

STILLWATER AREA HUMAN RESOURCE ASSOCIATION

AFFILIATE OF
SHRM
SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

2007 SHRM **SUPERIOR MERIT AWARD**
CHAPTER

WWW.STWAHRA.COM

January 2011



Thursday, January 20th

Employment Law/ Legislative Update

2010 brought about numerous legal and legislative developments and prospective law changes which will greatly impact employers in 2011 and beyond. Join us as Attorney Kirk Turner will present an update regarding some of these major changes and their effect on the employment landscape.

Kirk Turner is a Shareholder and Director of Newton, O'Connor, Turner and Ketchum, where he focuses his practice on representing companies and management in Labor and Employment law matters.

A regional leader in employment and labor law, Kirk chose Tulsa over eighteen years ago to serve as the place to develop and grow his legal practice. Kirk's experience as a trial attorney in representing management in litigation in all areas of labor and employment law allows him to provide preventive counsel and training to corporate clients. In addition, his team serves as trainers and counselors in the practice areas of legal compliance, employment claim prevention, internal investigations, wrongful termination, civil rights,

equal employment opportunity, wage and hour litigation, employee benefits, occupational safety and health, labor-management relations, union avoidance, immigration, unemployment, disability benefits and workers compensation.

Kirk has extensive experience in representing employers in discrimination, harassment and civil rights matters, and routinely represents management in proceedings before the National Labor Relations Board, the Equal Employment Opportunity Commission, state fair employment agencies and the Department of Labor. Kirk was selected for inclusion in the 2007 edition of The Best Lawyers of America, and is the recipient of the Oklahoma State Council for Human Resources Management's 2007 Excellence Award.

Plan to attend the SAHRA luncheon and meeting to hear Kirk on Thursday, January 20th at Joseppi's from 11:30 - 1:00. The cost is \$12 for members and \$14 for non-member/guests. Please RSVP to Harlan Ross at Harlan.ross@okstate.edu by January 14th.

2011 Officers:

Congratulations to the 2011 SAHRA Leadership!

President - Harlan Ross
President Elect/Programs - Tonishia Van Pelt
SHAPE/Past President - Kris Langston
Secretary - Amy Watters
Treasurer - Lorrie Clark
Public Relations/Newsletter - Cheryl Garrett
Membership - Joey Keel
Webmaster - Cathey Bowyer
Certification - Cindy Christopher

2011 Officers (Cont.):

Foundation – Jamie Payne

Legislative – Leonard Court/Butch Koemel

College Relations – Coral White

Diversity – DeAnn Koumbis

Workforce Readiness – Joe Payne

- Small businesses in the community are represented in our membership in larger numbers than previous years

We could not have done it without you!

This year will prove to be another year of outstanding programming and connections to last a lifetime. Goals for 2011:

- Host the 2011 SHRM Regional Student Conference in Stillwater, OK, March 18–19
- Obtain more Strategic HRCI credit
- Securing relevant monthly programming by tapping in to our local small business community

BUT...we cannot obtain these goals without the commitment of your membership TODAY! For only a \$25 basic membership, you may attend all of the monthly programs. For only a \$125 membership, you may attend all of the monthly meetings with a discounted lunch. That's lunch AND a monthly program for only \$11 per month! Our chapter is a 100% chapter, which means all our SAHRA members MUST be national SHRM members.

We cannot obtain these goals without the commitment of your membership TODAY!

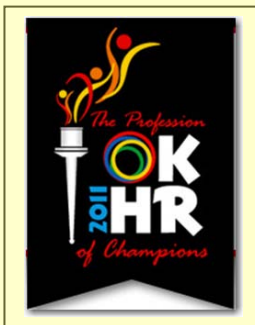
Dates to Remember:

Thursday, February 17

Creative Employee Retention, Incentive, and Rewards * Presented by Staci Bejcek of InterWorks
*Joseppi's * 11:30 – 1:00 pm

Wednesday–Friday, May 4–6

2011 Oklahoma State Human Resources Conference & Exposition * Norman, Ok



For additional information or to register, go to:

<http://www.okhrconference.com>

Be a Part of Something Grand

Joey Keel, PHR

The Stillwater Area Human Resources Association membership is January through December. Please take this opportunity to join or renew your membership with SAHRA by January 31, 2011. Your membership enabled our chapter to accomplish so much in 2010:

- SAHRA partnered with the Stillwater Chamber of Commerce to host *Bring Your Boss to Breakfast* event
- Profound Storytelling event presented by Dr. Lee Manzer, where attendees were encouraged to use stories as powerful aids to change attitude and even culture

First-time SHRM members can join for only \$165, which includes access to industry best practices, sample forms, policies, and general HR information, timely legislative updates and the ability to ask specific HR questions. Renewing SHRM member dues are \$180.

For more information, contact Joey Keel at joey.keel@okstate.edu or (405) 744-4173.

SHRM Foundation News

Get Involved with the SHRM Foundation

The SHRM Foundation is a nonprofit affiliate of the Society for Human Resource Management. A leading funder of HR research grants, the Foundation produces publications and educational resources to advance the HR profession. The foundation is not funded by SHRM membership dues, so their work is made possible by generous tax-deductible donations.

Periodically, the SHRM Foundation needs volunteers to assist in reviewing the content of publications and grant applications. In addition, the SHRM Foundation hires subject matter experts to write reports.

To indicate your interest in these and other opportunities, please visit the SHRM website at www.SHRM.com for additional information.

Is Checking an Applicant's Credit Soon to Become Illegal?

ChubbWorks, The McCalmon Group, Inc.

Sixteen states are considering laws that ban pre-employment credit checks as well as credit checks of current employees under any circumstances.

Ohio's bill, Ohio Senate Bill 91, prohibits the use of "a person's credit rating or score or consumer credit history as a factor in making decisions regarding that person's employment." Supporters of the laws say a job applicant's worthiness is a dubious precursor of job performance and presents great risk for discrimination. They believe past credit should never influence hiring decisions.

The Equal Employment Opportunity Commission (EEOC) currently allows credit checks where an employer can show that creditworthiness is job-

related.

Numerous studies show women and racial and ethnic minorities tend to have the lowest credit scores.

A proposal to amend the Fair Credit Reporting Act (FCRA) requires employers to 1.) Obtain written authorization from an employee or applicant before obtaining a report, 2.) Clearly and conspicuously disclose that the employer may obtain a credit report, and 3.) If the employer uses the report in an adverse action, the employer must give the person a copy of the report. "Ban on credit checks for job candidates has support," www.daytondailynews.com (Nov. 5, 2010).

Commentary and Checklist

With more foreclosures (approximately 900,000 in 2009) and bankruptcies (approximately 1.4 million in 2009) than in recent memory, many Americans have seen their credit ratings plummet. Adding insult to injury is that for many unemployed, a poor credit rating is keeping them from obtaining employment. And in some situations, a poor credit rating is costing some employed Americans their jobs.

Just as important, no statistical data exists to show that credit history predicts job performance.

So it is no wonder that more politicians view credit checks and employers that use them suspiciously, especially when credit checks may be keeping more of the unemployed out of work and costing politicians votes.

With some states proposing laws that ban credit checks altogether, employers should make sure they are in compliance with their particular state's law. The EEOC has spoken to the issue of using criminal background checks that automatically

eliminate job candidates. Blanket elimination of candidates with criminal records is prohibited.

Employers should consider that the same rule applies to credit reports. Automatically banning applicants with poor credit scores can have the effect, even if unintentional, of discriminating against women and minorities.

Employers must take the time to evaluate each job to determine if a credit check is necessary and each applicant for employment on a case-by-case basis. If credit checks are used, the employer should consider timeliness and relevance of the credit history.

A best practice is to develop hiring criteria that link credit history to specific job functions. For example, if the position requires the management of money of others, like a fiduciary, then one can argue that how individuals manage their own money is relevant to how they may manage the credit of another person.

The best practice is to develop hiring criteria that link credit history to specific job functions.

To keep in sync with the proposed changes to the FCRA, inform the applicant or employee in writing that you plan to conduct a check and have the applicant sign a notice that he agrees to have the check performed. Do this before you perform the credit check. If the background check reveals negative information that will lead to an adverse decision, such as termination or failure to hire, provide the individual with a copy of the report and the notices required by the FCRA before taking any action.

Finally, ask the applicant about the credit report. Allowing an applicant to explain a poor credit score

may provide you with the facts you need to make a more informed employment decision and may reduce the risk that the applicant feels that he was treated unfairly.

Before taking any adverse employment action based on a consumer credit report, employers must:

- ✓ Make sure an applicant/employee confirms in writing that he knows and agrees to a credit check
- ✓ Provide the employee/applicant with a copy of the report if you use it to make an adverse employment decision
- ✓ Identify the consumer-reporting agency (CRA) that provided the report
- ✓ Notify the employee/applicant that the CRA did not make the adverse action decision
- ✓ Inform the employee/applicant that she has the right to obtain a copy of the consumer report from the CRA and dispute its accuracy
- ✓ Don't use a credit report to automatically eliminate candidates. Employers must take the time to evaluate each applicant for employment on a case-by-case basis
- ✓ Check your state's laws on applicant/employee credit checks to make sure you are in compliance with those laws.

This information piece is part of "The Loss Prevention Journal" published on December 1,

SAHRA Workforce Readiness

December 8, 2010

	October 2010	October 2009
Payne Co	6.1%	6.0%
Noble Co	6.0%	7.8%
Pawnee Co	8.8%	9.1%
Kay Co	7.7%	8.3%
Oklahoma	6.9%	7.3%
US	9.6%	

Attorney Referral System

From the US DOL Wage & Hour Division

More litigation is likely to follow as a result of the unprecedented collaboration between the U.S. Department of Labor and the American Bar Association resulting in an Attorney Referral System.

When Fair Labor Standards Act or Family and Medical Leave Act complainants are informed that the Wage and Hour Division is declining to pursue their complaints, they may also be given a toll-free number, which will be available in English and Spanish, to contact the newly created ABA-Approved Attorney Referral System. Once

contacted, the System will advise of contacts and service providers for their area.

In addition, Wage and Hour Division will also provide complainants with a form which allows either the complainant or their attorney to obtain relevant information and documents on the case promptly.

Visit the DOL website at www.dol.gov for more information



HR Job Postings

Does your company have an opening in human resources? If so, take advantage of low advertising costs and place your ad in the Stillwater Area Human Resource Association newsletter and on the front page of the SAHRA website.

Consider the following:

1. \$75 per advertisement - one position
2. Position(s) must be related to human resource profession
3. Valid for 28 days from date of insertion
4. Advertisement may be renewed - \$40 renewal fee for 28 additional days
5. Must supply logo in .jpg or .gif format
6. Must supply advertisement as Word document, PDF format, or by e-mail
7. Do not need to be SAHRA/SHRM member

For more information, please contact Coral White, coral.white@okstate.edu, (405) 744-5379.

MISSION STATEMENT Stillwater Area Human Resources Association

To be recognized and respected as an organization, which promotes the development of Human Resource professionals into strategic business partners within their organizations by providing professional growth through development programs, networking opportunities, and community service projects.