

CONGRATULATIONS!

To Wescor, the winner in the Council's 63rd Annual 2008 *Utah Compensation Survey* participant drawing. Wescor will be receiving a free copy of the survey results, to be published in mid-May. Watch upcoming newsletters for ordering information. A big THANK YOU to all of our member participants!

POLITICS AND THE WORKPLACE

The political drama unfolding on our national stage is consuming many conversations. *What are the implications for HR of political debates in the workplace?* The 2008 *Political Discussion in the Workplace Survey*, by the American Management Association (AMA), included 701 employees, managers, and executives. It found that 39% were comfortable with political discussions, 12% were extremely comfortable, 26% were somewhat comfortable, and only 23% were uncomfortable. (Twenty-five percent noted that they were neutral on political issues.) Political discussions do tend to escalate emotions. Normally reasonable people may become contentious in defending their positions, making such discussions in the workplace a concern for HR. While employers are free to ban all political discussion in the workplace, such a ban can be extremely difficult to enforce. Furthermore, employers cannot selectively ban such discussion without assuming significant legal exposure. Employers that have sponsored one affinity group (but not another) can and have been subject to lawsuits. From a practical standpoint, it is impossible for an employer to police every employee and what s/he says in the workplace. Many employers do conduct "Respectful Workplace" training, and establish codes of conduct that allow employer intervention when appropriate. AMA cautions against having policies that are difficult to enforce. Employers need to distance themselves from any type of open political endorsement, and need to caution their managers to put a stop to discussions that cease to be reasonably objective. Beyond these steps, there is little the typical employer can practically do. The already dramatic political season promises to become ever more dramatic as it reaches the home stretch run for the party conventions and the subsequent general elections.

HR METRICS SURVEY!

The *HR Metrics Survey* has finally found its way to Utah. Thanks to the participation of our members, the Council is proud to publish its first annual *HR Metrics Survey* exclusively to our members at the bargain price of \$59. This survey contains key HR metrics such as the HR expense factor, cost per hire, and benefits cost as a percentage of revenue. For more information or to order your copy, see the attachment to this week's newsletter or contact the Council office.

IS OBESITY COVERED BY THE ADA?

The American with Disabilities Act (ADA) prohibits employers from discriminating against employees with disabilities. It requires employers to provide reasonable accommodations to qualified disabled individuals. Under the ADA, a "disability" is a physical or mental impairment that substantially limits one or more major life activities (i.e., caring for one's self, performing the daily functions of working and living, etc.). The U.S. 11th Circuit Court of Appeals recently ruled that an employee's obesity did not constitute a disability under the ADA. The company's safety policy stated that employees with job duties requiring climbing poles and ladders must not weigh more than 275 pounds. The company advised a morbidly obese facility technician that he must lose 50 pounds to comply with the safety policy. (Morbid obesity has been defined as body weight more than 100% over the norm.) The employee was terminated when he failed to lose the required weight within the allotted 25 weeks. The court found that the employee did not have a disability under the ADA because he was not substantially limited in performing major life activities. It pointed out that his obesity did not prevent him from performing a broad range of other jobs, and that his obesity related to medical conditions that could be controlled by medications. This decision is consistent with many other court rulings that have rejected obesity as a covered disability under the ADA. In some circumstances, however, obesity caused by physiological disorders may entitle the employee to protection under the ADA. We recommend treating all requests for accommodations from obese employees with delicacy and sensitivity.



The Employers Council is pleased to announce that our exclusive new National Human Resource Metrics Survey is now available. This report calculates 12 key metrics, from 640 participants, that help you link HR activities more directly to business Return On Investment. Quantifying the impact of HR activities on the bottom line helps you speak the language of business and illustrate the value of HR. Calculating and sharing HR metrics aligned with your organization's key measures can add significant value. The results from this survey will help you benchmark your HR metrics with local, but also national data.

The following HR Metrics are included in the survey:

- Absence Rate
- Benefit Cost as a Percentage of Revenue
- Benefit Cost as a Percentage of Total Compensation
- Cost per Hire
- Human Resource Expense Factor
- Profit per Employee
- Revenue per Employee
- Time to Fill Jobs
- Total Compensation as a Percentage of Revenue
- Turnover/Replacement Cost
- Turnover Rate
- Variable Compensation as a Percentage of Total Compensation

This publication is exclusive to Council Members. *It contains the best available local and national information needed to compare HR Metrics.*

Number Ordered	Survey	Member Price <input type="checkbox"/>	Non-Member Price <input type="checkbox"/>
	2008 HR Metrics Survey	\$59+4.04 tax = \$63.04	Not available
How would you like to receive the survey?		Electronic Format <input type="checkbox"/> Email address: _____	Paper Format <input type="checkbox"/>

**Participating members receive a free copy of the HR Metrics Survey.
Data collection for the next survey will begin December 2008.**

Name of Firm: _____ Email: _____

Name of Recipient: _____ Title: _____

Mailing Address: _____ Phone: _____ Fax: _____

City: _____ State: _____ Zip: _____

Bill me: _____ Payment enclosed: _____ (please make check payable to: The Employers Council)

Charge credit card Visa _____ MasterCard _____ Amer. Exp. _____ Name as shown on card: _____

Credit card number: _____ Exp. date: _____ Signature: _____