



**Our NESD SHRM Chapter has been awarded the 2016 Platinum Award by the Society for Human Resource Management.**

This award recognizes outstanding achievements in chapter operations and a commitment to providing meaningful programs and services to our members. It also is recognition of our continued growth and development as a business leader, capable of developing strategies that lead to business success!

As Hank Jackson, President and CEO of SHRM, states in the Excel Award press release, “Advancing the human resources profession is a daily mission at SHRM and your chapter’s outstanding work this year contributed significantly to that goal.”



**A HUGE thank you and congrats goes to Audra Hunt and the 2016 NESD SHRM Board for all their hard work and efforts—fantastic job!!**

**2017 Board Members**

President: Laurie Gates

Past-President/Secretary: Audra Hunt

President Elect/Programming Co-VP:  
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Treasurer: Melanie Schroeder

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Government Affairs Representative:  
Misti Gilbertson

Workforce Readiness Advocate:  
Steve Hauck

Programming Co-VP: Leigh Kuecker

Newsletter/Website Representative:  
Becky Joseph

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# SHRM Names Johnny C. Taylor President and CEO

ALEXANDRIA, Va. — After an extensive search, Johnny C. Taylor Jr., J.D., SHRM-SCP, has been named president and CEO of the Society for Human Resource Management (SHRM), SHRM Board Chair Coretha M. Rushing, SHRM-SCP, announced today. His appointment is effective in November.

Taylor has been president and CEO of the Thurgood Marshall College Fund (TMCF) for the past seven years and is credited with raising the organization's stature and funding. TMCF is the nation's largest organization exclusively representing the black college community.

He has a diverse background in leadership and people strategies across various global organizations and industries. Before joining the TMCF, Taylor was responsible for the global HR function at IAC, a portfolio of publicly traded media and internet businesses, later assuming the CEO role for one of IAC's operating companies.



*Johnny C. Taylor Jr.*

Taylor also served in the dual role of general counsel and senior vice president of HR for Paramount Parks & Live Entertainment, as well as vice president of HR at Blockbuster Entertainment. In addition, he was a labor and employment partner at the McGuireWoods LLP law firm and served as the president of the firm's human resource consulting firm.

Taylor has served on multiple for-profit and mission-driven boards, while always making good human resource management a priority. No stranger to SHRM, Taylor has been a longtime member and served as chair of its board in 2005 and 2006.

"Johnny Taylor is a visionary leader and accomplished HR strategist who is committed to the continued advancement of the profession, and the board of directors looks forward to working with him," Rushing said.

Taylor holds a Juris Doctor degree with honors and a Master of Arts with honors from Drake University. He obtained a Bachelor of Science with general university honors from the University of Miami.

Taylor will succeed Henry G. (Hank) Jackson, who in January announced his retirement for the end of the year after 12 years at SHRM.

***Source: full press release available via [SHRM.org](http://SHRM.org) (online announcement)***

# OSHA Delays Electronic Record-Keeping Rule



The Occupational Safety and Health Administration (OSHA) plans to postpone a record-keeping rule that would have required certain employers to electronically submit injury and illness data to the agency starting on July 1. The agency has not provided any additional information about if or when electronic submission will be required.

OSHA announced on its website on May 17 that it "is not accepting electronic submissions at this time and intends to propose extending the July 1, 2017 date."

The news of the delay didn't come as a surprise, given that there was no indication that OSHA had even created a portal for employers to submit electronic data, said Patrick Miller, an attorney with Sherman & Howard in Denver.

The injury and illness reports that employers would have to submit electronically are already recorded on forms that employers keep at their worksite. The rule is controversial because some of the collected information would be made available to the public on the agency's website.

OSHA has said that "making injury information publicly available will 'nudge' employers to focus on safety."

In two ongoing lawsuits challenging the rule, business groups argued that public disclosure would unreasonably harm employers.

It's possible that the agency is waiting to see what happens in these court cases and with other activity surrounding the rule, said Matthew Linton, an attorney with Ogletree Deakins in Denver. He added that neither case has gone very far yet through the litigation process.

An OSHA spokeswoman said that the agency delayed the rule to give the agency time to address employers' "concerns about meeting their reporting obligations," *The Washington Post* reported.

The good news for employers is that this could be a sign that the rule will go away entirely, but until a final decision has been made, employers should be prepared to comply, Miller said.

There's no harm in taking reasonable steps to prepare for the rule to take effect, Linton said. He noted that the electronic submission aspect of the rule might live on even if the data isn't ultimately posted for public viewing.

## Anti-Retaliation Rules Remain

The electronic record-keeping rule also contains anti-retaliation provisions that say employers can't discourage workers from reporting injuries or illnesses. Employers must inform workers of their right to report work-related injuries and illnesses, and they can't retaliate against employees for doing so.

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## ***OSHA Delays Electronic Record-Keeping Rule (continued from previous page)***

OSHA guidance on the anti-retaliation provisions says that employers must establish reasonable procedures for reporting injuries. The guidance also puts certain limitations on safety incentive programs and drug-testing policies that might deter workers from reporting accidents.

It's important for employers to note that the anti-retaliation provisions went into effect in December 2016, and the electronic filing delay doesn't change that, Linton said. "If employers haven't been complying with those aspects of the rule, they need to start."

He said it's possible that employers might not see much of an enforcement effort, but OSHA investigators may continue to implement current enforcement procedures until they are otherwise instructed.

Business groups are challenging the anti-retaliation provisions in court, arguing that OSHA exceeded its authority when it created these aspects of the rule. Although a court refused to grant a preliminary injunction that would have temporarily blocked the provisions, it is still possible that the court could ultimately deem them unlawful.

Linton said employers should keep an eye on the record-keeping section of OSHA's website for any changes.

## **More OSHA Delays**

The electronic record-keeping rule isn't the only Obama-era OSHA rule that has been revoked or delayed since President Donald Trump's inauguration.

In April, Trump signed a resolution to permanently block the so-called Volks rule, which effectively extended OSHA's authority to issue citations for record-keeping violations from six months to five years.

Earlier this year, the new administration delayed implementation of a workplace-safety rule related to beryllium dust to May 20. OSHA also announced on April 6 that it will delay enforcement of a rule to limit silica exposure on construction sites from June 23 to Sept. 23.

The agency said it needs more time to develop educational material for employers and to train compliance officers.

*Source: Lisa Nagele-Piazza, SHRM-SCP, JD, via SHRM.org (online article)*

### **OSHA's statistics: did you know ...**

**Federal OSHA (FO) coverage:** FO is a small agency; with our state partners, we have approximately 2,100 inspectors responsible for the health and safety of 130 million workers, employed at more than 8 million worksites around the nation — which translates to about one compliance officer for every 59,000 workers.

**OSHA Budget:** **FY 2015** \$552,797,000      **FY 2016** \$552,787,000      **FY 2017** \$595,023,000 (requested)

**OSHA Inspections FY 2016:** 31,948 total federal inspections and 43,105 total State Plan inspections

**Stat:** 4,836 workers were killed on the job in 2015—on avg, more than 93 a week or more than 13 per day.

**Source: [www.osha.gov/oshstats/commonstats.html](http://www.osha.gov/oshstats/commonstats.html)**



## Merger of EEOC and OFCCP May Be in the Works

### Combination of two agencies would be bad for employers, legal experts say

When the Office of Management and Budget (OMB) comes out with its full budget for 2019, there will be no funding for the Office of Federal Contract Compliance Programs (OFCCP), predicted David Cohen, president of DCI Consulting in Washington, D.C., a firm that specializes in equal employment opportunity and affirmative action compliance.

This development would be the result of a letter sent to the Trump administration by the Heritage Foundation, a conservative political think tank, calling for the merger of the OFCCP with the Equal Employment Opportunity Commission (EEOC), Cohen noted. He called the merger "a really bad idea" that would not benefit employers or federal contractors. Civil rights groups would oppose the merger as well, he said.

Merging the agencies would be consistent with a March 13, 2017, executive order on the reorganization of the executive branch, said Donald Livingston, an attorney with Akin Gump in Washington, D.C. The order is intended to improve the efficiency, effectiveness and accountability of the executive branch and eliminate unnecessary agencies. "Because EEOC's mandate is much broader than the OFCCP's, if a merger were to occur, I would expect that the OFCCP function would be transferred to the EEOC and not vice versa."

Livingston, a former general counsel with the EEOC, agreed with Cohen that "a merger would not benefit employers."

### Merger Could Lead to Bigger Employer Penalties

The EEOC is accustomed to seeking statutory remedies such as compensatory and punitive damages, while the OFCCP seeks only contract remedies, Livingston noted. If the agencies merged, "It is reasonable to think that the EEOC would want to convert every claim of breach of contract into a Title VII [of the Civil Rights Act of 1964] violation in order to demand a larger monetary remedy," he said.

Here's a hypothetical example: The theoretical OFCCP division of the EEOC audits a federal  
***(continued on next page)***

### ***Merger of EEOC and OFCCP May Be in the Works (continued from previous page)***

contractor and orders the contractor to pay \$10 million in back pay. The contractor disagrees. The OFCCP representative then consults with an EEOC commissioner, who files a Title VII commissioner's charge or Equal Pay Act-directed investigation, Cohen said.

While that can happen now under a memorandum of understanding between the OFCCP and the EEOC, it rarely occurs, he noted. "You'd see a lot more of this if the two agencies were one. That's not in the best interest of contractors."

Plus, the OFCCP's ultimate authority is debarment, or preventing contractors from being able to pursue future contracts. If that authority was moved to the EEOC, it would give the commission a lot of power, Cohen said.

Also, the OFCCP does not have subpoena authority but the EEOC does.

On the flip side, the OFCCP has broad authority to get access to information related to compliance, he observed. Here's another hypothetical: The EEOC investigates an employer for pay discrimination but is interested in looking more broadly at the company's hiring and testing, and selection and promotion records. Someone down the hall in the OFCCP would have access to affirmative action plans and lots of data. "So the EEOC could use its new division to get access to a lot of additional information that it may not currently have access to," he said.

Cohen noted that people in the business community have not been happy with the OFCCP over the last eight years, but this dislike should not be confused with wanting the OFCCP to be shuttered and its functions to go to the EEOC. Instead, he said the business community wants the OFCCP to change the way it conducts business.

To read more, please visit: <https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/EEOC-OFCCP-possible-merger.aspx>.

***Source: Allen Smith, JD, via SHRM.org (online article)***

### **36 Interview Questions That Are Actually Fun To Answer**



1. Are you more of a hunter or a gatherer?
2. You're a new addition to the crayon box. What color would you be and why?
3. We finish the interview and you step outside the office and find a lottery ticket that ends up winning \$10 million. What would you do?
4. What do you think about when you're alone in your car?

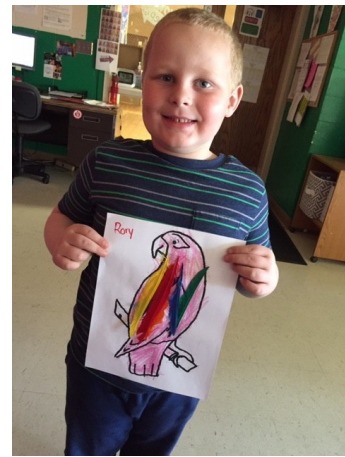
To see more questions and maybe change up your interview style, google "Fast Company 36 interview questions" to find and read the full article.

***Source: Fast Company via FastCompany.com (online article)***

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# Community Service

For our March Program, we invited our NESD SHRM members and attendees to bring along any new or used board games and/or art supplies to be donated to the Watertown Boys and Girls Club, and happily, the kids put them to use. Thank you to all who pitched in and donated!!



Plus, Leigh Kuecker, Tammy Davis and Steve Hauck organized a group of our members to serve at the Watertown Banquet on Monday, 5/22/2017, at Grace Lutheran Church. The evening was filled with spaghetti, fruit salad, dessert and lots of smiles. The group served over 160 meals to adults and children in less than 30 minutes and graciously walked away with a sense of appreciation.



A **HUGE** shout-out to those members that helped: Leigh, Tammy, Steve, Laurie Gates, Sheila Mennenga, Kristi Melmer, Sarah Hansen, Lynne Forbush, Melanie Schroeder, Shelby Magedanz, Brenda Uses Arrow, Audra Hunt, Michelle Kakacek, Scott Millar and Becky Joseph. Thank you for your generosity and time to help! [P.S. We have a date reserved for next year too!!](#)

## SHRM Foundation Scholarships

In 2017, the SHRM Foundation will award almost \$500,000 in support to students seeking undergraduate, graduate, certification and professional development opportunities. We encourage all eligible SHRM members, student members, Chapters and State Councils and organizations to apply for one or more of the scholarships and awards. Application deadlines start in July and run through the end of the year.

Check out all those available by searching scholarships on its website: [SHRM.org](http://SHRM.org). Happy hunting!



# Meet our Members!

## Meet Lindsay Frederick!



Lindsay represents Sparton Corporation as its HR Manager since last August. Previous to Sparton, Lindsay spent five years at Twin City Die Castings Company as its HR Manager. Lindsay possesses a B.A. in International Business and B.S. in Finance, both from Northern State University, Aberdeen, SD. Plus, she has her M.B.A. from the University of South Dakota, Vermillion, SD. Lindsay loves her HR work because it allows her to support and encourage others to succeed and make a difference in the work environment and life. This passion drives Lindsay to have an impact on a broader scale while influencing culture and systems. In her free time, Lindsay enjoys riding bicycles and has even participated in the MS Tram in Minnesota twice in recent years. She can also be found chasing her soon-to-be 1-year old son around the family farm that she shares with her cowboy farmer of a husband. They have dogs, horses and cattle to tend to, so they keep busy around the clock. Plus, who would ever guess this gal has worked for the “happiest place on earth—Disneyland,” lived in Chile, trained horses and climbed rocks?!? Next on Lindsay’s bucket list: jump out of a plane!

## Meet Jodi Peterson!



Jodi holds a multi-facet role in Accounting and HR for Glacial Lakes Rubber & Plastics (GLRP) and has been with GLRP since 2014. Previous to her current role, Jodi owned and operated Healing Art Massage and worked in the massage therapy industry for 24 years. She holds numerous massage certificates, but her pride is her Business Degree with an HR emphasis from Iowa Lakes Community College, Estherville, IA. Jodi and her family have moved around the U.S. with stints in Louisiana, Detroit and Iowa, and they are all happy to be back home in the Watertown area. Jodi loves her current role, and one of her highlights is helping achieve the best benefit package for employees and their families. Now, a unique aspect of Jodi’s role at GLRP is that she gets to work with her husband, making the business a family affair with great success! In her free time, she enjoys gardening, golfing, watching the ocean from the beach and keeping an eye on her sheep as they roam the pasture. Plus, she has a son and daughter both attending S.D. School of Mines & Technology in the Fall. Jodi, who is very family-oriented, takes great pride in her husband’s success and what he does; plus, she has always had a great admiration for her grandmother Margaret. Her one wish would be for her family to be happy and healthy in their lives. One last, fun tidbit about Jodi: she played on a national title winning college basketball team!





# UPCOMING EVENTS

## 1st Annual Disrupt HR Brookings 1.0 Event

When: **Thursday, 8/17/2017 @ 4:30pm—9pm**

Location: Club 71—Dana J. Dykhouse Stadium, SDSU Campus, Brookings

Speakers and topics to be announced in July!

What is Disrupt HR Brookings 1.0?

- ▶ Disrupt is an information exchange designed to energize, inform and empower executives, business leaders and HR professionals.
- ▶ Are you tired of the same old approach to HR? Are you ready to start talking about HR in a whole new way? Disrupt is for you!
- ▶ Disrupt is built on the belief that how we've approached people and talent in the past won't be the best way to approach it in the future.
- ▶ Each of our speakers will have only 5 minutes to engage you and teach you something new.

Join the group for a night of disruption—and a lot of fun!

To register and get your tickets for this action-packed event, visit <http://disrupthr.co/brookings>.

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## Summer Speaking Tour: S.D. Department of Labor & Regulation (DLR) Secretary Marcia Hultman

When: **Friday, 8/18/2017 @ 11am—11:45am**

Location: Watertown Regional Library

Join the session to learn more about:

- ▶ SDWORKS Jobs Database
- ▶ Dakota Roots
- ▶ Apprenticeships and training
- ▶ Soft skills and workshops

Contact: Leigh at 605-886-8084 ext. 127.



SOUTH DAKOTA  
DEPT. OF LABOR  
& REGULATION

### Be on the look out for our Monthly Programs!

August 8th: Vendors/Roundtable

September 12th: Wage Survey/NCRC—Mike Jennings

October 10th: Legal Updates—Jackson Lewis

November 14th: Healthcare Reform—Abby Vanderwerf

December 12th: Holiday Social

**Mark your calendars now and watch for our email notices!**

## CONTACT US



### Do you have ...

- a HR or business-related question;
- exciting news or information to share with our group; or
- maybe an upcoming event?

If so, contact one, two or all of us any time, any day.

We want to hear from you!

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### Our last-minute tidbits and events:

- ▶ **2017 NESD SHRM Wage Survey:** completed surveys were due by Friday, 6/2/2017, to Kathleen Murphy of Murphy Management Consultants. More information to come at a later date.
- ▶ Are you looking to get **HRCI or SHRM certified** soon? Are you looking for a study group to help you? If so, contact Tammy Davis at [tammy.davis@we-online.com](mailto:tammy.davis@we-online.com) for more information.

### HR HUMOR

