



2007 SHRM **SUPERIOR MERIT AWARD**
CHAPTER

WWW.STWAHRA.SHRM.ORG

August 2011



August 18, 2011

Healthcare Reform Update

Healthcare Reform has long been a hot topic, and with the enactment of the Affordable Health Care Act in March 2010 and the fast-approaching, 2014 insurance exchange deadline looming, owners are looking to their human resource personnel to understand what impact the Act will have on their businesses.

Thursday, August 18, Travis Bradshaw, LUTCF, GBA and Senior Account Executive of Summit Financial Group will join us to provide an update on healthcare reform.

As Senior Account Executive of Summit Financial Group, Mr. Bradshaw has client management and sales responsibilities and manages his accounts with a "hands on," results-oriented management style.

Mr. Bradshaw earned his BSBA at the University of Tulsa and has a background in Health and Welfare Benefit Planning with more than twenty years experience in the field and possesses extensive knowledge of the national employee benefits

market place. His certifications include Life Underwriting Training Council Fellowship, Group Benefits Associate, Certified Employee Benefits Specialist (in progress), and he is a licensed life, accident, and health insurance agent.

Please note the change in location to Meridian Technology Center, Rooms A102 & A103, 1312 South Sangre Road in Stillwater. The meeting will take place from 11:30 – 1:00 pm on Thursday, August 18th and cost is \$12 for Level I Members and \$14 for non-members/guests. Please RSVP on the SAHRA website by clicking [this link](#) to ensure your seat at the table!

Dates to Remember:

Thursday, August 18, 2011

* Healthcare Reform Update * Presented by Travis Bradshaw of Summit Financial Group * Meridian Technology Center * Room A102 & A103 * 11:30 am – 1:00 pm *

Tuesday, August 23, 2011

* SHRM is the Solution * SHRM Member [Webinar Link](#) * 11 am – 12 pm *

Wednesday, September 7, 2011

* Workforce Readiness Summit * Francis Tuttle Technology Center, OKC * 8 – 12 pm * [Registration Link](#) *

Thursday – Friday, September 15–16, 2011

* 2011 Workers Compensation Education Conference * Meridian Technology Center * 8 am – 5 pm * [Registration Link](#) *

Dates to Remember (Cont.):

Friday, September 16, 2011

* Friends of Diversity Golf Tournament * Cimarron Trails Golf Course, Perkins * 7 am Registration * 8 am tee-off * [Registration Link](#) *

Thursday – September 22, 2011

* Hire Smart * Presented by Cynthia B. Stotlar, M. Ed, SPHR * Meridian Technology Center, Stillwater * 11:30 – 1 pm * [RSVP Link](#) *

Friday – Saturday, October 21 – 22, 2011

* Mental Health First Aid Workshop * Location TBD * [More Info Link](#) *

Thursday, November 17, 2011

* How to Read Body Language * Presented by Lisa Cox, Certified Rehab Counselor * Meridian Technology Center, Stillwater * 11:30 – 1 pm * [RSVP Link](#) *

Discrimination by Association

By: The McCalmon Group, Inc.

~How the ADA Fills in the Gaps within the FMLA~

When an accountant learned that his wife of 23 years had stage four incurable cancer, he asked his boss for a more flexible schedule to deal with her care.

He claims he offered to work evenings and weekends to keep up with his work while he accompanied his wife during testing and treatment. However, the 14-year employee was terminated by letter the following Monday due to “workforce modifications.”

A week after he was terminated, the accountant saw a listing for his job on the employer’s website.

According to one legal analyst, David Frank, the termination is legal in part. The Family and Medical Leave Act (FMLA) gives employees up to 12 weeks of unpaid leave per year for serious health conditions or to care for an immediate family member with a serious health condition. However, the FMLA only applies to private employers with 50 or more employees working within 75 miles of the worksite. In this case, the employer only employs about 20 employees. [“Man Says He Was Fired After Telling Employer His Wife Has Cancer.”](#)

Even though the FMLA may not cover this employer because of its size, the American Disabilities Act (ADA) also protects workers that may find themselves in similar situations.

Under Title 29 of the United States Code, it is unlawful to discriminate against qualified individuals because of the disability of a person with whom the qualified individual is known to have a family, business, social or other relationship or association. (29 U.S.C. Section 1630.8). In other words, the ADA makes it unlawful to discriminate against an applicant or employee who has a relationship with someone with a disability...and the ADA applies to private employers with just 15 or more employees.

In this case, the accountant notified the employer of his pending caregiver responsibilities and requested a flexible schedule. Under ADA, if the employer terminated the accountant because his wife had cancer or how his wife’s cancer might impact him, the termination is illegal discrimination.

According to the Equal Employment Opportunity Commission (EEOC), employers cannot treat workers “less favorably” based on caregiver stereotypes. When an applicant or employee has a known association with someone who has a disability, employers must not deny opportunities for promotion or advancement, deny health care benefits, or terminate or refuse to hire the

applicant because of the relationship or make any other adverse employment decision because of the association.

As an example, the EEOC explains that it is illegal for an employer to refuse to hire an applicant whose son has a disability based on the assumption that her care giving responsibilities would negatively impact job performance or attendance.

In addition, employers must ensure that other employees do not harass anyone based on the person's association with someone who has a disability.

The following checklist will assist employers in avoiding claims of association discrimination under the ADA:

1. Review existing discrimination policies and include the ADA's association provision.
2. Train managers and supervisors in preventing discrimination against other employees due to their known relationship to someone with a disability.
3. Review job application forms to ensure they comply with the association provision.
4. Train managers and supervisors on how to professionally manage requests for flexible work schedules or other accommodations due to their care giving obligations.

Share It with Us

Got something to share or an announcement to make, such as an exciting professional achievement? Let SAHRA acknowledge and post it in the monthly newsletter. Please submit to Cheryl Garrett @ c_garrett@oncueexpress.com

*All submissions are subject to SAHRA Board approval and SHRM guidelines.

Oklahoma Drug Testing Changes

On May 9, 2011, legislation amending the Oklahoma Standards for Drug and Alcohol Testing was signed by Mary Fallin, updating the 15-year old law and making the Act more employer-friendly.

Some of the major changes, which go in to effect November 1, 2011 are as follows:

- Workers Compensation Post-Accident

For purposes of workers' compensation, no employee who tests positive...or refuses to take a drug or alcohol test required by the employer, shall be eligible for workers' compensation benefits.

Testing Improved. An employer may require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work or the employer's property has been damaged (no dollar minimum required). For purposes of workers' compensation, no employee who tests positive...or refuses to take a drug or alcohol test required by the employer, shall be eligible for workers' compensation benefits.

- Reasonable Suspicion Testing. This has now become For-Cause Testing. Employers may test at any time they believe an employee is under the influence of drugs or alcohol. A sample of eligible events are:
 - a. drugs or alcohol on or about the employee's person or in the employee's vicinity;
 - b. conduct on the employee's part that suggests impairment or influence of

- drugs or alcohol;
- c. a report of drug or alcohol use while at work or on duty;
- d. excessive or unexplained absenteeism or tardiness.
- **Employer Policy Requirements Changed.** Employers now need only give 10 days notice of a new policy or a change in policy. Employer can now provide notice of policy changes by posting on the employer's website or intranet site.
- **No need to List Substances.** There is no longer a need to list all the substances tested so long as the employer states in their policy that the substances tested shall be for drugs and alcohol.
- **Employer On-Site Testing Now Allowed.** Employers may now use their own on-site testing methods such as a breathalyzer or single-use test device; however, a breathalyzer test shall not be grounds for immediate termination without a confirmation test.
- **Impact on Unemployment Claims.** An employee discharged for refusal to undergo a drug test or a confirmed positive drug test shall be considered to have been discharged for misconduct connected to the work and ineligible for unemployment benefits.

Not all of the changes could be covered in this brief article. Be sure to review the Oklahoma Workplace Drug And Alcohol Testing Act and, if needed, consult with legal council.

2011 EEO-1 Survey Coming Deadline Approaching

The 2011 EEO-1 Survey is open. The Employer Information Report EEO-1, otherwise known as the EEO-1 Report, is required to be filed with the U.S. Equal Employment Opportunity Commission's EEO-1 Joint Reporting Committee. The filing deadline

for 2011 EEO-1 Survey is September 30, 2011.

The Survey must be filed by all private employers who are subject to Title VII of the Civil Rights Act of 1964 (as amended) with 100 or more employees (with some exclusions) OR subject to Title VII who have fewer than 100 employees and meets specific criteria. All federal contractors who are not exempt as provided for by 41 CFR 60-1.5 or have 50 or more employees and meet other specific criteria.

The preferred method for completing the EEO-1 reports is the web-based filing system. Online filing requires you to log into your company's database with a Login ID and Password. All companies should receive EEO-1 filing materials by mail no later than mid August 2011. If you cannot locate your Login ID and/or Password, contact the EEO-1 Joint Reporting Committee at e1.techassistance@eoc.gov.

Advantages to using the web-based filing system are as follows:

- **No installation.** The online form is totally web based. There is no software to download or install.
- **Data Reuse.** As much as possible, information is pre-filled from the previous year to speed up data entry.
- **Secure.** Data is transferred over the Internet using encryption, assuring your privacy.
- **Historical Access.** Access up to 10 years worth of EEO-1 data for your establishments.

For additional information, visit the [EEOC website](#).

Certification Study Group

Planning to sit for the PHR/SPHR exam? Join the SAHRA certification study group! A schedule is being developed with study sessions scheduled weekly during the fall. Please contact [Blair Atkinson](#) for additional details.

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.