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A Human Resource Manual for Registered Nurse Managers Working in Non-Hospital Settings

Jane Elizabeth Gausch

A HUMAN RESOURCE MANUAL
FOR REGISTERED NURSE MANAGERS
WORKING IN NON-HOSPITAL SETTINGS

Jane Elizabeth Gausch, B.A.

An Abstract Presented to the Faculty of the Graduate
School of Lindenwood College in Partial
Fulfillment of the Requirements for the
Degree of Master of Human Resource Management

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ABSTRACT

"Becoming a successful manager in a health care agency is, for most new managers, an awesome and extremely challenging goal. Most new managers have little idea of the complexities of a management position and of the difficulties they will encounter" (Dajvidhaizar 65). Ever more, nurses are finding employment opportunities in small business environments and without the services of the human resource management department that is available to their counterparts in traditional hospital settings. Due to changes in the way health-care is being delivered, there is a pressing need for today's nurse manager to be better prepared than in the past. The knowledge needed is a combination of leadership skills acquired through experience in a health care environment, and an understanding of how to make sound managerial decisions that are in compliance with legal requirements.

This thesis will focus on the study of the development of human resource management in the workplace, and examine the implications that this has for nurse managers employed in businesses without access to such assistance. It also looks at how adults, women in particular, learn. Of interest, is whether it is possible to take advantage of these various learning styles when designing a human resource manual for predominately female

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nurse managers. Research indicates that while women can learn from a variety of methods, they prefer a collaborative give-and-take type of learning environment. Consequently, it would appear that while using a tool such as a manual is not impossible for female nurse managers, it is definitely not a style they would choose or one that comes naturally to the majority of them.

Three administrators and two human resource management directors participated in the study. They read the manual, completed a survey addressing its completeness, accuracy, and ease of use. Their comments were generally positive in nature, with the primary area of concern centering on how well managers could effectively deal with some of the legal applications of management termination.

**A HUMAN RESOURCE MANUAL
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This thesis is dedicated to my family: to Liz, my constant supporter who wholeheartedly told me "to go for it mom" and really meant it; to Steph, my partner in homework, who has never once complained that I was putting my school needs before her own; and to Gordie who believed more in my being able to complete this project than I did myself.

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Chapter 1

INTRODUCTION

"In order to manage people effectively in today's world of work, it is essential to understand and appreciate the significant competitive, legal, and social issues," writes Wayne Cascio, Ph.D. in his text <u>Managing Human Resources</u> (1). Indeed, the manager of 1996 has to successfully perform human resource actions needed, having accountability to the firm, peers, and subordinates. With companies continually restructuring staff duties and implementing downsizing activities, the field of human resource management itself is constantly redefining its responsibilities and focus. These factors have helped to make it more important than ever, especially for first-line managers, to have a working knowledge of the basic human resource functions including interviewing/hiring techniques, employee coaching/discipline, compensation/ benefit plans, employee law, and strategic planning.

While the term "human resource development" was probably not coined until World War II when it was used in connection with the military's public opinion polling, working for human betterment is not a new concept.

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Since the time of antiquity prophets and scholars, such as Confucius, Socrates, Jesus, and Mohammed have been interested in how problems of power/authority, cohesion/morale, and norms/standards relate to the family and community. Strangely enough, the first recorded business application was not made by a traditional industry manager, but by an artist in the 1700s. During the industrial revolution Josiah Wedgwood, an English potter and inventor of Wedgwood ware performed experiments concerning quality control (Craig S6).

It was not until two hundred years later that the Bureau of Labor Statistics took the first organized look into the categories and distribution of employer sponsored human resource benefit packages. Dr. Elizabeth Lewis Otey's published report of this pioneering study, titled "Employers' Welfare Work" was a collection of brief detailed case studies which were intended to serve as a guide to good employment practices. While modern critics would probably view the companies' practices as rather paternalistic, Otey's turn of the century readers approved of the "welfare work" shown by employers who considered unions, immigrants, and employee apathy as the greatest obstacles to progress. These benefactors provided employees with an assortment of "perks" including libraries, reading rooms, gyms, lounges with pianos, company newspapers and picnics, and gardening clubs. One clothing

manufacturer even employed a "matron" to be an advisor to young female employees. Despite the fact that the report is one-sided (employees themselves were not interviewed), Otey's BLS report does provide a good glimpse into the world of business prior to the first World War. Since there were few government regulations in place in 1913, participation in employee benefit plans was strictly voluntary. From the wide range of practices that did prevail during this period, it would appear that not all employers believed initiating welfare programs would increase profits. See Table 1 for an analysis of employer provided welfare benefits common at the turn of the century (Mitchell 52-54).

Table 1

Proportion of firms in 1913 study with selected welfare practices
(in percent)

Practice maintained	All firms	Firms with high commitment	Firms with low commitment
Formal welfare department/secretary	16	44	0
Employee representation plan	2	11	0
Company housing	16	0	44
Training/apprenticeship program	18	33	22
General education facilities	10	11	0
Eating facility	68	78	44
On-site medical facility/attendant	42	78	22
Other recreational/cultural facility*	86	89	89
Special attention to lighting/ventilation	36	56	11
Other noteworthy health/safety policies	6	22	0
Sickness/disability pay	72	100	11
Pension plan	20	22	11
Stock or profit-sharing plan	8	11	0
Death benefits	56	89	0
Accident benefits**	10	33	0
Mutual benefit association	54	100	0
Paid vacation plan	18	22	11
Formal link to savings institution/plan	18	44	11

The 50 firms described in the 1913 study were ranked by the proportion of the welfare programs listed which they provided. The top 9 firms in the ranking are designated "firms with high commitment," the bottom 9 "firms with low commitment."
 * Presence of a locker room is not counted.
** Plans providing compensation for loss of limbs and similar injuries, excluding sickness and disability plans.
SOURCE: The 1913 Bureau of Labor Statistics Study. As cited in <u>Monthly Labor Review</u> by Daniel Mitchell (February 1992).

The early 1900s saw major changes in the urban workforce. First, as

the United States began to move from an agricultural society to a

manufacturing one, the demand for new workers increased. In addition, the outbreak of World War I caused a shortage of qualified experienced employees. Women and immigrants began to enter the work place in unprecedented numbers, causing a transformation in the make up of the workforce. These changes did not go unnoticed by the early human resource professionals (industrial psychologists), who began to look into how well the newly hired worker's skills matched employers' needs. Industrial psychologists also began looking at ways to develop less subjective measurement criterion for employers to use when hiring workers.

Of special interest was finding a more objective method for personnel selection of lower level employees. Newly developed mental tests and other objective gauges quickly became popular tools in personnel selection. Employers began to use rating scales to measure an individual's job performance characteristics. Walter Dill Scott's labor intensive study, into what traits successful salespersons possess, was the first of its kind. Using a one-to-one scale, he compared the employees in various areas of job success to non-salespersons. A few years later, another industrial psychologist named Kingsbury looked at how forty-five raters ranked four hundred and fifty bank employees. He was one of the first scientists to describe how raters could

suffer from such biases as halo, leniency, central tendency, and shifting standards (Austin 839-842).

This early work provided the foundation for later developments in rating scale usage. Surveys indicated that within twenty years more than a third of the companies polled used some type of rating system. Most of the larger manufacturing companies had devised their own merit rating plans. By the late 1940s, for example, the Life Insurance Office Management Association had instituted a behavioral checklist for clerical employees. The increased awareness was not only limited to the private sector, as World War II brought new interest and subsequent research into an objective measurement criterion within the government, as well (Austin 846 - 850).

Rating scales are only one facet of personnel management, however. Many authorities believe that the true beginning of Human Resource Development occurred in 1946 with the experiments into group dynamics that Kurt Lewin and Leland Bradford performed, while attending the American Council on Christians and Jews (Blake 23).

Within a year, the first of three separate groups, the National Training Laboratory in Group Development opened in Bethel, Maine and began to conduct studies. Started by Bradford and Benne, the training group focused their attention on daily meetings called T-Groups. These morning sessions of

fifteen to twenty members had an assigned leader but no special agenda. During the two hour sessions group members would find a topic, discuss it, and then talk about how they talked about it. Member critique and feedback were crucial to the T-Group's development.

A second group of psychologists, on the west coast, attempted to duplicate the efforts of National Training Laboratory. While power/authority was emphasized in Bethel, the Western Training Laboratory group focused on other issues. Bob Tannenbaum and Chuck Ferguson ran marathon T-Groups which lasted up to thirty-six hours. This is how they examined group norms/standards and the effect fatigue had on morale and group cohesiveness. The WTL is also known for their nude T-Group sessions. Members would meet in a swimming pool. One person would float in the water while the others would stand, hold hands and rock them back and forth. The hope was that the cradling would replicate some of the early life experiences of infants.

The final team was comprised of university professors from four different southwestern schools. In an effort to stimulate cohesion/morale the Southwest Training Laboratory, located in Austin, Texas, created and then examined groups that had no officially assigned leader. This type of group dynamics formed the basis for the self-directed work teams that are common in industry today as well as directly influencing the field of education by

introducing a new method of teaching. Thanks to Tannenbaum and Ferguson, professors began experimenting with removing themselves from the traditional "leader" role in the classroom and turning the authority over to the group (Blake 24 - 27)

It would seem that nearly everyone was trying to improve the worker's life during the Eisenhower era. Psychologists and training directors began to see the need for a better balance between technology and conceptual awareness. In classrooms, words like deficiency, relevance, and contamination became basic organizing terms for students of criterion. Business managers sought out additional training in psychology. Even top management became involved, encouraging the spread of employee training into new fields such as politics. In 1950, anti-communism was the theme for The American Society of Training Directors' annual conference: "Training Must Safeguard Free Enterprise" (Austin S7). The federal government sponsored the first of its efforts with the introduction of a program titled, the "Action Course in Practical Politics," the aim of which was to motivate employees to take a more active interest in the political party system (Craig S8 - S9).

The next twenty years brought changes in both the depth and scope of human resource management and subsequent training techniques. At least five different behavior-based scales were introduced during this period: the mixed

standard scales (1972), behavioral expectation scales (1963), behavioral observation scales (1977), behavioral discrimination scales (1979), and behaviorally anchored scales or BARS (1963), as well as the Myers-Briggs psychological type indicator. These tools provided ways to begin to measure job behavior and not just work outcomes (Austin 850 - 851).

Organizational development began to gain wide acceptance. This field would blend selection, development, organization structure, management methods, interpersonal relations, and group dynamics. Managers began practicing management by objectives (MBO), and Leonard Nadler's term "human resource development" became a part of the business vernacular. Technological advancements like the mini computer made new types of programmed instruction available, and for a short time even an electromechanical teaching machine was a popular training tool (Craig S7).

By 1989, some thirty years after Deming took his quality in-management theory to Japan, Total Quality Management, quality circles, and quality of life issues become popular business concerns here in the United States. Both The One-Minute Manager and In Search of Excellence were "number one" sellers, further helping to increase the number of seminars on training topics such as teamwork, empowerment, diversity, adventure learning, and corporate culture. Politics continued to play an ever-increasing part in the

field as President Bill Clinton, who was elected on a platform that endorsed training, created the Office of Work-Based Learning within the Department of Labor.

In addition, the influence of women entering the human resource field could be felt. Female assertiveness training classes, discussions on sexual harassment in the work place, and courses on how to break through the glass ceiling were started in most business communities. By 1990 nearly 47 percent of the American Society of Training Directors were women (Craig S8 - S12).

The role of Human Resource Development has expanded considerably since the 1913 Bureau of Labor Statistic's "Employers' Welfare Work" study was conducted, and while no one knows exactly what changes will occur in the future, one thing is for certain; "as business climate changes, HR professionals must change with it" (Caudron 58). Unfortunately, it is a fact that frequently human resource management continues to be undervalued in today's business world. One reason for this is that HR objectives frequently seem out of sync with the company's overall business strategy, in that the usual methods for measuring the effectiveness of employee management appear to have little direct relevance to the company's business strategies.

Today many companies are shifting the focus of the HR department in an effort to make it more of an active partner in the overall business plan, less

of a doer for other departments and more of an enabler for line managers (see

table 2). The idea is that a strategic human resource management (SHRM)

program can be used to gain an advantage over competitors (Tokesky 115). A

1995 study commissioned by the U.S. Labor Department found that companies

who train workers, involve them in decisions, give them a stake in the business,

and keep inventories at low levels do receive benefits in terms of increased

profits and a competive edge over competitors (Ruback 14).

Table 2

**Successful Companies That Have Completed Or Are Currently
Engaged In Restructuring Or Refocusing The HR Function.**

Banker's Trust	Merck and Co.
Corning Glass	Pitney Bowes
Eastman Kodak	Reynolds Metals
Hoecjst-Celamese	Texas Instruments
IBM	Wal-Mart Stores, Inc.
Johnson and Johnson	Xerox

SOURCE: Whirlpool NAAG study as cited in "A Model and Process for Redesigning the
HRM Role, Competencies and Work in a Major Multi-National Corporation" by Gregory
C. Kesler (1995).

More and more executives feel like Tim Epps, Vice President of

People Systems for Saturn Corporation. "HR must become bottom-line valid.

It must demonstrate its validity to the business and its ability to accomplish

business objectives," he said (Caudron 56, 61). Companies need to develop a

framework or measurement system for initiating HR performance objectives

that will support this strategy by both measuring results and then identifying

ways to make improvements:

1. The primary purpose of the measurement system should
   be to drive the organization toward greater levels of
   effectiveness--a tool for telling the organization how well
   they are doing.

2. A company should adopt only a handful of measures, and
   these measures should provide a balanced view of an
   organization.

3. The measures selected for the system should be related
   to business performance and accepted by management
   as credible and useful for the organization.

4. The measurement system should be capable of informing
   About specific opportunities to improve its organization.
   (Zornitsky 16 - 18).

A 1992 survey by Hewitt Associates showed that most of the top HR

executives at one hundred fifty-one-Fortune 500 companies agreed with Epps.

Ninety-five percent cited "HR's support in implementing business strategy and

developing a better partnership with line managers" as a high priority issue,

with 9 percent listing it as the most important one for the next decade

(Caudron 58).

Many HR staff claims that companies ask them to "be more strategic,"

but then have a difficult time explaining what exactly they mean. One company that has had a successful changeover in the development of a SHRM program is Whirlpool Corporation's North American Appliance Group (NAAG). They recently developed a company-wide program that was based on "doing-the-right-things," rather than the more traditional way of "doing-things-right." For human resources that meant realizing that even though HRM technical skills are still needed, they are not enough. HRM executives need to become a part of the company's stratgeic plan, begin to focus on higher-value roles, and play a larger role in organizational outcomes (see table 3).

What are possible areas of focus for human resource development managers of tomorrow? Linda Thornburg, in HRMagazine, article, posed that question to four top human resource development authorities to get an idea of what they felt a HR director's job would be like fifteen years from now.

Speaker, author, and trainer, William Bridges, felt that there would be "no path in any visible sense" and that there would be "so little hierarchy left in an organization that the idea of moving up would be pretty well dead." Mr. Bridges did not feel that he will really have a "job" anymore, but rather a series of assignments where he would function more like an internal consultant or troubleshooter (64).

Table 3

Value-Added Approach to HR Priority Setting

	"Doing Things Right"	"Doing the Right Things"
	Low-Leverage Work	**High-Leverage Work**
"Strong" HR Know-How	Good technical contribution Constantly over-worked; valet Client-dependency Good fire-fighter Bottlenecks/controls	Strategic/diagnostic Enable others Teacher/coach Process developer Problem-preventing Optimized skills
"Weak" HR Know-How	Irrelevant	Pass-through contributor Not contributing to infrastructure Avoids details Sub-optimal impact May be "politician

SOURCE: NAAG multi-dimensional model as cited in "A Model and Process for Redesigning the HRM Role, Competencies, and Work in a Major Multi-National Corporation," by Gregory C. Kesler (1995).

Dave Ulrich of the University of Michigan School of Business tended to agree with Bridges. We will "pride ourselves on being a boundary less company where titles and positions mean less than ideas and information," he

said, and "the concept of a vertical career" will have disappeared long ago (Caudron 66 - 67).

Madelyn Jennings, Senior Vice-President of Gannett Co. felt her "primary responsibility would be to coordinate and integrate the intellectual capital" of the company because "the ideas and passions of employees will be the most critical resource" (Caudron 66 - 68). Ms. Jennings described these companies of tomorrow as highly decentralized global conglomerates.

Mitchell Fromstein C.E.O. of Manpower saw his future role as a facilitator between the school systems and labor market. His primary duties would be to provide quality employees to each "operating unit" at an agreed upon cost. He would also work with the schools in designing classes that would produce the "flexible workers" that would be needed in 2010 (70).

What *are* possible areas of focus for human resource development managers of tomorrow? Sensitivity, sharing, tolerance, development, leadership, teamwork, psychology, organization, conflict resolution, and wellness training are but a few of the paths that HRD will probably follow. One thing, though, is for certain. The center of the focus will definitely be on "human betterment." In his article, "Memories of HRD," Robert Blake wrote that the HRD field of tomorrow "will be seen as crossing a great frontier, with

the goal of bringing applications of the behavioral sciences into everyday use to better human activities in all of their shapes and forms. When or where will its explanation ever stop? No one knows" (Caudron 27).

The success of companies who have instituted strategic human resource management plans gives cause to look into initiating similar plans within other firms. For larger companies creating such a department is usually looked upon as a cost of doing business, paying for itself by increasing overall employee satisfaction and hopefully subsequent production. Smaller companies are lucky to have even a single person with human resource management expertise, so that first-line supervisors and managers rely pretty much on their own personal judgment in decision making.

This is especially true in the medical field, where within the past five years the industry has seen tremendous changes and reductions in reimbursement policies. Patient care practices have restructured in an attempt to accommodate these cost-cutting changes, resulting in an ever increasing amount of services to forgo the traditional hospital setting opting for that of community-based facility. Surgical centers, home care registries, hospice, and radiological functions are only a few of the once hospital-based departments that have set up shop as small privately owned businesses. Unfortunately, this puts registered nurses who are often promoted on a basis of good people skills

and/or above average clinical expertise but with little or no educational background in the field of human resource management in an awkward situation.

This study will focus on human resource management training in a small business environment. In particular, the thesis will look at various learning styles of adults and a human resource management manual especially designed for nurses.

Chapter 2

LITERATURE REVIEW

Cognitive Styles

What is meant by the term cognitive or learning style? Valerie Krake defined it as "an individual's characteristic method of responding to and processing learning events as he or she experiences them" (17). While this may seem a simple concept, it is complicated by the fact that different researchers have used a variety of labels for the way learning takes place. Each has approached the problem from their own unique point of view resulting in a potpourri of theories.

The pioneering work in the field was done by G.W. Allport in 1937. As the first researcher to look at what he coined as 'cognitive styles,' Allport described the process as a "person's typical or habitual mode of problem solving, thinking, perceiving and remembering" (Riding 194). It was not until almost forty years later that researchers began expanding beyond the theoretical, and attempted to apply Allport's theories to more practical, educational, and training settings. The broadened scope gave birth to a new term: learning style. Kagen and Kogan's research in 1970 found that a person's learning style is not a stable structure where once it is determined it

remains 'frozen forever,' but rather an ongoing process; "a changeable liquid with no form of its own, yet always in flux" (Riding 194).

In 1983, Curry proposed that all cognitive/learning measures could be divided into three groups, which she compared to layers of an onion. According to Curry, instructional preference is the outermost layer of the onion and as such, is also the most observable. This is the layer that is most susceptible to the learner's environment, such as the expectations of both the student and teacher. Instructional preference, Curry believed, is not only the least stable layer but is also the most easily influenced one (Riding 195).

The second layer of the onion is the individual's intellectual approach to collecting information. Since this processing does not depend as heavily upon the environment they are more stable than instructional preference, but are still changeable by a teacher's learning strategy. Curry referred to this layer as the 'information processing style' (Riding 195).

The least changeable and most permanent style is the third layer of the onion which Curry named the 'cognitive personality.' It refers to how an individual adapts to and assimilates information. The most difficult to recognize, a researcher must observe a student's behavior over an extended period of time in a variety of learning situations to determine a subject's area of strength. Curry believed that the 'Myers-Briggs Type Indicator' (Meyers 1962), the 'Embedded Figures Test' (Witkin 1962) and Kagan's 1965

'Matching Familiar Figures Test' all helped to determine which type of third layer learning style an individual has (Riding 195).

In 1991, Richard Riding and Indra Cheeman examined Curry's view on learning and applied it to data available on cognitive structure from other researchers. They found that learning styles and their effect on classroom behavior and performance could be divided into two major groups. Riding and Cheeman labeled them the 'Wholist-Analytic' and the 'Verbialiser-Imager' dimensions of cognitive learning (195).

In order to be included in the Wholist-Analytic Style, a measure had to possess three characteristics. It had to be an 'established' measure. This was determined by the amount of research that supported the style. The measure needed to be applicable to a classroom setting, and had to have some shared characteristics with the most popular teaching style label, field-dependence-independence (196).

According to Witkin, Moore, Goodenough and Cox field independent teachers tend to prefer a more formal structured approach with students, while field dependent teachers rely upon a more open classroom type of approach with frequent interaction with learners. Witkin and Goodenough claimed in 1981, that field independent individuals rely on an internal frame of reference, whereas field dependent persons have an external one. In addition, field independent learners are better at providing structure to a confusing or

ambiguous situation, breaking information down into core units, and approaching problems from an unorthodox viewpoint in an effort to solve them (Riding 196-198).

A second style dimension that Riding and Cheeman included was an idea originally introduced by Kagan in 1964 labeled, 'Impulsivity-Reflectivity.' The term is used to describe the individual differences in the speed with which individuals make decisions under periods of uncertainty. The differences are most easily identified by using Kagan's Matching Familiar Figures Test. Kagan found that learners could be grouped into two main types. The first looked at the figures briefly and made a quick choice. Kagan referred to these learners as having a cognitively impulsive type of learning style. The second group of learners deliberated before responding as they carefully considered each option. Kagan labeled this learning style as a cognitively reflective one (198 -199).

Guilford's work on learning styles in the 1950's was another area that Riding and Cheeman felt had merit, and deserved closer observation. Guilford had found that some people are, what he termed convergent thinkers. This group shows a preference for problems with one correct answer such as those seen in multiple choice questions and intelligence tests. A divergent thinker, however, is more successful at answering problems with more than one correct answer, especially where quality or degree of importance is emphasized. The

educational implication of Guiford's work is easiest seen in comparing mathematics and science where logical thinking and structure are essential, to the teaching of the arts where a divergent approach would be most successful (Riding 200).

In 1954, Holzman and Klein focused on how a visual task is first perceived, and then assimilated. They divided learners into two groups: Levellers and Sharpeners. According to the researchers, a Leveller tends to over simplify and easily assimilate new information with existing knowledge. Sharpeners, on the other hand, tend to keep new ideas separate from previously learned material. The 'Leveller-Sharpener' category forms the basis for the fourth grouping for Riding and Cheeman's work (201-202).

The final cognitive style that Riding and Cheeman considered was based on work by Pask in 1972. According to Pask, individuals follow either a wholistic view of learning, where they tend to scan large amounts of data searching for patterns and relationships; or they have a serialist type of approach where they examine less data and use a step-by-step approach to confirming ideas. A summary of Riding and Cheeman's findings is shown in on the following page in Table 4 (202-203).

Table 4

Learning Characteristics of Wholists Versus Analytics

Wholists	Analytics
Field dependence	Field independence
Impulsive	Reflective
Levelers	Sharpeners
Divergers	Convergers
Wholists	Serialists

SOURCE: Educational Psychology. Exhibit from "Cognitive Styles an overview and integration," by Richard Riding and Indra Cheeman.

The second dimension, which Riding and Cheeman studied, is the verbaliser-imager style of thought processing. A number of imagery questionnaires have been developed since Galton's original, 1883, 'breakfast table' questionnaire which examined the quality of images invoked by individuals when visualizing certain scenes. There is a large problem with such questionnaires, in that they all require self ratings of images. On tasks where good images would be helpful, this makes it difficult to validate testing or to show correlations with objective performance (205).

Both of the questionnaires, which Riding discussed, attempt to measure verbal and mental abilities, habitats and preferences. Research has shown that depending upon the task at hand, most people can and do switch strategies. There are some individuals, however, who rely almost exclusively upon one or the other type of coding (Riding 206).

Paivio's (1971) Individual Difference Questionnaire (IDQ) has eighty-six true-false questions and is scored on a single dimension so that people with high visual tendencies tend to score high while those with verbal abilities usually have low scores. The Verbaliser-Visualiser Questionnaire (VVQ) is a similar but shorter measurement tool which shows similar results to the IDQ. However, because of concerns about the test's internal reliability educators have used this tool infrequently. Both tests do show similar findings and suggest that Verbalisers prefer and perform better on verbal tasks while Imagers do better with concrete descriptive ones. Consequently, when there is a mismatch between learning style and type of presentation, decoding and remembering of information is usually poor (Riding 206-208).

In summary, Riding found that research does suggest that there are two basic components of cognitive style: the Wholist-Analytic style which refers to whether a person tends to process information in wholes or parts, and the Verbal-Imagery style of learning which describes how some individuals learn to 'represent' information verbally while others do so in images. Since the two styles are independent of each other, it would appear that there are numerous types of learners. For instance a person may be an Imager and a Wholist, while another may be an Imager and an Analytic, or a Verbaliser and a Wholist, or even a Verbaliser and an Analytic (208-210).

A second researcher interested in learning styles is Campbell McRobbie, from the Centre for Mathematics and Science Education in Brisbane, Australia. He examined the relationship between cognitive style or preference and what the student liked to learn in relation to scientific theory. McRobbie's initial observations encouraged him to conduct an in-depth study of his own. Pask's work did show that there is a definite relationship between learning style and science achievement, but McRobbie could find no one whose research had focused on the relationship as an independent variable (McRobbie 231-232).

The methodology that McRobbie used consisted of administering three tests: an initial test of cognitive organization, followed by a cognitive preference and educational set test, and finally one that measured relevant prior knowledge. Then, after two weeks of unrelated science instruction, the one hundred and sixty students involved performed additional testing (231-235).

The main analysis technique was multiple regression. While a comparison of the groups showed no significant differences on the scores on any of the pretest variables, this was not true in the post-testing phase. For instance, learners who scored high on a cognitive preference dimension scored lower on conceptual knowledge, than learners with a low score on this variable. The findings in this study did tend to support the importance of

cognitive style and the success a student may have for science learning (McRobbie 235-240).

John Hayes and Christopher Allinson looked at a variety of studies whose foci were on the relationship between learning style and instructional strategy. They included the work of seventeen separate research projects that were conducted between 1963 and 1990. Ten of the studies supported the premise that matching learning style and an instructional strategy style result in higher levels of learning, while seven of them did not (Hayes 65-66)

Hayes and Allinson felt that the failure of the studies to support the hypothesis was probably due to a variety of reasons. For example, in a 1970 study of Coop and Brown, the researchers felt that their teaching methods were not specifically analytic nor nonanalytic. Another problem noted in a study conducted by MacNeil was that some of the questions were too easy. This tended to artificially inflate some participant's answers. The third area of concern involved the work of Allinson and Hayes in 1988. Their results were collected by different examiners and with students in a variety of combinations. This produced a low level of internal validity (74-76).

Adults as Learners

"Malcolm Knowles (1984) says that adults will learn 'no matter what.' Learning is as natural as rest or play. With or without books, visual aids,

inspiring trainers, or training programs, adults will manage to learn" (Sims

71). The constant demands of a rapidly changing world require that higher

levels of learning as well as new settings for adult learning be encouraged.

Morris Fiddler was one researcher who addressed this subset of learning.

This philosophy of Robert Smith, as presented in his 1983 article "The

Learning-How-To-Learn-Concept: Implications and Issues," forms a portion

of the backdrop for Morris Fiddler's work with adult learners. The remaining

component comes from his own experiences as faculty member of the School

for New Learning at DePaul University. The university's adult education

program has the philosophical premise that, "the learner is the primary agent

of her/his learning and education, and that the curriculum is both an outgrowth

of that learner centeredness and a contributor to it" (Fiddler 290).

Fiddler presented five principles that explain his "teaching to

competence" concept. The first is that the primary objective of any program

should be that the learner develops and achieves the desired outcomes. A

large portion of responsibility for this to occur, is in the hands of the teacher,

who according to Smith, should design instruction around three activities:

1. finding the point of interest or access for each student and
   helping him/her become engaged;
2. supporting the learning of progressively detailed information;
3. stepping back and letting the learner make the subject or
   competence her/his 'own' through the application of knowledge
   (Fiddler 292-294).

The second tenet focuses on the fact that "teaching to the development of competence requires a responsiveness to differences among students in learning styles, personality types, learning levels, and needs" (Fiddler 291). By challenging the beliefs and ideas expressed by students, Fiddler hoped to "raise the level of skepticism learners bring to their work and inquiry," as well as to help with their intellectual and emotional maturation (294). He believed such an approach diminishes the traditional gap between instructor and student, as well as encourages a higher degree of intellectual autonomy on the part of the adult learner. These are important accomplishments since so much of adult teaching revolves around topics, issues, and experiences of the students (294-297).

Fiddler's third principle, claims that "supporting the development of competence may require facilitating learning through a variety of modes and within a variety of settings" (291). Independent study is one approach that can be used successfully with adults. These students, who are frequently at different levels of development, each have their own expectation of what the outcomes should and will be. Fiddler has found that an independent study arrangement with adults tends to show results similar to Bloom's 1984 "two sigma effect" (students perform a level two standard deviations above the norm if engaged on a tutorial basis) with the learners turning higher than

average work. A forty-eight-year BA student summed up his feelings as

follows, "I found the entire . . . process somewhat cumbersome and sometimes

frustrating, but when I was finished I realized that I had accepted full

responsibility for deciding how much I would get out of my educational

experience" (297-300).

Fiddler's fourth tenet in designing a competence-based program is the

inclusion of what he terms advising. This, he writes, "contributes to the

adaptability and autonomy of the learner" (291). Fiddler further suggests that

while it is impossible to ever completely "level the playing field" between

advisor/teacher and the student it is crucial to believe that learning is a type of

conversation with both sides having something of relevance to contribute (300-

301).

In his final principle, Fiddler states that this type of program "carries an

agenda of developing inquiry skills and attitudes to promote self-directed

learning into the future" (291). When it comes to learning, it is important to

have a broad viewpoint as opposed to a narrow focused one that limits

outcomes to a specific objective, he writes. Educators need to remember that

encouraging the integration of new material with existing knowledge helps

encourage a lifelong learning philosophy (302-303).

Recent emphasis on social and cultural diversity in college classrooms

has shown that students enter college with variations in the following areas: (1)

social skills, values, and characteristics, (2) information-processing skills, (3)

communication patterns, (4) learning styles, motivational styles, and (5)

psychological characteristics. According to recent research on field sensitivity

and field independence by James Anderson and Maurianne Adams, white

females, African-Americans, Native Americans, and Hispanic-Americans all

tend to fall on the relational, field-sensitive end of the continuum, while Euro-

American and Asian-American males fall toward the analytical, field-

independent end of the spectrum. These differences in learning styles have

definite implications for student instruction in today's multi-cultural

educational arena. The following two tables provide a quick reference in

depicting both the differences in student expectations, as well as in the

teaching strategies needed to address them successfully (Anderson 20-33).

Table 5

What Students Expect from Instructors, Based on Preferred Style

Field-Dependent Orientation	*Field-Independent Orientation*
1. To give support, show interest, be emotional.	1. To focus on tasks and objectives.
2. To provide guidance, modeling, and constructive feedback.	2. To encourage independence and flexibility.
3. To provide verbal and nonverbal cues to support words.	3. To provide commands and messages directly and articulately.
4. To minimize professional distance.	4. To maximize professional distance.
5. To seek opinions when making decisions and incorporate affective considerations criteria.	5. To make decisions based on analysis of problems and objectives.
6. To identify with values and needs of students.	6. To identify with goals and objectives of the task.

SOURCE: New Directions for Teaching and Learning. Exhibit from "Implications for Instructional Design" by James Anderson and Maurianne Adams (page 30, 1992).

Table 6

Field-Dependent and Field-Independent Teaching Strategies

Field-Dependent	Field-Independent
1. Focuses on needs, feelings, and interests of students.	1. Focuses on a task.
2. Acts as a consultant or supervisor in the classroom.	2. Fosters modeling and imitation.
3. Uses an informal approach and elicits class discussion.	3. Uses a formal, lecture-oriented approach.
4. Uses personal rewards.	4. Uses impersonal rewards.
5. Encourages group achievement.	5. Encourages individual achievement.
6. Narrates and humanizes concepts.	6. Emphasizes facts and principles.
7. Identifies with class.	7. Remains emotionally detached.

SOURCE: New Directions For Teaching and Learning. Exhibit from "Implications for Instructional Design" by James Anderson and Maurianne Adams (page 31, 1992).

Although researchers' Carol Pearson and Jean Price independently examined gender differences in learning, they came to similar conclusions in terms of how structured learning environments originally designed for men affect female students. In essence, women learn and process information differently than men. Women "keep having to reinvent the wheel so to speak," wrote Carol Pearson. "Each woman and each generation of women have to rediscover women's way of knowing" (4).

After studying the gender implications of Myers-Briggs, Kolb, and field independence versus field sensitivity, Pearson came to the conclusion that most

women prefer "collaborative, intimate learning settings; learning experiences which integrate theory with experience; and cognition processes which utilize feeling and empathy as well as thought" (Pearson 4). What this means, is that although a few women fit very nicely into a learning environment that is conducive to success for men, the majority are placed at a learning style disadvantage (4).

In addition, because of social reinforcement, women usually have less confidence then men. They find it difficult to comprehend that one person's opinion is as valid as another, and instead tend to move toward a faith in their own inner voice, even while constantly searching for a measure of validation from others (5-7).

Mid-life female students were the focus of a 1991 study by Jean Price. She explored their challenges relative to the classroom, preferred learning patterns, and their evaluation of course content. Included in the study, which was conducted over an academic semester, were: an educator, physiologist, business consultant, hospice volunteer, nurse, dietician, research librarian, home health-care supervisor, and geriatric counselor. The Adjective Check List (ACL) was administered to the women to determine what personality characteristic they shared. They wrote statements on course expectations and then later completed a Likert scale evaluation to register opinions on assigned assignments (Price 167-168).

Price found that the women tended to be power-oriented, scoring high on achievement on the ACL. As children they had positive female role models or were expected to meet high expectations. The women also tended to be refocusing their identities. "Out of anger and rage," said one woman, "I chose to pull myself up and put myself back together again, and so somehow I found myself in graduate school" (169).

The women had instructor preference as well. Instructors that encouraged a variety of teaching techniques and showed insight into their personal learning styles scored high. Half of the women stated that the class had personal significance, while the remaining declared that they were interested because it was relevant to their profession. Class discussion was the preferred teaching technique. Many students also felt that journal writing was an extremely helpful activity, not only as a study aid, but in helping to build a feeling of trust between the student and instructor. Price found that the women were not motivated to memorize facts, nor did they anticipate being quizzed on them. They tended to be unhappy when reading assignments did not contribute to a better understanding of themselves, and looked for ways that they could relate course material subjectively into their lives (Price 170-173).

<u>Adult Continuing Education</u>

"Continuing professional education (CPE) programs are expected to produce a variety of types of outcomes including new knowledge, skills, values, and attitudes. Yet for many if not most of these programs, improved professional performance is an ultimate outcome" (Cervero 136). Research substantiates that for most programs, improved professional performance is the desired primary outcome. A few CPEs, though, have focused on increasing knowledge or skill levels with a secondary outcome of improved performance increases. Ronald Cervers and Suzanne Rotlet examined the relationship between CPE programs and employee performance by conducting an exploratory study of a continuing nursing education program in the early 1980s (Cervero 136).

The study focused on a six-week orientation program which was designed for newly hired nurses in a Midwest medical center hospital. It included both classroom instructions as well as a clinical rotation. There were eight key goals:

1. Utilize the structure and interdepartmental system of the hospital.
2. Function within the context of primary nursing as it is practiced on the assigned clinical area.
3. Document nursing care according to appropriate nursing procedures.
4. Use human and/or material resources to assist in rendering patient care.

5. Perform the critical and frequently used nursing procedures required on the assigned clinical area consistent with scientific principles and hospital policies.
6. Adhere to medico-legal guidelines in performing nursing duties.
7. Set priorities concerning patient care activities based on patient acuity and staff availability.
8. Take an action that will correct, minimize, or prevent a problem in response to data that indicate an overt physiological risk to the patient. (Cervero 137)

Using a Likert scale, researchers measured ten independent variables. The participants rated the program on relevance, clarity, effectiveness of faculty, and the match between their learning styles and educational strategy used. The nurses response to the program was fairly positive. Sixty percent claimed that the program objectives were very clear, and 53 percent rated the faculty as effective. The nurses were less positive about whether the learning style matched their particular needs, or that they were interested in implementing the program goals into their nursing care strategy (139). These results can be seen in Table 7.

Cervero and Rotlet's statistics found that the hospital continuing education staff should be encouraged, as participants found the program to be of high quality with a positive effect on performance outcomes. They further stressed that even the best planned CPE program cannot really control the performance improvement, since there are many other factors influencing the participants, such as level of interest and desire for improvement. In this study

for instance, nearly 27 percent of the overall performance variance came from

such factors (138-145).

Table 7

Response Distribution for Selected Independent Variables

	Very Variable	Moderate	Somewhat	Not
Program Relevance				
Number	32	9	6	0
Percent	68	19	13	0
Clear Objectives				
Number	28	15	2	2
Percent	60	32	4	4
Faculty Effectiveness				
Number	25	17	4	1
Percent	53	36	9	2
Strategies Match Preferences				
Number	17	24	4	2
Percent	36	51	9	4
Implement Program Goals				
Number	21	23	2	1
Percent	45	49	4	2

SOURCE: Adult Education Quarterly. Table from "Analyzing the Effectiveness of Continuing Professional Education: An Exploratory Study," by Ronald Cervero (page 146, 1984).

David Belsheim took a different approach in evaluating CPE programs

and their success in the work place. His 1986 study was focused on an analysis

of three separate programs: a service orientation, an education orientation, and

a hybrid orientation. Belsheim looked at how each "Center" interacted within

a complex environment; which included the parent institution, external

funding, participants, clients served, and relevance of the program to the participants. All of the centers were recommended by peers for being successful operations. The researchers made a visit to each of the three centers, conducting interviews and eliciting data from persons considered being the most knowledgeable about the operation (Belsheim 212).

The primary function of Center A (a service organization) was "to provide professional development activities for the adult education professional (Coordinator). This included professionals in the twenty-seven counties of one of the State Office of Education regions" (213). The parent institution was a public school district having a large adult education program. The relationship between Center A and its parent was "one of separation and limited interaction" (213).

Learning formats tended to focus on an advisory type of role. Teachers were encouraged to meet with other educators, share problems, and information. For the most part the Center functioned as a consultant and workshop provider, with its primary desire to serve the practitioners in their region (214).

Center H (an education orientation) considered providing quality continuing education to health professionals in a sixteen-county region as its primary goal. The Center obtained funding, planned programs, performed registration, and kept records on site activities. However, the actual course

content was the responsibility of the parent institution, which was a local university (Belsheim 215-217).

Most of the programs were one day conferences, for which continuing education credit was given. Since courses were tailored to the participants needs, a variety of learning formats were used. The most beneficial was a combination of lectures, seminars, and workshops. Optimal health care delivery depends upon a team approach; consequently, interdisciplinary programs were especially popular. Major concerns of Center H were how to remain efficient and survive competition from other CPE area providers (215-217).

Center G provided a varied, or what Belsheim termed a hybrid orientation interested in improving professional competency-- "attitude and awareness first, then skills" (218). The major function was to provide in services composed of new and innovative ideas to career guidance and counseling professionals. Goals included fostering leadership roles and enhancing career development (218-220).

The Center used a variety of learning formats. A telephone information line provided more than 200 audio cassettes on information concerning job characteristics, job search techniques, advice on personal problems, and where to find assistance in the community. Reference materials were readily available for checkout, and a job information newsletter provided weekly

updates on employment openings. There was little person to person content. To increase efficiency, a consulting approach was used only to assess a person's needs and not in delivering the actual service itself. Other key activities included workshops and a graduate credit course offered through a neighboring university. The parent organization for Center G is a community college (Belsheim 218-220).

There are two significant findings evident from Belsheim's research. The first is that in an effort to better serve a center's client base, specialization of orientation programs varied. Secondly, it appeared that the adults who participated were interested in information that was relevant to their individual set of circumstances; the overall client base determined the orientation center's culture (220-222).

According to Ronald Sims, an Associate Professor of Business Administration at the College of William and Mary, an important step in developing and maintaining an effective training method for a work long environment is to decide what employee needs are, and then identifying training opportunities available to meet them. Trainers can enhance the experience by determining the participant's particular learning style and adopt an appropriate training method (Sims 73).

To determine an employee's learning style, Sims recommended using a combination of techniques. The first is Kolb's (1984) Experiential Learning

Theory (ELT) theory. Kolb's ELT describes a learning process, which is both active and passive, concrete and abstract.

> Kolb's ELT sees learning as a circular process in which
> Concrete Experience is followed by Reflection and Observation;
> this in turn leads to the formulation of Abstract Concepts and
> Generalizations, the implications of which are tested in new
> situations through Active Experiments. By combining parts
> of the four stages, Kolb identified four main styles of learning
> (Accommodator, Diverger, Assimilator and Converger), and used
> his Learning Style Inventory (LSI) to establish an individual's
> relative emphasis on each of the four styles. (74)

In addition to Kolb's LSI, Sims relied upon Grash-Reichmann's 1974 Learning Styles Questionnaire (GRLSQ). The GRLSQ classifies learning styles into three groups: dependent, collaborative, and independent. According to Grasha-Reichmann, an employee scoring as a dependent learner prefers a highly structured, lecture driven type of teaching style. In contrast, a collaborative learner likes a discussion-oriented training with maximum interaction. An independent learner likes to have some influence on the content and structure of the class with the instructor/trainer serving more in a consultant role. Although all training styles undoubtedly have their strengths and weaknesses, the most effective training session would take advantage of the employee's learning style. Sims' summarizes his implications for effective training in the following table (74-78).

Table 8

Implications for Public Agency Training

Matching of employees and trainers possessing similar learning styles and training styles should improve employee achievement in training programs and employee attitudes toward training. If maximizing these outputs is the main goal of the training program, then such matching would increase training efficiency.
Trainers and administrators should take training and learning styles into consideration when reviewing employee evaluations of training. These evaluations may be reflecting employees' responses to differences in training styles rather than being evaluations of training or the trainer.
Training researchers who evaluate different methods of training may need to control for training and learning styles.
Trainers who use only the dependent training style can improve employees' understanding and attitudes toward training by utilizing a variety of training methods.
The inconclusive results reported in surveys of the literature on employee evaluations of trainers may occur, not because a new training method is "bad" but because trainees with different learning styles will react variously to different methods. Thus some employees may gain, but others may lose, from using a new training method. Taking these different learning styles into account may provide more conclusive results of the evaluations of different training methods. Researchers may be able to discover which types of employees gain (or lose) from different types of training methods.
Many training research designs are costly to implement and to replicate because the need for research data requires "artificial" changes in training methods. For example, switching to a case-study approach or a self-paced method requires that a number of trainers deliberately and explicitly alter their method of training. Obtaining the necessary number of trainers to do that (especially more than once) may be difficult. On the other hand, researchers in training could use existing training and learning styles as factors to help study differences in training outcomes, without imposing the above costs on the trainers.

SOURCE: Public Personnel Management. Exhibit from "Improving Training in the Public Sector," by Ronald Sims (page 79, 1991).

One type of adult continuing education program which gained

popularity during the post World War II era was a method of self study and

learning called programed instruction. Allen Nash and Jan Muczyk published

their review, of more than one hundred such studies in 1971. In an article published in <u>Personnel Psychology</u>, the researchers wrote that everyone seemed to have an opinion on programmed instruction, but that "it is difficult to find two authors who drew the same conclusions about its effectiveness and appropriate role" (Nash 397).

The purpose of their article was to try and clear up some of the confusion. They placed an emphasis on how much difference was found between programmed learning and other methods, especially in the areas of savings in training time, immediate learning, and retention. Initial statistical analysis tended to support the premise that more often than not, programmed instruction was as good as or better than conventional teaching methods. However, Nash and Muczyk required more than just a minor statistical difference. In their opinion for a program to be considered as one with practical effectiveness, it needed to have at least a 10 percent statistical difference. This meant that only 32 percent of the more than two hundred programs would qualify (400-401).

When results for each of the three criteria were analyzed separately, it also became clear that programmed instruction's superiority was not uniform. Of the thirty-two comparisons made for training time, twenty-nine remained "superior" while only nine proved to provide such a difference in the area of immediate learning. Retention of learned material showed the smallest level

of success, with only five of the programs proving to be superior. Table 9

provides an analysis of the comparisons (403-404).

Table 9

**Comparisons of Programmed Instruction versus Conventional Methods
for Each Criterion in Studies Which Include Two or More Criteria**

	Conventional Method Superior	No Significant Difference be-tween Methods	Programmed Instruction Superior
Training Time	1	2	29
Immediate Learning	3	20	9
Retention *	5	16	5

* Of the 32 studies which included measure of both training time and immediate learning, only 26 also had a measure of retention.
SOURCE: Personnel Psychology. Exhibit from "The Relative Practical Effectiveness of Programmed Instruction," by Allan Nash and Jan Muczyk (page 404, 1971).

When looking at the methodology used within the various studies, Nash

and Muczyk found that it was very poor. They wrote that, "in many instances

the number of subjects is small, no controls at all are introduced, and in others

important variables are not controlled" (408). In addition, none of the studies

included any cost projections or analysis, so it was impossible to accurately

measure a program's cost effectiveness (Nash 408-409).

Finally, the researchers concluded that their research could include

what they termed a "lag effect." While they could find no evidence to

substantiate that newer programmed instruction techniques were superior to

those used in earlier studies, the possibility does exist (410-411).

Five years after Nash and Muczyk collected their data, another researcher, James Siemen, examined age group differences in programmed instruction. He tested two groups: one aged sixteen to thirty-two and a second aged sixty-seven to eighty-four. A pretest and post test were developed, each consisting of thirty-five four-alternative, multiple-choice questions. Each participant was allowed as much time as was needed to complete both tests as well as the program, itself (Siemen 184-185).

Based on pre- and post test scores, Siemen found that programmed learning was an effective method of learning for both groups. The largest variance was in how long it took the older group to complete the instruction process. When given unlimited time, scores between the two groups were similar. If speed is an essential controlling factor, though, the older adults are at a distinct disadvantage. Whatever the cause--decreased eye-hand coordination, unfamiliarity with testing, or because they simply learned to read at a more leisurely pace--the sixty-seven to eighty-four-age groups spent a longer time completing every aspect of the study (186-189).

The intent of this thesis is to design a manual for nurse managers operating in small business settings. Susan Allstetter Neufeldt examined the use of such a manual for doctoral students with at least three years of counseling experience, who were to supervise first-year master students. Her

research covered a three year period from 1991 through 1994, and involved six supervisors and twelve trainees. The primary goals for the manual included teaching beginning supervisors to "train counselors in the use of discrete skills in their first year of training, and secondly to assist the development of counselors into reflective practitioners" (Neufeldt 327-328).

Prior to meeting their trainees, the supervisors studied theories and research in supervision, as well as read the manual. They then met with a faculty supervisor to develop and act out potential instances in which they could use the supervision techniques described. These videotaped scenarios were then reviewed and critiqued, in a round-table type of discussion, by the counseling supervisors and the advising faculty member. This enabled the supervisors to learn a variety of strategies before interacting with the master degree student trainees (332-333).

When asked to evaluate the manual, the supervisors were generally very positive. While they recognized the limited structure of such a tool and the need to personalize the information to fit specific instances at hand, they felt it was definitely a help. One supervisor stated, "I found the current format excellent! It had a set agenda but also was flexible for the unexpected." There was also evidence that the training manual enhanced the counselor's training experience. Supervisors who used the manual rated their practicum experience higher than those who did not (333-334).

Chapter 3

METHODS AND EVALUATION

Materials

This is a human resource manual for managers working in small business settings. It is primarily for nurses who supervise staff in non-traditional hospital settings. The manual includes information on the employment relationship, how to hire and terminate an employee, performance appraisals, motivational techniques, and the legal aspects of the employer-employee relationship.

Evaluators

The manual was given to eight evaluators: four with a human resource background and four registered nurse administers. Five surveys were returned.

Evaluator One is a nurse administrator with an R.N. diploma, a bachelor's degree in Health Facilities Management and a master's degree in Business Administration. This evaluator has been a nursing/health related manager for ten years.

Evaluator Two is a Vice-President of Labor Relations with a bachelor's degree in Industrial Technology and eighteen hours of graduate work in

Educational Administration. This evaluator has nineteen years of experience as an HR generalist and three in labor relations.

Evaluator Three has been a nurse administer for the past sixteen years and has a bachelor's degree in nursing as well as a master's degree in Public Health Nursing.

Evaluator Four has been a nurse manager for twelve years and a nurse administrater for the past three years. This evaluator has a bachelor's degree in nursing and is currently perusing a master's degree in Business Administration.

Evaluator five has been involved in Human Resource management for twelve years in a variety of positions including labor relations, compensation, and human resource information systems. For the past five years, this evaluator has been a director of Human Resources. He/she also has twelve years in law enforcement management with a bachelor's degree in Criminal Justice..

Instrument

The evaluators used a ten item questionnaire to measure the potential effectiveness of the manual. Nine of the questions were designed as interval multiple choice using a Likert scale, while the final question was a nominal type designed to ascertain the evaluator's area of expertise.

Procedure

This student provided each evaluator with a copy of the manual, a letter explaining the purpose of the manual, a blank survey to complete, and the author's statement that all information provided would be kept confidential and used only for the purpose of evaluation and possible for future changes in the manual itself. The surveys were returned in a self addressed stamped envelope provided by the researcher.

Human Resource Manual

for Nurse Managers

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MANUAL TABLE OF CONTENTS

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THE EMPLOYMENT RELATIONSHIP

There are many factors that affect the employer/employee relationship. The most basic decision of determining exactly which category a job position falls into, however, is determined by the IRS. The Internal Revenue Service recognizes four types of employment.

- **Common-law.** Most people fit into this category and is the one which comes to mind when people think of a job. The easiest way to determine which employees are common-law workers is whether or not they receive a W-2 form at the end of the year. If you receive one, then the job is considered to be a common-law type of employment.

- **Independent contractors.** Only about thirteen percent of all employees fall into the second category. It is comprised of people like plumbers, electricians, and consultants. This group usually offer their services to more than one company, and operate under an arrangement where what tasks are completed, and not how they are completed, is important. Typically, the actual employer has very little control over them.

- **Statutory employees.** In this category it is the *type of work* being done that is important. Delivery drivers, insurance agents, home workers, and

business-to-business salespeople are all included. Statutory employees were once considered to be a threat to unions, so most of the laws defining this group were passed in response to special interest groups' political lobbying.

- **Statutory non-employees.** Only two groups of people fall into this group: real estate agents and direct sellers. Their income depends almost entirely upon direct sales (Lacey ½, 1/3, 1/7, & 1/8).*

All employees who do not have a written contract with their employer are considered to have an *"employment at will"* type of arrangement. While individual states each have their own set of laws and guidelines governing such an arrangement, it typically means the employee is hired for an indefinite period and that either the employee or the employer are free to terminate the relationship at any time (Lacey 3/2-3/3).

Employers cannot abuse their employee's rights, though. Court decisions show that they feel there is definitely an *"implied contract"* between an employer and the employee. Employee handbooks, health insurance, and fringe benefits are all examples of this implied contract or relationship. The general feeling is that as long as an employee does a good job he/she will be retained. The employer has an obligation to deal with employees fairly (Joel 50).

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

Both federal and state laws influence the employment process. Although all were passed to protect worker rights, they can be in agreement or conflict. Because of this problem, employees are free to make use of whichever law offers the best protection of them at the time (Joel 13). There is current legislation pending in the Missouri senate that would abolish the at-will status. The bill would make a discharge unlawful if it violated public policy, the company handbook, or deviated from the company standard operating policy (Miller 1).

For additional information on this subject the following references are recommended:

Employment Law in the 50 States. National Association of Manufactorers, 1987.

Joell III, Lewin G. Every Employee's Guide to the Law. New York: Pantheon Books, 1993.

Summers, Mark. Employment in Missouri. Salem: Butterworth Legal Publishers, 1993.

NOTES:

The Hiring Process

Job Analysis and Design

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THE HIRING PROCESS

"No management function is more critical than the hiring of people who will go on to become competent, motivated, and productive employees Inan organization," writes Edward Andler in his book, <u>Winning the Hiring Game</u> (5). Unfortunately, even though it is the goal of managers everywhere to hire and keep good employees, this frequently is not what happens. Hiring decisions may rely more on a subjective gut feel than on objective facts. Today's is a litigious society. In the current atmosphere of health care staffing cuts and increasing cost awareness, managers need to find objective guidelines upon which to base their hiring decisions upon.

Job Analysis and Design

A job analysis is the first step in the hiring process. This systematic process which enables managers to collect specific information on the work-related aspects of a job is frequently used to:

- *Identify the knowledge, skills, and attributes (KSAs) needed* for a position. See Tables 10 and 11 for examples of how to identify and measure what KSAs necessary for a recovery room technician.

- *Develop predictors or measures that can be used to screen* and forecast which applicants will make the best fit within the organization.

- *Develop criteria or standards of performance* that employees must meet in order to be hired (Gatewood 285, 286, & 297-299).

The two tables that follow are examples of forms designed by the author that could be used for the job analysis of a Post Anesthesia Care Unit technician position. The first one, the "<u>Summary of Worker Attributes</u>," lists employee characteristics that are needed in six different areas (physical demands, environmental conditions, reasoning and language development, temperament, and stress) important to the position of a P.A.C.U. tech.

Table 10

Summary of Worker Attributes for the Job of a P.A.C.U. Tech

Physical Demands	• Involves heavy work • Requires walking or standing to a significant degree • Requires pushing, pulling, and lifting of patients • Requires talking and hearing spoken words • Requires normal vision with correction • Requires normal hearing • Requires small motor dexterity
Environmental Conditions	• Involves mainly inside work with some short periods outside, in all types of weather
Reasoning Development	• Interpret instructions in written and oral form • Ability to prioritize and problem solve in a crisis situation
Language Development	• Ability to understand and speak basic medical terminology • Ability to speak clearly in person and over the telephone • Ability to write simple sentences in cursive style using correct grammar and punctuation • Ability to use a graphic sheet to record patient information
Temperament	• Involves working with people • Must be able to work both independently and as part of a team • Requires a calm easy-going disposition
Stress	• Requires the ability to maintain emotional control of feelings • Requires the ability to tolerate change • Requires the ability to function in a fast pace environment

The knowledge, skills, and abilities that successful applicants should possess are identified and rated, as identified by the author, in the "KSA Content/Measurement" worksheet (Table 11). With this measurement, the nurse manager, can see that the *"ability to stand and walk for long periods,"* for example (with a "Yes" response to each of the three categories), is a KSA considered as essential selection criteria, while the *"ability to use a nursing graphic sheet,"* although an important characteristic, is not considered to be a necessary enough KSA to prevent an applicant from being hired. The tasks assigned to these positions are divided into three categories: assisting nurses in patient care activities, functioning as part of a team, and being a part of the quality improvement process.

An accurate job analysis can help the manager make hiring decisions based more on fact than feel, and when given to applicants can provide them with a realistic expectation of what duties are involved. Table 12 presents a sample job analysis/description for a recovery room technician.

Table 11

KSA Content Areas Identified for Measurement for P.A.C.U.

Technician

KSAs & other Employee Specifications	Is This KSA an Important One?	Is the KSA Necessary for Newly Hired Employees?	Is the KSA Needed for an Important Task?	Should this KSA serve as selection criteria?
Ability to walk & stand for long periods	YES	YES	YES	**YES**
Ability to read & speak basic medical term.	YES	YES	YES	**YES**
Ability to use a nursing graphic sheet	YES	NO	YES	NO
Ability to push, pull, & lift patients	YES	YES	YES	**YES**
Ability to work with all types of people	YES	YES	YES	**YES**
Ability to work in a team environment	YES	YES	YES	**YES**
Normal vision & hearing	YES	YES	YES	**YES**
Ability to do simple lab tests	YES	NO	YES	NO

Table 12

Job Analysis for a Pre-Op/Post-Op P.A.C.U. Technician

Position:	Pre-op/Post-op P.A.C.U. Technician
Department:	Nursing
Revision:	March 1995

Summary: The primary responsibilities of this position include assisting the Registered Nurse provide quality patient care during the admission process and surgical recovery, monitoring and recording of patient information, performing simple lab tests, dressing, transporting, providing nourishment and comfort measures.

I.   Position Duties

55% A. To assist nurses in pre-op, recovery, and step-down with patient care activities.

10% Assists in patient admissions as directed by the RN. Tasks include obtaining patient history, recording vital signs, performing assigned lab tests, asisting with the marking of plastic patients, and assisting anesthesia personnel with regional anesthetic blocks.

10% Acts as discharge staff when assigned, giving holistic and thorough discharge education. Assists and observes patients in the step-down unit and transports as directed by the RN.

10% Assists to perform post-op patient assessment, record vital signs, reporting abnormalities to the RN.

5% Assists in dressing and transporting patients as directed by the RN.

5% Takes initiative to provide a safe, clean, and neat environment for patients and peronnel, including cleaning countertops, bedside tables, patient stretchers and floors.

3% Takes initiative to clean, move, and prepare stretchers as necessary

3% Assists in providing nourishment to patients under supervision of the RN.

3% Uses Aseptic technique and personal protective equipment as necessary.

2% Transports specimens to the laboratory.

2% Performs and initials daily assignments.

2% Perform dressing changes as necessary.

35% B. To function effectively both as a member of Outpatient Surgery Center and the P.A.C.U. team.

5% Reports for work in a timely manner and maintains a good attendance record.

4% Utilizes time effectively.

4% Cleans staff lounge as necessary.

3% Demonstrates interest and enthusiasm toward work, contributes to increased morale and positive attitude in the facility.

3%		Utilizes equipment and supplies effectively and efficiently, takes initiative to maintain adequate supplies.
3%		Organizes work effectively and appropriately finish tasks in a timely manner, and demonstrates the ability to produce results.
3%		Reports observed complaints and other pertinent information to the Nurse Manager.
3%		Takes responsibility for laundry, including folding and putting away.
3%		Participates as a team member in taking responsibility for patient care and other related activities.
2%		Demonstrates the ability to deal effectively with other team members.
2%		Assists with other duties as needed (i.e., inventory, committee work).

10%   **C.**   **Participates in Continuous Quality Enhancement activities.**

6%	Promotes high patient satisfaction levels.
2%	Develops good working relationships to promote team work and quality care.
2%	Participates on committees.

II.   Reporting Relationships

A.	Immediate Supervisor	Nurse Manager
B.	Positions to be Supervised	None

III.   Contact with Others

A.	Internal:	Staff in clinical operations and business office
B.	External:	Physicians, allied health professionals, patients, families

IV.   Position Characteristics

It may be necessary to perform some overtime beyond regularly scheduled work hours and weekends to provide patient care. Additionally, some on call duty may be required. Because of the nature of patient care and the pace in the P.A.C.U. this job can be stressful and hectic. The job is extremely people-oriented and fast paced.

V.   Position Requirements

Requires extensive mobility, walking, and standing. 95% of time spent pushing, pulling, lifting equipment, lifting, turning, and assisting patients. Must be able to analyze, problem solve, and make or refer decisions quickly and calmly. Must present a professional, caring, and courteous image. Must be willing to take responsibility and maintain accountability. Must possess good organizational skills and excellent communication skills. Must be flexible. Must have the ability to prioritize and handle periods of stress. Requires respect for the confidential nature of the work environment. Requires frequent potential exposures to blood and body fluids.

VI. Position Specifications

The P.A.C.U. tech should have knowledge of customer service ethic. The successful candidate must have the ability to follow directions, set priorities, take initiative, and handle periods of stress.

SOURCE: Health South Outpatient Surgery Center Job Description, 1995.

Discrimination and Hiring

The first part of any job is getting hired. There are two laws that help

prevent employer discrimination on the basis of race, color, religion, age, sex,

national origin , or mental and/or physical disabilities.

- The Civil Rights Act of 1964

- The Age Discrimination in Employment Act (Joel 18)

Very few managers would intentionally not hire an applicant because

they are part of a minority, but it is possible to discriminate without even

realizing what is taking place. A job analysis, in addition to helping in the

selection process, can also help employers avoid a lawsuit. This is especially

important in high turnover, entry level positions like that of the recovery room

technician. It is this type of job that is more apt to involve a type of

discrimination that the courts refer to as **adverse impact**. So while it may

seem like a good idea to set job criteria higher than is really needed in an

effort to attract a better caliber of applicant, it is usually not a good practice to

follow. This is what happened in U.S. vs. Georgia Power Co. In the early 1970s, when the power company required successful applicants to have a high school diploma. This eliminated most blacks, who although they were able to adequately perform the duties that the job required, did not have the required education. The U.S. Supreme Court ruled that the power company was practicing a form of discrimination called **adverse impact** and forced them to change their hiring practices (Sach 3).

Job Advertisement

Medical facilities typically run advertisements such as the one designed by the author and pictured in Table 13 in the local newspaper. What is important to remember, and at first may seem confusing is that **when designing an advertisement, there are some legal restrictions on what that ad can say.** For instance, *"must be eighteen," "ages twenty-five to thirty-five preferred," and "recent college graduate,"* all could be construed as discriminating against older (over the age of forty) workers. On the other hand, requesting a mature, experience worker is acceptable because workers under the age of forty are not covered by the 1990 Older Workers Benefit Protection amendment to the ADEA of 1967 (Sach 1-3).

Table 13

Example of a Job Advertisement for a P.A.C.U. Technician

EMT/CNA
NURSING STUDENTS
Full and part time positions
available in a busy recovery
room. OR, I.C.U., or telemetry
experience required.
OUTPATIENT SURGERY
CENTER
Suite 103, 450 N. New Ballas
Creve Coeur, MO 63141

SOURCE: Newspaper advertisement from the Outpatient Surgery Center (1995).

There are also legal penalties for employers who paint an overly rosy

picture of a job so that new employees are disappointed when they actually

come on board. For example, claiming a position has a supervisory status

when it does not can get an employer involved in a lawsuit later on. And since

Missouri is an **"at-will state"** (meaning that either the employer or the

employee may end their relationship at any time), it is a good idea to avoid

using descriptions that imply a job is secure. Words such as *long-term growth,*

permanent, secure, or career path can give an applicant the impression that

the position is something other than *at-will*. This could cause problems for a supervisor who later tries to terminate the employee (Sach 1-3).

Understanding Resumes

"As the person responsible for hiring this new staff member, your mission at this stage is to determine which candidates will be called for an interview. To do this, you must first determine whether a resume is fiction or non-fiction, novel or autobiography" (Messmer 35). Unfortunately, Mr. Messmer's quote is a reality. Reading a resume does require some rudimentary detective skills. According to recent surveys, an ever increasing number of applicants are distorting their education or experience in the hopes of landing that perfect job. The majority of candidates lie to either avoid something that will make them appear less desirable or appear more competent and valuable to the potential company. It is estimated that in 1991, at least 36 percent of the people (up from 17 percent in 1977) who sent out a resume misrepresented themselves in one way or another. The most common distortions tend to be in educational background, employment history, salary and job title, expertise and achievements, self-employment, criminal records, and references. **Watch for words like "knowledge of or exposure to"** because these terms do not really tell what the applicant actually accomplished. **Watch for unexplained gaps in a work history** (Andler 4, 17-19).

Another concern of many managers is how long is long enough to keep a resume.

- The <u>Civil Rights Act</u> mandates that all resumes be kept for at least six months.

- The <u>Age Discrimination Act in Employment</u> requires that the resumes of applicants **over the age of forty** must be kept for at least one year.

In a recent decision, The U.S. Circuit Court of Appeals held that employers should keep all resumes for a year and to be careful not to segregate applications or resumes in any way.

Interviewing Techniques

A recent Dallas-Fort Worth survey of HRM executives revealed that **90 percent of the respondents consider an applicant interview the most important tool in the hiring process and that more than one person should question the candidates** (Ruhman 13). In traditional hospital settings, a human resource person usually conducts an initial screening interview and qualified applicants are then referred to the appropriate nurse manager for further consideration. While HRM assistance is not possible in smaller medical facilities, it is never-the-less very important to try and have two people interview applicants. If another manager is out of the question, be creative. For a P.A.C.U. tech position, for example, a recovery room RN

could sit in on the interview and provide that second opinion.

The key to conducting a successful interview is found by combining active **listening** with appropriate **questioning** and subsequent **documentation**. Remember that:

- *Relying on memory is a risky thing to do.* It is important to plan ahead, prioritize questions, and develop a written format (Pell 2).

- *Do not give away answers.* If you state that this job requires teamwork and then ask an applicant, *"Would you consider yourself a team player?"* all applicants will answer *"yes."* See Table 14 for an example of an interview question form designed by the author.

- *Look for enthusiasm.* If an applicant does not demonstrate enthusiasm during the interview process, do not expect to find it after they are hired.

- *Allow enough time for the interview.* Do not schedule it during the "crunch" hours of the day or when you are tired and just want to go home.

- *Document how well the applicant performs during the interview.* This is especially important when the interview process involves a large number of people or stretches out over a few days. Research has shown that the first candidates interviewed are often forgotten and not hired

(Messmer 36). See Table 15 for an example of a rating form designed by the author.

Most of the questions that managers need to ask fall into three basic categories: job related skills and experience, intelligence and aptitude, and, interpersonal skills.

- Job related questions include things like: "What was your typical day like in your past job?" or "Give an example of how you would cope with a complaining family member of one of our patients?" These type of questions can provide a look into how well the applicant would problem solve and become involved in their job.

- Questions about intelligence and aptitude could include things like: *"How do you make important decisions?" or "What was a decision that you made in your past position?"*

- To measure interpersonal skills, an interviewer can ask questions such as, *"What are your strengths and weaknesses?" or "Why are you leaving your present job?"* (Messmer 35-36).

Table 14

An Example of Interviewing Questions for a P.A.C.U. Technician

Applicant: _____ *Interviewer* _____

1. How would cope with an angry husband of one of our surgical patients who felt you were rude when you refused to bring him back into the recovery room before his wife was awake?

    _____

    _____
    _____

2. Tell me something that you liked in your last job or clinical rotation?

    _____
    _____

3. Give an example of a problem that you discovered and or solved in the past.

    _____
    _____

4. Do you perform better when you work alone or as part of a team?

    _____
    _____

5. What are your strengths and weaknesses?

    _____
    _____

6. Why are you interested in this job?

    _____
    _____

7. Why are you leaving your present position?

    _____
    _____
    _____
    _____

Table 15

An Example rating Form for use in Evaluating Training and Experience of Applicants for the Job of P.A.C.U. Technicians.

Directions: Read the minimum qualifications required to perform the job. Then compare these qualifications to the applicant's training/experience. If an applicant's qualifications meet the requirements for the job, check *"Meets Requirements."* If not, check *"Does Not Meet Requirements."*

Name of Applicant _____

Tasks Performed	Requirements Needed	Meets Requirements?
Can escort the patient and family pre/post-op in and out of the facility	Has physical stamina to walk/stand/lift for 90% of the time	___ Meets Requirements ___ Does not meet requirements
Can lift the HOB, push a wheelchair, move a pt. from a bed to stretcher	Has physical stamina to walk/stand lift for 90% of the time	___ Meets Requirements ___ Does not meet requirements
Can take blood pressure, heart rate, resp. & temps.	CNA, EMT, nursing student, previous medical experience	___ Meets Requirements ___ Does not meet requirements
Can understand basic medical terminology	Nursing student	___ Meets Requirements ___ Does not meet requirements
Can chart on a patient graphic sheet	Worked in an ER, ICU, or telemetry as student or tech	___ Meets Requirements ___ Does not meet requirements
Can prioritize patient care tasks when needed	Worked in an ER, ICU, or telemetry as student or tech	___ Meets Requirements ___ Does not meet requirements
Can work in a high stress, fast pace environment		___ Meets Requirements ___ Does not meet requirements

Based on the information shown, the applicant:
___ Meets Requirements of the Job   ___ Does Not Meet Requirements of the Job
Notes: _____   Rater:_____

Reference Checks

The purpose of checking references is to verify an applicant's information and to learn as much as possible about the candidate. It should be the last part of the hiring process. Gaining information about potential employees can be challenging. In today's litigious atmosphere, past employers are for the most part reluctant to provide much information concerning former employees. This does not mean a potential employer should not bother doing reference checks, however. The three areas that employers should pay close attention to are:

- **Negligent hiring.** Courts have found that if there is some link between the job and an illegal act, and a *reasonable investigation* would have uncovered similar problems in an employee's past, the current employer can be held responsible for the employee's actions. An Ohio court, for example, found a cable television company liable when an installer with a previous criminal record raped a woman in whose house he was working (Joel 35-36).

- The federal government passed the **Immigration Reform and Control Act (IRCA)** in 1986. This law prohibits employers from recruiting, hiring, or continuing to employ illegal aliens. The Immigration and Naturalization Service (INS) administers and enforces IRCA, which requires employees to prove their identity and eligibility

for employment on an *I-9 form.* IRCA also requires that this
information be kept in the employee file (Joel 40).

- The **Fair Credit Reporting Act** is another area of government
  intervention. This consumer protection law requires employers to
  notify an applicant, *in writing,* within three days of asking a credit
  agency to check him/her out. The employer must also tell the applicant
  if the credit check played a part in the decision not to hire. The EEOC
  has ruled that for the most part, credit checks are generally considered
  illegal because they have a disparate impact on women and minorities
  (Joel 30).

To help avoid asking illegal questions and prevent problems of possible
discrimination charges later on remember:

- Tell the applicant before hand what the company policy is.
- Get written permission to make the reference checks.
- Obtain at least two reference checks on each applicant.
- Use a standardized questionnaire for all reference checks. If your
  company does not have one, make one. See Table 16 for an example
  (Sachs 14-28).
- For licensed nursing positions make a copy of the licence and then
  write to the Missouri State Board of Nursing for verification.
- Human resource departments will usually only give out minimal

information about an employee, such as start and stop dates. If possible, contact a former manager. You may be able to obtain more information (Andler 132).

Table 16

Employee Reference Check

Applicant: _____

1. Would you rehire the applicant? _____

2. What were the dates of employment _____

3. What was the applicant's absenteeism record ? _____

4. How much supervision does the person require? _____

5. What was their job title and position? _____

Company _____ *Contact* _____

Check Made by _____ *Date* _____

1. Would you rehire the applicant? _____

2. What were the dates of employment ? _____

3. What was the applicant's absenteeism record ? _____

4. How much supervision does the person require? _____

5. What was their job title and position? _____

Company _____ *Contact* _____

Check Made by _____ *Date* _____

SOURCE: Healthsouth Outpatient Surgery Center 1995

CHECK YOUR KNOWLEDGE OF HIRING TECHNIQUES

1.   An employer can perform credit checks on job applicants:

   a) without an applicants knowledge.

   b) only with advance written authorization from the applicant.

   c) never, since it is illegal to do credit checks on applicants.

2.   When interviewing candidates for a position, supervisors should always:

a) adhere to a written list of pre-determined questions.

b) adjust the questions to each applicant's resume.

c) ask spontaneous questions and just going with the flow of the interview.

3.   An interviewer should:

a) take written notes during the interview.

b) wait until the interview is over and then record the information.

c) should not worry about written notes since most of the time relying on memory

   is sufficient.

4.   When designing a newspaper advertisement for a job position, it is:

a) legally permissible to ask for a mature experienced candidate.

b) legally permissible to ask for a young recent college graduate.

c) not legally permissible to specify any age related requirements.

5.   Making hiring decisions without a job analysis in place is:

a) alright since a job analysis is seldom a good description of the duties that are

   actually involved in the position anyway.

b) strongly recommended for all positions.

c) is only really needed in entry level jobs.

6. *Negligent hiring* refers to:

   a) the failure to hire on the basis of a job analysis.

   b) using discriminatory methods during the hiring process.

   c) failure to perform a thorough reference check on an applicant.

7. The only group who does not fall into a *legally protected* class is:

   a) white males under the age of forty.

   b) women under the age of forty.

   c) alcoholics currently in a rehabilitation program.

8. With low level, entry positions a *gut feel* about the applicant is:

   a) more important than with middle management applicants.

   b) is not a sound reason to base a hiring decision on.

   c) permissible because these applicants seldom have written resumes.

9. The minimum number of people that should interview an applicant is:

   a) one   b) two   c) three

10. It is permissible to ask an applicant why they left their previous position when:

   a) never, because it is an invasion of their privacy.

   b) when the applicant is making a lateral move.

   c) whenever the interviewer wants to know.

SEE ANSWERS ON PAGE 133

For additional information on this subject the following references are

recommended:

Andler, Edward. Winning the Hiring Game. Springfield: Smith Collins,

1992.

Messmer, Max. "The Art and Science of Conducting a Job Interview."

Business Credit. February 1995: 35.

Sach, Steven Mitchell. The Hiring and Biring Book. Merrick: Legal

Strategies, 1993.

NOTES:

Motivation

Goal Setting

Demotivating Techniques

Work Teams

MOTIVATION

The role of the manager has changed dramatically within the past thirty years. As corporate cultures have begun to move away from the authoritarian and paternalistic milieus, managers have had to develop a more persuasive management style. Today's workers are looking for more than just a paycheck. **Employees are demanding a feeling of job satisfaction and self-worth, and it is the manager's role to assist in this.** Managers of the 1990s must do more than plan, organize, and control; they must become leaders. Managers can help employees perform better by using a Management By Objective type of philosophy. MBO techniques work well with both individuals and with teams (Benson 12).

Goal Setting

Motivational goals are an important part of every successful management plan. To be successful goals should have these characteristics

- *They should be realistic and attainable.* Goals that are set too high may cause the employee to become demoralized and decrease productivity. Goals that are set too low encourage employees to become indifferent and careless.
- The goals need to provide "stretch", making the employee work a little

harder or longer than normal.

- *Employees need to understand what the goals are.* They need to be clear and measurable.

- *All goals should be written down* and reviewed frequently.

- *Personal goals should mesh with those of the organization* (Evered 70-71).

Demotivating Techniques

Just as there are motivational techniques that a manager can use, there are also things that will be sure to demotivate employees. Some of the most frequent mistakes managers make are:

- Scolding or belittling a staff member, especially when co-workers are around. *Remember to praise in public and reprimand in private.*

- Being preoccupied and appearing selfish.

- Having a favorite that is obvious to everyone.

- Being callous or insensitive to employees' needs.

- Being indecisive when action is called for.

- Discussing short-comings of one employee with another.

- Stifling employees' expression and ideas (Davidson 120).

Remember: *It is impossible not to be motivated.* When a supervisor thinks that an employee is not motivated it is not true--the employee may simply not be motivated to do what it is the manager wants.

Work Teams

The team approach to nursing has been a popular staffing model off and on for the past twenty-five years. With an acceptable balance of Registered Nurses and non-professional technicians, staffing costs can be kept as low as possible without sacrificing quality patient care. By using work teams employees begin to feel like part of a family. The following tips are good ones to remember to help make a work team successful.

- Make clear that the team members are *accountable to the team* and the team is accountable to the manager.

- Give the team *maximum freedom and authority.* Give them enough power to make some decisions without managerial input.

- *Team members need time to grow together.* Building a really dependable team takes time. Smaller teams usually function better than large ones.

- *Keep the team busy and challenged.* (This is seldom a problem in nursing). It will help to build a sense of commitment.

- *Stress accountability.* Teams need daily reinforcement and goals.

- To avoid a team from making unrealistic goals, talk with team members before the goals are made. Then *let them alone to form their own mission statement and goals.*

- *Be flexible.* Let team members exchange duties if it helps performance. *Help the team to keep the big picture in mind* to avoid becoming too focused on small details.

- *Decentralize your authority.* Consult and advise. Give plenty of positive feedback.

- *Teams must be allowed to fail* or they will not take risks (O'Brian 1-3).

For additional information on this subject the following references are recommended:

Davidson, Jeffery. Checklist Management: The Eight Hour Manager
    Bethesda: National Press, Inc., 1986.

O'Brian, Joseph. " *Making Work Teams Accountable*." Supervisory
    Management. April 1993:1-3.

NOTES:

Performance

Appraisals

Parts of an Appraisal

Seven Types of Appraisals

Tips For a Good Appraisal

Common Appraisal Errors

PERFORMANCE APPRAISAL

Next to firing an employee, most supervisors tend to dislike giving performance appraisals more than any other management task. Employees do not like receiving them either, and when reading the appraisal tend to be nervous and defensive. If performed correctly, however, it can be a worthwhile and positive experience for both manager and employee. Planning and documentation are crucial ingredients to a successful performance review (Pell 25).

Parts of a Performance Appraisal Interview

- **The opening.** The purpose of the opening is to get the employee to talk and for the manager to understand their point of view. An example of an opening statement would be, *"I have been looking forward to talking with you about your work. This should be helpful to both of us"* (Swan 157).

- **Review the employee's self-evaluation.** This will give the manager a good idea of what the employee is thinking as well as help him/her develop goal ideas for the following year. A good way to start would be with something like, *"Lets look at what you think.."*

- **Talk about the manager's point of view.** By using phrases like *"my perspective is"* and not *"let me show you what you need to improve*

upon, " a manager will encourage open discussion and avoid having a silent defensive employee (Swan 158-160).

Types of Performance Appraisals

There are seven basic types of appraisal formats that businesses can use: global essays, trait rating, peer ranking, organizational records, critical incidents, management by objectives, and behaviorally anchored rating scales. Sometimes the appraisal form is a combination of two of them. When using any type of appraisal tool it is important that it allows the rating manager to be able to say "yes" to these questions.

- Is the information that is measured *relevant*?

- Does the appraisal tool provide a *good way to compare the employee to co-workers*?

- *Is the tool a reliable one?* Would two different managers rate an employee pretty much the same?

- Is the *information that is gathered from the review useful* for modifying future behavior? (Swan 18).

Global Essays and Ratings. This is the most basic of appraisal systems. The manager is given a form with single question on it: *"What is*

your overall evaluation of this individual's performance for the past year?"

There are several problems with this type of appraisal.

- A manager can write anything with it and *does not have to back up the evaluation with facts.*

- From the EEOC's point of view, the global essay type of appraisal is *legally indefensible* since they are not easily shown to be job related. *Accuracy and fairness are questionable* because each manager has his/own criteria for measurement.

- *It offers a poor foundation for the manager's goals of providing feedback, coaching, or motivating employees* because it is so arbitrary (Swan 19-20).

Trait Rating. This is one of the most common forms used today. It typically consists of a list of personality traits or qualities such as problem solving ability, cooperation, motivation, adaptability, and innovativeness. The rating manager assigns a number to each trait which indicates the degree to which the employee possesses that quality or trait. Common problems with trait rating systems are:

- Most scales are very broadly defined.

- They have trouble standing up in court because it is difficult to prove job relevance.

- They are vulnerable to errors associated with subjective rating systems, such as *"halo effect, strictness, positive or negative leniency, and central tendency."*

- They make a poor tool for employee development (Swan 21-23).

Peer Ranking. This type of appraisal system was developed by the armed forces and is infrequently used outside of the military. It enables managers to rank employees into groups, "top 10%, top 30%, top 50%, the bottom 30% and unacceptable." In non-military situations this type of system is usually limited to a line or two at the end of the appraisal form. The most frequent problems with peer ranking are:

- It is not very objective.

- It is hard to be familiar enough with every employee to rank them all accurately.

- *Often, it is not based on well-defined, job relevant measures of performance and consequently may not stand up well In court.*

- There is no independent standard to measure against (Swan 23-25).

Organizational Records. This type of appraisal system is based entirely on hard data which the company usually collected for other reasons. It includes things like accident and absence records, production rates, and sales figures. This type of tool does not apply in most types of jobs.

Critical Incidents. This type of performance appraisal measure was developed in the 1950s in an attempt to correct the flaws in the first three tools. *It is concerned solely with employee performance.* A manager using this system would document both positive and negative incidents or behavior throughout the year, and then compare them to see which pile is larger. There are three major problems with critical incidents appraisal systems:

- Because it places a great deal of emphasis on observation and documentation, it is almost never used alone.
- There is high degree of subjectivity in determining exactly what constitutes a *critical incident.*
- The EEOC has ruled that it is better than nothing, but that interpretation is needed to show job relevance and fair employee comparison (Swan 25-27).

Objectives and Goal-Setting Procedures (MBO). With this type of rating system, the manager and the employee sit down and develop a set of objectives and goals to be met for the following year with interim goals set for every few months until then. The goals must be objective ones--capable of being measured and relevant to both the needs of the employee as well as the company. Periodic feedback on how well the employee is meeting the goals is essential. Points to remember with this type of tool are:

- The manager and the employee must be able to work together.

- It is not very appropriate in situations where employees perform the same actions or duties day after day or where they work in teams.

- It is highly defensible in court as the goals are job relevant.

- It is a good approach for coaching, feedback, counseling, and improving overall performance.

Behaviorally Based Scales and Behaviorally Anchored Rating Scales. This is the most elaborate and scientific type of rating system. It tends to be expensive to initiate because BARS appraisal tools are based on a thorough job analysis for each position rated.

- The *EEOC has given it a high rating on legal defensibility*, but a mixed one on accuracy. This is because managers must collect a lot of data and are frequently poorly trained at doing so.

- It is not goal oriented (Swan 27-29).

Tips On How to Give a Good Performance Appraisal

- Do them at least yearly. It is also a good idea to do one when there has been a *repetition of negative behavior.*

- All performance appraisals should be *written.*

- All *appraisals should be reviewed by the manager's boss* before meeting with employee.

- Employees should be *asked to sign the rating form but should be allowed to refuse to do so.*

- A *formal appraisal is not enough* to do the entire job in communicating performance needs. Day-to-day informal verbal contacts and regular written antecdotal notes are equally important (Patten 45-71).

Eight Common Appraisal Errors.

- *Poorly defined or misunderstood standards of performance.* What is expected should be clear to both parties.

- *Too much emphasis on recent performance.* If data was not gathered throughout the year, it is easy to end up basing an annual appraisal on the past few months.

- *Reliance on gut feelings* rather than objective documentation.

- *Miscomprehension of performance standards by the employee*. They need to understand what is expected and acceptable.

- Insufficient or unclear performance documentation.

- *Inadequate time allotment* for the discussion interview. Plan ahead and adjust staffing levels as needed. Remember that an employee will find it hard to concentrate on a performance appraisal if he/she is worried about patient safety issues.

- Too much talking by the manager.

- A lack of a good follow-up plan (Swan 31-39).

The sample evaluation that follows combines behaviors with specific performance objectives that are dependent upon an employee's goals. The form has two parts: a report card type of section that focuses on giving feedback on performance factors and a development plan which looks at ways to improve performance to bring an employee up to standards or prepare him/her for advancement.

Table 17

Model Annual Performance Appraisal Form

PART I   Review of Progress Toward Meeting Last Year's Objectives

Objectives Agreed to Last Year (As modified during the year)	Results (Narrative)	Weighting (Must total 100%)	Rating
1.		_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard
2.		_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard
3.		_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard
4.		_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard
5.		_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard

Overall Weighted Average Rating for Objectives _____

PART II   Review of Progress Toward Meeting the Standards of Performance Agreed to Last Year

Performance Factors	Weighting	Rating (Must total 100%)
1.	_____ %	__ Greatly exceeded standard __ Exceeded the standard __ Met the standard __ Did not meet the standard __ Significantly below standard

2.

_____ %

__ Greatly exceeded standard
__ Exceeded the standard
__ Met the standard
__ Did not meet the standard
__ Significantly below standard

3.

_____ %

__ Greatly exceeded standard
__ Exceeded the standard
__ Met the standard
__ Did not meet the standard
__ Significantly below standard

4.

_____ %

__ Greatly exceeded standard
__ Exceeded the standard
__ Met the standard
__ Did not meet the standard
__ Significantly below standard

PART III   SUMMARY OF OVERALL PERFORMANCE FOR THE YEAR

WEIGHTED AVERAGE OF OBJECTIVES AND PERFORMANCE FACTORS

___ Greatly Exceeded Standard
___ Exceeded the Standard
___ Met the Standard
___ Did not meet the Standard
___ Significantly below Standard

PART IV   DEVELOPMENT PLAN

A. (For use if any individual rating is below "Met the Standard," or if employee wants to work on any area of current job)

For improvement in current job the following actions/objectives have been agreed to:

1.

2.

3.

4.

B. (For use if advancement or career growth is a practical option and employee is interested)

For preparation for possible advancement the following actions/objectives have been agreed to:

1.

2.

3.

4.

C. (Job enrichment: For use if advancement or career growth is not an option, or if employee is not interested)

The following actions/objectives have been agreed to:

1.

2.

3.

4.

PART V   PERFORMANCE PLAN

1.

2.

3.

4.

PART VI   EMPLOYEE STATEMENT (Optional)

PART VII   SIGNATURES

_____

Manager   **Date**   **Employee**   **Date**

(Signature acknowledges that this form has been reviewed with employee. It does not imply agreement with content.)

INITIALS PRIOR TO   **INITIALS PRIOR TO**
APPRAISAL DISCUSSION   **APPRAISAL DISCUSSION**

_____   _____
MANAGER   DATE   HUMAN RESOURCES   DATE

SOURCE: <u>How to do a Superior Performance Appraisal</u> by William S Swan, Ph.D., pgs. 62-67.

For additional information on this subject the following references are recommended:

Deeprose, Donna. "Corrective Feedback That Motivates." Supervisory Management. April 1994, 39(4): 7-9.

Patton, Thomas H. A Manager's Guide to Performance Appraisal. New York: The Free Press, 1982.

Swan Ph.D., William S. How To Do A Superior Performance Appraisal. New York: John Wiley & Sons, Inc., 1991.

NOTES:

Employee Privacy

Workplace Searches

Personnel Files

Polygraph Protection Act

EMPLOYEE PRIVACY

There are few legal restrictions on what an employer can find out about employees.

- *Work place searches for the most part are legal.* Employers may search through items owned by employees and kept at work unless the item is in a place where the employee expects complete privacy--such as a dressing room locker or locked desk drawer.

- Only four states, Connecticut, Ohio, Virginia, and Wisconsin have strict laws restricting where and what an employer can search without permission (Lacey 12/11).*

- *There is no federal legislation guaranteeing employees the right to read the information compiled on them, concerning their work history.* Whether or not a person can see their personnel file depends upon where they live. For instance, **Missouri does not have employee access to personnel records legislation in place,** while workers living in Connecticut may inspect and copy their personnel files and medical records up to twice a year (Employment 13).

- All employee *records should be kept in a locked file* with access restricted to the appropriate managers. Supervisors should not have

access to all of an employee's files. Health information, should be kept in a separate location (Summers 165).

- The **Federal Employee Polygraph Protection Act** prohibits private employers from even requesting that a job applicant or employee submit to a lie detector test. It does, however, allow security companies and the drug/pharmaceutical industry to sometimes administer them. Note: this act *does not apply to federal, state, or local governments* (Weiss 122-123).

- Most private employers limit the use of *drug and alcohol testing* to job applicants and possible random spot checks of existing employees.

- While there are no federal laws requiring testing, federal contractors, employers receiving government funding, and transportation companies are legally required to have a *drug awareness program for their employees* (Joel 173).

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

For additional information on this subject the following references are recommend:

Joseph, Joel D. Employee's Rights in Plain English. Bethesada: National

Press, Inc., 1985.

Lacey, Dan. Your Rights in the Workplace. Berkeley: Nolo Press, 1991.

Weiss, Donald H. Fair, Square, and Legal. New York: Amacon Publishers, 1991.

NOTES:

Termination of Employment

Keys to a Good Termination

Wrongful Discharge

W.A.R.N.

Unemployment Insurance

Service Letter Laws

TERMINATION OF EMPLOYMENT

Terminations can be hard on everyone, both the employee and manager. Thorough documentation and preparation, though, can help make the situation more bearable. It is important to always anticipate a need to defend the decision to terminate an employee--no matter what the cause for dismissal may be. The personnel file should show the basis for the termination including any events leading up to it. All violations and warnings, even verbal ones, should be documented, as well. In addition, regular performance appraisals can help avoid any surprises on the part of the employee and provide a good paper trail to avoid litigation later on.

"The key to a successful termination meeting is to stay in control--to be the person who guides the progress of the meeting, and determines what does and does not take place. By choosing what you say and how you say it, you can be firm and yet still show that the company cares" (Deems 51). A few important points to remember are:

- **Designate the final decision-maker.** Be sure and have a supervisor review the facts and OK the firing ahead of time.

- **Document the reason for the termination.** Specific events should be documented in quantifiable and objective terms. This should include any past disciplinary actions taken.

- **Plan a time for the termination.** Usually discussions should be held early in the week and early in the day. *The worst time is Friday afternoon.*

- **Be professional, not emotional.** Select a private setting away from other employees and have two managers present. The direct manager should do the actual termination and only one person should ever be fired at a time. Remember not to argue, plan what will be said, and quickly get to the point of the meeting. Saying something like: *"Mary, we've talked about your performance for the past two months and developed a plan for improvement. However, your performance has not met our agreed-upon standards, and our meeting today is to inform you of your termination from OSC company and what the surgery center can do to help you during this transition"* or *"Dan, as you are aware our caseload has been down for the past several months and I am sorry to say that there is no indication of an increase in the near future. The purpose of our meeting today is to inform you that OSC company is instituting a downsizing program based on seniority. I want to inform you of your termination and also let you know what the surgery center can do to help you during this transition period,"* will state the purpose for the meeting and show that the company cares about the employee.

- **Have a letter ready confirming the termination** as well as a benefits the employee may be entitled to. If possible have their final paycheck ready. Be sure and not to forget things like remaining vacation time or COBRA coverage available.

- **Assisting the employee in leaving the premises.** In most situations having security escort the employee out of the building creates more problems than it solves. The goal is to let the person exit as graciously as possible with as little notice as possible. Co-workers need to feel that the employee was treated fairly.

- **Decide on what information will be given out for future references** for the ex-employee during their job search. See Table 18 for an example of a reference form (Deems 31-61).

- **Decide on whether or not an exit interview is appropriate.** Exit interviews can be helpful to both the ex-employee and the employer. They can also lessen the chances of being hit with a lawsuit later on (Sabir 68).

Table 18

Personnel Reference Authorization

PERSONNEL REFERENCE AUTHORIZATION _____, hereby consents to the release of the following information concerning my employment with ABC Corporation, as may be requested by prospective employers.		
JOB REFERENCE INFORMATION	MAY BE RELEASED	MAY NOT BE RELEASED
(1) Dates of Employment		
(2) Job Title (s)		
(3) Salary at Time of Termination		
(4) Attendance Record		
(5) Performance Review Ratings		
(6) Reason(s) for Termination a) ☐ Resignation b) ☐ Resigned by mutual agreement c) ☐ Retirement d) ☐ Layoff e) ☐ Discharge for f) ☐ Leave of absence		
(7) Eligible for Rehire a) ☐ Yes b) ☐ No		
(8) Other information requested by employers (E.g., Supervisory Ability, Specific Skills, etc.,)		
DATE EMPLOYEE SIGNATURE		
WITNESSED BY:		

SOURCE: How To Fire Your Friends by Richard Deems (page 61, 1989).

Wrongful Discharge

While the Employment-At-Will status of most jobs, gives an employer
the legal right to terminate employees in instances of insubordination,
excessive absence or tardiness, or theft; to avoid a charge of wrongful
discharge, a manager should always follow company policy and provide
adequate documentation of actions taken. Wrongful discharge usually applies
when one of the following conditions are present:

- **A violation of public policy.** This means that an *employer can no*
  fire someone for asking for time off for voting or to serve on a jury. It
  also covers an employee who refuses to break a law, violate public
  morals, commit perjury, misses work for fulfilling a legal obligation, or
  refuses to sign away their legal rights, like the right to file a workers'
  compensation claim (Weiss 230).

- **A breach of implied contract.** A company can be sued for failing to
  following the progressive discipline steps found in an employee
  handbook. *Establish policies and follow them.* All companies need to
  have some sort of disciplinary standards and guidelines (Gaston 5).

- **A breach of good faith and fair dealing.** This occurs when an
  employee is mislead about their chances for promotion or when the

company prevents someone from collecting an earned commission.

- **Discrimination.** Know the discrimination laws. Also, an employee can not be fired due to filing a discrimination charge against the company (Gaston 5).

- **Defamation of character.** It is illegal to make false statements about an employee so that obtaining a new job is more difficult (Lacey 4/4-4/10). *

- **Whistle blower.** This occurs when *an employee is fired after reporting the employer* for a violation of a state or federal law (Joel 50).

Worker Adjustment and Retraining Notification Act

This act, known as *WARN,* requires that employers with more than one hundred employees give workers sixty days written notice that they will lose their jobs due to a plant closing or mass lay-offs. This federal law applies to all workers, even those in management (Lacey 4/18).

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

Unemployment Insurance

Unemployment insurance is a plan for workers that is funded by a tax on employers. The federal and state governments work together and run the program as a joint venture. The requirements of the plan are that:

- Unemployed workers collect benefits for thirty-nine weeks.

- The employee usually must have worked at least six months during the year prior to their job loss.

- Employees do not qualify if they were fired for misconduct, are unemployed due to a strike, or quit without a good reason (Lacey 8/5-8/6).

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

Service Letter Laws

These laws were passed by Missouri legislature to protect workers after they

sever employment with a company. They require that upon ex-employee

request, businesses with seven or more employees must provide the discharged

person with a letter stating the:

- Length of employment.

- Nature of the job the person held.

- Reason for discharge (Joel 50).

For additional information on this subject the following references are

recommended:

Deems, Richard. How To Fire Your Friends. Lincoln, Nebraska: Media

Publishing, 1989.

Joell III, Lewin G. Every Employee's Guide to the Law. New York:

Pantheon Books, 1993.

Gaston, Judith. "You Can Prepare Employees for Termination."

Supervisory Management Magazine April 1993.

NOTES:

Employment

Discrimination

Equal Rights Act

Sexual Harassment

Equal Pay Act

Americans with Disability

Age Discrimination

Immigration Control

Reverse Discrimination

EMPLOYMENT DISCRIMINATION

Title VII of the Civil Rights Act of 1964

This act makes it illegal for an employer with **fifteen or more employees** to refuse to hire or to discriminate against anyone because of race, color, religion, sex, or national origin. In addition, many state laws prohibit employer discrimination for an even smaller number of employees. For example, in Missouri the number of employees is six, but in thirteen other states even employers with only one employee are prohibited from discriminating. Courts recognize two different types of discrimination: disparate treatment and adverse impact (Joel 125-126).

With **disparate treatment,** an employer treats one employee differently than others. For instance, if a man and a woman are equally qualified and are performing the same job but the man is paid more, the woman may have a case of disparate treatment (Joel 130).

In a case of *adverse impact,* an employee must show that a company policy or rule that may appear to be impartial is really not. For instance, making a college degree a requirement for a position that really does not need one would have an adverse impact on minorities and women. This is because the qualification would screen out more women and minorities than white men (Joel 131). Before a person files a complaint to the EEOC claiming

discrimination three questions should be asked:

- Is the person a member of a protected group because of mental handicap, age, or sexual preference?

- Is the person being treated differently than other employees with similar education and performing similar jobs?

- Is the reason for the difference because the employee is black, over forty, handicapped, or a member of any other protected group? (Joel 130).

Civil Rights Act

A second discrimination act was passed five years ago which updates the original legislation. This act **prohibits discrimination or harassment after people are hired as well as during the hiring process.** Workers can not seek both compensatory and punitive damages when filing a suit. The law is not retroactive so it does not apply to suits filed prior to 1991 (Krell 3).

Sexual Harassment

Sexual harassment is a very complicated issue and a difficult one to define. It can sometimes seem to be a matter of perception and/or interpretation, but many authorities feel it is more of an **illegitimate use of**

power than a communication problem (Pokulo 5).

According to the U.S. Supreme Court, *"Sexual harassment occurs whenever any unwanted sexually oriented behavior changes an employee's working conditions and creates a hostile or abusive work environment ."* Most recent court decisions have used the **reasonable woman** standard when making their rulings. This means the court bases it's decision on what a reasonable woman would have felt and reacted in the situation (Lacey 6/4). Using this definition, the Court made the following rulings:

- *Sexual harassment is a form of sexual discrimination* under Title VII of the Civil Rights Act.

- Sexual harassment is illegal even if the victim only suffers from a *hostile work environment* and not loss of economic or tangible job benefits.

- *Employers are not automatically liable* for sexual harassment committed by supervisors.

- A lack of knowledge of harassing behavior does not always relieve the employer of liability.

- The complainant's consent to the behavior does not relieve the employer of liability (Webb 11).

There is little research concerning the problem of sexual harassment among nurses. A survey conducted in 1982 showed that over 60

percent of the nursing students polled indicated that they had

experienced sexual harassment during the previous year (Sandroff 48).

A second survey of registered nurses that was conducted in 1993

provided similar results, with 79 percent complaining of being harassed

while at work by either their patients or physicians (McMillian 28-32).

Equal Pay Act (EPA)

This act states that employers can not pay women less than they pay

men when both are performing equal work. Men may be paid more when the

difference is due to factors such as seniority or merit (Fogel 24).

Americans with Disabilities Act

The ADA protects individuals with a disability from employment

discrimination. It applies to all employers with **fifteen or more employees.**

In 1993, there were twelve thousand ADA complaints filed the EEOC.

Almost half of the claims were concerning wrongful discharge, with the second

largest area being failure to provide adequate accommodation (Perdue A-4).

The law prohibits employers from doing the following:

- Discriminating on the basis of almost any physical or mental disability.

- Asking job applicants questions about their past or current medical conditions.

- Requiring job applicants to take pre-employment medical exams.

- Creating or maintaining work sites that include substantial physical barriers to the movement of people with physical handicaps (Lacey 5/19). *

Courts do take into account the size of the company involved, and employers are not expected to make changes that would impost an **undue hardship** on the employer (Joel 146). In addition, the EEOC has set some guidelines that cover special situations such as:

- The employee can not pose a threat to the health or safety of other workers or customers.

- The act *does not cover* current drug or alcohol abusers. It *does protect* people who are in rehabilitation and no longer use alcohol or drugs.

- The employer can not perform medical examinations prior to hiring the individual but may ask the applicant if he/she can perform the basic job functions.

- The employee must be offered whatever health insurance is available to other employees (Joel 145-146).

- *AIDS is covered.* Accommodations that employers could be expected to make for this disease include granting an extended leave of absence,

a reassignment to a less strenuous job, and a more flexible work
schedule (Lacey 12/15). *

Age Discrimination In Employment Act

This law protects employees over the age of forty. It also prohibits
discrimination in employment benefit programs on the basis of age. It applies
to all companies with twenty or more employees.

The Immigration Reform and Control Act

The responsibility for detecting and rejecting illegal alien workers
shifted from the federal government to the employer with the passage of this
act. **IRCA makes it illegal for employers with three or more workers to
discriminate in hiring or firing anyone, *other than an illegal,* based on
national origin.** It also places the burden of proof on employers since it is
illegal to:

- Hire a worker known not to have permission by the INS to work in the
  United States.

- Hire a worker who has not completed an *I-9 form,* the Employment
  Eligilibility Verification Form.

• To continue to employ anyone who entered the United States illegally

and was hired after 1986 (Lacey 12/20-12/22). *

Reverse Discrimination

White males under forty are just about the only people who are not in a

protected group. Employees can file a complaint with the EEOC if they can

show that:

• There is an imbalance in his work force, when compared to the

appropriate segment of the available labor pool.

• An adverse impact results or is likely to result from a certain business

practice (Joel 157).

* All references by author Dan Lacey have a page numeration in which the
first number refers to the chapter and the second to the page within that
section.

For additional information on this subject the following references are

recommended:

Fogel, Walter. The Equal Pay Act Implications for Comparable Worth.

New York: Praeger, 1984.

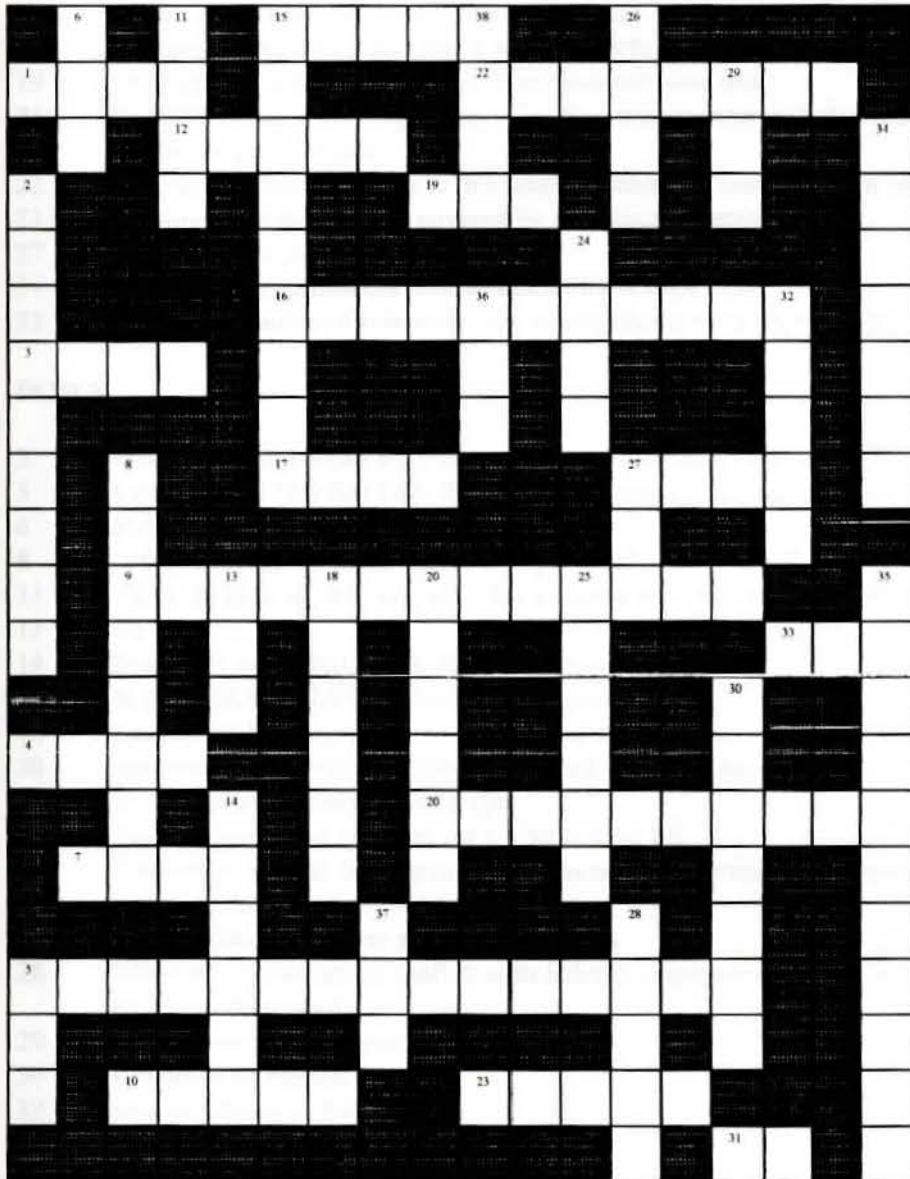Perdue, Pamela. "Conforming Employee Benefits to the ADA." Personnel
Law Update: April 1994.

Webb, Susan. Step Forward Sexual Harassment in the Workplace.

Sandroff, Ronni. "Sexual Harassment: A health Hazard," Working
Woman: January 1992.

Hamilton, Mary. Realities of Contemporary Nursing.

CHECK YOUR LEGAL KNOWLEDGE

ACROSS

1   Law prohibits employees from hiring illegal aliens

3   To qualify for a FMLA leave you must work at least 1250 hours during this previous time period.

4   This 1938 law covers a worker's right to be paid fairly.

5   Both the employer & the employee pay into this retirement system.

7   Organization created to enforce workplace safety.

9   When a company rule may appear to be impartial but is really not.

10   There is a federal law governing when this type of labor group can work.

12	Courts look through this reasonable person's eyes when examining sexual harassment cases.
15	Dependent spouses can purchase this as part of a divorce settlement.
16	Failing to do adequate background checks can cause this legal problem in hiring.
17	Law regulating the conditions of mass lay-offs.
19	Income from a Worker's Comp claim does not have this.
21	Federal law says that employees older than this must be included in a company sponsored pension plan.
22	Supervisors should always to this when coaching or counseling an employee.
23	Employees of this age are covered by anti-discrimination laws.
27	This disease is covered by the ADA.
31	Common-law employees receive one of these each year.
33	Minimum number of reference checks that should be done on an applicant.

DOWN

2	Private employers can not even ask an employee to submit to this test.
5	Employers in MO that have this number of employees must adhere to Title VII.
6	Retirement plan.
8	A thorough one of these makes hiring a more objective task.
11	Both the federal and state govt. have passed these to protect employees.
13	Title _____
14	State with mandated health insurance requirements.
15	Most employees fall into this IRS category.
18	Employees have these due to federal and state laws.
20	Hospitals can use this number to calculate overtime pay.
24	Investigates discrimination charges.
25	Taking care of this qualifies for a FMLA time off.
26	There is no federal law requiring employers to pay employees while performing this civic duty.
27	This law does not cover active drug abusers.
28	When these laws are in conflict with federal, employees may use which ever one best suits their needs.
29	Guarantees women equal pay with men.
30	Condition of employment.
32	Law governing pension plans.
34	_____ letter laws.
35	State run national program to protect injured workers.
36	Prevents from accidentally hiring an illegal alien.
37	This type of discrimination is protected by Title VII
38	Protects workers over age 40.

Solution on page 131

Puzzle designed by author

Wages and Hours

Fair Labor Laws

Jury Duty

Day of Worship

Meals and Breaks

Military Time Off

Voting Time Off

Family Medical Leave Act

WAGES AND HOURS OF WORK

The **Fair Labor Standards Act** is the most important law covering a worker's right to be paid fairly. This 1938 act covers all workers except the following "exempt" employees:

- **Executive, administrative, and professional workers.** This is a large segment of the workforce and usually includes nurse managers and other supervisors. In some institutions the term *professional worker* is also applied to RNs working in staff positions. If this is the case, these nurses are paid a salary and are not eligible for overtime pay.

- **Transportation industry workers** (truck drivers and taxi cab drivers) who are covered by a different act.

- **Special situations involving severely handicapped** in sheltered workshops, volunteers in non-profit organizations, mental patients, and prisoners.

- Personal companions and babysitters.

All employees who are covered under the **Fair Labor Standards Act** are guaranteed certain rights. They provide for the following:

- A minimum wage which is currently **$4.25** per hour.

- Equal pay for equal work.

- Overtime pay of one and a half times the employee's normal hourly wage for all hours worked over forty in a week. The work week does not have to begin with Sunday or Monday, but it must be consistent. **Hospitals and nursing homes may use a fourteen day overtime period instead of the usual seven day week.** Employees would then have to be paid overtime rates for any time worked in excess of eighty hours within a two week period.

- Compensatory time off can be given instead of pay for non-exempt employees. They must receive time and a half off for all hours over forty, however, and the time must be taken within the same pay period. For example, a person could work forty-four hours the first week and then take off six the next (Lacey 2/8-2/13). *

- There are also federal restrictions on child labor. Workers ages fourteen and fifteen are limited in when and how many hours they can work.

- In addition to this federal legislation, some states (Alaska, Alabama, California, Colorado, Florida, Montana, and Nevada) have state laws requiring overtime pay for any time worked over eight hours in a day (Joel 77).

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

Jury Duty Leave

While it is common practice for employers to give employees time off for jury duty there is **no Missouri law** requiring it. Most companies also pay their staff the difference between jury pay and regular earnings (Summers 63).

Working on a Day of Worship

Employers can not deny a person a job or advancement because of "his or her refusal to work on his or her normal day of worship" (Summers 63).

Meals and Breaks

Under FLSA employers must pay their staff for breaks of less than twenty minutes and can not deduct the time from an employees hours of work. Breaks or lunch periods greater than twenty minutes may be deducted and are not required to be paid for.

- Most employers *do provide* for a fifteen or twenty minute break for each four hour period worked.

- There is *no Missouri law* concerning breaks or lunches (Summers 61)

Military Time Off

The **Vietnam Era Veterans Readjustment Assistance Act** applies to anyone who served in the armed forces during the period from 1964 through 1991. The law provides job protection (employers must hold their job) for military reservists who are called to active duty or to serve in periodic reserve meetings, weekends, or drills. (Weiss 297-298).

Time off to Vote

In Missouri, if an employee's non-work schedule **does not provide** for a three hour interval while election polls are open the employer must provide one and pay the employee for the time off work. Certain restrictions do apply:

- The *employee* must request the time off in advance.

- T he *employer* can decide which three hours the employee is given off.

Family Medical Leave Act

This is an important new law which guarantees employees time off if they become ill or disabled. **The FMLA applies to all employers who have fifty or more employees.** In order to qualify for the act and receive up to twelve weeks of unpaid leave, an employee must have worked at least 1250

hours (about twenty-four hours per week) during the previous twelve month period. A Family Medical Leave is available for the following situations:

- *An employee has a serious health condition*--one that requires inpatient or continuous treatment by a health care provider.

- *The birth or adoption/foster or a child.* In these instances both parents are eligible for the time off.

- *Employees who care for a sick child, spouse, or parent* who has a serious health condition.

Employers are entitled to thirty days notice, when feasible, and may require employees to use all of their vacation time prior to taking a FMLA leave. When the employee returns to work, he/she must be given their old job back, or be offered one of equal status and salary (Garnett M/3-M/4). Employees who take a FMLA leave due to personal illness, may later qualify for special accommodation upon returning to work.

If their condition can quality as a *disability* under the **Americans with Disabilities Act** (ADA), a FMLA short term leave may extend into a longer one. The employer would then be required to *try and make* the necessary changes in work schedule and/or environment needed to accommodate the employee's disability (Garnett M/5).

For additional information on this subject the following references are

recommended:

Employment Law in the 50 States. National Association of Manufacturers.

Summers, Mark. Employment in Missouri.

Garnett, Timothy. "Managing Leaves of Absence and Controlling Fraud."

Personnel Law Update 1994. 26 April 1994: M3-M5.

NOTES:

Health and Safety

O.S.H.A.

Health Care and Insurance

C.O.B.R.A.

Social Security

Retirement and Pensions

HEALTH AND SAFETY STANDARDS

OSHA

In 1970 the federal government passed the **Occupations Safety and Health Act** and created an organization, **OSHA**, to enforce workplace safety. OSHA covers both short term and long term health hazards, like radiation exposure; and it is not limited to the inside of an office or medical facility. OSHA requires safe working conditions anywhere work is being done (Lacey 11/3-11/4). *

Up until 1990 many employers viewed OSHA and its regulations as a minor inconvience. This was when congress passed the **Omnibus Budget Reconciliation Act** allowing OSHA to greatly increase its fines for non-compliance issues (Martone F-2). Two recent cases, one in Louisiana and the other in Florida for example, have brought multi-million dollar fines for safety violations (Furer 7/94:6).

A few of the most common regulations are:

- Companies with *ten or more people* must keep safety records.

- A listing of *work related injuries and illnesses must be posted* for at least thirty days each year.

- *If an incident involves a death or the hospitalization of four or more employees* OSHA must be notified within forty-eight hours of the event.

Health Care and Insurance

Although many employees assume that they are entitled to group health insurance, paid sick days, paid holidays, and paid vacation time **there is no federal legislation requiring employers to provide them.** These perks are more a matter of tradition, enabling companies to stay competitive in the workforce and to attract good employees. There are a few items to be aware of:

- A few states, like Hawaii, do have *state mandated health insurance* programs. Others require that if health insurance is offered a certain level of coverage be guaranteed. **Missouri has no such legislation in place.**

- The federal government has legislated that if health insurance programs are in place, then *all* employees, even those over the age of sixty-five be eligible for the same coverage.

- If participation in an insurance is mandatory, all workers must be charged the same premium. In plans where participation is

voluntary, actuarial tables may be used to set the premium rates
(Joel 100-102).

Consolidated Omnibus Budget Reconciliation Act

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is legislation that provides employees the opportunity to continue their medical insurance after terminating employment for whatever reason. **Certain restrictions do apply and the employee pays for the coverage.**

- All employers with *twenty or more employees* must offer their workers and their family an opportunity to continue their health insurance benefits after severing employment.

- Length of coverage varies. In most instances, COBRA lets employees buy group health insurance coverage for up to *eighteen months.*

- Dependent spouses may purchase COBRA coverage as part of the *divorce* settlement.

- When an *employee death* is involved, dependent coverage can continue for up to thirty-six months.

- Some *states (not Missouri) have also passed laws* similar to COBRA but with longer pay-out periods (Joel 103).

* References by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

Social Security

Social security benefits are another item **guaranteed to employees** by the federal government. Both employers and employees pay into this system. The Social Security Administration (SSA) provides more than just a retirement plan:

- Disabled workers, spouses of deceased workers, and children of retired employees may also collect monthly payments.

- The plan is designed to keep people from becoming destitute and will pay out even when the disability *is not work related* (Joseph 89).

Employment Retirement Income Security Act

The Employment Retirement Income Security Act (ERISA) has been in place for over twenty years. This act is the **most important law governing pension programs.** It sets minimum standards for pensions and attempts to guarantee that pension benefits cannot be unfairly taken or denied. ERISA also places limits on how and where employers can invest the pension money (Joseph 107). With the exception of labor unions, who do not have to meed ERISA standards, employer sponsored pension plans must adhere to one of the following formats:

- An employee must be *fully vested after fifteen years* of service.

- *A graded vesting plan can be used.* Under this format employees are 25% vested after five years, plus an additional 5% for each additional year. After ten years of employment an additional 10% is added. By following this plan, employees are fully vested after fifteen years of service.

- *Employers may also follow the rule of forty-five.* Under this plan an employee receives 50% of vesting with five years of service, if their age plus the years of service add up to forty-five. An additional 10% vesting must be add for each additional year.

No matter which format an employer chooses to use, **all employees must be 50% vested after ten years and 100% vested after fifteen years of service.** This act requires an employer to file government disclosure forms and tax reports to make sure the plan is legal and that the employer is not misusing the retirement funds. The act also mandates that if there is a plan, **everyone over the age of twenty-one who has worked for the company for at least a year may join.** Older workers may not be excluded from the plan (Joseph 106-107).

For additional information on this subject the following references are recommended:

Martone, Andrew. "The Powerful New 1994 OSHA." Personnel Law Update Seminar 1994. 25 April 1994: F-2.

Employment Law in the 50 States. National Association of Manufactorers, 1987.

Summers, Mark. Employment in Missouri. Salem: Butterworth Legal Publishers, 1993.

NOTES:

Worker's Compensation

Tax Benefits

What is Covered

WORKERS' COMPENSATION

Workers' Compensation provides income to employees who are injured or become ill as a result of their employment. The plan was designed to protect workers from being taken advantage of when unable to work. It is funded by a tax on employers and is a national program run by the individual states.

- Workers are not taxed on the money they receiving about two-thirds of their normal gross income.

- Any injury that is connected with work is covered. This includes repetitive motion injuries like carpal tunnel syndrome.

- Injuries that occur off the work site may be covered if they are at a company sponsored event. Injuries that are sustained while en route to and from work are not usually covered, but work related errands performed during lunch-time frequently are.

- About 70 percent of the states recognize claims based on job related stress such as that caused by job transfers, harassment, layoffs, or firing

- Fault of the employer does not have to be shown (Lacey 8/18-8/26). *

* All references by author Dan Lacey have a page numeration in which the first number refers to the chapter and the second to the page within that section.

For additional information on this subject the following references are recommended:

Employment Law in the 50 States. National Association of Manufactorers, 1987.

Summers, Mark. Employment in Missouri. Salem: Butterworth Legal Publishers, 1993.

Lacey, Dan. Your Rights in the Workplace.

NOTES:

Unions

Four Labor Laws

Labor Relations Board

UNIONS

There are four federal laws that affect management-labor relations. They are designed to protect workers and allow the following rights:

- **The National Labor Relations (NCRA)** gives employees the right to meet during work hours and bargain collectively.

- **Fair Labor Standards Act (FLSA)** provides a minimum wage with overtime pay at a rate of time and a half.

- The Labor Management Relations Act (LMRA) "equalizes the   Legal responsibilities of unions and employers."

- **The Labor-Management Reporting and Disclosure Act** covers nonsupervisory nonunion as well as unionized employees by preventing labor organizations or employers from defeating the policies of the LMRA (Weiss 194-195).

Any group can form a union with the support of least 30 percent of the company's workers, and union members always have the right to quit the union without any threat of job security. The National Labor Relations Board (NLRB) is an independent federal agency that regulates employer-employee relations and federal labor laws (Weiss 194-195).

Most nurses do not supervise union employees. If you do check with the union representative concerning specific conditions of the contract that might affect management decisions.

For additional information on this subject the following reference is recommended:

Weiss, Donald H. Fair, Square, and Legal. New York: Amacon Publishers, 1991.

NOTES:

TEST YOURSELF

1. The cultural values of most employees are similar.   **T**   **F**

2. Recognition programs, although often used as a morale boosters can actually cause a decrease in employee morale.   **T**   **F**

3. Delegation of authority is unneccessary at the supervisory level.   **T**   **F**

4. Only employees who resign voluntarily are eligible for continued health insurance under the 1986 COBRA plan.   **T**   **F**

5. The cost of fringe benefits has remained unchanged for the past five years.   **T**   **F**

6. Employers must give both parents an option of taking a leave of absence for the birth of a child.   **T**   **F**

7. A lack of knowledge of harassing behavior does not always relieve the employer of liability.   **T**   **F**

8. Coaching/counseling sessions with employees do not need to be documented in the employee file unless a disciplinary action takes place.   **T**   **F**

9. Under the Americans with Disabilities Act, employers may be required to modify a work environment to accommdate a disabled employee.   **T**   **F**

10. In a Management by Objectives system, a supervisor should set subordinates goals and then require that they reach them prior to receiving a pay increase.   **T**   **F**

11. When both federal and state laws affect the employement process, the state law takes precedence.   **T**   **F**

12. There is government regulation concerning the vesting of all company pensions plans.   **T**   **F**

13. The right of an employee to appeal a termination decision is essentially a formality and a not legal right.   **T**   **F**

14. The Worker's Compensation program is a federally sponsered plan that is of not cost to the employer.   **T**   **F**

15. Employees have the legal right to read their employee file whenever they request it. T   F

16. An employee's signature on a performance means that the employee agrees with the contents of the appraisal. T   F

17. A lack of knowledge of harassing behavior relieves the employer of any liability. T   F

18. Under the ADA, employers may be required to modify a work environment jto accommodate an employee. T   F

19. Coaching/counseling sessions do not have to be documented in the employee file. T   F

20. OSHA requires that employers with more than 10 employees keep safety records. T   F

SOLUTION ON PAGE **133**

Quiz Answers

CROSS WORD PUZZLE SOLUTION

ACROSS			DOWN	
1	ICRA		2	Poylgraph
3	Year		5	Six
4	FLSA		6	IRA
5	Social Security		8	Analysis
7	OSHA		11	Laws
9	Adverse Impact		13	VII
10	Child		14	Hawaii
12	Woman		15	Common-law
15	C.O.B.R.A.		18	Rights
16	Negligent		20	Eighty
17	WARN		24	EEOC
19	Tax		25	Parents
21	Twenty-one		26	Jury
22	Document		27	ADA
23	Forty		28	State
27	Aids		29	EPA
31	W-2		30	At-Will
33	Two		32	Erisa
			34	Service
			35	Workers Comp
			36	I-9
			37	Sex
			38	ADEA

ANSWERS TO TEST QUESTIONS

Answers to questions on page 75.

1	B	6	C
2	A	7	A
3	A	8	B
4	A	9	B
5	B	10	C

Answers to questions on page 131.

1	F	6	T	11	F	16	F
2	T	7	T	12	T	17	F
3	F	8	F	13	T	18	T
4	F	9	T	14	F	19	F
5	F	10	F	15	F	20	T

Chapter 4

RESULTS

Seventy-five percent of the nursing administors and 50 percent of the human resource managers who volunteered to critique this thesis returned the manual evaluation survey. In an effort to decrease the level of non-response error, evaluators were contacted twice during a four week period by the thesis author. Overall the results were positive, with the manual receiving especially high ratings in the areas of being easy to read and understand, well organized, and following a logical sequence. The primary area of concern was whether the information, especially legal issues, were presented in enough detail to avoid the possibility of litigation.

The questionnaire was divided into two sections. The first part was comprised of multiple choice questions aimed at determining whether or not the manual was clear, concise, and in depth enough to be of help to nurse managers. The first eight questions were classic Likert Scale format. This gave raters a choice of five responses ranging from "strongly disagree" to "strongly agree." The third option in each reply provided an opportunity for a neutral response. It also functioned as a mirror point for both numbers one and five and for two and four. There was no space provided for an individual response on an itemized basis.

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Questions number nine and ten make up the second part of the response tool. Using a nominal style, they inquire as to whether the evaluator would recommend the use of the manual, provide an opportunity to suggest areas of improvement, as well as indicate the rater's professional history and educational background. Responses in this section varied from no response at all by Evaluator number four (nurse administrator) to two hand-written pages of ideas by evaluator number five (human resource manager). A copy of the survey is contained in Table 19.

Table 19

Human Resource Manual Thesis Survey

---

1. The manual follows a logical sequence if read from beginning to end.

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |

2. As a reference book, the manual is organized in an easy to use manner.

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |

3. The manual is easy to read and understand.

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |

4. The language is at a technical level acceptable for non-HRM managers.

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |

5.   It is possible to find a specific topic of interest quickly/easily.

Strongly	Somewhat	Neither	Somewhat	Strongly
Disagree	Disagree	Agree nor	Agree	Agree
		Disagree		

6.   Specific topics are covered in depth enough to be useful.

Strongly	Somewhat	Neither	Somewhat	Strongly
Disagree	Disagree	Agree nor	Agree	Agree
		Disagree		

7.   References to go for more detailed information are adequate.

Strongly	Somewhat	Neither	Somewhat	Strongly
Disagree	Disagree	Agree nor	Agree	Agree
		Disagree		

8.   There is enough information in specific areas that the manager will not get the company into legal trouble by following them.

Strongly	Somewhat	Neither	Somewhat	Strongly
Disagree	Disagree	Agree nor	Agree	Agree
		Disagree		

9.   Would you recommend the use of this manual?

         Yes   No

10.   Ideas for improvement _____

      _____

      Current Title _____

      Number of years in current position _____

      Educational background _____

      _____

      _____

      Professional history _____

      _____

      _____

<u>Professional Comments on Question Numbers 9 & 10</u>

All of the evaluators recommended the use of the manual for nurse managers. In addition they offered the following suggestions for improvement. **Evaluator One** wrote that (1) "Overall, I felt this met your goal of providing basic H.R. management information--it does slant to providing more information for Missouri versus making a broader state legislative approach." (2) "I appreciate time in developing the crossword puzzle, but feel a T/F approach might be more appropriate...comes off a little too cute."

Evaluator Two provided this idea for manual improvement: "When describing complaints filed under the employment law section (ADA) you'd be better off to couch the point by saying 'alleged wrongful discharge.' In my experience, non-HRM professionals get a little gun shy when they read items such as this. This makes them concerned about the possibility of a law suit being filed versus doing what is required by the law and correct per the business enterprise. If they stray off what the law requires and what's correct per the business, there is great opportunity for disparity in treatment of situations of like/identical nature or setting precedent that exceeds the law."

Evaluator Three requested a section on conflict resolution and **Evaluator Four** made no suggestions for improvement.

Evaluator Five made the following suggestions. (1) "You should

probably include a paragraph explaining the importance of consistently following policies and procedures. Once formal policies and procedures are established and communicated to employees, it is absolutely critical that all levels of management and supervision follow the policies for all employees. Deviation from established policies severely impacts the company's ability to defend their position in litigation and creates needless employee relations issues. Deviations from policy also set precedent and limit the value of the policy concerning future decisions. (2) The last sentence of the first paragraph on 'Termination of Employment' could present a problem for a new manager. It would be a matter of interpretation rather than a legal issue. Regular performance appraisals are extremely important and do 'provide a good paper trail,' but will not avoid litigation. Performance appraisals provide critical documentation to support the company's decision for termination, but have little to no impact on whether an employee files a charge."

Statistical Analysis of Questions Numbers 1 Through 8

All of the raters marked at least five of the eight statements with a positive "somewhat agree" or "strongly agree" response. Evaluator number four, a nurse administer, choose the highest rating possible, a five, for each question. One of Human Resource managers tended to give lower ratings than the other evaluators, especially in questions six through eight. For instance,

this evaluator marked one score at the scale's midpoint and two below it. The lowest score was a number one representing a "strongly disagree" to there being enough information in specific areas to avoid legal difficulties from occurring. The second lowest was a two or a "somewhat disagree" to the question that topics were covered in depth enough to be useful.

The mean of the questions ranged from a low of 3.4 on question number eight to a high of 5.0 on question number five. Standard deviations for each set of responses were equal to or under a 1.00 on all items except question number eight. Evaluator five gave the only responses that fell more then one standard deviation below a question's mean. The rating of a two on question number six places this response at two standard deviations below the question's mean of 4.00. The response of a one on question number eight places it at 2.4 points less than the mean or well below two standard deviations. Individual evaluator's responses as well as the mean and standard deviations for each question are presented in Table 20.

Table 20

Statistical Analysis of Survey Data

Question Number	Evaluators					Mean	Standard Deviation
	1	2	3	4	5		
1	5	5	5	5	4	4.8	0.346
2	4	5	5	5	4	4.6	0.548
3	4	5	5	5	4	4.6	0.548
4	5	4	5	5	4	4.6	0.548
5	5	5	5	5	5	5.0	0.000
6	4	5	4	5	2	4.0	1.000
7	4	4	4	5	3	4.0	1.000
8	4	4	3	5	1	3.4	1.010

Chapter 5

DISCUSSION

<u>Summary</u>

All of the comments provided by the evaluators were both positive and constructive in scope. The nurse administrator's remarks were item specific focusing entirely on managerial issues or problems, such as a section on conflict resolution, while the evaluators with human resource expertise seemed to be more concerned with some of the legal recommendations made by the manual. Of special concern was the issue of employee termination; both HRM evaluators made mention of this point. Not only did the two human resource managers tend to look at the manual with a broader viewpoint, their comments were more detailed in offering potential changes or additions to a manual revision.

The following is a detailed discussion of evaluator comments for the eight Likert scale multiple choice questions.

Question 1: "The manual follows a logical sequence if read from beginning
            to end."

None of the evaluators specifically addressed this question under the comments section of the questionnaire. Four of the five felt strongly that the manual did indeed meet this criteria with the fifth (Evaluator five) being

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somewhat in agreement. The combined scores for questions resulted in a mean of 4.8 out of a possible 5.0 points.

Question 2: "As a reference book, the manual is organized in an easy to use manner."

Three of the five evaluators gave this question a score of five, strongly agreeing that the manual was organized in a manner to make the extraction of information an easy task. One of the nurse administrators and one human resource manager (Evaluators number one and five) circled "somewhat agree" as their answer of choice. This question had a mean of 4.6 out of a possible 5.0 points. None of the raters offered suggestions for change that might increase the manual's ease of use.

Question 3: "The manual is easy to read and understand."

Scores for this question were identical to those of the preceding one. Evaluators two, three, and four rated this item with a "strongly agree" response with the other two once again indicating a moderate level of agreement. None of the evaluators made a specific comment concerning this question.

Question 4: "The language is at a technical level acceptable for non-HRM managers."

All of the nurse administers responded with a "strongly agree" to this statement; both of the human resource managers rated it one point lower

marking a "somewhat agree" as their selection choice. The fact that the non-HRM readers found the language in the manual would indicate that it is written at an appropriate level for nurse managers and no major changes are needed in this respect in any possible future revisions. The question's mean was 4.6 out a possible 5.0 points.

Question 5: "It is possible to find a specific topic of interest quickly/easily."

There is a detailed table of contents at the beginning of the manual as well as labeled page dividers for each section. All of the evaluators gave this question the highest rating possible which resulted in a mean of 5.0.

Question 6: "Specific topics are covered in depth enough to be useful."

All but one of the evaluators rated this question with a four or five, voicing a positive agreement with the statement. One of the human resource managers, the person with a criminal justice background, felt otherwise and offered the following comment in response. The area of concern deals with the importance consistency in the application of company policies and procedures. "I've noticed several specific areas of concern which could lead to a potential problem for a new manager. You should probably include a paragraph explaining the importance of consistently following policies and procedures." This is certainly a valid criticism and the issue does need to be addressed in any revisions. A couple of paragraphs focusing on the topic would probably be sufficient.

The evaluator also provided suggestions on the legal issues not be covered in enough detail. This item is addressed specifically in question number eight. Question number six had a mean of 4.0 with a standard deviation of 1.00. This puts evaluator number five's score of a two, as indicated by choosing the "somewhat disagree" response two standard deviations below the mean. Since the pool of evaluators is so small (five raters) it is difficult to determine exactly how significant the single score of a number two is. The manual is not intended to totally replace a human resource department, but rather to provide the nurse manager with a quick idea of the issues involved and where to go for additional information.

Question 7: "References to go for more detailed information is adequate."

There were no specific comments on this question. Four of the raters indicated agreement with the statement. The one neutral response, a three, came from evaluator number five. There were significantly more references used in the completion of this manual than cited at the end of each section. It would be a simple task to include more of them in the *"for additional information on this subject"* listings. All of the evaluator's scores to this statement were within one standard deviation of the mean of 4.0 indicating an acceptable level of agreement.

Question 8: "There is enough information in specific areas that the manager will not get into legal trouble following them."

With scores ranging from a "strongly disagree" to a "strongly agree" rating and a mean of 3.4, this statement had the largest degree of rater dissonance. The high score of a five, more than one and a half standard deviations above the mean, was given by a nurse administrator (Evaluator 4) who gave all of the statements this same "strongly agree" score.

The human resource administrator with a Bachelor Degree in Criminal Justice (Evaluator 5) provided the low rating of a one. This response was more than two standard deviations below the mean of 3.4 and should be considered as an outlier value or extraneous data which would probably be discounted in a larger study. His/her comments, however, are worth noting and incorporating in any future drafts of the manual. The first deals with the importance of following company policies. "Deviations from established policies severely impact the company's ability to defend their position in litigation and creates needless employee relations issues," he wrote. The second was concerned with performance appraisals. "Regular performance appraisals are extremely important and do provide a good paper trail but will not avoid litigation." He went on to add that, "Performance appraisals provide critical documentation to support the company's decision for termination, but have little to no impact on whether an employee files a

charge." It was not intended by this student that the manual replace necessary consultation with a company's lawyer, but rather serve as a reference for use in routine day-to-day managerial issues.

The final comments concerning statement number eight came from the second human resource manager who read the manual (Evaluator 2) who responded with, "When describing complaints filed under the employment law section (ADA) you'd be better off to couch the point by saying 'alleged wrongful discharge.' If they (the manager) stray off what the law requires and what's correct per the business, there is great opportunity for disparity in treatment of situations like/identical nature or setting precedent that exceeds the law." This is an excellent suggestion and worth including in a future draft of the manual. In addition, it should include some type of a disclaimer to this effect thus encouraging nurse managers to seek legal advice when in doubt about a problem.

Question 9: "Would you recommend the use of this manual?"

All of the evaluators responded, yes, they would recommend the use of such a manual.

Question 10: "Ideas for improvement."

The only issue that was present that did not relate specifically to one of the above questions was the request by Evaluator 3 for a section on conflict resolution. The student intentionally omitted this topic as it would be

impossible to address it in enough depth in a manual such as the one in this thesis. In addition, a manual format would probably not be the most suitable for this topic. Managers would benefit more from a class or seminar covering conflict resolution. A short section on the subject could be included with a list of possible references.

Limitations

The primary difficulty of the project was in getting the evaluators to return the completed survey. Eight managers/administrators (4 HRM and 4 Nursing) agreed to read and critique the manual, but only five returned the survey even after personal requests by this student. This made a true analysis of the survey challenging, especially in the case of the human resource managers, who had only a 50 percent return rate.

Two of the raters appeared to have a type of evaluator bias or sensitivity. Evaluator number four, a nurse administrator, responded with "strongly agree" to each question on the survey indicating an acquiescence bias. A survey which contained counter-baising statements may have helped prevent this from occurring. In a larger study it would be appropriate to discard this person's survey response form when performing statistical analysis.

The other evaluator who appeared to have a biased point of view was number five. This human resource manager was the only rater to give a

response that fell more than one standard deviation below the mean. His/her educational background and work history are both in the area of criminal justice. This appears to have caused the evaluator to have a much higher than average sensitivity to employee legal concerns. Consequently, ratings in questions number six and eight are not in line with the other four evaluators. As with Evaluator four, some of this rater's responses would probably be discounted in a larger survey.

The final problem encountered with this thesis and the writing of a manual for nurse managers is that nurses tend to be female. According to educator Carol Pearson, who studied the gender implications of Myers-Briggs, Kolb, and field independence versus field sensitivity, the majority of women's learning style is not conducive to a manual type of instruction. In her article "Women As Learners: Diversity and Educational Quality," Pearson indicated that a more appropriate type of instruction tool would include personal interaction and an opportunity for the nurse managers to discuss past and potential problems as well as how they addressed them. She wrote that most women prefer "collaborative, intimate learning settings; learning experiences which integrate with experience; and cognition processes which utilize feeling and empathy as well as thought (Pearson 4).

<u>Suggestions for Future Research</u>

Having a larger pool of evaluators for the manual would be desirable. This would help determine whether evaluator five's comments of the need for legal concerns to be covered in more depth are justified, as well as allow for evaluator four's responses to be discarded. A statement making it absolutely clear that the manual is not intended to replace a company's legal consultant as well as a short section addressing the importance of following set policies and procedures is needed, as well.

With a future project it would be desirable to ascertain the nurse's area of expertise, limiting evaluators to those with some type of a business or management degree. Only one of the nurse administrators who responded has completed a Masters of Business Administration Degree, and it is impossible to know how knowledgeable the other two are in relation to employee law.

The use of a computer generated program with situational scenarios accompanied by possible solutions is one method that could be attempted in an effort to make the project more appealing to female nurse managers. While this would not provide the human contact that female students appear to desire, it would allow for a more individualized interaction. Unfortunately, according to college catalogs, none of the nursing programs in the St. Louis area include any type of mandatory computer education classes. Consequently

it would be prudent to somehow determine the level of computer literacy among nurses prior to initiating such a project.

Appendix A

COVER LETTER

May 18, 1996

15067 Isleview Dr.
St. Louis, MO, 63130

Dear evaluator,

I am a registered nurse who is in the process of completing my master M.S.A. in Human Resource Management. As a part of my thesis, I am compiling a management manual for newly promoted nurses who work in a non-hospital setting. It is not intended as a resource for HRM professionals.

Please take a few minutes to complete the attached survey. Your answers will remain confidential and will be used only for the purpose of helping me determine what areas of management theory to include in my manual. I greatly appreciate your honesty in completing the questionnaire.

Sincerely,

Jane Gausch, RN

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