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Special Report for HR Professionals

July 25 2008
Number 481

The Management Advantage, Inc., PO Box 3708, Walnut Creek, CA 94598
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HEALTH CARE CERTIFICATION WILL CONSIDER INTIMIDATING BEHAVIOR

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The Joint Commission (www.jointcommission.org) evaluates and accredits more than 15,000 health care organizations and programs in the United States. It is an independent and not-for-profit organization. It is the nation's predominant standards-setting and accrediting body in health care.

On July 9, 2008, the Joint Commission issued an alert that it will begin considering Intimidating and disruptive behaviors in health organizations as part of its certification process. The change will become effective on January 1, 2009 and will appear in the form of new Leadership standards.

It says, "Intimidating and disruptive behaviors can foster medical errors, contribute to poor patient satisfaction and to other preventable adverse outcomes, increase the cost of care, and cause qualified clinicians,

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CALIFORNIA DFEH PUTS "RIGHT TO SUE" REQUEST ON LINE

While speaking to the San Diego County Bar Association's Employment Law Section on June 26, 2008, Phyllis Cheng, Director of the California Department of Fair Employment and Housing (DFEH) announced the agency would no longer force complaint filers to visit a DFEH office to get a Right to Sue letter, if that is all they really want. 9,000 of the 16,000 annual complaints her agency handles immediately result in a "Right to Sue" letter.

In the short time since those remarks, the DFEH has posted on its web site a form allowing people who are represented by legal counsel to meet the requirement to exhaust administrative remedies and secure a "Right to Sue" letter. The automated "Right-to-Sue-Notice" system is a self-service program. People can now complete the packet of information, and print a copy of their Right to Sue Notice immediately.

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56% of DFEH complaints are filed so the employee can get a "Right to Sue" letter and go to court.

CONSTANCE BARKER SWORN IN AS EEOC COMMISSIONER

On July 16, 2008, Constance S. Barker was sworn in as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC). She was nominated by President George W. Bush on March 31, 2008, and unanimously confirmed by the Senate on June 27th. She will serve the remainder of a five-year term expiring on July 1, 2011.

Ms. Barker has experience in labor and employment law in both the public and private sectors. An attorney, she provided advice regarding prevention of discrimination complaints and defended clients against discrimination lawsuits. She was a shareholder at Capell & Howard, P.C. in Montgomery, Alabama.

Her public sector experience includes four years as an assistant district attorney for the 11th and 13th Judicial circuits of Alabama, one year as a judge for two Alabama localities, and 11 years as the general counsel for the Mobile County Public School System.

Ms. Barker brings the Commission to its full compliment of five members for the first time in recent memory. Other Commissioners include Chair Naomi C. Earp, Vice Chair Leslie E. Silverman, Stuart J. Ishimaru and Christine M. Griffin.

For a copy of the press release, go to <http://www.eeoc.gov/press/7-16-08.html>

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administrators and managers to seek new positions in more professional environments.”

“Intimidating and disruptive behaviors in health care organizations are not rare. A survey on intimidation conducted by the Institute for Safe Medication Practices found that 40 percent of clinicians have kept quiet or remained passive during patient care events rather than question a known intimidator.”

Because of the dangers that can be caused by such workforce behavior, The Joint Commission will no longer consider intimidation and disruptive behavior acceptable within health care organizations. If you are in that industry, you should begin assessing your workplace to determine if your Leadership will meet the new standards. Your institutional certification could depend on it.

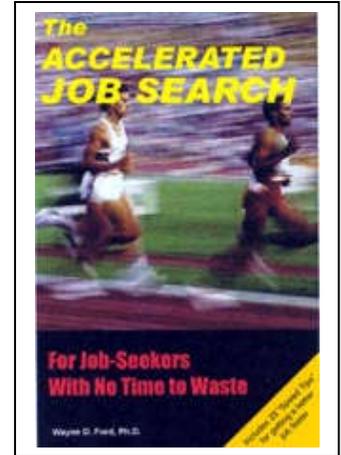
SOURCE: Sentinel Event Alert, Issue 40, July 9, 2008, “Behaviors that Undermine a Culture of Safety,” http://www.jointcommission.org/SentinelEvents/SentinelEventAlert/sea_40.htm

The Accelerated Job Search A PERFECT TOOL FOR HELPING WITH LAYOFFS

The economy is driving many employers to reduce their workforce through layoffs. When that happens, it is sometimes difficult to allocate large amounts of money to outplacement service contracts. Yet, there is one resource that is both effective and reasonably priced.

That resource is a book. It is easy to understand and applauded by those who use it to find their next position. *The Accelerated Job Search* gives the reader an easy-to-follow template for the job hunting process. It lists do's and don'ts. There are numerous checklists and "Speed Tips."

Here is a way to support your departing employees that will give them a leg up in the employment marketplace. Take a look for yourself ... <http://www.management-advantage.com/products/jobsearch.htm>



Quantity Discounts Available

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The web requirement includes both javascript and cookies so only computers equipped with those feature may use the system.

If it is not possible to complete the complaint at one sitting, the system will allow users to save their work and return to it at a later time. It does not allow for on-line modifications or amendments to a complaint once it has been submitted through the new portal.

For access to this new feature, go to <http://www.dfeh.ca.gov/onlinerts/>

In other DFEH news, the agency has posted new instructional help for young people. It has discovered that people who are just entering the workplace need to understand their rights and privileges. They need to be taught that it is not necessary to tolerate illegally discriminatory behavior on the job. These things are not generally available in the traditional avenues of instruction and learning. The new program is called, "Equal Rights 101." You can access it at <http://www.dfeh.ca.gov/equalrights101/>

Ms. Cheng comes to the DFEH from a very impressive background, including a period of time when she served two terms as a DFEH Commissioner, under appointment by former Governor Pete Wilson. On the Commission she served as Vice Chair and Regulations Subcommittee Chair. She was appointed as Director by Governor Arnold Schwarzenegger in January 2008. Ms. Cheng has been in private law practice as counsel at Littler Mendelson's Los Angeles office.

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To learn more about the new DFEH Director:

<http://www.dfeh.ca.gov/about/directorsBio.aspx>

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Ms. Cheng received her B.A. and M.Ed. degrees from the University of California—Los Angeles, her Ph.D. degree from the University of Southern California, and her J.D. degree from Southwestern University School of Law. She is an immigrant from Hong Kong and a native speaker of Chinese in three dialects. She has had extensive experience on various commissions and study groups. Her private sector experience

has also been extensive, including a time as researcher at the RAND Corporation. She has been a college professor and was actively involved in the passage of California's version of the Title IX law prohibiting sex discrimination in education.

To further streamline the DFEH's processing system, Ms. Cheng plans to eliminate the requirement that employees schedule an appointment for filing a complaint. They will soon be able to do that on-line as well.

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