Dear PHRA Members,

For over a decade, “Engaging Pittsburgh: It’s All About the People!” (Formerly People Do Matter) has showcased efforts that have made a difference for employers and employees across the region by sharing lessons learned from over 150 organizations.

In an effort to refresh the program, the PHRA created a new campaign designed to motivate and inspire leadership in the region to consider employee-centered work practices. With the goal of improving the daily work experience of our community members, it is clear, based on the ongoing results of this initiative that companies large and small continue to reap the dividends of the philosophies espoused by both PDM and its successor program.

The new program, entitled “Engaging Pittsburgh: It’s All About the People!” is a fresh take on building a reciprocal relationship between employers and employees. In doing so, organizations experience greater engagement from its workforce, greater retention and ultimately an improved customer experience, resulting in improved business performance.

The Pittsburgh Human Resources Association is proud to announce the finalists for this year’s “Engaging Pittsburgh: It’s All About the People!”

**Join us in congratulating the 2016 Engaging Pittsburgh Finalists:**

- BPU Investment Management, Inc.
- CardWorks
- Caterpillar, Inc.
- Eat’n Park Restaurants
- EFI
- Gray Matter Systems
- IntegraCare Corporation
- kWantera, Inc.
- LunaMetrics
- Matrix Solutions
- NEP Group, Inc.
- Peak Performance / The Leadership Quest
- PLS Logistics Services
- Rosedale Technical College
- The Watson Institute
- The Woodlands Foundation
- TiER1 Performance Solutions
- Truefit
The finalists’ initiatives offer best practices in categories such as “Help Them Thrive,” “Magnify Their Success” and “Make Them Fearless.” We only hope that more organizations in the region are inspired and motivated to consider such programming in their own workplaces to encourage, appreciate and develop employees to be the best version of themselves.

It’s important for employers and their leadership teams to understand the link between a successful organization and its employees’ performance. This year’s Engaging Pittsburgh finalists gave their employees the opportunity to grow, develop, and reach greater levels of success personally, professionally and for the organization.

The accomplishments of all 18 of the nominated companies will be celebrated on Wednesday, April 20, 2016 from 5:00 p.m. to 8:00 p.m. at the Sheraton Hotel, Station Square.

This event is possible due to the generosity of its sponsors, BI WORLDWIDE, Delta Dental, Globoforce, k-Wantera, Inc., NOVA Chemicals, Pittsburgh Post-Gazette / Monster, Sandler Training / The Leadership Quest, Vision Benefits of America.

I look forward to seeing you at the awards celebration as we highlight how strategic people investment can and will have a positive impact on your business results.

My very best regards,

Jeff Dressler
PHRA President
2016 BOARD OF DIRECTORS

Executive Committee

Jeff Dressler, President
Managing Director, Coleman Search Consulting

Ron Kubitz, President Elect
Director, Recruiting & Human Resources, Forms+Surfaces

Tracey McIntyre – Holst, SPHR, SHRM-SCP, VP/Secretary
Employee Relations Manager, Ardagh Group

Mary Kohler, SPHR, SHRM-SCP, VP/Treasurer
Sr. Consultant, NOVA Chemicals

Kori Amos, PHR, SHRM-CP, VP/Membership & Diversity
HR Manager, HRV Conformance Verification Associates, Inc.

Janet Manuel, PHR, SHRM-CP, VP/Membership & Diversity
Vice President, Human Resources, Vincentian Collaborative System

Daniel Corkum, PHR, SHRM-CP, CCP, VP/Annual Conference
Total Compensation Analyst, Nova Chemicals

Maria Rohrig VanDyke, SPHR, SHRM-SCP (2017)
Director of Recruiting, MedExpress Urgent Care

Becky Vinton, SPHR, SHRM-SCP (2016)
Sourcing Strategist Leader, Newton Consulting

Emily Yarbrough, PHR, SHRM-CP (2018)
Talent Development Consultant, Caterpillar Inc.

Committee Chairs

Communications/Social Media Chair: Mike Chiappetta
Consultant, Coury Insurance

Learning and Professional Development Chair: Lisa Petro, SPHR, SHRM-SCP
Director of HR, Monongahela Valley Hospital, Inc.

Learning and Professional Development Co-Chair (Legislation): Shelly Pagac, Esq.
Partner, Pietragallo Gordon Alfano Bosick & Raspanti, LLP

Learning and Professional Development Co-Chair (Certification): Mylene Zupan, SPHR, SHRM-SCP, Director of HR, The Bradley Center

Networking Chair: Kristine Irwin
Talent Acquisition Specialist, U.S. Corrugated

Nominating Chair: Becky Vinton, SPHR, SHRM-SCP
Sourcing Strategist Leader, Newton Consulting

Nominating Chair: Kristina Conner, SPHR, SHRM-SCP
HR Manager, K&L Gates

Sponsorship Chair: Monica Lorish
Business Development Director, BI WORLDWIDE

Directors

Christian Antkowiak, Esq. (2017)
Attorney, Buchanan Ingersoll & Rooney, PC

Kristina Conner, SPHR, SHRM-SCP, (2016)
HR Manager, K&L Gates

Frank Duzicky, SPHR, SHRM-SCP (2016)
Human Resources Regional Manager, BDO

Katherine DeAngelis (2016)
Lead Scout, S2scout

Nicole Howard, SPHR, SHRM-SCP (2018)
HR Manager, S.H. Bell Company

Alexis McConville (2018)
HR Manager, Allegheny County Housing Authority
My boss is so unpopular…even her own shadow refuses to follow her!

OK enough of the humor already as it is time to get serious. Dr. Travis Bradberry is an award winning co-author of the best selling book, Emotional Intelligence 2.0 and the co-founder of Talent Smart. In a recent article that I read on Huffington Post he touched upon some of the many reasons that good employees quit. Amongst these reasons of course was “having a bad boss” and much has been written as of late of the negative impacts that can be brought about by having bad bosses.

While we are all aware of these negative impacts not much is written to describe exactly what constitutes a bad boss. Bradberry hits on a few in his article and I have added a few as well and will now address some of the common themes of a bad boss. When reading these keep in mind that studies show that over 40% of employees quit their jobs because of their boss. As you read through the following traits be cognizant of how they may mirror your leadership style or that of your boss.

“A power struggle with your boss is when she has all the power and you have the struggle.”

A bad boss does not motivate!

While everyone’s working style is unique and we all react differently to varied situations a good boss can put themselves in the shoes of their employees and has a clear direction on how to manage and motivate each individual. By staying positive and offering constructive criticism employees will stay motivated and be onboard for the common goal.

I’m so tired, overworked and stressed!

Most managers are guilty of driving their most talented employees to the edge of despair as relating to their workload. A good manager will realize that we are not robotic, unfeeling individuals but human beings with lives outside of work as well. Managers worth their weight can build a team where all members are strong and can contribute equally in their own ways. Studies show that productivity will fall greatly after a 48-hour workweek so managers must be cognizant of this fact.

You might be a micromanager if..

You manage a team of smart, capable people who know their jobs well and have proven track records, but you insist on telling them what and when to do things anyway. The micromanager is one of the most frustrating and demoralizing forces in the workplace.
today. Only concerned with self-promotion he does nothing but sabotage others and drive people out the door. Remember that coaches of sports teams do not score points! They teach, facilitate, plan and groom others into management roles.

Don’t stand around doing nothing. People will think that you are the boss!

A strong boss should practice what they preach. It is absurd to think that a manager can expect to set an example to employees if they do not lead by example. The quickest way to lose respect and trust is for a manager to yell direction from the rooftops and then retire to their throne of passive inactivity.

All relationships eventually boil down to being appreciated!

A little appreciation goes a long way. Recognize great performances and offer praise when due. From the employee perspective what is the point in doing a fantastic job for not recognition whatsoever? Lack of appreciation also shows a lack of caring. Managers must have a sense of empathy for their team or all a manager is trying to achieve may be wasted. Empathy promotes trust and a great sense of teamwork just as in a good marriage.

When you promote people that are smarter than you are, you prove that you are smarter than they are.

Questionable promotions and casual uninformed hires can cause a great stir within any organization. Managers must always be mindful of decisions made and their impact on the team. Managers that value an ambitious, top rate workforce will invest in their employees developmentally, emotionally and financially. Relating to the financial aspect we are all on tight budgets but managers cannot expect people to improve and work harder if not rewarded justly. Rewarding fairly leads to retaining employees while the alternative can be far more costly to any organization.

“Kill my boss? Do I dare live out the American dream?”

-Homer Simpson

To be a great boss to an employee you must be the best boss that ever happened to them. Great bosses are a rare breed and are able to demonstrate a certain commitment to many principles of human relations. And in conclusion it is great for a boss to have a mission and a vision but it is not great for your employees to wish that you had a clue and a plan!
LA ROCHE’S REPUTATION IN THE HR FIELD WAS UNPRECEDENTED REGIONALLY WHEN I BEGAN MY SEARCH FOR GRADUATE STUDIES. WORD OF MOUTH IS A POWERFUL TOOL, AND MANY IF NOT ALL OF MY PEERS HIGHLY RECOMMENDED LA ROCHE FOR A SOLID GRADUATE EDUCATION.

- RANDY GILBERT ’04 MSHRM
  Human Resource Manager
  HDR, Pittsburgh

20% TUITION DISCOUNT FOR PHRA MEMBERS
laroche.edu/HRM

Engaging Minds. Embracing the World.
Compared to their older cohorts, Millennial workers are less interested and knowledgeable about their workplace benefits, and prefer life insurance over health insurance, according to a new analysis by the nonpartisan Employee Benefit Research Institute (EBRI).

New findings from the 2015 EBRI/Greenwald & Associates Health and Voluntary Workplace Benefits Survey (WBS) show that:

- Millennials are less likely than Baby Boomers and Gen Xers to report health insurance as the most important benefit they receive at work. Millennials are more likely than Baby Boomers or Gen Xers to report that they value life insurance and paid time off as the most important benefit.
- Millennials are less likely than Baby Boomers and Gen Xers to report that the benefits a potential employer offers are extremely important in their decision to accept or reject a job. Millennials are also more likely than Baby Boomers and Gen Xers to be open to non-traditional ways of obtaining benefits.
- Millennials are more likely to respond that they do not know about their benefits than other workers.
- Participation in various employee benefit programs is generally lower among Millennials than among Baby Boomers and Gen Xers. The Millennial Generation, also known as Millennials or Generation Y, is the demographic cohort with birth years ranging from the early 1980s to early 2000s. Compared with the Baby-Boom generation (individuals born between 1946-1965) and Generation X members (those born between 1966-1976), Millennials are more likely to be detached from traditional institutions.

“Millennials are the largest age group to emerge since the Baby Boom generation, and employers will have to make adjustments to how they engage them,” said Paul Fronstin, director of EBRI’s Health Research and Education Program and co-author of the report.

“Employers that have depended on employee benefits as a primary tool to recruit and retain workers may need to rethink the role that employee benefits play with Millennials.” Fronstin added that it is not surprising that Millennials are more likely than Baby Boomers and Generation X to be open to non-traditional ways of obtaining benefits. Millennials are more likely than Baby Boomers and Gen Xers to report that they prefer to take the money spent on employee benefits other than health insurance and they are more likely than Baby Boomers to be open to taking the money spent on health insurance and decide for themselves whether to purchase those benefits and how much to purchase.

The full report, “Worker Opinions About Employee Benefits: Differences Between Millennials, Baby Boomers, and Generation X Have Implications for Plan Sponsors,” is published in the December 2015 EBRI Notes and online at www.ebri.org

EBRI’s publications can also be accessed through mobile device apps, available in the Apple store for Apple devices and Google Play for Android devices.

The Employee Benefit Research Institute is a private, nonpartisan, nonprofit research institute based in Washington, DC, that focuses on health, savings, retirement, and economic security issues. EBRI conducts objective research and education to inform plan design and public policy, does not lobby and does not take policy positions. The work of EBRI is made possible by funding from its members and sponsors, which include a broad range of public, private, for-profit and nonprofit organizations. For more information go to www.ebri.org or www.asec.org.
The Supreme Court of the United States recently handed down a decision that opens the door for participants in ERISA-covered benefits plans to stop a lawsuit against them in its tracks by doing something that most people love to do — spending money. In Montanile v. Board of Trustees of the National Elevator Industry Health Benefit Plan, the Court held that fiduciaries of an employee benefit plan governed by ERISA cannot exercise subrogation rights to recover settlement funds from a plan participant who has already spent the money on “nontraceable assets,” such as food, services, or travel.

The Montanile case presented a familiar fact pattern: A plan participant was injured by a third party (in this case, a drunk driver), and the plan paid for his initial medical care. The participant then sued the third party, resulting in a settlement. The plan’s board of trustees then sought to recover from the participant the amount the plan had initially paid.

Underlying the quest for recovery was the plan’s subrogation clause, which provided that “[a]mounts that have been recovered by a [participant] from another party are assets of the Plan … and are not distributable to any person or entity without the Plan’s written release of its subrogation interest.” The plan further provided that “any amounts” a participant “recover[s] from another party by award, judgment, settlement or otherwise … will promptly be applied first to reimburse the Plan in full for benefits advanced by the Plan … and without reduction for attorneys’ fees, costs, expenses or damages claimed by the covered person.”

It is well-settled that ERISA allows plan fiduciaries to obtain only equitable relief to enforce the terms of the plan. Therefore, to recover money in cases such as this, plan fiduciaries will typically ask a court to enforce an equitable lien against the funds the participant received, which are held separate and apart from the participant’s general assets. Here, because the participant had already taken possession of the funds, the board of trustees also sought an injunction to prevent him from spending the money. The U.S. District Court for the Southern District of Florida entered judgment in the board of trustee’s favor, ordering the participant to reimburse the plan, and the Court of Appeals for the Eleventh Circuit affirmed.

These decisions were in error, the Supreme Court held, to the extent that the participant had already spent the money on nontraceable assets. The rub is that when the funds are “dissipated” in a nontraceable way, there is no separate, identifiable fund against which an equitable lien can be enforced, and a plan is left to recover the money from the participant’s general assets. In other words, the only way the plan can be made whole is to collect money from the participant himself. This is a legal remedy which flies in the face of ERISA’s clear admonition that plans are limited to equitable relief, the Supreme Court reasoned.

This is true, the Court continued, even though the basis of the claim was equitable: “The Board [of Trustees] had an equitable lien by agreement that attached to Montanile’s settlement fund when he obtained title to that fund. And the nature of the Board’s underlying remedy would have been equitable had it immediately sued to enforce the lien against the settlement fund then in Montanile’s possession” (emphasis in original). However, the board of trustees waited too long, and by the time the lawsuit was filed, the settlement fund was gone — and so was the opportunity for a remedy in equity.
Lessons Learned

This case reinforces the idea that a subrogation clause is not enough to ensure that a plan will be able to recoup its payout from a plan participant in the event of a third-party settlement or other recovery. And if you think that having a plan participant sign a reimbursement agreement upon receipt of funds is enough to get the plan over the hump, think again. That’s exactly what the trustees did in Montanile, to no avail.

So what are plan fiduciaries to do?

First, make sure the plan requires participants to agree that they will convey the proceeds of any third-party settlement (or other recovery) back to the plan to the extent that the plan has paid out. But be aware that such a clause, or any other payback agreement, will not in and of itself transform a claim for repayment into a permissible request for equitable relief under ERISA or allow fiduciaries to bring the claim as a contract action.

Second, plans wishing to take a particularly pro-active approach may establish a litigation monitor for participants who receive payments from the plan. If a participant files a lawsuit which may result in recovery from a third party that would trigger the plan’s subrogation rights, then the plan may seek to intervene in that lawsuit to impose an equitable lien on any payments that would otherwise to go the participant.

Third, consider requiring plan participants to provide an accounting when they use payments received from a third party to purchase traceable assets. This will make it easier to identify specific property over which the plan seeks to exercise dominion, which the Supreme Court reminds us is key in these cases, noting: “[A]n equitable lien is simply a right of a special nature over [a] thing… so that the very thing itself may be proceeded against in an equitable action.”

Fourth, consider modifying the plan to create a clearly worded procedure that identifies the obligation to repay any overpayment and allows an expedited arbitration process under which the plan may be able to seek recovery at lower cost (and with a higher probability of success) as compared to litigation.

Fifth, if a plan participant’s attorney gives notice that absent objection, funds received from a third party (through settlement or otherwise) being held in a client trust account will be released to the participant, object. The board of trustees in Montanile failed to do so, and the Supreme Court made note of it.

When all else fails, and a plan participant refuses to repay amounts owed to the plan, be prepared to file a lawsuit fast. Remember: That individual now has more incentive than ever go on a spending spree, and once the money lands in his or her hands, the plan’s chances of recovery are likely to drop precipitously.
Companies that use staffing agencies to hire temporary workers are facing new liabilities as courts increasingly determine that the temporary workers qualify as employees of the company, not just the staffing agency.

In a recent court case, a discount retailer used a staffing agency to help it fill available positions in its stores. At one of the company’s Pennsylvania stores, a temporary employee said he and other African-American workers were subjected to racist comments and discriminatory working conditions. Eventually, the store fired the African-American temporary workers.

The temporary employee then filed discrimination claims against the retailer under Title VII of the federal Civil Rights Act of 1964 and the Pennsylvania Human Relations Act. The retailer, however, said that as a temporary worker from an agency, the worker did not meet the definition of an employee and therefore could not file a claim.

The federal district court agreed with the retailer, and dismissed the worker’s claims. On appeal, however, the Third Circuit Court of Appeals carried out a closer examination of the employment relationship to determine whether the retailer was actually an employer and vacated the district court’s dismissal.

There is no strict standard that determines whether a company that hires a temporary worker through a staffing agency qualifies as the worker’s employer. Typically, courts examine factors such as which company pays the workers, hires and fires them, and supervises daily activities.

In the agreement between the staffing agency and the retailer, the staffing agency agreed to be responsible for hiring and paying “temporary employees” and workers reported to the agency if they were unable to make it to work for a scheduled shift. Once the temporary employee showed up to work at the retailer, however, the retailer was responsible for assigning appropriate duties to the worker and had full supervisory authority over him. Typically, the retailer assigned temporary workers to perform the same type of work as regular employees. If the retailer was unhappy with a temporary worker’s performance, it could notify the agency to send an immediate replacement.

The Third Circuit Court decided that a reasonable jury might determine that the retailer was a joint employer with the staffing agency, and therefore would be liable for the discrimination claims.

Companies should keep in mind that the court’s decision in the case is part of a larger trend of defining companies that hire temporary workers through a staffing agency as joint employers. Earlier in 2015, the National Labor Relations Board issued a decision in which it broadened the definition of joint employer to include a larger number of employment relationships involving staffing agencies.

Companies should also carefully review their relationships with temporary workers and staffing agencies to see whether they may qualify as the workers’ employer, which opens up companies to many new liabilities. In some cases, companies may want to re-structure their relationships with temporary workers to avoid such liability. If the relationship with the temp worker is restructured, companies should be prepared that they will likely have to give up significant control over the temporary workers’ activities if they want to avoid the liabilities of being an employer.

Beth Slagle is a business attorney at Pittsburgh-based law firm Meyer, Unkovic & Scott where she maintains an active practice principally focused on business disputes, insurance coverage and employment law. She can be reached at bas@muslaw.com.
If your organization is spending time, money and resources increasing company culture, efficiency, and productivity in the workplace, you may want to evaluate your existing staff and evaluate if they are draining productivity. Some employee dysfunction requires objective analysis and strategic management intervention. Do you parent your children the same way? Are they motivated the same way? Do they respond to their peers and homework the same way? No. Your employees are not functioning and or driven the same way either.

**HOWEVER**, if you have determined your employee is; a Chameleon (escapes notice) an Ornament (easy on the eye but zero contribution) a Ball and Chain (loves bureaucracy and no risk taking) or a Vampire (thrives on emotions of others) then get rid of them!

But How? First, document everything! Document their goals, “to do list” and results. Document anonymous complaints, late times, training, compliance… Then, I challenge you to offer a rigorous retraining program and or a remediation program. You will be amazed, 99 % of your toxic employees will willingly leave! They do not want help, nor do they care to better themselves or your company. If they don’t care, then why do you?

— HR Resource Force

**About HR Resource Force**

Using innovative employee workflow solutions, we help companies refocus on a strategic automated initiative that reduces administrative tasks and cuts costs. Our award winning efficiency solution will modernize & improve; Compliance, Development, HR, Risk Management, Safety Management, & or Talent Management. We bring organizations to a highly competitive level with inter-departmental transparency, compliance, communication, and tracking. Schedule your demo today and tell us what you want to automate, streamline, and track.
NEW MEMBERS

Daniel Allan, PHR|SHRM-CP  
Paychex, Inc.

Gina Arlotti Santoyo  
Haemonetics Corporation

Brittany Basham, PHR|SHRM-CP  
The Farmers National Bank

Karen Bokoski  
BNY Mellon

Jennifer Booth  
Hotel Monaco Pittsburgh

Patrick Callahan  
Lifetime Financial Growth, LLC

Margaret Canada  
ARAMARK

Leah Cargo  
Christine Clouser  
TowerMetriX, Inc.

Tekiesha Daniel  
Jacqueline Foradori  
CMMI Institute

Peter Gabriel  
Key Leadership

Jessica Hays  
CONSOL Energy

Robin Hilla, PHR|SHRM-CP  
THE BRADLEY CENTER

Terri Horn  
Lutheran SeniorLife

Koleen Kirkwood  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP

Candace Lawson  
Nicole Letourneau, SHRM-SCP  
NEP Group, Inc

Kimberly Lynch  
GAI Consultants, Inc.

Meghan Mannella  
PA Connecting Communities

Jim McGovern  
Lifetime Financial Growth, LLC

Jennifer Meyer

Khadijah Miller

Amy Moline

Kathy Parry  
Wellness Roadtrip, LLC

Marla Presley  
Jackson Lewis P.C.

Theresa Roach

Elizabeth Rowand  
Eat’n Park Hospitality Group

Heidi Gilcher Sadecky  
Life To The Fullest Coaching

Aleksandra Sretenovic

Lynn Stewart  
Hodes

Joshua Thorwart  
Robert Valenzuela

Bethany Wagner  
Jackson Lewis P.C.

Michael Wilver, PHR|SHRM-CP  
Regal Beloit

Kellie Yanek  
Genesis Medical Associates, Inc.

James Yauger

ON THE MOVE

Congratulations to the following PHRA members on recently achieving a new HR certification:

Rachel Clark, PHR, The Woodlands Foundation, Inc.
Jeanne Heath, PHR, MY CU Services, LLC
Lauren Reed, PHR, Schell Games
Joanna Wood, PHR, Spang & Company
The Pittsburgh Human Resources Association offers many valuable networking and education programs throughout the year. Keep an eye on the PHRA online event calendar for a complete and up-to-date listing of all programs. Register for an upcoming event today!

March 30
HR 101-201-301 Workshop
DoubleTree at Green Tree
8:00 a.m. – 6:00 p.m.
HRCI & SHRM Credits

May 25
The I-9 Form: Learn It, Live it, Love it
PHRA Office
8:00 a.m. – 10:00 a.m.
HRCI & SHRM Credits

April 12
Lunch & Learn: Is There A Bully At Work?
PHRA Office
11:30 a.m. – 1:00 p.m.
HRCI & SHRM Credits

June 3
Golf & Bocce Outing
8:00 a.m. – 2:30 p.m.
Montour Heights Country Club

April 20 & May 18
Compensation Breakfast Series
PHRA Office
8:00 a.m. – 10:00 a.m.
HRCI & SHRM Credits

October 13 & 14
PHRA Annual Conference & Exhibition
DoubleTree - Green Tree

April 20
Engaging Pittsburgh Awards Celebration
Sheraton at Station Square
5:00 p.m. – 9:00 p.m.