

TRAINING FORUM

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TRAINING TIP

Procrastination and other pressing needs might prevent some employees from completing self-paced learning in a timely manner. Set a deadline for finishing the session(s) so employees can plan accordingly and work the training into their schedule.

Need help with your training needs?

BLR® has an online site, **TrainingToday®**. Call 800-727-5257 for information on this interactive, easy-to-use training solution.



What is the ROI of your ethics and compliance training program?

If your organization is like many in a recent study, you might struggle to answer that question. That's because many organizations do not attempt to demonstrate a return on investment (ROI) for their ethics and compliance training program.

The *2017 Ethics & Compliance Training Benchmark Report*, released by NAVEX Global (www.navexglobal.com), found that one-third to one-half of the 900 surveyed organizations were unsure about the outcomes their training programs achieved.

In addition, one-quarter of survey participants lack a dedicated budget for this type of training. "That's a troubling finding, one that's shared equally across organizations of all sizes," said Ingrid Fredeen, JD, author of the report and vice president of online learning content at NAVEX Global. "The difficulty in showing return on investment and effectiveness, of course,

ties back into a lack of dedicated budgets. Dedicated budgets also ensure predictability and allow for long-term planning, especially in an environment in which compliance professionals are regularly asked to do more with less."

The survey found that organizations with "mature" or "advanced" ethics and compliance training programs are usually larger organizations and that they have had the most successful ROI. "More than half of our respondents classified their training programs as at least mature and said they are better able to determine and then show the linkage between program maturity and training objectives to executives," said Fredeen. "Being able to sharpen the business case for training is important for compliance programs hoping to secure more funding at this critical time, when a scandal or cyber-attack

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CASE STUDY

Worker fired for performance problems points to retaliation instead

An employer provided additional training to an employee with documented performance problems, but when her performance slipped again, she was fired. Noting that the termination occurred shortly after she took medical leave, the employee claimed that she was fired in retaliation for exercising her rights under the Family and Medical Leave Act (FMLA).

What happened

In 2007, "Bailey" started working as a substance abuse counselor at the Kaleidoscope Clinic run by START Treatment and Recovery Centers. Her duties included counseling about 50 narcotics-addicted patients. Each session with a patient typically lasted 30 minutes, and she was required

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Ask the Trainer

Q: How can we foster informal learning in the workplace?

A: Trainers can tap the power of informal learning by incorporating “the three Es” (environment, education, and encouragement) into their training strategy, says Ronda Davis, CPLP, PMP, who is training manager at MicroPact (www.micropact.com).

First, create an environment that is conducive to learning and that promotes a learning culture from the top down, says Davis.

Second, educate employees about informal learning. “Let people know what it is, what resources are out there, where to go for more information,” she explains.

Third, encourage employees to tap those resources on their own—before, during, and after training, Davis recommends.

Studies show that 75 percent of learning in the workplace is achieved through informal learning—that is, learning that takes place outside of structured training programs, Davis says. So, it is important to acknowledge the power of informal learning and leverage it.

Davis says informal learning occurs in many ways, including researching a topic online via articles, videos,

and webcasts; taking online classes; asking peers, coworkers, and friends for advice; and reading books, e-books, and user guides.

Trainers can encourage informal learning before a structured training program begins by providing an assignment in advance and giving learners some latitude in how they accomplish it, Davis says. During a session, trainers can leverage informal learning by giving learners a task to complete on their own, such as searching a topic online and then sharing what they learned, she adds.

After training, trainers can encourage informal learning by setting up a private Facebook group for current and/or past attendees to share advice and resources, Davis says. She notes that this also is an effective way to keep participants engaged in the topic and to help content stick after training.

In addition, setting up an online community helps ensure that the information participants receive is accurate. She says other ways to help ensure the accuracy of information gathered through informal learning is to offer reputable resources to learners and encourage them to rely on advice that is shared by multiple sources.

Trainer’s Corner

Four keys to successful employee learning

To enhance the effectiveness of training, make sure each session addresses the following key elements of successful employee learning:

- 1. Motivation.** Explain how training relates to learners’ jobs, instill a sense of personal achievement to encourage all trainees to accomplish training goals, and make training stimulating and interactive.
- 2. Reinforcement.** Use positive reinforcement, such as praise, to support learning of new skills and understanding of new information. Reinforcement helps make training a positive, meaningful experience.

- 3. Retention.** Learners need to retain new skills and information. Providing opportunities for learners to practice skills and to ask questions during training will help bolster retention efforts. Quizzes and other forms of evaluation also help aid retention.
- 4. Transference.** Trainers must make sure that learners bring what they’ve learned in training directly to their jobs. Schedule training so that employees can use newly acquired skills and information immediately. Give them handouts that they can take back to their jobs.

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Case Study ... (continued from page 1)

to spend about 15 minutes after each session writing a patient note. START relied on counselors to write those notes to maintain its state certification and to bill Medicaid and other insurance companies.

A more complex, state-mandated note-keeping method was adopted in 2011. Many counselors had a hard time adapting to the new method; in fact, 15 percent of them were fired because they failed to follow the new requirements.

Bailey was among those who struggled. In March 2011, START determined that her work was not up to par, and she received written warnings in April 2011 and June 2011. Her employer said that she had not achieved “required outcomes” in “compliance” and “documentation.” As a result, she was offered “enhanced training.”

Although she received a July 2011 performance review that was generally satisfactory and a pay raise in August 2011, any benefits from the training apparently were short-lived because she received additional warning memos in November 2011, December 2011, and February 2012. The latter memo indicated that she had only a 28 percent completion rate for her notes, compared to 90 percent to 95 percent for other counselors.

START put Bailey on a 90-day probation, citing “her on-going failure to perform [her] job duties as directed and/or within designated time frames despite verbal and/or written warnings.” Her employer twice extended her deadline for catching up on a backlog of patient notes, and on May 10, 2012, her direct supervisor recommended terminating her employment. She was fired 1 week later; START cited her failure to maintain up-to-date patient notes and “on-going failure to perform [her] job duties.”

Claiming instead that she was terminated in retaliation for exercising her FMLA rights, Bailey filed suit against her former employer.

She argued that she had requested medical leave on several occasions due to severe anemia and other conditions. Bailey’s first request to take FMLA leave was made in February 2011, but she cancelled the request, claiming that her supervisor had asked her to cancel it—an assertion that the supervisor denied.

Bailey took protected leave for treatment for anemia in August 2011, when she was hospitalized for 6 days. While on probation in 2012, she requested FMLA leave again, but she did not take it. Why not? She alleged that HR had told her that she was not entitled to FMLA leave while on probation. The HR contact who received Bailey’s request denied having said that. Bailey went to her doctor the next day but refused to be hospitalized because she feared that she would lose her job if she missed work.

While still on probation in April 2012, she was hospitalized for 7 days. She returned to work on April 28, 2012. Just 12 days later, her supervisor recommended her termination, which took place on May 18, 2012.

After losing a jury trial, Bailey appealed to the U.S. Court of Appeals for the 2nd Circuit, which covers Connecticut, New York, and Vermont.

What the court said

The appeals court vacated the decision and sent the case back to district court, saying the district court erred in some of its instructions to the jury.

The appeals court concluded that the type of FMLA retaliation claim in this case requires an employee to show only that the exercise of FMLA rights was a “motivating factor” in an employer’s decision to take an adverse employment action. The district court had instructed the jury to use a different standard—specifically, the district court had said that Bailey had to “prove that ... [her employer] would not have terminated her if she had not taken FMLA leave, but everything else had been the same.”

“Although there is evidence from which a reasonable jury could conclude that ... [Bailey’s] deficient performance served as the sole basis for her termination, we are unable to conclude that that evidence is so overwhelming as to render the erroneous instruction harmless,” the court said, pointing to other jury instructions that also “resulted in impermissible prejudice” against Bailey.

Woods et al. v. START Treatment & Recovery Centers, Inc., et al. (No. 16-1318-cv) (U.S. Court of Appeals, 2nd Cir., 7/19/17)

CASE STUDY

In Brief

Whenever a new procedure is introduced, training can help ensure that it will be successfully implemented. Provide training on new procedures to all employees who will be using them, and make sure they understand the rationale for using the new procedures. Include supervisors and managers in the training; they must be familiar with new procedures, too, so they can coach employees who might be struggling, identify additional training needs, and track employees’ progress toward mastering the new procedures.

Best Practices in Training

Focus on continuous professional development helps drive high retention rate

From day one, new hires at Secure-24 are immersed in a culture of learning, and they have a myriad of opportunities to learn and grow professionally throughout their career. “The thing people really love about Secure-24 is their ability to learn,” says Vice President of HR David Piwowar.

Secure-24 (www.secure-24.com), a global provider of managed cloud services, IT operations, and applications hosting, was recently named to *Computerworld*'s top 100 2017 Best Places to Work in IT. Combined with competitive salaries and benefits, continuous education has helped the Southfield, Michigan, business grow 20 percent year over year, attain a 95 percent employee retention rate, and earn a high customer satisfaction rate, Piwowar says, noting that training also has enabled Secure-24 employees to build career paths there.

The company hires many entry-level IT employees right out of college and puts them through its Academy Model training program. “The Academy Model is a big part of what makes us successful in our training,” says Training Manager Joe Elliott.

“It is a key differentiator for us,” Piwowar agrees.

The program includes up to 2 years of training for new hires. “They get 6 weeks of extensive training right out of the box before they go on the floor” to provide IT support to customers, Piwowar says.

As part of their training, new hires shadow more experienced employees, which helps new hires gain knowledge and expertise in a variety of advanced technologies. In addition, Academy Model participants get continuous and constant feedback from Secure-24 quality analysts, Elliott explains.

Participants get exposure to call shadowing, and they complete customer-specific training modules, which help them understand Secure-24's relationship with

customers. While some new hires are assigned to a core team that focuses on providing support to a single customer or a very small set of customers, other new hires work at the generalist desk to tackle broader support issues, Piwowar says.

“At the help desk, they train with their peers, taking the calls they can and shadowing,” Elliott adds.

Each new hire's performance is measured against 14 objectives. They are required to demonstrate a myriad of skills, such as successfully resolving an issue or routing an issue for a customer and explaining technology from a theoretical and practical standpoint, for example, Piwowar says.

After new hires complete the Academy Model program, they have a variety of learning opportunities available to them—no matter what role they step into at Secure-24. That includes ongoing opportunities to participate in industry-specific training and certification programs, and employees are encouraged to do so. “We absolutely want them to get full exposure” to a variety of new technologies and be able to provide exceptional support to customers in the process, Elliott says.

Secure-24 recognizes the importance of helping its IT team stay current as new technologies emerge, Piwowar says, attributing the company's success with training to a comprehensive approach. That is, managers help employees create individual development plans, and the company provides mentoring opportunities, uses bite-size learning, provides self-paced training, offers exposure to a variety of tools and technologies, and promotes a culture of continuous learning. He says Secure-24 also uses a “push and pull” approach to training in which employees are given direction regarding what skills they need to develop and latitude to pursue specific areas that interest them.

What is the ROI ... (continued from page 1)

can have swift and sweeping negative effects on an organization and its brand.”

Those with maturing training programs (48%) “have a basic plan for the year that covers risk and role-based topic assignments,” and they measure the effectiveness of their programs with completion rates and qualitative feedback, NAVEX Global reported.

Meanwhile, the survey found that participants with advanced training programs (10%) “have a sophisticated multiyear training plan that covers a variety of

topics assigned to specific audiences based on need and risk profile,” and they use “a disciplined approach to reporting and measuring training effectiveness that focuses on training outcomes.”

Even though complying with laws and regulations was the top training objective among participants, 36% do not provide ethics and compliance training to their boards, and an additional 21% are unsure whether they do. A mere 25% provide cybersecurity training to their board members, and only 41% offer cybersecurity training at all.