

New Ruling Will Spark Drug Policy Changes



put on a 90-day probation. Here's where the **FMLA came into play**.

Because Woods suffers from severe anemia and other medical conditions, she took FMLA on a number of occasions. During her probation, Woods was granted FMLA leave, which the company granted. But 12 days after she returned, her supervisor proposed firing her. A week later Woods was terminated.

She claimed the termination was retaliation for her FMLA and filed a suit against the company. Her employer argued the move was purely performance based. It pointed to performance reviews that clearly documented her performance problems as well as the enhanced training and a 90-day probation period to support its decision.

A very loose standard

Initially, a district court ruled Woods was required to prove that her FMLA leave was the "but for" cause of her termination. In other words, she would not have been fired

"but for" her FMLA leave. A jury believed Woods failed here. But an appeals court used a very loose standard for validating FMLA claims that essentially makes it much easier for employees to push forward retaliation claims. According to the court, Woods only needed to show her FMLA was a "motivating factor" in the company's termination decision. Put another way, Woods only needed to show that FMLA leave was a negative factor or a part of the company's decision to fire her. The court then send the case back to trial and a jury will determine whether the claims meet the lower standard.

All decisions under the microscope

Lesson: If this standard for retaliation claims becomes the norm, employers' documentation of the decision-making process will be put under the microscope. So every step of the process must be recorded as if it could be used in court.

Source: <http://www.hrmorning.com/fmla-ruling-is-this-loose-standard-terrible-news-for-your-compliance-efforts/>

Thanks to a recent court ruling, it may now be even more difficult for employers to take any adverse action against an employee who is on — or has previously taken — FMLA leave.

Clear performance problems

The lawsuit focused on Cassandra Woods, a staffer whose performance struggles were well-documented. In fact, her employer put down in writing that she was failed to achieve "required outcomes" in both "compliance" and "documentation."

Due to these issues, Woods was given enhanced training, however, that didn't improve her problems and she was eventually



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Employer Focus

For the Management and Well-being of Your Employees



TRADITIONAL COST CONTROL ISN'T ENOUGH



While traditional strategies and plan design tweaks are still in play, employers everywhere are realizing they need to do more to fight the increasing costs of company sponsored health insurance.

That's one of the main takeaways from the **National Business Group on Health's (NBGH) new report**.

The report found that healthcare costs are slated to top \$14,000 per employee in 2018. As a result, employers are combining design changes — such as high-deductible plans and wellness initiatives — with greater access to cost-efficient services — such as telehealth and Centers of Excellence (COEs).

As employers enter the arduous process of open enrollment, it's worthwhile to see what their peers are doing to combat **healthcare cost issues** and discuss those moves with their brokers and providers.

Trends to watch

Here are the healthcare trends outlined in the NBGH report:

1. Telehealth: Almost all (96%) of employers that allow telehealth will make this option available to employees. And 56% of companies are planning to offer this for behavioral

services — more than double the percentage of employers that did so in 2017.

2. Accountable Care Organizations (ACOs): With confidence in ACOs ability to improve healthcare quality, 21% of firms plan to promote this option in 2018. What's more, NBGH findings suggest that number could increase to two-third of organizations by 2020.

3. Employer health centers: The majority (54%) of companies will offer either on-site or near-site health centers in 2018. Reason: Employers have seen major ROI in reduced absenteeism and presenteeism when this option is added.

4. Centers of Excellence (COEs). When it comes to specific procedures — such as transplants or orthopedic surgery — 88% plan to use COEs in 2018. COEs are healthcare providers who are selected to perform certain specialized procedures because of their expertise, outcomes and favorable financial arrangements.

5. Value-based benefit design: Around 40% of employers now have some type of benefit design that allows employees to reduce their cost-sharing or premiums by taking proactive steps to manage chronic conditions or seek higher quality, more efficient care.

These strategies are meant to address not only cost issues but also education gaps for employees. Of the non-traditional healthcare strategies, Brian

Marcotte, the NBGH president and CEO, said:

"One of the most interesting findings from the survey is that employers are focused on enhancing the employee experience. For example, there is a big increase in the number of employers offering decision support, concierge services and tools to help employees navigate the healthcare system. The complexity of the system and proliferation of new entrants has made it difficult for employees to fully understand their benefit programs, treatment options and where to go for care."

Support, second opinions and utilization

Some other key highlights from the report:

- 66% of employers will offer medical decision support and second opinion services in 2018 (up from 47% this year).
- 40% of employers will offer a consumer-directed health plan (CDHP) as the only plan option in 2018 (up from 35% this year), and
- 70% of employers plan to use aggressive utilization management tools to combat skyrocketing specialty pharmacy costs.

<http://www.hrmorning.com/traditional-cost-control-isnt-enough-5-ways-your-peers-are-tackling-health-care-now/>

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Our Montage Site has undergone quite a makeover! You can read timely blogs, register for events, check out our newsletter, learn about Employee Benefits and P&C. Check it out at www.montageinsurance.com

OSHA Portal's Data Breach Raises Concerns

As more organizations move to cloud-based applications and connect the Internet of things (IoT) to how they do work, comprehensive technology architecture planning is becoming more essential, according to a new report from CompTIA, a technology association based in Downers Grove, Ill.

Experts say such planning is especially important for HR.

However, only 34 percent of companies say they're building IT architecture strategies, according to a survey of 500 U.S. firms for CompTIA's Planning a Modern IT Architecture report.

IT architecture is the practice of creating and providing a practical technology strategy.

Most respondents said there is a definite need for improved planning across their IT architecture—hardware, software development, data and security.

"As companies embrace new collaboration tools, AI [artificial intelligence] systems, cloud-based HR, mobile work tools and video-sharing systems, it's imperative to have an integrated IT architecture," said Josh Bersin, principal and founder of Bersin by Deloitte, in an interview with *SHRM Online*. "Employees want an integrated set of tools that work together, and businesses want consistent data management that helps manage security, authentication and single sign-on to make these systems useful and safe."

The advantages are myriad.

"Organizations see real benefits from better planning, such as improved collaboration between IT and business teams and a greater ability to evaluate current technologies against long-term objectives and to prioritize investments," said Seth Robinson, senior director of technology analysis at CompTIA.

For chief information officers, architectural planning presents another opportunity to strengthen ties between business divisions and the IT department.

"By connecting the construction of IT architecture to overall corporate objectives, both groups will be better informed about the options available and the tradeoffs involved when selecting devices, applications or operational models," Robinson said.

The roadblocks to broad architectural planning are not minor.

- 4 in 10 companies identify the lack of a budget for heavy investment in new architecture.

- One-third of firms say they don't have adequate knowledge of emerging technologies and new trends to plan to incorporate them in how employees work.

Enterprise architecture planning has generally been confined to large companies because of time and cost. But the general concept—aligning business objectives with technical infrastructure—is one that many companies can benefit from, CompTIA's research points out.

Robinson cited two examples: cloud computing and the IoT.

"The top challenge for companies as they utilize cloud solutions is integration with existing systems, showing that in-depth planning is needed to maximize the benefits of a cloud-first strategy," he said, adding that if cloud computing is changing the way that the IT infrastructure is built, the IoT is expanding the scale and scope of that infrastructure significantly.

"The primary characteristics of IoT are connectivity and intelligence," Robinson explained. "Physical objects that had no digital capability are being outfitted with sensors, CPUs [central processing units] and networking connections. This will provide significant new opportunities for automation, data capture and data analysis, but it will also present major new challenges to IT operations."

Among the report's findings:

- **Companies are less focused on long-term architectural planning.** About one-third (34 percent) of respondents are currently building IT architecture strategies beyond a 12-month window.
- **Architectural planning is linked with digital transformation.** Another one-third (36 percent) of respondents report that architectural planning allows for better collaboration between IT and business units.
- **Cloud capabilities and the IoT are increasingly becoming drivers for architectural planning.** Almost two-thirds (61 percent) of respondents report that the IoT allows them to extend technology into broader organizational objectives.

Source: <https://www.shrm.org/resourcesandtools/hr-topics/technology/pages/why-digital-transformation-requires-robust-planning.aspx>

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SLEEP: WHY SHOULD LEADERSHIP AND HR TAKE NOTICE?



Evidence of our 24/7 culture's impact on our sleep is showing up more and more, including at work. According to the CDC over 30% of the U.S. workforce is not getting the sleep they need and sleep deprivation is a public health epidemic.¹ It's becoming increasingly clear that insufficient sleep is not sustainable. Be it at work or at home, employees and employers are taking notice.

Research has provided mounting evidence that sleep deprivation has a significant economic cost, playing havoc with the bottom line. According to the RAND Europe report, up to \$411 billion of economic output is lost every year in the U.S. due to insufficient sleep.² Corporations spend billions of dollars on training and development. HR invests significant dollars and resources to hire employees for myriad positions, seeking specific skill sets. However, if an employee is

Corporations spend billions of dollars on training and development. HR invests significant dollars and resources to hire employees for myriad positions, seeking specific skill sets. However, if an employee is sleep deprived – from CEO to an employee just out of college or graduate school – the dollars spent on their training and development, as well as their skill

sets, are compromised, costing the company in myriad ways. Be it performance, productivity, decision-making, working with a team, safety, health or health care costs, all suffer if a person is not getting the quality and quantity of sleep they require to function optimally.

Over the past number of years, corporations have offered Employee Wellness resources and programming for fitness and nutrition. However, sleep was generally not included. In fact, without good sleep nutrition and fitness often suffer.



Bottom line? Sleep is an essential component of health, wellness, performance and more. How an employee sleeps directly impacts how they function at work on virtually all levels.

Alas, C-Suite and HR leaders are beginning to undergo a paradigm shift, recognizing that a corporate culture that condones giving sleep a back seat can be counterproductive and costly. In fact, a well-rested employee is an asset, enhancing the bottom line, whereas a sleep-deprived employee can be a liability and result in added costs for the employer, be it accident related or from sub-optimal productivity. There is an ROI from providing

sleep education and training to the workforce.

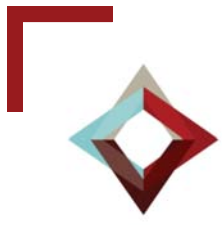
While the employer cannot mandate how an employee sleeps, they can provide sleep education and training resources for their workforce, including basic sleep science and strategies for sustainable sleep improvement. In my consulting work with corporations and organizations in a wide array of industries, I've witnessed widespread employee engagement in sleep education and programming offered by their employer.

Testimonials provide evidence that employees appreciate such offerings and feel greater loyalty to their employer for supporting their health and well-being. Employees are taking notice when their employer gives them the opportunity...and support...to optimize their sleep.

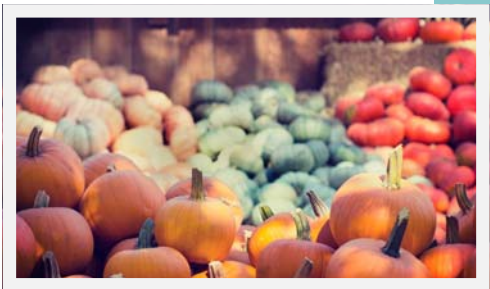
It's a win-win for all.

Source: <http://www.corporatewellnessmagazine.com/worksite-wellness/sleep-leadership-hr-take-notice/>





October 2017



My Well-being and Safety News

Monthly Newsletter for the Employee

5 BREAST CANCER MYTHS THAT JUST AREN'T TRUE



Doctors don't yet know what causes breast cancer, but decades of research has led to an increased understanding of the disease.

You may have heard: Having larger breasts puts you at greater risk.

Truth: Research has shown that the cells in which breast cancer grows are unaffected by the amount of tissue or fat a breast contains. In other words, the size of a woman's breasts is unrelated to her chances of developing breast cancer.

Women over 50 whose bustiness is due to being overweight, however, do have reason for concern.

According to the American Cancer Society, obesity is linked to a long list of cancers, including breast cancer, in women past menopause.

You may have heard: If breast cancer doesn't run in your family, you're probably safe.

Truth: Many women are surprised to learn that having no genetic connection to the disease only decreases your odds of developing

breast cancer by 5-10 percent. Most cases of breast cancer—even those in women who do have a family history of the disease—are not caused by mutations in the breast cancer genes BRCA1 and BRCA2.

You may have heard: Taking birth control pills increases your chances of developing breast cancer.

Truth: Birth control pills do contain hormones that are linked to breast cancer. But the doses in today's pills are considerably lower than 20 years ago, when some studies showed a small increased risk of developing breast cancer in women who took birth control.

Research continues on the potential relationship between the pill and the disease, however enough recent studies have shown no measurable connection that doctors presently do not consider birth control to be a breast cancer risk factor in most women.

You may have heard: Using deodorant can lead to breast cancer.

Truth: The lymph nodes, where some breast cancers develop, are located beneath the underarm, a fact that has inspired several rumors about a link between underarm products and the disease.

Researchers studying claims that deodorants and antiperspirants contain cancer-causing toxins, or

prevent the release of toxins from the body, however, have found no evidence for either. Some deodorants and antiperspirants (as well as many lotions, cleansers, and cosmetics) contain parabens, which have been found in breast cancer tissue, but as yet there is no evidence of causation between the ingredients and cancer.

You may have heard: Breast cancer is an older woman's disease.

Truth: The fact that most cases of breast cancer occur in women over 50 often overshadows the reality that a full 25 percent of breast cancer patients are younger than 50. Doctors recommend women begin performing monthly breast self-exams when they turn 20, along with a clinical exam every three years. Most women should begin getting annual mammograms at 40, but if breast cancer runs in your family, your doctor may suggest scheduling your first at 35 or even 30.



Source: <https://www.rd.com/health/conditions/the-truth-behind-5-breast-cancer-myths/>
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Healthy Smile, Healthy You: The Importance of Oral Health



Since most people have regular oral examinations, their dentist may be the first health care provider to diagnose a health problem in its early stages.

What you can do

Seeing a dentist regularly helps to keep your mouth in top shape and allows your dentist to watch for developments that may point to other health issues. A dental exam can also detect poor nutrition and hygiene, growth and development problems and improper jaw alignment. Provide your dentist with a complete medical history and inform him or her of any recent health developments, even if they seem unrelated to your oral health.

According to the Academy of General Dentistry, there is a relationship between gum (periodontal) disease and health complications such as a stroke and heart disease. Women with gum disease also show higher incidences of pre-term, low birth-weight babies. Other research shows that more than 90% of all systemic diseases (diseases involving many organs or the whole body) have oral manifestations, including swollen gums, mouth ulcers, dry mouth and excessive gum problems. Such diseases include:

- Diabetes
- Leukemia
- Oral cancer
- Pancreatic cancer
- Heart disease
- Kidney disease

At home, you can practice good oral hygiene:

- **Brush twice a day** for at least two minutes, using fluoridated toothpaste.
- **Floss daily** to remove plaque from places your toothbrush can't reach.
- **Eat a healthy diet** to provide the nutrients necessary (vitamins A and C, in particular) to prevent gum disease.
- **Avoid cigarettes and smokeless tobacco**, which are known to contribute to gum disease and oral cancer.
- **Visit the dentist regularly** for cleanings and exams. This is one of the most effective ways to detect the early signs of gum disease.

Source: https://www.deltadentalins.com/oral_health/dentalhealth.html

6 DEPRESSION SYMPTOMS YOU SHOULDN'T IGNORE

Everyone feels a little down in the dumps now and then. But sadness and withdrawal can become crippling, putting you at risk for a number of serious conditions and consequences, including suicide. Depression symptoms aren't always as obvious as frequent crying and overwhelming despair.

1. Trouble Sleeping Despite being slower in demeanor and motivation, depressed people often lie awake at night, unable to sleep, says Sarah Altman, PhD, a clinical psychologist in the department of psychiatry and behavioral health at The Ohio State University Wexner Medical Center in Columbus. On the other hand, some depressed people may find it difficult to get out of bed and may sleep for long periods during the day.

2. Loss of Interest in Favorite Activities Some people turn to hobbies they enjoy when they feel blue, but people with major depression tend to avoid them. "So if a person who loved spending time with her grandchildren suddenly doesn't want to see them, or a guy who loves to fish suddenly hangs up his rods, it's a red flag," says Tina Walch, MD, psychiatrist and medical director of Northwell Health's South Oaks Hospital in Amityville, New York.

3. Increase in Energy Ironically, when depressed people have made a decision to do something drastic, such as killing

themselves, they may go from lackadaisical and slowed to more energetic. That's because they feel a sense of relief in having come to a resolution, Dr. Walch says, "so if you notice a drastic switch like this, you should be very concerned."

4. Change in Appetite Some people overeat when they're depressed or anxious, but in people with severe depression, the opposite is usually true. "A depressed person may stop eating because he or she is no longer concerned with physical well-being," says John Whyte, MD, MPH, a board-certified internist in Washington, DC and author of *Is This Normal?: The Essential Guide to Middle Age and Beyond*. "Disregard for personal hygiene is also cause for concern," Dr. Whyte adds.

5. Touchiness "In some people, depression manifests as more irritability and impatience than feeling down," Dr. Dunlop says.

6. An Emerging Dark Side "A person who is severely depressed may become preoccupied with death and other morose topics," Walch says. For example, he or she may talk about what things will be like "after I am gone," and may also become more likely to take uncalculated risks.

Source: <https://www.everydayhealth.com/depression/symptoms/depression-symptoms-you-shouldnt-ignore/>
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