

# BEST PRACTICES *in HR*™

July 18, 2009

[www.blr.com](http://www.blr.com)

Issue 889

## CONTENTS

### Case Study.....3

- Company's Values 'RISE' Through Benchmarking, Participation, Communication

### From the Courthouse.....4

- Was Police Officer Entitled to Wear Religious Garb with Uniform?

### The HR Professional.....5

- Women in HR: How to Brand Yourself for Career Success

### Tips & Tactics .....6

- It's a Misconception: The Poor Economy Didn't Make Hiring Any Easier
- BLR Offers New Training Model

### Case Study.....7

- Scholarships, Inclusion Training Help Promote Diversity Within Law Firm

### HR Tool Box .....8

- 'The Cost of Bad Behavior' in the Workplace

**BLR**®  
BUSINESS & LEGAL REPORTS  
*Making your job easier!*

## Layoff Missteps Could Lead To Age Discrimination Suits

Employers that base layoff decisions on seniority (as in last one in, first one out), as well as those who lay off an entire department or area of operation, generally are on the safest legal ground when it comes to age discrimination suits, according to labor and employment Attorney John E. Quinn.

### Evaluate Criteria Being Used

Things get a bit trickier when layoff decisions are based on other criteria such as sales or performance reviews, says Quinn, an equity partner in the Philadelphia office of Eckert Seamans Cherin & Mellot ([www.eckertseamans.com](http://www.eckertseamans.com)).

If, for example, you want to lay off an older, underperforming salesperson, you have to make sure he or she wasn't

treated differently from other salespeople while employed, he explains. Similarly, if your performance-review process, or the managers completing reviews, are biased against older workers, that could pose a problem in court.

"The key is preparation, consistency, and being able to explain what you're doing," says Quinn. "You have to know the totality of the facts, because a jury is going to ask you, 'What did you do, why did you do it, and were you fair?'"

"Sometimes companies use a reduction in force (RIF) to get rid of employees whom they have never liked but, unfortunately, they did not document the reasons why," he explains. He notes that

*(continued on page 2)*

## Small Changes Bring Inclusive Results

When HR executives and senior leaders think about diversity initiatives at their organizations, they probably think of putting systems into place that will create equity of participation, says William A. Guillory, Ph.D., founder of Innovations International and an expert on diversity initiatives.

"Often the most progressive organizations that are rated highly for diversity are rated that way based on how many systems they've put into place," says Guillory, who is also a motivational speaker, trainer, and the author of a new book, *Diversity—A Unifying Force: Transforming Your World Through Small Acts of Kindness*. "But they haven't changed their culture at all. Inclusion will not come about until cultural transformation occurs."

He explains that when systems have been put into place but the culture hasn't transformed, all the diversity systems put into place will go back to the way they were before if a committed CEO leaves the organization.

Guillory contends that the best way to bring about changes in behavior—and ultimately a work culture—is by setting an example through small acts of kindness or small acts of inclusion. He explains that every person has a social network within an organization, and many also have a virtual network through technology.

"If you identify the five or six people you interact with the most in the workplace, you will have your natural social network that comprises 80 percent of

*(continued on page 2)*

an employer's claim during layoffs that some employees had performance issues might not be consistent with the satisfactory performance reviews in their personnel files and the lack of disciplinary action against them.

### Tips to Avoid Claims Of Age Bias

Here are a few strategies from Quinn to help minimize the risk of an age discrimination suit related to layoffs:

- **Decide what criteria will be used.** "Then make sure the criteria are not biased," Quinn says. For example:
  - Will you base layoff decisions on time and grade, productivity, performance reviews, or some other measure?
- Is your criteria quantitative or qualitative?
- Do you have documentation to support decisions based on the selected criteria?
- **Require a review of layoff decisions.** "More than one person should review the decisions" to help ensure that bias did not play a role, he says.
- **Avoid automatically cutting the highest-paid employees.** "There's always a danger if [employers] come in and say, 'We're going to get rid of the people who make the most money,'" Quinn explains, noting that those with the highest incomes are often older employees.
- **Consider demographics before and after a RIF.** "I always like to [ask], 'What is the snapshot of the workforce before a RIF, and

what do we envision the snapshot of the company being subsequent to the RIF?'" Quinn says. If all of your older workers will be gone after a layoff, you might have a legal problem.

- **Review company practices.** "Do we follow or live up to the policies that we have"; Are we fair in how we implement our policies"; and "Do we train our managers?" are a few things employers should ask themselves, says Quinn.

Educating supervisors on how to supervise, avoid age-related comments, and break layoff news to employees can help avoid lawsuits.

"More lawsuits are nipped in the bud if employees think they're being treated fairly," Quinn stresses.

### Changes (continued from page 1)

the people with whom you interact," he explains. "If I start to pay attention to those interactions and make them intentional, I can contribute to the success of someone else. If I multiply five or six interactions a day by 5 days a week, I have 25 to 30 interactions with each of the five or six people who are close to me."

"Workplace relationships are a constellation of overlapping human interactions, and it doesn't take long before I see if I do something on your behalf, and you something on John's behalf, that John will reciprocate by something on my behalf. If I can get even 50 percent of the people participating in these small acts [I can effect a change in the culture]," Guillory asserts.

Some of the things that typically occur as you begin to use Guillory's small acts model include:

- **Build your social capital.** Build a relationship with expectations, obligations, and trust between you and another person.
- **Practice reciprocation.** Whatever you did that was nice makes the other person do something nice for you or for someone else.
- **Positive results.** Whenever you do something that is authentically nice for another person, something [positive] happens to you and your community [department, team]. You systematically begin to change the context of the culture.

Guillory suggests that "even if you are part of a dysfunctional organization, you can change the culture within your own community, and what's going on outside that community will have minimal effect on how you treat each other. You may even change the tenor of what goes on in that organization."

### Inclusive Acts

Small acts of inclusion may begin on a personal basis and be as simple as letting someone get in front of you in a store to check out a purchase, notes Guillory.

*The Small Acts of Inclusion—Creating Cultural Transformation* booklet, written by Guillory, provides examples for the workplace, such as:

- Having lunch with someone different from you,
- Coaching someone culturally different,
- Honestly evaluating your commitment to inclusion, *and*
- Helping others with career planning.

The 23-page booklet may be downloaded at no cost. Visit [www.innovint.com/services/small-acts-of-inclusion.php](http://www.innovint.com/services/small-acts-of-inclusion.php).

Robert L. Brady, J.D., *Publisher*; Margaret A. Carter-Ward, *Editor in Chief*; Catherine Moreton Gray, J.D., *Managing Editor*; Elaine Quayle, *Editor*; Karen Barretta, Kelly Griffin, *Contributing Editors*; Rebecca MacLachlan, *Graphic Designer*; Sherry Newcomb, *Layout Production*; Agnes D. Franks, *Marketing Manager*. *Best Practices in HR* is issued by BUSINESS & LEGAL REPORTS, INC. Editorial and business offices are located at 141 Mill Rock Road East, P.O. Box 6001, Old Saybrook, CT 06475-6001. ©1997-2009 Business & Legal Reports, Inc.

Issued bimonthly. Subscription price: \$298.00 for 24 issues. Periodicals mail postage paid at Old Saybrook, CT 06475-9998, Standard Mail enclosed. POSTMASTER: Send address changes to *Best Practices in HR*, 141 Mill Rock Road East, P.O. Box 6001, Old Saybrook, CT 06475-6001.

Authorization to photocopy items for internal or personal use, or the internal or personal use of specific clients, is granted by Business & Legal Reports, Inc., provided that the base fee of U.S. \$0.50 per copy plus U.S. \$0.50 per page is paid directly to Copyright Clearance Center, Customer Service, 978-750-8400, or check CCC Online at: <http://www.copyright.com>. For those organizations that have been granted a photocopy license by CCC, a separate system of payment has been arranged. ISSN #1096-973x

# CASE STUDY

## Company's Values 'RISE' Through Benchmarking, Participation, Communication

Many organizational leaders report that their companies have a foundation of values. However, the C. B. Richard Ellis Group (CBRE), a global, commercial real estate services firm, measures everything that is done against their values, according to Beverly Bradshaw, vice president, Human Resources for North America.

With 17,000 employees in the United States and 29,000 globally, this organization grew significantly in 2006 when the Trammell Crow Company became an independently operated subsidiary of CBRE, almost doubling the size of the workforce of the organization.

With Trammell Crow came its best practices, and Bradshaw credits that company with the values that were adopted and tweaked for use by the entire CBRE organization. The values are respect, integrity, service, and excellence ("RISE"). She says, "It's really benchmarking how any of our actions with our employees translate to our values. If you are fortunate enough to be an HR professional in an organization that lives out its values, it's a great place to be."

CBRE ([www.cbre.com/EN](http://www.cbre.com/EN)) has been recognized for its work culture and focus on corporate responsibility by being included on the "2009 Companies That Care Honor Roll" and *Fortune* magazine's World's Most Admired Companies in the real estate category.

The best way to illustrate Bradshaw's statement that CBRE lives its four values is through specific examples.

### Respect

The value of respect is probably the one that most resonates from both an HR and cultural standpoint, Bradshaw says. "We communicate openly with our employees about the challenges we're facing [in today's economy] in an open, direct, and

collegial manner. [The communication] has been respectful of the fact that it is to people who are knowledgeable, who have made a contribution, and who want to do a good job."

Because the employees are so geographically dispersed, most communications are distributed via electronic media, as well as through managers communicating to staff, explains Bradshaw. "We use trickle-down communication as a primary mechanism, and we also have a very robust company intranet, so all messages from the president and key leaders are posted there. Our approach is that if there is a message from the president, there will often be a message from the division leader as well so employees understand what it means to them and how it affects them on a daily basis."

### Integrity

The value of integrity is founded on CBRE's focus on ethical behavior and conduct. "We have a well-communicated 'standards of business conduct' statement, a hotline, and a website where employees can report concerns or questions about ethical concerns," says Bradshaw.

"We provide Web-based training regarding [RISE] for new employees as well as every other year for all employees. Our general counsel also sends out a monthly 'Compliance Corner' communication that puts a fun spin on compliance and shares real examples from the business," she explains.

### Service

The value of service stands for service to employees, customers, and to the community. Bradshaw explains that CBRE has an established foundation called CBRE Cares, and employees can make contributions of cash or of their time.

One of the most popular services provided through CBRE Cares is

**Who:** C. B. Richard Ellis Group (CBRE)

**What:** Measures organizational actions with employees against their organizational values

**Results:** CBRE has been included on the "2009 Companies That Care Honor Roll" and is one of *Fortune* magazine's World's Most Admired Companies in the real estate category.

providing birthday cakes for children staying at homeless shelters that are adopted by local CBRE offices. "The idea is that the birthday cake should be the same as the one you'd want to give your own child," says Bradshaw.

Service to employees comes about in many forms. One example is CBRE's participation in the American Cancer Society's (ACS) Active for Life Challenge, an effort to get people moving (walking), eating in a more healthful way, and just adopting a healthy lifestyle. Bradshaw explains that 1,700 employees are currently on teams that compete with each other for points issued for participation. CBRE has been recognized by ACS as having the most successful amount of employee participation in the program's history to date.

### Excellence

The value of excellence may be best highlighted by CBRE's investment in training and distance learning (which is computer-based due to the geographically dispersed workforce) notes Bradshaw. "We try to be inclusive in training and focus on professional development."

An example is the series of courses developed for sales professionals that includes everything from a refresher in basic finance to overcoming sales objections.

Bradshaw says that your organization can become values driven if you use your values as your guiding principles. "If you don't have company values documented and communicated to employees, it's well worth the effort to articulate them. Once you document them—just live them!"





## From the Courthouse

### Was Police Officer Entitled To Wear Religious Garb with Uniform?

A practicing Muslim, who was employed as a Philadelphia police officer for 8 years, asked permission to wear a head scarf with her uniform. Months after her request was denied, she showed up to work wearing the head scarf anyway. She was suspended temporarily and later filed suit. A court had to decide whether her request could be reasonably accommodated without imposing an undue hardship on the city.

**What happened.** On February 11, 2003, “Lauren” requested permission from her commanding officer to wear a traditional head covering worn by Muslim women—while in uniform and on duty. The head scarf would cover her head and the back of her neck, but not her face or ears.

Citing Philadelphia Police Department Directive 78, the department denied her request. Directive 78, which outlines approved uniforms and equipment for city police officers, does not authorize the wearing of religious symbols or garb.

About 2 weeks after her request was denied, Lauren filed a complaint of religious discrimination with the Equal Employment Opportunity Commission (EEOC) and the Pennsylvania Human Relations Commission.

Six months later, while the EEOC complaint was still pending, Lauren reported to work on 3 consecutive days wearing her head scarf with her uniform. She refused to remove the head scarf and was sent home each day. After being told that she could face disciplinary action for her conduct, she started arriving at work without the head scarf. Later, she was given a 13-day suspension for insubordination.

Lauren filed suit against the city, alleging three violations of Title VII of the Civil Rights Act—religious discrimination, retaliation/hostile work environment, and sex discrimination—as well

as one state claim. A district court held that Lauren’s request to wear religious garb with her uniform could not be reasonably accommodated without imposing an undue burden on the city. It granted summary judgment to the city on all claims.

Lauren appealed only the religious discrimination and sex discrimination judgments before the U.S. Court of Appeals for the 3rd Circuit, which covers Delaware, New Jersey, and Pennsylvania.

**What the court said.** The appeals court affirmed the lower court’s decision. It agreed that Lauren had established a *prima facie* case of religious discrimination, saying that her “religious beliefs are sincere, her employer understood the conflict between her beliefs and her employment requirements, and she was disciplined for failing to comply with a conflicting official requirement.”

However, the appeals court also agreed with the district court that allowing her to wear religious garb with her police uniform would create an undue hardship for the city. “If not for the strict enforcement of Directive 78, the city contends, the essential values of impartiality, religious neutrality, uniformity, and the subordination of personal preference would be severely damaged to the detriment of the proper functioning of the police department.”

## THE LAW

Title VII of the federal Civil Rights Act of 1964 makes it unlawful for an employer of 15 or more employees to refuse to hire, discharge, or take action affecting an employee’s compensation, terms, conditions, or privileges of employment because of the employee’s religion.

In addition, Title VII requires that an employer provide reasonable accommodation for an employee’s religious beliefs or practices unless it would cause the employer an undue hardship.

Employers may need to accommodate employees’ dress and grooming habits based on a religious practice or belief unless the employer has a policy against the dress or grooming habits that is justified by a business necessity.

Although Lauren and another police officer claimed that other officers displayed religious symbols (e.g., cross pins) while wearing their uniforms and were not disciplined for that, the court said neither provided details about the alleged incidents or evidence that the department authorized or was aware of them. “These blanket assertions with no specific evidence do not create a genuine issue of material fact,” the appeals court said.

In addition, since Lauren had not first filed a claim of sex discrimination with EEOC, as required, the appeals court said that claim could not proceed (*Webb v. City of Philadelphia*, U.S. Court of Appeals for the 3rd Circuit, No. 07-3081 (4/7/09)).

### WHAT TO REMEMBER

- **Tie restrictions to business necessity.** In this case, the police department was able to show that allowing police officers to wear religious symbols or garb while in uniform would undermine its “values of impartiality, religious neutrality, uniformity, and the subordination of personal preference.”
- **Be consistent.** Lauren and a colleague claimed that other officers wore religious symbols with their uniforms, but they did not present specific evidence of that or the department’s knowledge or acceptance of it. If there was evidence that Directive 78 was not consistently enforced, the ruling might have been different.

# The Professional

## Women in HR: How to Brand Yourself for Career Success

Women professionals aren't always good at self-promotion, and female HR professionals may find it even more of a challenge, according to Catherine Kaputa, leadership development speaker and workshop leader.

"Women in HR often see their roles as supportive—building other people up, developing staff, filling the needs of [organizational] leaders and department managers," says Kaputa, author of *The Female Brand: Using the Female Mindset to Succeed in Business*.

"It is self-deprecation—thinking of other people first, thinking that the business world is just and fair, and that if you build other people up, you will be rewarded," she says.

"Men are more likely [than women] to promote themselves and negotiate for more money," Kaputa explains. "Research often shows that men can exaggerate these accomplishments (the 'male hubris' effect). If you, as a woman, downplay what you do, be careful—people will believe you."

"If you want to succeed [in your career path], you have to carve out time for yourself," notes Kaputa.

"Women must spend time looking at themselves as a brand and figuring out what they've done and what they stand for. Your job as an HR leader is one of the most critical jobs in the company because talent is the most important asset of a company," she asserts.

### Key Aptitudes of Women

To increase career success, start by identifying your strengths and then build on them to craft your image in the organization (your brand), suggests Kaputa. To help you, she outlines the key aptitudes at which most female professionals excel.

First, women are very strong in social perception, explains Kaputa. This includes being empathetic; building relationships; having the ability to read nonverbal cues, as well as verbal cues; acquiring strong listening skills; and developing the ability to build consensus and get people on your team, she says.

Communication agility is another strength that the majority of female professionals possess, and it's particularly important for HR professionals because they do training, make presentations, and work with teams. The ability to articulate ideas and having speaking prowess are important for people in general, and women in particular, to get ahead.

"Women have 'people power' social skills and are excellent at building deep and meaningful relationships," says Kaputa.

"After all, HR is about people and relationship-building skills and building consensus. Rallying people around your point of view, listening, and persuading are key chief people officer skills."

Finally, the leadership style of women is more collaborative and inclusive in nature than in men, Kaputa contends.

"A female leader is more likely to know that a good idea can come from anyone, and that no idea is a bad idea. The key to being successful is listening to ideas from the front line."

### Thinking Like a Brand

Once you have identified the aptitudes and skills that you have and can build on, you need to think and act like a brand, says Kaputa.

"Stand for something different from other brands [people], an area of expertise in HR, a point of view

that's special. What's your point of view? What do you stand for? What's your philosophy?"

Next, you must develop a plan to market yourself as a brand, explains Kaputa. Identify your goals and create specific actions that will help you achieve those goals.

These are specific actions that you can take to build your brand, to build your visibility, both internally and externally, she explains. "As an HR professional, you have many forums in which to build your networks."

Develop your brief "elevator" speech (2 minutes or less) that describes what you stand for, suggests Kaputa. "[Another suggestion is to] take your ideas and expertise and write an article for your company website or use your point of view to build consensus and solve problems."

Acting like a leader is also important, Kaputa maintains. "Speak in front of industry groups [and your peers]."

In whatever you decide to do to, heighten your exposure as a brand—what you stand for—and remember that the physical packaging of your brand is important as well, notes Kaputa.

"Women have an advantage over men. Men wear a uniform [suit and tie] to work. Women have a wide variety of clothes, hairstyles, colors, accessories, and jewelry that they can use to stand out. You need to look professional and appropriate, but you have choices. To a large extent, first impressions are important and from a branding perspective can be very useful. We can all be packaged to our advantage to create a visual impression."

To find out more about how women can better brand themselves for career success in your career, visit [www.femalebrand.com](http://www.femalebrand.com).

# Tips & Tactics

## It's a Misconception: The Poor Economy Didn't Make Hiring Any Easier

There may be a tendency for your hiring managers, and even HR recruiting professionals, to take a more relaxed attitude toward the hiring process in view of the current state of the employment market and the fact that many people are out of work.

Thinking that they have more time to make decisions, employment recruiters and hiring managers may slow their time between initial job candidate prescreening, interviews, reference and background checking and, finally, job offers for the perfect candidate. These practices, however, may backfire for them.

Job applicants who are currently employed may be more hesitant than ever to make a career or organiza-

tional change in this less stable international economy. If HR professionals and hiring managers make promises regarding the length of the employment process and do not keep them, their organization may be presenting a less-than-stellar image of the work environment and providing negative signals about how the organization's leadership values its human capital.

### Practices to Follow

1. Create a timeline for the hiring process for each position, stick to it, and communicate it to each job applicant.
2. If the process becomes slowed, communicate with all applicants to let them know why.

3. Provide salary range information and benefits information early in the hiring process so that job applicants whose current salaries and perks are more generous than what your organization can offer do not waste their time.
4. If you are planning to check references for an applicant, be certain that it is an applicant you are seriously considering for employment so that you do not negatively impact the person's current situation. Contacting a current colleague or supervisor for a reference may make others question the job applicant's loyalty to his or her employer.
5. Do not fill open positions if the organization may have a reduction in force that could impact the position later this year. Hiring a new employee away from a stable employment situation only to make a decision to lay that person off in the near future doesn't help a company's image as a fair and just employer.

## BLR Offers New Training Model

In 2008, BLR® ([www.BLR.com](http://www.BLR.com)), the publisher of *Best Practices in HR* and other products, launched its Employee Training Center (ETC). It offers over 100 ready-to-use, Web-based, self-paced training courses. Brian Gurnham, BLR's chief operating officer, explains that the new platform was a direct response to customer requests.

"In this economy, people have to train—whether it's for compliance or best-practice purposes. And even if they're downsizing, they want to make sure their people are protected." More than ever, they want it quick and easy, he adds.

That ease-of-use and other features, for which ETC recently won a CODiE award from the Software & Information Industry Association, seem to be meeting their mark.

Currently, one course is being completed every 30 seconds. BLR's online training offers what Gurnham calls "contrarian pricing." "The vast majority of online training in the marketplace is priced on a 'seat basis.'"

That is, the more courses an individual takes, the more it costs," Gurnham explains. But BLR believes that's a disincentive for employers that want to deliver a lot of training. "We looked at it and said, 'Let's create another model.'" In its place, BLR built an "all you can eat" plan that charges one price per organization, regardless of use. Prices reflect the size of a user organization.

### Access, E-Mail, Repeat

The ETC also saves time. According to Gurnham, a company's training manager or other administrator simply logs on, previews the courses (takes them if desired), then checks those he or she wishes to use. Another click generates an e-mail from the administrator, which is sent, along with the attached courses, to the designated trainees. The recipient of the e-mail opens it and clicks on the link to the assigned course.

Through a popular self-registration feature, the system keeps tabs on who has received the course, if and when it

was taken, how long it took, what questions were answered correctly, and the overall score. A default setting suggests a passing score of 70 percent, but this can be altered up or down by the employer.

ETC courses are based on a "blended learning" model, which adds value and versatility. For example, a course can be used as a PowerPoint® during classroom presentations; it can be printed out and delivered as a hand-out, placed in a central kiosk for access by groups, or used by individuals on demand on their own or company time. Gurnham says course activity is quite high late at night and in the early morning. "It's perfect for people who work in casinos or hospitals on the third shift, emergency responders, and field staff who don't come into the home office often."

BLR's ETC is evolving, especially toward more customizable courses. But one thing unlikely to change is the bang for the buck. The need is too great, Gurnham asserts. More information may be found at <http://training.blr.com>.



## Scholarships, Inclusion Training Help Promote Diversity Within Law Firm

Since Baker, Donelson, Bearman, Caldwell & Berkowitz, PC launched its diversity initiative 7 years ago, the percentage of its minority attorneys has outpaced the law firm's overall growth, according to Mark A. Baugh, chair of the firm's Diversity Committee. In fact, while the overall number of attorneys has doubled since 2002, the number of minority attorneys and shareholders has more than quadrupled.

### Variety of Perspectives

Launched in 2002, the Memphis, Tennessee-based firm's diversity initiative is aimed at ensuring that clients receive quality service and that the firm attracts and retains a diverse workforce and maintains a culture where diversity is valued. A 17-member Diversity Committee—diverse itself in terms of gender, race, and job title—is charged with steering the initiative, explains Baugh.

In 2005, Baker Donelson ([www.bakerdonelson.com](http://www.bakerdonelson.com)) expanded its diversity efforts by launching a women's initiative, which has improved the recruiting and retention of female attorneys and has increased representation of women in leadership positions. Overall, 30 percent of attorneys at the firm are women, Baugh says. In addition, women account for 17 percent of the firm's current board and 20 percent of its shareholders. The number of minorities and women in staff positions has also increased, says Caroline Boswell, director of Human Resources.

Last year, the firm also started a diversity scholarship program, offering a \$10,000 scholarship and a paid summer associate position for up to three law-school students who meet the firm's criteria. More than 160 students applied for the scholarship in 2008, according to the firm. To be eligible for the scholarship, a student must have completed 1 year at an accredited law school, met certain

grade requirements, and shown "academic superiority," Baugh explains. In addition to race and gender, "economic diversity" (not need) was considered when selecting the scholarship recipients.

Baker Donelson says it is one of only a few firms in the area to offer a scholarship program for diverse law students. In addition to helping defray the cost of law school, the program "allows us to attract a very good pool of students," Baugh says. "Then it also lets the students know that Baker Donelson sees diversity as being important and one of its core values."

In addition to offering a variety of ongoing diversity efforts, such as a mentorship program and brown-bag lunches on intergenerational diversity and other topics, Baker Donelson recently implemented mandatory diversity and inclusion training. A consultant developed a training program (based on feedback from a survey of firm leaders and input from the Diversity Committee, attorneys, and HR) and trained 28 attorneys to facilitate training to the rest of the workforce, Baugh explains.

Each of the firm's 1,000-plus employees completed a 3-hour session that addressed diversity from a variety of perspectives: generation, race and ethnicity, gender, and economic diversity, he says. Each session was designed to foster communication among participants, according to Boswell. "It was very interactive."

"The course was designed ... to allow people to speak their minds freely," Baugh says. "The goal was to start a discussion on diversity and inclusion and, from there, to continue that discussion and to keep the benefits of diversity on the forefronts of people's minds." The Diversity Committee took steps in advance to educate employees about the upcoming training.

**Who:** Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
**What:** Offers scholarships, inclusion training, and other initiatives to promote diversity  
**Results:** Percentage of minority attorneys has quadrupled since 2002

"We let people know that we were going to do inclusion training," Baugh says. He met with certain segments of the workforce to inform them about the program, why inclusion training was needed, and what the goals were. "We went to key people to let them know we were looking at this."

The firm also created an interview-based video featuring Baugh and firm Chairman and CEO Ben Adams answering questions about inclusion training. The video, viewed by all employees, helped the workforce know what to expect and see that management fully supported the training.

This spring, Baker Donelson was named among the "Top 100 Law Firms for Diversity" and the "Top 100 Law Firms for Women" by *MultiCultural Law* magazine.

### What to Do


Employers looking to strengthen their diversity efforts may want to consider the following tips:

- **Make sure your committee is diverse.** Your committee should represent a cross section of employees and interests. "I think that's really the key—to have people who can offer different perspectives," says Boswell.
- **Get management buy-in.** She says leadership from the top is "very important."
- **Seek input from a variety of sources.** Ask leaders and employees for their input in developing training and other diversity programs.

# HR Tool Box

## ‘The Cost of Bad Behavior’ in the Workplace

Your Mom and teachers always told you to “play nice.” In the new book, *The Cost of Bad Behavior—How Incivility Is Damaging Your Business and What You Can Do About It* (Portfolio (Penguin), July 2009), authors and business professors Christine Pearson and Christine Porath describe how even “mundane” slights and disrespects among colleagues cause stress that costs American companies \$300 billion a year! They describe these “rude awakenings” about the cost of incivility.

- Negative emotions stirred by incivility are like a virus.
  - Incivility erodes conditions that lead to optimal team effectiveness, including cooperation, creativity, and information.
  - When a team member is treated uncivilly, it will cost the team time and energy.
  - When individuals behave uncivilly, their colleagues will do the same.
  - Incivility causes stress and burnout, leading to lower job satisfaction, poorer performance, and less commitment.
  - Incivility saps its targets of motivation and ability, two elements that contribute to performance.
  - Targets of incivility are measurably less creative and less cognitively able.
  - People who work in an uncivil environment are proved to be quantifiably less helpful and less courteous.
  - When incivility increases workplace stress, health problems become more prevalent.
  - Dealing with the stress of incivility can waste a great deal of management time.
  - The stress of incivility increases healthcare and legal costs.
  - More than half of employees who are treated uncivilly consider leaving; one in eight actually does.
- 
- When incivility drives employees away, they almost never report it as the reason for their departure.
  - When employees leave due to incivility, their knowledge, skills, “connections,” and experience go out the door with them.
  - Costs of replacing employees range up to four times their annual salaries.

**Note:** This handout may be reproduced in printed form, without permission, for internal use by current subscribers.



# HR

# BOOKSTORE

Order today ... [WWW.BLR.COM](http://WWW.BLR.COM) • Use Priority Code: MQP2555



## 10-Minute HR Trainer

Just 10 minutes to deliver high-impact training on essential HR topics.

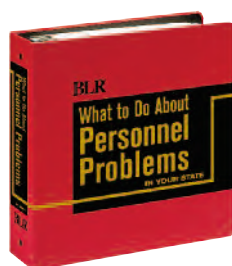
31507300 .....\$295

(plus quarterly updates)

## Employee Training Center

Web-based individual training with course monitoring

52060700 ....Call for information



## What to Do About Personnel Problems in [Your State]

Over 150 federal/state topics and Regs

SXX .....\$395

(includes 6 annual updates) Available in all states except CT

## Audio Click 'n Train: Sexual Harassment: What Employees Need to Know

Ready-to-deliver effective toolbox training—no preparation required!

30520400 .....\$149

More titles available



## Employee Compensation in [Your State]

State/federal guide to effective and lawful pay practices to attract and retain a top-notch workforce.

WXX .....\$395

(includes 6 annual updates)

## HR.BLR.com

Your online answer source for state HR compliance issues and tools.

4200XX00 ....Call for information



## Family & Medical Leave Act Compliance Guide

The “one stop” reference you turn to for informed FMLA compliance.

31500900 .....\$295

(plus quarterly updates/newsletters)

## Job Descriptions Encyclopedia

500 prewritten job descriptions you can depend on and customize.

31501800 .....\$299

(plus quarterly updates)

Also available on CD (31517200)



## HR Audit Checklists

Practical, prewritten checklists—help with key HR compliance.

30519900 .....\$295

## Workplace Wellness Program

Combat increasing costs and keep your employees healthy.

31511300 .....\$495

