The findings are consistent – short-term stress raises cortisol levels (the so-called stress hormone) for short periods and can jump-start our adrenalin and

motivate us to perform more efficiently in response to impending deadlines. Long-term stress, however, can lead to prolonged increases in cortisol and can be toxic to the brain. Scientists also suspect that high levels of cortisol over a long period of time are a key contributor to Alzheimer's and other forms of dementia.

When we can't focus at work because of distractions, it may lead us to feel stressed about not being productive, which then causes us to focus less, further feeding the cycle. Unfortunately, most of us don't notice our focus declining until we become completely overwhelmed. When mental and emotional exhaustion sets in, it further drains our ability to focus, concentrate, and recall information.

Fortunately, there are things we can do to break the cycle. I've found in my research that one of the reasons why some people get burned out and others don't is because they use their emotional intelligence (EI) to manage their stress. You can use these same competencies, in particular self-awareness and self-management, to improve your focus. Here's how.

Start by using your self-awareness to help you notice several things:

- **Why you feel stressed or anxious.** Before you can deal with stress, you need to know what's causing it. As simple as it may sound, it can be helpful to make a list of the sources of your stress. Write down

each thing in your life and at work that's causing you anxiety. You might categorize items into things you have the ability to change and things you don't. For the stressors in the latter category, you will need to figure out how to change your attitude toward them.

- **How you lose your ability to focus.** According to clinical psychologist Michael Lipson, you can learn to sharpen your focus, by understanding how exactly your concentration strays in the first place. By paying attention to the patterns that lead to your lack of focus, you can begin to develop your ability to dismiss distractions and stay with your original point of attention.
- **How you feel when you can't focus.** Does it make you anxious when you can't recall information when you need it – perhaps during a job interview, a high-stakes presentation, or an important client meeting? Do you feel tense and dazed when you're racking your brain trying to find just the right words for an important email? These can be clues that you're more stressed than you may realize, and that your inability to concentrate is causing even more stress.

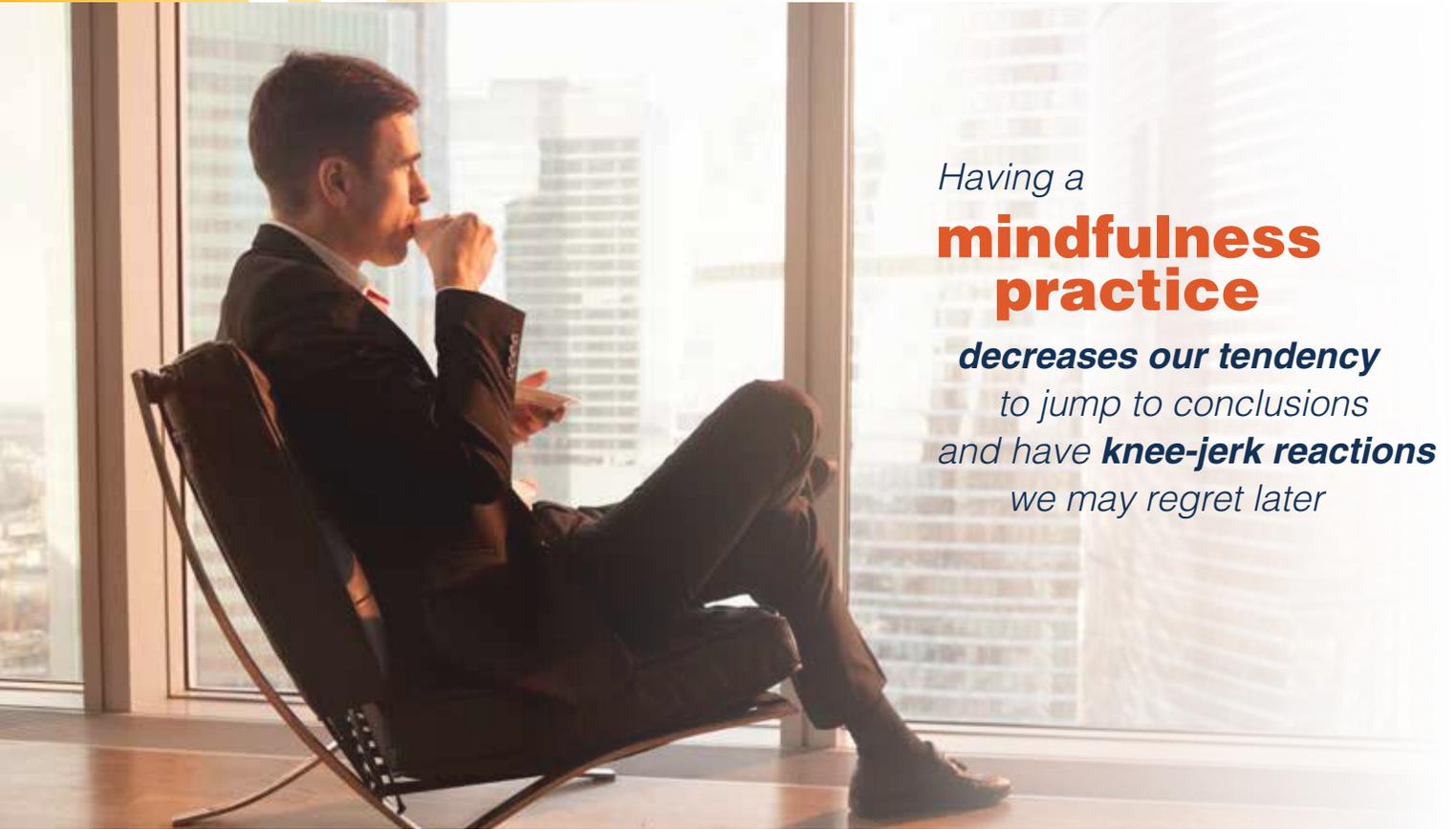
- **When you lose your ability to focus.** If, for example, you find yourself worrying yourself sick over something while you're driving 65 mph on the highway with a car full of kids, you're putting yourself and others in real danger. This can be a wake-up call to bring your attention back to what you're doing and make a decision to think about your concerns later.

Once you've increased your awareness of what's causing you stress and how and when you lose your focus, you can use the following strategies, which depend on your self-management abilities, to make better choices that keep you focused.

- **Do a digital detox.** In its 2017 Stress in America survey, The American Psychological Association (APA) found that "constant checkers" – people who check their emails, texts, and social media on a constant basis – experience more stress than those who don't. More than 42% of respondents attribute their stress to political and cultural discussions on social media, compared with 33% of non-constant checkers. While it may feel impossible to take a cold turkey break from technology, the APA says that periodically unplugging or limiting your digital access can be great for your mental health.



More than  
**42%**  
of respondents  
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to political and  
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on **social media**



Having a  
**mindfulness  
practice**

*decreases our tendency  
to jump to conclusions  
and have **knee-jerk reactions**  
we may regret later*

- **Rest your brain.** Most of us have experienced sleepless nights caused by ruminating over past events, or fears and anxieties about the future. But when you add a few of these nights together, sleep deprivation can set in, making it more difficult to focus, and more challenging to receive and recall information. Our interpretation of events and our judgment may be affected, too. Lack of sleep can negatively affect our decisions because it impairs our ability to accurately assess a situation, plan accordingly, and behave appropriately. Committing to the recommended 7 to 8 hours of sleep each night may seem impossible when you're stressed and overworked, but the payoff is worth it.
- **Practice mindfulness.** The research on mindfulness is clear and compelling. Having a mindfulness practice decreases our tendency to jump to conclusions and have knee-jerk reactions we may regret later (and potentially cause more stress). Neuroscientist Richard Davidson says that "Mindfulness boosts the classic attention network in the brain's fronto-parietal system that works together to allocate attention." In other words, mindfulness is key to emotional resilience,

which is a key contributor in our ability to quickly recover from stress. Don't worry, you don't have to be a serious yogi to practice mindfulness. You can find some simple methods for everyday people here.

- **Shift your focus to others.** When we fixate on our own worries and fears, it can take our attention away from those we care about. Studies (mine included) show that shifting our focus to others produces physiological effects that calm us and strengthen our resilience. If you pay more attention to other people's feelings and needs, and show concern for them, you can not only take your mind off of your stress but also reap the benefits of knowing that you're doing something meaningful for someone you care about.

Too many people feel like they need to work harder when they struggle to focus. But this strategy is likely to backfire. Instead, pay attention to the causes of your stress and inability to focus and then take actions that promote improvements in the specific brain functions that drive concentration and awareness.



## JAVIER SARDUY

Trade Management  
Nashville, TN



**How long have you been in the staffing business?** Just over 2 years

**What was your first job and what do you remember most about it?** Helping my dad at night with his part-time job cleaning the Elementary school that was directly behind our house as a kid. My dad taught me what pride was...

**Who was the worst boss you ever had and why?** In my experience I have never had a bad boss.

**What motivates you each day to sell and service your clients?** I enjoy building relationships, conquering new challenges and the reward of making a difference in our industry.

**What are some of your long-term goals?**  
**Professionally** – Continue to grow and learn so that we can make Nashville relevant and strive for Top 5 instead bottom 5. **Personally** – I would love to be able to take my family on a vacation that has absolutely nothing to do with soccer.

**What makes Peoplelink unique, from your perspective?** I love the diversity within our company and the honest approach we take in admitting our faults to our clients which allows us to reach the ultimate goal of a better partnership.

**What makes you successful as a manager?** Realizing that you do not know everything. Yeah, it's ok to listen to the advice from those around you. It makes for a great team! Stay positive. We all know how quickly our attitudes can change when you receive that call at 6 am to let you know that your guys never showed up for work. I mean, sometimes its ok to drink your first cup of coffee before returning that call. Stay focused and always be honest!

**What is the best advice you could give to other staff members?** Do not take it personal. Continue to battle. Challenge yourself everyday to be better than who you were yesterday.

**What is your favorite movie? Book? Drink?** *Shawshank Redemption*  
**Book?** Anything by James Patterson **Drink?** Ahhh, My Cuban Coffee!

**What is your home city?** Born in Queens, New York-raised in Miami, FL and now reside in Nashville... YEEHAA!!

**What is the greatest feature about your home city?** Beaches and my mom's Arozz con Pollo (Rice and Chicken).

**How do you unwind when you're not at the office?** I spend most of my days at the soccer fields watching my two boys and at the gym most of my nights in order to get my body and mind right.

**What do people like most about you?** Hopefully it's my personality – I do not judge those around me. We all have our faults, and I treat others around me with love and respect because that is exactly what we need more and more these days.

**Anything else you can think of?** A few things to live by every day. Always be yourself. Treat others the way you want to be treated. Do not be afraid to fail and fail big. You are not trying if you do not fail. Never have any regrets, because what you've done in the past has made you who you are today! Don't judge people for the choices they make when you don't know the options they had to choose from.



## Great Leaders are **Confident, Connected, Committed, and Courageous**

Brad was leading a difficult turnaround of his company and had decided to fire his head of sales, who was a nice guy but wasn't performing.

Three months later, he still hadn't fired him.

He was asked why. His answer? "I'm a wimp!"

No matter your age, your role, your position, your title, your profession, or your status, to get your most important work done, you have to have hard conversations, create accountability, and inspire action.

In order to do that, you need to show up powerfully and magnetically in a way that attracts people to trust you, follow you, and commit to putting 100% of their effort into a larger purpose, something bigger than all of you. You need to care about others and connect with them in such a way that they feel your care. You need to speak persuasively — in a way that's clear, direct, and honest and that reflects your care — while listening with openness, compassion, and love. Even when being challenged.

And, of course, you need to follow through quickly and effectively.

There is a pattern of four essential elements that all great leaders rely on to rally people to accomplish what's important to them. To lead effectively — really, to live effectively — you must be confident in yourself, connected to others, committed to purpose, and emotionally courageous.

Most of us are great at only one of the four. Maybe two. But to be a powerful presence — to inspire action — you need to excel at all four *simultaneously*.

If you're confident in yourself but disconnected from others, everything will be about you and you'll alienate the people around you. If you're connected to others but lack confidence in yourself, you will betray your own needs and perspectives in order to please everyone else. If you're not committed to a purpose, something bigger than yourself and others, you'll flounder, losing the respect of those around you as you act aimlessly, failing to make an impact on what matters most. And if you fail to act powerfully, decisively, and boldly — with emotional courage — your ideas will remain idle thoughts and your goals will remain unfulfilled fantasies.

Let's apply this to Brad and identify precisely where and how he was getting stuck.

**Confident in yourself.** Brad struggled with this element, which might feel surprising since he was so successful in his career. But this is not uncommon. He worked tremendously hard, but it came from some degree of insecurity — he wanted to prove himself and please those around him. He became unnerved in the face of potential failure and was not particularly gentle or compassionate with himself when he did fail. He did have important strengths in this element: He saw the person he wanted to become and he worked toward that future, putting aside distractions and investing his energy wisely and strategically.

**Connected to others.** This was Brad's greatest strength. He was well-loved and always took great care of his team. People clearly knew and felt that he trusted them, even when he disagreed with them. They appreciated his curiosity — about people and problems — and were grateful that he did not draw quick conclusions about them. All that said, even in this element, he had room to grow: He was not always direct with people and tended to procrastinate on difficult conversations.

**Committed to purpose.** This was a mixed element for Brad. On the one hand, Brad was clear about what needed to get done to grow the firm, he engaged people in the early stages of work, and he was open and willing to ask for help. On the other hand, he was somewhat scattered. He wasn't clear enough about the small number of things that would move the needle, and he didn't have a reliable process for staying focused on the most important things, ensuring accountability and driving follow-through. Not firing his head of sales sent a mixed message to his team — was he really serious about the firm's success?

**Emotionally courageous.** Brad had room to grow here, and it turned out to be an important element for growing his strength in the other three elements. Risks, by definition, make us feel vulnerable, and Brad avoided that feeling. He resisted the unknown and intentionally avoided uncomfortable situations. This made it hard for him to tell people hard truths and make hard decisions quickly, which stalled his actions.

So Brad's strongest element was "connected to others," followed by "committed to purpose." He was weaker in "confident in yourself" and "emotionally courageous."

Which puts his challenge in perspective: His connection to his head of sales was at war with his commitment to the success of his team and company. Meanwhile, his confidence in himself and his emotional courage weren't strong enough to break the tie. That's a recipe for inaction and painful frustration.

Just knowing what was happening helped him immediately. He began working with an executive coach, strengthening his emotional courage by taking small risks while feeling the emotions he

had been trying to keep at bay. Each time he followed through, regardless of whether he succeeded, he obviously survived and also felt the accomplishment of addressing the risk itself. Which, of course, built his confidence. Which helped him take bigger risks.

In a short time, he felt prepared (even though he may never have felt "ready") to follow through on what he had known he needed to do for the past three months. With his natural care, compassion, and humanity, he fired his head of sales (who, by the way, and unsurprisingly, knew it was coming and said he felt "relieved").

Brad was extremely uncomfortable going into the conversation — that's almost always the feeling you'll have when you do anything that requires emotional courage.

But using emotional courage builds your emotional courage. Brad emerged from the conversation stronger in all four elements: He was more confident in himself, more connected to his team (and even, believe it or not, his head of sales), more committed to purpose, and more emotionally courageous.





**Beth Toth**  
Kautex

**Pictured from left to right:**  
Cara Heifner, Peoplelink Recruiter  
and Beth Toth, July Shining Star.

## — THE **Shining Star** AWARD — JULY 2018

Peoplelink is pleased to announce that Beth Toth has been chosen as our July Shining Star employee. She has been on assignment with Peoplelink as an HR Generalist with Kautex for over a year. She reports to the Angola, Indiana branch of Peoplelink.

What initially started as a 4-6 month temporary assignment, has expanded, not only in duration, but in scope of work, due to Beth's great work ethic and strong work quality. Beth's responsibilities include processing temporary employees in and out of the company, tracking FMLA claims and reimbursements, and scheduling of appointments for the HR Department. She takes initiative to help the hourly staff with any problems that arise and escalate issues as needed. Most recently, she has started helping with accounts payable responsibilities. According to her supervisor, Hannah Willocks, Beth is a great person and working with her is a pleasure.

While on the job, Beth enjoys interacting with co-workers. She has made many new friends. In her free time, Beth enjoys gardening, working out, decorating her home, and reading non-fiction.

Congratulations to Beth for being Peoplelink's July Shining Star employee!

Find your shining star! Contact Peoplelink at 574.232.5400.

Find your  
**Shining Star!**  
Contact us at **574.232.5400**



# 3 Transitions

Even the Best Leaders  
**STRUGGLE WITH**

by Cassandra Frangos

People love to read about the dynamics of success. They study it, celebrate it, and try to emulate how successful leaders rise to the top. Even as people are drawn to success stories, the greatest lessons come from examining failure.

For instance, my last research effort looked into how elite executives make a successful transition to the C-suite. As I worked through the interviews, I found that executives whose careers had been derailed shared many commonalities. Specifically, I found that C-suite executives are vulnerable to career failure when they are in the midst of one of three common transition scenarios.

### 1. The leap into leadership.

The transition to the top team is demanding, with 50% to 60% of executives failing within the first 18 months of being promoted or hired. For instance, Gil Amelio was Apple's CEO for less than a year in 1997, and General Motors' chief human resources officer decamped in 2018 after just eight months in the job.

For some, this high-profile leadership transition is more than they bargain for. They are unprepared for the frantic pace or they lack the requisite big-picture

perspective. (Sixty-one percent of executives can't meet the strategic challenges they face in senior leadership.) This is an especially common risk for leapfrog leaders — executives one or two steps down in the organization who skip levels when they are elevated a top spot. But even the most seasoned executives have little transparency into looming team dysfunction or insurmountable challenges until they are actually in the role.

One veteran executive I know accepted a job reporting to the CEO only to find that her functional area had been mismanaged and was in serious financial disarray. She started to turn around its performance in year one, but her reporting structure was altered mid-stream, and she found herself accountable to the CFO. The new situation left her feeling "micromanaged," and she moved on two years later.

The single best thing a new executive can do to avoid a brief tenure is to actively pursue feedback. Most undergo rigorous executive assessments prior to receiving an offer, but soon they are too occupied with the demands of the job to be introspective. Many benefit from in-depth 360-degree reviews at six to eight months and then again at 18 months. One division president I

interviewed learned in her 360s that board members were skeptical of her abilities. To her credit, she did the difficult work of getting to know the board members better and put together a plan to actively win them over.

Overall, knowing the areas others think you need to grow allows you to get the support you need — executive coaching, finding a peer-mentor, or adjusting your team to round out your development areas. It also helps you assess whether you are fitting into the culture or if you need to strengthen key relationships internally and externally.

## 2. The organizational transition.

I would argue that nearly every organization today is either considering or enacting a transformation of some type. Even in this “change is the new normal” reality, high stakes transformations are highly risky for executives who fail to reinvent the organization or themselves fast enough.

Mergers, for instance, create instant overlap in executive roles, and redundant leaders can be swept out in waves. Just as often, leaders fail to read the tea leaves before a surprise executive succession and are left vulnerable when their allies exit. But by far the biggest derailer for executives during this transition is misinterpreting the need for change or getting on the wrong side of it. For example, Durk Jager stepped down as CEO of Proctor & Gamble in 2000, just a year and a half into the job, after roiling P&G’s conservative culture by taking on “too much change too fast.” More

often, leaders are too slow to act or unwilling to get on board as a change effort gets underway. In 2009, for instance, GM removed its CEO, Fritz Henderson, because he was not enough of a change agent.

To survive organizational and industry shifts, leaders need to get ahead of change. They need to think about where they fit into the new order and find a way to have an impact. They also must over-communicate with the CEO or board to make it clear where they stand on the need for change and how they will lead its implementation.

## 3. The pinnacle paradox.

The last tricky transition that derails executives is the career pinnacle. C-suite leaders are at the apex of their careers. They have competed for years and achieved what they have been striving for: a spot on the top team. As a result, many experience a type of paradox: They are working harder than ever to succeed, but they don’t know what’s next in their career. In time, this uncertainty, combined with job stress, can lead to burnout. Executives I have coached sometimes hit the ceiling and feel “stuck” at the top. Whether they experience burnout or move on for another reason, the average tenure of C-suite leaders has been declining in recent years. According to one study, the median tenure for CEOs at large-cap companies is five years. The tenure for CMOs is even less: 42 months, according to Spencer Stuart.

Executives can take steps to either extend their tenure or prepare for what’s next in their career. As part of that, they need to rethink their relationship with sponsors. At this stage in their career lifecycle they may not need sponsors to create new opportunities for them, but they do need advocates, supportive peers, and career role models. C-suite executives can move on to lead in other organizations or they may eventually retire and do board work. Others may find like-minded partners and investors to launch their own venture. I’ve worked with younger executives, as well, who accept global assignments or move down in the organization to gain new experience — they move down with a plan to move up again later in a different functional role. Regardless of their future plan, C-suite executives who surround themselves with support and have a clear vision of their future, are more likely to continue to succeed.

The capacity for reinvention is the single-most-important career attribute for executives today. Successful reinvention may look different for each of us, but if we do not attempt it, we are sure to fail.



## North America Temporary Worker Survey 2018

### Temporary worker perception of job automation risk

by Jon Osborne, VP Strategic Research

#### Key Findings:

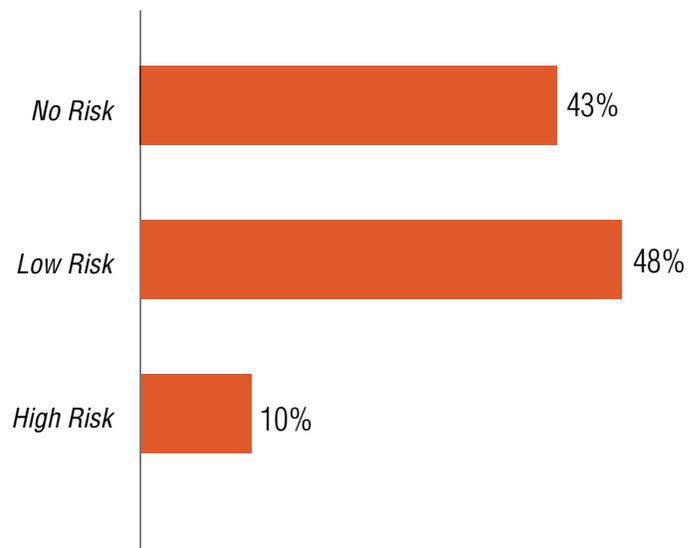
- Staffing firm temporary workers were asked: “What is the risk that your job will be replaced by automation (replacement by artificial intelligence and/or robotics) over the next 10 years?”
- Temporary workers see little likelihood that automation will affect their future job prospects. Forty-three percent of those surveyed perceive no risk at all that their job will be replaced by automation in the next ten years. Another 48% think the risk of automation to be low. Only 10% of temporary workers perceive the risk of automation to be high.
- Perception of automation risk varied little by hourly wage, age, and occupation, with one exception: healthcare temporary workers were notably less likely to say that automation presented risk to their jobs, with only 33% perceiving risk (4% high risk and 29% low risk) vs. 58% for temporary workers as a whole.

*This insight report is based on a survey of temporary workers, implemented in conjunction with the 2017 Staffing Industry Analysts “Best Staffing Companies to Work For” competition. Almost 4,000 temporary worker respondents from 37 staffing firms were surveyed; no single firm accounted for more than 13% of the total respondents.*

**Note:** *Some self-selection bias favoring higher-performing firms is likely present in the data, as participating firms were incented to participate in the survey in part with the goal of being selected as a “best staffing firm to work for.” However, mitigating the possibility of such bias is the fact that most firms also participated with the intention of simply learning more about how their firm was perceived by its employees.*

#### Temporary workers see automation of their jobs as unlikely

- Temporary workers see little likelihood that automation will affect their future job prospects.
- Forty-three percent of those surveyed perceive no risk at all that their job will be replaced by automation in the next ten years. Another 48% think the risk of automation to be low.
- Only 10% of temporary workers perceive the risk of automation to be high.



## Temporary worker perception of automation risk, as a function of hourly wage and age

- The table at right shows temporary worker perception of automation risk as a function of hourly wage and age, in terms of the percent of temporary workers who perceive automation risk to be high, low, or none.
- For the most part, the patterns observed previously in the aggregate were still present in the various pay and age sub-groups.

*Temporary worker perception of automation risk, as a function of hourly wage and age*

	High risk	Low risk	No risk	Total	N
<\$16	10%	44%	46%	100%	452
\$16-\$30	12%	47%	41%	100%	1,229
\$31-\$45	7%	51%	42%	100%	410
\$46-\$60	9%	50%	41%	100%	401
>\$60	6%	47%	47%	100%	298
25 and under	13%	55%	32%	100%	463
26 - 35	11%	48%	41%	100%	1,094
36 - 45	8%	47%	45%	100%	642
46 - 55	11%	42%	47%	100%	501
56 and over	6%	48%	46%	100%	406
All	10%	48%	43%	100%	3,157

## Temporary worker perception of automation risk, as a function of occupation

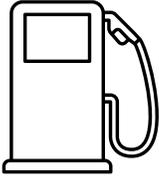
- The table at right shows temporary worker perception of automation risk as a function of occupation, in terms of the percent of temporary workers who perceive automation risk to be high, low, or none.
- Again, for the most part, the patterns observed previously in the aggregate were still present in the various sub-groups.
- The most notable exception was healthcare temporary workers, who were less likely to say that automation presented risk to their jobs, with only 33% perceiving risk (4% high risk and 29% low risk) vs. 58% for temporary workers as a whole (10% high risk and 48% low risk). That perception is consistent with analyst forecasts of automation risk by occupation.

*Temporary worker perception of automation risk, as a function of occupation*

	High risk	Low risk	No risk	Total	N
Architect/engineer	7%	48%	46%	100%	138
Artist/designer/entertainer/sports or media	9%	52%	39%	100%	158
Business, financial or management related	13%	50%	37%	100%	265
Healthcare practitioner/worker	4%	29%	67%	100%	355
IT programmer/engineer/project manager	10%	55%	34%	100%	774
Office & administrative support worker	13%	50%	36%	100%	480
Production/manufacturing worker	7%	46%	48%	100%	123
Sales & related	17%	46%	37%	100%	147
All	10%	48%	43%	100%	3,157

## HR News

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### Some Employers Bringing the Gas Pump to Employees

by Rita Pyrrillis

As consumers brace for a spike in gas prices this summer, some employees may be feeling a little less pain at the pump thanks to a relatively new perk — fuel delivery at the workplace.

In the past few years, a number of startups that offer this service have popped up across the country, promising to spare employees the hassle of filling up at the gas station. There is Booster Fuels in the Bay Area, Filld in Silicon Valley, Yoshi, which launched last year in Southern California, and Neighborhood Fuel in Miami, among others.

“It’s a perk that doesn’t cost the employee or the employer anything, that puts time back into your schedule, saves you money and eliminates a chore that no one enjoys,” said Jorge Camaraza Jr., founder of Neighborhood Fuel.

He said he got the idea in 2015 after a frustrating experience at a gas station with a broken pump and a faulty credit card reader.

“The workplace is a great market for this,” he said. “There are a large amount of cars and predictable parking opportunities to service the client. They can park their car, push a button on an app and leave work with a tank full of gas.”

Employees request fuel delivery through their smartphone and designate the location where their car is parked. A truck carrying fuel will stop by and fill their tank and the employee will get a notification on their app and a receipt, he explained.

Some startups add a per gallon surcharge or a monthly fee, but Camaraza said that Neighborhood Fuel makes money by buying gas directly from suppliers at a lower cost than at the pumps.

With gas prices at their highest level since 2014, commuters will be paying more, but some will be doing it from the comfort of their office chair.



### FMLA Retaliation Claim Advances

by Roger Achille

An employee who was denied a new position he was evidently qualified for and then terminated shortly after returning from medical leave can proceed with his retaliation claim under the Family and Medical Leave Act (FMLA).

In 2014, Demandware transferred the plaintiff to its strategic programs and new technology team, where he was charged with prospecting and selling a new product, Store, to charter customers. The plaintiff received good performance reviews and was admitted to the President’s Club, which the district court said was a “rewards club for people [who] overachieve their goals.”

In 2016, the plaintiff developed colon problems and underwent surgery. As a result, he took FMLA leave until mid-May 2016. Around the same time that the plaintiff underwent surgery, Demandware began eliminating the strategic programs. Demandware planned to assign responsibility for selling Store to the company’s nationwide sales team and create a subject matter expert position to assist the team. The plaintiff produced evidence that Demandware initially planned to place him in the subject matter expert role. For instance, the plaintiff’s supervisor noted that he would be a good fit for the specialist role, and a corporate vice president told the plaintiff that he would be the subject matter expert.

On May 16, 2016, the plaintiff informed Demandware that he would return to work but that he would have some restrictions and would require a second surgery in July. The plaintiff also revealed that he would be unable to travel until after he returned from the second surgery.

On May 20, 2016, the corporate vice president sent an e-mail to another manager expressing that he didn’t see any positions that would be suitable for the plaintiff on his return. That manager, in turn, prepared talking points for a future conversation with the plaintiff that explained he would not be considered for the subject matter expert position partly because he would not be able to travel. The plaintiff was terminated on Sept. 16, 2016.

The plaintiff alleged that the defendant retaliated against him as a result of his decision to take FMLA leave. FMLA

## HR News

retaliation claims impose liability on employers that act against employees specifically because those employees invoked their FMLA rights. Demandware did not dispute that the plaintiff took FMLA leave after his initial and follow-up surgeries, that the company knew he planned to take and took that leave, and that he suffered an adverse employment action after taking leave. Rather, Demandware contended that the plaintiff did not demonstrate a causal connection between his use of FMLA leave and his termination.

The court, however, found sufficient evidence to support a causal connection between the FMLA use and the adverse employment action. The court noted that Demandware intended to place the plaintiff in the subject matter expert position until he informed them that he would need additional leave to undergo a second surgery. Demandware then “abruptly changed course” and determined that there were no suitable positions for the plaintiff, the court stated. The temporal proximity between the decision not to place the plaintiff in the expert role and Demandware being informed of the plaintiff’s need for FMLA leave, the court remarked, is “alone sufficient evidence to establish causation for a prima-facie case of retaliation”—an initial showing of retaliation that the employer has an opportunity to disprove.

Demandware further contended that the plaintiff was fired because his prior position was eliminated and there were no other suitable positions available for him upon his return from medical leave. The court remarked that it was not clear that the plaintiff’s position was eliminated, characterizing the subject matter expert position as “merely a continuation” of what the plaintiff was already doing, which was selling the Store product. But even if the expert position was totally new, the court found that there was “sufficient record evidence” for a jury to conclude that Demandware’s claim that the subject matter expert position was outside the plaintiff’s skill set was pretextual. The court declared it “difficult to believe” that, having allowed the plaintiff to present Store to customers to persuade them to be early adopters and having recognized him for his success, Demandware was suddenly uncomfortable allowing him to train and support sales representatives unfamiliar with the Store product.



### EEOC: Ageism Persists in the Workplace

by Kathy Gurchiek

Fifty years after the Age Discrimination in Employment Act (ADEA) was passed, ageism remains too common and accepted, says a recent report from the U.S. Equal Employment Opportunity Commission (EEOC).

The report examined age discrimination in the U.S. since the ADEA took effect, outlawing employment discrimination against anyone at least 40 years old. Despite the ban, the EEOC received 18,376 charges of age discrimination during fiscal year 2017.

Charges filed with federal and state enforcement agencies represent a fraction of the likely discrimination that occurs in the workplace. One key reason is that ageism can be difficult to prove, so most discriminatory and harassing conduct goes unreported, according to the EEOC’s Select Task Force on the Study of Harassment in the Workplace.

A study that AARP conducted last year with 3,900 people ages 45 and older who were employed or looking for work found that six out of 10 older workers report seeing or experiencing ageism and 90 percent said it was common.

Victoria A. Lipnic, EEOC acting chair, called ageism “an open secret.”

“Like harassment, everyone knows [age discrimination] happens every day to workers in all kinds of jobs, but few speak up,” she said in a news release accompanying the report.

“There is still much that needs to be done to strengthen the law, work with employers and dispel myths about older workers,” said David Certner, AARP legislative counsel and legal policy director in Washington, D.C.

### Tactics to Recruit, Retain Older Workers

Ageism is much like other forms of discrimination, the EEOC noted. Stereotypes about the abilities and qualifications of women, for example, were based “on

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assumptions about the appropriate roles of women in the workplace and society,” the agency pointed out. Although older workers today are better educated, living longer and staying in the workplace longer than those of previous generations, discrimination and outdated assumptions about them continue, Lipnic pointed out in the report.

And EEOC data shows the demographics of workers who file ADEA charges have changed dramatically over the years. In 1990, men filed almost twice as many charges as women. But by 2010, the number of women filing age charges had surpassed the number of men filing age charges, a trend that continues today. Additionally, the number of age discrimination charges among racial groups has grown with each decade, as the chart below illustrates.

The issue affects all industries. The Communications Workers of America in May added Facebook, Ikea and hundreds of other companies to a class-action lawsuit alleging age discrimination. The suit, *Bradley v. T-Mobile*, claims that the defendants target their job ads on Facebook so that only the social networking site’s younger users see them.

Seasoned professionals often have a wealth of connections that can bring new networks a company otherwise would not have access to, and they

introduce “a breadth of experience” that benefits the company. Changing workplace practices can better produce real, sustainable benefits than trying to change attitudes about older workers, the EEOC pointed out in its report.

“Age discrimination remains a significant and costly problem for workers, their families, and our economy,” Lipnic wrote in a preamble to the report. “Age-diverse teams and workforces can improve employee engagement, performance, and productivity. Experienced workers have talent that our economy cannot afford to waste.”

The EEOC recommended the following strategies to increase age diversity in the workplace:

- Assess your organization’s culture, practices and policies that may reveal outdated assumptions about older workers. The Center on Aging & Work at Boston College and AARP partnered to develop such an assessment tool.
- Examine your recruitment practices. Does your website include photos of an age-diverse workforce? Do your job applications ask age-related questions such as date of birth or when a person graduated? Is your interview panel age-diverse? Train recruiters and interviewers to avoid ageist assumptions, such as



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that a younger worker will work for a lower salary or that an older worker will not remain on the job for long.

- Include age as part of your diversity and inclusion programs and efforts. PricewaterhouseCoopers' 2015 Annual Global CEO Survey found that while 64 percent of 1,322 CEOs in 77 countries had a diversity and inclusion strategy at their company, only 8 percent included age in those strategies.
- Offer learning and development to all employees, including career counseling and reverse-age mentoring.
- Foster a multigenerational culture that recognizes ability regardless of age and rejects age stereotypes, just as it would reject stereotypes of race, disability, national origin, religion or sex



### **U.S. Department of Labor Announces Funding Opportunity for Apprenticeship Expansion**

*by ASA*

The U.S. Department of Labor has announced \$150 million in grants to support sector-based approaches to expand apprenticeships on a national scale in key industry sectors. DOL will award up to \$150 million in H-1B funds to approximately 15 to 30 apprenticeship programs, with awards ranging from \$1 million to \$12 million.

"This funding is an investment in America's workforce, will contribute to competitiveness by helping job creators meet increasing demands for skilled workers, and meets the nation's need for family-sustaining careers," said Alexander Acosta, U.S. secretary of labor.

There are more than 6.6 million job openings in the U.S., many of which require advanced skills.



### **Companies Commit to Job Training**

*by Vivian Salama; Vanessa Fuhrmans*

President Donald Trump signed an executive order aimed at spurring new investments for training Americans to help them secure jobs. During a White House ceremony that opened the initiative, more than 15 companies and associations signed the pledge to educate and train American students and workers. They included IBM Corp., FedEx Corp., General Motors, Microsoft Corp., Walmart, and Lockheed Martin Corp. The companies collectively pledged to hire or train more than 3.8 million people over the next five years.



### **Demand for temporary workers is high and only expected to increase**

*by Riia O'Donnell*

#### **Brief:**

- Demand in the temporary labor force for third quarter 2018 is predicted to increase 3.4% as compared to the same period last year, according to a report from The Palmer Forecast. The U.S. saw 40,000 temporary help jobs in the first half of this year, with almost 100,000 added in 2017. The data is based on reports from the Bureau of Labor Statistics.
- The growth in the second quarter of 2018 exceeded expectations, coming in at 3.6% with more than 9,000 temporary positions added to the workforce. The increase could be attributed to slightly higher-than-anticipated growth in GDP. Growth was seen in all sectors of the market, including non-farm, government, service and education. Retail made the exception, losing 21,000 temp jobs.
- The temp penetration rate was 2.04% of the employment market for June 2018. Contributing factors to the temp workforce's momentum could include the low unemployment level, with about 6 million jobs unfilled monthly, as well as the anticipated effects of fewer government regulations and lower corporate tax rates, the study said.

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### Insight:

The number of temporary and independent workers continues to rise in the U.S. as more job seekers crave flexibility. An influx of independent contractors (2.2% more than the year before) added over \$1 trillion to the U.S. economy in 2017, according to a study released by MBO Partners. Data suggests that independent and traditional work grew between January 2017 and 2018, indicating independent work has not replaced traditional roles, but has created a separate resource of workers.

Staffing agencies have been reporting record numbers of requests for workers, with demand at its highest level since 1992, according to the American Staffing Association. An increase of 1.2% in Q1 2018 showed revenues of \$32 billion.

That growth will likely continue. More than half of employers recently surveyed by American Express and Institutional Investor Thought Leadership Studio plan to increase their use of temporary and contract workers to meet staffing demand. As more workers look for flexibility to manage work-life balance, some predict independent contract workers will comprise 60% of the workforce within the next 10 years.

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