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New Employee Gateway: The Third Time's the Charm

By: Bart Olsen, HR Director

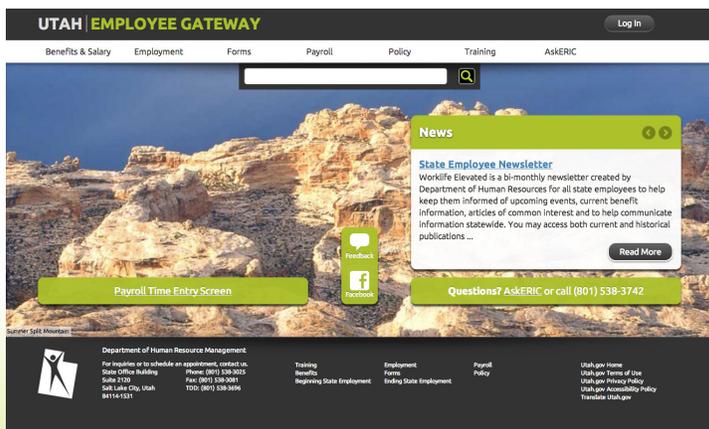
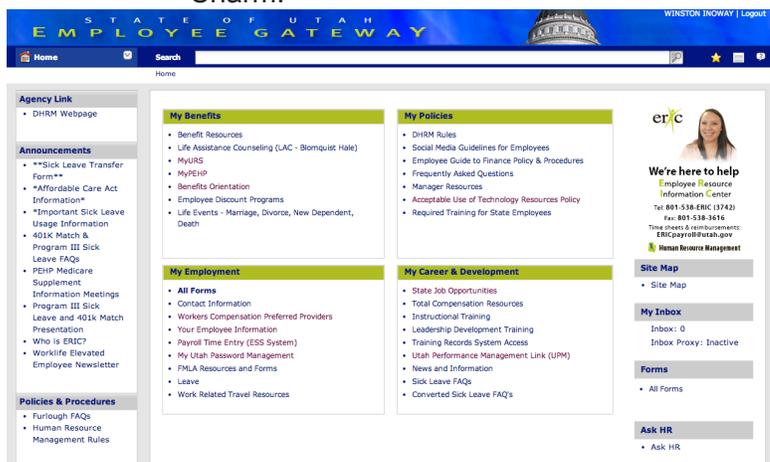
"The Charm" refers to good luck, which we all could use once in a while. Entirely revamped from head to toe, the brand-new Employee Gateway is scheduled to go live on Monday, March 17, 2014. March is a lucky month and 17 includes lucky number 7. Since this is also version number 3 of the Employee Gateway, it seems fitting to be hopeful about this third time will be "the Charm."

The first two versions of the Employee Gateway were important steps to take, and they added a lot of value in spite of their shortfalls. Version 1 carved a path, but there was no way to search its voluminous content. Version 2 (the current Employee Gateway) pushed a major step forward by providing a search feature. However, customers complained about the dated look and feel, the pages of overwhelming bulleted lists, and lackluster search results. DHRM's Gateway vendor (Enwisen) was unable to respond satisfactorily to these complaints.

Therefore, last fall DHRM contracted with our own Department of Technology Services (DTS) to completely revamp the user experience on the Employee Gateway. The results so far are very pleasing, and I am excited to hear your feedback. We will enlist your help to test it before going live.

For the record, I do not believe anyone expects the new Employee Gateway will be entirely problem-free. Undoubtedly, there will still be some things customers dislike – we all know it is impossible to please everyone. But the big win we have coming our way is, that for the first time, DHRM staff will have control over most elements that affect the user experience. We will be able to respond much sooner to complaints about the Gateway than we have in the past. So, with just a pinch of luck, this new era and third launch of the Employee Gateway might just turn out to be "the Charm." Let's all cross our fingers and bring on the luck of the Irish!

The Current Gateway: Old, tired unattractive, overwhelming bulleted lists and lackluster searches.



The new Gateway: Simple user interface, search driven and a better browsing experience.

To check out the teaser video of what is coming go to http://www.youtube.com/watch?v=N5HZi_w-12U



What About Bob?

The Importance of Being Earnest(ly) Consistent



By: Bob Thompson
HR Director
Labor Relations

Author Toba Beta wrote, “Subjectivity measures nothing consistently.” In the world of employee discipline, managers and human resource professionals are constantly asked to make subjective determinations regarding appropriate discipline. In making tough disciplinary decisions, “consistency of discipline” is an ever-present factor that must be considered. Indeed, no discipline should ever be imposed without first asking, “How have we treated others that have engaged in the same or similar conduct?”

In prior articles addressing consistency, I noted that “it is normally decisions issued at the Executive Director level that are substantive for consistency purposes.” In other words, consistency is normally established at the Executive Director level.

But what about those situations where two employees engage in the same or substantially similar conduct and there is no prior disciplinary precedent for the Executive Director to rely on? May the offending employees be treated differently? Normally the answer to that question is, “no,” they may not. Employees who engage in the same or substantially same misconduct should normally be treated the same.

However, sometimes we focus so closely on the specific misconduct that we overlook factors that distinguish employees on other grounds. Indeed, seldom are two cases really the same or even substantially the same. Each case can usually be distinguished on some particular factor. One simple ex-

ample of this would be when a supervisor engages in the same conduct as an employee in a non-supervisory position. Because of the difference in their responsibilities, the two employees could receive different types of discipline for engaging in the same or substantially similar misconduct. Another example would be when one employee has a more extensive disciplinary history than another employee. These distinctions can, and should be, considered in all disciplinary decisions. The secret is to not focus so closely on the substantive or actual misconduct that we forget to see the distinguishing factors.

These subtleties are nicely illustrated in *Twiggs v. Selig, et al.*, No. 11-1682, a recent Eighth Circuit Court of Appeals case involving the State of Arkansas. In *Twiggs*, a youth recently released from state custody committed a homicide. Management met with the team responsible for youth custody to determine what happened. At this meeting, the entire team was asked if there was concern about this youth being released. All denied having concerns. Immediately after the meeting, an employee on the team approached management and disclosed that he had not been truthful and that he and one other employee had, in fact, seen a report advising against releasing this particular youth.

Based upon this disclosure, a detailed investigation was conducted. Throughout the investigation the second employee continued to deny knowledge of any report raising concerns about the youth. Upon completion of the investigation, the second employee was terminated for violating policies regarding truthfulness, while the first employee who came forward received no discipline. The second employee sued. As the only woman on the team, she claimed that she was discriminated against based on her gender. In support of her claim she noted that, among other things, the male employee on her team had also lied but had not been terminated.

In dismissing her claims, the appeals court noted that while both employees had indeed violated the same policy of truthfulness, the plain-



tiff's actions were clearly distinguishable from the co-worker's, in part due to her continued denial of the truth throughout the investigation. In the court's decision, there was no requirement to view the rule regarding truthfulness in a vacuum, and that it is entirely appropriate to view the totality of circumstances when deciding whether to discipline, and what kind of discipline should be imposed. It is entirely appropriate to consider each violation and each employee on their individual merit. Consistency does allow some flexibility.

As illustrated above, there is lying and there is LYING and there are liars and there are LIARS, and you are allowed to distinguish between them in making important disciplinary decisions. Prior discipline and the positions held can, and probably should, lead to different disciplinary outcomes. Though caution is always advised, the law does allow for discretion in disciplinary actions. ■



Brain Blizzard in Decanuary

By: Brooke Baker, HR Manager

Our Decanuary workgroup is a blizzard of awesome brain power! After meeting together and discussing our charter, we determined that we needed to break things down and take it one bite at a time. Our first bite was a revision of the minimum qualifications for our core HR job titles. Done! We have finalized our recommendations for revision and will be presenting the recommendations to Senior Leadership on February 10th.

The other three bites are going to take some time to chew, so the workgroup will be requesting an extension until the end of March to produce these deliverable results.

The remaining workgroup responsibilities will be completed with a new co-chair, as Bart will be leaving the group to assume his new role as the Data Team Director. Jennifer Krell will be taking Bart's place as the second co-chair.

The workgroup is committed and invested and I believe that the outcomes will be very positive for our agency. Thanks to everyone involved, including those employees that are not on the workgroup, but took the time to provide valuable input. Your work is appreciated!



ConSova/PEHP Audit Update

By: Debra Valentine, HR Consultant
John Mathews, HR Director
PEHP Staff

While the dependent verification audit being conducted by ConSova on behalf of PEHP has generated concerns and questions, over 75% of state employees responded to ConSova's initial due date of January 8, 2014. We are now at almost a 85% response rate.

For those State employees who have not yet submitted their documents to ConSova, here are the important dates as outlined in Wendy Peterson's email communication to Cabinet Members on January 21, 2014:

12/04/2013: An initial email was sent by DHRM informing employees of the upcoming audit.

12/11/2013: ConSova sent their first request letter to employees.

01/08/2013: Initial due date for documents to be submitted to ConSova.

01/16/2013: ConSova sent a reminder letter to state employees who have not yet completed dependent eligibility.

2/12/2014: Second deadline for eligibility documents to be submitted to ConSova.

3/14/2014: PEHP will send out a Termination Notice at the end of February and stop paying all claims on 3/14/2014. Dependents who have not been verified will be removed effective December 20, 2013, the first day of the audit. There will be a brief appeals period after 3/14/2014.

ConSova and PEHP are currently calling employees who have yet to respond to ensure everyone is contacted before an unverified dependent is removed from an insurance plan. Additionally, before removing an unverified dependent, PEHP will provide DHRM with a list of employees who have not responded to the audit. DHRM will notify agencies of their affected employees so an additional notice can be given.

ConSova's process for destroying all submitted documents at the conclusion of the audit and ConSova's contact information can be found in the mailed communications, on ConSova's website at consova.com/stateofutah or by calling ConSova directly at (866) 223-7950 (TTY: 303-565-5146).



DHRM Air Quality Mitigation Plan

By: Angela Kula, HR Communication Coordinator

“Setting an example is not the main means of influencing others, it is the only means.” -Albert Einstein

DHRM Admin is currently working on an Air Quality Mitigation Plan for 2014 to be implemented within our department. The purpose of this plan is to provide effective emission management practices and processes to reduce DHRM's production of air pollutants. The goal for this plan is not just to identify what we can do to strive towards the reduction of air pollutant emission, but to also, and maybe more importantly, set an example for others to follow.

There are many things that most of us within the department currently do to conserve energy. However, I would like to remind everyone of what we can be doing that will take little effort, but have a large impact on how our department mitigates poor air quality.



For this edition of HR2HR the focus will be **Energy Conservation** within the offices in which we work.

- **Lighting:** Turn off all lights when they are not being used. If you are working early or late, only turn on the lighting that is necessary for performing work tasks. For desk lamps and office convenience lamps, we need to use compact fluorescent bulbs in place of halogen or incandescent lamps.
- **Office Equipment and Appliances:** When you leave work for the day, make sure to shut down (power switch off) your computer and monitor. You should also turn off all unnecessary office equipment (ie: printers, calculators, ect.). If you know that you will be away from your computer for more than an hour, your monitor should be shut down unless it is capable of “sleep mode.”
- **Printing:** We need to all evaluate what really needs to be printed before we actually print paper documents. We should make printing the exception, not the rule. When printing is necessary and it is a multi-large document, print in two-sided mode.



Let us as a department, come together to seize a great opportunity to set an example for other State agencies, employees and the general public. Show them the steps we can take and are taking to mitigate poor air quality so that they may choose to follow.



New Retirement Codes Series 700

By: Barbara Smith and Paul Morley, HR Consultants

The 401(k) match benefit was established last year in the same piece of legislation that ended the accrual of our program II sick leave retirement benefit. The intent of the 401(k) match legislation was that it be provided to employees whose program II sick leave benefit was ending. Some of our employees (legislators, judges etc.) who are benefited, do not accrue leave that would go towards a post-retirement medical benefit and should, therefore, not receive the 401(k) match.

The problem is, these employees are in the same retirement codes of employees who should receive the match. In addition, it's hard to believe, but there are no current retirement codes that we could put these employees into that would provide a retirement benefit but also exclude the 401(k) match for them. Because funding for the 401(k) match is based upon an employee's retirement code assignment, we needed to create seven new retirement codes.

These new codes have been created for purposes of administering the 401(k) match. All seven codes have been designated in a 700 series (700-706).

These codes are reserved for a small number of employees who are receiving a retirement benefit and who do not carry over a leave balance from one year of the next. An employee who is benefited and has a bi-weekly leave accrual should not be placed in these codes and non-benefited employees should also not be placed in these codes.

Employees in the following job titles are typically placed in the 700 series but there are exceptions as noted:

Agy	Job ID	Job Title	Notes
20	10862	Court Commissioner	If Receiving a Retirement Benefit
20	10850	Law Clerk	If Receiving a Retirement Benefit
50	10007	State Treasurer	
60	10001	Governor	If he/she is a Tier I employee and chooses to opt out of the pension. Otherwise, the employee is placed in 200 (Tier I) or 201 (Tier II).
60	10003	LT. Governor	
80	09001	Attorney General	
90	10005	State Auditor	
560	10049	Water Commissioners and Deputies	If Receiving a Retirement Benefit

What does it mean for an employee to be placed in the 700 series? Plain and simple, it means that the employee is benefited but will not receive the 401(k) match. If you have any questions about which retirement codes employees should be placed in please don't hesitate to contact Barbara Smith or Paul Morley.

DHRM Employee Spotlight



Ashley is an invaluable asset to ODBIT. She was brought onto the team with the idea that she would be able to help with project management, but has gone far above that.

She scoped half of the major projects that were proposed, and implemented monthly initiatives from the Executive Director. She also created and currently runs the weekly tech-tips sent to the Department. She has provided great support by developing draft TOS for the whole department for Operational Excellence as well as found a way to start cross-training on our Data system, Business Objects.

Department of Public Safety (DPS) has required HR to maintain a separate database with duplicate personnel information that will allow them to run reports and access the data. This past year, Dan was successful in convincing DPS that the separate database is duplicate effort and the Human Resource Enterprise system would be able to give them all of the reports and data they need. This change frees up Dan's staff to work on other projects instead of inputting and maintaining a duplicate personnel records system for DPS.



DHRM Staff changes

- Jennifer Krell, HR Field Director is now HR Director over the ERIC
- Bart Olsen, HR Director of the ERIC is now the HR Director of the BIT of ODBIT
- Mike Hansen, HR Director of ODBIT is now HR Director of OD of ODBIT
- Cappi Stamper is now a HR Technician for DTS and DABC
- Laura Pouillon, HR Lead ERIC Technician will be an HR Analyst I for the DHS field office
- Rebecca Lisor, HR ERIC Technician will be an Analyst I for the DAS field office
- Angela Abbott, HR Analyst II for DAS is now a HR Specialist for DAS/Capitol Hill field office

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