



Northeast S.D. Society for Human Resource Management

Oct. 2013

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October Program

**Worker’s Compensation 101:
The Whats, Whens and Whys**

**Thursday, October 10, 2013
11:30 am – 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 October Program Registration Form.

Please RSVP no later than October 8, 2013

Workers’ compensation can be daunting to anyone newly assigned to those duties - or for someone who may have to wear multiple hats and is not able to focus on maximizing their workers’ compensation processes. Consider, for instance, just a few of the responsibilities associated with managing your workers’ compensation program: accommodations, restrictions, managing claims, dealing with your workers’ compensation insurer, and more!

If you have workers’ compensation responsibilities at your workplace but are unsure how the process works or would like tips on how to simplify things and get the basic time and cost-saving processes in place, mark your calendars to attend this program!

Learning Objectives:

- What is workers’ compensation?
- Why “what you do or don’t do” with your claims makes a huge difference to the claim outcome and your bottom-line costs.
- Strategies to help you stay in control of your program.
- Why you need to train your employees and managers on workers’ compensation.
- What does your policy cover?
- What doesn’t your policy cover?

About the Speaker:

Mike Dally, Worker’s Compensation Risk Manager for Twin City Fan, has 28 years of workers’ compensation experience; ranging from working claims to training claims adjustors, agents, HR professionals and safety managers. Mike is a Watertown native and has a degree from Northern State University in Business Management/Marketing.

COST

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

Program Calendar

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

Having interviewed scores of executives from around the globe and conducted research that involved thousands of organizations, William Schiemann has found that most of the best leaders think about the big picture -- about big talent issues:

- Are we optimally using the talent we have acquired?
- Are we bringing in, developing, and retaining the right talent?
- Are we sourcing talent strategically?
- Are we developing leaders effectively?
- Can we measure talent optimization and improve areas where we are not optimal?

Taken together, these three factors -- Alignment, Capabilities, and Engagement (or ACE) -- form the framework for optimizing, managing, and measuring the value contribution of human resources to the strategic and operational success of an organization.

www.shrmstore.shrm.org

SHRM FOUNDATION NEWS:



SHRM Foundation News: Evaluating Human Resources Programs

The SHRM Foundation co-published a groundbreaking book offering readers a systematic method for enhancing the value and impact of HR and supporting its emerging role as a strategic organizational leader. *Evaluating Human Resources Programs: A 6-Phase Approach for Optimizing Performance* provides a practical framework for adjusting and realigning strategies across all types of HR programs.

The authors outline a proven six-phase process that will maximize the likelihood of a successful HR program evaluation, including real-world techniques, strategies, and examples to illustrate their recommended steps and actions. This guide offers consultants and professionals an invaluable resource for understanding and implementing a successful evaluation that will have a meaningful impact on their organizations' HR programs and strategic outcomes.

To order a copy of *Evaluating Human Resources Programs*, visit the SHRM Store online (www.shrmstore.shrm.org).

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.

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

September 24, 2013

Agenda

Attendance: Julie Plunkett, Laurie Gates, Leigh Kuecker, Matt Sawyer, Leslie Hendrickson, Traci Stein, Amber Dahl, and Tammy Davis

Additions to Agenda - none

Approve minutes of Board meeting (minutes in newsletter) approval Tammy Davis, second Leigh Kuecker

Past President

Laurie Gates

Wage Survey Update

The surveys have gone out by email to those that have paid.

President Elect

Leigh Kuecker

Still looking to fill two positions for the 2014 Board.

President Elect

Secretary

If you are interested, please contact Leigh at Leighk@benchmarkfoam.com

additional incentive is listed under Membership Director notes

Treasurer

Theresa Tesch

Financial Statement

Doing OK with the budget. One difference is the survey amount that was allocated vs. what has been collected.

We still have not received the conference check.

Membership Director

Nicole Nuttbrock

We have 5 new National SHRM members!!!

Motion to give 1 National Membership to a 2014 Board member was approved by Tammy Davis, seconded by Traci Stein and motion carried.

SHRM Foundation Representative

Matt Sawyer

Quarter Craze took place September 12th at Street Station.

We raised \$1901.00. \$500 will be for our NESD SHRM Chapter. The remaining funds were split between Jenkins, Hockey and one other charity.

Diversity Advocate

Bobbie Halonen

First meeting will be October 3rd at 4:00pm at the Multi-Cultural Center. This meeting is open to anyone that would like to help plan the event,

Government Affairs Representative

Leslie Hendrickson

October 1st deadline to get your notice to your employees regarding the Health Insurance Exchange. Payroll stuffers, email, mail are ways to reach out to your employees. Although there are no fines or penalties to be assessed, don't miss the deadline.

Workforce Readiness Advocate

Traci Stein

No report

Certification Representative

Sheila Mennenga

No report

Vice-Presidents of Programming

Amber Dahl & Kathy McInroy (Bobbie)

Programs will be held at 2nd Street Station
September Program – Kosta's from ND to conduct a Generation Workshop.
October Program – Safety and Worker's Comp
December – Guest speaker, potentially Bill Zubke
Please send your program ideas to Amber Dahl or Bobbie Halonen for 2014.

Secretary

Tammy Davis

No report

Old Business

PACH – Wednesday, October 9 at 6:30pm. Mark your calendars and bring your friends (5th grade and older)

New Business

BISCO – Watertown H2O20, the focus is to partner with the high school to reduce the 2% dropout rate. We are looking for business representatives (HR) to partner with the student and a teacher to help the student understand the importance of a high school diploma and what is expected in the working world today. More information will be coming in the next few months.

Career Expo – October 1st from 10:00am – 12:00pm at the Watertown Civic Arena

Matt Sawyer motioned to adjourn, Leigh Kuecker second

How to Protect Your Company's Data ~By Karen E. Klein

Note: A local business recently lost all of their data because their backup failed. We thought this article was a timely reminder to check with your IT Department to ensure they are checking their backups!

As a computer systems network manager and member of the nonprofit High Tech Crime Consortium, Kevin McDonald has seen all manner of data disasters: the medical company whose patient treatment records were lost in a warehouse fire; the police department whose website host vanished overnight; even the careless employee whose leaky liter of Coke ruined a computer server. "If you are a small business and you have a catastrophic loss of data, more likely than not you will never recover," says McDonald, executive vice president at Alvaka Networks in Irvine, Calif. "Data storage is so cheap now, if you can't afford it you should shut your business down and do something else."

Yet many small businesses do not adequately plan to cope with data loss. Online backup provider Carbonite (CARB), based in Boston, surveyed 1,005 employees at companies with one to 30 Internet-enabled computers in July 2011. That survey and additional research by the company reveal gaps in backup plans: Although 70 percent reported that they do some data backup, 48 percent said they had lost or deleted data accidentally, and only 13 percent felt vulnerable to a data disaster.

Given how crucial intellectual property, accounts payable and receivable, customer databases, supplier contracts, and the like are to businesses, most computer security experts recommend a comprehensive approach to backup. Since no one solution is foolproof, small companies should use the limited backup and system restore functions on most office computers, tablets, and smartphones; an on-site equipment backup system; and storage that transfers company information to a secure site online.

On-site backup. Traditional data storage at small companies often involves tape backup systems or external hard drives where company data is copied on a periodic basis. The tapes or hard drives should be stored off-site or put in a fireproof safe at night and on weekends. The pluses include low cost, ease of access, and minimal complexity.

"Small office backup does not need to be a big, elaborate process. In most cases you can buy a 2 TB (terabyte) drive for less than \$150," Bill Carey, vice president at Siber Systems, writes in an e-mail. Manual backup is unreliable, given human nature and because most small companies do not have a dedicated IT staffer, but Siber Systems and many other software companies sell automated backup programs, most for less than \$50. "You can include the [hard] drive on the office network and use software like GoodSync to keep everything backed up ... at automatic intervals, i.e. every 15 minutes, hour, or end of the day," Carey writes.

There are drawbacks to on-site data storage: If a fire, flood, or other disaster hits the office, the backup hard drives or tapes will be destroyed along with the computer systems. Physical hard drives and on-site computer servers can fall prey to viruses and other equipment failure. Employers or outsiders can steal equipment from the office or while it is in transit to a safe location.

Online backup. So-called cloud storage has become a popular option in recent years and many providers now offer small business packages for a monthly service fee or a flat fee based on how much data is stored. Small business owners should choose established, reliable providers that store encrypted data on computer servers in secure, multiple locations, and should ask how quickly their files can be accessed in an emergency.

Pete Lamson, senior vice president and general manager at Carbonite's small business group, says online backup fees range from about \$200 to \$2,000 annually. "For most businesses to back up all their data in the cloud, they should not have to pay more than \$1,000 per year," he says. Storing information off-site eliminates the risk of office disaster or theft and provides the added feature of allowing company users to access their data from any computer, Lamson says.

Yet many small business owners still have a "fundamental distrust" of cloud storage, worrying about sending their proprietary data out of their direct control and about what happens to their information if their provider goes out of business or offline for an extended period, says Phil Simon, a technology consultant and author of *He uses a "both-and" strategy, with an external hard drive in his Las Vegas office and low-cost online backup through Dolly Drive. He's also a fan of free, open-source software such as Dropbox, which he uses both for backup and for sharing files, photos, and videos with his clients, he says.*

Test any system you use at least twice a year, recommends David Greenbaum, who has been serving small business owners since 1990 through his DoctorDave Computer Repair in Lawrence, Kan. "Go into the service's interface and randomly select data to attempt to restore. Figure out your key data asset and restore that, as well as a QuickBooks file or maybe a CRM database," he says. "Is it being backed up properly? Can you do the restore? What about your provider? Check on the health of that company."

Any system a small business puts into place is better than nothing, says Asher Dahan, president and chief executive officer of Accurate Data Networks, a network solutions provider in Los Angeles. "Nothing is perfect. But I tell clients that whatever they can put into place will save them the major expense of data recovery in case of disaster, and it's likely to save their business as well," he says.

Making sure promotion decision isn't discriminatory is no laughing matter

~ Tammy Binford

It's not easy deciding who is right for a job. Employers have to study a candidate's qualifications, education, experience, demeanor, and more. But sometimes the decision comes down to the little things—even a person's laugh. The question an employer must consider is whether such a seemingly small factor poses any legal risk.

Current employee wants new job

Recently, a question about the lawfulness of turning someone down for a job over what some consider her annoying nervous laugh was put to a group of attorneys who were able to identify the risks in denying the individual's bid for the job.

The employer explained that an employee's current job requires little contact with customers, but now, she has applied for a position that includes significant customer contact as well as supervisory responsibilities. The employee has the qualifications for the new job, but her nervous laugh is off-putting. Coworkers and even a few customers have complained. The employer says the laugh and the employee's apparent inability to control it is the only reason for not giving her the job.

Unlawful discrimination or appropriate personnel decision?

Mark M. Schorr, senior partner in the Lincoln, Nebraska, office of Erickson & Sederstrom, P.C., tells the employer "It appears that you're able to articulate a legitimate nondiscriminatory reason for your decision: The employee isn't well suited for a job involving considerable customer contact and supervisory responsibilities, as evidenced by the complaints about her annoying nervous laugh from both customers and coworkers."

But Schorr says it's essential to document the lawful reasons for the decision. "It's important to remember that employers discriminate and make choices on a regular basis," he says. "However, discrimination is unlawful only when it's based on a designated protected category like race, sex, national origin, pregnancy, or disability."

The employee's laugh doesn't put her in a protected status unless it's related to a medical condition or disability under the Americans with Disabilities Act (ADA). Even if the laugh is related to a medical condition or disability, the employer likely would be able to claim that it's a disqualifying condition, Schorr says.

Jason R. Mau, an attorney with Greener Burke Shoemaker Oberrecht, P.A. in Boise, Idaho, also notes that pinning the decision on the laugh can be

legitimate, but the ADA must be taken into account. "You are allowed to base employment decisions on a physical impairment that makes the employee unqualified for the job." But he says that if the employer regards the employee's laugh as a substantial impairment or believes it substantially limits a major life activity, it's possible that the decision not to promote the employee could be discrimination under the ADA.

Mark Adams, a partner in the Jones Walker New Orleans office, says the laugh probably shouldn't prevent the employer from denying the employee the job, but he advises thinking through how to explain the decision to the employee.

"When you break the news to her, it probably would be a good idea to explain the reason in terms of her need to improve her oral communications skills," Adams says. "Suggest training that would improve her chances if the position comes open again."

James F. Kilcur, a partner in the law firm Saul Ewing LLP in Philadelphia, says the ADA issue must be considered. If the laugh is a neurological or psychiatric disorder, it may qualify as a disability under the ADA.

"If that's the case, the question becomes whether the condition prevents her from performing the essential functions of the job she is seeking," Kilcur says. "If so, you must decide whether a reasonable accommodation is available. However, you shouldn't assume the employee has a medical condition

if she hasn't presented any medical documentation."
