



2007 SHRM **SUPERIOR MERIT AWARD**
CHAPTER

WWW.STWAHRA.SHRM.ORG

September 2011



September 22, 2011

Hire Smart

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, September 22, Cynthia B. Stotlar, M.Ed., SPHR, Human Resources Trainer and Consultant will join us to present Hire Smart.

Ms. Stotlar has over 28 years' experience in management and human resources. She has worked in both the non-profit and for-profit arenas. Ms. Stotlar has authored articles on developing customer service programs, managing diversity and developing performance appraisals systems and she co-authored Career Compass for Women, Power Tools for Success and Speaking of Success.

Ms. Stotlar received her Bachelor of Science from Middle Tennessee State University and her Master's

in Adult Education from Central Michigan University. She also has her certification as a Senior Professional in Human Resources (SPHR) and received certification from the American Society for Training Development (ASTD) for Human Performance Improvement.

If you were unable to attend last month's meeting, please be sure to note the change in location to Meridian Technology Center, 1312 South Sangre Road in Stillwater. The meeting will take place from 11:30 - 1:00 pm on Thursday, September 22nd 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:

Tuesday, September 13, 2011

* ADA Compliance on a Budget * Meridian Technology Center * 11:30 - 1:00 pm * Cost is \$20/non-Chamber and \$15/Chamber Members * Call 405.377.3333 to register *

Thursday - Friday, September 15-16, 2011

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

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](#) *

Dates to Remember (Cont.):

Thursday, September 29, 2011 *OR* Thursday, October 6, 2011

* Working 9 to 5 * Crowe & Dunlevy's Annual Employment Law Seminar * Tulsa Renaissance *OR* Oklahoma City Cox Convention Center * 8 am – 4:30 pm * Complimentary Registration and Lunch * RSVP by September 23rd * [RSVP Link](#) *

Thursday, October 13, 2011

* Strategic Alliances: Bring Your Boss to Breakfast * Stillwater Chamber of Commerce * Various Speakers * 8 am – 9:30 am *

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](#) *

Why Attendance is Becoming a Non-Essential Job Function

By: The McCalmon Group, Inc.

The Equal Employment Opportunity Commission (EEOC) announced that a large communications employer will pay \$20 million to resolve a lawsuit over its treatment of disabled employees who missed work because of their disabilities.

According to the EEOC, the employer unlawfully denied reasonable accommodations to hundreds of employees who missed work because of disabilities. The employer violated the Americans with Disabilities Act (ADA) by disciplining and firing disabled employees when they missed work rather than trying to accommodate them.

In addition to the \$20 million in monetary relief, the three-year decree includes injunctions against disability discrimination or retaliation. The settlement also requires that the employer train employees that administer its attendance policies and revise its attendance policies to include reasonable accommodations for persons with disabilities. This would include excusing absences when the situation is covered by the ADA.

"The employer violated the Americans with Disabilities Act (ADA) by disciplining and firing disabled employees when they missed work rather than trying to accommodate them."

According to the EEOC, the settlement is the single largest disability discrimination settlement in EEOC history. "Verizon to pay \$20M to settle discrimination suit," www.forbes.com *July 6, 2011).

This case and others like it are examples of how the EEOC is undermining attendance as an essential function of a job.

According to the EEOC, in fiscal year 2010, private sector workplace discrimination charges hit an unprecedented level of 99,922, which included a record-high number of disability charges. Disability claims reached 25,165, an increase of 17.3 percent over the previous fiscal year.

Discrimination based on disability is prohibited by the ADA. Employers are required by law to provide a reasonable accommodation, which the EEOC suggests might include paid or unpaid leave to an employee with a disability. Reasonable accommodation is required unless doing so would cause significant difficulty or expense to the employer. According to Jacqueline A. Berrien, EEOC Chair, "Flexibility on leave can enable a worker with a disability to remain employed and productive – a win for the worker, the employer and the economy.

By contrast, an inflexible leave policy may deny workers with disabilities a reasonable accommodation to which they're entitled by law – with devastating effects.”

In this case, the employer likely applied its attendance policies automatically without giving due consideration to possible ADA violations. While employers often apply blanket policies in the interest of consistency and fairness, the EEOC has determined that these types of automatic employment decisions are not lawful. Employers must ensure that employment decisions are considered on a case-by-case basis with careful consideration given to the ADA.

Now is a good time to reevaluate your attendance and leave policies and to set up a mechanism in your organization to address accommodation requests.

Finally, if attendance is an essential function of a position, it is important that you state so in the job description.

NLRB Final Rule

The National Labor Relations Board (NLRB) issued a final rule creating a new posting requirement for virtually all private-sector employers. The posting notifies employees of their rights under the National Labor Relations Act (NLRA), such as the right to form a union, bargain collectively, discuss terms and conditions of employment with coworkers, the right to strike, and the right to engage in other protected activity. The rule is effective November 14, 2011.

The rule applies to all private-sector employers subject to the NLRA, which excludes agricultural, railroad, and airline employers. Both union and non-union employers are required to post the notice. If employers regularly communicate with employees via an intranet or internet site, they are required to post the notice electronically as well as

physically. Failure to post will be treated as an unfair labor practice. If 20 percent or more of the workforce is not proficient in English, employers must post the notice in the language the employees speak.

Federal contractors who are required to post the similar Department of Labor (DOL) notice will not need to also post the new NLRB notice; the DOL notice is sufficient.

Along with informing employees of their rights, it includes a list of illegal practices in which employers and unions are prohibited from engaging, and also provides information on filing a claim along with NLRB contact information.

Although the poster is not yet available, it will be available on the NLRB website and from NLRB regional offices by November 1, 2011.

For more information or to view the Final Rule, visit the [NLRB website](#).

It's Really Very BASIC

By: Tim Orellano, PHR

Too many people separate the act of leadership from the leader. They see leadership as something you do rather than an expression of who you are.

Back to Basics is what it should be...BASIC. To be a world-class leader, it only takes a second – you need to decide to be one.

Here are some key points to remember once you have made your decision:

Be real, be who your pet thinks you are. Be real honest, be a real learner, be a real teacher, be a real friend, be a real colleague, be a real listener, be real ethical, be a real neighbor, be a real parent, be a real team player...Just be real.

Always recognize others. Everyone wants to be

extraordinary, we just have to give them permission and let them. Recognition is the most powerful motivator because it creates the environment where people motivate themselves. We should look for these opportunities. When we celebrate people, extraordinary things happen.

Smile and laughter is the “innergizer” that warms our soul. Humor works. Laugh at yourself. You can see humor everywhere. It is the common ground of communication that makes people more willing to work with you. It’s not rocket science or crop circles.

Initiate good things to happen with a sense of urgency. We love to be inspired to see direction and vision to act. Inspired leadership is a process ordinary people use when they are bringing forth the best from themselves and others.

Care about people in a sincere way. What do they see when they see you coming? Are you a warlord or a colleague? Do they see a dictator or a coach? They know if you care and care that you do. Do you?

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He Posted What?!

A recent study reveals that 47 percent of Facebook users have profanity on their walls, and 80 percent have at least one post or comment from a friend including swear words. Reppler, an online service that strives to keep social reputations safe, performed the survey.

The survey scanned 30,000 user profiles and found that the “F”-bomb and its derivations were the most used phrases. S*** was second and the “B”-word came in third place.

Employers have used social media to monitor and

track employees for years. In 2009, 45 percent of employers used Facebook and Twitter to screen job candidates.

There is a need for a space that allows users to maintain a squeaky-clean professional image while inviting prospective employers to evaluate them online. LinkedIn focuses on this need, which has evolved into one of its primary lures. The space allows users to put their best foot forward for employers and is one reason for the success of its initial public offering. Chris Gayomali “47% of Facebook Walls Contain Profanity, but Should Employers Give a Darn?” www.techland.com (May 24, 2011).

Employers may terminate at-will employees at any time and for any reason so long as the reason is not illegal. In addition, employers may terminate employees for their actions away from work so long as the reason for the termination does not violate federal, state or local law. This includes terminating employees for public posts using social media. To make employees aware that their public posts can reflect poorly on the employer, employers should consider implementing a Social Media/Open Forums policy.

When an employee puts the mission and the reputation of the employer at risk with their public communications via posts, blogs etc, the employer may consider this behavior in employment decisions, including discipline and termination.

To help lower the risk for employees’ actions taken outside of work, employers should not only have a mission statement, but also implement a policy that protects that mission from damage by employee indiscretions. Employers should direct employees to avoid disparaging remarks about the employer, other employees, clients and third parties that work with the employers.

The policy should require employees to uphold and protect the organization’s mission. In particular, the policy should explain that employees are the face of

the employer at and away from work. They should avoid circumstances that damage the mission of the organization and other employees.

The policy upholding the mission must define prohibited conduct with enough detail so that it is enforceable – including disparaging social media posts. However, drafters should use language broad enough to cover unanticipated fact situations.

To implement a policy upholding your organization's mission statement, make sure to follow these guidelines:

- ✓ Make sure all employees and new hires read and acknowledge the policy.
- ✓ Try to follow-up with periodic training if

possible. Training should include examples of behavior that would violate the policy.

- ✓ Enforce the policy consistently. As with any policy or procedure, inconsistent enforcement can lead to discrimination charges.
- ✓ Encourage employees to report violations of the mission. Provide a safe method or chain of command for reporting.
- ✓ When a report of misconduct is made, investigate the claim for accuracy and make sure the conduct does, in fact, violate your mission statement. Remember, you should consider your employees innocent until proven otherwise and retaliation is always unacceptable.
- ✓ Seek the advice of an attorney before making employment decisions.

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.