



AGENDA

**HUMAN RESOURCES COMMITTEE
A COMMITTEE OF THE BOARD OF DIRECTORS**

**REGULAR MEETING
Wednesday, May 18, 2022 - 9:00 AM**

IN AN EFFORT TO PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS), AND IN ACCORDANCE WITH THE GOVERNOR’S EXECUTIVE ORDER N-29-20, THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING THIS BOARD/COMMITTEE MEETING IN PERSON. MEMBERS OF THE PUBLIC MAY LISTEN TELEPHONICALLY BY CALLING THE FOLLOWING NUMBER:

Meeting Link: https://link.edgepilot.com/s/64becb89/KnozF-L5GE_hzt8mo6eJCw?u=https://sangorgoniomemorialhospital-ajd.my.webex.com/sangorgoniomemorialhospital-ajd.my/j.php?MTID=m0b3bd287575aa2247157aab9071d4140

Call in number: 1-510-338-9438

Access Code: 2558 564 0060

Password: 1234

THE TELEPHONES OF ALL MEMBERS OF THE PUBLIC LISTENING IN ON THIS MEETING MUST BE “MUTED”.

TAB

I. Call to Order

R. Rader

II. Public Comment

Members of the public who wish to comment on any item on the agenda may speak during public comment or submit comments by emailing publiccomment@sgmh.org on or before 5:00 PM on Tuesday, May 17, 2022, which will become part of the committee meeting record.

A five-minute limitation shall apply to each member of the public who wishes to address the Human Resources Committee of the Hospital Board of Directors on any matter under the subject jurisdiction of the Committee. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Committee Action.) (PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.)

On behalf of the San Gorgonio Memorial Hospital Board of Directors, we want you to know that the Board/Committee acknowledges the comments or concerns that you direct to this Committee. While the Board/Committee may wish to occasionally respond immediately to questions or comments if appropriate, they often will instruct the CEO, or other Administrative Executive personnel, to do further research and report back to the Board/Committee prior to responding to any issues raised. If you have specific questions, you will receive a response either at the meeting or shortly thereafter. The Board/Committee wants to ensure that it is fully informed before responding, and so if your questions are not addressed during the meeting, this does not indicate a lack of interest on the Board/Committee’s part; a response will be forthcoming.

OLD BUSINESS

III. ***Proposed Action - Approve Minutes**

R. Rader

- March 17, 2022, Regular meeting

A

NEW BUSINESS

- IV. A. Employment Activity/Turnover Reports A. Karam B
1. Employee Activity by Job Class/Turnover Report (03/13/2022 – 05/10/2022)
 2. Separation Reason Analysis – All Associates (03/13/2022 – 05/10/2022)
 3. Separation Reason Analysis – Full and Part Time Associates (03/13/2022 – 05/10/2022)
 4. Separation Reason Analysis – Per Diem Associates (03/13/2022 – 05/10/2022)
 5. FTE Vacancy Summary (03/13/2022 – 05/10/2022)
 6. RN Vacancy Summary (03/13/2022 – 05/10/2022)
- B. Workers Compensation report (04/01/2022 – 04/30/2022) C
- V. Education: A. Karam D
- 10 Things You Might Not Know About Sexual Harassment: What You Don't Know Can Hurt You
 - You Are Not Alone – Mental Health Awareness in the Workplace
 - Workplace Mental Health – Resilience: A Strong Workforce Needs It
- VI. Future Agenda Items R. Rader
- VII. Next Meeting: August 17, 2022
- VIII. Adjourn R. Rader

*** Requires Action**

In accordance with The Brown Act, Section 54957.5, all public records relating to an agenda item on this agenda are available for public inspection at the time the document is distributed to all, or a majority of all, members of the Committee. Such records shall be available at the Hospital office located at 600 N. Highland Springs Avenue, Banning, CA 92220 during regular business hours, Monday through Friday, 8:00 am - 4:30 pm.

Certification of Posting

I certify that on May 13, 2022, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of San Gorgonio Memorial Hospital Human Resources Committee, and on the San Gorgonio Memorial Hospital website, said time being at least 72 hours in advance of the regular meeting of the Human Resources Committee (*Government Code Section 54954.2*).

Executed at Banning, California, on May 13, 2022



Ariel Whitley, Executive Assistant

TAB A

**REGULAR MEETING OF THE
SAN GORGONIO MEMORIAL HOSPITAL
BOARD OF DIRECTORS**

**HUMAN RESOURCES COMMITTEE
March 17, 2022**

The regular meeting of the San Gorgonio Memorial Hospital Board of Directors Human Resources Committee was held on Thursday, March 17, 2022. In an effort to prevent the spread of COVID-19 (coronavirus), there was no public location for attending this board meeting in person. Committee members and members of the public participated via WebEx.

Members Present: Susan DiBiasi, Ron Rader (C), Steve Rutledge, Siri Welch

Excused Absence: Joel Labha

Staff Present: Steve Barron (CEO), Pat Brown (CNO/COO), Annah Karam (CHRO), Ariel Whitley (Executive Assistant)

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
Call To Order	Chair Ron Rader called the meeting to order at 11:05 am.	
Public Comment	Members of the public who wished to comment on any item on the agenda were encouraged to submit comments by emailing publiccomment@sgmh.org prior to this meeting. No public comment emails were received.	
OLD BUSINESS		
Proposed Action - Approve Minutes: November 17, 2021, Regular Meeting	Chair Rader asked for any changes or corrections to the minutes of the November 17, 2021, regular meeting. There were none.	The minutes of the November 17, 2021, regular meeting was reviewed and will stand as presented.
NEW BUSINESS		
Reports		
A. Employment Activity/Turnover Reports		

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
1. Employee Activity by Job Class/Turnover Report (11/12/2021 through 03/13/2022)	Annah Karam, Chief Human Resources Officer, reviewed the report “Employee Activity by Job Class/Turnover Report” for the period of 11/12/2021 through 03/13/2022 as included in the Committee packet.	
2. Separation Reasons Analysis All Associates (11/12/2021 through 03/13/2022)	Annah reviewed the “Separation Reason Analysis for All Associates” for the period of 11/12/2021 through 03/13/2022 as included in the Committee packet. For this period, there were 46 Voluntary Separations and 1 Involuntary Separations for a total of 47.	
3. Separation Reason Analysis Full and Part Time Associates (11/12/2021 through 03/13/2022)	Annah reviewed the “Separation Reason Analysis for Full and Part Time Associates” for the period of 11/12/2021 through 03/13/2022 as included in the Committee packet. For this period, there were 25 Voluntary Separations and 1 Involuntary Separations for a total of 26.	
4. Separation Reason Analysis Per Diem Associates (11/12/2021 through 03/13/2022)	Annah reviewed the “Separation Reason Analysis for Per Diem Associates” for the period of 11/12/2021 through 03/13/2022 as included in the Committee packet. For this period, there were 21 Voluntary Separations and 0 Involuntary Separations for a total of 21.	
5. FTE Vacancy Summary (11/12/2021 through 03/13/2022)	Annah reviewed the “FTE Vacancy Summary” for the period of 11/12/2021 through 03/13/2022 as included in the Committee packet. Annah reported that the Facility Wide vacancy rate as of 03/13/2022 was 18.97%.	
6. RN Vacancy Summary	Annah reviewed the “RN Vacancy Summary” for the period of 11/12/2021 through 03/13/2022 as included in the	

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
(11/12/2021 through 03/13/2022)	Committee packet. Annah reported that the Overall All RN Vacancy rate as of 03/13/2022 was 22.03%.	
B. Workers Compensation Report		
Workers Compensation Report (02/1/2022 through 02/28/2022)	Annah reviewed the Workers Compensation Reports covering the period of 02/1/2022 through 02/28/2022 as included in the Committee packet.	
Education – • BETA Score Survey Introduction	Annah briefly reviewed the BETA Score Survey Introduction slides.	
Future Agenda items	None	
Next regular meeting	The next regular Human Resources Committee meeting is scheduled for May 18, 2022.	
Adjournment	The meeting was adjourned at 11:32 am.	

In accordance with The Brown Act, *Section 54957.5*, all reports and handouts discussed during this Open Session meeting are public records and are available for public inspection. These reports and/or handouts are available for review at the Hospital Administration office located at 600 N. Highland Springs Avenue, Banning, CA 92220 during regular business hours, Monday through Friday, 8:00 am - 4:30 pm.

Minutes respectfully submitted by Ariel Whitley, Executive Assistant

TAB B

A B C D E F G H I J K

EMPLOYEE ACTIVITY BY JOB CLASS / TURN OVER REPORT

03/14/2022 THROUGH 05/10/2022

JOB CLASS/FAMILY	CURRENT NEW HIRES	2021 NEW HIRES	YTD NEW HIRES	CURRENT SEPARATIONS	2021 SEPARATIONS	YTD TERMS	ACTIVE ASSOCIATE COUNT	LOA ASSOCIATE COUNT	CURRENT TURNOVER	ANNUALIZED TURNOVER	
	03/14/2022 THROUGH 05/10/2022		01/01/2022 THROUGH 05/10/2022	03/14/2022 THROUGH 05/10/2022		01/01/2022 THROUGH 05/10/2022	AS OF 05/10/2022	AS OF 05/10/2022	AS OF 05/10/2022		
ADMIN/CLERICAL	5	17	7	2	22	4	83	2	2.41%	4.82%	1
ANCILLARY	2	28	4	2	24	6	62	1	3.23%	9.68%	2
CLS	0	7	2	0	8	0	22	0	0.00%	0.00%	3
DIRECTORS/MGRS	0	2	2	1	3	2	28	0	3.57%	7.14%	4
LVN	1	5	1	2	8	3	22	0	9.09%	13.64%	5
OTHER NURSING	5	30	14	3	27	6	78	7	3.85%	7.69%	6
PT	0	3	0	0	3	0	10	1	0.00%	0.00%	7
RAD TECH	2	6	3	1	7	2	35	0	2.86%	5.71%	8
RN	7	59	24	6	51	20	168	10	3.57%	11.90%	9
RT	0	4	0	0	2	0	22	1	0.00%	0.00%	10
SUPPORT SERVICES	6	34	12	4	32	7	86	1	4.65%	8.14%	11
											12
FACILITY TOTAL	28	195	69	21	187	50	616	23	3.41%	8.12%	13
											14
<i>Full Time</i>	15	113	46	10	97	26	410	19	2.44%	6.34%	15
<i>Part Time</i>	2	15	4	2	17	2	50	2	4.00%	4.00%	16
<i>Per Diem</i>	11	67	19	9	73	22	156	2	5.77%	14.10%	17
TOTAL	28	195	69	21	187	50	616	23	3.41%		18

Current Turnover: J22
Annualized Turnover: K22

Southern California Hospital Association (HASC) Benchmark:
Turnover for all Associates = 3.80%
Turnover for all RNs = 4.60%

SEPARATION ANALYSIS
ALL ASSOCIATES
03/14/2022 THROUGH 05/10/2022

REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	2-5 years	5-10 years	10+ years	
Voluntary Separations								
Full-Time	42.9%	3	2		2	2		9
Part-Time	4.8%						1	1
Per Diem	42.9%		3	2	3		1	9
Subtotal, Voluntary Separations	90.5%	3	5	2	5	2	2	19
Involuntary Separations								
Full-Time	4.8%	1						1
Part-Time	4.8%	1						1
Per Diem	4.8%							0
Subtotal, Involuntary Separations	9.5%	2	0	0	0	0	0	2
Total Separations	100.0%	5	5	2	5	2	2	21

Separation Reason Analysis
FULL AND PART TIME ASSOCIATES
03/14/2022 THROUGH 05/10/2022

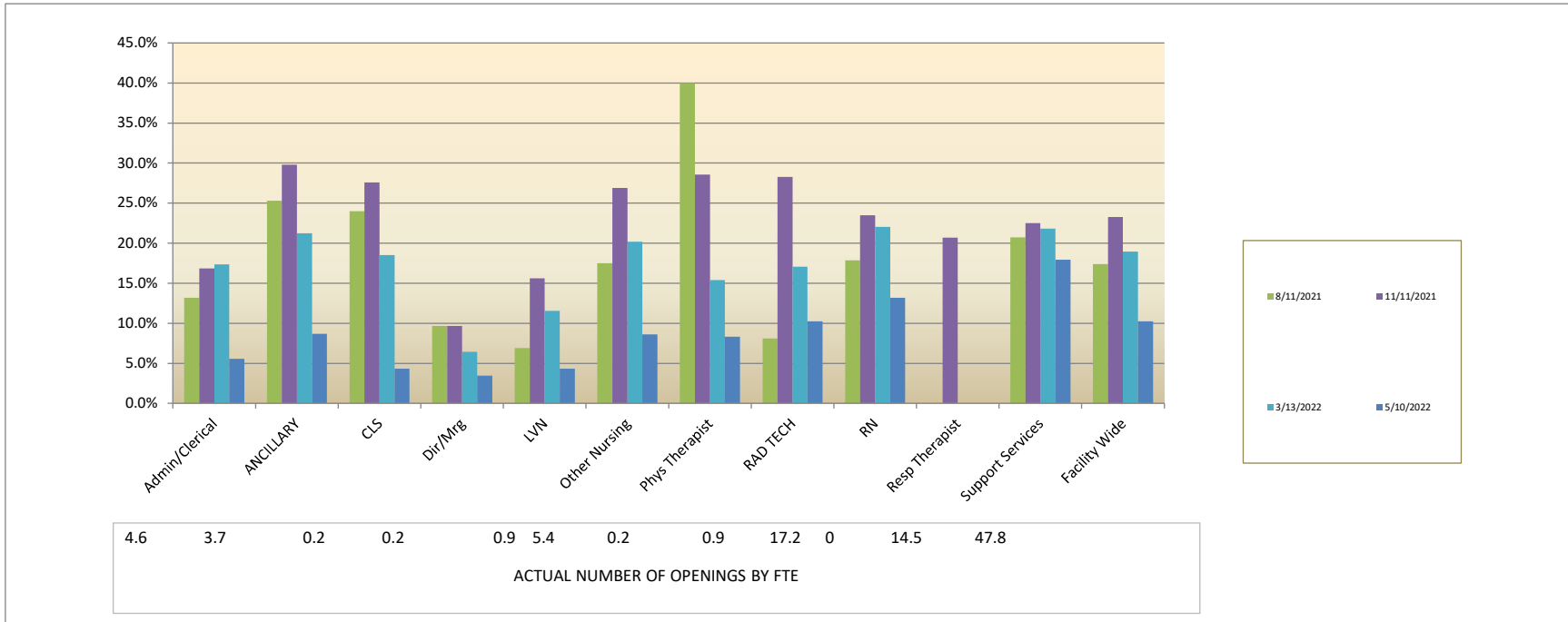
REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	2-5 years	5-10 years	10+ years	
<i>Voluntary Separations</i>								
Family/Personal Reasons	8.3%	1						1
New Job Opportunity	50.0%	2	1		2	1		6
Job Dissatisfaction	0.0%							0
Relocation	8.3%					1		1
Medical Reasons	0.0%							0
Did not Return from LOA	0.0%							0
Job Abandonment	0.0%							0
Return to School	8.3%		1					1
Pay	0.0%							0
Employee Death	0.0%							0
Not Available to Work	0.0%							0
Unknown	0.0%							0
Retirement	8.3%						1	1
<i>Subtotal, Voluntary Separations</i>	83.3%	3	2	0	2	2	1	10
<i>Involuntary Separations</i>								
Attendance/Tardiness	0.0%							0
Didn't meet certification deadline	0.0%							0
Didn't meet scheduling needs	0.0%							0
Conduct	0.0%							0
Poor Performance	16.7%	2						2
Temporary Position	0.0%							0
Position Eliminations	0.0%							0
<i>Subtotal, Involuntary Separations</i>	16.7%	2	0	0	0	0	0	2
Total Separations	100.0%	5	2	0	2	2	1	12

Separation Reason Analysis
Per Diem Associates Only
03/14/2022 THROUGH 05/10/2022

REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	2-5 years	5-10 years	10+ years	
Voluntary Separations								
Family/Personal Reasons	33.3%		1		2			3
New Job Opportunity	22.2%		1		1			2
Job Dissatisfaction	0.0%							0
Relocation	11.1%			1				1
Medical Reasons	0.0%							0
Did not Return from LOA	0.0%							0
Job Abandonment	0.0%							0
Return to School	0.0%							0
Pay	0.0%							0
Employee Death	0.0%							0
Not Available to Work	22.2%		1	1				2
Unknown	0.0%							0
Retirement	11.1%						1	1
Subtotal, Voluntary Separations	100.0%	0	3	2	3	0	1	9
Involuntary Separations								
Attendance/Tardiness	0.0%							0
Didn't meet certification deadline	0.0%							0
Didn't meet scheduling needs	0.0%							0
Conduct	0.0%							0
Poor Performance	0.0%							0
Temporary Position	0.0%							0
Position Eliminations	0.0%							0
Subtotal, Involuntary Separations	0.0%	0	0	0	0	0	0	0
Total Separations	100.0%	0	3	2	3	0	1	9

FTE Vacancy Summary: 08/11/2021 THROUGH 05/10/2022

	<u>Admin/Clerical</u>	<u>ANCILLARY</u>	<u>CLS</u>	<u>Dir/Mrg</u>	<u>LVN</u>	<u>Other Nursing</u>	<u>Phys Therapist</u>	<u>RAD TECH</u>	<u>RN</u>	<u>Resp Therapist</u>	<u>Support Services</u>	<u>Facility Wide</u>
8/11/2021	13.19%	25.29%	24.00%	9.68%	6.90%	17.50%	40.00%	8.11%	17.87%	0.00%	20.72%	17.39%
11/11/2021	16.84%	29.79%	27.59%	9.68%	15.63%	26.88%	28.57%	28.26%	23.50%	20.69%	22.52%	23.26%
3/13/2022	17.35%	21.25%	18.52%	6.45%	11.54%	20.19%	15.38%	17.07%	22.03%	0.00%	21.82%	18.97%
5/10/2022	5.56%	8.70%	4.35%	3.45%	4.35%	8.60%	8.33%	10.26%	13.17%	0.00%	17.92%	10.25%

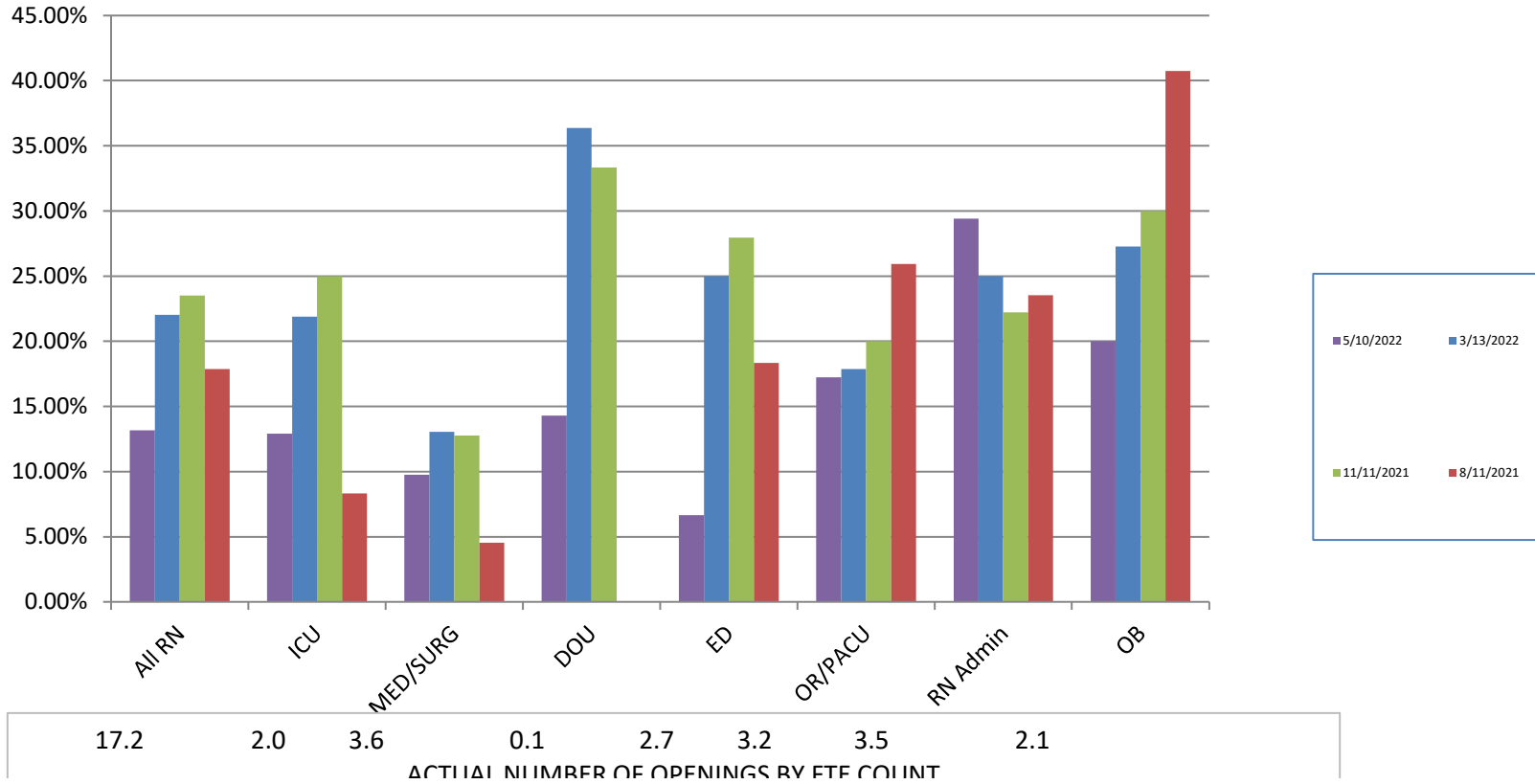


RN FTE Vacancy Summary: 08/11/2021 through 05/10/2022

VACANCY RATE = Number of openings/(total staff + openings)

	5/10/2022	3/13/2022	11/11/2021	8/11/2021
All RN	13.17%	22.03%	23.50%	17.87%
ICU	12.90%	21.88%	25.00%	8.33%
MED/SURG	9.76%	13.04%	12.77%	4.55%
DOU	14.29%	36.36%	33.33%	0.00%
ED	6.67%	25.00%	27.94%	18.33%
OR/PACU	17.24%	17.86%	20.00%	25.93%
RN Admin	29.41%	25.00%	22.22%	23.53%
OB	20.00%	27.27%	30.00%	40.74%

	OPEN POSITIONS	TOTAL STAFF	VACANCY RATE
All RN	27	178	13.17%
ICU	4	27	12.90%
Med Surg	4	37	9.76%
DOU	1	6	14.29%
ER	4	56	6.67%
OR/PACU	5	24	17.24%
RN Adm.	5	12	29.41%
OB	4	16	20.00%



TAB C



DASHBOARD REPORT

Fiscal Year Basis: July

SUMMARY DATA

FiscalYear	ValuationDate	Values			Count	Open Count
		Total Paid	Total Reserves	Total Incurred		
2015-2016	2022-04-30	835,994	73,431	909,425	40	4
2016-2017	2022-04-30	205,546	-	205,546	27	-
2017-2018	2022-04-30	72,312	-	72,312	18	-
2018-2019	2022-04-30	86,039	8,957	94,997	15	1
2019-2020	2022-04-30	68,021	6,544	74,565	15	2
2020-2021	2022-04-30	158,256	46,049	204,305	22	3
2021-2022	2022-04-30	41,808	48,536	90,344	15	6
Grand Total		1,467,976	183,517	1,651,494	152	16

DASHBOARD REPORT

Fiscal Year Basis: July

San Geronio Memorial Hospital

Data as of 4/30/2022

Reporting Period 4/1/2022 - 4/30/2022

TOP TEN CLAIMS

Claim Number	Claimant	Department	Cause	DOI	Status	Total Paid	Total Reserves	Total Incurred
21001795		Medical Surgical	Strain or Injury By	2021-08-13	Open	24,347	35,761	60,108
21002354		Emergency Department	Caught In, Under or Between	2021-10-20	Open	2,419	6,269	8,688
21002226		Environmental Services	Strain or Injury By	2021-07-13	Re-Open	4,808	1,802	6,609
21002684		Emergency Department	Exposure	2021-11-23	Closed	4,467	-	4,467
22000077		Dietary	Strain or Injury By	2022-01-11	Re-Open	1,238	2,260	3,498
22000651		Intensive Care Unit (ICU)	Fall, Slip or Trip Injury	2022-01-23	Open	492	2,258	2,750
21001647		Direct Observation Unit (DOU)	Strain or Injury By	2021-07-23	Closed	1,462	-	1,462
21001792		Emergency Department	Strain or Injury By	2021-08-13	Closed	1,071	-	1,071
21002983		Environmental Services	Exposure	2021-12-29	Closed	798	-	798
21002461		Medical Staff	Strain or Injury By	2021-10-27	Closed	283	-	283

FREQUENCY BY DEPARTMENT

Department	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Environmental Services	5	33.33%	7,736	8.56%
Intensive Care Unit (ICU)	3	20.00%	3,031	3.35%
Emergency Department	3	20.00%	14,226	15.75%
Medical Surgical	1	6.67%	60,108	66.53%
Medical Staff	1	6.67%	283	0.31%
Dietary	1	6.67%	3,498	3.87%
Direct Observation Unit (DOU)	1	6.67%	1,462	1.62%
Grand Total	15	100.00%	90,344	100.00%

SEVERITY BY DEPARTMENT

Department	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Medical Surgical	1	6.67%	60,108	66.53%
Emergency Department	3	20.00%	14,226	15.75%
Environmental Services	5	33.33%	7,736	8.56%
Dietary	1	6.67%	3,498	3.87%
Intensive Care Unit (ICU)	3	20.00%	3,031	3.35%
Direct Observation Unit (DOU)	1	6.67%	1,462	1.62%
Medical Staff	1	6.67%	283	0.31%
Grand Total	15	100.00%	90,344	100.00%

FREQUENCY BY CAUSE

Cause	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Strain or Injury By	7	46.67%	73,047	80.85%
Exposure	4	26.67%	5,393	5.97%
Caught In, Under or Between	2	13.33%	8,954	9.91%
Fall, Slip or Trip Injury	1	6.67%	2,750	3.04%
Rubbed or Abraded By	1	6.67%	200	0.22%

SEVERITY BY CAUSE

Cause	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Strain or Injury By	7	46.67%	73,047	80.85%
Caught In, Under or Between	2	13.33%	8,954	9.91%
Exposure	4	26.67%	5,393	5.97%
Fall, Slip or Trip Injury	1	6.67%	2,750	3.04%
Rubbed or Abraded By	1	6.67%	200	0.22%

Fi

TAB D

10 Things You Might Not Know About Sexual Harassment: What You Don't Know Can Hurt You

By CalChamber Employment Law Counsel

We know we must prevent sexual harassment in the workplace. California employers must put up harassment prevention posters, distribute anti-harassment pamphlets and establish policies prohibiting harassment. And employers with five or more employees are required by law to train all employees and supervisors on harassment prevention. [CalChamber's training courses for supervisors and employees](#) can easily help your company meet this new requirement.

Despite our collective knowledge about the right thing to do, the problem has not gone away. Not only did the #MeToo movement that exploded in late 2017 — in which women (for the most part) came forward about their encounters with male coworkers, supervisors, potential bosses and venture capitalists — bring an onslaught of media attention to a prevalent issue, but so too has the increase in harassment-related incidents during the COVID-19 pandemic, when many employees worked remotely.

A worker who experiences sexually suggestive, racially charged or other unwelcome posts or comments from a coworker will no longer feel comfortable with their work environment

Take, for instance, the fact that in 2020, employers [paid out](#) more than \$65 million in sex-based harassment federal enforcement actions, according to the Equal Employment Opportunity Commission (EEOC) — the second most in the last decade. And this figure doesn't include money paid resulting from litigation.

Ultimately, videoconferencing from home invites coworkers into what was formerly an employee's private domain; coworkers can now see into their colleagues' personal lives more vividly than ever, which can create fertile ground for sexual harassment, as well as other forms of harassment (e.g., race, age, disability, etc.) and unwelcome behavior that may never have happened in the physical workplace. The constantly shifting working environment means it's increasingly vital for employers to ensure their supervisors and employees are educated and trained to prevent and deal with harassment issues in the workplace.

Learning the following 10 things about sexual harassment may just keep your employees — and therefore you — out of trouble.

1. The “New” Harassment

Sexual harassment might look different today; in the past, managers worried about racy pinup calendars and in-person interactions at the office. But technology’s proliferation has opened up additional avenues of interaction. And, as previously mentioned, the COVID-19-spurred remote work revolution also had an impact.

These days, texts, emails or posts on social media sites like Instagram, Facebook, Twitter and Snapchat (where posts instantly disappear) may also be causing problems in your workplace. Employees who may be interacting after hours on social media — commenting on each other’s profiles, tweeting, or viewing and “liking” posts — may be sharing more private information and making comments online that they might never feel comfortable saying face-to-face.

And the proliferation of videoconferencing plays a role as well: Working from home and experiencing harassment in a joking manner during a Zoom meeting in front of others, for instance, may make it more difficult for some individuals to address and report the harassment.

There is no mechanical formula to identify a hostile work environment. Look at each situation on a case-by-case basis.

Whether they’re using their personal cell phones, laptops or tablets — or company-provided equipment — to make harassing comments during or after work hours won’t matter. Don’t make the mistake of thinking that because it happened after hours, in a joking manner during a videoconference or on personal equipment, you can ignore it. A worker who experiences sexually suggestive comments or posts, or any other unwanted and unwelcome comments, such as those based on race, national origin, age, or disability, for example, from a coworker will no longer feel comfortable with their work environment.

Treat it just as you would any other harassment complaint. Train your workers to understand that online harassment of a coworker, whether during or after hours, violates company policy.

2. Eyes on You: Staring, Glaring and Leering

Many types of unwanted physical, verbal and visual behaviors can constitute sexual harassment — including some you might think are innocuous. While not all stares are sexual harassment, some are. There’s a difference between a non-sexual stare from someone who’s lost in thought versus blatant leering, in which someone looks a person up and down, or other lascivious expressions.

Courts have held, for instance, that a supervisor leering at a female employee’s breasts over a period of years was unwelcome, offensive harassment — not just unprofessional behavior (*Billings v. Town of Grafton*, 515 F.3d 39 (1st Cir. 2008)).

There is no mechanical formula to identify a hostile work environment. Look at each situation on a case-by-case basis.

3. Outside In, Inside Out

California's Fair Employment and Housing Act (FEHA) provides broad protections against harassment to a number of individuals entering the workplace: employees, applicants, interns, volunteers and people "providing services pursuant to a contract," such as independent contractors.

And if a vendor or customer continuously enters your workplace and harasses employees, you have to deal with that situation, too. Under FEHA, employers have an obligation to protect employees from sexual harassment committed by nonemployees coming into the workplace. An employer can be held liable if the employer, its agents or supervisors know or should have known of the harassment and fail to take immediate and appropriate corrective action (2 CCR sec. 11034(f)(2)(C)).

Make sure your employees know these rules.

4. It's Not About Desire

Sexually harassing conduct does not need to be motivated by sexual desire. In other words, Jamie doesn't have to want to date Bob in order to harass him. If she repeatedly makes sexually offensive comments to him, that can be harassment.

An example of this is when the perpetrator acts out of hostility toward the individual because of the individual's gender or sexual orientation, not out of sexual desire. Courts have ruled that abusive comments or hostile conduct directed toward someone because of their gender can amount to unlawful sexual harassment, regardless of whether the treatment was actually motivated by sexual desire. For example, a male manager who constantly shouts at and makes threatening gestures toward women — but not men — may have violated the law.

Employers may be held liable for their supervisors' actions, regardless of whether they knew about the behavior.

5. But it Was Consensual!

A common cry from the alleged harasser: "It was consensual." We have seen this play out time and time again. Despite all appearances, a relationship may not truly be consensual or welcome, and this is especially true when the relationship is between a supervisor and a subordinate given the power dynamic involved. Power dynamics have been a factor in many of the allegations involving Hollywood moguls, medial influencers and government officials.

Don't just ignore employees who are involved romantically with each other — especially in a supervisor/subordinate situation. California employers are subject to strict liability for sexual harassment claims involving a supervisor. Employers may be held liable for their supervisors' actions, regardless of whether they knew about the behavior, and policies against such behavior will not insulate employers from the liability.

Workplace romances can cause a host of other problems, including perceptions of favoritism, disruptiveness and unprofessionalism. And when the relationship ends, the claims may begin. For instance, one party might not stop pursuing the other — causing a hostile work environment.

Because employers have a duty to prevent harassment in the workplace, managers will want to pay attention to any workplace romance due to legal risks and address conflicts of interest.

6. It Only Happened Once

Harassing behavior needn't be repeated to be unlawful. The standard is “severe **or** pervasive.” While isolated incidents will not always meet the test, there are circumstances when a single severe incident can support a claim. For example, courts have found that a single incident of sexual assault or particular acts of physical groping can create liability.

Have a zero tolerance policy that aims to prohibit disrespectful and unprofessional conduct before it becomes a legal violation.

7. Nobody Has to Say “Stop”

It can still be unwelcome, unlawful harassment even if the victim never told the perpetrator to knock it off. Although a clear message from the victim that the conduct is offensive can put an end to it, **never require** the victim to tell the harasser to stop before you will act on the complaint.

In some situations, the victim will not be comfortable approaching the harasser due to the ongoing pattern of behavior. Forcing a confrontation also could potentially subject the victim to further harassment or place the victim in danger.

8. Complaints Can Take Many Forms

There is no requirement that a harassment complaint be made in a particular way, such as in writing, or be brought to a particular person, such as only to the immediate supervisor or only to HR. A complaint can be verbal, anonymous or lodged by someone other than the alleged victim (such as a co-worker who witnessed it). Managers should be trained that they're obligated to respond to harassment of which they're aware, including an incident that has been reported to them.

In fact, California law requires employers to have a written policy that informs employees of their complaint mechanism and explains that they don't have to complain directly to their immediate supervisor. Employers must provide an alternative complaint mechanism and instruct supervisors to report any and all complaints of misconduct.

9. Don't Just Prohibit "Unlawful" Harassment

It's not enough for a company policy to only prohibit "unlawful" harassment. If you wait until the harassment is unlawful before it's prohibited, you've waited too long. The company is now liable.

Instead, your company should have a zero tolerance policy that aims at prohibiting disrespectful and unprofessional conduct **before** it becomes a legal violation. Your policy should inform employees that the company will not tolerate harassment of any type and takes harassment claims seriously.

10. You Can't Promise Confidentiality

While it might be tempting to try and put an employee at ease by telling him/her that any complaint is "confidential," such promises should not be made. The company has a legal obligation to investigate the harassment, and events and names may inevitably be disclosed during the course of the investigation.

A fair investigation gives the alleged harasser an opportunity to respond to the complaint effectively. This almost always includes disclosing the complainant's identity.

Instead of promising confidentiality, inform the complainant that you will disclose information on the complaint and investigation only on a need-to-know basis. Also stress your anti-retaliation policy to all parties and witnesses in the investigation.

v03222022

CalChamber Can Help

Did you find this helpful? Sign up for a **free 7-day trial of HRCalifornia**, which includes access to the website's HR Library, compliance tools, and select forms and checklists that help California employers with HR compliance. Limited access with free trial.



Mandatory California Harassment Prevention Training - 2-Hour Supervisor Version



Mandatory California Harassment Prevention Training - 1-Hour Employee Version

To learn more about CalChamber resources, please call our Customer Service Representatives at (800) 331-8877, Monday through Thursday from 8 a.m. to 5 p.m. PT, and Friday from 8 a.m. to 4 p.m. PT.

SHARE THIS WHITE PAPER:



PAGE 5

© CALIFORNIA CHAMBER OF COMMERCE



'You Are Not Alone' — Mental Health Awareness in the Workplace

May 13, 2021 | From HRCalifornia Extra

by Katie Culliton, Editor, CalChamber

May is Mental Health Awareness month, and this year's campaign is appropriately titled — “You Are Not Alone.” After a year of school and office closures, cancelled trips, limited holidays and remote working, it's important for everyone to find ways to stay connected with their community.

The COVID-19 pandemic has kept us focused on our physical health and hygiene, but our mental health is equally important. In fact, the single most expensive health problem category is not heart disease, cancer or diabetes — it's mental health conditions, according to a [One Mind at Work white paper](#). This includes not only the direct costs under your benefit plan, but also the indirect costs caused by absenteeism, presenteeism, job turnover, work disability and premature death for both employees with mental health conditions and employees who may provide care to family members afflicted with mental health conditions.



Even before the COVID-19 pandemic, seemingly well-adjusted employees may have struggled, unbeknownst to you or your colleagues, and been afraid to reach out for help. Remote working has made these often invisible diseases even harder to spot. Thankfully, employers have several resources to help them create a supportive work environment that promotes employees' mental health and encourages employees who may be struggling to seek help.

Mental Health Facts

Overall, [one out of five adults](#) in America experience a mental illness every year — that's approximately 51.5 million adults.

In the workplace, mental health conditions are found across [all occupations](#) affecting employers regardless of industry or size. Employees of all ages, genders and race/ethnicity are affected, and one in three working-age adults experience a mental health challenge each year. The stigma around mental health along with the fear of being viewed differently (or even the fear of losing one's job) has most workers avoiding treatment.

Already, businesses lose an estimated [200 million workdays each year](#) due to depression, which is also the most expensive cause of presenteeism — productivity loss that occurs when employees are working.

Employer Toolkit

For Mental Health Awareness month, the American Psychiatric Association Foundation's Center for Workplace Mental Health (CWMH) has developed a [toolkit](#) employers can use to elevate mental health and well-being, and help create a resilient workplace.

And cultivating a supportive environment is important, as only [40 percent of adults](#) with a mental illness will receive mental health treatment each year. This is often due to stigma such as the fear of being discriminated against or harassed by colleagues or being ashamed of their diagnosis.

Removing the stigma around mental health is worth it, as [80 percent of employees](#) treated for mental illness report improved levels of work efficacy and satisfaction, according to [CWMH](#). When employees receive effective treatment for mental illnesses, businesses see lower absenteeism and increased productivity.

Resiliency

When employers promote building resilience, employees can manage stress and better address workplace conflicts and other job challenges. Some of CWMH's suggestions for promoting resilience in the workplace include:

- Offering or promoting professional networks for support.
- Creating mentorship programs.
- Encouraging mindfulness at work.
- Modeling healthy behaviors and responses to work challenges by focusing on the positive, emphasizing learning from past mistakes and moving forward.
- Creating a safe work environment that encourages both reasonable working hours and that people seek mental health support when needed.
- Acknowledging and celebrating employees' strengths and wins in the workplace.

Self-Care

Employees should be encouraged to maintain a work-life balance, which impacts their performance and productivity, especially during the pandemic.

Employers should encourage employees to keep a regular schedule including periodic breaks (especially any required meal and rest periods), to exercise and stay active, and to stay connected with friends and family using technology like FaceTime, Skype or other video-based options.

When employees are [working remotely](#), it's important for managers and HR to maintain regular communication with employees, including showing empathy and being available to answer questions and reassure them about work and other issues that may come up.

Employers can also check in with their Employee Assistance Program (EAP) to coordinate support for employees, and then encourage employees to use it (that's why it's there!) if they need any support.

Isolation and Loneliness

Isolation and loneliness were already rising before the pandemic (and pre-COVID-19 pandemic, had been dubbed the “silent pandemic”), and last year certainly didn't help. In a 2018 national Cigna survey, 40 percent of those surveyed said [they sometimes or always feel their relationships are not meaningful](#) and they feel isolated. The feeling of social isolation can have health risks equivalent to smoking 15 cigarettes per day or having an alcohol use disorder.

According to the [Centers for Disease Control and Prevention \(CDC\)](#), loneliness is the “feeling of being alone, regardless of the amount of social contact,” while social isolation is the “lack of social connection.” Someone can live alone and not feel lonely or socially isolated, while someone can feel lonely even being with other people.

Everyone feels lonely from time to time, but [problems can persist](#) if the feeling is chronic. Plus, it's not always easy to see when someone is being affected emotionally and physically from loneliness. Over time, like chronic depression or pain, it just starts to become a normal way of life.

Employers can help make a difference in addressing workplace loneliness by encouraging employees to:

- Try a new hobby they've been wanting to try.
- Talk with friends and family, and share how they're feeling.
- Find an in-person support or virtual support group.

Employers can also strengthen social connections by sponsoring or hosting an organization-wide non-work-related activity, such as a book club, walking club or trivia nights.

More Resources

The U.S. Department of Labor provides a [list of resources](#) to ensure the needs of people with mental health conditions are taken into consideration. These resources include the Employer Assistance and Resource Network on Disability Inclusion's (EARN) Mental Health Toolkit on [Resources for Fostering a Mentally Healthy Workplace](#), an [Employer's Guide to Employee Assistance Programs](#) from the National Business Group on Health and a [fact sheet](#) providing information on workplace accommodations for employees with psychiatric disabilities.

Employers can also provide online training, like [CWMH's Notice. Talk. Act. ® at Work](#), which can equip managers and employees with the knowledge required to notice potential mental illness signs, talk with the person about the concerns and then connect them to the appropriate services.

Finally, [Mental Health First Aid for Workplace](#) is a mental health training program that can increase both employees' mental health literacy and the likelihood that an employee will reach out to someone facing a mental health challenge.

Improving Resilience Is Important

Our fast-paced culture results in people working hard, meeting tight deadlines, managing work relationships and staying constantly connected through mobile devices. But this pace can lead to stress and burnout. Navigating through these challenges requires skills and strategies that can be developed. Resilience is a key strategy that helps employees tackle stress, a competitive job market, workplace conflicts, and address challenges on the job. Improving resilience is important because employees identify work as the number one stressor in their lives.¹

What is Resilience

Resilience exists when a person can bounce back and thrive from major challenges. It is often tested when stress factors arise in everyday life and when trauma or tragedy strike. Stress is not the only factor that can test a person's resilience; however, how a person handles stress is a strong indicator of their ability to bounce back.

Resilience is also a key element in well-being. Employers increasingly recognize the need to provide services, supports and health resources that address mental health and well-being.

How Resilience Impacts the Workplace

As employers build and improve workplace culture and resilience, they also seek ways to address workplace stress and mental health. When addressed, employers build a resilient workforce, employees handle work stress better, and develop protective factors against stress. There are other benefits too:

- Resilience is associated with greater job satisfaction, work happiness, organizational commitment and employee engagement.⁷
- Raising resilience contributes to improved self-esteem, sense of control over life events, sense of purpose in life and improved employee interpersonal relationships.^{9,10}
- Employers reap the rewards of increased productivity.

Given the many benefits, employers are building resilience in their workforce so that employees develop skills to manage workplace stress.

When Stress is High, Resilience is Needed!

1. Long work hours, job strain, shift work, job insecurity, limited control, peer conflict and low social support all contribute to workplace stress.¹
2. 65% of US employees view their jobs as the number one stressor in their lives.²
3. The likelihood of developing depression or anxiety is higher for those who work in stressful work environments.³
4. Stressful work environments can lead to negative physical and mental health outcomes for employees and organizations.^{4,5}
5. Alcohol and substance misuse have been linked to employees experiencing high stress levels.⁶
6. Unhealthy and difficult work environments contribute to premature death of U.S. workers.
7. Demanding workloads accounted for \$48 billion in U.S. healthcare expenditures.
8. Initiatives and programs that foster a resilient and mentally healthy workplace increase productivity, lower healthcare costs, lower absenteeism and decrease turnover.^{9, 10}

Tips for Employers

Creating a resilient workforce and more healthy culture takes commitment, but with commitment, it can be done. Case studies from diverse organizations like [Garmin](#), [Health Partners](#) and [Unilever](#) show that it can be done. Here are key factors to consider in building a more resilient workforce:

Understand Your Employees: Resilient employees make resilient organizations. People who are supported, motivated and equipped are best positioned to overcome obstacles and distractions. Learn more about what work-related stressors impact employees the most. Ask your EAP vendor how they can support your goal of improving resilience and reducing stress. Or consider asking employees to complete anonymous work satisfaction surveys or include stress and resilience related questions in your Health Risk Assessment (HRA). Once you have data and know the impact of stress and other factors, you can develop a plan for building resilience and a healthy work culture.

Engage Leadership: A resilient workplace requires leadership buy-in. Employees are more likely to participate in resilience programs when the organization's leaders are involved.¹¹ Leadership is key in establishing priorities, setting goals and allocating resources to strengthen workplace resilience. And, in communicating clearly and decisively the organization's commitment to resilience. If leaders are not already onboard, sharing the results from surveys and HRAs helps make a strong business case.

Consider Resilience Training: Employers are increasingly turning their attention to resiliency training — with good reason. In a dynamic work environment, resiliency training elevates job performance and work engagement. The American Heart Association released a comprehensive

report examining resilience training in the workplace. Innovative strategies to improve employee health and organizational performance are highlighted. When considering training and design, the report recommends including these components:

- Overcoming Interpersonal Challenges
- Managing Emotions
- Guarding Against Burnout
- Coping with Work Related Stress
- Improving Sleep Habits
- Remaining Calm
- Dealing with Difficult People
- Improving Communication Skills
- Taking on New Challenges
- Improving Physical Health

Create A Resilient Culture: Organizational culture has many layers. Ultimately, it is built on principles of empowerment, purpose, trust and accountability. Building or improving a resilient culture is strengthened by a company-wide statement showing support for employees and a commitment to addressing resilience. Promote an open and trusting management style and train managers to understand the importance of supporting the mental wellbeing of staff. Because making a declaration isn't enough, this commitment requires action and regular communication.

Look for Ways to Improve Your Work Environment: Whether your work environment has physical offices or virtual locations, being flexible when possible is important. To improve the work environment, consider the following:

- **Allow autonomy** whenever possible, and let individuals do their jobs.
- **Reward good work.**
- **Provide access to services and supports when needed to maintain good physical and mental health.** Sometimes employees require access to a specialist for physical or mental health conditions. Make sure employees are informed about how to access care and that care is available for those who need it. Provide information on resources often.
- **Allow Flexible Schedules.** Employers can improve the environment by allowing for flexible work schedules and reducing the need for late work days. If shift work is required, employers should be lenient in offering adjustable shift rotations, whenever possible so that employees stay rested.
- **Be Reasonable about Work Expectations.** Organizations should be vigilant about their policies on work expectations and hours. The drive to succeed that can result in pushing personnel to increase workloads can backfire and undermine productivity and results.

About the Author

Ewuria Darley, M.S., is a former associate director of the Center for Workplace Mental Health

References

1. Goh J, Pfeffer J, Zenios SA. The relationship between workplace stressors and mortality and health costs in the United States. *Management Science*. 2015;62(2):608-628.
2. American Psychological Association. [Stress in America survey press release 2015](#). Accessed September 2017.
3. McGonagle AK, Beatty JE, Joffe R. Coaching for workers with chronic illness: evaluating an intervention. *Journal of Occupational Health Psychology*. 2014;19(3):385.