

INSIDE



Employers, be prepared

Attorneys Greg Saylin and Karina Sargsian say that it's not a matter of if a former employee will make a retaliation claim, but when. These kind of claims make up the bulk of employment-related lawsuits and administrative charges. They advise employers to be prepared to defend their firms against the charges.

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Focus

THE WORKPLACE



Workplace romances are on the rise and, yes, it really does matter to your business in the #MeToo era

Beginning in 1986, the United States Supreme Court has placed the duty of ending sexual harassment in the workplace on the employer. As a result, most companies have concerned themselves with policies that prohibit *unwelcome* sexual harassment. Nowadays, however, conscientious companies are wise to review their codes of conduct and policies against sexual harassment and add consensual dating relationship rules to their anti-harassment policies.

Last month, the board of directors of McDonald's terminated its CEO, Steve Easterbrook, for engaging in a consensual relationship with an employee. The year prior, Intel fired its CEO, Brian Krzanich, after an internal investigation found that he had engaged in a consensual relationship with a subordinate, which Intel said violated its anti-fraternization policy.

Krzanich and Easterbrook join a growing list of executives forced out over relationships with employees, even if they are "consensual," as more brand-aware companies adopt rules against dating subordinates in the wake of #MeToo complaints.

Executives are not the only ones engaging in consensual relationships at work. Earlier this year, *Forbes* magazine reported that 58 percent of employees have engaged in a romantic relationship with colleagues. And it's not just the younger employees. According to *Forbes*, a surprising 72 percent of over-50-year-olds have been romantically involved with a co-worker. Almost half (41 percent) of employees reported that they did not know whether their company had a policy regarding office romances.

If more than one-half of the

workforce has engaged in workplace romance, it is critical that the organization guide employees on how to go about pursuing romance in a professional and appropriate manner. It is imperative now for employers to get involved because indiscretions at work can be disastrous for a company's brand integrity, lead to legal claims and decimate corporate culture and values.

As a result of social media, office romances (and claims of sexual harassment and/or favoritism) can be disastrous for a company's brand integrity. Last year, hundreds of Google employees walked out in protest over how Google executives handled sexual harassment claims, chronicled their stories on social media and garnered international headlines and media



KATHLEEN WERON

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Rob Wright, chief editor at the magazine *Life Science Leader*, discusses the importance and variations of corporate culture during the recent Utah Life Sciences Summit in Salt Lake City. Several hundred people attended the event, presented by BioUtah.

With a strong corporate culture in place, companies have a better chance of getting through tough times

Brice Wallace
The Enterprise

Corporate culture.

To some, those words represent the core values that drive a company to success. To others, it's just the title on a paper pinned to a company bulletin board, leading a list of vague, mumbo-jumbo "values" that are the subject of derision or humor.

Rob Wright, chief editor at the magazine *Life Science Leader*, recently told a Salt Lake City audience that in interviewing life science company CEOs, retired CEOs and upper management, he has discovered more of the former than the latter.

While it's easier to manage a company housed in a garage or kitchen or basement, those companies often grow beyond what its founders originally expected. "And when it does get to that size, it's a lot better if you have a formalized corporate culture program in place, because many of the executives that I've interviewed have talked about corporate culture being the key thing that was able to get their company through so many difficult times," Wright said during BioUtah's Utah Life Sciences Summit.

Wright, who also spent 17 years in the pharma industry on the commercial side of the business, acknowledged that companies can nonetheless be successful without a corporate culture plan in place or even being able

to define what corporate culture is. He noted that Johnson & Johnson, founded in 1886, put its company credo in writing 57 years later.

"If you're thinking you still have time, yes, you still have time to establish your company's corporate culture, but I wouldn't wait 57 years," Wright said. "And I tell you that I've never

corporate culture, but in my opinion, it is paying attention to the little things that really matter," he said.

During his interviews with executives, he discovered:

- Vivek Ramaswamy, founder and CEO of Roivant Sciences, who prefers "doers over talkers." The company gives applicants a task aligned with

"There are a lot of things that go into building a company with a strong corporate culture, but in my opinion, it is paying attention to the little things that really matters."

seen a J&J executive who would talk where they haven't referenced their credo as being important to their company. And I can tell you that I believe their credo has played a pivotal role in their company getting through some very difficult times."

At its essence, corporate culture, he said, can be defined as a feeling, one that is co-created between a company's employees and its management team.

In his own career, he has worked under different cultural approaches, including one focused on accountability and caring about employees. One even offered a self-defense training course because the company cared about employee safety.

"There are a lot of things that go into building a company with a strong

the job they are seeking in order to determine if they are doers or talkers. Roivant also lets new employees leave after two months, giving them a "significant financial component" if they leave. It's a way for the company to help them find another opportunity "and do so with gracefulness" rather than just casting them aside. "They thought, 'this person took a risk' and they want to recognize that," Wright said.

- Matt Patterson, co-founder, chairman and CEO of Audentes Therapeutics, who initially was skeptical about having a formal corporate culture because he had worked at companies where plans were developed but not embraced. Now, the three core values at Audentes include

being bold and "GSD" — short for "get stuff done," with "stuff" here substituting a more-colorful word.

- Robert Hariri, co-founder and CEO at Celularity, whose focus on managing corporate culture is on hiring the right people, those who will work with him and take ownership of the company vision and dream. When interviewing prospective employees, "he looks in people's eyes and he wants to see if they have the fire in their eyes that he has in his eyes."

Hariri has an unabashed "evangelical" style and wants employees who are excited and enthusiastic. "What happens is, when you do that, you begin to screen out those who like that environment and those who don't, and those who like it typically want to stay and those who don't typically want to move on," Wright said.

- Mark Rothera, president and CEO of Orchard Therapeutics, who likewise wants employees excited to work at the company and who want to be part of shaping what the company could be.

- Bassil Dahiyat, co-founder and CEO of Xencor, who has focused more on corporate culture as the company has grown but still prefers that the culture be informal.

- Richard Pops, chairman and CEO of Alkermes, who, when trying to articulate what made the company special, believed it was self-evident.

Employers, prepare for a legal battle



Sometimes prevention is not enough to counter retaliation claims

Employers should be aware that in 2020, retaliation claims will likely represent one of their greatest legal risks. In the past decade, retaliation filings have rapidly increased and now make up the lion's share of claims filed in employment-related lawsuits and administrative charges. For instance, a 2018 U.S. Equal Employment Opportunity Commission (EEOC) report revealed that nearly 50 percent of all filed charges include retaliation claims.



GREG SAYLIN



KARINA SARGSIAN

whenever 1. An employee or applicant engages in protected activity, 2. The employer takes adverse action and, 3. There is a causal connection between the two actions.

In the context of the EEOC, "protected activity" falls into two categories: participation and opposition. The first is when an individual "participates" in an equal employment opportunity process, including filing a charge, being involved in an investigation or

testifying or serving as a witness in a proceeding or hearing. The second is when an individual opposes any discriminatory practice, which can include complaining about and questioning the practice. Employees have the right to engage in both types of protected activity without being subject to an adverse action from their employer.

"Adverse action" can take many forms. Some acts are clearly retaliatory (such as employment termination) while others are not so evident. The following actions, among others, can possibly be considered adverse: suspension, demotion, pay reduction, denial of a promotion or raise, job reassignments, missed training opportunities, less desirable work schedule, exclusion from various employment activities, a bad performance review and micromanagement. If a supervisor merely treats an employee differently as the result of protected activity, it could be retaliation.

Simply put, any action that has a negative impact on an employee's employment after engaging in protected activity is potentially retaliation. However, the final required element of a retaliation claim must tie it all

together — there must be a causal connection between the protected activity and the adverse action.

Different types of evidence are considered in determining whether there is a causal connection, including:

- Suspicious timing, especially when the adverse action occurs shortly after the individual engaged in protected activity.
- Inconsistent or shifting explanations, such as the employer changing its stated reasons for taking the adverse action.
- Treating similarly situated employees more favorably than the individual who engaged in protected activity.
- Statements or other evidence that suggest the employer's justification for taking the adverse action is not believable, was pre-determined or is hiding a retaliatory reason.

Ultimately, the dangers of retaliation claims lie mainly with two underappreciated factors. First, employees can bring retaliation claims regardless of whether their initial discrimination claims have any merit. And second, these claims can be brought years after the initial discrimination complaint is resolved.

The recent 10th Circuit case of *Payan v. UPS* is an excellent example of the dangers of retaliation claims and the precautions that employers should take to position themselves to fight once a lawsuit has been brought.

Payan worked for UPS and in 2009, his new supervisor conducted his semiannual quality performance review and rated Payan as "development needed." Payan felt his performance review was motivated by racial discrimination. He complained to human resources and eventually filed a complaint with the EEOC. In 2014, the EEOC issued a Right to Sue Notice. Payan then sued UPS and his supervisor for racial discrimination, retaliation

and various other claims. UPS moved for summary judgment, which the district court granted and dismissed Payan's claims. Payan appealed and the 10th Circuit affirmed. UPS breathed a sigh of relief.

However, while Payan's 2009 discrimination and retaliation claims were pending, Payan became a business manager in UPS's Wasatch Center. His responsibilities included ensuring that drivers satisfied UPS's time, safety and production requirements. He also oversaw several UPS supervisors. In late April 2015, Payan's supervisor was informed that Payan was instructing others to alter their time cards to add lunch breaks that were never taken or to adjust employee timecards to avoid overtime. UPS conducted a preliminary investigation into the time card allegations, which findings then led to a formal investigation that ultimately confirmed the allegations against Payan. In the end, it was determined that Payan violated UPS policy and that discipline was warranted. The discipline included not giving Payan a raise or company stock.

After receiving UPS's disciplinary decision, Payan again sued UPS and a few individual employees for retaliation, alleging the 2015 investigation and disciplinary decision were not related to the allegations of time-card manipulation but instead were pretextual retaliation for his engagement in "protected activity" by suing UPS several years prior. UPS again moved for summary judgment, which the district court granted, finding that Payan failed to show that UPS's legitimate reason for disciplining him was pretext for retaliation. Undeterred by the district court's decision, Payan

There are three basic elements to a retaliation claim. Retaliation occurs

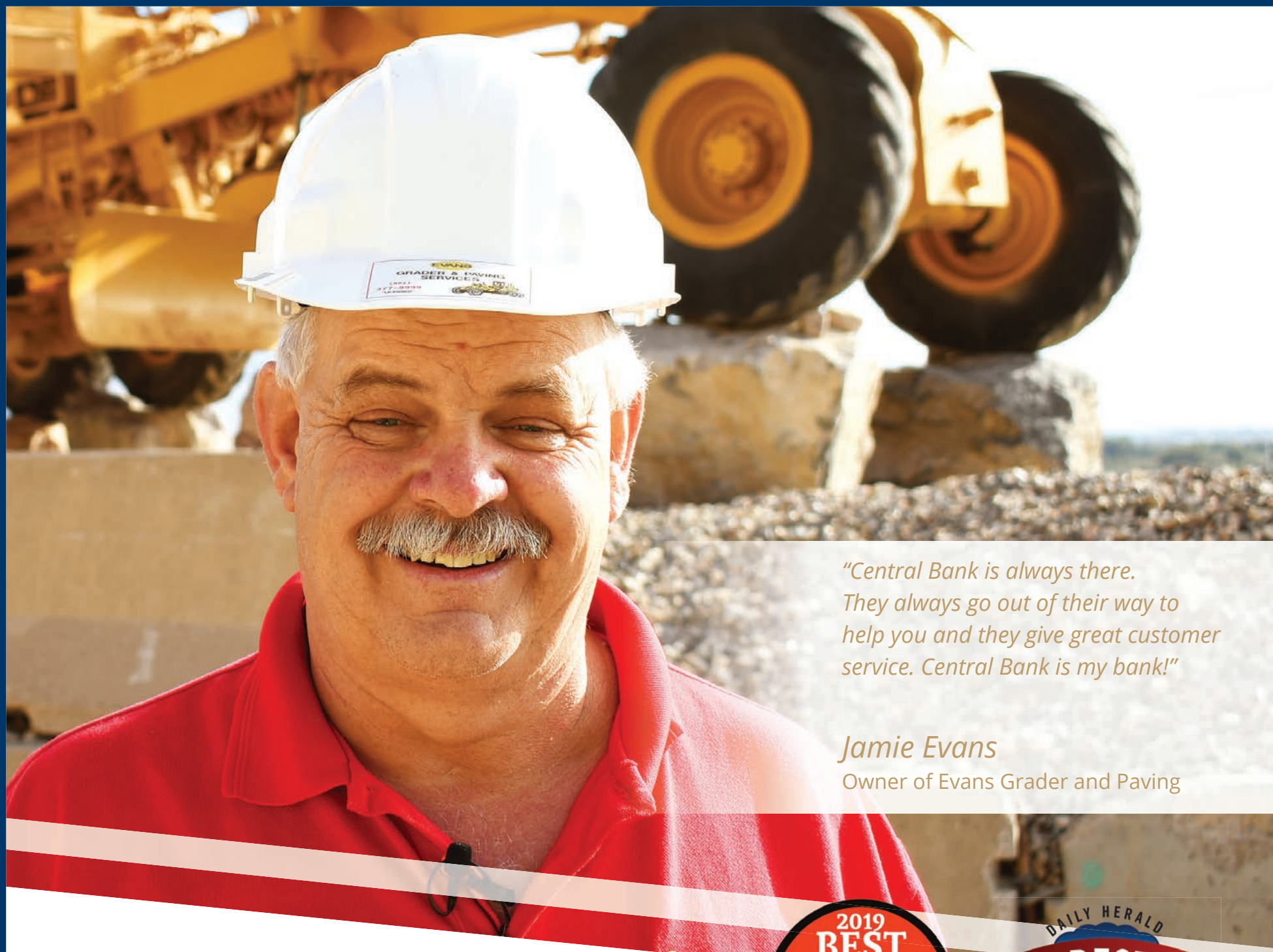
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ROMANCE

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attention. In the case of McDonald's, Easterbrook readily conceded that his relationship with an employee demonstrated poor judgment and violated company policy against manager relationships with employees.

"This was a mistake," Easterbrook wrote in an email. "Given the values of the company, I agree with the board that it is time for me to move on." Still, Easterbrook's case dominated headlines immediately following his termination and McDonald's shares sank as much as 3 percent, wiping \$4 billion from the company's market capitalization, the day after his termination.

In addition, consensual romantic and sexual relationships in the workplace are often the beginning of sexual harassment charges and lawsuits, especially when they occur between a supervisor and a subordinate. What may have begun as consensual between a supervisor and a subordinate, can easily move into a *quid pro quo* situation where promises of benefits or threats of harm are offered in exchange for favors, dates or the condition that the relationship continue. Often, the evidence will come down simply to one person's word against the other, which results in protracted and very public litigation.

In cases of *quid pro quo* sexual harassment, the company is strictly liable for the supervisor or executive's purely personal conduct. If the relationship between the superiors and the employee ends or creates a hostile environment for others, or an environment where the subordinate involved in the relationship receives preferential treatment and assignment, then it may form yet another basis upon which a sexual harassment can be filed.

Workplace romances can decimate a corporate culture, especially when executives or supervisors, who utilize power and decision-making authority in the workplace, date employees. Employees want a fair opportunity to succeed and advance and these relationships chip away at a culture of professionalism and neutrality. An

executive or superior engaging in a relationship with a subordinate compromises the appearance of neutrality and does little to assure the rest of the workplace (not engaged in a relationship with the boss) that they are not being deprived of fair treatment and promotion opportunities earned on their merits. For instance, it is difficult to give an impartial performance appraisal to someone with whom you are involved in a sexual relationship. Assignments may be made based upon out-of-state travel so the executive and subordinate can "escape"

of Intel and McDonald's non-fraternization policies, where prohibiting an executive (or supervisor) from dating an employee, makes sense. Allowing executives and superiors to date employees opens the door to sexual harassment complaints (even if the relationship was once considered "consensual"), indiscretion and brand degradation. It is nearly impossible to protect against favoritism in these situations and nothing corrodes a professional culture faster than sexual favoritism. The only way to reduce potential harm to corporate values

should a conflict of interest arise (or if the parties are unable to work together following a break-up) and what to do if there needs to be a transfer.

In addition to disclosure and a romance policy, the dating co-workers should agree to a "consensual personal relationship in the workplace" agreement that is literally a contract that sets forth that the relationship is voluntary and consensual, that all forms of sexual harassment are prohibited, that the couple agrees that their relationship will not have a negative impact on their work, that the couple will not engage in public displays of affection or other behavior that might create a hostile work environment for others, what to do in the event of a break-up or if one party needs to transfer, conflicts of interest, an agreement against retaliation following a break-up and an overall agreement to pursue the relationship professionally while at work.

The policy and consensual relationship agreement are HR's tools to help guide employees. These tools provide HR with an opportunity to be transparent and discuss outcomes. While neither the policy nor the agreement will prevent all problems, it does authorize HR to intervene to help the couple manage difficult situations (i.e., reminding the couple that they agreed to conduct themselves professionally at work following a break-up, no matter how sour).

In addition, it provides HR an opportunity to discuss consent and review the company's sexual harassment policy with both parties so that a workplace romance does not lead to a sexual harassment claim down the road.

It is imperative that employers get involved in personal matters of the heart that might have once been considered as "not our business." When it comes to executives or superiors dating subordinates, there is simply too much at stake to allow such relationships in the workplace. When it comes to co-workers, the employer needs to articulate its expectations, set up a safe environment for everyone and require that dating co-workers pursue their relationship with professionalism.

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together on business. Relationships at work, especially between a superior and a subordinate, create a culture where those inclined to prey on others are emboldened, and those not willing to reciprocate are alienated.

To protect your brand, corporate values and litigation risks, it is the employer's duty to make sure that everyone feels safe and comfortable in the workplace and that means confronting workplace romances directly, transparently and immediately.

Employers Should Enforce a Strict Policy Prohibiting Dating and Romantic Relationships Between Superiors and Subordinates

An all-out ban against dating or any kind of romantic relationship between employees is largely not enforceable and not very realistic in light of how many people have or are engaged in workplace dating.

There is one situation where strict rules against dating, as in the case

and culture, professional reputation, productivity and legal liability is to prohibit dating in these situations and enforce a zero tolerance for violations of this strict policy.

Employers Should Adopt a Romance Policy that Sets Forth Expectations and Requires Dating Co-Workers to Agree to Terms of Professionalism in the Workplace

With romances between co-workers, the employer needs to provide a policy to guide and teach employees to professionally pursue workplace romance. The employer should provide first a policy of disclosure and transparency, requesting dating co-workers to come forward and inform the human resources department of their relationship. In addition, the policy should articulate simple rules of conduct, reminding the parties how to handle themselves at work following a disagreement or breakup. The policy should also address what will happen

OFFICE EQUIPMENT DEALERS

Ranked by Number of Utah Employees



	Company Name Address	Phone Web	No. of Utah Employees	Multifunction Products Sold 2018	No. of Utah Locations	No. of Utah Accounts	Services Offered	Machine Brands Sold
1	Les Olson Co. 3244 S. 300 W. SLC, UT 84115	801-486-7431 lesolson.com	241	*	8	*	Managed IT, IT hardware, copiers, printers, scanners	Sharp, HP, Fujitsu
2	VLCM 3520 S. 300 W. SLC, UT 84115	801-262-9277 vlcmtech.com	106	500-700	2	3,000	Copiers, printers, MPS, supplies, local onsite service, scanners, software	Canon Authorized Dealer, HP Platinum Partner, HP A3 Copier Dealer, Lexmark Authorized, HP Pagemate Authorized, Xerox Authorized
3	Valley Office Systems 2500 S. Decker Lake Blvd., Ste. 24 SLC, UT 84116	801-770-3300 valleyofficesystems. com	30*	*	3	*	Copiers, printers, scanners, production, document management, printer fleet management	Ricoh, Canon, Kyocera, HP
4	Ability Business Solutions Inc. 1556 S. Main St. SLC, UT 84115	801-466-8486 abilitybusiness solutions.com	10	175	1	800	Copiers, printers, managed print & IT services	Xerox, Lexmark, Konica Minolta, Ricoh, Oki Data, HP, Sharp
5	CopyDoc Inc. 90 W. 500 S., Ste. 425 Bountiful, UT 84010	801-294-5686 copydocutah.com	1	50	1	1,000	Sales, service & supplies for nearly all brands of multifunction copiers, laser printers, fax machines	Kyocera, Copystar, Canon, Samsung, Oki Data, Brother

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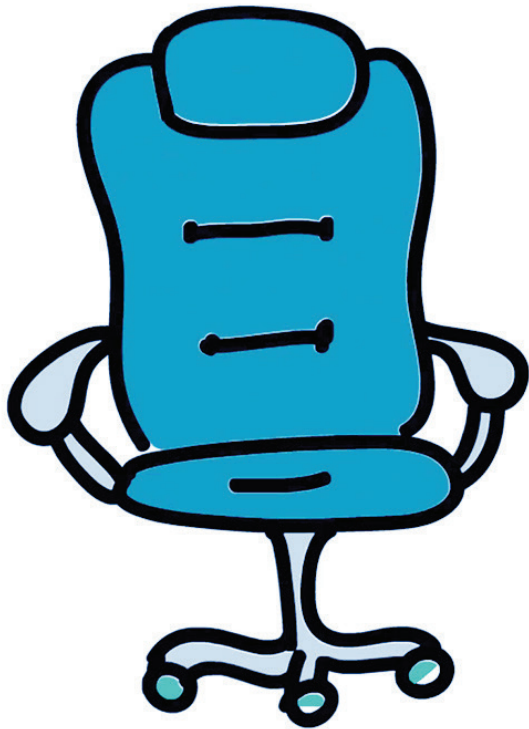
OFFICE FURNITURE DEALERS

Ranked by 2018 Total Revenue



	Company Name Address	Phone Web	Total Revenue 2018	No. of Utah Employees	Products & Services	Notable Projects	Local Executive
1	Henriksen/Butler 249 S. 400 E. SLC, UT 84111	801-363-5881 hbdg.com	\$87M	145	Workplace research, furnishings, specialty storage, technology, installation	Vivint SmartHome Arena, Skullcandy, Ancestry, Extra Space, Dental Select	Paige Wright President
2	Midwest Commercial Interiors 987 S. West Temple SLC, UT 84101	801-450-8704 mwcuiutah.com	\$50M	95	Interior design, commercial furniture & finishes	MACU Corp. headquarters, Intermountain Gardner Transformation Building	Sean Wright President Marshall Tate CEO
3	Interior Solutions 522 S. 400 W. SLC, UT 84101	801-531-7538 interiorsolutions.net	\$25M	50	Interior design, office furniture installation, storage systems projects and creation of specialized work environments	Larson and Co., EMI, CaptionCall, AFCU, Ogden Family Research Center	Amanda Wallace
4	OFS Interiors 4753 Holladay Blvd. Holladay, UT 84117	801-974-1970 ofsinteriors.com	\$10.6M*	24	Architectural & interior design, office furniture, installation	Deseret Digital Media, Strala, Pacific Union Financial, Chalk Couture	Jonas Persch
5	Wholesale Office Furniture 8100 S. 1300 W. West Jordan, UT 84088	801-792-0806 wholesaleoffices.com	\$2.4M	7	New & used office furniture	TaskEasy, Copperview Medical, Millrock Park, Specialized Bicycles, PCC Structurals, BMC	Jacob Deklerk John Deklerk Robert Deklerk
6	Wood Revival Desk Co. 2502 S. 3270 W. SLC, UT 84119	801-972-4224 woodrevival.com	\$520K	7	Custom office furniture	*	Charles Hastings
7	CCG 358 S. Rio Grande St., Ste. 100 SLC, UT 84101	801-359-6622 ccgslc.com	*	72	Office furniture, interior design, architectural walls, raised access flooring	BioFire, CHG, Ken Garff HQ, Salt Lake County District Attorney, Huntsman Cancer, Bonneville Real Estate	Carmelle Jensen CEO/President
8	Main Street Office Furniture 3965 S. State St. SLC, UT 84107	801-685-8448 mainstreetof.com	*	18	Office furniture sales, installation, space planning & design	*	Evelyn Tonge & Ron Israelson
9	MBI Business Designs 750 S. 200 W. SLC, UT 84101	801-322-0444 mbibusinessdesigns.com	*	11	Commercial furniture & space plan design	University of Utah Carolyn & Kem Gardner Building	Rob Graham President

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COMMERCIAL PRINTERS

Ranked by Number of Utah Full-Time Employees



	Company Name Address	Phone Web	No. of Utah Full-Time Employees	Year Est.	Gross Utah Sales 2018	Services	Owner/Manager/CEO
1	Hudson Printing Co. 241 W. 1700 S. SLC, UT 84115	801-486-4611 hudsonprinting.com	175	1909	\$30M	High-quality, high-volume, service-oriented commercial printer	Paul Hudson
2	Peczuh Printing Co. Inc. 355 E. 100 S. Price, UT 84501	435-637-0256 peczuh.com	145	1962	\$31M	Print communications, packaging, mailing, fulfillment	Frank Peczuh Timothy Peczuh Owners
3	VLCM 852 E. Arrowhead Lane SLC, UT 84107	800-817-1504 vlcmtech.com	106	1983	\$110M*	Technology solutions provider	Rich Linton CEO/Owner Mike Linton EVP/General Manager
4	Liberty Press LLC 1180 N. Mountain Springs Parkway Springville, UT 84663	801-853-5353 libertypress.com	100	1978	\$27M*	Commercial printing	Mark D. Oldham
5	Bell Printing and Design 901 E. Highway 193 Layton, UT 84040	801-771-1500 bellprinting.com	33*	1979	*	Full-service offset & digital printer, with complete bindery solutions. Single- to full- color printing available as well as design.	Mike Williams General Manager
6	Transcript Bulletin Publishing Co. 58 N. Main St. Tooele, UT 84074	435-882-0050 801-355-6525 tooeleonline.com tbpublishing.com	30	1894	\$4.1M	Printing, publishing, banners & design	Perry Dunn, Clayton Dunn, Curtis Dunn, Bruce Dunn, Scott Dunn
7	Carr Printing Co. Inc. 580 W. 100 N., P.O. Box 888 Bountiful, UT 84011	801-295-2321 carrprinting.com	27	1890	\$3.5M	Full-color print, bindery & mailing services	Lloyd B. Carr
8	Signature Press 155 N. Redwood Rd., No. 2754 SLC, UT 84054	801-295-7009 sigpress.net	15	1994	*	Full-service commercial printer, apparel provider and swag producer	Rick Johnson
9	Sun Print Solutions 2105 W. Printers Row West Valley City, UT 84119	801-972-6120 sunprintsolutions .com	86	1941	\$20M	Commercial printing, digital printing, direct mail, packaging	Sara Deneau Jennifer Burrell
10	Utah Bank Note Co. Inc. UBN Printing Services 4100 S. West Temple SLC, UT 84107	801-262-0074 ubnprint.com	*	1935	*	General commercial printing, business forms, NCR forms	Rob Pannier



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CULTURE

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But the process of formulating the company’s value and culture turned out to be incredibly valuable. Akin to an archeological venture, “once you’re able to do that and can identify the words associated with that, then you can perpetuate it,” Wright said.

• Bruce Cozadd, co-founder, chairman and CEO of Jazz Pharmaceuticals, who seeks like-minded people with an interest in a strong corporate culture. Even the company name dovetails into its val-

ues, Wright said.

“While jazz musicians are known for being incredible soloists, to be truly great they have to be able to work well with their fellow artists,” he said. “And that’s the kind of corporate culture that Jazz was striving to create, and they called it ‘individual excellence but playing well with others.’”

While some companies build their corporate cultures proactively and others do so retrospectively, Wright encouraged audience members to develop a culture and then let others know about it.

“We in the life sciences space are very concerned about our IP and we

want to protect everything that we have, but when it comes to corporate culture, you need to share it. You need to talk about it and talk about it often, inside and outside the company,” he said.

Wright also cautioned that companies be aware of the individual needs and preferences of employees in developing that culture. Some people are introverts who thrive when working individually, while others are extroverts who prefer to work in teams.

“Be careful in how you respond to employees expressing frustration in your company, because that frustration in reality is actually blocked pas-

sion. And you might be tempted to get upset with them, be dismissive or say the saying that I absolutely hate — ‘It is what it is’ — because they sound like a bunch of whiners,” Wright said.

“But the reality is they care about this company more than anybody else and they could be your most passionate advocates. So, try to lean into their passion, connect on values and see if they can help you.”

Kelvyn Cullimore, president and CEO of BioUtah, said he believes every company has a culture. “Some of them are proactive and defined, and others happen just because of the way leadership acts,” he said, “and that’s not always a good thing.”

'Biophilia' in the workplace: How about something green?

"Self-care" seems to be a consistent topic in the health and wellness industry that suggests we take little moments out of our day-to-day lives to make space for peace, tranquility and pause. No matter what your source of inner peace is, it is universally agreeable that knowing how to find it is the most profound way to heal and stay uplifted in daily life.

There are many ways to change a workspace or home to accommodate self-care and little moments of peace for just about anyone. During the busy holiday season, remember to take pause and create a beautiful space in which you can recharge again.

In a recent book titled *The Nature Fix* by Florence Williams, the author focuses on the idea of "biophilia"



AJA
MACHEEL

in some form or another. Another example of connecting with living things around us are our pets, who recharge us on our hardest days. This sense of biophilia is changing the way we build, create and live in our interior environments. There is a recent craze to bring nature indoors with us — and not many are contesting it.

Because it isn't feasible for most to walk outside in nature as they need to every day or always be with their dog or cat, there is more creativity due to make space for those moments of pause and nature *indoors*, too — in our office, in our kitchen or community workspace. While this certainly doesn't mean that everyone enjoys a clutter of plants around them (although some most certainly do!), it does mean that just about anyone can appreciate some sort of green in their space in one form or another. A touch of green absolutely does provide a moment of tranquility.

Many new and updated commercial office spaces in Utah are offering lounges, open seating and "mothers' rooms" to take that moment of pause. It's encouraging to see employers prioritize privacy and quiet hours for their staff and understand the value of providing that space.

Introducing live green plants into an office further adds to that sense of health and wellness for employees as well. Moss walls, interior plant walls and acoustic moss panels are integrated into current designs to reinstate that sense of biophilia right in the work-

place. Plants can dampen noise while literally cleansing the air of free radicals, VOCs and toxicities that cause depression and fatigue. Employers who introduce these moments of greenery for their employees are subtly creating that space for wellness, which has great benefits to both parties, as it is generally uplifting for everyone.

Create that clean and healthy environment for yourself even if it is in a cubicle or a corner of your desk by adding a small air plant, a moss terrarium or bud vase with fresh floral. You'll find that having that sense of something living, green and alive will uplift you in the most subtle ways. You don't have to have a green thumb to enjoy this simple pleasure. Even if you are not the best at care, just treat yourself to a few sprigs of cut flow-

service to keep your plants vibrant and green without worry. Offices often consider this to sustain the greenery they invested in, which is wise to keep



the plants alive and fresh.

The best part of self-care is that it should be easy — not a goal to be attained or another notch to tick out of your already full day, and certainly not an expensive spa day or a distant tropical vacation or new car. Self-care should be easy and attainable for us all, and it starts with the space we live in. While our busy work and home lives can be the source of stress, simple adjustments to our surroundings can ease the discomfort, providing an emotionally and physically healthy space.

So, do yourself a favor this holiday and take opportunity to "stop and smell the roses." And remember to enjoy the moment.

Aja Macheel is an interiorscape design specialist with 20 years' horticultural experience across the Wasatch Front, Hawaii and the Pacific Northwest. She is currently sales manager at Salt Lake City's Cactus & Tropicals.



which suggests that all humans possess the innate need to connect with other forms of life. There are studies that find practically anyone can be uplifted by a walk outside in nature



ers per week or purchase a new small plant every few weeks to enjoy. It is a small gesture to yourself to enjoy something from nature amid the hectic work environment.

If you'd really like to treat yourself, consider a weekly floral or plant



OFFICE PLANT SERVICE PROVIDERS

Ranked by Number of Utah Employees



	Company Name Address	Phone Web	No. of Utah Employees	No. of Utah Locations	Year Est.	No. of Utah Accounts	Services	Local Executive
1	Cactus & Tropicals 2735 S. 2000 E. SLC, UT 84109	801-485-2542 cactusandtropicals.com	140	2	1975	1,000+	Design, plants, floral, events, container gardens, holiday, service	Scott Pynes
2	Paradise Palm Interior Plantscapes & Indoor Garden Store 307 E. 300 S. SLC, UT 84111	801-582-3212 paradisepalm.com	11	1	1977	200+	Plantcare services, sales, retail, living walls, design	John Mueller
3	Plant Jungle 2194 E. Fort Union Blvd. SLC, UT 84121	801-453-9500 plantjungle.com	10	1	1998	85	Live plants, silk plants, plant walls, moss walls, patioscapes, retail store	Bonnie Dallimore
4	Intermountain Plant Works 1842 W. Research Way, No. 70 West Valley City, UT 84119	801-268-1771 intermountainplantworks .com	7	1	1976	100+	Interior plantscape design, sales, rentals, installation & maintenance	Rick Klass
5	Foliage Inc. 740 W. 1700 S. SLC, UT 84104	801-474-0300 foliageutah.com	6-8	1	2001	100+	Design, installation & maintenance of interior plants	Rob Ward
6	Wasatch Greenscapes 3267 E. 3300 S., Ste. 513 SLC, UT 84109	801-648-2650 wasatchgreenscapes.com	3	1	2014	55	Interior plant maintenance for home & office	Alexander Spencer
7	Plant Gallery 3240 S. 2300 E. SLC, UT 84109	801-792-5206 plantgallerytropicalplants @facebook.com	*	1	1997	75	Office plant maintenance, sales, consulting	Steve Forbush

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SALT LAKE - DRAPER www.cactusandtropicals.com



STAFFING & RECRUITING FIRMS

Ranked by Number of Utah Temporary Employees Assigned Per Week

	Company Name Address	Phone Web	No. of Utah Temps Assigned Per Week	No. of Full- Time Utah Employees	No. of Utah Offices	Industries Served	Benefits Available
1	Employbridge 3981 S. 700 E., Ste. 9 SLC, UT 84107	801-265-1999 employbridge.com	1,500	44	7	Manufacturing, distribution, call center	Better worklife, free education
2	Synergy Staffing Partners 5578 S. Redwood Road, Ste. B Taylorsville, UT 84123	801-266-9675 synergystaffing4u.com	1,450	20	2	Light industrial, manufacturing, distribution, administrative clerical & professional direct-hire	Medical insurance
3	Spherion 204 E. 900 S., Ste. 101 SLC, UT 84111	801-519-5093 spherion.com/utah	1,300	36	5	Technology, light industrial, clerical/call center, professional	Medical
4	Remedy Intelligent Staffing 525 W. 5300 S., Ste. 210 SLC, UT 84123	801-685-8100 remedystaffing.com	255	6	2	Light industrial, heavy industrial, office, professional	Medical, dental, vision, better worklife skill training
5	Perelson Temporary Staffing 2180 S. 1300 E., Ste. 350 SLC, UT 84106	801-532-1000 perelson.com	225*	12*	1	Administrative, accounting, call center, volume	Health benefits, PTO
6	Apex Staffing LLC 58 E. Cleveland Ave., SLC, UT 84115	801-328-9567 apexjobs.net	220	4	1	Construction, heavy & light industrial	Health insurance, 401(k), profit sharing
7	Utah Employment Services 2292 S. Redwood Road SLC, UT 84119	801-978-0378 utahemploy.com	115	6	1	Trucking, manufacturing, recycling, electrical, painting, nutritional, meat	Vacation, health insurance, sick leave, paid holidays
8	Vital Signs Staffing LLC 3761 S. 700 E., Ste. 150 SLC, UT 84106	801-892-8300 vitalstaffs.com	50	6	1	Clerical, professional & medical staffing	Holiday & vacation pay
9	Kelly Services 181 E. 5600 S., Ste. 140 SLC, UT 84107	801-266-0067 kellyservices.us	*	46*	19	Aerospace, contact center, light industrial, manufacturing, pharmaceutical, warehouse, distribution	Health, dental, short-term disability, holiday & vacation pay
10	The Franklin Co. 655 E. 4500 S. Murray, UT 84107	801-261-3282 franklin-tech.com	Varies	Varies	1	Construction, mining, chemical, gas	Varies
11	Sanford Rose Associates— Newman Group 1100 E. 6600 S., Ste. 410 SLC, UT 84121	801-908-8000 sanfordrose.com	Direct hire & contract/ hire	9	1	Commercial insurance, business operations, finance & accounting, construction & engineering	Health, dental, long-term disability, 401(k) plan



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RETALIATION

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appealed to the 10th Circuit, arguing that UPS’s disciplinary decision was pretext because UPS 1. offered inconsistent or implausible justifications for his discipline, 2. deviated from company policy and protocol, and 3. engaged in disparate treatment of similarly situated employees. The 10th Circuit found all of Payan’s arguments unpersuasive and affirmed the district court’s summary judgment in favor of UPS.

For employers in the thick of a retaliation lawsuit, *Payan v. UPS* provides important lessons on how to prevail against a retaliation claim and avoid going to trial.

Employers must:

1. Provide a clear explanation for disciplinary decisions.
2. Not disclaim or abandon initial explanations for disciplinary decisions, though an employer can add additional details about the basis of discipline.
3. Not act contrary to a written company policy, an unwritten company policy or a company practice when making the adverse employment

decision. Deviation from policies and procedures can be used as evidence of pretext. Do not deviate from established procedure or protocol.

4. Make sure disciplinary action is consistent with past discipline of other similarly situated employees who engaged in similar conduct.

As seasoned HR professionals know, even the best practices cannot perfectly insulate an employer from retaliation claims. Creative plaintiffs always seem able to conjure theories of unfairness or pretext. Good practices, including those discussed above, position employers to successfully

defend retaliation claims as UPS did in the multiple cases filed against it by Payan. We encourage employers to examine their policies, practices and training to ensure they are positioned to battle the retaliation claims that will likely come.

Greg Saylin is an employment and litigation partner at Holland & Hart. He counsels clients how to avoid or efficiently handle the full spectrum of employment liabilities. Karina Sargsian is an associate at Holland & Hart. Her practice focuses on counseling employers on contentious and non-contentious issues and defending employment-related claims.

Need to smooth out your operation?

There's an app for that

Sometimes, with all of the fun and entertaining technology around us, it can be hard to remember how helpful technology actually is. It isn't just here to make our movie nights better or our cars more fun to drive. Technology, at its core, is here to improve our lives by making everyday tasks run smoother. This is especially true when it comes to the workplace.

Whatever your industry is, managing projects and daily tasks is vital for a smooth-operating company. Thanks to technology, there are multiple options for software that does just that. Mobile and desktop applications such as Slack, Monday and Basecamp are programs designed to help you assign tasks to individual team members, actively monitor their current status and collect the finished products.

Slack, like the other platforms, gives employees and bosses the ability of instant collaboration. If you are having a hard time imagining what Slack actually is, imagine a well-organized group drop box with the ability to instant-message, video-chat and screen-share.

As an employee, this is beneficial because you can work remotely. Long, drawn-out days in the office aren't always necessary and this program allows you to stay connected as if you were at work while you are away. It also benefits employees by providing collective assistance. If you had a problem or a question with something on your project, you can get help from co-workers and bosses. Slack is so helpful to businesses. You'll see top companies such as Jet, Lyft, 21st Century Fox, Shopify and even NASA take advantage of the software.

Another technology that is creating a better work environment is a platform called Glint. Glint is designed to increase employee engagement and employee satisfaction, develop your people and improve overall business results. They achieve these results through a real-time feedback platform that takes employees' results/opinions and delivers solutions to solve any problems.

Glint gathers feedback from employees via a quick questionnaire with levels of satisfaction for each question. Human resources and managers can watch the Glint dashboard and monitor the real-time results. The collected results can then be broken down and viewed by gender, age, department and more. Furthermore, Glint creates graphs and charts trends so that current opinions can be compared to those of years past.

Where this program will really pay off is the proactive insight that Glint provides. This helps reduce the risk of a problem occurring. An additional tool that Glint provides is the predictive analytics. Thanks to these two functions, a company can be alerted to an employee population that may be at risk for problems. If you own or manage a company, you know how important all

of these features are, especially with how hard it is to find and keep employees.

Glint doesn't stop at just showing you the problem. It takes it a step further by providing integrated action planning to each manager. Managers are taught why each engagement issue matters and how to take action to alleviate the issues. After a manager or human resources representative takes action, Glint tracks and displays the impact of their actions over time.

While Glint was created specifically for the workplace and hasn't branched out into other aspects of life just yet, Fitbit has seemingly done just the opposite. Fitbit, the health tracking wearable tech, has recently seen growth of use in the corporate world. Companies are paying for an employee's Fitbit and motivating them with contests.

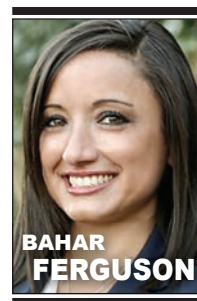
Fitbit has highlighted some of the recent success stories from Emory University and the South Carolina State House. At Emory University, 92 percent of its employees said they felt more motivated to be more active than before. And at the South Carolina State House, 18 percent of participants lost significant weight or are no longer obese. Those results were obtained simply by providing their employees with a Fitbit.

Simply giving your employees a Fitbit may get you results, but why stop there? Other companies are taking this a step further and creating competitions designed to get even better results. A monthly competition of who can take the most steps or a prize drawing for only the employees that increased their steps by 15 percent for that week are both simple challenges that increase engagement.

Companies that are giving out these fitness trackers are not just giving out an ordinary piece of tech. The latest model of Fitbit, the Fitbit Charge 3, combines fitness tracking with smartwatch functionality. The Charge 3 is water-resistant up to 50 meters, provides 24/7 heartbeat monitoring, tracks your sleep, displays smartphone notifications and provides goal-based exercise plans, all while keeping a charge for up to seven days.

One reoccurring theme when looking at technology is the retooling of a specific product or service for a completely unique purpose. This results in technology spreading to even more places than before. Thanks to this, whatever your occupation might be, technology is surely making your life easier. From the human resources director for an entire McDonald's who is using Glint, to the minimum wage cashier who takes a customer's order on a touch screen POS, technology is helping everyone.


Bahar Ferguson is president of Wasatch I.T., a Utah provider of outsourced IT services for small and medium-sized businesses.



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ADVERTISING AGENCIES

Ranked by Utah Gross Sales 2018



	Company Name Address	Phone Web	Gross Utah Sales 2018	No. of Utah Full-Time Employees	Year Est.	Services Offered	Owner/Manager
1	Saxton Horne Communications 85 E. 9400 S. Sandy, UT 84070	801-304-1066 saxtonhorne.com	\$80M	70	1995	Advertising agency	Gail Miller
2	Thomas Arts 240 S. 200 W. Farmington, UT 84025	801-451-5365 thomasarts.com	\$50M*	134	2003	Strategy, creative, digital, full-service advertising agency	Dave Thomas
3	Love Communications LLC 546 S. 200 W. SLC, UT 84101	801-519-8880 lovecomm.net	\$26.9M*	42	1999	Full-service advertising, digital, marketing, public relations firm	Thomas Love
4	Richter7 150 S. State St., Ste. 400 SLC, UT 84111	801-521-2903 richter7.com	\$25.6M*	18*	1971	Advertising agency	Tal Harry CEO
5	R&R Partners 837 E. South Temple SLC, UT 84102	801-531-6877 rrpartners.com	\$18M	33	1974	Advertising, marketing, public relations & public affairs	Chad Harris VP/Managing Director
6	Penna Powers 1706 S. Major St. SLC, UT 84115	801-487-4800 pennapowers.com	\$15.5M*	38*	1984	Advertising, content, PR, branding, digital communications agency	Michael Brian CEO
7	FUEL Marketing LLC 2005 E. 2700 S., Ste. 180 SLC, UT 84109	801-484-2888 fuelmarketing.com	\$13.1M*	18	2003	Advertising, marketing, media & public relations company	Donna Foster Brad Plowman
8	RUMOR Advertising 807 E. South Temple, 3rd Floor SLC, UT 84102	801-355-5510 rumoradvertising.com	\$12.2M*	20	1997	Strategy, media, digital, web development & design	Shane O'Toole Founder/CEO
9	Fluid Advertising 1065 S. 500 W. Bountiful, UT 84010	801-362-9991 getfluid.com	\$4.4M*	30*	1997	Innovative marketing & advertising	Phil Case Manager Partner Ryan Anderson Partner
10	Holmes & Co. Advertising 34 S. 600 E. SLC, UT 84102	801-355-2211 holmesco.com	\$1.6M*	8*	1989	Full-service advertising & consulting agency	Lisa Holmes Owner/CEO
11	BWP Communications 654 W. 100 S. SLC, UT 84104	801-359-2766 bwpccommunications.com	\$970K	7	1995	Advertising, marketing, brand development, strategic communications	Brett Palmer President
12	modern8 Corp. 145 W. 200 S. SLC, UT 84101	801-355-9541 modern8.com	\$800K*	65*	2001	Brand design agency	Alysha Smith Managing Director
13	360 Touch 3070 Rasmussen Road, Ste. 285 Park City, UT 84098	435-655-0360 360-touch.com	*	4	2014	Media placement, recruitment advertising, Google AdWords, audio and video production, graphic and video design, etc.	Lutisha Merrill President
14	Boncom 55 N. 300 W. SLC, UT 84180	801-237-2400 boncom.com	*	65+	1980	Good work for good causes	Andrew Bagley
15	MRM/McCann 60 E. South Temple, Ste. 1400 SLC, UT 84111	801-257-7700 mrm-mccann.com	*	200*	1985	B2B marketing & advertising	Stephanie Mace EVP/General Manager
16	Red Rider Creative 510 S. University Ave., Ste. 200 Provo, UT 84601	801-226-1289 redridercreative.com	*	15	1998	Full-service ad agency	Clark Taylor CEO

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