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September 2014

# FMLA

## Practical Steps to Lessen Abuse of Intermittent Leave

### Facts

Jonathan has been granted intermittent FMLA leave for migraine headaches. In reviewing his absences, the human resources manager notices that his patterns of absences tend to fall on Fridays and Mondays or whenever he is asked to help out with building pallets. His manager is frustrated by Jonathan's unpredictable attendance. The manager is requesting that human resources either demand that Jonathan attend work more regularly or begin the termination process.

What can human resources do?

### Practical Guidance

Patience is the key requirement for dealing with difficult and questionably abusive FMLA leaves. In other words, the HR manager should not overreact to the manager's concerns by moving directly to termination. Instead, the HR manager should apply the following steps each time that s/he receives a request for FMLA, especially for intermittent leave.

- Carefully review the medical certification provided by the employee's health care provider. If it is incomplete or ambiguous, instruct the employee to have the doctor correct the form.
- Once a completed form is provided, carefully review and note the frequency of estimated absences. If the employee's actual absences substantially exceed the estimate, require that s/he seek recertification.
- At the time of receiving the original medical certification, if you have reason to doubt its validity, (i.e., the condition and/or amount or frequency of the required leave), you may seek second and third opinions.
- Ensure that the employee abides by the company's normal call-off procedures.

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# From the President



Jennifer Graft, MBA, SPHR

## *Simplify Leadership Development with "Fred"*



The world is growing more complicated by the second, so it's no wonder that simplicity can feel so refreshing. And in the business and HR world, companies that occasionally harness the power of simplicity can experience powerful returns. For example, Google's homepage is a white backdrop, a text box and two buttons. Behind it are more than a trillion Web pages.

According to Andrew Lobo, former vice president of strategy and talent management for Sports Authority, "in corporate America and the world over, people think complexity equals intelligence. Therefore, there's an inherent bias against doing things simply." But those in charge of leadership development can benefit by looking for opportunities to adopt a simplicity mindset by paring down leadership development into simple concepts in simple time frames that are simple to implement. Most people do not want to know how their watch works; they just want to know what time it is.

With the idea of simple, powerful results in mind, Employers Resource Association is pleased to host, via simulcast, author Mark Sanborn. Mark is the author of *The Fred Factor* and *Fred 2.0* (as well as eight other books) and will present his program "Lead Like Fred: Lessons in Extraordinary Leadership."

Some specific topics covered in this simulcast event are the four sources of passion, the first job of leadership, how to reinvent yourself and avoid burnout, how to replace money with imagination to create better value and how to create a "team of Freds," among other topics.

Insightful and engaging, this simulcast is sure to spark some new ideas for your leadership team. Simple concepts to understand and implement and simple to attend, just log in at your own desk.

Register [here](#) or call 513.679.4120 or 614.538.9410 to take part in this exciting simulcast event. It's that simple.

# Survey Update



Doug Matthews, PHR

The 2014 Non-Profit Survey report is now available! We had 63 non-profit organizations provide pay information on over 5,350 employees in 72 different jobs in fields such as:

- Child/Elder/Family Services
- Community Services
- Educational/Cultural
- Government/Public Agency
- Healthcare

## Are you worried about justifying your salaries to the IRS?

IRS Form 990 requires non-profit organizations to list the compensation of their Officers, Directors, Key Employees and Highest Compensated Employees. In order to avoid an audit, the IRS recommends listing "Reportable compensation from related organizations," such as an independent salary survey like ERA's Non-Profit Survey. All participants have received a copy of the survey, but if you were not able to participate, it is available for purchase as well. Please contact the survey department for more information or you can go [online](#) and purchase through our [webstore](#).

## Accessing Past Reports

Did you know that you can access the last three years of the local salary and benefits survey reports that your company has completed on our website? This is a great way to get survey information when you are traveling, working from home or you just cannot remember where you saved your report files. All you need to do is log in to the Members Only section of our website, and go to this page: <http://www.hrxperts.org/surveys/review-reports.html>. There you will see a link to download all of the surveys that are available to your organization. They are all pdf files, so you can open them on just about any device.

If you are looking for any of our mini surveys (Health, Wage and Salary Adjustment, etc.), they can be found by logging in and clicking here: <http://www.hrxperts.org/surveys/>. Once you are on the page, scroll down to the section titled: "As a member of ERA you are given access to the following reports."

Please do not hesitate to contact the Survey Department at 513.679.4120, toll free at 888.237.9554, or e-mail Doug Matthews at [dmatthews@hrxperts.org](mailto:dmatthews@hrxperts.org) if you have any questions about our survey processes or need assistance with completing your survey questionnaires.





# Human Resource Management II

**Date:**

Thursdays, October 2, 9, 16, 23, 30 & November 6, 2014

**Time:**

8:30 am—12:00 pm

**Location:**

**ERA Cincinnati Office**  
1200 Edison Drive  
Cincinnati, Ohio 45216-2276

**Member Fee:** \$390.00

**\*Non-members Fee:** \$546.00

**PHR/SPHR/GPHR**

**Recertification Credits:** 21

**CEUs:** 2.1

**CPEs:** 21 management


**Who should attend?**

*HRM I* graduates or any HR generalist or administrator.

**Member Discount:**

Register three or more people at least 14 days prior to the program to qualify for a 5% Group Discount.

\*Pre-payment is required for non-member.

To register, e-mail [training@hrxperts.org](mailto:training@hrxperts.org), call 513.679.4120 or [online](#).

This follow-up course builds upon [Human Resource Management I](#) and provides a deeper analysis of issues facing the HR professional. This program concentrates on applying sound management practices to the HR function. Participants will learn how to review practices, policies and procedures for consistency. The focus then shifts to the implementation of strategies for positive employee relations, including compensation and benefit practices and employee relations developments. Specific discussion will center on protecting the company from agency challenges and charges and how to coach and counsel employees with behavior or performance problems. Guidance for the formal performance evaluation process rounds out the program.

**Learning Objectives:**

- Develop HR policies and procedures that do not violate federal and state employment and labor relations laws
- Improve employee relations and retention with goals and accountabilities for all leaders, including first-line supervisors

- Know what your company expects you to do when an agency pays you a visit
- Prepare for and improve chances of prevailing in an unemployment hearing
- Effectively deal with difficult coaching situations—for direct reports as well as when coaching other

**About your instructor...**

**Tammy Bennett, Esq.**, Association Counsel & Director of Compliance Services, leads this informative and valuable program.



Tammy Bennett, Esq.

**CANCELLATION POLICY:**

Substitutions may be made at any time prior to the first class session. No-shows or cancellations in writing within 2 full business days will be charged.

**Date:**

Tuesdays, October 7, 14, 21, 28,  
November 4 & 11, 2014

**Time:**

8:15 am—12:15 pm

**Location:**

**ERA Columbus Office**  
300 East Broad Street, Suite 550  
Columbus, Ohio 43215-3774

**Members Fee:** \$410.00

**\*Non-member Fee:** \$574.00

**PHR/SPHR/GPHR**

**Recertification Credits:** 24

**CEUs:** 2.4



**CPEs:** 24 management

**Who should attend?**

Supervisors, managers, exempt  
team leaders and *EL I* graduates.

**Member Discount:**

Register three or more people at  
least 14 business days prior to the  
program to qualify for a 5% Group  
Discount.

\*Pre-payment is required for non-  
members.

To register, e-mail  
[training@hrxperts.org](mailto:training@hrxperts.org), call  
513.679.4120 or [online](#).

# Excellence in Leadership II

This program builds on the concepts developed in [Excellence in Leadership I](#). Participants take a detailed look at communicating to influence others, communicating with employees regarding performance issues, coaching for performance improvement, providing praise and recognition, managing conflict with subordinates and with peers and how to delegate effectively. The program finishes with an important look into a manager's need to understand sexual and other workplace harassment for what it is, providing information on how to spot and stop it, and the organization's obligation to investigate and eliminate it.

**Learning Objectives:**

- Improve communication skills to influence and gain cooperation
- Complete a conflict style self-assessment
- Develop conflict management strategies utilizing various models: HEAR, AEIOU and Six Essential Techniques
- Apply six-step coaching method and role-play coaching scenarios
- Effectively use the progressive discipline process

- What to do if employees show no improvement
- How to “fire without fear”
- Protect your organization against claims of workplace harassment and discrimination
- Use delegation as a tool for development

**About your instructor...**

**Dawn Hays, Esq.**, Director and Counsel, Columbus Office, is well versed in coaching, training and development, drafting policies and procedures, and recruiting/staffing, developing and facilitating both public and in-house training programs on a wide variety of topics.



Dawn Hays, Esq.

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*These companies  
have recently  
joined ERA.*

*Thank you for  
your trust and for  
joining our  
membership of  
over 1300  
organizations.*

## New Members

**AIM MRO Inc.** is located in Camp Dennison, Ohio. Mr. Barry Bucher is the CEO.

**Aquarius Professional Staffing** is located in Cincinnati, Ohio. Mr. John Carroll is the President.

**Benchmark Insurance** is located in Westerville, Ohio. Mr. Earl Linhart is the President.

**Cardington Yutaka Technologies** is located in Cardington, Ohio. Ms. Erika Lancaster is the Senior Manager.

**Discount Fashion Warehouse** is located in Plain City, Ohio. Mr. Jeff Bradshaw is the Owner.

**Mebs and Associates, LLC** is located in Erlanger, Kentucky. Mr. Greg Mebs is the CEO and Executive Director.

**Republic Wire, Inc.** is located in West Chester, Ohio. Mr. Ronald Rosenbeck is the President and CEO.

*(Continued from page 1, FMLA: Practical Steps to Lessen Abuse of Intermittent Leave)*



Tammy Bennett, Esq.

- Require that the employee expressly state that a leave is FMLA covered.
- Methodically track all FMLA related leave.
- If, based on patterns of absences or other reasons, you believe the employee's leave is fraudulent, you may conduct a workplace investigation or hire a private investigator to evaluate the employee's activities.

If you have questions about FMLA or other leave management issues, please contact the ERA hotline to speak with an HR expert at 888.237.9554.

# Member Highlights



*Welcome, new members to ERA—  
Thank you for your membership!*

## Goodwill | Easter Seals Miami Valley

In 1934 they opened their doors as a Goodwill affiliate and focused on assisting people to live independently through job training and job placement services. This important endeavor, in the community, was based on the Goodwill model of focusing on empowering people through the dignity of work.

In 1999 they combined with another mission-focused organization known as Easter Seals giving them the opportunity to serve children and seniors, thus broadening their scope of support for the communities they serve.

Today, this powerful combination, known as Goodwill Easter Seals Miami Valley, serves people with disabilities, and other needs, in 23 Ohio counties and numerous local communities from Lima in the North, to Middletown in the South, to Greenville in the West and Urbana and Bellefontaine in the East.

[Visit their website](#)

## RAYMOND JAMES®

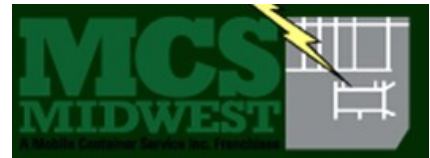
The Granville Investment Group, Inc. is dedicated to providing clients with comprehensive financial solutions. They are focused on building a partnership with those who entrust them with their finances and investments. When a client goes to their firm for advice, they are committed to addressing their questions and needs.

[Visit their website](#)

## SportsMedicine GRANT

SportsMedicine Grant is a private Orthopaedic Physician's Office which was founded in 1985. They have 8 physicians and 50 employees. They have satellite locations as well as their main office which is located at Grant Hospital. They are not part of Grant Hospital.

[Visit their website](#)



MCS Midwest LLC formed in 2007 providing management and repair services to companies in the waste industry. They have operational shops located in Chicago, Detroit and St. Louis.

## ACPI

ACPI Systems, Inc. is an electrical contractor specializing in automation and integration of process control systems.



Franklin Park Conservatory and Botanical Gardens is a premier horticultural and educational institution with a rich history dating back over 150 years.

# Safety Spotlight



## Press Release From OSHA

**WASHINGTON** – The U.S. Department of Labor's Occupational Safety and Health Administration announced a final rule requiring employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. The rule, which also updates the list of employers partially exempt from OSHA record-keeping requirements, will go into effect on January 1, 2015, for workplaces under federal OSHA jurisdiction.

The announcement follows preliminary results from the Bureau of Labor Statistics' 2013 National Census of Fatal Occupational Injuries.

"Today, the Bureau of Labor Statistics reported that 4,405 workers were killed on the job in 2013. We can and must do more to keep America's workers safe and healthy," said U.S. Secretary of Labor Thomas E. Perez.

"Workplace injuries and fatalities are absolutely preventable, and these new requirements will help OSHA focus its resources and hold employers accountable for preventing them."

Under the revised rule, employers will be required to notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputations or losses of an eye within 24 hours. Previously, OSHA's regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations or loss of an eye was not required under the previous rule.

All employers covered by the Occupational Safety and Health Act, even those who are exempt from

maintaining injury and illness records, are required to comply with OSHA's new severe injury and illness reporting requirements. To assist employers in fulfilling these requirements, OSHA is developing a Web portal for employers to report incidents electronically, in addition to the phone reporting options.

"Hospitalizations and amputations are sentinel events, indicating that serious hazards are likely to be present at a workplace and that an intervention is warranted to protect the other workers at the establishment," said Dr. David Michaels, assistant secretary of labor for occupational safety and health.

In addition to the new reporting requirements, OSHA has also updated the list of industries that, due to relatively low occupational injury and illness rates, are exempt from the requirement to routinely keep injury and illness records. The previous list of exempt industries was based on the old Standard Industrial Classification System and the new rule uses the North American Industry Classification System to classify establishments by industry. To access the new list go to <https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>

The new list is based on updated injury and illness data from the Bureau of Labor Statistics. The new rule maintains the exemption for any employer with 10 or fewer employees, regardless of their industry classification, from the requirement to routinely keep records of worker injuries and illnesses.

For more information about the new rule, visit OSHA's website at <http://www.osha.gov/recordkeeping2014>.



**Columbus Training**

[Investigating Employee Complaints and Misconduct](#) will take place on Wednesday, October 8 8:30 am—11:30 am

[AAP Requirements](#) will take place on Wednesday, October 15 8:30 am—5:00 pm

**Cincinnati Training**

[Making the Transition to Supervisor](#) will take place on Wednesdays, October 1, 8, 15 & 22 8:15 am—12:15 pm

[OSHA 30-Hour General Industry Outreach Training Program](#) will take place on Wednesdays, October 1, 8, 15, 22 & 29 9:00 am—4:00 pm

[Excellence in Leadership II](#) will take place on Thursdays, October 2, 9, 16, 23, 30 & November 6 8:15 am—12:15 pm

[Interpersonal Skills Development Series](#) will take place on Tuesdays, October 7, 14, 21 & 28 8:30 am—11:30 am

[Perfecting Your Presentation Skills](#) will take place on Tuesdays, October 7 & 14 8:30 am—3:00 pm

[Management's Rights in a Union-Organizing Campaign](#) will take place on Tuesday, October 28 8:30 am—12:30 pm

[Investigating Employee Complaints and Misconduct](#) will take place on Wednesday, October 29 8:30 am—11:30 am

To register for classes, e-mail [training@hrxperts.org](mailto:training@hrxperts.org) or call 888.237.9554.

# ERA Special Events

## Lead Like Fred -

Mark Sanborn  
Sanborn & Associates, Inc.

## "Lessons for Extraordinary Leadership Simulcast"

**Wednesday, October 8, 2014**

**12:00 pm - 1:30 pm**

**Member Fee: \$79.00**

**Member Group: \$249.00**

**Non-member Fee: \$110.00**

To learn more or to register, click [here](#).

## Legal Breakfast Briefing -

Jeff Shoskin  
Frost Brown Todd LLC

## "Effectively Handling Performance Problems, Misconduct and Corrective Action"

**Tuesday, October 21, 2014**

**8:30 am - 9:30 am**

**ERA Cincinnati Office**

**Member Fee: \$25.00**

**Non-member Fee: \$35.00**

To learn more or to register, click [here](#).

## Legal Breakfast Briefing -

Matthew Byrne  
Jackson Lewis

## "Pregnancy: Discrimination, ADAAA, FMLA and Ohio Public Policy"

**Tuesday, November 18, 2014**

**8:30 am - 9:30 am**

**ERA Cincinnati Office**

**Member Fee: \$25.00**

**Non-member Fee: \$35.00**

To learn more or to register, click [here](#).

## ERA Staff Members

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# Ohio Employers To Receive Refunds In BWC Settlement

The Ohio Bureau of Workers' Compensation recently agreed to a \$420 million settlement of the San Allen suit. The class action lawsuit was filed against Ohio in 2007 over the BWC's group rating premium setting.

Several court decisions leading up to this settlement ruled that BWC overcharged a significant amount of Ohio employers on their workers' compensation premiums during a period from 2001 to 2008. In essence, group-rated employers received premium discounts while those not enrolled in group rating plans were charged more to subsidize the group discounts.

The BWC has since made significant changes to its rate making policies and system to address the issues at the heart of this suit, including how premium discounts are calculated and how they invoice. The state has agreed to create a \$420 million fund to pay claims to eligible employers. Claims will be filed with a designated Settlement Administrator appointed to manage the claims process.

Eligible Ohio employers should have received a claim notification form (Sworn Proof of Claim) on August 22, 2014 from the Settlement Administrator which must be fully completed and submitted by October 22, 2014.

The Settlement Administrator will check claim forms for errors and omissions and employers will have 20 days to correct and resubmit the form. In January 2015, the Settlement Administrator must complete claim process and compile a report with all claim amounts for the class members that submitted forms and by February 2014 the final discharge and checks will be released.

If you have any questions regarding the settlement or are concerned you should have gotten a notification, call Katie Mahon, workers' comp consultant, at The Matrix Companies at 513.351.1222.

*Article provided by The Matrix Companies, an ERA partnered Service.*



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\*Executive Committee Members

# Unemployment Cost Savings Option Available For Non-Profits

If your organization is classified as a not-for-profit, you have many options for alternative funding when paying for unemployment. Non-profit employers who qualify under IRS Section 501c3 have the option to opt out of the tax fund and reimburse for benefit claim charges rather than paying a quarterly tax.

Matrix Unemployment Services, partnered service provider for ERA, has now joined with Ohio Indemnity to offer additional unemployment funding programs for non-profits that go beyond the options listed above. Non-profit organizations are encouraged to research these options at this time of the year as the cost savings could be up to 50 percent. These programs can still provide the budget normalization that you would receive if you were in the tax fund.

Requests to switch from the tax fund to a reimbursing employer must be completed in writing by November. Employers switching from one status to another must remain in the elected status for at least two years. If a non-profit organization is switching from reimbursing to tax contributing, they will be assigned the new employer rate in Ohio of 2.7% Kentucky 2.7% and Indiana 2.5%. This new employer rate will be in play for the first two years. The rate will change after the two-year period based on your unemployment claims experience.

The advantage of tax contributing (paying a tax rate each quarter) is that it allows for easier budget forecasting, as employers will know what their quarterly tax rate will be for the year. Reimbursing employers (paying claim for claim every month) is best for employers who do not have many unemployment claims because you only pay when someone is granted unemployment.

The additional unemployment funding options Matrix can now provide through Ohio Indemnity uses a formula that is like both of these options. However, it can also offer protection so you know exactly what you will pay for a two-year period. It's great for your organization's budgeting and also protects you from a bad year of unemployment claims which will lower your costs.

As mentioned, this time of year is a perfect time to review your non-profit unemployment cost options. Should you be in the tax fund or should you be reimbursing and paying claim-for-claim? Finally, there are other alternative cost saving options beyond the tax contributing and reimbursing options that can truly lower your unemployment costs while providing protection for your budget.

If you would like to learn more about this information or about how Matrix Unemployment Cost Management can help your organization reduce your unemployment claims and costs, contact Ken Kruse at 513.351.1222 or via e-mail [kkruse@matrixtpa.com](mailto:kkruse@matrixtpa.com).

*Article provided by The Matrix Companies, an ERA partnered service.*





Monique Kahkonen, SPHR

# Increasing Employee Satisfaction with Benefits

Employees are increasingly dissatisfied with their benefits, and therefore dissatisfied with their employers.

This trend, according to new research released in July 2014 by Unum, highlights the correlation between employers' benefit offerings and the ability to attract and retain top talent. What's more, the survey found employees who receive education about their employee benefits tend to be more satisfied with their benefits — and ultimately their employers.

The survey results released show employee satisfaction with their benefits continues to closely relate to satisfaction with their employer. More than three-quarters (77%) of those workers who rate their benefits package as "excellent" or "very good" also rate their employer as an excellent or very good place to work. By contrast, only 17% of employees who consider their benefits package to be fair or poor rate their workplace as excellent or very good.

Also, 79% of workers who rated the education on their benefits as excellent or very good also rated their employer as excellent or very good — compared with only 30% of those who said the education they received was fair or poor.

A key take-away from this research is the value of an effective benefits education plan; when an employee understands their benefits, they tend to value them more and in turn may then value their employers more for providing access to them.

This Unum research reiterates recent findings from the Aflac Workforces Report that small business employees are not only dissatisfied with their employer's benefit offerings, but are also willing to take a pay cut to work for an employer offering better benefits.

Unum's online survey of 1,521 working adults, finds that only half (49%) of U.S. workers rate their employer as an excellent or very good place to work and less than half (47%) of employees who were offered benefits by their employer rated their benefits as excellent or very good. This is the lowest rating of benefits in six years of conducting the research.

The survey also shows employees do not feel they are getting the information they need about the benefits they're being offered. Only 33% of employees who were asked to review benefits in the prior year rated the benefits education they received as excellent or very good — a drop from 2012 and a reversal to the upward trend in ratings since 2009. In addition, nearly three in ten (28%) rated their benefits education as fair or poor.

With the new way of funding health care and other changes that employers are implementing due to increasing costs, employees have so much information to digest right now. This is a great time for employers to help employees understand their options through education so they will feel comfortable making benefits decisions.



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Do you need more information about a service or program offered by ERA?

Would you like to talk to one of our experts in a particular specialty?

Here's a list of some of our most popular services, and the main contact person for each of them.

**In Cincinnati, please call: 513.679.4120 | In Columbus, please call: 614.538.9410**

	<b>Cincinnati</b>	<b>Columbus</b>
<b>Hotline</b> .....	Dan Chaney	Lori Lewellen/Barb England
<b>Administration &amp; Posters</b> .....	April Risen	April Risen
<b>Compensation &amp; Benefit Services</b> .....	Monique Kahkonen	Monique Kahkonen
<b>Affirmative Action Plans</b> .....	Carol Reubel	Lori Lewellen
<b>HR On-Demand Services</b> .....	Carol Reubel	Lori Lewellen
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<b>Assessments</b> .....	Patti Grogan	Patti Grogan
<b>Compliance Services</b> .....	Tammy Bennett	Tammy Bennett
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<b>Roundtables</b> .....	Dan Chaney	Barb England
<b>Salary &amp; Benefits Surveys</b> .....	Doug Matthews	Doug Matthews
<b>Custom Surveys</b> .....	Doug Matthews	Doug Matthews
<b>Membership</b> .....	Jim Carter Jennifer Graft	Jessica Parsons Jennifer Graft

**Register For Training Today! See Page 9 For Upcoming Classes.**