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IMMIGRATION

As deportations ramp up, prepare for increased chance of ICE

by Daniel N. Ramirez, Monty & Ramirez LLP

President Donald Trump campaigned on the issue of illegal immigration, promising to carry out large-scale deportations of undocumented individuals if elected. He is following through on that pledge, and employers are now in the crossfire. From the outset, "Border Czar" Tom Homan has directed U.S. Immigration and Customs Enforcement (ICE) to target undocumented fugitives aggressively. ICE continues to flex its muscles by expanding its efforts to locate undocumented individuals within company workforces.

ICE raid without a warrant

In January 2025, in an unprecedented move, ICE showed up at a seafood distribution depot in Newark, New Jersey, without a warrant and demanded to see workers' documents to establish if they were authorized to work. The employer allowed ICE agents to enter the worksite without a warrant, which gave them the authority to interview and arrest undocumented workers.

During the operation, ICE agents detained citizens and undocumented residents to verify their legal status. A source from ICE told a local TV news station that the raid wasn't part of the mass deportation plan. Instead, it was conducted based on a tip indicating the market employed individuals without legal status. While tips can lead to ICE raids, they usually don't trigger an operation on their own, and it isn't common to see a raid conducted without a warrant.

ICE worksite investigations have started

During the first week of February, the Trump administration ratcheted up its immigration focus on employers. ICE began delivering notices of inspection (NOIs) to employers. These investigations focus on the company's Form I-9s, which verify the employment eligibility of their workers. If ICE determines that an employer employs undocumented workers, they will notify the employer, which must terminate them unless they can prove they have valid work authorization.

NOIs are different from raids and are administrative in nature. Once an employer receives an NOI, there are strict deadlines and requirements. The following is what you should expect:

- Employers will have three business days to respond to ICE.
- ICE will grant extensions, but they will be limited and must be based on business reasons.
- ICE will request I-9s and related records.
- ICE will audit the I-9s and impose monetary fines on employers for errors and violations found in their I-9s.

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- ICE will inform a company of employees not authorized to work in the United States and require their termination if the company is unable to correct the issue.
- After receiving notice of the NOI monetary fines, an employer has the opportunity to challenge them via an administrative hearing.

Unlike other government investigations, ICE NOIs can lead to criminal prosecution against an employer and employees if ICE discovers evidence of criminal activity, including knowingly hiring undocumented workers or helping workers acquire fake documentation for their I-9s.

Prepare for ICE raids

As ICE increases its enforcement, you need to be ready for possible raids soon. Unlike an NOI, ICE typically conducts raids with valid arrest and search warrants. When ICE presents valid warrants, you must comply with the "four corners" outlined in the warrant. However, you should know your rights. If ICE doesn't have a warrant, you aren't obligated to allow agents to enter non-public or private areas of your premises, and you have the right to refuse consent for any search.

You must navigate these interactions carefully because failure to comply with ICE's legal authority may lead to criminal violations. It's advisable for in-house counsel or outside counsel to have their immigration compliance attorney on "quick dial" in case ICE arrives at their workplace. At the very least, you should establish standard operating procedures (SOPs) to manage interactions with ICE effectively.

In addition to preparing SOPs, employers can review their Form I-9s to ensure all employees are authorized to work in the United States and conduct internal or external audits to mitigate possible exposure. Before correcting errors, however, you should ensure you properly correct them to avoid creating more errors and liability.

What's next?

It seems ICE will be using its full arsenal of options to pursue undocumented individuals, including NOIs and surprise raids at workplaces. Stay tuned for ICE's continued focus on employers.

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HOSTILE WORK ENVIRONMENT

Customer preference no excuse for discrimination, 5th Circuit says

by Michael P. Maslanka, UNT-Dallas College of Law

In 2025, you'd think I wouldn't have to write that headline, but I do. A recent case from the U.S. 5th Circuit Court of Appeals (our federal appeals court over Texas) laid down the law once again and made it easier for an employee to establish a hostile working environment claim under Title VII of the Civil Rights Act of 1964 to boot.

Patient preference: No Black attendants

In June 2016, Lawrence Dike (pronounced "dee-kay"), a Black African, went to work as a certified nursing assistant for a Corpus Christi hospital. In August 2016, he complained that some patients refused to allow him to treat them because of his race. The alleged responses from his various supervisors:

- "We make it happen for the patient."
- "We try to make, you know, accommodations for, you know, patients. You . . . don't want to put the employee in a situation where . . . they're caring for somebody who's . . . got . . . some kind of bias. . . . I mean, we want to make sure the patients have a voice."
- "Generally speaking, if a patient were to request an assignment change due to race, that suggests a racial bias on the part of that patient that we wouldn't want to subject our staff member to, so if we had someone available who could switch, we would likely go ahead and make the change."

Additionally, Dike alleged he repeatedly heard the following at work, though not all directed toward him:

- That Black nurses "play the race card";
- That a Black nurse "upgraded his skin color" by marrying a Filipino;
- Coworkers saying that African food "stinks";
- Coworkers mocking his accent; and
- A coworker telling him he needed a 12-foot buffer between himself and Dike.

To top it all off, management didn't investigate Dike's concerns.

Ultimately, he was terminated for performance-related reasons in 2018. Was there a viable hostile environment

claim that should go to the jury? The trial court said no, but the 5th Circuit disagreed.

Why is there enough evidence?

There are two key concepts, and here's the first: The trial court should have looked at the "cumulative effect" of the above events as opposed to examining each on its own and deciding no single event created an unlawful hostile environment.

There's more. Racial comments directed at others—not at Dike—are called secondhand harassment, and they count in determining whether a hostile environment exists.

Second is the patient preference evidence. The trial court declined to give any weight to this evidence because it wasn't part of an official written company policy. The appeals court remarked it's what one does, not what one says (or doesn't say) that counts.

There's no excuse for an employer to abide by the race choices of its patients (or customers). Adopting others' unlawful discrimination mindset is no less a violation than acting on your own discrimination mindset. *Dike v. Columbia Hospital Corporation of Bay Area, et al.* (5th Cir., January 28, 2025).

Bottom line

The 5th Circuit's opinion cited a case from another federal circuit court that dispatched the arguments in favor of a racial preference policy. Here's part of it:

> [The nursing home] defends the racial preference policy on a practical level: without it, [the company] risks exposing Black employees to racial harassment from the residents and, in turn, exposing itself to hostile workplace liability. . . . But without . . . discharging residents, a long-term care facility confronted with a hostile resident has a range of options. It can warn residents before admitting them of the facility's nondiscrimination policy . . . ; it can attempt to reform the resident's behavior after admission; and it can assign staff based on race-neutral criteria that minimize the risk of conflict. . . . [It] could have, for instance, advised its employees that they could ask for protection from racially harassing residents. That way, [it] would not be imposing an unwanted, race-conscious work limitation on its Black employees; rather, it would be allowing all employees to work in a race-neutral, non-harassing work environment, as is commonly expected of employers. . . . And even if all these efforts do not guarantee full racial harmony, they exemplify reasonable measures that an employer can undertake to avoid liability for known workplace harassment.

Trust me, there's no industry exemption to Title VII. By way of example, in one case, a car dealership's employees called the sole female sales representative a "floor whore." Its defense? This is merely an "industry term," not evidence of sexism. Contrary to conventional wisdom, the customer isn't always right.

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Cutting-Edge HR

Gallup study finds employee engagement level at 10-year low. A report released in January from polling giant Gallup shows that employee engagement fell to its lowest level since 2014, with just 31% of employees found to be engaged and 17% of employees actively disengaged. The research shows a growing trend of employee detachment from organizations. The drop in engagement was most pronounced among workers younger than 35 and in certain industries, namely finance and insurance, transportation, technology, and professional services. Clarity of expectations was one element of engagement that saw the most significant decline in 2024. Just 46% of employees said they clearly know what's expected of them at work. Feeling cared about was another area of concern, with just 39% of those surveyed feeling strongly that someone at work cares about them, and just 30% strongly agreed that someone at work encourages their development.

Survey finds hiring tougher for both employers and applicants. Research released in January from LinkedIn shows that nearly three out of five people will be looking for a new job this year, but both jobseekers and employers say the process has become harder. LinkedIn's data showed that nearly 40% of jobseekers are applying to more jobs than ever but hearing back less. Also, 73% of HR professionals said that less than half of the job applications they receive meet all the criteria listed. LinkedIn says the problem is partly driven by changes in the skills and roles businesses need, and its "Work Change Report" shows that global hiring for artificial intelligence (AI) talent has grown by more than 300% over the last eight years. LinkedIn data show that the skills needed for jobs are expected to change 70% by 2030, fueled by rapid developments in AI.

Loneliness called significant factor in the workplace. Loneliness is leading to reduced job performance, lower job satisfaction, and increased turnover, according to Integrated Benefit Institute, a health and productivity research nonprofit. Researchers found that workers experiencing frequent loneliness were more than seven times more likely to suffer from anxiety or depression. Employees who have social support have reduced odds of loneliness, and being a parent of a child with mental health needs increases the odds of anxiety or depression. Employers see an economic impact, as employees with clinically relevant anxiety/depression average 4.6 more sick days annually than individuals without those conditions, according to the research. Also, employees with anxiety or depression have higher rates of other chronic health conditions, increasing costs for both the employee and the employer. ■

DIVERSITY

Is it DOA for DEI? Questions and answers on recent Executive Order

by Michael P. Maslanka, UNT-Dallas College of Law

The concept of DEI—which stands for diversity, equity, and inclusion—is much in the headlines recently. Matters came to a head on January 21 when President Donald Trump signed an Executive Order (EO) styled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity." Here is a Q&A on the EO.

Key Qs and As

Q: Does this EO apply to private employers?

Yes. All federal agencies are directed to target and end what the EO deems "illegal" DEI programs and initiatives sponsored by private employers. What does the federal government want from you? Policies advancing "individual initiative, excellence, and hard work." I translate this language to mean policies doling out perks and promotions based on merit and on nothing else.

Q: What constitutes "illegal" DEI?

The EO lacks a definition of this term. At a minimum, it includes what is already a violation of Title VII of the Civil Rights Act of 1964—quotas on workforce balancing (that is, seeking a specific racial percentage in your workforce.)

But wait, there's more! In the private sector, the EO seeks to end the "identity-based spoils system" used by certain private-sector employers. No illustration in the EO of what this means. But it likely refers to programs limited to a specific race such as paying tuition only for Hispanics to attend a program focused on Hispanic issues or designing a mentorship program for which only minority employees can apply.

On the government front, it likely means stopping the Office of Federal Contract Compliance Programs (OFCCP) from promoting diversity at all. And the new Acting Chair of the Equal Employment Opportunity Commission (EEOC) promises to "root (out) unlawful DEI-motivated race and sex discrimination."

Q: Is this all aspirations, no teeth?

No. The EO requires all agencies to submit a report that the administration will use to establish new "civil rights" policies. The report must include recommended measures to encourage the private sector to end not only DEI but also other "illegal discrimination and preferences." To wit:

- Specific steps to end or deter DEI programs—regardless of how they are labeled—that constitute illegal discrimination or preferences;
- Litigation suggestions, whether lawsuits initiated by the federal government or as intervenors in on-going private lawsuits or involving filing of friend-of-the-court briefs; and
- Promulgation of binding regulations outlawing DEI and illegal preferences.

In addition, each federal agency must identify up to nine publicly traded companies or nonprofit corporations (with assets of $500 million or more) that would be suitable for a compliance investigation.

Bottom line

Commenting on speculation that he had passed, author Mark Twain once said, "The reports of my death have been greatly exaggerated." Same here. A well-designed DEI program is not illegal. Note the import of the modifier "well-designed." In addition to consulting with employment law counsel on program/policy design, I suggest you read, "Report and Recommendations of the New York State Bar Association Task Force on Advancing Diversity" from September 2023, which contains concrete and actionable advice. I will write on their ideas in a separate article.

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DISCRIMINATION

According to Houston court, manager aced out by DEI gets to jury

by Michael P. Maslanka, UNT-Dallas College of Law

Corporate diversity, equity, and inclusion (DEI) programs are leading to all sorts of trouble for Texas employers. For just one such court case, read on.

Good intentions lead to . . .

Broken Hill Proprietary is an energy company. In 2016 and 2017, DEI lightning struck its HR department: It set out to develop a DEI initiative with the goal of increasing the representation of women in its workforce by 3% annually.

The goal was for the company's workforce gender composition to match that of the local communities in which the company operated. Its CEO at the time chimed in to say that the goal was to achieve this type of balanced workforce and to set milestones to make this a

reality. And because it is only human nature to do what one is incentivized to do, the company considered progress towards the 3% increase in determining the number of annual bonuses.

Guess what? The program worked, and the number of women zoomed up.

. . . Burak Powers losing his job

Burak Powers was the manager of portfolio strategy and development at Broken Hill. His job was allegedly eliminated in a restructuring. But according to him, it was reconstituted under a different title and was given to a woman.

For the next seven months, before his official termination date, Powers applied for other positions at the company but was denied. The positions, however, were given to women. He sued for sex discrimination.

Case goes to a jury

The federal trial court in Houston rejected the company's request to dismiss the lawsuit. According to the court, it didn't matter that the DEI program and the comments about it were not directed toward Powers. Rather, the court concluded that the jury could decide the company's polices favored women and that Powers was caught up in the resulting tidal wave.

The cherry on top: Managers were evaluated on how well they complied with the company's DEI objectives. This is what is called direct evidence of discrimination—powerful stuff for an employee in a lawsuit. The court noted that even if it were not direct evidence, the mere fact of the existence of a DEI gender-balancing policy was sufficient to cast doubt on an employer's rationale for terminating an employee, and this precluded case dismissal. *Powers v. Broken Hill Proprietary* (Case No. H-21-1334).

Bottom line

Whatever you do, don't do the following regarding a DEI policy (or whatever you call it):

- Establish set quotas or goals.
- Incentivize managers to achieve certain goals or milestones.
- Limit benefits or terms of employment to one minority group, excluding all other groups.

At the same time, it's OK to do the following:

- Explain the virtues and benefits of a diverse workforce.
- Understand that the goal of a diverse workforce is legal—rather, it's how employers have been and are still trying to get there that runs afoul of the law.
- Allow affinity groups for all employees.

Check with your employment lawyer first! More this year on DEI as we explore this area together.

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Federal Watch

EEOC recovers record $700 million for workers in 2024. The Equal Employment Opportunity Commission (EEOC) in January announced it secured almost $700 million for over 21,000 victims of employment discrimination during fiscal year 2024 (October 1, 2023, through September 30, 2024). That's the highest monetary recovery in the agency's recent history. The EEOC received 88,531 new discrimination charges in fiscal year 2024, reflecting an increase of more than 9% over fiscal year 2023. The agency ended the fiscal year with 52,080 charges pending—only a slight increase from the 51,100 charges pending at the close of fiscal year 2023. The monetary recovery included more than $469.6 million for 13,516 workers in the private sector and state and local government workplaces through mediation, conciliation, and settlements during the administrative process. Another $190 million was recovered for 3,041 federal employees and applicants. More than $40 million was recovered for 4,304 individuals as a direct result of litigation.

EEOC finds gender pay gap larger for older federal workers. A report from the Equal Employment Opportunity Commission (EEOC) released on January 2 shows the gender pay gap for federal workers is larger for people age 40 and over (who are protected from age discrimination by federal law) than for people under age 40. For the report, titled "The Impact of Age on the Gender Pay Gap in the Federal Sector," the EEOC examined data on over 2 million federal employees. The analysis also examined how the factors associated with the gender pay gap differed between the two age groups. The report found that regardless of how it was measured, the gender pay gap was larger among employees age 40 and over. Among the younger age group, educational attainment was the attribute most associated with decreasing the gender pay gap. Veteran status also helped decrease the gender pay gap for both the younger and the older groups.

Report details Asian Americans in federal workforce. The Equal Employment Opportunity Commission (EEOC) released a report in January showing that in fiscal year 2024, Asian Americans were one of the largest growing populations in the United States, and Asian American workers were employed in the federal sector at a rate that exceeded their representation in the civilian labor force. Asian Americans accounted for 7.1% of the federal workforce compared with 5.7% of the civilian labor force. The report also noted that Asian Americans were relatively underrepresented among leadership roles compared with their representation in the federal workforce. Asian American men accounted for 3.3% of federal leaders, and Asian American women accounted for 2.3%. ■

OVERTIME

Texas court wrestles with independent contractor status

by Michael P. Maslanka, UNT-Dallas College of Law

And so it goes: Employers come to the crossroad—designate a worker as an employee or as an independent contractor. A lot rides on the path taken. Erroneously pick contractor, and you're on the hook for unpaid overtime, often on a class action basis. The money owed can add up—fast! Read on.

Wrong choice

Berry's Reliable Resources hires personal care workers to serve the elderly with tasks such as taking their medication, daily bathing, making meals, and going to medical appointments. It treated a group of these workers as contractors, not employees. (Note: Berry's also had workers that it treated as employees who performed pretty much the same duties as the ones they treated as contractors.)

The workers sued, claiming they were—under the law and in fact—employees entitled to overtime under the Fair Labor Standards Act (FLSA). The federal trial court agreed and granted the workers summary judgment (dismissal in their favor without a trial).

Case goes to appeals court

On appeal, the U.S. 5th Circuit Court of Appeals (the federal appeals court that covers Texas) agreed with the trial court. Here are key highlights from the appeals court's decision:

- The trial court properly decided that merely because there was some dispute over whether the underlying facts showed independent contractor or employee status doesn't mean the company was entitled to a jury trial. The facts were basically so one-sided that the court was correct in finding for the workers without a trial.

- The legal question for the trial court was whether the workers were "in business for themselves." Not in the sense that we are each responsible for hustling to make more money or working hard to get a promotion. Rather, it meant in the sense that the worker owns a business, living off the profit.
- In making its legal determination about employee classification, a court must consider five factors—the same five factors you must consider in deciding whether to take the employee or independent contractor path.

Five factors

Here are the five factors the 5th Circuit considered:

1. How much control did Berry's exercise over the details of the workers' work?

A lot. Berry's determined what services would be provided to the elderly. The workers weren't allowed to alter the type, scope, or duration of the services, period. So, they could not be considered "separate economic entities"—aka, businesses of their own.

2. What is the relative investment of the company and the workers?

How much money do the company and the worker each invest? The trial record was unclear on this factor. It's likely Berry's—through advertising, complying with any state or federal regulations (lawyers are expensive), and maintaining an administrative staff—invested the most money by a lot. The more one invests, the more one is likely to be a separate, honest-to-goodness business. Conversely, the less one invests, the more likely employee status is.

3. Could the workers increase the amount of money they made?

Very little. Berry's set their rate of compensation. It wasn't the subject of negotiation. Nor could they determine when they worked. Just like, well, an employee, not the owner of a stand-alone business.

4. What is the skill and initiative needed in performing the job?

This means that the workers in question had a unique skill set or some ability to exercise significant initiative within the business. In other words, the type of juice associated with the owner of a business. Here, the talents were fungible, and in fact, the workers performed the same work as those the company treated as employees.

5. Is the relationship more permanent than transitory?

If the relationship between the worker and the company is transitory, that is more like an independent contractor going from job to job. If it is more permanent, that is more suggestive of a typical employee. *Badon et al v. Berry's Reliable Resources* (5th Cir., 2024).

Bottom line

The 5th Circuit's opinion doesn't talk about the bill coming due because of the misclassification. But it includes liquidated damages, which is a doubling of the unpaid overtime wages. And the employer is 100% responsible for payment of the workers' attorneys' fees. A tidy sum for going down the wrong path. So, be sure you make a considered decision about which path to take.

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RETALIATION

In Title VII retaliation cases, no knowledge means no claim

by Michael P. Maslanka, UNT-Dallas College of Law

The U.S. 5th Circuit Court of Appeals (which covers all Texas employers) just gave us an important reminder about how to defeat the increasingly popular claim of retaliation under Title VII of the Civil Rights Act of 1964.

Opposition

Kelly Dietrich worked for UPS in a variety of positions, including as a delivery vehicle package pre-loader.

Dietrich complained to manager Mike Lentz about sexual harassment in the workplace. She later filed a discrimination charge with the Equal Employment Opportunity Commission (EEOC) over her claim. Her conduct clearly falls within the category of opposing unlawful discrimination.

Alleged retaliation

Later, Dietrich won a competitive bid to participate in a delivery vehicle driver training program. Her trainer was James Shipp, who determined she flunked out of the program.

Shipp informed his boss, Paul Phillips, who, in turn, delivered the news to Dietrich. She alleged she responded by telling Phillips that Lentz told him she "could not pass the program."

Ultimately, Dietrich was discharged from UPS for misconduct. She sued, claiming she was bounced from the training program for her earlier complaint to Lentz.

Lawsuit dismissed

The appeals court cut to the essence.

First, to establish a retaliation claim, the employee must establish that the manager who tossed her out of the program knew she had engaged in protected activity (i.e., made a complaint). Here, there was no evidence Lentz was the decision-maker on whether Dietrich would pass the training program. And the comment attributed to him was equivocal. It couldn't support the assertion that Lentz made the disqualification decision, nor did it imply the decision was retaliatory.

HR Technology

Report shows growth in tech job hunting. Tech career hub Dice reported in January that an unprecedented 47% of technology professionals were actively seeking new roles—up from 29% last year. The growth in jobseeking reflects a maturing market where tech professionals increasingly focus on total compensation and growth opportunities. The average technology professional salary reached $112,521 in 2024, representing a 1.2% year-over-year increase. However, the growth didn't translate into increased satisfaction, with tech workers' satisfaction in compensation reaching a new low in 2024. The latest survey findings reveal artificial intelligence and machine learning as the most significant technological change of the past two decades, cited by 36% of tech professionals with over 20 years of experience. Cloud computing and virtualization (15%) and mobile technologies (8%) round out the top three most impactful changes. The report also notes that women in tech with over two decades of experience are nearly 1.5 times more likely than their male counterparts to say work culture has improved over the past 20 years.

Survey finds most HR leaders not focused on reskilling workers. A survey from The Conference Board shows that HR leaders aren't prioritizing the reskilling of workers who will be the most affected by the use of artificial intelligence (AI). Only 7% of chief HR officers say they're implementing reskilling strategies for roles that have a high probability for at least a quarter of tasks to be taken over by AI. The survey also found that 36% of HR leaders are advocating for governance policies that will help mitigate the risks of AI use. Also, 21% of leaders are developing and implementing AI literacy programs for the entire workforce, and 21% are mitigating concerns about AI by emphasizing the potential benefits.

Report finds lack of training and guidance on the use of artificial intelligence (AI) tools. A report from TalentLMS released in January shows fear among employees that their job skills are becoming obsolete and employers aren't providing training fast enough to keep pace with the change. The data also show significant gaps in workplace learning along generational lines. A survey of 1,200 employees in the United States found that 63% believe their current training programs could be significantly improved; Gen Z is the least satisfied with company training programs, while millennials reported the highest levels of satisfaction. The data also show that 49% of employees believe AI is advancing faster than their company's training capabilities. Also, 54% of employees reported a lack of clear guidelines on AI tool usage, and 65% wanted training on how to use AI safely and ethically. ■

Second, there was no evidence that Phillips or Shipp knew about the complaint and the EEOC charge. So, there could be no Title VII retaliation because it would be impossible to show the complaints caused the alleged adverse employment action. The 5th Circuit summed it up:

> Dietrich does not attempt to argue that Shipp or Phillips knew about her sexual harassment complaints—whether her initial complaint or [later] EEOC charge. Indeed, she admitted in her deposition that she had no evidence that either employee knew about her complaints. The [trial judge] thus . . . did not err by concluding that Dietrich failed to prove the causation required for a Title VII retaliation claim.

Dietrich v. United Parcel Service, Incorporated (5th Cir., February 10, 2025).

Bottom line

Jurors presumptively believe employers retaliate against employees who complain. It's baked into their DNA. So, make every effort to get a case dismissed before the employee can get to them. This opinion will help.

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WORKPLACE CULTURE

Make your 'Thank you' truly felt: A primer on expressing gratitude

by Michael P. Maslanka, UNT-Dallas College of Law

Seeking to create a harmonious workplace culture? Toss the expensive consultants, eschew empty slogans, forget motivational talks. Instead, adopt a simple rule: When thanking an employee, tack on the reason for the thanks.

Power of thank you

In an article titled "How to Give a Meaningful 'Thank You'" from the *Harvard Business Review* on February 20, 2013, business psychiatrist Mark Goulston gives three illustrations of what he calls a "Power Thank You":

- Let's say the employee does something beyond the call of duty. A simple thanks won't suffice. Like this: "Joe, thanks for working over that three-day weekend to make our presentation deck perfect. Because of it, we won the client." Note the structure: specific time plus specific action plus specific result. The trifecta of thanks.
- Or let's say the employee made a sacrifice in their personal life to get the business. To wit: "I realize how important your family is to you and that working on this cost you the time you'd planned to spend with your daughters. [Personal note: Make an effort to know the names of children.] And yet you did it without griping or complaining. Your dedication motivated everyone else on the team to make the presentation excellent." Note the structure: identify the project plus acknowledge the sacrifice plus explain the positive consequence of the sacrifice.
- Finally, tell the employee what the sacrifice means to you: "Your work will help me get a good review. I will likewise recognize your critical contribution." Same formula.

Final thought

A perk of any job—along with salary and benefits—must always include earned recognition, sincere acknowledgment, and hand-to-heart thanks. Now that makes for a complete comp package.

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