



Northeast S.D. Society for Human Resource Management

April 2014

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April Program

The Northeast South Dakota Society for Human Resource Management is proud to present:

“DISCUS-SION” OF EMPLOYMENT “DECI-SIONS”

Tuesday April 8, 2014

Please join us for this program as employment attorney Lisa Marso discusses – Investigation, Documentation & Termination of Employees. Learn the importance of and procedures for the investigation, creation and retention of documents, and techniques to assist with termination decisions and meetings.

LOCATION/TIME

2nd Street Station
15 2nd Street SW – Watertown, SD
11:30 – 1:00pm

RSVP by April 4, 2014

Chapter website: nesd.shrm.org under the “meetings/event” tab.

Program Cost

NESD SHRM Plus Members: FREE
NESD SHRM Basic Members: \$10.00
NON-NESD SHRM Members: \$20.00



About the Speaker: Lisa Marso is a partner in the Boyce, Greenfield, Pashby & Welk, L.L.P. law firm. Lisa's primary practice areas include employment law and government liability. Lisa has successfully represented employers and insurers in administrative, civil and appellate claims. Lisa's practice also involves training in the workplace and pre-litigation investigations to resolve disputes prior to litigation being undertaken. Lisa serves as the Brandon City Attorney and Spitrock Township Attorney.



HRCI Credits are pending



NESD SHRM HEALTHCARE REFORM SERIES

Whether you represent a large or small manufacturer, a small service organization or would like to keep current on the broad range of HealthCare Reform changes, in each of these sessions, you will find the tools and information needed in order to be compliant and abreast of changes.

Session One: 04/24/2014

Session Two: 06/19/2014

Session Three: 8/21/2014

Session Four: 10/23/2014

Each session will be held from 3:00 to 5:00pm and will include time for questions and answers.

Topics of discussion during our first working session are:

- The employer mandate
- Small business—Pro's & Con's of offering health insurance
- Transitional Reinsurance Fee
- Step-by-Step examples of how to track hours of service for variable hour and seasonal employees.
- Health Reimbursement Account (HRA) and Flexible Spending Account (FSA)

Please use the Chapter website to RSVP for each session.

<http://nesd.shrm.org>

Under the "Events & Education" tab

Training materials will be provided at each session.



Tom Pruner, Jr. a Partner with Eide Bailly, has more than 30 years of tax experience with an emphasis on providing trust and estate income taxation on retirement plan services. He also serves as one of the firm's Health Care Reform Champions and has presented on this topic to clients and a variety of organizations.



2nd Street Station—Watertown, SD

FREE for NESD SHRM Plus Members

\$10 for NESD SHRM Basic Members

\$20 for Non -NESD SHRM Members

Overtime rules: Changes on the way, but specifics scarce

Secretary of Labor Tom Perez has his orders. President Barack Obama on March 13 officially directed him to “modernize and streamline the existing overtime regulations.” The president’s directions further instruct the Department of Labor (DOL) to “address the changing nature of the workplace” and simplify the rules so that they will be “easier for both workers and businesses to understand and apply.”

The process of changing regulations is time-consuming and will involve the issuance of a notice of proposed rulemaking, a comment period, and hearings where various stakeholders will get the chance to influence changes to the rules. All that must take place before a final rule will be unveiled. Then after the months required to hash out the revisions, the matter still may not be settled because an interested party may find grounds for a lawsuit.

So what lies ahead for employers and what should they expect to come out of the effort to make more workers eligible for overtime?

Changes to white-collar exemptions

The president has made it clear he wants fewer workers eligible for the “white-collar” exemption that prevents them from collecting 1½ times their regular pay rate for

hours worked over 40 in a workweek.

After a signing ceremony, Obama sent Perez a presidential memorandum detailing problems he sees in the current regulations. In the memorandum, Obama says that many exempt workers—particularly those classified as executive, administrative, and professional—are suffering because of problems with the regulations. The “outdated” regulations mean that “millions of Americans lack the protections of overtime and even the right to the minimum wage,” the memorandum states.

Currently, the minimum an exempt worker can make is \$455 per week. A White House fact sheet says that threshold “has failed to keep up with inflation, only being updated twice in the last 40 years.” The \$455 threshold was set in 2004. Before being raised to \$455, the minimum was \$250 a week, which was set in 1975.

Just how much higher a proposed new minimum level will be isn’t specified in the memorandum Obama sent to Perez, but Kevin McCormick, chair of the labor and employment section of Baltimore law firm Whiteford, Taylor & Preston and editor of Maryland Employment Law Letter, says some are saying it could be at least doubled and maybe reach \$1,000 a week. “There’s no doubt that the \$455 is going to be history,” McCormick says.

In addition to tweaking the salary threshold, McCormick says he expects new proposed regulations to address the kinds of employees who can be exempt. The \$455 minimum threshold refers to the “salary basis” test, but the “duties test” also is likely to change, and McCormick expects any new regulations to remove some flexibility employers currently have.

As a practical matter, exempt managerial employees sometimes do the same work as hourly nonexempt employees. For example, McCormick says management employees in restaurants often pitch in to wait tables during peak hours but they can still be exempt because management is their primary duty. Currently, he says, there’s some latitude for managers who sometimes need to do the same kind of work as hourly employees because of the “rule of thumb” that says a manager’s work must be at least 50 percent managerial.

McCormick says the DOL may try to come up with hard percentages or job classifications to determine which employees can be exempt. “The more you drill down and make the regulations precise, the more places you’ll have that don’t fit the categories,” he said.

The DOL may develop a less flexible definition of what positions will be allowed to be exempt and if the job doesn’t fit the simpler analysis, then it won’t be allowed to be exempt. “Ultimately, when regulations come out, employers will have to assess where they are,” McCormick says.

Perez supports change

After Obama signed a presidential memorandum directing the DOL to develop revisions to the Fair Labor Standards Act (FLSA) regulations, Perez voiced his support in a blog post on the DOL website. He wrote that the FLSA's minimum wage and overtime protections were intended to apply to more workers than they currently do.

"The law provides for some exceptions, but the exceptions haven't kept up with our modern economy," Perez wrote. "These exceptions were originally designed to only apply to well-compensated employees with greater job security, more bargaining power, and higher potential for promotion."

Perez cited examples of two New Jersey gas station managers the DOL's Wage and Hour Division became aware of. He said the two workers typically each worked 65 hours a week, but "their salary was so low that they weren't even making the equivalent of the minimum wage."

Perez wrote that the \$455 threshold "is capturing employees who just don't make that much," and it affects many kinds of workers, such as the New Jersey gas station managers and retail, fast food, and janitorial workers.

"By updating who qualifies for overtime pay, we are expanding opportunity and making sure hard work pays," Perez wrote.

~HRHero.com

SHRM FOUNDATION NEWS:



SHRM Foundation News: Scholarships for HR Professionals

Are you a SHRM member pursuing a college degree (HR, business, psychology, etc.) or professional certification? The SHRM Foundation will award \$100,000 in scholarships to SHRM professional members in 2013.

The scholarships are allocated equally among the five SHRM geographic regions, which means you are competing only with applicants in your own part of the country. Recipients are selected primarily on merit, and a significant portion of the selection criteria includes HR involvement and future career plans, as well as volunteer activities and leadership experience.

Academic scholarships are available to those working toward a graduate or undergraduate college degree in HR or a related field. Certification scholarships are available to those working toward certification (SPHR, GPHR, PHR, or California) and to affiliated SHRM chapters and state councils that are organizing local certification preparation programs.

For more information, choose "[Scholarships and Awards](#)" on the SHRM Foundation website (www.shrm.org/foundation).

NESD SHRM Communications Disclaimer:

Our chapter, or its Board of Directors, accept no liability for the content of this newsletter or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing.

NESD SHRM MISSION STATEMENT

NESD SHRM Chapter's purpose is to advance the Human Resource profession by providing educational opportunities, legislative updates, informational programs, and a network to facilitate ideas, as well as promoting and encouraging membership and professional development through participation in the National SHRM organization.

Top 10 Reasons to join National SHRM:

1. 24/7 SHRM Info. Center
2. HR Magazine
3. HR News
4. TeleSHRM
5. HR Legal Report
6. MembershipNet
7. Annual Conference
8. Government Representation
9. Prodigy
10. Job Bank USA, Credit Card Services, Group Life, Rental Car & Subscription Discounts

Join SHRM National today
https://ecom.shrm.org/TimssSolutions2004_tpro/EBusinessJoin.aspx

Book of the Month:

Point Counterpoint: New Perspectives on People & Strategy

2012, 144 pages, Paperback
ISBN: 978-1-58644-276-7
SHRMStore Item #: 61.17001

Point Counterpoint, a copublication with HR People & Strategy (HRPS), contains 13 sets of debates on the most relevant human capital issues confronting organizations--large and small--today. This resources addresses talent management, organizational effectiveness, leadership development, HR strategy and planning, and building a strategic HR function.

Each set of articles has a Learning Guide for the development of teams in organizations or students in classrooms and for professional development.

NESD SHRM Board Meeting –

Tuesday, March 25,

11:30 – 12:30

Guadalajara's

Agenda

PRESENT: Matt Sawyer, Laurie Gates, Sheila Mennenga, Tammy Davis, Paige Sullivan, Audra Hunt, Amber Dahl, Traci Stein, Jodi Olmscheid and Leigh Kuecker.

ABSENT: Julie Plunkett and Bobbie Halonen

Additions to Agenda – NONE

Approved minutes of Board meeting – minutes in March newsletter – motion to approve by Matt Sawyer, seconded by Tammy Davis.

Past President

Julie Plunkett

- No report

President Elect

Matt Sawyer

- No report

Treasurer

Laurie Gates

- Financial Statement
- Dues coming in for 2014
- PACH check and food to be present Wednesday 3/26
- Charity for April will be Watertown Resource Center

Membership Director

Sheila Mennenga

We currently have 58 members who have renewed, and 11 who have not

- Sheila will reach out to Dakota Bodies new HR Manager

SHRM Foundation Representative

Tammy Davis

- Pizza Hut Fundraiser had \$58 in sales. Minimum required was \$150
- Other fundraising options such as Quarter Craze, 50/50 at the monthly program and a bake sale and the Diversity event

Diversity Advocate

Julie Plunkett

- No report

Government Affairs Representative

Paige Sullivan

- No Report

Workforce Readiness Advocate

Traci Stein

- Dennis Daugaard addressing workforce challenges and trends for South Dakota at LATI on May 21st

Certification Representative

Audra Hunt

- Healthcare reform certification to come back from HCRI in April

Vice Presidents of Programming

Bobbie Halonen and Amber Dahl

- Discussion of Employment decisions program on April 8 at 2nd Street Station
- Healthcare Reform Series to kick-off April 24th at 2nd Street Station
- The remainder of the Healthcare Reform Series will resume in September

Secretary - Jodi Olmscheid

- No report

Old Business - Matt Sawyer and Bobbie Halonen

- No report

New Business

- SHRM Foundation Raffle donation for State Conference will donate a Redlin print. Matt Sawyer moved to do the print plus \$100, Paige Sullivan seconded
- State Leadership – Oct 23 & 24 in Brookings
- Leigh Kuecker promoted the SHRM foundation by encouraging all board members to make a monetary contribution directly to the SHRM Foundation

ADJOURN MEETING by Tammy Davis, seconded by Laurie Gates



Manage Stress Feel Better

Move More

Experts recommend 30 minutes or more of movement for adults and 60 minutes for children on most days. Can't find a 30-minute chunk of time? Break it up into 10-minute blocks throughout the day.

Laugh a Little

Laughter can give us a more lighthearted perspective and help us view stressful difficulties as challenges. Laughter will also help you connect with others. By helping others around you learn to laugh more, you receive the benefits as well.

Manage Money

To reduce financial stress, keep daily receipts to monitor spending habits, develop a long-term plan to manage your money and consider consulting a professional or specialist to advise you.

Make Yourself a Priority

Take a few minutes each day to make yourself a priority. Use the time to do something you enjoy—read a book, go for a walk, spend time with friends or family, daydream, listen to your favorite music or some other activity that is important to you.

Visit Eat Smart Move More NC for more information.



<http://www.eatsmartmovemorenc.com/ManageStress/ManageStress.html>

Happy Easter
From the NESD SHRM Board!