

# THE VANTAGE POINT™

Proactive Perspectives On Workplace Issues

## Introducing: The NEW Vantage!

Vantage is growing and expanding our service offerings! To celebrate our progress, we are excited to introduce our new look and brand new website! **We invite you to begin the new Vantage Solutions LLC experience at [www.vantage-solutions.com](http://www.vantage-solutions.com).**

## Work Place Flexibility: Not Just for Moms

Work place flexibility has been a hot button issue since Hewlett Packard began experimenting with the concept in the early 1970s. At that time, 47 percent of women in the workforce had children under the age of 18 and they were fighting for greater flexibility to take care of family needs. Unfortunately, taking advantage of flexible work arrangements was often seen as a direct path to the “mommy track” – where white collar employers relegated women who chose to have children to positions with less responsibility. While there is debate about whether a “mommy track” still exists, what is not debatable is the increase in the percentage of women in the workplace with children under the age of 18; in 2007, it was over 70 percent.

### Who Needs Flexibility in the Workplace?

The need for some flexibility to balance the demands of family and the demands of the workplace is an urgent reality, not just for women, but for the majority of the U.S. labor force. The reality for a number of years has been that most American families have two working adults—not just to allow for the purchase of luxuries but, increasingly, to be able to afford the basics—housing, groceries, and health care. Almost 80 percent of married/partnered employees are a part of dual-earner couples; only 16 percent of families have the man working outside the home with the woman at home, taking care of the children.

Today, it is not just families pushing for greater flexibility. The digitally connected Millennials love to collaborate, but

### Inside this issue:

Introducing: The NEW Vantage!	1
Workplace Flexibility: Not Just for Moms	1
The Millennials Are Coming!	2
Dude, Where's My Data?	3
Vantage Webinars	4

don't necessarily feel they have to be in the same location for collaboration to occur. Further, they believe flexibility is a necessity, not a perk. As the Millennials enter a workplace still dominated by Baby Boomers, they will be more attracted to organizations where flexibility is the cultural norm (see “The Millennials are Coming” in this issue).

### What's an Employer to Do?

Many employers have responded to this reality. In 1991, 15 percent of all full-time workers had flexible schedules; Bureau of Labor Statistics show that by 2004, this number was up to 27.5 percent. Yet, flexible work arrangements are most often viewed by employers as a perk or nice thing to do for employees on a case-by-case basis. A 2008 study, *CFO Perceptions of Work Life Flexibility*, found that only 13 percent of top CFOs worked for an organization with a senior leadership team who perceived flexibility “to be a strategy for managing work, resources and talent”.

Despite this, many HR experts agree that in these tough economic times, retaining or adopting some flexible work arrangements can not only ensure employers attract and retain the best, most skilled employees, but also help lower overhead costs. Companies who fail to employ workplace flexibility as a strategic management tool could lose those employees who require work environments that embrace their need to balance work and family.

### Flexible Work Strategies

Approaches to workplace flexibility cover how, when or where work is performed and may include variations of the following options:

**Compressed schedule**—employee works a full-time schedule in fewer, longer days

**Flextime**—employee is available in the workplace during core hours but may adjust start or stop times

**Telecommuting**—employee works from home or a location other than the primary workplace

**Part-Time**—employee works less than full time for less pay

**Job Sharing**—two employees work part-time sharing one full time job

**Phased Retirement**—employee gradually reduces commitment while transitioning to full retirement

A review the 2008, 100 Best Companies reported by *Working Mother Magazine* reveals company leaders regard the availability of flexible work arrangements as significant to their company's business strategy to attract and retain skilled employees. These leaders have made the connection between flexible work strategies and achieving business results. They are rethinking work processes to help their employees manage life challenges and retaining loyal, skilled employees for their efforts.

Want to know more? Take advantage of Vantage Solutions' three part webinar series, Sur-Thriving Toolkit, to learn about measures to help you attract, develop, reward and retain great employees. ✓

## The Millennials are Coming!

Ready or not, Millennials are joining the workforce. Unlike previous generations, they are giving HR reason for concern and forcing businesses to re-evaluate their recruiting and training practices. Companies like Deloitte, Merrill Lynch and even the U.S. Army have already adjusted their HR practices to embrace the new generation. As experts in HR Management for small and mid-sized businesses, Vantage Solutions will offer you useful, realistic best practices for managing Millennials through a three-part series in Vantage Pointe™.

*This issue: Who are the Millennials and Why You Should Care?*  
*Summer 2009: Recruiting and Retaining Millennials*  
*Fall 2009: Managing Generations at Work*

### Who are the Millennials and Why You Should Care?

Millennials are the generation born roughly between 1980 and 2000 and they are the largest generation since the Baby Boomers. Other common names for this generation include: Generation Y, Echo Boomers, Adulthooders, Generation Internet and Generation Next. Although they currently make up approximately 14 percent of the work force, Human Resources trend watchers are noting that as the "brain drain" of the retiring Boomers occurs towards the end of this decade, the largest pool of talent will be in this new generation and these young

adults are entering the workforce in droves.

Millennials are the first generation to grow up entirely in the digital age. They are highly connected to their peers through email, text-messaging, IM, Facebook, Twitter etc.; with just a few clicks, they can send a message about you or your company to thousands of their contacts. Other defining characteristics of this generation:

#### The Pointe:

**Employers should regard offering flexible work options as a business strategy to attract and retain skilled employees.**

- They have high self-esteem. This group has developed work characteristics and tendencies from doting parents, structured lives, and contact with diverse people.
- They want to work in a collaborative environment. They are used to working in teams and want to make friends with people at work.
- They are positive and have a "can-do" attitude about tasks at work.
- They need constant feedback. They look for feedback about their performance frequently—even daily.
- They are excellent multi-taskers. They want a variety of tasks and expect that they will accomplish every one of them. They are used to balancing many activities such as teams, friends, and philanthropic activities.
- They expect strong, fair leadership. This group seeks leadership, and even structure, from their older and managerial co-workers, but expect that you will draw out and respect their ideas.
- They are easily bored. They seek a challenge and do not want to experience boredom.

Understanding the Millennials' assets and liabilities can make working with them and managing them a more rewarding experience. Their assets include: an ability to multitask, positive, goal-oriented attitude, technical savvy, and collaborative mindset. The liabilities include: their distaste for menial work, impatience, lack of experience, and over confidence.

The challenge of communicating with Millennials is largely based on the different social skills of the younger and older generations. Millennials are accustomed to constant digital communication. They are constantly connected and expect immediate answers. They prefer to communicate electronically.

Further, if Millennials are satisfied and feel respected, they are extremely productive and loyal. Having been raised with a collaborative and inclusive mindset, they make great team members and work very well with each other. Their technological skills typically far exceed those of older workers and this can be of great advantage to companies. Millennials also bring to the workplace efficiency (they work smarter and don't waste time with unnecessary meetings), productivity (they work faster), creativity, appreciation for time (they value time

and understand “time is money”), respect for mentors, people and communication skills (they work well with others), and feedback (they give it as well as receive it).

While Millennials’ high expectations and unwillingness to be patient and pay their dues can be frustrating, successfully managing them and keeping them happy can result in long-term rewards for your company. ✓

## Dude, Where’s My Data?

*Federal Law Allows Businesses to Sue Employees and Former Employees for the Costs of Finding Out*

We’ve all heard the horror stories. An unhappy employee quits (or is fired) and walks out with his former employer’s data or destroys the employer’s crucial client records or other computer files. In the age of electronic information, depending on the security measures you take to protect your data, it could happen to your business. The Computer Fraud & Abuse Act (“CFAA”) at least provides employers some recourse.

### Background

The CFAA prohibits an individual from knowingly accessing a computer without authorization or exceeding authorized access to a computer for the purposes of acquiring any restricted data for any use, including fraud, or with the intent to disclose or improperly retain or destroy such information. [18 U.S.C.A. 1030]. The statute also forbids knowingly transmitting a program such as a “worm” or virus for the purpose of intentionally causing damage to a computer.

Initially, the CFAA was enacted to provide for substantial criminal penalties against wrongdoers, but Congress amended the statute in 1994 by adding civil remedies to victims of violators of the statute. Currently, the CFAA confers a private right of action to any person who has suffered damage or loss by reason of a violation of the act and the right to obtain compensatory damages and injunctive relief. Specifically in the private company context, a business may sue the wrongdoer if a violation of the CFAA causes at least \$5,000 loss to one or more persons during any one year period. Importantly, the damages can include the cost incurred to determine how the damage was caused and who caused it.

### How Does the CFAA Impact My Business?

An employee who has access to a company computer may be able (depending on the security measures in place) to erase some or all of the data on the computer, including proprietary information that may not be available to the company elsewhere. Moreover, the employee may be able to download and execute a “data washing” program to “cover his tracks” of any misconduct or competing activities performed on such a computer.

A company will obviously want to find out what data was removed, destroyed or otherwise damaged—an undoubtedly costly effort. The company may be forced to spend thousands of dollars to hire IT experts to investigate, analyze and remedy any wrongful acts committed by the rogue employee. The company may suffer real financial loss because of the unauthorized use of the computer. In such cases, the CFAA allows the company to sue the employee to recover these losses, provided it does so within two years of the date of the act or the date of the discovery of the damage.

Lawsuits under the CFAA are often brought against a former (or current) employee for the unauthorized destruction or removal of data from the employer’s computer. Many times, this occurs when the employee has taken steps to compete with the employer and improperly takes or destroys the company’s proprietary data to aid in starting his own competing business or for the benefit of a competitor of the former employer.

In one notable Illinois case, International Airport Centers, LLC v. Citrin, an employee quit his job in breach of his employment contract. Before returning the company’s laptop, the individual deleted all of the data on the computer, including data collected on behalf of his former employer and data that evidenced other improper conduct of the employee. In addition, the employee had installed a program to prevent the recovery of the data. The Court found that the employee had gained unauthorized access to the computer when he destroyed all incriminating data as well as other data proprietary to the company. The Court found, as other Illinois courts have, that these acts constituted a breach of the employee’s duty of loyalty to the employer, which had terminated his agency relationship with the company. Thus, upon deciding to quit, the employee did not have the authority to access this data for any purpose. His destruction of his former employer’s data was a violation of the CFAA.

In another case, EF Cultural Travel BV, et. Al v. Explorica Inc., et.al, a former employee of a travel agent used the confidential information of his former employer to help create a program that allowed his new employer, a competitor, to gain access to information on the former employer’s website. This program enabled the new employer to access data much more efficiently than a member of the general public. The Court found that although the employer’s website was available to the public, the new employer, as a member of the public, had exceeded its authority to access the website because of the use of the otherwise confidential information. This type of access allowed the new employer to gain a possible unfair competitive advantage over the former employer. In finding that there was likely a violation of the CFAA, the Court allowed the lawsuit to proceed.

### How Can Employers Protect Themselves?

The CFAA provides a powerful reactive measure; however, businesses should proactively protect their data to avoid having to use

the CFAA after the fact. Business owners and managers must remain vigilant to the prospect of employees accessing, destroying, and otherwise misappropriating proprietary data. While it may be impractical to monitor every employee's use of company computers, companies can take several steps to protect their data and interests in light of the CFAA. Among the most prudent measures are:

- Requiring employees to sign confidentiality, non-disclosure, data use and non-competition agreements.
- Adopting specific policies regarding levels of employee access to company data.
- Prohibiting the downloading or installation of unapproved programs.
- Blocking access to personal email accounts and preventing emails from being sent to specific domain names such as "hotmail", "gmail" or "yahoo".
- Conducting a regular upload of data from all company computers to a centralized server.
- Forbidding employees from saving data on hard drives or portable storage devices.
- Establishing data elimination policies that allow only specified individuals to remove data from any company computer.
- Performing daily or weekly backups of company data.

Businesses should proceed carefully and take every practical measure to protect the integrity of their data and proprietary information. For more information regarding the policies you might consider to safeguard your company's computers and data, please contact us at 312.440.0602. ✓

## The Sur-Thriving Toolkit

In these tough economic times, businesses are focused on making ends meet while continuing to provide quality to customers. Managing the risks associated with an economic downturn certainly is critical to surviving, but it is equally key to remember that the end goal is to thrive.

Smart business owners are making optimal use of the current climate and planning their strategy to thrive in the years ahead. Now is not the time for short-term vision when it comes to human capital – it is the time to expand your view of what is possible.

To help you navigate the journey from surviving to thriving, Vantage Solutions LLC is pleased to present a three-part webinar series, Sur-Thriving Toolkit: Managing People in the New Economy. Each webinar is HRCI approved for one recertification credit hour. The fee is \$40 per webinar or \$100 for all three. Please visit the Seminars page of our website [www.vantage-solutions.com](http://www.vantage-solutions.com) for more info and to register. ✓

## New in the Vantage Vault

If you missed our December Holiday Breakfast and Learn program at the Tower Club, you missed a treat! The program featured a magnificent spread from the Tower Club staff as well as an informative presentation by our National Managing Director, Vanessa Smith McTier, on the significant modifications to the Americans with Disabilities Act that went into effect on January 1, 2009.

In February, we offered two webinars on the new Family and Medical Leave Act ("FMLA") regulations which went into effect on January 16, 2009. The webinars offered practical and best-practice tips to manage employee leave in the new FMLA environment.

These presentations are available in the Library section of our brand new website, [www.vantage-solutions.com](http://www.vantage-solutions.com). Check us out! ✓

**Coming Soon!**

**Vantage  
presents the  
Sur-Thriving  
Toolkit Webinar  
Series.  
April 23, May 7  
& May 21**

*Vantage Solutions LLC is a full-service human resources consulting firm. We help clients attract, develop, reward and retain great employees who achieve high performance and yield business success. Anchored by our core values of excellence, teamwork, flexibility, integrity and fairness, we continue to provide you with the same great service you have come to expect since our sister company, Vantage Legal, P.C.\*, was established in 1998. The expanded HR service offerings of Vantage Solutions complement the legal compliance practice of Vantage Legal and together we offer clients a comprehensive approach to achieving high workplace performance. See how we can help you! Check us out at [www.vantage-solutions.com](http://www.vantage-solutions.com) or call 312.440.0602..*

\*Vantage Legal, P.C. is a boutique employment law firm that partners with our clients to help them maximize employee productivity and minimize employment lawsuits.