



FMLA CORNER RETURNS

Please share this information with FMLA Coordinators, payroll/benefits staff, and any others who work with the FMLA.

STAFFING ANNOUNCEMENT

Laurie Benallo has taken a new job assignment in the Division of Human Resources, DPA and is no longer the primary contact for FMLA and leave policy questions and issues.

Jerry Wittmer, formerly of the Departments of Revenue and Transportation, has taken over responsibility for coordination and implementation of FMLA and leave in the state system. Please welcome Jerry to his new role and direct your FMLA and leave questions and concerns to him. You can contact Jerry at 303-866-2523 jerry.wittmer@state.co.us.

MEETING ANNOUNCEMENT

The next FMLA Coordinators meeting will be held at the Ft. Logan auditorium on Wednesday, December 15, 2004 starting at 8:30 am.

UPDATE ON PHYSICIAN ASSISTANTS (PAs) AND FMLA MEDICAL DOCUMENTATION

In the past, Physician Assistants (PAs) were not recognized as qualified health care providers for FMLA purposes because their authorization to diagnose and treat physical and mental conditions was performed under the supervision of a medical doctor, a specific exclusion in US DOL's regulations. However, the regulations also recognize "any health care provider from whom an employer's group health plan's benefit manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits" as acceptable health care providers under FMLA. Because the state's group health plans recognize physician assistants as health care providers for claims purposes, there is no need to continue excluding PAs from the list of acceptable providers who are authorized to sign Medical Certificates and Fitness-to-Return documentation.

See "FMLA Corner" page 5

BULLETIN NEWS BRIEFS

- Proposed JEL 05-2 contains the changes to the commission award plan for the Lottery Sales Representative class series. A meet and confer is scheduled for December 10, 2004, at 1:30 p.m. The meeting will be held at the Office of the Colorado Lottery, 720 S. Colorado Blvd., Suite 110 (The Galleria Building), Denver, CO 80246. All meet and confer activities must be concluded by December 30, 2004. For additional information, please contact Travis Engelhardt at 303-866-4252. Written comments may be faxed to 303-866-2458, e-mailed to travis.engelhardt@state.co.us, or mailed to 1313 Sherman St, Room 122, Denver, CO 80203.
- Under HB 04-1020, the State Personnel Director is required to submit a report to the Joint Budget

committee by December 1, 2004 with recommendations for the implementation of an employee incentive program. All employees are encouraged to review the report.

- Proposed JEL 05-1 contains the changes to the Enforcement and Protective Services occupational group and class series, due to statutory change. A meet and confer was held on November 10, 2004.

To learn more about these and other human resources, risk management, benefits, and C-SEAP policies and issues, go to www.colorado.gov/dpa/dhr ("Recent News").

SRMAG SCHEDULE CHANGES

BRENDA HARDWICK
SAFETY AND LOSS CONTROL SPECIALIST

In 1997, the Statewide Risk Management Advisory Group (SRMAG) was created to be a conduit for risk management information exchange and an educational venue for risk management issues. Since then, the organization has been an excellent forum for educating and assisting the state risk management community. SRMAG provides information about a wide range of topics, such as terrorism, seasonal illness, injury prevention, lifesaving equipment such as automatic external defibrillators (AED), building mold detection, violence in the workplace prevention, CSEAP's role, ADA, FMLA, and STD/LTD, and much more. SRMAG meetings were held on a monthly basis.

Due to staffing changes and budget reductions throughout the state, attendance by state employees has decreased. In order to make SRMAG more cost efficient, the Office of Risk Management has implemented immediate scheduling changes. First, please note that

no meetings will be held until 2005. Effective the first of the New Year, SRMAG will meet quarterly, with the first session scheduled for Thursday, January 13, 2005. The Office of Risk Management anticipates that future meetings will be held on the second Thursday of April, July, and October. Meetings will continue to be held at the offices of Pinnacol Assurance, located at 7501 E. Lowry Blvd. from 1:00 pm – 4:00 pm.

The Midtown Occupational Health Services will present the topic for the January 13, 2005 meeting, "Sleep, Fatigue, and Shift Work, How To Cope." Anyone in state government is welcome to attend, but we especially urge workers' compensation handlers, safety committee members and risk liaisons to put these meetings on their calendar. For more information, please contact Brenda Hardwick at brenda.hardwick@state.co.us or 303-866-4292.

CHILD CARE DISCOUNTS FOR STATE EMPLOYEES

BY TRAVIS ENGELHARDT
STATE WORK/LIFE PROGRAM COORDINATOR

Do you need childcare? If so, would you like a discount on childcare services? Childcare tuition discounts are available for all state employees through a number of childcare providers. Kindercare Learning Centers, La Petite Academy, ABC Child Development Centers, Kiddie Academy Child Care Learning Centers, Kid's Place, Little People's Landing, and Knowledge Learning Corporation offer tuition discounts. These discounts are available to all state employees in all branches of state government. To obtain childcare discount rates and information, contact the chosen provider and let them know you are a State of Colorado employee and learned about this discount through work. The providers will explain the details so you may make the best decision for your family.

Employees are reminded that arrangements made are the sole responsibility of the individual family. The State assumes no obligation for these arrangements and does not endorse any of the organizations or their programs. For information on all Work-Life employee discounts and resources go to www.colorado.gov/dpa/dhr/WL/worklife.htm or contact Travis Engelhardt at travis.engelhardt@state.co.us.

HELP FOR THE HUMORLESS

BY MARY FENTON
C-SEAP COUNSELOR

Humor aids in communication, helps with relationship building and workplace morale. It reduces stress and energizes us. It has been said that laughter is sometimes the "best medicine". I challenge readers to recall the physical and emotional feelings following a great and spontaneous bout of laughter. What a feeling of well being.

It is essential to take our work seriously and to work at our optimum potential. A little bit of levity can actually help us face work stress and perform better. In his article, "Taking Humor Seriously in the Workplace," Steven M. Sultanoff, PhD points out that administrators and human relations personnel note that humor is a one of the qualities they look for in an effective employee. Additionally, in a recent survey conducted by Accountemps, more than 80% of CEO's questioned said they believe that a good sense of humor is "important to very important" in moving up in their company.

When we understand that laughter and fun can improve the climate in the workplace, some might ask, "Can it get carried away?" "Yes," it can! The proverbial clown can get annoying and inappropriate. The challenge for any workplace is to achieve a balance by accepting some spontaneity, setting limits if needed as well as strategizing ways to integrate a lighter approach to our daily routines.

Laughter is directly related to health and stress reduction, according to an article, "The Laughter Immune Connection," written in 1997, by Lee Berk, MD & Stanley Tan, MD, PhD. The authors point out that "laughter is a form of eustress (a pleasant or curative stress) that releases those bad and distressful emotions that cause harmful chemical effects on the body. It can lower blood pressure, increase vascular flow, and boost the immune system. It gives the diaphragm, abdominal, intercostals, respiratory accessory, and facial muscles a complete workout. Laughter also releases endorphins in the brain; these are our bodies' natural painkillers. Endorphins are neurotransmitters that attach to the same receptors in our brains as opiates. Opiate drugs numb pain. When we laugh, it releases the endorphins in our brain: thus, laughing is like taking morphine without the adverse side effects."

Berk and Tan also did an experiment with 10 males in 1996, concerning the laughter immune connection. The men had volunteered and were fasting. Berk & Tan had the men watch funny videos for one hour. They took blood samples of their interferon-gamma (IFN) before, during and after watching the films. The significant

results showed increased activity of IFN after watching the videos and even into the following day. IFN activates the cells that help to fight viruses. (T-cells, B-cells and immunoglobulins.) This could be paramount in researching Cancer and deadly viruses, and still another logical reason to seek joy. Even John Steinbeck, famous author of *Grapes of Wrath* and many other noted novels, once said, "A sad soul can kill you quicker, far quicker than a germ." When we laugh, we simply feel better.

Some ideas that workgroups can use to exercise their "laughter muscles" are the following:

1. Have a bright and cheerful break room where employees can get away and relax.
2. Dedicate a bulletin board for rotating a variety of humorous items. This can include tasteful jokes and posters, cartoons and fish tanks.
3. Lighthearted reading materials or joke books.
4. Place surprises in the room or decorate for holiday themes.
5. Make a list of amusing things you can do for yourself and do them every week.
6. Provide puzzles or games.
7. Add something new to this list monthly.

Stress and humor are polar opposites. It is not possible to experience both simultaneously. Stress is often the cause of illness, burnout and absenteeism. When we laugh, feelings like depression, anger and anxiety dissolve. The integration of humor and acceptance of periodic humor makes for happier workgroups.

The Colorado State Employee Assistance Program (C-SEAP) is your confidential resource for workplace and personal issues. We provide confidential counseling, manager consultations, and organizational development programs, as well as skill development for a more positive workplace.

To reach us from within the Denver area call 303-866-4314. Outside the Metro area, the toll free number is 1 800-821-8154.

PSYCHOLOGICAL ABUSE AT HOME AND WORK

BY RANDI C. WOOD
DIRECTOR, C-SEAP

Thanks to the Colorado Bar Association's "Domestic Violence: Make It Your Business" project, hundreds of State of Colorado employees have received information and training about the impact of domestic violence on the workplace during the past three years. While this project ends in December 2004, awareness and training activities will continue indefinitely. The goal is to teach as many managers, supervisors, and employees as possible to recognize that a colleague may be involved in an abusive relationship, respond appropriately, and refer to C-SEAP and/or community resources. The benefits of addressing domestic violence at work include increased productivity and safety, as well as the value of creating a culture in which employees are encouraged to speak the truth.

When the subject of domestic violence comes up, conversations inevitably move in the direction of defining and clarifying the word "violence." Are the behaviors that describe domestic violence limited to physical abuse like kicking, punching, beating, slamming against walls, forced sex, and pulling hair, or do they include psychological abuse? Indeed they do. Psychologically abusive behaviors like name-calling, put-downs, and threats are demeaning, cruel, and often more painful and destructive than physical abuse. Victims of domestic violence (both men and women) know that while a black eye or broken bone can heal, psychological abuse erodes self-esteem and self-confidence, and contributes to a life in which fear, anger, shame, humiliation, and sadness are the norm. There are no casts or bandages for the wounded spirit, the damaged ego, or the loss of dignity.

Unfortunately, the psychologically abusive behaviors that occur in domestic violence situations are similar to the psychologically abusive behaviors that sometimes occur between employees or between employees and supervisors/managers in the workplace. When it happens at work, it is known as workplace bullying. Gary and Ruth Namie, authors of *The Bully At Work*, define workplace bullying as "the repeated, malicious verbal mistreatment of a target (the recipient) by a harassing bully (the perpetrator) that is driven by the bully's desire to control the target." According to Gary and Ruth Namie, "that control is typically a mixture of cruel acts of deliberate humiliation or interference and the withholding of resources and support preventing the target from succeeding at work." Bullies often threaten careers and sometimes can inflict physical harm. Like domestic violence, bullying behavior is always about power and control. It is perpetrated by individuals who lack normal inhibitions, devalue coworkers, and put their own need to control others above the employer's goals. The workplace bully destroys morale and employees' confidence; causes anxiety and depression; markedly lowers productivity; and impairs hiring and retention. While tolerance for bullying is decreasing, our society is still relatively slow to take action against bullies.

Bullying is not a management style; it is abuse. It is about anger and aggressiveness.

If a co-worker or supervisor is bullying you, silence will not help you or your organization. The best solution is to let the person know that the behavior is unacceptable and ask that it be stopped, or report the behavior to someone in management. If you are afraid, consider calling C-SEAP for confidential counseling and/or referral in order to minimize your own emotional devastation.

If you feel that you sometimes use your rank to control employees, or if you have been accused of being a bully, or if you sometimes remind yourself of the schoolyard bully from your younger days, you may want to contact one of the counselors at C-SEAP for coaching and assistance in becoming more aware of the impact of your behavior on your employees and yourself and to develop strategies for initiating new approaches to supervision or management. You may find that this will unleash a higher level of productivity and performance from your employees, and ultimately create an overall better working environment.

If you are a manager or a senior manager and you have an employee (at any level) who fits the description of a bully, you may want to consult with a C-SEAP counselor about assessment and referral options (treatable problems with alcohol, anxiety, or depression may be exacerbating the bully's aggression), short-term C-SEAP counseling for the employee, or anger education classes. Additional strategies to consider if you have a bully under your supervision include: focus coaching to modify abusiveness; 360 evaluations before promotions; and being certain that "treatment of others" is a serious part of the measurement and reward system. It is estimated that one in six US workers is the target of a bully at work; C-SEAP and the workplace have a unique opportunity to work together to prevent bullying from occurring within Colorado State government.

For more information about "Make It Your Business" and domestic violence at work, please visit www.makeityourbusiness.org or contact C-SEAP. For more information about bullying, visit www.bullybusters.org or contact C-SEAP for consultation. C-SEAP provides assistance to any employee coping with psychological abuse from an intimate partner, a co-worker, or a supervisor/manager as well as to the perpetrators of such abuse.

Further reading:

Brutal Bosses and Their Prey: How to Identify and Overcome Abuse in the Workplace by Harvey Hornstein

Coping With Toxic Managers, Subordinates, and Other Difficult People by Roy Lubit, M.D.

The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity On the Job by Gary Namie and Ruth Namie

ON THE LEGAL FRONT

Henegar v. Daimler-Chrysler Corp. (E.D. Mich., August 2003)

Facts: Henegar had several health conditions but never told his employer. On April 7th, after a flare-up of symptoms, he left a message on the employer's automated system that he was ill and would be absent. He saw his doctor the week of April 16th and was told to stay home for another week. He left another message on the automated system that he would be absent, he did not speak to either his supervisor or the HR office. During his absence he went to work to pick up a paycheck and also golfed in the company tournament. He called in sick again on April 21, and then reported to work on April 24. He provided a handwritten excuse to the HR office and was told his absences were being investigated. The doctor's office told the company that Henegar had not been treated between April 4 and 23. Henegar was terminated on April 26th for failing to provide proper medical documentation.

Outcome: The court found Henegar failed to provide notice as soon as he knew he needed leave for a serious health condition. Calling the automated system did not provide the employer with the necessary information to determine if the employee had a qualifying condition. Henegar claimed retaliation for exercising his rights but because he never told his employer he needed FMLA leave, he could not establish such a claim.

Cavin v. Honda of America Mfg. Inc. (6th Circuit, October 2003)

Facts: Cavin injured his shoulder in a motorcycle accident for which he received medical treatment and

was excused from work for a week. Following his employer's attendance policy, he informed the security office of his absence and assumed his supervisor would be informed. Cavin returned to work following a plant closure, and contacted the leave coordination department about a leave of absence. He then met with a representative to review the attendance policy and was informed that further attendance violations would result in termination. Cavin explained about the accident and was given 15 days to submit documentation to support FMLA leave. He was told all of his absences were not considered FMLA leave because he failed to call the leave coordination department within 3 days of the first absence. Cavin provided documentation by the deadline but it was incomplete. FMLA leave was granted for part of the absences but one request was denied because of an incomplete certification form. Cavin was given eight days to provide additional information, but the doctor failed to complete the form on time. Cavin was disciplined and terminated for violating the attendance policy.

Outcome: Remanded for further proceedings. While Cavin violated the attendance policy and failed to provide timely notice, the FMLA does not allow employers to deny leave when an employee fails to follow internal procedures if the employee gives timely notice of the need for leave. Though Honda claimed Cavin never requested leave or indicated he had a serious health condition, his statement that he had been at the hospital and was unable to work due to the injury was sufficient notice.

Please direct your FMLA questions to Jerry Wittmer (primary contact) at jerry.wittmer@state.co.us or 303-866-2523, or Laurie Benallo at 303-866-4247 or laurie.benallo@state.co.us.

A RESPECTFUL WORKPLACE

BY PAT ROMERO
LEAD RULES INTERPRETER

"We are each unique individuals with our own gifts, skills, concerns, and perspectives. This uniqueness is part of what makes us who we are as a person; and in the workplace, it can also be what makes us similar to and different from our coworkers. How can we find common ground given all of our unique gifts, skills, concerns, and basic differences? We all have one thing in common – and that's the desire to be treated with respect."

The above quote is part of a training session on the topic, "Promoting a Respectful Workplace." While we tend to agree that today's workplace can be disrespectful, it's hard to develop a sense of whose responsibility this is. This is the topic for discussion at the Mediators' Brown Bag session on Monday, January 24, 2005, from 11:30 to

1:30, at 1313 Sherman, Room 220. Facilitated by Roz Bedell, Human Resources Director for the Department of Public Health and Environment, participants will discuss what they can do to help employees and supervisors create a respectful workplace.

Questions that will be explored:

- How do we know if our workplace is respectful to everyone?
- Do we value the job roles that individuals are in at all levels?
- Is there support from management for addressing "jerk" behaviors?
- Do we have an organizational culture that values differences?
- How can mediators help create a respectful workplace?

For more information, call Pat Romero at 303-866-5383 or pat.romero@state.co.us.

Course Schedule

2004 – 2005

SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY
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COLORADO SUPERVISORY CERTIFICATE PROGRAM

\$725.00

		Denver November 2,4,9,16,23		Denver January 2005 10-14			Denver April 5,12,19,26 & May 3	
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COLORADO LEADERSHIP DEVELOPMENT PROGRAM

\$725.00

	Denver October 5,12,19,21,26							Denver May 10,17,24,26,31
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THE RULES FOR SUPERVISORS AND MANAGERS

\$150.00

	Denver October 13	Denver November 3		Denver January 18	Denver February 2		Denver April 6	
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PROGRESSIVE DISCIPLINE

\$150.00

	Denver October 14	Denver November 19		Denver January 25	Denver February 9		Denver April 7	
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COLORADO STATE MEDIATION PROGRAM

\$725.00

					Denver February 3,4,10,11,18		Denver April 14,15,21,22,29	
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EMPLOYMENT LAW UPDATE SEMINAR

Schedule to be Announced

INTRODUCTION TO COLORADO CONTRACT MANAGEMENT

Schedule to be Announced



DPA

Professional



Your partner in employee development

Development Center

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