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THE CAPABILITIES YOUR ORGANIZATION NEEDS TO SUSTAIN INNOVATION

by Linda Hill, Greg Brandeau, Emily Truelove, Kent Lineback, HBR

Why are some organizations able to innovate again and again while others hardly innovate at all? How can hundreds of people at a company like **Pixar Animation Studios**, for example, work together to produce blockbuster after blockbuster over nearly two decades – a record no other filmmaker has ever come close to matching? What's different about Pixar that enables it not only to achieve, but also to sustain innovation?

It's a crucial question. In recent years, many people have sought to understand how organizational innovation works, hoping to shed light on the broader and deeper dynamics and principles at play. They have debunked the myth of the lone genius, discrediting the idea that innovation is purely a solitary act or flash of insight in the mind of one creative individual.

Amidst this swirl of inquiry, however, there has been less attention given to the precise nature of organizing for innovation, the capabilities that drive discovery, and above all, how to **lead innovation**



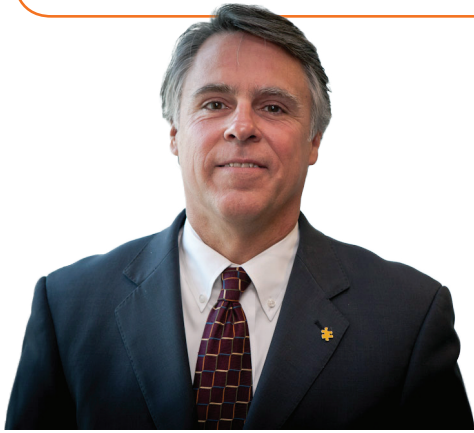
successfully. This has been our focus.

Consider **Thomas Edison**, perhaps the greatest American inventor of the early 20th century. From his fertile mind came the light bulb and the phonograph, along with more than 1,000 other patented inventions over a 60-year career. But he didn't work alone. As many have observed, perhaps Edison's greatest contribution was not one

single invention, but rather his artisan-oriented shops – a new way of organizing for innovation that has evolved into today's R&D laboratory with its team-based approach. Edison may get the credit for "his" inventions – it was his laboratory, of course – but each typically arose from years of effort that included many others.

Edison's example illustrates

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Dealing with acidic attitudes: Help for your managers

Every workplace has negative people who erode morale. They're not always easy to pick out of a crowd, but they can do an amazing amount of damage over time.

Most of the time, these folks don't make the big mistakes that call attention to themselves. They're frequently pretty good at their jobs, so they're not called on the carpet too often.

But like a virus running in the background of a computer program, their acidic personalities eat away at the goals – and ultimately the bottom line – of the company week after week, year after year.

Who are these people?

They're the employees who:

- continually find things to complain about and exaggerate the seriousness of co-workers' mistakes
- spread gossip and start rumors that pit employees against each other
- talk behind co-workers' backs, and
- undermine supervisors' authority with a never-ending flow of criticism that stays under-the-radar so it's rarely recognized and corrected.

It's been said the only way to fix a bad attitude is through psychotherapy, religion or brain surgery. But it's a rare manager

who is a shrink, a minister and a neurosurgeon.

Still, every manager needs a strategy to deal with this constant drag on employee attitudes. The stakes are too high to just let things slide.

Looking for answers – 4 key questions

So what's to be done? The experts say managers should move away from the vague "bad attitude" discussion to the hard facts of employee behavior.

The key questions:

- What's the impact of the employee's behavior?
- How do the person's actions differ from the standards set for overall employee behavior?
- What's the effect of this individual's behavior on the people who work with him/her?
- If this person acted according to our accepted standards, could it make a difference in morale and productivity?

Managers should identify the actions of negative people – and make it clear those actions will no longer be tolerated. An example: A Midwestern company established a "no jerk" policy. It included the statement: *Each employee will demonstrate professional behavior that supports team efforts and enhances team behavior,*



performance and productivity.

Establishing policy is a solid first step; it creates a good framework.

But managers need practical advice that gets results day to day on the front lines.

Managers need one-on-one coaching sessions to cover these points:

- **Acknowledge the awkwardness.** Managers can let employees know they're providing feedback that's difficult to discuss. It's only human to feel that way.
- **Keep it results-oriented.** A phrase like "I'm bringing this up because it's important you address this issue to be successful in your job" is helpful.
- **Accentuate the positive.** It's a good idea to highlight the good things that are likely to happen when the person changes the disruptive behavior. On the other hand, if the person remains

defiant, stressing the negative outcome if the person's attitude doesn't change can be effective, too.

It's human nature to want to delay having a tough conversation with an employee with a bad attitude. But that only makes things worse. And since it's going to be a tough conversation, it's recommended that supervisors prepare for the discussion.

Suggestions for handling the confrontation:

- **Be specific about what you want.** It's a mistake to use general terms in a discussion about a specific behavior problem. For example, a manager says "I don't like your attitude. I want you to change it." That's pretty safe, but it could mean anything. Instead, the manager should say "It's not helpful the way you talk about our customers

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behind their backs. It poisons the attitude of the others in customer service. From now on, if you can't say something supportive of a customer, please don't say anything at all." Managers should try to gather specific examples of negative things the employee has said in the past, and use those in the discussion for clarity.

• **Let people rant ... a little.**

Once a manager has gotten through discussing the specific behaviors, it's likely the other person is going to feel the need to blow off steam and maybe even mount a defense. To avoid having people feel like they are on the witness stand, let them rant a bit.

It'll help them feel like they are being heard – because they are. Then steer the conversation back to the results you want.

• **Try to use "we."** Work to get across the notion that the issue is a problem for everyone concerned. A manager can start by saying "We have a problem" or "We need to change." This helps the person realize the behavior is important, without finger-pointing.

• **Avoid overusing "you."**

Putting all the responsibility on the employee is a conversational black hole that's impossible to escape. The constant use of the word you, as in "You have a bad attitude and everyone knows it"

is an invitation for a fight. Instead, try "We need to talk about your attitude."

The point here is, while it is OK to use the word "you," using it continually in a negative way kills the conversation.

• **Avoid "however" and "but."**

Some managers believe that if they lead with a compliment, it's easier to wade into the problem. That conversation looks something like this: "You've done a pretty good job, but ..." and then the manager lowers the boom.

That often angers people and leaves them thinking, "Why can't he ever just say something positive and leave it at that?"

Consider substituting "and"

for "but" and "however," and the conversation is likely to go smoother, as in: "You're doing a pretty good job and we need to talk about how to get you to show more respect for customers."

• **Don't feel as if you have to fill the silence.**

In a tense situation a manager may be tempted to fill every gap in the conversation. Don't. Stay silent when there's a lull. Obligate the other person to fill in the silence.

It's surprising the amount of information a manager can get without ever asking a question ... just by remaining silent.



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THE CAPABILITIES YOUR ORGANIZATION NEEDS TO SUSTAIN INNOVATION

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the collaborative nature of the innovative process. Innovations most often arise from the interplay of ideas that occur during the interactions of people with diverse expertise, experience, or points of view. Flashes of insight may play a role but most often they simply build on and contribute to the collaborative work of others. Edison's true legacy – and secret to success – was that he was equally an inventor and a leader of invention.

At Pixar, they – like Edison – recognize the importance of organizing for innovation. They truly believe that *everyone* has a **slice of genius** to contribute to the collective genius of the whole. Without the contributions of large numbers of people, the company simply could not make a computer-generated (CG) movie. Whether it is the artists who develop the story, the engineers who render the images, or those who mind the business, all are aware that they cannot succeed alone. Collaboration is a hallmark of Pixar's approach. No individual can produce the final solution, but each contribution plays its part in creating a spectacular movie. As **Ed Catmull**, Pixar's cofounder and president noted: "We're not just making up how to do CG movies; we're making up how to run a company of diverse people who can make something together that no one could make alone."

So how does it work?

THREE CAPABILITIES OF INNOVATION

After studying **masters of organizational innovation** for over 10 years, we've identified three key activities that truly innovative organizations like Pixar are able to do well. First, the

people and groups in them do collaborative problem solving, which we call *creative abrasion*. Second, they try things and learn by discovery, demonstrating *creative agility*. Third, they create new and better solutions because they integrate existing ideas in unanticipated ways, practicing *creative resolution*.

CREATIVE ABRASION.

New and useful ideas emerge as people with diverse expertise,

to hard questions and push-back. Not everyone wants to do that all the time. It's no wonder that some and perhaps many people choose to remain silent rather than participate.

CREATIVE AGILITY. Almost by definition, a truly creative solution is something that cannot be foreseen or planned. Thus, innovation is a problem-solving process that proceeds by trial-and-error. A portfolio of ideas

patience. They produce false starts, mistakes, and dead ends along the way. Missteps and rework are inevitable and must be accepted, even encouraged. These realities don't lend themselves to the preferred corporate approach of set a goal, make a plan, and work the plan. As a consequence, those who take this approach make themselves vulnerable to criticism and blame.

So, to avoid anything that looks like failure, most people don't perform the experiments that produce real innovation. Instead, they simply generate a set of alternate solutions and then choose one and pursue it. Organizations that innovate not only attempt new things, but they invite failure as part of the cost of discovery. And, nobody gets in trouble for trying something that doesn't work.

As Ed Catmull told us, if Pixar had "no failures," which he defined as a "less than spectacular outcome," then that would suggest they had lost their appetite for doing bleeding-edge work. It's part of Pixar's culture that nobody gets penalized for trying something that didn't work.

CREATIVE RESOLUTION.

Integrating ideas – incorporating the best of option A and option B to create something new, option C, that's better than A or B – often produces the most innovative solution. However, the process of integration can be inherently discomforting, emotionally and intellectually.

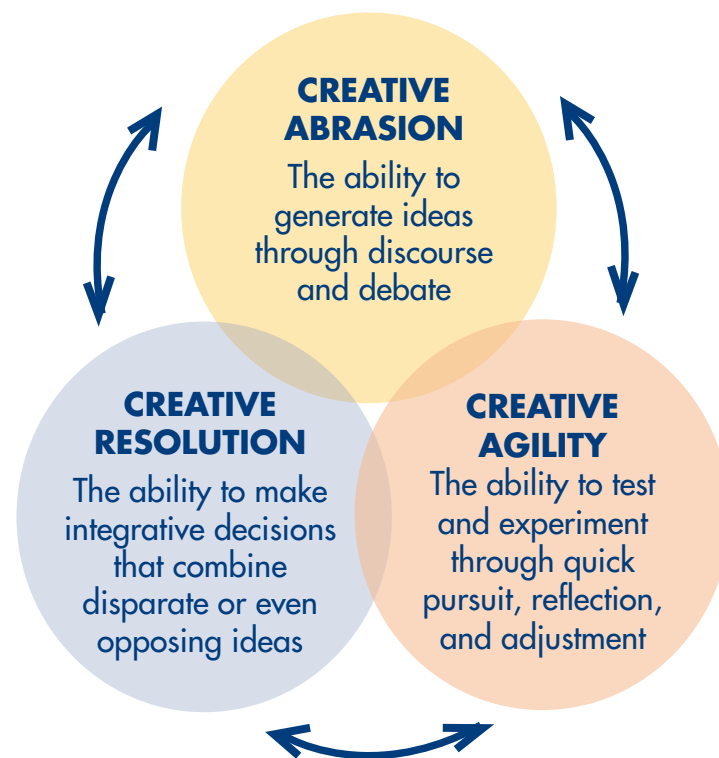
The problem – and the leadership challenge – arises because options A and B are often incompatible, even completely **opposable**, ideas. To arrive at option C means people

experience, or points of view thrash out their differences. The kind of collaboration that produces innovation is more than simple "get-along" cooperation. It involves and should involve passionate discussion and disagreement.

This creative collaboration produces innovation, but to many, this kind of engagement is hard and can be emotionally draining. The sparks that fly can sting or, at minimum, create **tension** and stress. To collaborate means making oneself vulnerable

is generated and tested, then revised and retested, in an often lengthy process of repeated experimentation. Hence Edison's famous definition of genius: "1 percent inspiration; 99 percent perspiration." Instead of following some linear process that can be carefully planned in advance, it's messy and unpredictable.

By its nature, then, innovation requires activities and interim outcomes that make most organizations nervous. Experiments take time and



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Meet **CHRIS VECCHIARELLI** »

Vice President
Pompton Plains, NJ



» **How long have you been in the staffing business?**

13 years.

» **What was your first job?**

What do you remember most about it? During culinary school I worked as a commis, which is a chef's apprentice, at the legendary Rainbow Room atop Rockefeller Center in Manhattan. I won't forget that job any time soon because I had the chance to cook for many celebrities such as Jay Leno, John Travolta, Madonna and the cast of *Saturday Night Live*. Jay Leno used to come in for dinner every night before he filmed *The Tonight Show*.

» **Who was the worst boss you ever had and why?**

You've all heard the saying, 'practice what you preach.' When I was working as a training and recruitment manager at a national seafood chain restaurant, Legal Seafood, I had a boss who didn't follow that golden rule. I was brought in from a corporate role to help

save a failing unit, which was challenging to do working for a person like that. But, we turned it around and the rest is history!

» **What motivates you each day to sell and service your clients?**

I take a tremendous amount of pride in what I do. I love learning about new businesses and truly enjoy providing our clients with the talented employees they need to run and grow their operations. I also have a nine-year-old son so proving him with a great future also keeps me going.

» **What are some of your long-term goals?**

I'd like to expand the Elite brand further throughout New York and New Jersey, cruise the Mediterranean, and plot a successful boating trip from New Jersey to the Caribbean – in that order.

» **What makes Peoplelink unique, from your perspective?**

We're a diverse group of companies and people working together toward one

common goal. Everyone at all levels is committed to growing our business and proving the best possible service to our clients. Plus, we have the fiercest barracudas in town!

» **What is the best advice you could give to other Peoplelink staff members?**

Get to know your clients, their businesses and the competitive environments in which they operate. Earn the trust of your clients and become one of their trusted advisors..... the business will follow.

» **What is your favorite movie?** Top Gun. **Book?** The DaVinci Code. **Drink?** Diet Coke, or a Grey Goose Martini bone dry with olives depending on the day.

» **If you could have any car you want, what would**

it be? This is an easy one, a Black Maserati.

» **What is your home city? What is the greatest feature about your home city?**

Newark, NJ. I have fond memories of spending time there with my Italian grandparents going to authentic markets and having big family dinners. The city's greatest feature is its eclectic mix of people and cultures. You can get delicious Portuguese food on one block and see the New Jersey Devil's play at the Prudential Center on the next.

» **How do you unwind when you're not at the office?**

During the warm months my favorite place to be is boating up and down the Hudson River admiring the New York City skyline. Now that it's winter, I'll settle for kick-boxing. 🥋

THE CAPABILITIES YOUR ORGANIZATION NEEDS TO SUSTAIN INNOVATION

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must keep both A and B on the table, and that is difficult to do. When faced with two seemingly mutually exclusive alternatives, the human impulse is to choose one and discard the other as soon as possible, or to forge a simple compromise. We crave the clarity provided by that kind of clean, assured decision-making. We crave it so much, in fact, that when a leader refuses to make a choice quickly, even when it can only be arbitrary or capricious, we grumble about the "lack of leadership around here." It takes

courage to hold open a multitude of possibilities long enough that new ways of combining them can emerge. There is often great pressure to make a choice, any choice, and move on.

Innovative teams, however, know that integrative decision-making often involves more than simply and mechanically combining ideas. Rather, it requires a willingness to play with ideas and experiments until they "click." Discoveries emerge through constant iteration, through trying different approaches,

including approaches that at first seemed inconsistent, through the involvement of lots of talented people, and through a willingness to wait and see what works and what doesn't.

History – and not just Hollywood – is littered with star-studded teams that failed. We all know that it's not easy to get people to collaborate on a straightforward task let alone to create something fresh and useful. Almost all cultures have some version of the saying, "Too many cooks in the kitchen."

That's why leadership is the key, cultivating the ability to keep testing possibilities before choosing one and moving ahead. But this is hard work. Given the difficulties, it's not so surprising that people often choose not to innovate – or, more accurately, that they choose to avoid the challenging activities most likely to produce real innovation. The job of the person leading innovation is to create the conditions that allow and encourage all these things to happen again and again.

Any Value Proposition Hinges on the Answer to **One** Question

by Frank V. Cespedes (HBR)

Any strategy lives or dies on the basis of its customer value proposition. There are many typologies relevant to crafting a value proposition, because there are many ways to win customers. But the key issue is always: what is the center-of-gravity in our approach? Do we ultimately compete on the basis of our cost structure (e.g., Ryanair and Wal-Mart) or another basis that increases our target customer's willingness-to-pay (e.g., Singapore Airlines and Nordstrom)? In other words, will we sell it for more or make it for less — and allocate sales resources accordingly?

Nearly all competitive markets confront firms with this choice. In retailing, there is Wal-Mart, Dollar General, and category killers. But there is also Nordstrom, Louis Vuitton, and many high-end boutiques. In pharmaceuticals, there are blockbuster drugs targeted at mass-markets segments. But there is also Soliris, a drug sold by Alexion to treat certain blood and kidney diseases that afflict relatively few people. Soliris costs \$400,000 per patient annually. But insurers pay this price because Soliris is the only safe and effective treatment for these diseases and that price is less than the total cost of alternative treatments. Alexion has grown from \$25 million in sales in 2007 to \$1.5 billion in 2014.

Sell it for more. Here, your product or service provides better performance on attributes that are important to target customers and for which they are willing to pay a premium. This approach must continually avoid the following pitfalls:

- Meaningless or false differentiation: the points of superiority are unimportant to

advantages make it difficult for others to duplicate. To be a viable value proposition, therefore, this approach must avoid these pitfalls:

- Price wars: any cost advantage is lost in price competition and no one extracts value.
- Substitutes: you may have a cost advantage over

Will we sell it for more or make it for less — and allocate sales resources accordingly

customers or based on a false presumption of superiority.

- Uneconomic or invisible differentiation: customers are unwilling to pay for additional performance or are unaware of the difference.
- Unsustainable differentiation: the product or service features are imitated over time.

Make it for less. Here, your cost structure allows you to sell and make money at prices that competitors cannot. Realities in many industries typically allow only a few firms to compete successfully in this manner. Once they do, moreover, their scale

competitors, but not over substitutes that are available to target customers.

- Cost reductions versus lowest costs: lowering cost doesn't necessarily mean your cost is lower than competitors and, in any market, there is only one lowest cost competitor. Never confuse these different cost positions.

You must be clear with your people about where your business falls along this spectrum.

If you're not clear about this, your sales efforts will run into problems. Externally, there will

always be someone out there who can beat you on cost and price, or someone else who tailors its operations and sales efforts to the performance and buying criteria of a segment better than you can. Depending upon your value proposition, sales will face different buyers and selling tasks and require different support processes to deliver value.

Internally, important organizational issues flow from the value proposition. Different assets will be needed for the cross-functional activities required for effective selling of a given value proposition. Different metrics are relevant for setting and evaluating sales performance. And basic HR issues are at stake whenever a firm is unclear about its value proposition: salespeople cannot be premium service sellers in the morning and cost hawks in the afternoon. It doesn't work that way.

Strategy requires choice, clear communication, and coherent performance management practices, not just stirring metaphors, with the people who deal with customers. A moment of truth is the customer value proposition. Clarity about that will help your salespeople (and everyone else) focus more efficiently, qualify customers more effectively, and allow your firm to allocate resources more profitably.

THE BRIDGE THAT WORKS: ASA STAFFING EMPLOYEE SURVEY

by *Steven P Berchem CSP, ASA*

Here are new hard facts that put a fresh face on a powerful truth about the staffing industry: Temporary and contract work is an effective bridge to permanent employment.

Virtually all respondents to the 2014 ASA Staffing Employee Survey said that securing a permanent job was important to them, with half (49%) stating that was their primary reason for choosing temporary or contract work. Among those who cited a permanent job as their top priority, 99% achieved their objective (see Figure 1).

Temporary and contract employees are about as likely to work full-time as all adult workers (see Figure 2). Among those who bridged to permanent jobs, 94% work full-time.

While most staffing employees seek permanent employment, flexibility is also highly important to 97%.

And nine out of 10 say they are satisfied with their staffing company.

These are just some of the key takeaways from this year's landmark ASA Staffing Employee Survey, in which nearly 12,000 temporary and contract employees from 275 staffing companies participated. See the "Methodology" sidebar on this page for survey details, and read on for more results.



Figure 1
The Bridge That Works

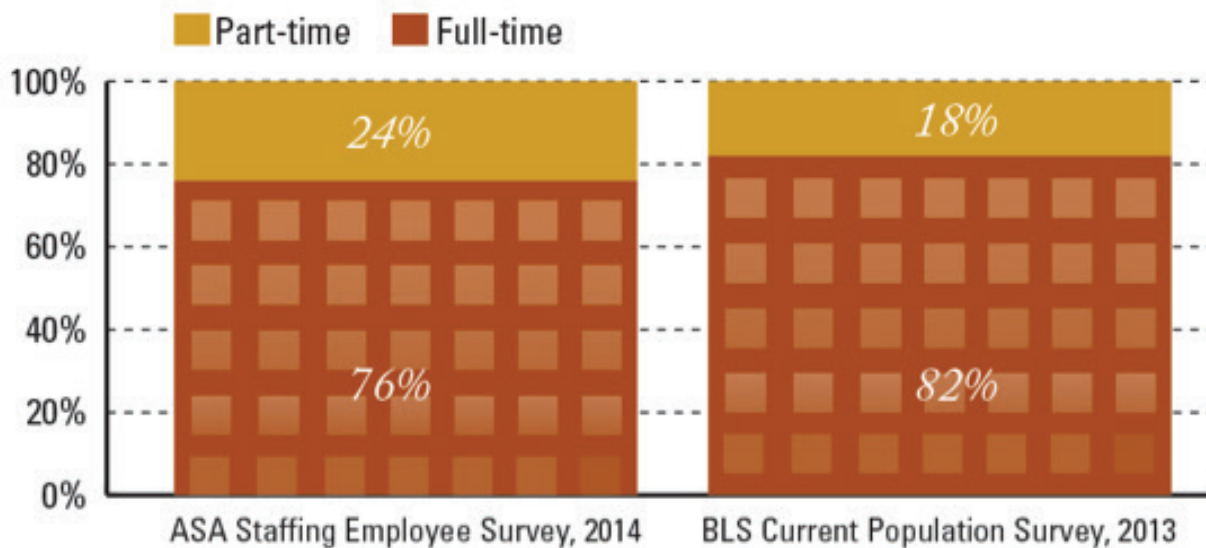


Figure 2
**76% of Staffing Employees Work Full-Time,
About the Same as the Overall U.S. Labor Force**

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THE BRIDGE THAT WORKS: ASA STAFFING EMPLOYEE SURVEY

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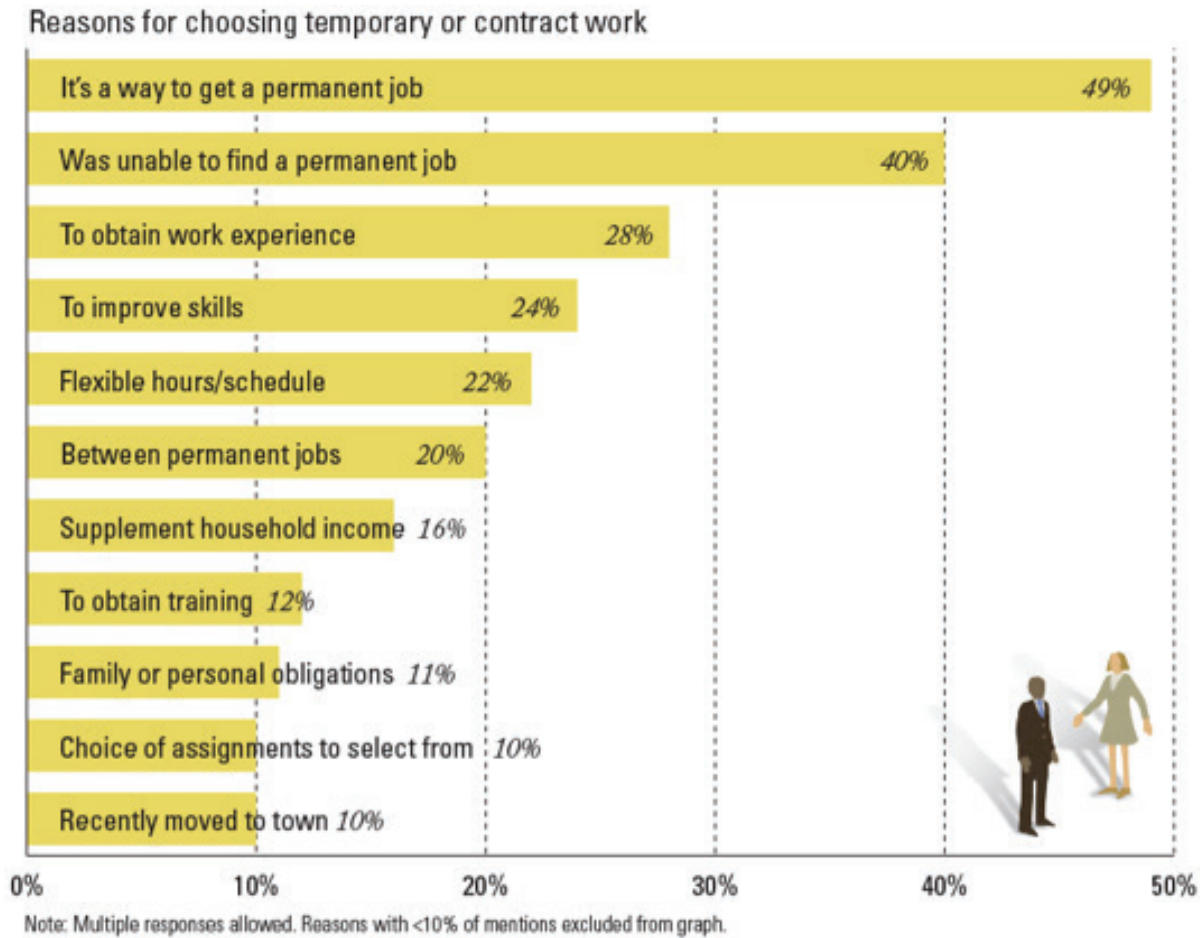


Figure 3
Bridge to Permanent Jobs Drives Staffing Employment

Bridging to Permanent Jobs

Staffing employees have many motivations for selecting temporary and contract work. But most want permanent jobs. The top four reasons for choosing temporary or contract work are related to future employment ambitions (see Figure 3):

- 49% It's a way to get a permanent job
- 40% Was unable to find a permanent job
- 28% To obtain work experience
- 24% To improve skills

Seeking Flexibility and Skills

Other longtime hallmarks of the staffing industry also were confirmed by the results of the ASA Staffing Employee Survey.

One in five respondents (22%) said the reason for choosing temporary or contract employment was for work schedule flexibility.

Temporary and contract work also is a sought-after way to gain skills and work experience. Nearly 90% of temporary and contract employees reported that their staffing employment experience made them more employable (see Figure 4). Six out of 10 cite these reasons:

- 62% Developed new or improved work skills
- 59% Helped strengthen my résumé
- 59% Received on-the-job experience

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THE BRIDGE THAT WORKS: ASA STAFFING EMPLOYEE SURVEY

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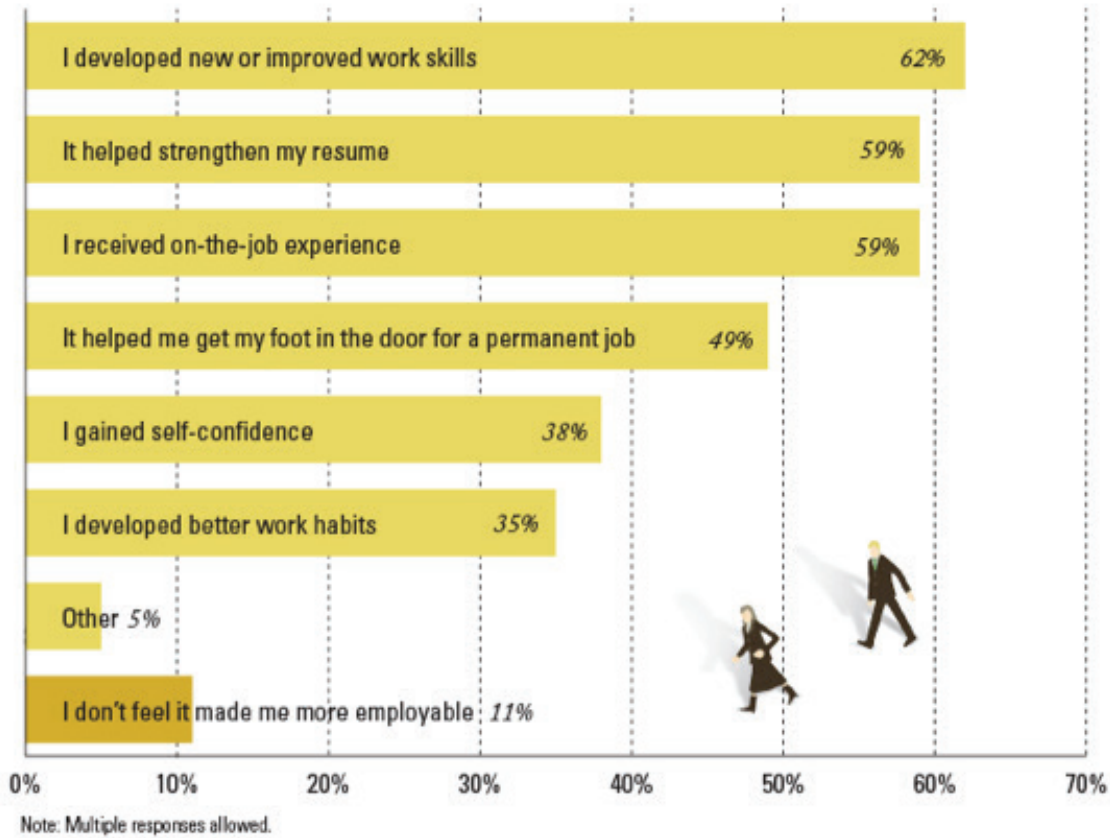


Figure 4
 Nearly 90% of Staffing Employees Say Temporary or Contract Work Made Them More Employable

Experiencing High Satisfaction

Whether they were aiming for a permanent job or seeking flexibility, staffing employees gave overwhelmingly positive ratings about their experience. Nine out of 10 temporary and contract employees were satisfied with their staffing company, with 74% being very or extremely satisfied (see Figure 5).

Overall, the results of the 2014 ASA Staffing Employee Survey are almost identical to the results of the 2006 survey, which was conducted as the staffing industry was approaching its prerecession peak. In the most recent survey, there was a slight increase in the proportion of employees who turned to staffing firms out of need for work, as well as a modest decline in the preference for flexibility, but altogether the results of both surveys suggest remarkable stability in positive attitudes and experiences among America's temporary and contract employees.

Confirming the Industry Value

These findings serve as current affirmation of what every staffing professional knows well: When Americans want permanent jobs, temporary and contract assignments provide the bridge they need to secure the employment they want.

The findings also show that for workers seeking flexibility, the staffing industry offers that, too.

These attributes contribute to the overwhelmingly high satisfaction level reported by staffing employees.

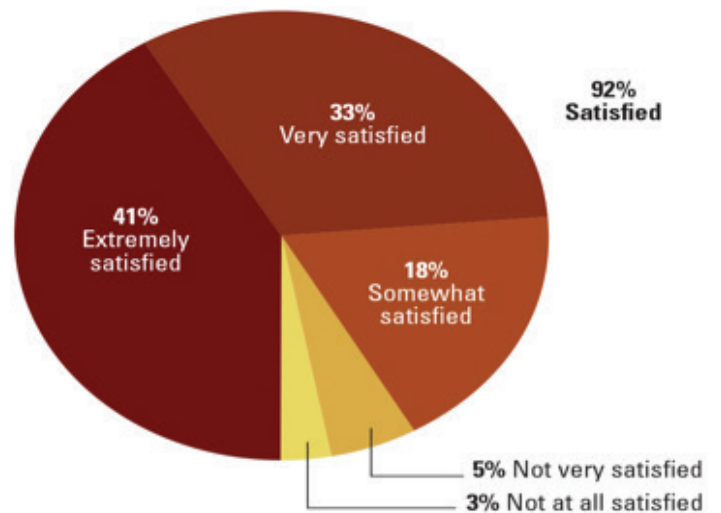


Figure 5
 Nine Out of 10 Staffing Employees Were Satisfied With Their Employer



John Lamonte Thompson January *Shining Star* employee

Peoplelink is pleased to announce that John Lamonte Thompson has been chosen as our January *Shining Star* employee. John is a Machine operator at Precision Metalwork. After reporting to the Goodlettsville branch for nearly a year, John has just been hired on permanently at Precision Metalwork.

As a Machine Operator, John fabricates steel parts for automotive companies. He runs a turret press and inspects the parts after completion to ensure the highest quality for customers. According to John's supervisor, his work quality is excellent and he is truly invested in his job.

While on the job, John's favorite aspect of this position changing the tools to the machines due to the importance of selecting the correct tool and installing them accurately in order to avoid waste. In his free time, John plays bass for his own church and several other local churches.

Congratulations to John for being Peoplelink's January *Shining Star* employee and on becoming a permanent employee of Precision Metalwork!

Find your shining star! Contact Peoplelink at 574.232.5400.

OUT OF OFFICE

Now that's leave abuse: 25-year no-show finally gets himself fired

By Christian Schappel, HR Morning

It's tough to fight leave abuse these days. But apparently what you face is nothing compared to this organization.

India's Central Public Works Department approved Senior Electrical Engineer Shri A.K. Verma for earned leave in 1990. But apparently he must have confused earned leave with retirement, because it's been 25 years since the department's seen him.

Still, he was allowed to keep his job until just recently. That's some impressive leave abuse, although it's unclear whether or not Verma was paid during his absence.

Verma was finally canned on Jan. 8, 2015. His legacy will be that he managed to game the system for 15 years after only putting in 10 years worth of work (he was hired in 1980).

So what happened? The details coming out of India aren't very clear.

However, the U.K.'s *Sunday Express* is blaming India's seemingly excessive pro-employee labor laws, which it reports "make it hard for staff to be sacked for any reason other than criminal misconduct."

It wasn't until those laws were reformed recently that Verma's case was unearthed

and he was terminated, according to the *Express*, which went on to say: "Prime Minister Narendra Modi has also cracked down on people not turning up to work by making New Delhi bureaucrats sign in at work using a fingerprint scanner."

ON-AGAIN, OFF-AGAIN INVESTIGATION

A press release from India's Central Public Works Department, obtained by *Business Insider*, attempted to explain what exactly happened with Verma.

It obviously leaves more than a few questions unanswered, but here's the department's breakdown of the situation:

"Shri A.K.Verma, who joined CPWD as an Assistant Executive Engineer in 1980 went on Earned Leave in December, 1990 and did not report to work thereafter. He went on seeking extension of leave which was not sanctioned and defied directions to report to work. An Inquiry was instituted against him in September, 1992 for major penalty for willful absence from duty. Due to non-cooperation of Shri Verma with the Inquiry and for other reasons, it got delayed and a fresh charge sheet was issued in 2005. The Inquiry Report, establishing the charges was submitted in July, 2007 and the same was accepted by the then Minister of Urban Development in August, 2007. But no further action was taken in the matter."

Based on that info, it appears all it took for employees to beat out investigations was "non-cooperation." If you ask us, that doesn't exactly sound like the department had the most effective investigative system in place.

It wasn't until Urban Development Minister Venkaiah Naidu took office and ordered a review of pending investigations that Verma got what was coming to him. Otherwise, he might have been able to remain on leave for another quarter-century.

The 17 most irritating buzzwords in today's resumes

By Tim Gould, HR Morning

OK, it's a huge part of the job. But even the most dedicated HR pro will admit that going through stacks of candidate resumes can turn your brain to jelly.

And what hastens the jelly-formation process? Reading the same tired buzzwords over and over and over.

Harris Poll, on behalf of CareerBuilder, recently canvassed 2,201 U.S. hiring managers and human resource professionals across a spectrum of industries and company sizes. The question: What resume terms are the biggest turnoffs?

The results:

1. Best of breed: 38%
2. Go-getter: 27%
3. Think outside of the box: 26%
4. Synergy: 22%
5. Go-to person: 22%
6. Thought leadership: 16%
7. Value added: 16%
8. Results-driven: 16%
9. Team player: 15%
10. Bottom line: 14%
11. Hard worker: 13%
12. Strategic thinker: 12%
13. Dynamic: 12%
14. Self-motivated: 12%
15. Detail-oriented: 11%
16. Proactive: 11%
17. Track record: 10%

Bunch of those make your skin crawl, don't they?

AND IN THIS CORNER . . .

In the interest of fairness, CareerBuilder also queried the participants on the most

effective terms used on the resumes they see on a regular basis. Here's the list:

1. Achieved: 52%
2. Improved: 48%
3. Trained/mentored: 47%
4. Managed: 44%
5. Created: 43%
6. Resolved: 40%
7. Volunteered: 35%
8. Influenced: 29%
9. Increased/decreased: 28%
10. Ideas: 27%
11. Negotiated: 25%
12. Launched: 24%
13. Revenue/profits: 23%
14. Under budget: 16%
15. Won: 13%

Comparing the two lists, it's not hard to see the difference — the first is a litany of advertising terms. The second is a set of specific accomplishments.

But maddening as the terms "thought leadership" and "proactive" may be, their presence on a resume shouldn't automatically mean the applicant is instantly consigned to the reject pile.

Suzanne Lucas, the *Evil HR Lady* and a columnist for *Inc.com*, suggests that it could be worth it to "stop and realize your own biases and maybe vow to spend a bit more time looking at résumés. After all, it's not about what the résumé says (unless you're hiring professional résumé writers); it's about what the person can do for you.

"Though you may want to immediately reject someone because he or she threw a word like synergy around, that might not always be the best course. Take a closer look and see what the person has really accomplished. After all, your goal should be to hire the best people for your business, and that may mean people who aren't the world's best résumé writers."

The EEOC issues you'll want to keep an eye on in 2015

by Tim Gould, HR Morning

2014 was a pretty tough year for the Equal Employment Opportunity Commission. But that doesn't mean employers can relax.

Employment law firm Littler Mendelson recently released its *Annual Report on EEOC Developments – Fiscal Year 2014*, and while the results indicate the EEOC suffered some setbacks, it's apparent that employers need to keep an eye on several key issues in 2015.

- recovered less despite more settlements (in 2014, \$13 million in monetary relief was recovered through 78 voluntary agreements compared to \$40 million recovered through 63 voluntary agreements in 2013), and
- filed fewer systemic lawsuits (17 in 2014 compared to 21 in 2013).

Fewer investigations are good news for employers. Here's the rub, though: The agency issued reasonable cause determinations in 118 of 260 systemic investigations in FY 2014 (45%), compared to 106 reasonable cause determinations based on 300 systemic investigations in FY 2013 (35%).

The risk of a "reasonable cause" finding of discrimination increased when an employer was faced with a systemic investigation. A determination of reasonable cause by the EEOC is significant, since it often results in litigation if the matter is not resolved in the conciliation process.

LEGAL SETBACKS

The report also revealed that "the EEOC has suffered numerous setbacks in its systemic investigations initiative based on cases the



agency has taken to litigation, as shown by its focus on 'failure to hire' cases." Here's a partial run-down, from a Littler press release:

The EEOC already lost one major case on appeal, *EEOC v. Kaplan Higher Education Corporation, et al.*, when the Sixth Circuit affirmed dismissal of a case challenging the use of credit checks. A second case, *EEOC v. Freeman*, involving the use of both credit and criminal background checks is on appeal to the Fourth Circuit after the EEOC lost on summary judgment. Both cases involved reliance on the same expert.

The EEOC also lost a significant equal pay case in *EEOC v. Port Authority of NY and NJ*, in which the Second Circuit issued a harshly worded opinion. The opinion stated, "We conclude that the EEOC's failure to allege any facts concern-

ing the attorneys' actual job duties deprives the Court of any basis from which to draw a reasonable inference that the attorneys performed 'equal work,' the touchstone of an EPA claim."

A closer question may be at stake in the religious accommodation case in *EEOC v. Abercrombie*, which the EEOC lost on appeal in the Tenth Circuit and will be heard by the U.S. Supreme Court next month.

At the district court level, the EEOC lost cases involving overbroad complaints (*EEOC v. Sterling Jewelers*), a pattern or practice claim involving alleged religious discrimination (*EEOC v. JBS USA*) and challenges to an employer release that allegedly restricted access to the EEOC (*EEOC v. CVS Pharmacy, Inc.*), to name a few.

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Here's Littler's Top Ten list of key upcoming EEOC developments:

- 1. Conciliation obligations of the EEOC prior to filing suit** – The U.S. Supreme Court's upcoming ruling on the nature and extent of the EEOC's obligations during the conciliation process
- 2. Employer obligations involving pregnant workers** – An employer's obligations involving pregnancy leave under the Pregnancy Discrimination Act based on the upcoming ruling by the U.S. Supreme Court in *Young v. UPS*, as well as the nature and extent to which the courts will obligate employers to make reasonable accommodations to pregnant workers under the Americans with Disabilities Act (ADA)
- 3. EEOC challenges to hiring barriers** – Various cases involving hiring barriers, including the impact of the Fourth Circuit's decision in *EEOC v. Freeman* involving the use of criminal history in the hiring process, as well numerous cases of alleged intentional discrimination in the hiring process involving race, national origin, age and sex discrimination
- 4. Scope of reasonable accommodation under the ADA** – The courts' approach to required accommodation under the ADA, including whether the courts will begin to challenge required attendance on the job based on cases such as *EEOC v. Ford Motor Company*, currently pending before the Sixth Circuit
- 5. Required accommodations involving religion** – The scope of reasonable accommodation involving religious discrimination based on the U.S. Supreme Court's upcoming decision in *Abercrombie* and whether an individual has to make a specific request for an accommodation in circumstances where an employer arguably has enough information to believe there may be a potential conflict between the individual's religious practices and employer policies
- 6. EEOC challenges to wellness programs** – The manner in which the courts will reconcile the Affordable Care Act's encouragement to develop wellness programs to help contain medical costs versus the EEOC's focus on the "voluntariness" of participation in such programs
- 7. Nature and extent of rights of LGBT workers under Title VII** – The nature and extent to which courts adopt the view of the EEOC and expand the rights of LGBT workers under Title VII, despite the absence of legislation to cover sexual orientation and sexual identity
- 8. Challenges to releases and/or arbitration programs** – Challenges to employer releases by the EEOC in litigation similar to *EEOC v. CVS* (in which the EEOC's claim was dismissed on technical grounds based on the failure to conciliate prior to filing suit) and/or arbitration programs to the extent the EEOC believes such employer documents allegedly interfere with access to EEOC processes
- 9. "Directed investigations" under the Equal Pay Act (EPA) and Age Discrimination in Employment Act (ADEA) and related litigation** – Potential broad-based investigations of alleged equal pay violations under the EPA and/or age discrimination under the ADEA without a charge of discrimination even being filed against an employer, based on the EEOC's authority to conduct "directed investigations", and
- 10. Scope of permitted pattern or practice litigation against employers** – Continued pattern-or-practice litigation by the EEOC, including harassment litigation, and the extent to which a lawsuit by the EEOC will be limited based on the scope of its investigation and/or the failure to identify purported victims prior to bringing suit.

