



Northeast S.D. Society for Human Resource Management

Nov. 2014

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**November Program**

**Workforce Development Initiative**

**Tuesday, November 18<sup>th</sup>  
2<sup>nd</sup> St. Station  
11:30- 1 pm**

**Attendees will be able to give input on the following:**

In early 2014, Governor Daugaard held Workforce Summits throughout the state of South Dakota. During his recap of the Workforce Summits, in September 2014, the Governor provided a challenge to communities to prepare local workforce development initiatives and offered a matching fund program to help local communities fund those efforts. A \$1 million community incentive match program was announced and will give communities across the state the opportunity to take an active role in addressing workforce challenges. The SD Workforce Development Council plans to review applications in December to make recommendations to the Governor. **The goal of this working session is to gather your ideas on what we can do in Watertown and surrounding area to better support these initiatives and improve the proposal that will be sent to the Governor's Workforce Council for funding consideration.**

**About the presenters:**

**Craig Atkins**, President and Executive Director of the Watertown Development Company (WDC) has more than 16 years of economic development experience in South Dakota and has been serving the WDC since 2003. As President and Executive Director of the WDC, he sets the strategic direction in marketing Watertown to companies and global industries considering Watertown as a place in which to do business and assists local businesses with expansion. Craig serves as a member of the International Economic Development Council, Mid America Economic Development Council and Rotary Club in Watertown.

**Michelle Kakacek**, is in her first few weeks as the Director of Business Development for the Watertown Development Company. Michelle has her BA degree in Political Science with an emphasis in Public Administration- so she's getting back to her roots. In between her education and joining WDC, Michelle held a variety of roles in Sales, Marketing, Supply Chain and Production Planning.

**To RSVP for this program, please visit <http://nesd.shrm.org> Under the "Events and Education" tab, click on the November program registration form. Please RSVP no later than November, 4, 2014.**

**COST:**

- Free to NESD SHRM Plus Members**
- \$10.00 to NESD SHRM Members**
- \$20 to Non NESD SHRM Members**

**From the President ~ by Leigh Kuecker**



Greetings,

It's crazy how fast this year has went! Will be snowing soon! May be crazy, but I don't mind a little snow. ☺

As we are approaching the end of 2014, we are still

looking for volunteers that would like serve on our 2015 Board. If you are interested in this volunteer opportunity, please reach out to Matt Sawyer. Maybe you aren't interested in serving on the board but you are interested in volunteering in another way, please let us know that as well.

It's the time of year again when we are asking for nominations for our HR Professional of the Year award. We understand that most aren't going to want to forward the information to their boss, but please, email me your boss's contact information and I will reach out to them. Maybe there is another HR professional that you'd like to nominate? Nominations are due to me by November 18. The award will be given out at our Holiday Social on December 16.

Also, I emailed everyone our chapter's new membership fee structure for 2015, you can renew anytime now. If you have any questions on this, feel free to reach out to our membership director, Sheila Mennenga.

Have a nice Thanksgiving Holiday, enjoy family and give thanks for our many blessings. ☺

Leigh Kuecker,

NESD SHRM Chapter President



**2015 Membership Dues ~ by Sheila Mennenga**

To encourage NESD SHRM chapter members to take advantage of all the benefits associated with a national membership, we are pleased to announce a new local chapter membership fee structure:

- NATIONAL MEMBERS\*: \$60.00 - Local Membership Plus (includes monthly programs)
- NATIONAL MEMBERS\*: \$10.00 - Local Membership (monthly programs extra)
- LOCAL MEMBERS ONLY: \$125.00 - Local Membership Plus (includes monthly programs)
- LOCAL MEMBERS ONLY: \$75.00 - Local Membership (monthly programs extra)
- LOCAL MEMBERS ONLY: \$25.00 - Student/Retiree Membership (monthly programs extra)

**To renew your NESD SHRM chapter membership:**

- 1) Go to <http://nesd.shrm.org>,
- 2) Click on "Member Info"
- 3) Click on "Membership Renewal Form 2015"
- 4) Complete the form (be sure to select the Membership Type\* at the top of the form) and click Submit
- 5) **PLEASE NOTE:** You will receive an e-mail confirmation, which is your invoice. Please print this confirmation and submit, along with your payment, to the mailing address listed on the e-mail confirmation.

**Some of the benefits of being a NESD SHRM Chapter member include:**

As a member of the NESD SHRM Chapter, you can attend Monthly Programs featuring top notch speakers discussing the most up-to-date topics and issues that are affecting your workplace today.

- Easy to read monthly newsletters keeping you current on local happenings.
- Opportunities to surround yourself with talented and inspiring people at networking and social events.
- *Advance the Profession* in the Watertown area by becoming more acknowledged in the workplace community for the importance of HR.
- Additional opportunities through local and state SHRM seminars and conferences.

**\*PLEASE NOTE: Local NESD SHRM Chapter members who are also members of National SHRM receive a local membership discount. In order to receive the National Membership discount, National Membership must be maintained throughout the calendar year. National Members status will be audited on a regular basis.**

## To Join SHRM National!

If you are looking for a way to increase your professional knowledge in HR, one great way is through national membership! National members have access to the following benefits and more:

- 24/7 SHRM Info. Center
- HR Magazine
- HR News
- TeleSHRM
- HR Legal Report
- MembershipNet
- Annual Conference
- Government Representation
- Prodigy
- Job Bank USA, Credit Card Services, Group Life, Rental Car & Subscription Discounts

First time SHRM members who join online at [www.shrm.org](http://www.shrm.org) will now receive a discount. The 0118 discount code automatically populates the form on the drop down menu. For chapters or states using a paper process, the SHRM membership application in the Volunteer Leaders Resource Center already includes the 0118 promotion code, and we encourage you to use this version going forward. Please paste the link below to access the SHRM Membership Application for Local Chapter Members.

[http://www.shrm.org/Communities/VolunteerResources/Documents/2014\\_SHRM\\_application\\_for\\_chapters.pdf](http://www.shrm.org/Communities/VolunteerResources/Documents/2014_SHRM_application_for_chapters.pdf)

### **SHRM Membership Note:**

**Be sure to indicate that you are a member of the NESD SHRM chapter when you renew your SHRM membership so our chapter receives credit!**

## SHRM FOUNDATION NEWS:



### SHRM Foundation News:

#### Your Financial Support Makes A Difference!

As you reflect on the many causes and organizations worthy of your charitable support, please consider giving back to your profession through a tax-deductible gift to the SHRM Foundation.

The SHRM Foundation provides comprehensive, research-based answers to your HR challenges through its support of research grants, scholarships, educational programs and practitioner resources.

With your financial support, the SHRM Foundation strengthens and advances the HR profession by assisting individuals in their pursuit of greater academic credentials, by supporting researchers who bring us greater understanding of the complexities of HR, and by creating materials that explain how practitioners can capitalize on the new knowledge that research provides.

Help the Foundation provide a substantial and sustained investment in the future of HR. Donate today. Send your contribution to: SHRM Foundation, P.O. Box 79116, Baltimore, MD 21279-0116 or donate online ([www.shrm.org/foundation](http://www.shrm.org/foundation)). Thank you in advance for your support!

[www.shrm.org/foundation/educationgrants.asp](http://www.shrm.org/foundation/educationgrants.asp)

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**NEESD 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.*

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### NEESD SHRM MISSION STATEMENT

NEESD 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.

## **Ebola Sends Employers Wake-Up Call ~ HRHero.com**

The emerging Ebola threat signals a good time for employers to revisit their emergency strategy for their mobile workforce. Finally, it happened. The United State experienced its first case of Ebola. A Liberian national living in Dallas was diagnosed with the virus after returning from a trip to his homeland. U.S. health officials are reacting accordingly. (Meanwhile, a nurse in Spain was just diagnosed as Europe's first confirmed case.) While the nation's Ebola threat remains relatively minor right now, that's hardly the case, of course, in the West African countries of Liberia, Nigeria, Guinea and Sierra Leone.

With the media reports as a backdrop, experts stress that recent Ebola media coverage on domestic shores is the perfect lynchpin for employers to review their emergency contingency plans already in place and update them, if necessary. "The Ebola virus in Africa and the chikungunya virus in the Caribbean both demonstrate the need for employers and their employees to think about personal safety while traveling outside the United States," says Dominick Zenzola, vice president and employee benefits manager for Chubb Accident & Health in Chicago. "Employers have a duty of care to their employees who travel. Some prudent companies even have relocated business meetings and events to alternative destinations."

Chicago-based Ed Hannibal, global leader of Mercer's Mobility Practice, says that as more and more companies push deeper into global markets, safety and emergency planning for mobile employees has become an even more serious HR issue -- from the executive on a single business trip to someone who locates to a country on a permanent basis. "It's important that HR knows if someone is going to be in these hot spots, where pandemic issues are either a reality or a possibility," he says.

Hannibal says employers should ensure their people systems are "linked up," so they know where their employees are at all times, and where they have been or may be going. Robert Quigley, U.S. medical director and senior vice president of medical assistance for International SOS, a Trevese, Pa.-based global medical and travel security risk services company with more than 700 locations in 89 countries, says employers have a "duty of care" to all their employees, but especially those who may need to work in high-risk countries or regions.

"The recent unfortunate Ebola outbreak should serve as a wake-up call for employers, to ensure they are doing the right thing," Quigley says. "Companies are reaching out to us, wondering if they are doing enough, or what is the benchmark in their industry segment. We have more than 10,000 clients, and many have a footprint in West Africa." Quigley also says it may be surprising that the companies with business in West Africa represent a wide spectrum of industry segments. "Many of them want to know what everyone is doing in their segment, or what is [a] best practice for their industry," he says. "One of our jobs is to help educate them, but depending on the sector, they will have a different risk tolerance."

For example, a non-governmental organization would have higher risk tolerance because their work typically takes them into some of the world's most dangerous places. Different clients have decisions to make, but the one thing they can't do is make them on the fly, Quigley says. Many plans, he adds, are still based on the last pandemic with influenza, so it makes sense to take a look at their current plan. For others who may not have any solution, they need to have something in place even if it's somewhat generic and can be customized to meet special situations like Ebola.

"It's not a decision to be made on the run and it must involve many levels of decision makers, from the C suite down," he says. "It requires systemic ownership and involvement."

Unfortunately, he says, just as pandemics come and go, employers may also go with ebbs and flows, so updating these plans often can get ignored.

"Having a pandemic plan on the shelf is not good [enough]," Quigley says, adding that employers in fact should create a specific task force responsible for making sure such protocols and procedures are constantly updated.

Quigley compares the situation to a spontaneous, unannounced fire drill, which most employers conduct two or three times a year. "You don't want to [have to] invent protocol when there actually is a fire," he says. "Call it whatever you want, but it needs to be planned and rehearsed. Having an updated plan is also a good morale builder, because it lets those employees know they mean something to the company because it is being proactive and taking measures to protect them."

Mercer's Hannibal emphasizes the importance of communications. He says plans must be very clear when sending employees out around the globe, noting that different locations will mean different levels of communication. "For example, they should know that Ebola is not an easy virus to contract; they need to make sure they have briefed employees about the specifics for any potential risk," he says.

At a basic level, Chubb's Zenzola says, employers need to remind global travelers to check the list of travel alerts and warnings from the U.S. Department of State -- which now includes Russia, Ukraine, Israel, Thailand, Egypt and Mexico -- and from the Centers for Disease Control before they book their trips and pack their bags.

"Right now, Ebola is the flavor of the month, but before it there was Mad Cow, SARS (severe acute respiratory syndrome), bird flu, West Nile. There will always be something," says SOS' Quigley. "The Ebola outbreak must remind employers to ensure they have updated, effective emergency procedures and protocols in place."



Employers can breathe a sigh of relief. Common sense just won the day in a U.S. appeals court.

In overturning a jury's verdict, the U.S. Court of Appeals for the Ninth Circuit just ruled that being a "cantankerous" person doesn't render one disabled and entitled to employee protections under the Americans with Disabilities Act (ADA).

It's a little troubling the case had to reach the appeals stage. But employers can take solace in the fact that a practical decision was eventually rendered that doesn't move them closer to allowing the inmates to run the asylum.

## **Police officer fired**

Matthew Weaving was a police officer for the City of Hillsboro, OR. He was employed there for more than two years before he was eventually terminated because of severe interpersonal problems between himself and his co-workers.

Apparently, Weaving had a problem working with peers and subordinates, but — suspiciously enough — not with his superiors or the general public.

One lieutenant wrote that Weaving had created and fostered a hostile work environment for his subordinates and peers.

As an example of his behavior with subordinates, which some called "intimidating" and "demeaning," the court presented an email that Weaving wrote in response to a question about his decision to have two cars towed.

Weaving's email read:

*I'll respond to the second part of your inquisitive email [the part about the two cars] with a metaphorical analogy. Envision a swimming pool with a deep end and a shallow end separated by a floating rope. . . .*

*There are many more potential hazards in the deep end and a person would be foolish to venture there without the technical expertise, stamina and initiative to keep from drowning. There are countless people who are good swimmers but still remain in the shallow end for fear of the potential danger the deep end harbors. Still, there are others who negligently and recklessly venture to the deep end without any technical proficiency and tragically drown. My recommendation to you is that you remain in the shallow end where you can splash around with the kids.*

*What really upsets me about your inquiry is not the simple fact that you question my judgment and knowledge but the manner in which you have done so. If you have any desire to discuss this incident further or any other incident please do not do so in a public record email, come and find me any day of the week! I'm easy to locate, I'm in the deep end so bring your water wings!*

Weaving suffered from attention deficit hyperactivity disorder (ADHD), which he claimed was the root cause of the interpersonal problems.

As a result, Weaving sued the city following his termination, claiming Hillsboro had discharged him because of his disability in violation of the ADA.

As you know, an employee is considered disabled if he or she has a condition that limits a major life activity. Well, Weaving claimed his ADHD limited his ability to engage in the major life activity of working and interacting with others.

Weaving's case went before a district court and a jury, which sided with him. He was awarded \$770,000.

The city appealed.

## Ruling reversed

The appeals court, however, saw things much differently.

In reversing the jury's verdict, it said that a reasonable jury couldn't have found that Weaving's ADHD substantially limited his ability to work or interact with others.

In other words, Weaving wasn't a disabled individual who qualified for the ADA's protections.

The appeals court said there wasn't enough evidence to prove that Weaving's ADHD affected his ability to work. The court based its decision on two main points:

- Weaving had been recognized for his technical competence as a police officer, and
- He was able to work with his superiors and the public without problems.

These two findings, according to the appeals court, provided enough evidence to show that Weaving's ADHD didn't affect his ability to work.

In remanding the case back to district court, the appeals court said:

*... a "cantankerous person" who has "[m]ere trouble getting along with coworkers" is not disabled under the ADA.*

The court then cited Equal Employment Opportunity Commission (EEOC) enforcement guidance, which said:

*Some unfriendliness with coworkers or a supervisor would not, standing alone, be sufficient to establish a substantial limitation in interacting with others.*

And finally, the court added:

*One who is able to communicate with others, though his communications may at times be offensive, "inappropriate, ineffective, or unsuccessful," is not substantially limited in his ability to interact with others within the meaning of the ADA. ... To hold otherwise would be to expose to potential ADA liability employers who take adverse employment actions against ill-tempered employees who create a hostile workplace environment for their colleagues.*

## Welcome relief for employers

Employers are not doubt singing the praises of the appeals court in this case, as upholding the jury's verdict would've put them in a difficult spot when it comes to so-called **"cantankerous" employees**.

The appeals court's decision at least prevented the bar from being lowered when it comes to what employees would have to do to establish a substantial limitation that would trigger **ADA protections**.

Still, this case doesn't give employers the green light to push office jerks out the door. Employers are still obligated to engage in the **interactive process** when an employee has a known medical condition to see if a reasonable accommodation exists that would allow the person to perform the essential functions of his or her job.

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**NESD SHRM Board Meeting  
Wednesday, Oct 29, 11:30 –12:30  
Minervas**

**Agenda**

**In Attendance:**

Leigh Kuecker, Julie Plunkett, Matt Sawyer, Laurie Gates, Sheila Mennenga, Tammy Davis, Paige Sullivan, Audra Hunt

Approve minutes of Board meeting (minutes in newsletter). Motion made by Matt Sawyer, second by Paige Sullivan.

**Past President**

No report.

Julie Plunkett

**President Elect**

Matt Sawyer

Matt gave an update on 2015 Board. He will be working to finalize the board this week. If any Chapter member is interested in possibly sitting on the board next year, please contact Matt.

Matt will be submitting the CLIF, which is a list of the 2015 Board members, to National by 12/1.

**Treasurer**

Laurie Gates

Laurie presented the September Financial statement.

**Membership Director**

Sheila Mennenga

Sheila reported that we have 65 members, 25 of which are National members.

To encourage SHRM membership, the board voted to reduce local membership for National SHRM members to \$10, or \$60 for Plus Programs. Rates for non-National chapter members will remain the same at \$75 or \$125 for Plus Programs. Motion made by Matt Sawyer, seconded by Julie Plunkett. All Yea's and no Nay's. Motion carried.

**SHRM Foundation Representative**

Tammy Davis

Tammy said that there will be a 50/50 Raffle at the November program with proceeds to be directed toward the 2015 SHRM Foundation donation.

**Diversity Advocate**

Julie Plunkett

No report.

**Government Affairs Representative**

Paige Sullivan

Paige asked if the State Council was going to provide a position on the minimum wage proposal before Election Day. Sheila said she would take this question back to the State Council.

**Workforce Readiness Advocate**

Traci Stein

No report.

Certification Representative

Audra Hunt

Audra presented information on the future of certification now that SHRM has cut ties to HRCI.

Vice-Presidents of Programming

Bobbie Halonen & Amber Dahl

Leigh reported that the November program will be held 11/18, with the details still being finalized.

The board discussed possibly planning the dates/topics for 2015 in the next month or so.

The board also discussed doing a survey of chapter members to get program topic ideas, and member demographics so we can plan programs to meet the needs of both those starting out as well as senior members to the profession.

Secretary

Jodi Fischbach

No report.

New Business

The board will be looking at becoming a Preferred Provider of certification credits at our programs for the new SHRM Certification.

SD State SHRM Council

Sheila Mennenga attended the Leadership Conference in Brookings, and attended the State Council Meeting where they completed strategic planning.

**Mission:** Lead Human Resources in South Dakota through Human Resource expertise, advocacy, professional support, educational opportunities and networking.

**Vision:** To be the premier organization in South Dakota for the professional development and advancement of Human Resources.

**Strategic Objectives:**

Develop and implement Marketing/PR Campaign for SD SHRM

Recruit and Retain Membership – marketing, technology, communication

State Conference – Lead by State Council with partnership from local chapter

Sheila provided some information from the American Cancer society's Content Subscription Service which employers can use to educate employees about the steps they can take to stay well and get well that will be included with the newsletter.

Motion to adjourn Matt Sawyer; seconded by Julie Plunkett. Meeting adjourned.

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*Happy  
Thanksgiving*

