

# EMPLOYEE ASSISTANCE REPORT

supporting EAP professionals

## Returning Veterans:

### *Recognizing and Healing Hidden Wounds*

By Jon Christensen

American soldiers in Iraq and Afghanistan are returning home with physical and emotional wounds. At least 10% of all returning veterans — the actual number will likely be much higher — are expected to experience significant symptoms of traumatic shock. And this disturbing trend is being anticipated even though the military is *already* expending considerable resources to identify potential emotional problems stemming from trauma on the battlefield.

As a CEAP and a Vietnam veteran, I addressed this issue at a recent trauma conference sponsored by the University of Wisconsin-Parkside (in Kenosha, WI) and local community groups.

Participants were provided with an overview of current combat stressors. Today's experiences were compared with the lessons learned from past clinical experiences working with combat veterans.

Clinically recognized signs and symptoms of depression, anxiety, Post-Traumatic Stress Disorder (PTSD), and other psychological consequences resulting from combat-related stress, were placed in a context of current and anticipated reactions among veterans.

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*"...many other veterans will appear to readjust, when in fact their internal turmoil won't match their outside facade..."*

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Suggestions were offered to identify issues and provide referrals and assistance to the individuals and their families.

The military and the Veterans Administration — through their 77 medical centers and 206 vet center programs — are making significant efforts to address this problem, but they are hampered by funding limitations. Although the House and Senate approved a budget that provides \$990 million more than the Administration offered, the Veterans of Foreign Wars (VFW), the largest veteran group in the country, states that the increase is still \$2.5 billion short of what is needed.

Helping individual veterans with medical problems including psychological, emotional re-adjustment, requires skilled, trained, and experienced providers within a system already overburdened with existing needs.\*

To date, there have been over 483,000 National Guard and Reserve troops called to active

duty since 9/11/2001. As if the emotional issues related to being separated from loved ones aren't enough, many troops and their families are also dealing with significant financial matters. For example, in an unstable economy, veterans returning to the civilian workforce may find their position — or even their previous employer — downsized or eliminated.

As a result, in the past three years more than 4,400 complaints have been filed with the Labor Department regarding employment concerns. Complaints have risen by 62% since 9/11, and the Labor Department has collected \$3.2 million in back wages and benefits. In fact, an anonymous donor in California gave \$1.6 million to a group that provides relief to financially-strapped military families.

From an EAP perspective, hopefully this article will provide significant insight in predicting some of the challenges that

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employees will face, if they're not dealing with these issues already.

Since we are providers of services to employers, employees and their families, this information, limited as it is, should not fall on deaf ears. Veterans are returning home with needs and expectations that their country will have difficulty addressing.

For one thing, they will be returning to their jobs, and if they still exist, trying to fit back in. Many will do just that. They are proud of their service and the opportunities they had. They'll pick up the pieces and move on, or "continue the mission" in military speak.

However, many other veterans will *appear* to readjust, when in fact their internal turmoil won't match their outside facade. And the 10% or more of veterans in need of immediate assistance may not know how to ask, or what to ask for. The symptoms they are experiencing can be frightening and overwhelming for them, and for their families.

What can Employee Assistance professionals do?

- 1) Be aware. Learn what you can about the experiences that returning employees have dealt with — not the media or political hype.
- 2) Prepare your organization's response through education and awareness sessions. Work with supervisors and work groups on re-entry and re-adjustment (what happens after the parades and picnics are over) into the workforce. For employees currently deployed, offer help and support to their families as they have also "served" indirectly.
- 3) Acquaint yourself with community and other resources — local veteran organizations, county veteran service officers, the federal VA and especially local veteran programs.
- 4) Finally, Join the Tri-Care Network's Operation Comfort (866.632.7868), and watch for local developments in your community. ■

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## EMPLOYEE ASSISTANCE REPORT

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### Web Watch *at Work*

# Resources for Veterans and Their Families

**American Legion:**

[www.legion.org](http://www.legion.org)

**Disabled American Veterans:**

[www.dav.org](http://www.dav.org)

**National Veterans Foundation:**

[www.nvf.org/indexframe.html](http://www.nvf.org/indexframe.html)

**National Veterans Toll Free Crisis Line:**

1-888-777-4443

**Operation Comfort:**

[www.operationcomfort.com/index.php](http://www.operationcomfort.com/index.php)

**U.S. Dept. of Veterans Affairs:**

[www.va.gov](http://www.va.gov)

**Veterans Benefits**

**Admininstration:**

[www.vba.va.gov](http://www.vba.va.gov)

**Vet Center:**

[www.va.gov/rcs/VetCenter/Directory.htm](http://www.va.gov/rcs/VetCenter/Directory.htm)

**Veterans and Families**

**Community Support Network:**

[www.veteransandfamilies.citymax.com/page/page/1547831.htm](http://www.veteransandfamilies.citymax.com/page/page/1547831.htm)

**Veterans of Foreign Wars:**

[www.vfw.org](http://www.vfw.org)

# Are Your Business Clients Prepared?

Americans have been understandably concerned about war and terrorism since Sept. 9, 2001, but even four years since that fateful day, many companies remain reluctant to discuss the threat of terrorism with their employees. They believe that planning for an attack would fuel worries among already jittery employees.

However, the reality is just the opposite. This is because workplace experts believe that a clear-cut strategy for dealing with emergencies allows employees to focus on their work and reduces panic if the unthinkable should happen.

Employers have a responsibility to employees and customers to provide a secure working environment and to respond to security threats — whether it's violence in the workplace, a terrorist attack, natural disaster, or another safety issue. Implementing a plan to address issues like these may seem daunting, but it doesn't have to be. Here are just a few ideas how an EAP can help a company get started:

- *Help them be aware of what local emergency agencies and resources are available.* This probably sounds simple enough, but it's amazing how many times people assume they know such information, when in reality they don't.
- *Hold a training exercise.* Whether the event chosen is a terrorist attack or not, learning how the company would respond in an actual emergency is a great way to spot areas that need improvement.

- *Assist in training employees to perform specific tasks.* For example, someone should be assigned to call the police or fire department, someone should monitor stairways and keep co-workers out of elevators, while others should be trained in first aid and CPR.
- *Encourage them to expand plans beyond the company.* It isn't enough to know that the organization is prepared. The impact of a terrorist attack or natural disaster will be felt well beyond the initial site. For instance, after 9/11 transit systems were shut down and border crossings were difficult. As a result, be sure the plan that's developed takes into account the issues that the client and their neighbors will likely face in the wake of a regional terrorist attack or other calamity.

In summary, developing and implementing a comprehensive safety and security plan will help ensure survival should a disaster occur — regardless whether it's a terrorist act, flood, fire or other disaster. ■

Source: Crisis Management International, Inc.



## UPCOMING EAR FEATURES...

- Serving Rural Businesses
- Diversity
- Offshoring

## Editor's Notebook

I wish to thank Tim Sumiec and Jon Christensen for their help and expertise: Tim for providing



story ideas and contacts (which included Jon Christensen); and Jon for submitting some excellent information on the impact of returning veterans to the workplace.

Since Jon is both a CEAP and a veteran, he offers a unique perspective of this issue — a topic that can be expected to grow in importance as increasing numbers of veterans return from overseas.

I know I probably get carried away “thanking people,” but I genuinely appreciate it when CEAPs go “above and beyond” their already busy schedules to either provide referrals or to write an article for *EAR*.

For example, Tim suggested I contact Jon to help with an article on returning veterans for this newsletter. Since I did not even know who Jon was until June, Tim's suggestion is a perfect example of how readers' ideas HELP US to BETTER HELP YOU.

Speaking of input, please note the reader survey insert in this month's issue of *EAR*. Your suggestions last year led us to discontinue the conferences section, and your ideas helped greatly in planning editorial coverage for the current year. (Several of your ideas are still in the works for future issues.)

Likewise, your feedback will help us be of maximum value to you in '06. Until next month.

Mike Jacquart

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# When Can Workers Sue Employers in Federal Court?

By Lyle Denniston

**A** former waitress and bartender at the Moonlight Cafe in New Orleans will be carrying the legal hopes of perhaps millions of workers, many of them employed by small companies, when her case moves forward in the US Supreme Court.

The Court's agreement in mid-May to hear the appeal of Jenifer Arbaugh sets the stage for a potentially sweeping decision on the authority of the federal courts to decide a myriad of workers' complaints about discrimination on the job, as well as claims for benefits, under federal employee-protection laws.

Although the core issue is a technical one dealing with court jurisdiction, that does not obscure the fact that the outcome could have a wide impact on cases under such laws as Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, and even some aspects of the Employee Retirement and Income Security Act (ERISA)\* — an array of laws that together provide legal safeguards or assure job benefits for most of the nation's workforce.

The new case, *Arbaugh v. Y & H Corporation*, will be decided in the Court's term starting Oct. 3.

## Workers' Access to Federal Court May Be Severely Limited

The case could have a particularly strong effect on small employers and workers on their payrolls, because many of the specific disputes turn on whether an employer

is too small to be covered by a federal law.

For example, Title VII and ADA exempt businesses with fewer than 15 employees, ADEA does not apply to those with fewer than 20 employees, and FMLA does not cover employers with fewer than 50 workers. But the issue at stake also covers other provisions in federal laws, which could affect larger employers and their workers, too. Those provisions address who is an employee under a statute; whether a company is in an industry that affects interstate commerce; or whether a business qualifies for a special exemption (such as that allowed to private clubs under Title VII).

Every one of the laws involved has definitions or restrictions that confine its scope. The question in Arbaugh's case is not whether those limitations restrict what she or other workers could win by suing in federal court — she concedes that they do (win) when a case is decided on its merits. Rather, the question her case poses is whether, given those restrictions, workers may sue at all — in other words, whether the provisions limiting a law do away with federal jurisdiction of the worker's claim altogether.

This is important, because a question of jurisdiction cannot be settled by a side agreement between the parties, and it cannot be waived. It must be raised and settled before a case is final, and it can be raised at any time — even after a case has essentially been completed.

Thus, Arbaugh's appeal notes, determining jurisdiction can often decide a case.

## Winning the Battle Vs. Losing the War — at the Eleventh Hour

These matters are at stake because Arbaugh went to court to complain of a continuous pattern of sexual harassment by the owners of the Moonlight Cafe (the Y & H Corporation) during the nine months she worked there serving food and drinks to customers.

Her Title VII claim went to a jury, which ruled in her favor, and awarded her \$40,000 in total damages. But, after the verdict was in, and the case all but over, lawyers for Y & H urged the federal judge to throw out the case, arguing that the cafe had fewer than 15 employees and thus was exempt altogether from Title VII.

Five months after the verdict, the judge agreed, and so did the 5th US Circuit Court of Appeals. With Y & H having fewer than 15 workers on its payroll, the lower courts decided, the federal court simply had no jurisdiction. That nullified the verdict, barred Arbaugh from pursuing her federal claim any further.

Federal courts of appeals for years have been reaching conflicting decisions on this issue. The Circuit Court's decision agrees with decisions of five other courts of appeals, but is at odds with decisions of five other courts of appeals.

The Supreme Court was willing to take on that dispute and settle it, partly because of the lingering split in the lower courts. But the Court also may have been influenced by the fact that Arbaugh's case went forward with no question of the judge's power to hear the case and no doubt of the jury's authority to

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reach a verdict — until the other side objected only after it had lost.

\* Editor's note: ERISA was covered in

greater detail in the August "Employee Assistance Report." Lyle Denniston is a veteran Supreme Court reporter, having covered the highest court for 46 years. Denniston writes for Workforce Insights on [www.veritude.com](http://www.veritude.com), an online resource about

emerging labor trends and issues produced by Veritude, a provider of strategic human resources and a subsidiary of Fidelity Investments. ©2005 Veritude, LLC. Reprinted with permission. This article originally appeared in the June 2005 issue of Workforce Insights. ■

**On the Job**

# Think Like a Businessman!

**A**s an Employee Assistance professional, you're aware that one of your biggest challenges lies in being relevant to company clients.

One of the ways to do that is to think like a businessman. Make their concerns your concerns. Put another way, what are the workplace issues that keep key business executives awake at night? You need to know what clients view as their biggest problems, and then work with them on possible solutions.

According to Robert Half Management Resources, these are some of the key issues that impact productivity at small businesses:

- 1) *Are clients' electronic systems secure?* Email viruses, unauthorized systems access, and data theft, are among the many threats that can leave a company vulnerable. Businesses

should have adequate security systems in place and the technical staff to implement necessary safeguards. Firms should also regularly update employees on new policies and guidelines for protecting the company's systems.

- 2) *Are business costs under control?* In a recent survey by Robert Half Management Resources, nearly half (45%) of chief financial officers said they anticipate employee healthcare plans to be their biggest cost increase this year. Brainstorm ways to help them offset rising healthcare expenses.
- 3) *How do they rate on the corporate governance scale?* Terms such as "corporate governance" and "internal control" are cause for any business to determine how it is affected by regula-

tions such as the Sarbanes-Oxley Act of 2002, HIPAA, the USA Patriot Act, and the Gramm-Leach-Bliley Act\*. Companies that encourage cross-departmental cooperation and collaborate with outside advisors are in a better position to effectively address corporate governance issues that may impact business.

- 4) *How well do your clients hang on to their top people?* As the economy gains momentum, companies shouldn't be surprised if top performers get other job offers. Offering competitive compensation packages, as well as creative benefits, help organizations recruit and retain qualified employees. Recognizing individual and team accomplishments on a regular basis will also help instill staff loyalty.
- 5) *Are your clients losing market share to competitors?* An EA professional needs to stay on top of his/her field, and so does your company client. Ask them how they feel their company measures up to the competition and solicit ideas to improve the firm's products, services, and customer satisfaction.

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In summary, make yourself indispensable to company clients by ensuring that key management staff know you can provide expert consultation, not just counseling. ■

Source: Robert Half Management Resources ([www.rhmr.com](http://www.rhmr.com)) \*Editor's note: See the August "Employee Assistance Report" for more on HIPAA and the Sarbanes-Oxley Act.



# Do More in Less Time *and* with Less Stress: Part I

By Donald E. Wetmore

In my time management seminars, which I have conducted for more than 100,000 people from around the globe, I show people how to get more done in less time, and with less stress.

If you can recapture a wasted hour here and there and redirect it to more productive use, you can make great increases in your daily productivity.

The following are five of the 10 techniques I share in time management seminars.

**1. Maintain Balance.** Your life consists of seven vital areas: health, family, financial, intellectual, social, professional, and spiritual. You will not spend equal amounts of time in each area at any one time. However, if you are spending a sufficient quantity and quality of time in each area in the long term, your life will be balanced. But ignore any one of your areas, and you will potentially sabotage your success. For instance, fail to take time now for your health, and you will have to deal with illness later on. Or,

ignore your family and they may leave you.

**2. Get the Power of the Pen.** A faint pen has more power than the keenest mind. Get into the habit of writing down tasks using a tool (a Day-Timer, pad of paper, Palm

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*“If you can recapture a wasted hour here and there and redirect it to more productive use, you can make great increases in your daily productivity.”*

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Pilot, etc). Your mind is best used for the big picture rather than all the details. Writing things down helps you to easily remember all that you need to accomplish.

**3. Do Daily Planning.** It is said that people do not plan to fail but a lot of people fail to plan. Write up a to-do list with “have tos” and “want tos” for the next day. Without a plan for the day, you can easily get distracted, spending your time serving the loudest voice or the noisiest customer, rather than attending to the most important tasks that will enhance your productivity.

**4. Prioritize.** Despite the fact most people want to be productive, when given the choice between crucial and not so crucial items, we often end up doing the not so crucial tasks. This is

because non-crucial jobs are generally easier and quicker than crucial items. Prioritize your to-do list each night (for the next day). Put a #1 next to the most important item on your list. Place a #2 next to the second most important item on your list, etc. Then tackle the items on your list in order of their importance. You may not get everything done on your list, but you will get the most important things done. This is an example of working smarter, not harder, and getting more done in less time.

**5. Control Procrastination.** The most effective planning in the world does not substitute for doing what needs to be done. To get going on something you have been putting off, create in your mind enough pain for not doing it or enough pleasure to do it. I prefer the pleasure approach. Take a job you’ve put off and turn it into a game. Place one part of the job in front of you so you won’t be easily distracted. Otherwise, it becomes “out of sight, out of mind.” Break a big job into a number of small tasks. Get started, take the first step, and you will likely continue to completion.

**NEXT MONTH:** Dr. Wetmore will cover the remainder of his time-saving tips. ■

*Dr. Donald E. Wetmore is a professional speaker with the Productivity Institute, Time Management Seminars, Stratford, CT; 800-969-3773; ctsem@msn.com, [www.balancetime.com](http://www.balancetime.com).*

# Ideas are Free, Use Them!

By Alan Robinson &  
Dean Schroeder

While most companies are shamelessly squandering workers' ideas, a small but growing number are actually listening to employees and getting extraordinary results. What are the secrets to their success?

Every day, millions of workers see problems and opportunities their bosses do not. With little chance to do anything about them, they're forced to watch helplessly as their companies waste time and money, disappoint and lose customers, and perform far below their potential. Meanwhile, their managers, chronically short on time and resources, are fighting fires instead of producing results.

To date, many managers have used the suggestion box, a poorly conceived process that doomed their efforts from the get-go. Some years ago, however, we started coming across a small but growing number of companies that were getting extraordinary numbers of ideas from workers. These ideas led to unusually high levels of performance and a strong, healthy work environment that retained and engaged employees.

We decided to study these companies to find out exactly what works, what doesn't, and why. We traveled to more than 150 organizations in 17 countries, interviewing 1,000 managers and workers.

The following, in a nutshell, are the essential secrets that we learned:

## Secret # 1: Go after small ideas, not big ones.

Everyone loves big, dramatic ideas. In fact, the bigger and sexier the ideas, the more people are drawn to them. So it's not surprising that when managers think about promoting workers' ideas, they envision going after the home runs — the breakthroughs that promise fame and fortune. Yet it's actually smarter to go after small ideas, as they're where the real action is. Here's why:

- *Small ideas build competitive advantage.* They don't migrate to competitors — and even if they do, they're often too specific to be useful.
- *Small ideas create excellence by promoting attention to detail.* They enable companies to meticulously mind the details, which is the requisite for true excellence.
- *Small ideas have vast potential.* They are often useful throughout an organization, vastly multiplying their impact.
- *Small ideas are the best source of big ideas.* They can be clues to bigger ideas and, when used as stepping stones, often unmask larger problems and opportunities.
- *Small ideas point to deeper issues.* They often appear in patterns and in turn can pinpoint bigger problems and opportunities.
- *Small ideas promote organizational learning.* They lock in the learning that occurs every

day in companies and, by revealing gaps in know-how or skills, help identify important training and development needs.

- *Small ideas can be managed and measured.* Unlike big ideas, small ones crop up regularly. This gives supervisors experience in managing and measuring them.
- *Small ideas have a big, cumulative impact.* They may not be earth shattering one by one, but collectively they amass into a large competitive advantage.

## Secret # 2: Avoid the pitfalls of rewards.

Plain and simple, rewards are unnecessary. Workers will offer plenty of ideas without them. For them, the most powerful incentive is the knowledge that their ideas will get a fair hearing and, if they're worthwhile, that they'll be recognized and used. But many managers don't get it. Their instinct is to offer monetary rewards for ideas, an idea that backfires in all sorts of ways. Here's why:

- *Rewards are inherently unfair.* Because it's the easiest thing to do, most rewards are given to the originator of an idea. But what about everyone else who was involved in evaluating and implementing it? Why should workers spend time and energy on an idea when someone else will get the reward? Is it any surprise that people hold back their ideas in team-based projects, knowing they can be

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rewarded by offering them later through an idea system?

- **Rewards create more overhead and fewer ideas.** Evaluating the benefits of an idea takes hours of time and energy. And since it's difficult, if not impossible, to quantify the effect of most ideas, the idea process — along with the people who administer it — gravitates toward only the small fraction of ideas that are readily quantifiable. Workers figure the scheme out quickly and limit their ideas to the kinds that get rewards.
- **Rewards lead to scandalous behavior.** Monetary rewards for individual ideas, especially ones with big payouts, often lead to fraud.

### Secret # 3: Make ideas part of everyone's job.

Most companies behave as if workers should check their brains at the door. Best-practice companies, however, make *giving* ideas part of every employee's job and *getting* ideas part of every manager's job. Additionally, many of them track and assess results in individual performance evaluations.

At one company, managers and employees are expected to bring two ideas — however small — to their weekly department meetings. Each person presents his ideas, which the group then discusses, refines, and builds upon. If the group agrees that an idea should be implemented, or that it requires further consideration, they determine who's accountable to make it happen. Most meetings involve eight to 10 people and last about 45 minutes. Each group not only takes care of ongoing business,

but processes around 20 ideas.

This deceptively simple process has all the attributes of an effective system. Here's why:

- Ideas are part of everyone's job;
- It's easy to submit ideas;
- Ideas are discussed and evaluated by people with direct knowledge;
- Feedback is immediate;
- Decisions are made quickly and at the lowest possible level; and
- Implementation is fast and simple.

*Alan Robinson and Dean Schroeder are management consultants and educators and co-authors of "Ideas Are Free: How the Idea Revolution Is Liberating People and Transforming Organizations" (Berrett-Koehler, \$24.95). Contact them at [www.ideasarefree.com](http://www.ideasarefree.com). ©2004 Alan Robinson and Dean Schroeder. All rights reserved. ■*

## Workplace Trends

# What will Future Offices Look Like?

**T**he future office will be increasingly mobile, with technology enabling employees to perform their jobs from nearly anywhere, according to *Office of the Future: 2020*, a research study recently released by OfficeTeam.

But greater control over where and how people work won't necessarily translate into more free time. Forty-two percent of executives polled said they believe employees will be working more hours in the next 10 to 15 years.

In compiling *Office of the Future*, OfficeTeam interviewed workplace and technology experts, and workers and executives at the nation's 1,000 largest companies. Key findings included:

- **Technology to provide even greater flexibility** — Miniature wireless devices, WiFi, WiMax and mobile technology will continue to allow staff to work outside the office with greater ease. Additionally, virtual environments and web-based conferences will provide off-site employees with real-time access to meetings, reducing the need to travel.
- **Telecommuting to increase** — Eight-seven percent of executives believe telecommuting will increase in the next 10 to 15 years. However, while telecommuting enables employees to work where it's most convenient, it also challenges their interpersonal

skills. As a result, telecommuters must build relationships with co-workers while having fewer personal interactions.

- **Staff to put in more hours** — Forty-two percent of executives think employees will be working more hours in 10 to 15 years. Only 9% said they'd be working fewer hours.
- **New views on work-life balance** — While people may put in more hours, technology will provide more control over their schedules and enable them to balance priorities — provided they are able to multitask to effectively meet home and work obligations. ■

*To find out more, visit [www.officeofthefuture2020.com](http://www.officeofthefuture2020.com).*