



Ideas and Information for Human Resources Professionals

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EMPLOYEE RELATIONS

WANT TO BE PRODUCTIVE? DON'T SKIP LUNCH.

It seems that every office has its share of employees who appear so dedicated to their jobs that they are always available, never or seldom take a lunch break, and when they do take a break, they remain working at their desk. This fosters the belief among other employees that if they also want to be, or at least appear to be, productive, then they must follow the same practice of skipping lunch. This is a bad idea.

While the traditional lunch hour may be on its way out for most business and technology professionals, if employees don't stop and take a break to eat, it will actually reduce productivity. This is according to an article on *The Washington Post's* website titled, "[You may look more productive skipping lunch, or eating at your desk. But you aren't.](#)" The reason is simple. Your brain needs energy to work properly and if you deprive it of a steady flow of energy, then it won't function as well as it should. Foods rich in a balance of carbohydrates, proteins, and fats have been proven to improve people's memory test results. In fact, according to the article, slow-release carbohydrates such as whole grains and vegetables provide the best results.



Another equally important reason is that your brain needs to take a break from cognitively-demanding work such as problem solving, managing, or being creative. Plus, taking a break from stress-related work, such as the constant flow of emails, can help recharge your brain.

To help fine-tune productivity even more, research in the article recommends changing your surroundings during your break, especially if you can go somewhere like a park, patio, or near a window. Natural environments tend to be restoring and an ideal lunch break would be to eat outside.

However, while it's clearly beneficial to take a break, this still may not eliminate the perception that an employee is somehow less dedicated and productive. An argument can be made that the quality of a person's work has nothing to do with the quantity of work and an employee doesn't have to take an entire hour away from his or her desk in order to receive the cognitive benefits. So go ahead, take a lunch break. Your brain will thank you.

UNDERSTANDING FMLA IN 2016: AN EMPLOYER'S BASIC GUIDE

TUESDAY, JANUARY 12, 2016

1:00 P.M. CDT

The Family and Medical Leave Act (FMLA) requires covered employers to permit eligible employees to take unpaid job-protected leave under certain circumstances. This can create a variety of questions as it relates to the employee's benefits and FMLA's interplay with the Patient Protection and Affordable Care Act (ACA).

This webinar will:

- Discuss which employers are subject to FMLA and which employees are protected by FMLA
- Discuss which group health plans are subject to FMLA
- Discuss the FMLA medical certification process
- Highlight the difference between paid and unpaid FMLA leave, and the substitution of paid leave for unpaid FMLA
- Provide insight on how paid and unpaid FMLA leave impact an employee's status as full-time or part-time under the ACA's monthly measurement and look-back methods used by applicable large employers
- Provide best practices on recovering the employee's portion of their health premium
- Discuss the interplay between FMLA and COBRA
- Provide best practices on FMLA disclosures in summary plan descriptions and the summary of benefits and coverage
- Discuss how to handle FMLA when two employees are married
- Provide best practices when employers who are not obligated to offer FMLA reference its protections in their employee handbooks or materials

This 90-minute beginner to intermediate level webinar will help employers understand how to properly design and administer their plans to remain FMLA compliant.

ABOUT THE PRESENTER

[Kristina H. Vaquera](#) is a Shareholder in the Norfolk, Virginia, office of Jackson Lewis P.C. Her practice focuses exclusively on labor and employment counseling and litigation.

Ms. Vaquera represents employers in federal and state court lawsuits and agency investigations and charges covering a wide range of statutes and subjects, including anti-discrimination and civil rights laws, wrongful termination claims, wage and hour laws, covenants not to compete, leave of absence claims, negligent hire/retention, and breaches of fiduciary duty and contract. Ms. Vaquera has litigated class and collective actions, including FLSA, FCRA, and discrimination class actions. She also represents clients in mediation and arbitration before various national and state entities.

As part of Ms. Vaquera's counseling practice, she provides daily counseling and training to management to help employers avoid litigation. She assists clients with employment agreements, handbooks, background checks and drug testing issues, and disciplinary action. She represents employers before the Equal Employment Opportunity Commission, National Labor Relations Board, Department of Labor, and numerous state agencies, such as the Virginia Employment Commission, Virginia Department of Labor and Industry, Virginia Department of Housing Discrimination, and Virginia Workers' Compensation Commission.

CERTIFICATION

This webinar event has been submitted to the [Human Resource Certification Institute](#) to qualify for 1.5 recertification credit hours.

TECHNOLOGY

SLEEP DEPRIVED

Why can't a bicycle stay up? Because it's two (too) tired. Now that you've stopped groaning, lack of sleep is a growing problem among corporate America and a serious health concern. Unfortunately, sleep deprivation often takes a back seat in the wellness headlines compared to not exercising, bad eating habits, and stress, yet insufficient sleep leads to worse health and poor productivity.

In contrast with corporate culture that demands longer hours at work and higher productivity, fewer than six hours of sleep can significantly impair an employee's abilities and overall well-being. According to an article on the website of *Society for Human Resource Management* titled, "[Mobile Gadgets, Longer Hours Worsening Sleep](#)," it points to a study done at Cornell University that found that "both medical and indirect costs (such as those related to missed work, or lack of concentration while at work) were about \$1,253 higher per individual for workers who had insufficient sleep than for those who got enough sleep."



So why is this story in the Technology section instead of the Wellness section?

Because smartphones and tablets appear to be making the problem of sleep deprivation worse, but wearable technology may be able to help. It's like fighting fire with fire.

Let's start with the problem. Both smartphones and tablets allow employees to stay connected to their work, thus allowing them to continue addressing work-related issues instead of unplugging (pun intended) from the office. Plus, these devices emit blue light, which causes our eyes to assume it is daylight regardless of the actual time of day.

To help combat this unnatural phenomenon, people need to train their minds and bodies to power down. Don't look at email, social media, or any activity that requires you to stare at an electronic screen. By doing so, you will be able to achieve deep sleep and reduce or even eliminate fatigue the following day.

Technology, which is a primary cause of sleep deprivation, can also help relieve it. The latest high-tech wearable devices are able to monitor your health, rest periods, and sleep. By getting this complete picture of activity, it can help you change your habits and alter your day-to-day routines.

WELLNESS

EAT YOUR VEGGIES!

An employer is not a parent, and they have no duty to tell you what you must eat. However, as wellness become more important in the workplace, an employer can certainly encourage good eating habits. It's a strategy that can pay dividends in cheaper employee health care premiums, worker happiness, motivation, and feeling valued as an employee.

That being said, it's not easy to change what people eat on a regular basis. If employees are craving a pizza and soft drinks, it can be daunting to suggest that they should get a salad and water instead. What can be done, however, is to provide access to a registered dietician, educate employees on how to read food labels, and to not only stock, but discount healthy foods in the cafeteria or vending machines. Companies can go even further by subsidizing gym memberships or offering discounts on wellness programs, DVDs, or books.



Employees who follow a healthy lifestyle should also be empowered to spread their love of good food. Instead of bringing donuts to a meeting, companies can reimburse employees for bringing healthy foods such as a selection of fruit.

An article on *Human Resource Executive Online* titled, "[Food for Thought](#)," mentions how Angie's List, a subscription service company based in Indianapolis, goes so far as to have a corporate garden club including plots of land for gardens, a small orchard of apple and pear trees, and even hens for fresh eggs. All this is maintained by employee members of the club who get to share in the harvest. While companies shouldn't feel they need to go to those lengths in order to get employees to eat healthy, they should have plenty of healthy options available.

In fact, it often just takes a little nudge to make a major difference. Take, for example, Google. The aforementioned article states that they provide smaller plates in the employee cafeteria to reduce portion sizes, use a color-coding system to help employees tell the difference between food that's healthy versus food that's less healthy, and they also place items, such as candy, in non-clear containers. Another company caused a major shift in employee wellness by placing soda below bottled water. The result was a "dramatically reduced" consumption of soda.

Companies that use not-so-subtle messages for healthy eating have removed all fried foods from their cafeterias, hired chefs and set up healthy food stations, and even held cooking demonstrations during the afternoon on work days and encouraged employees to attend without fear of being unpaid for the time.

While all of these options are helpful to both the employer and employee in terms of better health, lower health care costs, reduced absenteeism, etc., it's difficult to completely eliminate bad eating habits by employees. Easy access to fast food restaurants and junk food in the supermarket can sometimes be too tempting to pass up. The trick to changing attitudes is to make small steps toward wellness and provide easy accessibility and plentiful availability. Here's to your health!

IN BRIEF

STICK WITH IT!

People who want to get healthy all have good intentions starting out. Wearable technology and apps for smartphones make it even easier to get going. But something happens and most of us become disinterested over time, derailing that train to better health.

An article on the website of *Employee Benefit News* titled "[Health apps widely embraced, but sustained engagement a challenge](#)," mentioned an online survey that was published in the *Journal of Medical Internet Research*, which found that more than two-thirds of respondents said that apps improved their health and they trusted both the accuracy and effectiveness of the app. Furthermore, almost half of the people surveyed said they downloaded at least five apps. Health apps included tracking physical activity, food intake, weight management, and fitness education.

While a majority indicated they used the health apps daily, almost half confessed to no longer using an app they had previously downloaded. In addition, many said that cost, loss of interest, concerns about privacy and data being collected, as well as the sheer amount of data that needed to be entered regularly, prevented them from downloading and using more apps. Researchers suggested that app developers address these concerns as well as validate the health benefits of their apps in order to keep users engaged.

For people with concerns about apps, or those who have just given up on trying to get healthy because it's too much trouble, consider the alternative. Being unhealthy is far worse and if an app doesn't provide sufficient motivation, then people should find something that does. Perseverance, not an app, is the key to wellness.

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