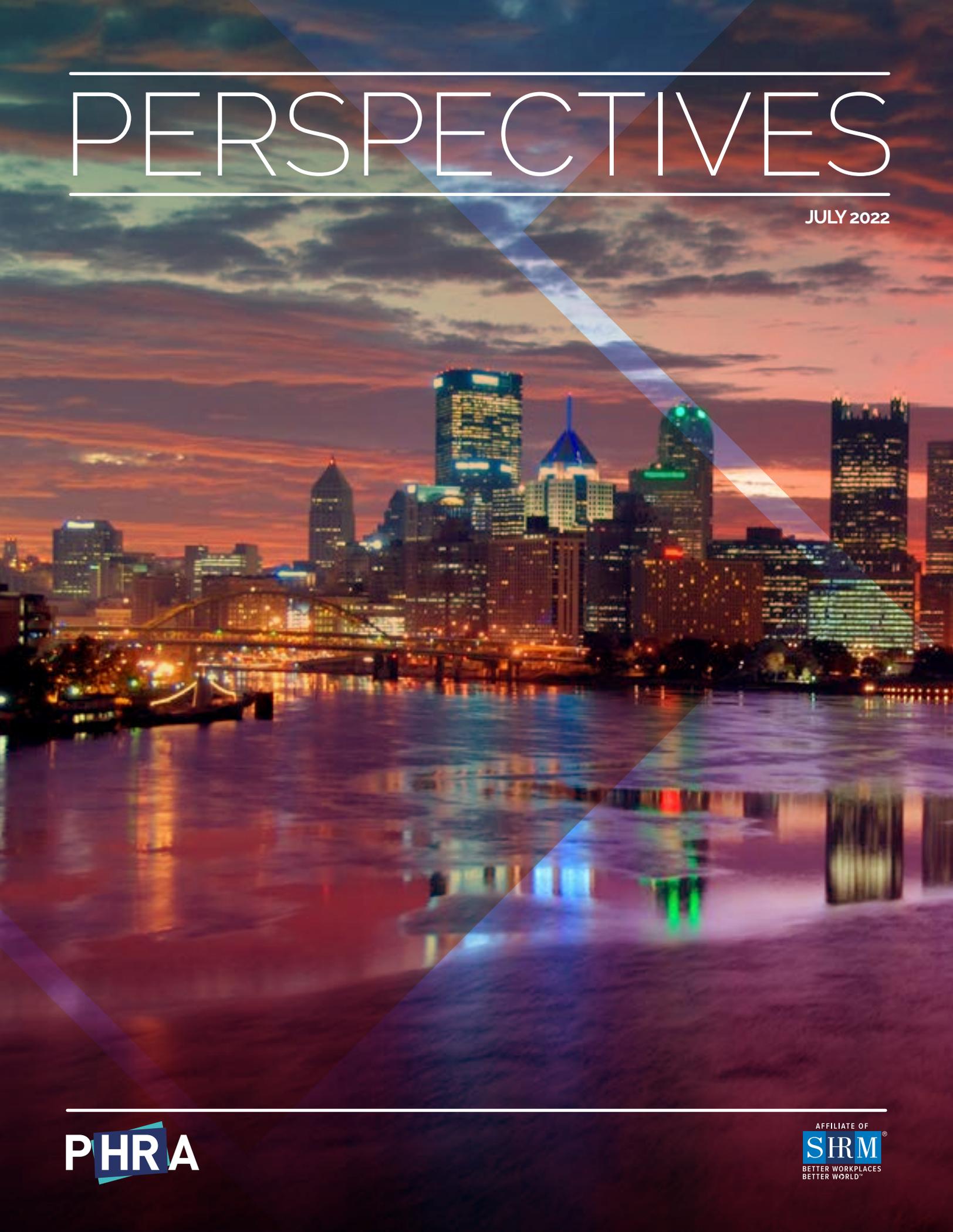

PERSPECTIVES

JULY 2022



PERSPECTIVES

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PHRA President's Message

Lenore Seifer, SHRM-SCP

Dear Members,

Have you seen the announcement? Registration for the Pittsburgh Human Resources Association's HYBRID Annual Conference & Exhibition – Creating Connections-Building Bridges... Together – is OPEN!

The conference is September 27 and September 28 at the DoubleTree by Hilton Hotel in Pittsburgh-Cranberry. This link takes you to the registration site where you can also view the agenda, list of speakers and sponsors, and other information: [Click Here](#)

You have the option to register to attend IN PERSON or VIRTUALLY. Either way, you will have access to 25 sessions that are geared towards YOU and your educational needs. There are a variety of topics including legal/accommodations; diversity, equity, inclusion, and belonging; workplace wellness; benefits (including compensation and retirement); strategic planning; and so many other options. Not only will you learn from industry experts, you will also earn a lot of PDCs.

In addition to the planned learning sessions, we also have many opportunities available for you to network and meet other HR professionals, including at the Networking Social on Tuesday, September 27. There are other networking opportunities throughout the two days. At past conferences, I have truly enjoyed the lunches because of the great conversations at the table --- these have been another learning opportunity to hear about the challenges and successes of other organizations while also having the ability to seek solutions to what your organization is currently facing.

We also have set Exhibit Hall Time for you to meet with our vendors. We have a variety of vendors for you to meet with and they are truly industry experts who can help your organization, while oftentimes making your work life more seamless/easier. Here are some of the areas of expertise that they can discuss with you:

- educational opportunities
- consultants and trainers
- benefit consultants and providers (including retirement and wellness)
- recruiting solutions
- background screening options
- identity card security access

Additionally, the first 10 people who message me through LinkedIn and say "I want to go to the PHRA's annual conference!" (or similar!) can receive a special, one-time code for a \$50.00 discount off the registration price (this discount code is available for attendees only; no board member, vendor, or speaker is able to use the discount code). The registration must be finalized no later than August 1, 2022.

Follow the PHRA on LinkedIn to stay up to date with upcoming events and I hope to see you at the conference – stop by to say hello!

Lenore Seifer, SHRM-SCP

2022 PHRA President

S.R. Snodgrass, P.C.

Thrive in Conflict: 5 Strategies to Maintain a Positive Work Environment

By James E. Taylor, Ph.D., Chief Diversity, Inclusion, and Talent Management Officer at UPMC

Whether you're a team supervisor or a C-suite executive, you've likely experienced the rewards and challenges of leadership. It's a privilege to make important decisions and represent your employer, but at the same time, conflict can feel like a test of your skills and ability. Conflict, after all, can be difficult and sometimes uncomfortable to discuss at work. You, as a leader, have to remind your team that conflict can be healthy – with friction comes innovation and growth.

Conflict can be challenging as it's unavoidable. So how do you maintain and foster a positive work environment when addressing it? If you brush it under the rug, issues can lay stagnant and may even escalate. On the other hand, if you address it, your co-workers may not agree with your decision, creating some tension. Just remember, conflict management is more than a responsibility; it's a key part of your job.

Here are five strategies to resolve conflict both adequately and effectively to maintain a positive work environment:

Don't Let Emotions Drive Your Decisions

As humans, it's natural for us to go into “fight or flight” mode when dealing with a disagreement. When this happens, our sympathetic nervous system is triggered, which increases heart rate and breathing. Our body processes it as a threat, and we are not in the state to rationalize, which is key for resolving it.

Remove yourself from the conflict, take deep breaths, and practice mindfulness to clear your head. By doing so, you'll be able to think more clearly, and you'll probably notice your response is different than it would have been if you hadn't taken a moment to clear your mind.

Catch Conflict Before It Happens

Conflict is inevitable, but you can seek out potential conflict and address it immediately. For instance, if you see your team is not clear on their roles and/or responsibilities, step in and make sure everyone is on the same page. Oftentimes, conflict arises when directions are not clear.

Pair team members to check in and ensure everyone is on the same page. Communication is key here.

Talk to Both Parties Then Bring Them Together

If you're resolving conflict between two parties, talk to them separately and collectively in a neutral environment. Set rules and expectations when bringing them together to discuss, such as active listening and no interruptions when the other is speaking. Sometimes, the conflict will resolve just by having an open dialogue.

However, if that's not the case, you must negotiate a resolution. Oftentimes, both parties will not get their desired outcome, but you must find a middle ground or come up with a solution that's best for your organization. Once you come to a conclusion, write clear steps on how to achieve it.

Thrive in Conflict: 5 Strategies to Maintain a Positive Work Environment (cont.)

By James E. Taylor, Ph.D., Chief Diversity, Inclusion, and Talent Management Officer at UPMC

Pick Your Battles

We've established that conflict is inevitable, but not all conflict is worth putting energy toward. According to Harvard Business Review, you should rate the importance of an issue on a scale of 1 to 10, with ten being the most important. If it falls below a six, drop it.

Sometimes, even if an issue is below a six, it may be worth tackling if you feel it could grow into a larger problem down the line. You should focus on the issues prohibiting your company and team from reaching its goals.

Monitor and Follow Up

After you resolve a conflict, you must monitor it and follow up. There could still be tension between team members, or the issue may not be completely resolved from other points of view. You may have to adjust the solution to what you think is best.

Not all sides will be happy with your decision, but you have to do what is right, not favorable.

Shift Your Mindset: Conflict Is A Positive Experience

Build a workplace culture that thrives when in conflict. You don't want your employees to feel like they cannot discuss a disagreement because it will create a "negative" work environment.

Conflict resolution should not be perceived as a negative responsibility. Great leaders view it as an opportunity to achieve company goals, strengthen team relationships, and foster innovation.

Alternate Routes: Making a way for autistic people to find fulfilling work

By Johanna Murphy

December 2021 was something of a bell-ringer in terms of autism news. The Harvard Business Review published the unapologetic piece, [“Autism Doesn’t Hold People Back at Work. Discrimination Does.”](#)

Autistics in the workforce have always known this. It’s still the lizard brain: The same kids who sensed your difference from the herd in the third grade are still with you in the office. At 35, you’re better at masking, but they’re better at making their reasons for not liking you seem legit: “That’s not how we do things here. She ignores hierarchy. She’s not a team player. She’s a show-off. She’s too critical. She looks for problems, nitpicks.”

Whatever the stated reason, you won’t be doing well at this job.

A brief reenactment of me making friends at work 25 years ago:

New neurotypical coworker I’d been getting along with: “Mild sarcastic complaint about some redundant task.”

Me, undiagnosed autistic: “Yeah, it’s like rebuilding the Argo, but no one will sing songs about us!” Snort-laugh.

New coworker: “I get it, you went to college. Stop being such a show-off.”

Me: “No, that’s just how I think!” (Meaning, Greek myths are literally my go-to for humor.)

But new coworker hears: “That’s right, you peasant.”

Rolls eyes, calls me a snob, walks away.

End scene.

Almost two years ago, I wrote a piece for PublicSource: [“Women my age weren’t called ‘autistic’ growing up.”](#) It was both my own story and the story of many undiagnosed autistic women. I got emails from women around the world who recognized themselves, or their mothers or their daughters in the story. One mother wrote that reading the piece saved her adult daughter from suicide. I found the responses to be a powerful confirmation that it was the “otherness” we experienced and not the actual autism that was the primary source of pain. I knew that we autistics really were “speaking a different language.”

Since that essay came out, I’ve continued to advocate, especially for older autistic women. I’ve done interviews; I sit on “autistic advisory boards” for some national organizations; I co-wrote a textbook chapter; and I do what I can to connect other teachers with an understanding of how autism and neurodiversity influence the writing process.

Most importantly, I started working with an autism services nonprofit.

I saw a job posting in August 2020 from a nonprofit agency here in Pittsburgh that serves neurodiverse young people with college coaching, workforce coaching and, most surprising, arts and filmmaking programs. It’s a small organization, and the position was a hodgepodge of marketing, outreach, grant writing and development.

Alternate Routes: Making a way for autistic people to find fulfilling work (cont.)

By Johanna Murphy

It was a perfect match for my resume.

I wasn't looking for a job at the time; teaching at the University of Pittsburgh and rehabbing our new pandemic house kept me plenty busy. Yet it seemed like an opportunity that was too perfect to miss.

I interviewed with the executive director over Zoom. It went well.

You'd think that meeting over Zoom would rule out developing any sort of rapport. That wasn't the case. I often struggle with just being around other human beings. New people give off all kinds of vibrations and signals that I don't understand, and all that data flying at me is incredibly anxiety provoking. I have learned to project what I believe to be appropriate facial expressions, but underneath them I'm really just moderating my breathing. I have often wished to just be a brain with subtitles, and with the miracle of Zoom, that dream has come true.

Without that anxiety, I could speak plainly and comfortably. I shared real ideas, real goals. We developed a real rapport.

Yes, part of that rapport was possible because I knew I was talking with someone who knew I was autistic and knew what that meant. My quirks didn't phase her or make her think the real, unmasked me was any less capable. I quoted the ancient Greeks, and she was not offended.

"Autistic workers need the office equivalent of the ["Pittsburgh Left"](#) — it's unusual, unthinkable in other places, and it's a program that is managed on a case-by-case basis by every driver in the city," writes Joey Murphy. "Yet it can make things run better." (Photo by Ryan Loew/PublicSource)

Except for my wife, this job is the best thing that's ever happened to me. I'm doing work that I feel is valuable, and I feel valued because they take my lived experience very seriously. The experience has sharpened my understanding of what I want to advocate for: this sort of comfortable, fulfilling employment for the neurodiverse community, particularly here in Pittsburgh.

In December, the CDC reported that [one in 44 U.S. kids have been diagnosed with autism](#). In March 2020, it was one in 54; the ability to identify autism earlier is improving.

I can't say the same for the employment of people with autism: National figures indicate that [unemployment for young neurodiverse adults is 30-40%](#) while unemployment is as much as [85% for autistics with college degrees](#).

My investigation of my own life has yielded this: There are at least two naturally occurring sorts of brains. The "neurotypical brain" and the "neurodiverse brain." Science is starting to agree with me. I can only speak for the autistic/ADHD brain, but it's a start. Each style of brain is programmed with distinct goals. They are not necessarily at odds with each other, but they are nearly invisible to each other in the wild. This can create a lot of social friction.

Alternate Routes: Making a way for autistic people to find fulfilling work (cont.)

By Johanna Murphy

The neurotypical [NT] brain is wired to prioritize social interaction and pecking order. The neurodiverse [ND] brain is wired to put that same level of effort into indexing topics. For NTs, one basic narrative is “girl meets boy, they fall in love.” For ND brains, this is much closer to the truth: “Girl meets topic, girl falls in love, girl’s passion is exhausting this field of knowledge, please stop trying to distract girl from her topic.” We are motivated, on a primal level, by different goals. That’s where the communication problems come from. NTs feel that we are rude and standoffish. NDs feel that NTs waste a lot of time on social stuff. Neither is correct, just informed by different priorities.

The “communications problem” has traditionally been laid at the feet of autistics. Autistic children and young adults are given therapy to improve their “social skills” and “communication deficits” because the underlying assumption is that the NT way of communicating is the standard, the default. Getting autistics to communicate in standard NT should solve their problems, right?

Except it never does.

The work needs to be done on both sides.

Consider: What if autistic brains are a natural variation, sort of like being left-handed or extroverted? What if the ways that neurodiverse people inhabit the world are as valid as the neurotypical cultural standard? What if overcoming the communication differences really are a matter of mutual diplomacy?

My advocacy work now is promoting this sort of bridge-building locally.

Why focus on employment? Because a stable, sustaining income solves a lot of problems for autistic people, just like for anyone else.

Why Pittsburgh? Pittsburgh has been losing population for as long as I’ve been alive. Workforce development people have been lamenting the shortage of skilled workers for years and predicting that the baby boomer retirement would wreak havoc. Well, in addition to the pandemic, that havoc is here now. We need a larger pool of workers, and we’ve got a lot of able and skilled autistic people who need jobs.

Autistic workers need the office equivalent of the “Pittsburgh Left” – it’s unusual, unthinkable in other places, and it’s a program that is managed on a case-by-case basis by every driver in the city. Yet it can make things run better.

Let’s think differently, together.

This piece was originally published in Public Source and is written by Joey Murphy, a freelance writer and writing coach. She teaches at the University of Pittsburgh and the Development Director at Evolve Coaching. She can be reached at johanna@evolve-coaching.org.



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KEYNOTE SPEAKERS

Inclusive Behaviors & Ally Partnerships
Dr. Victoria Mattingly & Sertrice Grice



Finding Beauty in the Chaos
Heather Rendulic



Washington Outlook
Emily M. Dickens



The Why Behind HR Like a Boss!
John Bernatovicz



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Inclusive Analytics: Using Data to Create an Inclusive Culture

By Cheryl Paxton-Hughes, SHRM-CP, MBA

Inclusive Analytics

According to the dictionary, analytics is “the systematic computational analysis of data or statistics.” Oracle’s definition of analytics is the process of discovering, interpreting, and communicating significant patterns (<https://www.oracle.com/business-analytics/what-is-analytics/>).

People Analytics has been a buzz for the past several years as human resources practice has progressively become more digitized. You can’t get analytics without having good, clean data. Good, clean data means that you have:

- An application/database to input data
- Repeatable processes for how and when you input the data
- Controls around the data to keep it error-free (clean)

You are ready to start your analytics journey if you have all the above.

But not quite yet. Just because you have the data doesn’t mean it’s always easy to retrieve it. Depending on the size and complexity of your organization, you could have multiple systems containing different people, data sets, or information. We won’t get into that technical challenge in this article. Still, it is something to address before you start using data to draw conclusions about your people’s processes and strategies.

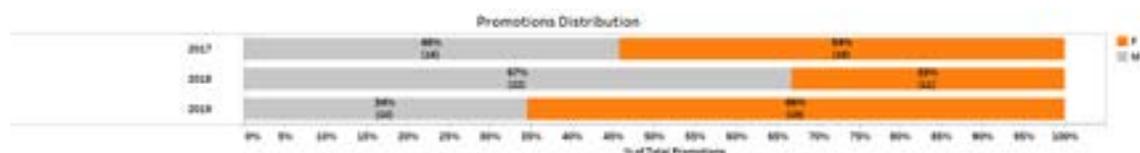
People Analytics Tell a Story About Inclusion

You may have some dashboards and reports that you are using. Perhaps, they resemble something like the images below (<https://www.peopleinsight.com/workforce-analytics-academy-diversity-inclusion>).



Inclusive Analytics: Using Data to Create an Inclusive Culture (cont.)

Promotions Distribution. Male vs. Female. Rates and Counts. Last 3 years



Promotion Distribution Male vs. Female Dashboard. Analyzing this dashboard, what conclusions could you draw about what is happening with succession planning and leadership development at this organization? What happened between 2017 and 2019? Were there more females that were hired? Was there unconscious bias and inclusion training? What factors could you consider for this increase in female promotions? Also, why such a drop-off in 2018? What happened?

Don't Judge a Report by Its Cover.

You might be tempted to take one variable or factor from a report and determine a conclusion. Be careful of drawing conclusions or correlations based on only one variable. A more statistically sound approach combines multiple variables to determine if there are statistically significant correlations. Other variables to analyze in this data set could be:

- Department
- Manager
- Location
- Salary
- Team
- Type of work
-

Three Data Sources to Measure Inclusion

Performance Review Scores: Analyzing the statistical curve of your performance review scores across your organization and comparing it to several factors such as department and manager will allow you to see if trends are occurring within specific teams or departments. Layering on demographic data such as age, race, ethnicity, and gender could provide further insights if the same types of demographics are falling within the same set of ranges.

Consider selecting a random sampling of performance review scores for the past five years from the same manager or department to see if you notice any patterns. For example, do certain managers rate the same people almost the same scores year over year? Would the data support that the same types of people (i.e., males, white people) are receiving similar scores?

Inclusive Analytics: Using Data to Create an Inclusive Culture (cont.)

In the same context, you will no doubt observe that certain managers score more harshly than others. This demonstrates a lack of alignment and calibration amongst your management team regarding the criteria used to define effective performance. Why does this matter so much?

It matters because almost every system we use to determine promotions and pay raises is tied to performance review scores. Yet, the research has consistently shown that bias is consistently introduced into traditional performance review processes.

Promotions: select some of your high performers or high potentials and analyze their previous promotion projections. Analyze if you can find patterns that may exhibit the following:

- I. Leadership** – who did they report to, and who did they have access to?
- II. Team** – what team were they a part of, and what were the skill sets of the individuals on those teams?
- III. Geographic/Region** – are there any trends associated with where they were located?
- IV. Market Conditions** – to the degree possible, map out if there were any recessions or the opposite market growth occurring during the times when they were promoted? For example, if someone has been promoted multiple times over ten years, look for any patterns related to market conditions and the time of their promotions. Managers frequently attribute performance solely to the individual and fail to consider good and bad market conditions within their industries.

Turnover Within the First Year: turnover within the first year that is both voluntary and involuntary is a lagging indicator that your culture may not be welcoming and inclusive to those who are different from the norm. As HR professionals, turnover in the first year is a lagging indicator of inadequate onboarding processes.

Traditional People Processes and Practices That Lead to Exclusion

As HR professionals, we have been trained and educated in traditional people processes that create biases and exclusion in the workplace. The three most common people practices fraught with bias are **recruitment and selection, performance management, and succession planning**. This article will highlight just one of those processes related to inclusion.

Performance Management

The primary issue in performance review evaluations is that they are messy. Performance outcomes are rarely and often imperfectly related to the actual employee effort. According to the Wharton School of Business People Analytics Program, four significant biases occur during performance reviews. Humans have difficulty separating the person's actual contributions to the situation.

Four Major Biases in Performance Management

- 1. Context Bias:** We tend to neglect context when evaluating performance. We attribute high performance solely to the person and neglect the context surrounding the person's performance which could include:
 - Market Conditions (Economy)

Inclusive Analytics: Using Data to Create an Inclusive Culture (cont.)

- Team (who is the person surrounded by)
- Leader
- Budget/Resources

When evaluating and comparing people, we must ask ourselves, especially in a promotion situation, would these two people have produced the same outcomes if all things were equal? In other words, was there a level playing field?

- 2. Interdependence Bias:** A large amount of the work we do in the 21st century is highly dependent on others. Our work environments depend on others ranging from internal teams to outside vendors and partners, to help us accomplish our jobs. We often forget about the team and resources surrounding individuals that make them successful. One way to combat interdependence bias is to review performance at a group level vs. an individual level. If we are assessing someone at an individual level, it's crucial to assess their performance in the context of working across and within multiple teams.
- 3. Self-fulfilling Prophecies Bias:** The best analogy for describing this bias is the movie Trading Places. In Trading Places, the experiment conducted was to see if a poor, black man would succeed if placed in an environment with all the available resources and tools and given affirmation that he was successful. The reverse of the situation is to see if a rich, white man were placed on the streets, would he become an addict and beg for money if his environment reinforced it. The self-fulfilling prophecy bias occurs when we expect out of others; they tend to meet the level of expectations set. For example, a manager might expect less out of an employee who is disabled. To overcome this bias, it is essential that when evaluating individual performance, the same level of expectations is applied to all team members. Like in Trading Places, the same access to tools, resources, and budgets must be applied equally to avoid this bias. This is also called the Matthew Effect (sociologist Robert Merton) "the rich get richer, and the poor get poorer."
- 4. Reverse Causality Bias:** Which Came First, the Chicken or the Egg? This occurs when there are two correlated factors, and we believe one caused the other. The Academy of Management in 2006 studied charisma and success among 128 CEOs. The study concluded that charismatic CEOs didn't have any more future success than non-charismatic ones, but successful CEOs are perceived as more charismatic. Reverse causality can give people credit or blame they don't deserve.

How to Start Small Improving Inclusion Efforts

Challenge your people practices and your leaders by asking and analyzing the following questions:

- Are we genuinely comparing apples to apples? Have we sufficiently adjusted people's performance and assessments of their performance for context?
- What impact have other people had on this person's work? How interdependent are others on this person's performance? Should we even evaluate a person individually, or should we move to group evaluations?

Inclusive Analytics: Using Data to Create an Inclusive Culture (cont.)

- How have the expectations colored our evaluations? Have we leveled the playing field for everyone by ensuring people have access to the same resources, colleagues, mentors, tools, training, etc.? Or do we only have a select few that are quote-unquote high-potentials or high-performers and therefore get picked for special training and projects?

Tactical Action items

- Educate and train managers and leaders on the four common performance biases
- Define a set of questions or add other behavioral factors to the performance review to challenge managers on natural biases
 - Market Conditions
 - Past track record in the same area
 - Resources, tools, etc.
- Use a 360-peer evaluation approach to all performance reviews
- Implement an annual or quarterly performance and promotion calibration process to involve as many different perspectives as possible and data points on the person's performance (whoever is facilitating these sessions must be able to call out biases and challenge them)

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You are Essential

By James E. Taylor, Ph.D., Chief Diversity, Inclusion, and Talent Management Officer at UPMC

The Great Resignation has proven to be real and is showing no signs of slowing down in most markets across the country. Job resignation is still 23% above pre-pandemic levels. A simple internet search will surface varying opinions on the topic, but in reality, it's a nuanced phenomenon involving multiple factors. Language is powerful, and in the wake of multiple professions being labeled “non-essential” during the height of the pandemic, there has been a societal re-evaluation of our priorities and how we wish to spend our time as Covid-19 has reminded us of just how fragile life can be.

Then, of course, there are the “essentials” – employees who worked in grocery stores, public transportation, agriculture, healthcare, daycare, and other sectors and provided critical services we needed the most. For many of these individuals, there's a disconnect between being labeled as necessary, on one hand, while being expected to work for lower wages in often dangerous conditions with little recognition. On both ends of the spectrum – essential and nonessential – staff are stressed, and for good reasons, and express job dissatisfaction and burnout.

It makes a lot of sense when you think about it – the world was turned on its head, most of us are still in some sort of shock, and many of us continue to get our arms around unresolved trauma. As a result, people are questioning their lives and careers and thinking, “Life is too short,” “What am I doing here,” and “Is there a more productive way I should be spending my time instead?”

Consequently, 2022 is the year of the employee where individuals have choice. Given this reality, as an employer, how do you hold onto your most valuable team members and attract new talent? How do you prevent turnover and distinguish yourself as an organization that values its people?

3 Tips To Make Your Talent Feel Essential Regardless Of Their Role

In addition to better understanding how to [engage your workforce in a meaningful way](#), reflect and act on these tips for helping your talent know they're essential regardless of their role:

1. Make Them Feel Seen

Feeling seen and even understood on some level is a basic human need. There are some common ways to accomplish this that you should already be doing – getting to know people, learning what's important to them outside of work, remembering what they tell you, and giving them your attention – but there are some other less obvious ways you can make your employees feel seen, too: Ask for their feedback, express gratitude in detail (more than just the occasional “thank you for your hard work!”), and acknowledge them as people, not just workers.

2. Understand Your Competition

More than ever, people are weighing their options. As an organization, you should be able to articulate how you are different from your competitors in the job market. A key aspect of this involves remaining

You are Essential (cont.)

By James E. Taylor, Ph.D., Chief Diversity, Inclusion, and Talent Management Officer at UPMC

cognizant of what your competition is providing on multiple levels— monetary, interpersonal, development and growth, and whole-person benefits.

3. Move Quickly

Don't wait to adopt changes suggested by employees to demonstrate that you are listening to their thoughts and ideas. I can almost guarantee that people on your team are re-evaluating their life right now, including career choices. So, don't hesitate to show gratitude, push forward growth opportunities, and clarify what you can offer.

The Great... Something!

Call it what you will — the Great Resignation, Re-evaluation, Reflection, Re-organization, Review — but it's definitely the Great Something. You've likely grown used to hearing the phrase "this is an unprecedented time," but it truly is! "Essential" and "non-essential" alike, people everywhere are stepping back and taking stock of where they are compared to where they want to be. Those on your team need to feel valued and seen — and they need you to respond to their concerns with urgency.

Important Updates For Federal Contractors

By Katie O'Connor, Associate, Buchanan Ingersoll & Rooney PC, 412 860 0177, katelyn.oconnor@bipc.com

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has been issuing policies suggesting more aggressive tactics as well as more pervasive monitoring of federal contractors and subcontractors. Here are four things that federal contractors should know.

1. The affirmative action verification deadline was June 30, 2022

Supply and service contractors and subcontractors for the federal government who meet the designated jurisdictional thresholds for creating Affirmative Action Plans (AAP) were required to certify that they have developed and maintained their plan by June 30, 2022. Federal contractors can register via the OFCCP's online [Contractor Portal](#). New contractors have 120 days to develop their AAPs and must register and certify compliance within 90 days of developing their AAP. After the initial certification year, the OFCCP will set a date by which existing contractors must renew their annual certification. If you have not yet certified your compliance or prepared an AAP, you should do so now.

2. OFCCP released the names of federal contractors on its audit list

OFCCP published a new [Corporate Scheduling Announcement List for Supply & Service Contractors](#) for fiscal year 2022. The new list includes 400 federal contractors and, for the first time in several years, subcontractors. In another retreat from prior practice, the new list includes numerous employers with 49 or fewer employees. If your company is identified, or you received a Scheduling Letter, you should contact legal counsel to begin preparing to appropriately respond. Importantly, as discussed next, the extensions that were routinely granted for responses have now been rescinded.

3. OFCCP signaled that it will impose tighter timelines and may take a more aggressive stance during audits

On March 31, 2022, OFCCP issued [Directive 2022-02](#), Effective Compliance Evaluations and Enforcement. The directive repeals four Trump-era directives that gave contractors more notice of OFCCP investigations and more transparency into how the investigations were conducted and the results derived. The new directive imposes a more stringent set of rules. Here are some key changes associated with Directive 2022-02:

- The 45-day delay between OFCCP publishing its scheduling list for contractors and auditing those contractors is rescinded. As a result, the entities identified on the scheduling list mentioned above may be subject to audits immediately.
- The automatic 30-day extension for contractors to produce whatever data is initially requested by the agency is repealed, except in "extraordinary circumstances," which is narrowly defined.
- It is up to the discretion of the investigator whether to share source data so that contractors can assess OFCCP's statistical findings and instruction.
- OFCCP may request personal contact information for former employees, including Social Security Numbers. In addition, it asserts that the employer has no right to be present for interviews of former employees.

Contractors should be prepared for tougher timelines and more scrutiny from the OFCCP during audits, which makes preparation all the more critical.

Important Updates For Federal Contractors (cont.)

By Katie O'Connor, Associate, Buchanan Ingersoll & Rooney PC, 412 860 0177, katelyn.oconnor@bipc.com

4. OFCCP may seek a contractor's privileged pay audits

Contractors have been required to conduct reviews of their compensation practices for many years. Indeed, affirmative action regulations require that federal contractors evaluate their compensation systems to determine whether there are any gender-, race-, or ethnicity-based disparities. During compliance evaluations, OFCCP may seek the results of internal pay analysis. If the analysis was subject to the attorney-client privilege, contractors have typically objected on those grounds. In [Directive 2022-01](#), OFCCP explains that although federal contractors retain counsel to assist with the preparation of the pay audit, federal contractors must make available to OFCCP documentation of their compliance. Consequently, contractors cannot withhold pay audits by invoking attorney-client privilege or work product protections. Contractors should confer with counsel on a strategy for responding to requests for privileged analyses and for strategy when performing such analyses in the future.

Please let me know if I can help advise you on how to prepare for increased scrutiny from OFCCP following these changes.

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Feelings of Unconscious Bias in the workplace and ways to raise awareness

By Tracy Kelly Jr., MBA, MA (He/Him/His/They)

Have you ever said or were on the receiving end of the following phrases:

- “You articulate very well.”
- “You people.”
- “That’s so gay.”
- “That’s a white thing.”
- “Your being aggressive.”

These micro-aggressions, as minimal as they may appear, can affect the way a person perceives you and can cause a hostile work environment. Micro-aggressions or stereotypes in the workplace can be defined as subtle behaviors or phrases that often can cause a person to feel offended. Although you may not feel that what you have said was offensive, the person on the receiving end may not feel the same sentiment. Being adaptable is a strong and necessary trait within the workplace. Colleagues should keep in mind that their words can hurt, and personal opinions should be left at home, especially if they are offensive. Displays of insensitivity in the workplace are not tolerable and in most recent instances can be grounds for termination. Don’t be afraid to ask questions to avoid any misconceptions. It is a strength to be able to not only read a room and understand your audience, but it is important to be cognoscente of your words and how they may affect a person. Within today’s atmosphere of creating a sense of belonging within the workplace, we must consider how someone would like to be addressed. Identifying someone that has transitioned or identifies themselves as the opposite sex and you ignore their request can alienate or traumatize a person. But more importantly eliminates their individuality. Miss using a person’s pronouns may cause discomfort and can be a form of disrespect and discrimination. Never presume a person’s identity without asking them how they identify themselves.

Micro-aggressions do not stop at a verbal offense, it can be a physical one as well. From touching someone to giving a “thoughtful” gift can also be forms of micro-aggressions. Touching a person without consent can be a form of harassment. For instances, to touch a person’s hair as a means to test the texture against your own can cause the workplace to be tense. Despite the intention not being negative, it invades someone’s personal space and is disrespectful to a person. In some communities and cultures, hair and other head garments are worn with pride. Like an Afro or deep wavy hair or a hijab, these are the equivalent to a crown and do not want to be messed with. Invading a person’s personal space by touching them or getting too close can cause an undesirable reaction of aggression. A person may respond to being touched in a way that then makes them appear to be unprofessional or hostile. Having insight is important. It is imperative that we keep in mind that how someone reacts most times shouldn’t be misread without looking inward. Another way to offend someone is by giving a gift that has a cultural reference that’s a misrepresentation of the person’s culture. It is kind to want to accept a person despite cultural differences, but without exploring or even simply asking a person question to gain a true understanding reads as an implicit stereotype.

Companies should be willing to create a welcoming environment that accepts individuality to build cohesion. Everyone has the ability to bring something different to the table and things still can mesh. Most companies need to begin accepting those that they hire based on skill and value but also how they can add to the team/company. Life is full of color! Black and white are good but other colors exist as well! “Don’t be afraid to use all the colors in the crayon box”-RuPaul

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Congratulations to the following PHRA members on their recent achievements:

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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!

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