

HIRING IN 2021: A NEW PERSPECTIVE

BY: BEVERLY CLEMONS

NOW HIRING. These 2 words may possibly be the most frequently used words right now in every industry, in every city across the U.S.

With business roaring back from the pandemic, it is critical that organizations position themselves to be able to attract and retain top talent.

As you start to put together your recruiting strategy, now is the time to also do some self-reflection. With many employees still hesitant to return to the workplace, consider the following: (1) do you have a secure / safe workplace for your employees to return to? (2) can you offer remote and / or hybrid or flexible work options? Peplematters recently shared in their "Top Workplace Trends to lookout for in 2021" that companies will need to rethink their working models. "The future of work will be hybrid in nature with a combination of people working remotely and office goers."

Equally important is to know what your company culture is and how to share that with potential employees. Do you know how your current and former employees would describe your culture?

Having the ability to articulate your culture in your recruiting messaging is key to providing potential candidates a glimpse into who you are, as an

organization, and what working there really is like. Candidates now want to know if they will fit in. As we are learning more and more, individuals are placing a very high value on finding the right fit – not just for their technical skills, but the right fit that aligns with their values, mindset, and yes, their personality. So, as you start putting your recruiting messaging together, BRAG about your company's uniqueness. Be authentic Own your weirdness – as one of our clients said to us, "we're a bit weird here, so we like for people we're hiring to be a bit weird."

Start engaging with people before you hire them! In fact, you might consider implementing a pre-hire engagement strategy that allows candidates to "ask the employer anything" on your website / social media. This provides you an opportunity to interact with potentially hundreds of candidates and make a true connection. In addition, you want to give people the reasons to come work for you! Tell them why they will like it at your organization.

Another recruiting strategy to consider implementing is encouraging former employees to "boomerang" back. When great employees decide to try something different, let them know that you understand, and that the door is always open to them to return. Maybe even identify and reach out proactively to those former employees. The reality

in this hiring market is that we are going to have to steal candidates away from someone else, so how do you do that?

We are also hearing from some of our clients that you may want to take a 2nd look at candidates who at first did not appear to be a fit. Take the time to really dig into the person's background and potential. Many of us as HR professionals are realizing that we truly are going to have to "grow our own employees". Determine what those core competences, basic qualifications, the absolute "must-haves" are for people to be successful in your organization, no matter what, and then look for that. You can still have a wish-list of everything you would like to have a candidate possess, but the reality is, we are going to have to modify the way we approach finding talent. Look for the traits and attitude, train for the skills where you can. It is definitely going to be "more work"

for HR and the managers of organizations, but as they say, this is simply another one of our *new normal*.

We also know that we need to consider alternate sources of candidates including those with disabilities (employabilities), Veterans, the formerly incarcerated – all people seeking a 2nd chance. We have great resources in our area to work with, however, some other sources to find these types of candidates include: Ability Jobs; America's Job Exchange; Recruit Disability; and Disabled person. We are all still in this together! Happy people finding!

Beverly serves as the President of CMI Consulting, LLC based in Lexington. CMI has been in business for 21 years providing Talent Acquisition, Training, and other HR Consulting services to clients locally, regionally, nationally, and even a few internationally. Beverly also currently serves as the Secretary of the BGSHRM Board.

BGSHRM SCHOLARSHIP WINNER OBTAINS SHRM CERTIFICATION



Congrats to Leah Brown! In May, Leah officially obtained SHRM-CP status by passing the certification exam. Leah was awarded the 2nd Annual BGSHRM Certification Scholarship in January 2021 and used the award to enroll in the KYSHRM Virtual SHRM Certification Prep Course held earlier this year. The course wrapped up on May 3 and just 12 days later, Leah took the exam and passed. We are so proud of Leah and look forward to the contributions she will make to the HR Profession.

The 3rd Annual BGSHRM Certification Scholarship application window will open in October of this year.

The scholarship is sponsored by the University of Kentucky Federal Credit Union and will provide a \$1500 award to one eligible member of BGSHRM. The scholarship can be used to cover costs associated with preparation course materials and testing. Stay tuned for more information later this summer. If you have questions about the 3rd Annual Scholarship or about SHRM Certification, email certification@bgshrm.org.

CERTIFICATION EXAM OPPORTUNITY FOR SHRM DUAL MEMBERS

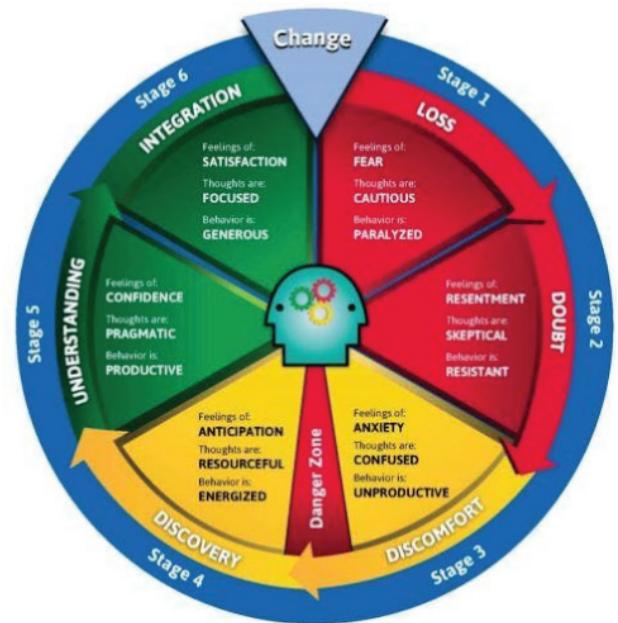
Are you a member of BGSHRM and National SHRM? Are you interested in becoming SHRM Certified? If you have answered YES to those questions, SHRM has a wonderful opportunity for you! A limited number of complimentary exam seats are available for dual members of a local chapter (members of both SHRM national and the chapter). **Chapters are offered complimentary SHRM Certification applications with a maximum limit of 5 applicants per chapter.** This Complimentary Exam offer is good through September 1, 2021 and must be redeemed for the December 1, 2021 – February 15, 2022 testing window. BGSHRM will distribute these complimentary exams on a first come first served basis. To reserve your exam, contact certification@bgshrm.org.

CHANGE MANAGEMENT: SO IMPORTANT IN OUR COVID WORLD

BY: MEREDITH WELLS LEPLEY

Change can be exciting, but, as we all know from the past year, it is also difficult. Did you know that when a change occurs, people go through a series of six psychological stages?

The initial response in The Change Cycle TM is Loss, feeling out of control and afraid. Once people have gotten past their initial fears, the 2nd stage is Doubt; they are angry and skeptical of the need to change. This is pronounced when people do not have sufficient information. Once they do, if the change will have a negative effect on them, they enter Stage 3, Discomfort—angry, unfocused, and unproductive. But in Stage 4, Discovery, they eventually recognize that the change brings new possibilities, and by Stage 5, Understanding, people feel confident in their ability to cope with the change and become productive again. Finally, when the change does not feel like change anymore (it's “the new normal”), people are in Stage 6, Integration, and have completed the process.



This natural cycle takes time, but change management helps employees progress through the change process quicker and with less stress and resistance—improving organizational effectiveness.

Here are some tips on assisting employees with change:

- Reach out to employees personally about their concerns frequently
- Listen, show empathy
- Expect “worst-case scenario” thinking
- Remind employees of stable things that are not changing
- Acknowledge the challenges – no sugar-coating
- Provide accurate information; repeat it over and over
- Accept that productivity will naturally drop
- Help anxious employees prioritize their tasks
- Lighten the mood, incorporate some fun
- Praise teams who are adapting well

As COVID continues to impact our employees, let us be mindful of the natural change cycle and do what we can to help.

Meredith Wells Lepley, Ph.D. of Workplace Surveys & Solutions, LLC, is certified in both The Change Cycle and Prosci change management programs and has led nearly 100 change management workshops for companies including Toyota, the U.S. Army, LG&E and KU, and Central Bank. Connect with Meredith at meredith@surveysandsolutions.com.

PRORATED MEMBERSHIP FEES	Original Fee	Prorated Fee
Associate with National SHRM Membership	\$50	\$29.17
Associate without National SHRM Membership	\$75	\$43.75
Professional with National SHRM Membership	\$50	\$29.17
Professional without National SHRM Membership	\$75	\$43.75

KENTUCKY GENERAL ASSEMBLY PASSES TWO NEW LAWS

LIMITING LIABILITY FOR KENTUCKY EMPLOYERS

BY: KIMBERLY O'DONNELL

House Bill 497: Limiting Liability for “Second Chance” Employers

On April 5, 2021, Governor Andy Beshear signed HB 497 into law, a key criminal justice reform bill dedicated to removing reentry barriers for inmates released from the corrections system. The Kentucky General Assembly unanimously passed the bill in late March.

The bill, dubbed the “Certificate of Employability” bill, creates a new section of KRS Chapter 196 which requires the Department of Corrections (the “Department”) to issue released inmates documentation demonstrating successful program completion, the inmate’s institutional work record, and a “Certificate of Employability” (or “Certificate”). An inmate qualifies for a Certificate of Employability, if he or she completes certain educational or work requirements during or prior to incarceration, did not receive major disciplinary violations during the year immediately preceding his or her release, and received a score or level of competence on a job skills assessment test. HB 497 also requires the Department, as part of a life skills program, to assist inmates in preparing and writing resumes. Upon release, the Department may, in conjunction with the Transportation Cabinet, issue an operator’s license or personal identification card to the former inmate. The Department will revoke a Certificate of Employability if the individual is convicted of a felony after receiving the Certificate.

Moreover, HB 497 creates incentive programs for businesses to become “fair chance” or “second chance” employers that assist in supporting former inmates with reintegrating into the community. The bill does not require employers to hire former inmates with criminal histories, but includes a limited liability provision meant to incentivize employers to hire released inmates that hold a valid Certificate of Employability. Employers faced with a negligent hiring lawsuit may use the Certificate of Employability as a defense to a claim as long as the employer knew of the Certificate at the time of the alleged negligence, except in cases where the employer knew or should have known

the employee should not be hired due to the nature of his or her history. In those proceedings, a Certificate of Employability may be introduced as evidence of due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the Certificate was issued.

Businesses interested in becoming a second chance employer should review and update their relevant hiring policies and procedures. Businesses that hire a former inmate with a Certificate of Employability should, if they have not yet done so, implement a records retention policy aimed at maintaining all records related to the hiring.

Senate Bill 5: Limiting Liability for COVID-19 Claims

On April 1, 2021, the Kentucky General Assembly passed Senate Bill 5, a measure intended to limit COVID-19 related liability for businesses and premises owners. Governor Andy Beshear declined to sign or veto Senate Bill 5 within ten days, and thus, it became law on April 11, 2021.

Specifically, Senate Bill 5 provides that a business or premises owner who invites or permits another person to enter their premises during the COVID-19 pandemic does not make any assurances that the premises are safe from the risk of COVID-19 exposure, owe a duty to protect from or warn about any COVID-19 related risk, or incur liability for any alleged injury, loss, or damage to persons or property arising from a COVID-19 claim. A “COVID-19 claim” is defined as “any claim or cause of action for an act or omission arising from COVID-19 that accrued on or after the date the emergency was declared on March 6, 2020, and until the emergency declaration is withdrawn, revoked, or lapses.”

However, there are limits on this liability shield. The business or premises owner must follow “any executive action to prevent the spread of COVID-19 during the COVID-19 emergency” in order to claim the protections of Senate Bill 5.

Continued on page 5

“Executive action” includes “[a]ll orders and guidelines related to a COVID-19 declared emergency issued by the Governor or any state agency, the President of the United States or any federal agency, or a local government agency” and “[i]ndustry-specific guidelines related to a COVID-19 declared emergency adopted by a state agency that governs the industry.” Informal or indefinite statements or recommendations from government officials do not qualify as “executive action.” Additionally, Senate Bill 5 does not limit liability for “gross negligence, or wanton, willful, malicious, or intentional misconduct.”

Business and premises owners should also be mindful that the new law does not alter an injured employee’s right to receive workers’ compensation benefits under KRS Chapter 342, nor does it impact the applicability of Kentucky’s Occupational Safety and Health Plan, codified at KRS Chapter 338. In short, while business and premises owners may still be subject to suit for COVID-19 related claims arising on or after March 6, 2020, this new law enables them to defend against such claims by demonstrating that they have complied with all applicable executive orders. Records

regarding the efforts taken to comply with those orders and limit the spread of COVID-19 should be maintained. Additionally, to the extent that premises and business owners have not already done so, it may be prudent to develop health and safety policies that are consistent with those orders and educate their workforces about the policies. Executive orders, guidance from state and local health departments, and federal agency measures continue to evolve in response to the pandemic, so premises and business owners should regularly monitor these sources for updates.

Kimberly J. O’Donnell is a partner in Dentons Bingham Greenebaum’s Employment and Labor practice group where she advises and represents clients in matters involving a broad range of employment issues. She focuses her law practice in employment litigation, where she represents employers in litigation before state and federal courts, the Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights and the Kentucky Division of Unemployment Insurance involving claims of employment discrimination, retaliation, retaliatory discharge, harassment, state and federal wage and hour laws, and violations of the Family and Medical Leave Act. Kim also advises employers on various employment issues, including employee handbooks, employee agreements, non-competition and confidentiality agreements, personnel policies, and separation agreements. Kim earned her J.D. from the University of Kentucky College of Law and her undergraduate degrees from the University of Kentucky. She is also a volunteer mediator for the Small Claims Division of the Fayette District Court.

CONTRIBUTE TO THE NEWSLETTER!

- Content must be directly related to a SHRM Competency and kept to under 250 words. For more information on the SHRM Competency Model visit: [SHRM Competency Model](#).
- Include a brief (1-2 sentences) bio with your submission.
- Professional experiences and stories tied to the SHRM Competency you are writing about are encouraged. Please use pseudonyms in place of company names and people when sharing.
- Photo submissions to support your content are also encouraged.

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UPCOMING EVENTS

- JULY 13** ● **Embracing Innovation After an Interruption:** How the Employee Benefits Landscape Will Change After the Pandemic.
- JULY 20** ● **D&I Virtual Summer Book Club**
4:30 pm - 6:00 pm
- JULY 26** ● **National Disability Independence Day**
- AUGUST 5** ● **August Social**
4:30 pm - 6:30 pm
Goodfella’s Distillery
- AUGUST 26** ● **Women’s Equality Day**
- SEPTEMBER** ● **Hispanic Heritage Month**

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