CHAPTER CONNECTION

April 2016



2016 Spring Seminar April 20th!

AFFILIATE OF SHRM SOCIETY FOR HUMAN RESOURCE MANAGEMENT

SHRM EXCEL 2014 GOLD AWARD GOLD CHAPTER

SHRM Foundation ★ 2014 CHAPTER CHAMPION ★

HR ASSOCIATION EVANSVILLE AREA HUMAN RESOURCE ASSOCIATION, INC.

explore – cover



Welcome to the April 2016 edition of the EHRA newsletter.

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Jake Fulcher, EHRA President, shares information on the annual Spring Seminar.

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Welcome new EHRA members.

Chapter Connection is a publication of the Evansville-Area Human Resources Association made possible by contributions from it's members and the board of directors. If you have suggestions, please email them to: newsletter@ehranet.org.

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04 20 16

Spring Conference

Southern Indiana Career and Technical Center | 1901 Lynch Rd. | Evansville, IN 47711
7:00 am—5:00 pm
EHRA Members: $125 Full day, $75 Half Day
Guests: $175 Full Day, $100 half Day
EHRA Student Members: $15
Register before Sunday, April 7, 2016 to avoid late fees!



Agenda

Morning Session:

7:00—8:15 am: Registration/Full Breakfast– Exhibitors Open
8:00—8:15 am: Opening Remarks—Jeff Devine, Esq. SPHR, SHRMS-SCP, EHRA President-Elect
8:15—8:45 am: **SHRM Certification**—SHRM/HRCI State Representatives
8:45—10:15 am: **The ADA/ADAAA**—David Fram, NELI
10:15—10:30 am: Break—Exhibitors Open
10:30—12:00 pm: **The ADA/ADAAA**—David Fram, NELI
12:00—1:00 pm: Lunch—Exhibitors Open

Afternoon Session:

1:00—2:00 pm: **Joint Employer/IC Increased Workplace Rights**—Brian L. McDermott, Esq., Steven Pockrass, Ogletree Deakins
2:00—3:30 pm: **Same Sex Marriage/Expanding Protections for LGBT/Religious Freedom (Trends, Advantages/Concerns/Legislative Issues)** Kevin Bringer, President/CEO Indiana Chamber & Michael Cork, Esq., Bamberger, Oswalkd and Hahn
3:30—3:45 pm: Break
3:45—4:45 pm: **NLRB and the pursuit of workplace policies**—Jon Goldman, Kahn Dees Donovan & Kahn
4:45—5:00 pm: Prize Giveaways and Closing Remarks by Jeff Devine

*Attendees must be present to win prizes

This program is valid for 6.5 PDC for the SHRM-CP or SHRM-SCP. For more information about certification or recertification please visit www.shrmcertification.org.

This program has been approved for 6.5HR recertification credit with HRCI.

The EHRA is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP[SM] or SHRM-SCP[SM]. For more information about certification or recertification, please visit www.shrmcertification.org."

The use of this seal is not an endorsement by HR Certification Institute of the quality of the program. It means that this program has met HR Certification Institute's criteria to be pre-approved for recertification credit. All members are responsible for retaining information on each event for submission to the HR Certification Institute. A certificate of attendance will be emailed to all attendees upon the completion of the event.

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ADA Workplace Issues, including Significant Court Cases and Dramatic EEOC Developments.

Latest Checklists for Analyzing and Documenting ADA Issues

Discussion of updated ADAAA-based checklists for human resources/EEO professionals and attorneys to use in analyzing ADA workplace questions, incorporating issues considered crucial by EEOC and courts.

Who is an "Individual with a Disability"

Discussion of whether to simply "assume" disability (and if so, how to document practices), the latest surprising court cases under the ADA Amendments Act, differences among the courts concerning the meaning of "substantially limits," including seriousness and duration issues, and discussion of the vastly expanded definition of "regarded as," including practical advice for training supervisors on how to avoid "regarded as" claims.

Who is a "Qualified" Individual

Lessons for lawyers and human resource/EEO professionals from court decisions and recent extraordinary EEOC rulings on analyzing whether an individual is qualified for a job, including how to defend "qualification standards" (for example, commercial drivers' license requirements) that might screen out disabled individuals, the importance of accurate job descriptions, whether certain things like handling stress, teamwork, punctuality, attendance, and lifting are considered "essential," and important evidence concerning whether an individual is "qualified," including inflated performance evaluations, doctors' notes, and statements made in another forum.

Practical Reasonable Accommodation Issues

Discussion of practical reasonable accommodation questions such as whether "preferential treatment" is required, whether "cost/benefit" or "futility" can be argued, the importance of training first-line supervisors to recognize possible "triggers" to the accommodation process, what employers should say and document in response to employee requests, when employers should be "pro-active," and particular accommodation questions, such as whether/how much "leave" (including a repeated leave extension) is required and how this interplays with the FMLA, whether reduced workloads, non-competitive reassignment, an "irritant-free" environment, light duty, work-at-home, shift changes, supervisor changes, or parking spaces are required, whether discipline must be rescinded as an accommodation, whether the funds for accommodations should come from (departmental budgets versus one central fund), and undue hardship issues.



***David K. Fram, Esq.**, is Director of ADA & EEO Services for the National Employment Law Institute. In this position, he conducts seminars, briefings, workshops, and in-house training on the ADA and other EEO laws. He also provides guidance, as well as expert witeness services, during administrative proceedings and litigation.*

In addition, Mr. Fram has consulted with EEOC investigators and EEOC attorneys during the investigation and resolution of all forms of discrimination complaints.

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Increased Workplace Rights: The Attack on Joint Employment and Independent Contractor Relationships

During the past several years, federal and state government agencies and the plaintiffs' bar have been attacking the bona fides of independent contractor relationships in an effort to allege violations of a variety of workplace laws that are applicable to employees. These agencies and lawyers also have been arguing that multiple entities are the joint employers of individual employees, and thus are jointly and severally liable for any violations of the employment laws with respect to these employees. In this session, we will examine these efforts to expand workplace laws and go after "deep pockets," discuss the applicable laws, and identify steps for reducing potential risks.



Brian McDermott *has dedicated his legal career of 20+ years to representing public and private employers in individual and class/collective employment actions, including cases involving the FMLA, the ADA, Title VII, the ADEA, ERISA, the FLSA, the NLRA, covenant not to compete/trade secret matters, state wage laws, and wrongful discharge. He has represented employers in federal and state courts, labor arbitrations, and administrative agencies (including the EEOC and NLRB) throughout the country.*



Steven ("Steve") Pockrass *is Co-Chair of the firm's Wage and Hour Practice Group. In this position, he helps clients and attorneys throughout the firm deliver proactive and responsive solutions to federal and state wage-hour questions and concerns. Steve coordinates wage-hour resources within the firm and works on a variety of wage-related issues, ranging from evaluating whether certain job positions are properly classified to defending collective and class actions. In addition to focusing on the complexities and nuances of the federal Fair Labor Standards Act, he regularly counsels and represents employers on issues related to Indiana's wage law.*

Same Sex Marriage/Expanding Protections for LGBT/Religious Freedom (Trends, Advantages/Concerns/Legislative Issues)

The presentation will cover the current state or RFRA and LGBT legislation, issues for businesses to consider as it relates to its workforce and what HR professionals should know from a business and legal perspective, both in the current context and looking ahead to potential future developments.



Michael Cork *helps employers manage two of their most important assets—people and information. He is a partner in Bamberger Foreman's Indianapolis office, where he concentrates in employment matters, employment litigation, commercial litigation, constitutional litigation, and corporate issues.*

Michael attended Carthage College and Valparaiso University School of Law. He is affiliated with the Alliance Defending Freedom and provides pro bono service in the areas of family values, religious liberties, and sanctity of life.



Kevin Brinegar, *President, CEO Indiana Chamber of Commerce. Kevin joined the Indiana Chamber's advocacy team in November 1992, became senior vice president of government affairs in 1997 and president and CEO in 2002. Previously Kevin served nine years as a financial analyst for the Finance Committee of the Indiana Senate and three years as a management analyst for the Legislative Services Agency.*

Kevin is recognized as an expert in the areas of business taxation, property taxation, local government, state budget and school finance.

NLRB and the Pursuit of Workplace Policies

The presentation will cover: the increased push of the NLRB's General Counsel, new election rules and micro bargaining units, internet and free speech, Facebook comments and union liability, surveillance of union activity, union investigators access to company property, expansion of protected activity, jointly employed contractors and temporary employees.



Jon Goldman *represents employers in all areas of employment and labor law. Jon also represents both public and private universities in a broad range of federal and state statutory and regulatory issues. Jon routinely handles matters before the Equal Employment Opportunity Commission, the Department of Labor and the Department of Education's Office of Civil Rights. Jon has jury trial experience in Indiana and Kentucky. Jon has also represented employers in union avoidance and union representation election campaigns.*



LEGAL UPDATE

SHRM Advocacy Team Ensures Your Voice Is Heard--
Bill to Block Overtime Rule Introduced by the A-Team

As an HR professional for a small nonprofit, it is a relief to know that the SHRM Advocacy Team "has our back." The A-Team ensures that the voice of HR is heard by policy decision-makers and helps inform legislators of policy that impacts employers and employees in his/her district. SHRM has six paid lobbyists on staff; however, it does not have a political action committee and SHRM does not endorse candidates for public office.

The A-Team has 8,022 active SHRM members and 469 Advocacy Captains. It is also the best resource for staying informed on HR-related federal legislative proposals that Congress is considering. As a member of SHRM, you can join the "A-Team" by simply going to the SHRM website, www.shrm.org, and clicking on the Public Policy Tab which will take you to the SHRM Policy Action Center. From there you can register your interest in being an HR Advocate or Advocacy Captain by completing a simple online application. Once registered, SHRM will inform you of any upcoming "Calls to Action" as it relates to HR public policy issues and for which you can send timely communications to lawmakers' offices in Washington DC. You can also find contact information for state and federal elected officials. There is even an app that you can download.

Meredith Nethercutt is the Senior Associate for Member Advocacy for SHRM Government Affairs and you can reach her at her email Meredith.Nethercutt@shrm.org or 703-535-6417. She can also be reached through advocacy.shrm.org or @SHRMAteam.

As an example and a result of SHRM's Advocacy efforts, the House and Senate Republicans introduced legislation on March 17, 2016 to stop the Overtime Rule by introducing the Protecting Workplace Advance and Opportunity Act (S. 2707 and H.R. 4773). This act, according to Lisa Horn, spokeswoman for Partnership to Protect Workplace Opportunity (PPWO) and director of congressional affairs for SHRM, would nullify the proposed rule; prohibit automatic increases in the salary threshold; and require that any future changes to the duties test must be subject to notice and comment. In addition, the act would require the DOL to first conduct a comprehensive economic analysis on the impact of mandatory overtime expansion to small business, nonprofit organizations and public employers. The PPWO is a group of more than 60 employer organizations and companies representing a broad employer community response to the proposed overtime rule changes.

It's too soon to say what will happen with the introduction of the act, although Capital Hill insiders state that if Congress can slow down the OMB review of the Overtime Rule through the use of its Congressional Review Act, it will be able to delay the passage of the rule until the next president comes into office. Naturally, whoever wins the election will determine if the Overtime Rule survives. A Democratic president would likely veto the delaying tactics of the Congressional Review Act which would permit the Overtime Rule to become effective. A Republican president would likely allow the Congressional Review to stand which would delay or "scuttle" the DOL rule.

www.shrm.org/legalissues/federalresources/pages/overtime-rule-bill-introduced.aspx

SHRM & Affiliates Strategic Updates, Regional Council Business Meeting, Dallas TX, 2/6/2016

Certification Update

Call for SHRM-CP/SHRM-SCP Certification Preparation Instructors

SHRM is seeking qualified professionals to provide classroom instruction for SHRM-CP/SHRM-SCP preparation courses offered by one of the SHRM Education Partners.

• Applicants must have earned their SHRM Certified Professional (SHRM-CP) or SHRM Senior Certified Professional (SHRM-SCP) credential.
•Applicants must have classroom instruction and HR experience (or other minimum required or desirable qualifications).

Are you interested in teaching, or do you know someone who is? Please send your information to Alison.Costello@shrm.org

CERTIFICATION SCHOLARSHIPS! DEADLINE is July 15, 2016

Wouldn't it be great to see an EHRA member get one of these scholarships?

New for 2016! There is still time to apply for SHRM Foundation certification scholarships to be awarded in the fall. *SHRM members* may apply for this **$750 award** to support their pursuit of the SHRM-CP or SHRM-SCP certification.

Application Deadline: July 15, 2016 (awarded in October)

Eligibility: Individuals must be current members of national SHRM and their membership must remain active throughout the year they are awarded the scholarship. Individuals must be preparing to sit for the SHRM-CP or SHRM-SCP certification exam. Employees or board members of SHRM or the SHRM Foundation or other SHRM affiliate (not including chapters), and members of their immediate family are not eligible to apply for SHRM Foundation grants, awards or scholarships. Student members are not eligible to apply for this award. For more information (selection criteria and application) visit the SHRM Foundation certification scholarship page.

Application*:* The application includes contact information and a series of short-answer questions about your volunteer experience and your career aspirations. You will also be asked to upload a current resume that includes your SHRM Foundation and/or SHRM volunteer experience, and one letter of reference. Reference letters should be addressed to the "SHRM Foundation Scholarship Review Committee" and should provide insight into your character, career and volunteer accomplishments, work ethic, values, and need for the scholarship.

Timeline: Apply May 2 - July 15, 2016.....Notified of results by October 7

HRCI Introduces aPHR for Entry-Level Professionals

The HR Certification Institute (HRCI) has launched a new credential for practitioners who are just beginning their HR careers: the Associate Professional in Human Resources (aPHR) certification.

The aPHR is designed for professionals who are embarking on an HR career or transitioning into the HR field. The aPHR exam focuses on the fundamentals of HR principles and practices including recruitment, HR development and retention, compensation and benefits, employee relations and safety.

Individuals planning a career in HR, those serving in HR support roles or who have HR responsibilities but do not currently hold an HR position, as well as military personnel seeking HR professional development or transitioning to civilian HR roles will be particularly interested in this certification, explained HRCI CEO Amy Schabacker Dufrane.

HRCI's Professional in Human Resources credential is the next step up from the aPHR.

Registration for the aPHR pilot exam opens Feb. 16 for test dates in early May and registration for the first aPHR testing period opens April 1 for test dates in November 2016 through January 2017. Individuals passing the aPHR exam during either testing window will receive the aPHR designation.

Learn more at www.hrci.org/aphr.

AURORA

Aurora is in need of:

- **Food items including Beanie Weenies, Vienna Sausages, Ravioli, Beef Jerky, Potted meat, Tuna, Peanut Butter, Fruit (canned or cups), Applesauce, Protein Bars, Nuts, Soup and Ramen Noodles**
- **Pantry items needed include Canned goods, box dinners, pasta and sauce,**
- **Household items include cleaning supplies, new brooms, mops and dustpans, full and queen sheets and comforters.**

AURORA
—Giving Light to the Homeless—

DONATIONS NEEDED

The EHRA is currently seeking donations of new or gently used work clothing to donate to many different local charities. If you are interested in donating, please bring your items to our next meeting. Our current non-for-profit company that we are accepting donations for is:

Volunteer Opportunity

STATE MEMBERSHIP COMMITTEE OPPORTUNITY

One of the 2016 goals of Indiana SHRM is to revitalize the state membership committee. The vision for this committee is to assist the chapters with increasing membership through education, support, and coordination of the membership initiatives at state conference. The time commitment is typically less than one hour per month. If you are interested in participating in this committee, please contact the State Membership Director, Megan Nail, SPHR-CA, SHRM-SCP at hrpda.megan.nail@gmail.com.

Follow EHRA on Twitter @EvansvilleHR



Dear EHRA Members:

We are gearing up for our banner event of the year, the Spring Conference. This event will take place on April 20 at the Tech Center and promises to be an event you will not want to miss. Local, regional and national speakers line the agenda on hot topics such as the Americans with Disabilities Act and the National Labor Relations Board, among others. Registration is now open.



We are still working to finalize our 2016 initiatives. One area we are focusing on is Certification, which is why at last month's meeting you were given a survey to complete. Our Certification Director, Debbie Tucker, created that survey! After the last meeting, we calculated the participation to be around 50%. That is pretty good for a first try, but we would like better participation. The survey should take less than a minute to complete. Surveys are important to not only the presenter, but to the Board as it wants to better understand what the members want to hear about in upcoming meetings. Some of the requests we read in the surveys will be discussed at the Spring Conference.

The rest of the year is shaping up to provide you with quality education on current events. For instance, the Department of Labor is getting very close (as in the next 60 days) to publish its final rules revising the Fair Labor Standards Act exemptions and salary basis test. We will have a presenter on that topic once it is published.

Our networking event at Bar Louie was a big hit. We plan to do another networking event in May. Details to come…

As always, should you have any questions or comments, please email me at jfulcher@kddk.com. Look forward to seeing you at the Spring Conference!

Jake

Jake Fulcher
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EHRA Mission

The mission of the Evansville-Area Human Resource Association, Inc. is to promote professionalism in the area of Human Resource Management by providing opportunities for networking, comprehensive education and proactive support for its members while serving as a resource and advancing initiatives in the community through the enlistment of engaged and talented volunteer leaders.

EHRA Vision

To be the HR voice for the Tri-State.

MEMBER SPOTLIGHT





Tom Donahue, Consultant, would like to help improve the public's understanding of the vital role HR plays in our business community. He hopes to gain a continuous understanding of HR Management and how Best Practices enhance our manufacturing sector's growth.



Jessica Moore, Human Resource Generalist at Southwestern Healthcare, has attended a few EHRA meetings and has found them helpful. She hopes to further her knowledge of all HR areas and network with other HR professionals.



Jessica Bryant, Human Resources & Training Officer at Field & Main Bank, feels that joining EHRA looks like a great opportunity to meet fellow HR professionals and will enable her to learn more about our ever-changing HR world.



Lori Chapman, HR Manager at Winkler, Inc., enjoys working with employees to resolve any issues they may have. She enjoys being able to communicate and help them succeed.



Ellen Conway, HR Specialist at TMMI, hopes to enlarge her network of local HR Professionals and learn from their years of experience in industries other than her own.

Please welcome these new members:

Steve Gruelich, Sr. Director of Human Resources at PTI, Inc.
William Dyer, Manager, Human Resources at TMMI
Marilyn Brenton, Ex. Director of Human Resources at Ivy Tech
Sherrie LaGrone, HR Specialist at TMMI
Felicia Kermode, Human Resources Generalist at PGW
Laura Baker, HR Business Partner at Fifth Third Bank
Janet DeRoche, Human Resources Manager at ECHO Health Care
Kara Guerry, Benefits Administrator at Tropicana Evansville
Connie Stewart, Director of Human Resources at Ira Clark Detective Agency
Bill Kennedy, President at HR Business Partners, LLC
Frank Kanowsky
Mary Helen Weldy, Corporate Culture Director at Fourth Street Solutions, LLC



Did you have a recent accomplishment that you want to share? Let us put you in the spotlight.

Email our Newsletter Editor, Jennifer Chang at jenchan@atlasworldgroup.com