



Northeast S.D. Society for Human Resource Management

Aug. 2013

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August Program

Healthcare Reform: Don't Wait & See- Act Now

Tuesday, August 13, 2013

11:30 – 2:00 pm

Location: 2nd Street Station

To RSVP for this seminar, visit <http://nesd.shrm.org> under the "Events and Education" tab and click on the August Program Registration Form.

Please RSVP no later than August 9, 2013

The Health Care Reform Act includes penalties for "large employers" that do not offer affordable health insurance starting January 1, 2014. Did you know the hours your employees work in 2013 will be used to determine those penalties? This informative session will cover the latest on Health Care Reform and help employers of all sizes prepare now to avoid paying later.

Learning Objectives:

- Review and discuss changes to Health Care Reform and its impact on employers.
- Learn who is an applicable large employer.
- Understand the potential penalties for employers who do not offer coverage.
- Understand the potential penalty if coverage offered is unaffordable or does not provide minimum value.

*** Please bring any Health Care Reform question(s) you may have, there will be Q&A session.*

About the Speaker:

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

COST

FREE TO NESD SHRM PLUS MEMBERS
\$10.00 TO NESD SHRM MEMBERS
\$15.00 TO NON NESD SHRM MEMBERS

Program Calendar

08/13 - Healthcare Reform:
Don't Wait & See – Act Now

09/12 –Quarter Craze
2nd Street Station

09/26 - From Suits to Tattoos:
Bridging the Generational Gap

10/08 –Workers Compensation

10/09 – NESD SHRM to serve
PACH

11/12 – FMLA: *Advanced Tips
& Tactics for your company*

12/10 - Holiday Social

Programs & dates may change.

Book of the Month:

The ACE Advantage: How Smart Companies Unleash Talent for Optimal Performance

By William A. Schiemann

2012, 250 pages, Paperback
ISBN: 978-1-58644-270-5
SHRMStore Item #: 61.13510

Buy now at the [SHRMStore](http://shrmstore.com)

In an age of global competition, rapid innovation and technological change, product proliferation and price sensitivity, and urgency of sustainability, the need to optimize talent and drive up the value contribution of human capital in organizations has become the universal differentiator, separating winners from losers. Talent is not a one-dimensional concept. It is not just skill or capability or smarts. Rather, it is the collective competencies, values and attitudes, experiences, and behavioral dispositions of all sources of labor.

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Help or hindrance: Do workplace flexibility policies really work? ~ HRHero.com

Progressive HR departments have been on the workplace flexibility bandwagon for years now as employers try to recruit and retain top talent. The best and brightest will be productive, loyal and creative contributors if they have time to tend to what's important in their lives outside of the workplace, the thinking goes. Recently, though, headlines are warning of the stigma of flexibility—a fear among employees that they will do their careers irreparable harm by taking advantage of employer flexibility programs. Reports in The New York Times and other publications highlight research showing a stigma attached to workers who use an employer's flexibility initiatives—policies allowing flexible schedules, telecommuting, job sharing, etc. A June 14 Times article points to the 2012 National Study of Employers from the Families and Work Institute. That study found that between 2005 and 2012, employers had increased the number of ways workers could manage when and where they work. But employers also had cut back on policies such as career breaks and allowing employees to go from part time to full time and back again.

An article in the 2013 winter edition of Rotman Magazine, a publication from the Rotman School of Management at the University of Toronto, reported that studies show more U.S. employers adopting flexibility programs, but not so many employees are using them.

“According to a recent study, 79 percent of U.S. firms allow some of their employees, and 37 percent allow all or most, to periodically change starting or quitting times,” the Rotman article states. “But while flexibility programs have become widespread, their usage rates remain low: only 11 percent of the full-time workforce has a formal agreement with their employer to vary their work hours, while another 18 percent have an informal agreement.” Flexibility merely “shelf paper”?

The authors of the article—Joan Williams of the University of California's Hastings College of the Law; Mary Blair-Loy of the University of California, San Diego; and Jennifer Berdahl of the Rotman School of Management—say it's career worries that hold employees back. The authors report that employees who actually use flexibility policies often see lower pay, less favorable performance evaluations, and fewer promotions.

“As a result, some flexibility programs appear to be merely ‘shelf paper’—offered for public relations reasons but accompanied by a tacit message that workers use them at their peril,” the Rotman article states.

Men and women both face flexibility stigma, but it differs by gender. “Men who fail to demonstrate work devotion, by requesting family leave or workplace flexibility, are typically seen as failing in their role as men,” the Rotman article states. “For women, the flexibility stigma operates differently because the work devotion schema fits uneasily with cultural expectations for motherhood.”

The authors maintain that a woman requesting flexibility will be seen as a good mother and will be “sanctioned” for not being an ideal worker. “Research suggests that, regardless of a woman's actual productivity, motherhood status per se triggers a presumed inability to meet the work

devotion mandate—an assumption that is often called the ‘maternal wall bias.’”

Legal obligations-

The stigma associated with workplace flexibility carries questions about legal risks. An article in the June issue of the Journal of Social Issues reports on research into flexibility stigma. The article’s abstract points out that “American workplace law prohibits employment decisions based on gender stereotypes and forbids retaliation against employees who take certain job-protected family leaves.” The report contends that flexibility stigma “is rooted in gender stereotypes” and therefore may be fodder for discrimination lawsuits.

Whether any stigma associated with use of flexibility programs rises to the level of discrimination depends on each situation, but the Equal Employment Opportunity Commission (EEOC) has issued guidance on best practices for workers with caregiving responsibilities. Here are a few of the practices recommended by the EEOC:

- Be aware of and train managers about the legal obligations that affect treatment of workers with caregiving responsibilities.
- Develop, disseminate, and enforce an equal employment opportunity policy that addresses conduct that might constitute unlawful discrimination against caregivers.
- Ensure managers comply with the organization’s work-life policies.
- Respond to complaints of caregiver discrimination and protect against retaliation.

Look out—here comes GINA! ~ *Employment Law Letter*

The Genetic Information Nondiscrimination Act (GINA) prohibits employers from discriminating in any term or condition of employment based on employees’ or applicants’ “genetic information.” It also prohibits you from requesting, requiring, or purchasing genetic information (with narrow exceptions). GINA was passed by Congress out of concern that employers might obtain information about employees’ or applicants’ genetic predisposition toward certain medical conditions and use that information to weed out individuals who might create a future risk of increased costs based on potential disease.

While most employers will not deliberately seek specific genetic information about employees or applicants, GINA defines the term “genetic information” broadly to include “family medical history,” which raises some practical concerns for employers that may receive such information unintentionally and then inadvertently violate the Act. Although there have been few GINA claims up to this point, the Equal Employment Opportunity Commission (EEOC) recently pursued its first class action against an employer for violating provisions of the Act.

EEOC files first class action under GINA

On May 16, the EEOC filed its first class action lawsuit under GINA against a New York nursing home. In its complaint, the agency alleged that after the nursing home extended job offers, it required prospective employees to undergo medical exams in which they were asked to provide information about their family medical history. In addition, nursing home employees were asked about their family medical history during their required annual medical exams and return-to-work exams following various types of leave. The EEOC is seeking injunctive and monetary relief, including compensatory and punitive damages, on behalf of the class of employees. The EEOC’s case is instructive because employers have the potential to learn about employees’ family medical history, either through otherwise legitimate requests for medical information or through happenstance.

Practical concerns: family medical history

“Watercooler” exception. Both the statute and its regulations contain an exception to the ban on obtaining genetic information when the information is obtained inadvertently. The so-called watercooler exception was designed to cover supervisors who accidentally come into possession of information about family medical history. For example, a manager might overhear employees talking about their family medical history.

The exception also applies when a supervisor receives information about family medical history in response to a general question about an employee’s well-being or the health of an employee’s family member (e.g., in response to questions like “How are you?” or “How’s your daughter?”). The inadvertent acquisition exception also pertains to information obtained through social media. For example, your company won’t be found liable for violating GINA when a supervisor obtains information about an employee’s family medical history through a post on the employee’s social media site.

Legitimate requests for employee medical information. An employer may also come into possession of family medical history when an employee’s healthcare provider sends the information to the company in response to an entirely legitimate request for employee medical information. The inadvertent disclosure rules can apply to information obtained in this fashion, but you should take special precautions.

The regulations state that when an employer makes a lawful request for employee health information—e.g., to support a request for sick leave or for a reasonable

accommodation under the Americans with Disabilities Act (ADA)—it should warn the employee or the healthcare provider not to provide genetic information, including family medical history. The warning should be in writing, but it may be oral if your company doesn't typically make requests for employee medical information in writing. Failure to provide the warning doesn't mean you have violated GINA, but if you receive family medical history in response to a request, you will be required to show that you didn't make the request in a way that was likely to result in your company obtaining family medical history or other genetic information.

Postoffer/fitness-for-duty medical exams. An employer may also come into possession of information about family medical history when it obtains the results of a postoffer medical exam or a fitness-for-duty exam. This is the primary issue involved in the recent EEOC lawsuit. GINA prohibits employers from requesting family medical history in connection with such exams. Moreover, the regulations require you to give the healthcare provider conducting the exam a written warning not to provide you with medical information. If the healthcare provider gives your company the information anyway, you're required to take reasonable steps to ensure it doesn't happen again.

Bottom line

While the EEOC's recent lawsuit is only in its preliminary stages, employers should take notice and expect an increase in litigation under GINA. You would be well served to consult with your lawyer and review your current policies and procedures for employee medical exams. Those measures will help you prevent the prospect of the EEOC knocking at your door.

SHRM FOUNDATION NEWS:



SHRM Foundation News: Graduate Programs Directory

Researching HR master's degree programs? Visit the SHRM Foundation's online [Graduate Programs Directory](#).

The SHRM Foundation offers an online, comprehensive directory of close to 200 master's degree programs in human resource management, HRD, I/O psychology, and more. The directory provides information on programs of study, location, curriculum, tuition, student demographics, and more. Full-time, part-time, online and distance learning programs are included.

Access to the online directory is free to SHRM members; visit 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.

Social Media Hiring Tips For Employers

Create A Positive Experience For Your Networks- Whether you are publishing career content on your company Facebook page or on individual recruiter accounts always strive to create a positive experience for your networks. Share diverse content to your news feed. Choose interesting topics such as your company culture, interview process, career growth opportunities and general industry employment trends. Publish job openings only a few times a week and intersperse them among the other news items. Respond quickly to inquiries on your posts and empower recruiters to directly reach to interested candidates. Personalize job openings with individual recruiters, show their names and pictures on each job posting.

Empower Employees To Recommend Their Friends - Employee referrals often deliver the highest quality candidates at the lowest cost. Enable your employees to share open job opportunities with their networks. Use professional Facebook applications to make the referrals effortless and engaging. Offer referral bonuses or other perks to reward employees' contribution to the team.

Allow Employees on Facebook - Employees of Department of Defense and many of the most conservative companies have allowed employees on Facebook - it's about time you allow yours as well. Blocking Facebook on workplace computers while people can access it from their cell phones is at minimum a shortsighted decision or, at worst, makes a company to appear out-of-touch. Facebook covers all aspects of life - including the professional development. Enable your employees to share content about company latest news and career opportunities, allow them to grow their professional contacts.

~ By Alison Doyle, About.com

NESD SHRM Board Meeting Guadalajara 621 5th St. SE, Watertown, SD 57201 605-886-8411

July 30, 2013

Agenda

Attendance: Julie Plunkett, Laurie Gates, Leigh Kuecker, Nicole Nuttbrock, Bobbie Halonen, Matt Sawyer, Leslie Hendrickson, Traci Stein, Tammy Davis

Additions to Agenda - none

Approve minutes of Board meeting (minutes in newsletter) approval Laurie Gates, second Bobbie Halonen

Past President

Laurie Gates

Wage Survey Update

We have 27 participants in the survey and therefore did not lose money.

We have 7 companies that have paid. The order form will serve as the invoice and will be mailed out with instructions on how to pay.

Distribution of the surveys will be by email, unless Kathleen has a different recommendation.

President Elect

Leigh Kuecker

No report

Treasurer

Theresa Tesch

No report

Financial Statement

Audit

Membership Director

Nicole Nuttbrock

Membership and Strategic Plan Meeting on Wed. July 31 at 9:00am. Interested in the call, contact Julie for the call in information.

NESD SHRM Chapter membership

5 at large members, would like to assign them to our Chapter.

13+ members with National membership, which we would like to invite to our Chapter.

Encourage Supervisors and Managers to be a part of our Chapter as well.

Those that join the Chapter in September and purchased a wage survey will get the reduced rate.

SHRM Foundation Representative

Matt Sawyer



Quarter Craze will be taking place in September at 2nd Street Station. We will need volunteers to help during this fun event.

Diversity Advocate

Bobbie Halonen

No report

Government Affairs Representative

No report

Leslie Hendrickson

Workforce Readiness Advocate

H2O 20 committee will meet August 29th to discuss the Workforce projection. Invited guests include Syd Goss, Bernie Moran, Todd Kays, and GOED rep. This project will impact Watertown and surrounding communities as we look to hiring needs in the future.

Traci Stein

Certification Representative

No report

Sheila Mennenga

Vice-Presidents of Programming

Amber Dahl & Kathy McInroy
(Bobbie)

Programs will be held at 2nd Street Station
August Program –Health Care Reform – speaker Eide Bailly.
September Program – Kosta’s from ND to conduct a Generation Workshop.
October Program – Safety and Worker’s Comp
December – Guest speaker, potentially Bill Zubke

Secretary

Laurie Gates will fill in as Secretary next month

Tammy Davis

Old Business

PACH – Wednesday, October 10 at 6:30pm. Mark your calendars and bring your friends.

New Business

Quarter Craze – 2nd street station in September.

Workforce Pinnacle Project – WWY – Meeting July 31 @ 10:30, GCC Conference Room. Opportunity to help plan a Watertown Welcomes You Day. This would target people up to 1000 miles away to entice them to visit our fair city and see the opportunities available. Target date is early June of 2015. This is a chance to get in on the ground floor of planning an exciting event. If you are interested, contact Julie Plunkett

Board Meetings – where is a good location and should we have it by conference calls. Guadalajara’s seems to work, but will consider a conference call on occasion.

SHAPE – Board member should review and turn in suggestions of what has been done or will be done so we can get credit.

Congratulations to Laurie Gates and the 2012 NESD SHRM Chapter Board for the GOLD Award.

October 24 and 25 is the Leadership Conference in Fargo. Leigh will be looking to fill the 2014 Board roles so those individuals may choose to attend the conference.

Matt Sawyer motioned to adjourn, Leigh Kuecker second