

Agency Human Resource Services

AHRS Periodical



Virginia Department of
**HUMAN RESOURCE
MANAGEMENT**

Short-term Disability and Disciplinary Actions

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The Virginia Sickness and Disability Program (VSDP) policy addresses how Short Term Disability (STD) benefits should be handled if an employee is suspended, but it does not specifically address disciplinary actions. While conduct or performance issues may be identified before an employee files an STD claim, there may be situations in which an agency is unable to complete its investigation or its consideration of disciplinary options before the claim is approved. Also, some employees may anticipate disciplinary action and file a claim in an attempt to avoid such discipline.

Disciplinary action may take place even if an employee's STD claim has been approved and the employee has entered an STD leave from the workplace. As with all disciplinary actions, it is important that the actions prompting the discipline are well-documented and adequately consider any potential Americans with Disabilities Act Amendments Act (ADAAA) or other accommodation issues. It is also imperative that normal disciplinary procedures and due process be followed. Employees must be notified of the incident(s) prompting the proposed disciplinary action and given a reasonable amount of time in which to respond before the final action is taken.

When an STD claim is filed, it is important to be sensitive to the timing of the discipline and to the STD circumstances. For example, if an employee is hospitalized, it may be prudent to delay the delivery of the due process notice. However, it is NOT necessary to wait until the employee returns to work to follow through. If actions are delayed, the reason for the delay should be documented so that the agency can show a good faith effort to discipline in a timely manner. Agencies should not call an employee into the office when (s)he is on an approved STD. Disciplinary actions may be taken via written communications or over the phone as appropriate. Additional time should be allotted during the process for mailed communications (be sure to use the U.S. mail and, also, a tracked delivery service such as certified mail or UPS/Federal Express.)

If the action results in termination, Unum must be notified promptly. Obviously, the employee must also be notified about the grievance procedure and about the impact on benefits prompted by the termination.

Statewide Pay Action Summary Report for October – December 2013

| Reason | All Actions | Salary Changes | Average % Change |
|---------------------------------|-------------|----------------|------------------|
| Agency Special Rate | 138 | 135 | 1.59 |
| Change of Duties Salary | 1146 | 1146 | 4.36 |
| Competitive Salary Offer | 30 | 30 | 11.01 |
| Competitive Voluntary Transfer | 503 | 380 | 8.63 |
| Disciplinary Demotion | 1 | 1 | -20.00 |
| Downward Role Change | 11 | 6 | 1.24 |
| End Temp Pay: Acting Status | 88 | 88 | -8.90 |
| End Temp Pay: Additional Duties | 53 | 53 | -7.71 |
| End Temp Pay: Special Assgnmnt | 8 | 8 | -6.11 |
| Exceptional Promotion | 2 | 2 | 29.59 |
| Field Change | 52 | 50 | 8.32 |
| Internal Alignment Salary | 359 | 359 | 7.09 |
| Lateral Role Change | 60 | 27 | 7.47 |
| New Knowledge/Skills/Abilities | 260 | 260 | 7.74 |
| Non-Competitive Voluntary Trans | 325 | 36 | 5.27 |
| Non-Routine | 181 | 180 | 8.98 |
| Perf Reduction Salary/Duties | 1 | 1 | -8.94 |
| Promotion | 395 | 393 | 14.59 |
| Reassignment | 67 | . | . |
| Retention Salary Increase | 517 | 516 | 6.86 |
| Temp Pay: Additional Duties | 64 | 60 | 8.39 |
| Temp Pay: Special Assignment | 7 | 5 | 7.00 |
| Temporary Pay: Acting Status | 98 | 93 | 9.89 |
| Upward Role Change | 260 | 206 | 9.58 |
| Voluntary Demotion | 51 | 32 | -11.48 |
| Change of Duties Bonus | 62 | 62 | 5.10 |
| New Knowledge/Skills/Abilities | 40 | 40 | 3.18 |
| Recognition Award Leave Hours | 2591 | . | . |
| Recognition Award Monetary | 1330 | 1330 | 0.93 |
| Recognition Award Non-Monetary | 103 | 103 | 0.26 |
| Referral Bonus Pay Out | 46 | 46 | 0.74 |
| Retention Additional Leave | 4 | . | . |
| Retention Bonus | 7 | 7 | 5.90 |
| Retention Bonus Pay Out | 382 | 382 | 0.63 |
| Sign-On Additional Leave | 10 | . | . |
| Sign-On Bonus Pay-Out | 15 | 15 | 3.35 |
| Total Actions | 9267 | 6052 | 4.79 |

For the fourth quarter, there were: 3,777 base salary increases averaging 7.82%; 299 base salary decreases averaging -8.68%; and 1,985 bonus actions, averaging 1.05%.

Workforce Planning and the Periodical's Pay Action Summary data may vary within the same reporting period based on the timing of data runs, agency retraction requests, and the manual review and extraction of erroneous PMIS entries.

This article continues our series geared toward the interests of managers and supervisors. We encourage you to share this article, tailoring it as you need to satisfy your agency's goals and culture.

The Brain Series—Part 8



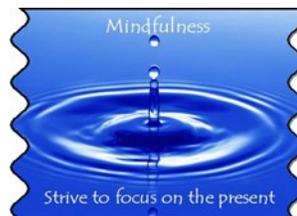
Managing Emotion in the Workplace



We learned in our [last article](#) that suppressing emotion has several negative consequences for people and the workplace. So, what can we do to manage emotion without suppressing it?

Emotional regulation is one approach to managing emotion. Scientific studies have shown that when study participants used emotional labeling, they were able to dampen the emotional reaction in their brains. When using this technique, it is important to understand that labeling requires using only a few words to describe the emotion. When people start to get into significant detail and begin telling a story of their emotion, the emotional reaction will actually grow stronger. Labeling should be just a few words (I am frustrated) or could be an analogy or picture (I feel like a scaredy cat). Using these simple phrases allows the brain to recognize the emotion and then be able to move forward with thinking activity.

Reappraisal is another form of emotional regulation that can help manage emotion. If an employee is experiencing a high level of emotion, labeling might not be enough, or it may be too late as the brain is already highly engaged in the emotion. Reappraisal is essentially taking a situation and finding a new explanation or meaning that will decrease the threat associated with it. For example, perhaps an employee is worried because a colleague is very frustrated and thinks that this colleague is frustrated with him. The employee in this situation really does not know why the colleague is frustrated and can take the situation and reframe it to lessen his level of worry. Maybe the colleague is actually frustrated because her child was moving slowly this morning which in turn made the colleague late to daycare and then late to work. Basically, reappraisal is taking the situation and looking at it differently.



Another longer-term approach to managing emotion is Mindfulness. Mindfulness is an approach of focusing on the present. Jon Kabat-Zinn, one of the pioneers of Mindfulness, defines it as “moment to moment non-judgmental awareness cultivated by paying attention.” In practicing Mindfulness, a person becomes aware and accepting of himself, becomes more aware of his surroundings, and experiences an increased focus on the present moment.

Studies have shown significant positive benefits from the practice of Mindfulness. These studies have shown results of
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decreased nervous system activity, improved memory, improved creativity, and decreased stress, anxiety, and depression. In one study with Massachusetts General Hospital and Boston University, fMRI imaging showed that meditation training resulted in decreased activity in the amygdala (a key component of the brain's Reflexive system) in response to emotional images even when the participants were not meditating. These results "suggest that meditation can improve emotional stability and response to stress."

How does someone practice Mindfulness? There are several approaches to practicing Mindfulness. Some sit in complete silence and focus on a particular sound, saying, or on the breath. Others use a guided practice in which someone leads them through focusing exercise. And, others may engage in full meditation sessions. Mindfulness practice can be as short as a few minutes or much longer and does not require any special equipment.

So, as a manager, how can I use Mindfulness? Imagine if you started your next meeting with a 3-5 minute Mindfulness practice and how that might change the meeting experience. Instead of participants arriving late, apologizing, appearing flustered, and thinking about other meetings and activities, participants might have a few minutes to regroup and focus on the present moment. Imagine if you encouraged your team to take short Mindfulness breaks and how team dynamics might change. The employee who arrives to work frustrated from traffic or getting everyone out the door might be able to dampen her emotion and be better focused on the work at hand.

Emotion has its benefits and can successfully be managed in the workplace. Give these techniques a try and see what changes might occur!

Sources:

Meditation Appears to Produce Enduring Changes in Emotional Processing in the Brain
News Release, Massachusetts General Hospital
<http://www.massgeneral.org/about/pressrelease.aspx?id=1520>

The Practice of Mindfulness
Lisa Cuseo-Ott, Ph.D., January 2013
<http://www.virginia womenscenter.com/services-psychology-the-practice-of-mindfulness.html>

Mindfulness is a Whole Body Experience
<http://intentionalworkplace.com/2013/07/25/mindfulness-is-a-whole-body-experience/>

Using Reappraisal to Manage Your Conflict Emotions
Patrician Viscomi, 7/17/2013
<http://www.conflictdynamics.org/blog/2013/07/using-reappraisal-to-manage-your-conflict-emotions/>

Your emotion or mine: labeling feelings alters emotional face perception – an ERP study on automatic and intentional affect labeling
Cornelia Herbert, Anca Sfärlea, and Terry Blumenthal
<http://www.frontiersin.org/Journal/10.3389/fnhum.2013.00378/full>

Mindfulness Guided Practices:
UCLA Mindful Awareness Research Center
<http://marc.ucla.edu/body.cfm?id=22>

The Center for Contemplative Mind in Society
<http://www.contemplativemind.org/practices/recordings>

Policy Reminders



Holiday Schedules—Standard and Alternate

When employees transfer from an agency observing the standard holiday schedule to an agency observing an alternate holiday schedule, it is important that the differences in schedules be explained to employees in advance. This explanation is especially critical when the transfers occur between line agencies and colleges/universities. No adjustments are made for holidays lost or gained as a result of such transfers. Often employees are unaware of this fact and may have made vacation plans that will be impacted by this change. Both agencies involved should alert transferring employees to check the impact of holiday schedule changes.

Family Medical Leave Act Policy Eligibility

The Family Medical Leave Act Policy (4.20) cites eligibility requirements as follows:

All full-time and part-time classified, restricted and wage employees who have been employed by the Commonwealth for a total of at least 12 months in the past seven years and have worked for at least 1,250 hours in the previous 12-month period are eligible. Eligibility determinations are made as of the date that the family and medical leave is to begin.

When determining the employee's eligibility for FML coverage, only those hours **actually worked** should be counted toward the 1,250 hours threshold. **Paid** leave and **unpaid** leave, including FMLA leave, are not included.

[FMLA FAQs - Dept. of Labor website](#)

Statewide Compensation Study—Interim Report Published

The 2013 Appropriation Act directed the Secretary of Finance and the Secretary of Administration to convene a work-group comprised of representatives from the Senate Finance and House Appropriations Committees, the Executive Secretary of the Supreme Court, the Department of Human Resource Management, and the Department of Planning and Budget, and such state employee representatives as may seem appropriate, to conduct a comprehensive review of compensation for state employees. The study shall address compression, recruitment, retention, hiring practices, and strategies to minimize future compensation disparities.

The study's interim report is available [here](#). Work will continue during 2014.

State Agencies Encouraged to Participate in Telework Week March 3-7, 2014

Virginia is again participating in Telework Week, which will be held this year during the week of March 3-7. This is the fourth year of this annual public-private partnership initiative that encourages government agencies, businesses, and individuals globally to pledge to telework during a specific one-week period. The event is hosted by the [Mobile Work Exchange](#), a public-private partnership focused on demonstrating the tangible value of telework in organizations.

In 2013, 2,153 Commonwealth employees pledged online to telework one or more days during telework week 2013. Collectively these Commonwealth employees saved \$130,874.86 in energy costs and spared the environment 84.73 tons of pollutants just by teleworking one or more days during Telework Week 2013.

This year we are encouraging state agency HR groups to make a ***special effort to ask your employees who will telework during Telework Week 2014 to go online and record their pledge!*** We believe there is more teleworking happening than was indicated in last year's data and want to make the most of this opportunity to gather and report data on teleworking by state employees. HR professionals at state agencies are asked to encourage eligible agency employees, consistent with their duties and responsibilities, to telework as practical during telework week and to ***record their [pledge online](#).***

Existing state and agency telework policies should guide participation in Telework Week. Employees allowed to telework during this event must be assigned to positions designated as eligible for telework and they must have active telework agreements on file. DHRM's telework policy and resources can be found [here](#). Telework Week provides a great opportunity for agencies to review positions that are approved for telework and expand telework opportunities where appropriate. If you have questions or would like assistance in expanding telework at your agency, please contact your assigned [AHRS consultant](#).



New Year's Resolution—Join the Commonwealth of Virginia HR Connection Group on LinkedIn

Do You Have A New Year's Resolution To Become More Active With Social Media?

If so, be sure to join the *Commonwealth of Virginia HR Connection Group* on [LinkedIn](#)! Become a member so that you too can join in discussions like *Mandela's Leadership Legacy* and *Stay Interviews – More Valuable Than Exit Interviews*.

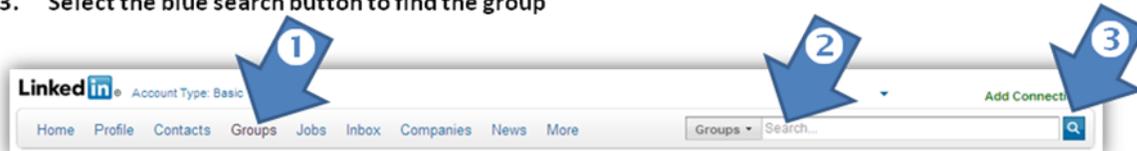
The purpose of the group is to allow HR staff to share information, ask questions, obtain input, and network across agencies and organizations. If you'd like to become a part of this and be able to ask questions, participate in discussions and share information, you will need to setup a profile on [LinkedIn](https://help.linkedin.com/app/answers/detail/a_id/2964) <https://help.linkedin.com/app/answers/detail/a_id/2964> and then request to join the group.

How do I join the Commonwealth of Virginia HR Connection LinkedIn group?

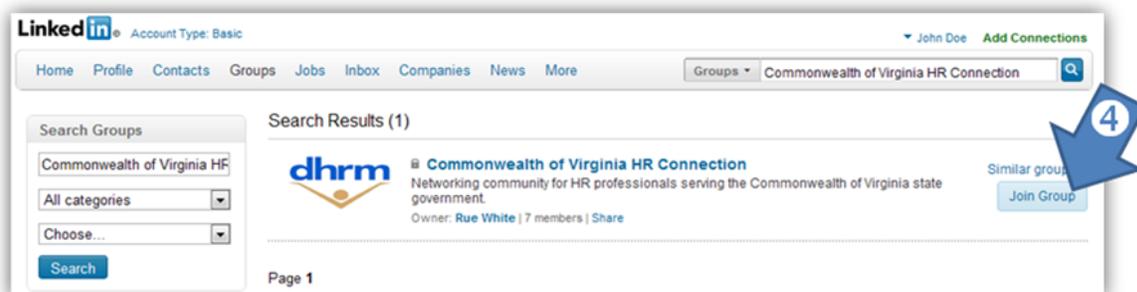
To join the LinkedIn group:

Go to www.linkedin.com and login if needed

1. Click on the "Groups" selection in the menu bar at the top of the page
2. Type *Commonwealth of Virginia HR Connection* into the Groups Search text box
3. Select the blue search button to find the group



4. On the search results page, select the Join Group button and follow the instructions



We hope you will take the opportunity to join today. If you need any assistance in joining the group, please feel free to contact Deanna Goldstein, DHRM – deanna.goldstein@dhrm.virginia.gov or Jeff Presseau, DHRM – jeff.presseau@dhrm.virginia.gov.

Department of Human Resource Management
Office of Agency Human Resource Services
101 N 14th Street
Richmond, VA 23219

Phone: 804-225-2131

Fax: 804-371-7401

E-mail: compensation@dhrm.virginia.gov or
policy@dhrm.virginia.gov

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