

# Society for Human Resources Management Emerald Coast Chapter

## Message from the President - Michele Burns

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It's so hard to believe that we are about to start the 4<sup>th</sup> Quarter of 2011. I really hate to say goodbye to Summer, but at least the Fall brings College Football. I really wish that our entire membership could have attended the HR Florida Conference this year. The speakers were great and we had some really fun times networking together. Rumor has it that we have some pretty good dancers in our group. The key note speakers this year were Tony Hsieh from Zappo's and he delivered lots of great information and I sure wish that we had been a stop on his Happiness Tour. Lisa Ling was also great – but as Cindy Wood said "she almost makes you want to quit your day job and join the Peace Corp". I probably liked Daniel Pink the best as I listened to him describe working with this new generation. I could so relate to the fact that they have grown up with cell phones, emails, texting and google searches at their finger-tips. This generation thinks that feedback and responses should come to them immediately, and then we give them performance appraisals once a year. This sure gives you something to think about. No offence at all to this generation, but some of us still remember when cell phones first came out and they were in huge black bags.

We donated a beautiful basket – thanks to Laura Kirby, Meredith Painter, Ken Mallory and Larry Tipton for the Silent Auction and it brought in \$600.00.

The best news of all came the night of the HR Florida Council dinner and they announced that we had won a Chapter Excellence Award for Membership. We had sent in all the information and formation of the Walton County Roundtable becoming part of our Chapter. This was a wonderful award for us and we also received a \$500.00 check. This information will be out on the HR Florida website and we will be recognized in the HR Florida Review Magazine.

The new slate of officers for 2012 will be out soon. I am looking forward to taking a back seat for a little while and letting this new team of officers take over. We will vote by email, so please look for the notices to come out in October. The rest of the year is planned and I have one more official trip to Tampa as your president the end of October. Thanks for taking the time to fill out the surveys that we sent out, although I wish more of you had been able to do them. I think the majority of the surveys showed that we are doing a good job and bringing valuable programs to our meetings. Please review the results on page 3 and 4.

Have a Great Fall and keep us posted with ideas for future meetings.

Michele



## Legislative News

### EEOC Files ADA Suits Focusing on Employer's Reasonable Accommodation Obligation

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9/8/2011

By Joanne Deschenaux

In the past few weeks, the U.S. Equal Employment Opportunity Commission (EEOC) has filed suits alleging violations of the Americans with Disabilities Act (ADA) against several large employers, including Kohl's Department Stores, Ford Motor Co., air transporter SITA Information Networking Computing USA and the Scooter Store. The suits all focus on when and how employers must provide reasonable accommodation.

One important aim of the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, effective Jan. 1, 2009, was to take away the courts' previous focus on the definition of disability and place that focus on whether employers are meeting their legal obligations to refrain from disability discrimination and to provide reasonable accommodations. The final regulations, published March 25, 2011, in the *Federal Register*, reinforced that intent.

"Under the new law, the focus is on how the person was treated rather than on what an employer believes about the nature of the person's impairment," the EEOC said in a statement issued March 24, 2011.

These new filings illustrate that the agency is aggressively pursuing this refocused approach to disability bias. Employers and HR need to take note, and, if they have not already done so, follow the EEOC's lead and concentrate not on whether an employee is disabled within the meaning of the ADA but on what they can reasonably do to accommodate that employee.

#### **Employees Request Telecommuting, Regular Schedule, Leave of Absence**

The case against Ford, the second largest automaker in the United States, was filed in federal court in Michigan on Aug. 26, 2011. The EEOC is claiming that the company failed to provide a reasonable accommodation to an employee with a gastro-intestinal condition who was working at its Dearborn facility by refusing to let her telecommute. Instead, the suit charges, Ford began to criticize her performance, placed her on a performance enhancement plan and discharged her only months after she complained about being denied an accommodation.

"Failing to offer a reasonable accommodation to an employee and then discharging her under these circumstances is a clear violation of the ADA," said Nedra Campbell, trial attorney for the EEOC.

A Ford spokesperson said that the company "is vigilant in protecting the ADA rights of its employees and is confident it will establish that it complied in full with its ADA obligations."

The suit against Kohl's, filed in federal court in Maine on Aug. 23, alleges that the nationwide, Wisconsin-based retailer violated the ADA when it refused to accommodate a diabetic employee's request for a regular schedule and forced her to quit her job at a Westbrook, Maine, Kohl's store. The agency claims that the worker began to suffer significant complications from her diabetes after Kohl's switched her from her long-held set schedule to an irregular schedule and that her oral requests for a return to a set schedule were repeatedly ignored. Even after the employee brought in a note from her doctor that explained the need for her to work a predictable day shift to help prevent serious complications from her diabetes, Kohl's again refused to change her schedule, the complaint alleges.

Kohl's refused to accommodate the employee, the agency states, even though it had numerous employees on set schedules and had accommodated employees' scheduling requests for such reasons as day care, transportation and other personal needs.

The complaint against SITA, an Atlanta-based air transport communications company, filed on Aug. 30, stems from a job applicant, Darlene Case, who received an offer of employment to serve as the personal assistant to a company vice president, only to learn that she would need cancer surgery. According to the EEOC, Case asked that her start date be moved back, and that she be allowed to work part-time for the first two weeks. The company said no and rescinded the job offer.

SITA responded in a statement that it "robustly denies the EEOC's allegations in their entirety. SITA is an equal employment opportunity employer and does not discriminate against individuals with disabilities. The company intends vigorously to defend itself with respect to the EEOC's unfounded claims."

The EEOC is alleging that the Scooter Store, a nationwide, Texas-based retailer, refused to accommodate an employee's request for a temporary leave of absence due to a knee injury and then fired him from its store in Farmingdale, N.Y. The EEOC's suit, filed on Sept. 2, claims that the employee timely informed the company he was incapacitated until further notice and that he required a leave of absence to seek treatment for his disability. However, the agency stated, the Scooter Store refused his request and instead fired him, purportedly for job abandonment, although he had presented medical documentation.

"Granting a temporary leave of absence to this employee would have posed no undue hardship on this company and would have allowed the employee to recuperate and return to work," said Adela Santos, trial attorney in the EEOC's New York District Office.

Elizabeth Grossman, regional attorney for the EEOC's New York District, added, "Employers are obligated to engage in an interactive process with employees and provide reasonable accommodations for their disabilities. Refusing to even consider an employee's request for a reasonable accommodation is tantamount to a clear violation of the ADA."

*Joanne Deschenaux, J.D., is SHRM's senior legal editor.*

## 2011 Membership Survey Results

Thanks for everyone who participated in our Survey. Here are the results of those that were surveyed. We had 45 people respond.

1.	19.5 % attend Walton County meetings
2.	73 % attend Okaloosa County meetings.
3.	Importance for becoming a member: 81% - Professional Development 64% - Network Opportunities 59.5% - Programs 47.5 % - Requirement of Present Job 42.9% - Leadership Development
4.	How did you hear about our group if you joined in the last 12 months? a. 60% - SHRM member b. 20% Co-workers c. 10% National Website
5.	How can our chapter retain members? Educational opportunities, speakers, welcoming environment
6.	When do you prefer meetings? 72.5 % said Wednesday 20% said Thursday 70% said 7:45 – 9:00 27.5% said 11:30 – 1:00
7.	Our locations seem to be fine in both counties.
8.	July is the hardest month to attend – followed by August, June, December and October

## 2011 Membership Survey Results - Continued

9.	Most Popular Topics for upcoming roundtables or programs:  Developments in Federal Compliance, State Compliance, Self Awareness and Working with Individual Differences, Employee Relations, Performance and Productivity, ROI on HR Functions, Influence and Negotiation, Coaching Techniques, Health, Safety and Security, Training and Development
10.	74% of our members do not want to present a topic
11.	Across the board on board member positions – although no one wanted to be President – Secretary is the most popular position.
12.	Committee Membership – the two that hit the top were Membership and Hospitality.
13.	Most people attended 4 to 5 meetings in the past 6 months
14.	71% are too busy at work to attend meetings
15.	75% are extremely Satisfied with our chapters and 19.4 are somewhat satisfied
16.	What could we do to get greater attendance and participation? Better Speakers, Get the Word out, days and time of meetings
17.	What are we doing so well that should not be changed? Speakers, Programs, very organized, Walton County member said Rebecca's Breakfast

### Society of Human Resource Managers Annual Auction

Thank you to all the 2011 Auctions Sponsors:

White Wilson – Gourmet Gift Basket

Simple HR - \$100 Visa Gift Card and Weekend at Pelican Bay Resort

Jane Bahr – Pearl Jewelry and Champagne and glasses

Chelco – Color Nook

Mike and Marcia WrightReynolds/Gulf Reflection Studios – Beach Portrait session and 11x14 portrait

A&A Transfer - \$50 gift card to Coach and Four

Mike Caraway/Fisher Brown - \$50 gift card to Flemings

Landrum Staffing - \$50 Stand Up Paddle Board rental and \$50 gift card Southern Group restaurants

ECC SHRM – Picnic Basket and Starbucks gift card

Laura Kirby/Coldwell Banker United Relocation Services – Beach Party Basket

Tina Eakes/COX – Cox movie passes

Resort Quest – 3 night stay

Frank Sandro/Emerald Grande – 3 night stay at Emerald Grande and \$100 Grande Vista bar and Grill restaurant gift card

Tracy Herman/Absolute Consulting - \$25 gift card to bonefish Grill; \$25 gift card to Chili's

Arrend Jelsma and Shawn Hutcherson/Aerotek - \$50 gift card to CrabTrap Restaurant

Mary Travis/RELS Title – Donna Burgess print

Linda Menze/Fudpucker's Restaurant – \$40 gift card

Gulfarium – 4 Gulfarium tickets

Brenda Distasi/Waffle House – Waffle House basket and gift card

Kathy Starnick/Tybrin – Spa gift card and basket

Laura Kirby

Hospitality Chair

Contact: Cell 850-450-8400; E-mail [laura.kirby@cbunited.com](mailto:laura.kirby@cbunited.com)



## Legislative News – Continued

### NLRB Requires Employers to Notify Employees of Union Rights

by Linda Bond Edwards [ledwards@rumberger.com](mailto:ledwards@rumberger.com) September 2011

Linda Bond Edwards is a partner in the firm's Tallahassee office. She represents public and private employers in claims involving labor and employment issues. She has been a featured speaker at ECC-SHRM meetings on several occasions.

Beginning November 14, 2011, the National Labor Relations Board (NLRB) will require all private sector employers, except agricultural, railway and airline employers, to post a notice to employees advising them of their rights as employees under the National Labor Relations Act (NLRA). The National Labor Relations Board is an independent federal agency responsible for and authorized to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. They also act to prevent and remedy unfair labor practices committed by private sector employers and unions. Although the NLRA has been in effect since 1935, the NLRB believes that many employees protected by the NLRA are unaware of their rights and therefore fail to adequately seek protection. The NLRB, known as the "Board" by labor law practitioners, believes that employees will be more likely to exercise their rights if they have a better understanding of those rights.

The social media frenzy has thrust the Board into the limelight recently because of allegations that employers have terminated employees in violation of the NLRA due to online commentary. The NLRB has found that some of the actions taken by employers crossed the line and interfered the employee's right to engage in "protected concerted activity for mutual benefit and protection." This issue usually arises when an employee makes a statement on Facebook or another social media site complaining about a workplace issue, fellow employees comment on the statement or action, the employer learns of the statement and immediately terminates the employee. Depending upon the circumstances, the NLRB may find the termination was unlawful and work out an agreement with the employer to right the wrongful action.

Specifically, the NLRB wants employees to know that Section 7 of the NLRA gives them the right to:

- 1) self organization,
- 2) join or assist labor organizations;
- 3) bargain collectively through representatives of their own choosing
- 4) engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection and
- 5) refrain from any or all such activities.

The Board will provide copies of postings free of charge to employers at their request. Posting notices of employee rights is not new. In fact, the NLRB relied on this fact as background information to require the posting. Currently employers must post notices advising employees of protection against discrimination and retaliation under State and Federal law as well as how to file complaints of discrimination. The Department of Labor requires employers to post information about the Fair Labor Standards Act, the Family Medical Leave Act, the Uniformed Services Employment and Reemployment Rights Act (USERRA) Information, and OSHA, among others. The State of Florida requires employers to post information about workers compensation, Florida minimum wages, and information from the Florida Department of Revenue. Employers who communicate changes to employees using electronic methods must use those same methods to communicate the NLRA information. This new requirement simply adds to the list.

Employers may experience a flurry of activity when the posting goes up because employees may mistakenly equate the new posting with new rights. However, the printers making the posters are likely to place this notice in the midst of the other laws and employees may not take particular notice unless employers make a big deal about the change. Furthermore, federal contractors have been under this posting requirement since mid 2010. Employers who fail to post the notice may find themselves facing an unfair labor practice charge because such failure may amount to an interference with an employee's rights under the NLRA. Employers may also waive their right to raise a statute of limitations argument if a petition to unionize is untimely filed and the employer failed to post the required notice.

What should an employer do? Comply by posting the required notice. Between now and November 14, the employer must

- 1) ensure there are adequate policies in place to prohibit unlawful solicitation in the event unions come knocking at the door;
- 2) update communication information to employees about employee benefits and other perquisites;
- 3) TRAIN supervisors so that the supervisors do not promise, interrogate, threaten or spy on employees if a supervisor hears a buzz of interest around the union issue.

If the employer is unfamiliar with unions, they should contact a labor attorney for assistance. The NLRB website ([www.nlrb.gov](http://www.nlrb.gov)) contains additional information and the final rule.



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## Executive Board & Committee Chairs

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# Sponsorship Rates & Opportunities/Contract

## Welcome New Members



### PLATINUM PLAN - \$500

Sponsor a SHRM Emerald Coast Chapter General Membership Meeting entitles sponsor to a 10 minute presentation at the meeting, and twelve months of advertizing on the chapter website, twelve months in the Quarterly newsletter, and twelve months listing in the Annual Directory with a business card size ad.

Steve Boykins  
The Boeing Company

Winda Sidor

### GOLD PLAN PLUS - \$300



**BlueCross BlueShield  
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**WHITE-WILSON**  
MEDICAL CENTER, P.A.

**FISHER-BROWN**  
*Insurance*



Simple **HR**

## 2011 Meeting Schedule

October 19<sup>th</sup> – Seminar, Ramada Plaza Beach Resort

Joyce Chastain – ADA: Compliance and Compassion

October 21<sup>st</sup> – Council Meeting

OCTOBER						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 16<sup>th</sup> – Breakfast, Two Trees

Dr. David Goetsch – Making Diversity an Asset in Your Organization

NOVEMBER						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 14<sup>th</sup> (2<sup>nd</sup> Wed) – Breakfast, Two Trees

Holiday Celebration

DECEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 18<sup>th</sup> – Strategic Planning for HR, 7:15 – 9:00, Two Trees Restaurant

JANUARY 2012						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

# PHR/ SPHR Certification

PHR Eligibility	SPHR Eligibility	GPHR Eligibility
<ul style="list-style-type: none"> <li>1 year of demonstrated professional (exempt-level) HR experience with a Master's degree or higher</li> <li>2 years of demonstrated professional (exempt-level) HR experience with a Bachelor's degree</li> <li>4 years of demonstrated professional (exempt-level) HR experience with less than a Bachelor's degree</li> </ul>	<ul style="list-style-type: none"> <li>4 years of demonstrated professional (exempt-level) HR experience with a Master's degree or higher</li> <li>5 years of demonstrated professional (exempt-level) HR experience with a Bachelor's degree</li> <li>7 years of demonstrated professional (exempt-level) HR experience with less than a Bachelor's degree</li> </ul>	<ul style="list-style-type: none"> <li>2 years of demonstrated global professional (exempt-level) HR experience with a Master's degree or higher</li> <li>3 years of demonstrated professional (exempt-level) HR experience (with 2 of the 3 being global HR experience) with a Bachelor's degree</li> <li>4 years of demonstrated professional (exempt-level) HR experience (with 2 of the 4 being global HR experience) with less than a Bachelor's degree</li> </ul>

## What is Certification?

The PHR and SPHR certifications are awarded by SHRM's Human Resource Certification Institute (HRCI). Certification demonstrates the holder has mastered the increasingly complex human resource body of knowledge and accepted the professional challenge to stay abreast of new developments in the HR field.

## Who is certified?

Since SHRM began credentialing HR professional in 1976, the number of certified HR practitioners in the United States has risen each year and now numbers over 36,000. HR professionals in all industries and at all levels of experience are becoming credentialed at an increasing rate.

## What's in it for me?

Your rewards are recognition of your achievement through the use of PHR or SPHR designation, the distinction of being on the leading edge of your profession and the satisfaction of knowing you have mastered the HR body of knowledge.

## How can I prepare for the exam?

Work Study groups are led by certified HR professionals. This is an opportunity for HR professionals to teach and earn recertification credits as well. To participate as an attendee or as an instructor, contact Kay Godwin, at 689-5870

Email:

## How can I find out more about Certification?

Contact SHRM's Human Resource Certification Institute at 800-283-7476 or visit

[http://www.hrci.org/why\\_recertify/](http://www.hrci.org/why_recertify/)

## Download a slideshow on the benefits and process of becoming certified.

Right mouse click on the link and choose the "Save As" option to download the Powerpoint slideshow to your computer. [Download Certification.ppt](#)

## SPHR/PHR certification?

Interested in a study group/class regarding SPHR/PHR certification? Voice your interest to [kgodwin@co.okaloosa.fl.us](mailto:kgodwin@co.okaloosa.fl.us)

## Looking for Pre-Approved Recertification Activities?

Go to <http://www.hrci.org/Recertification.aspx?id=2147483754> to access our online directory of pre-approved programs and search for classes and activities.

EXAM DATES, DEADLINES AND FEES

EXAM TYPE	EXAM DATES	EXAM FEES	APPLICATION STARTS	APPLICATION DUE	LATE APPLICATION DUE*
<b>SPRING</b>					
PHR/SPHR	May 1–June 30, 2011	<b>PHR</b> HR professional: US\$300 SHRM member: US\$250	Jan. 10, 2011	March 11, 2011	April 15, 2011
		<b>SPHR</b> HR professional: US\$425 SHRM member: US\$375			
GPHR/CA	May 1–May 31, 2011	<b>GPHR</b> HR professional: US\$425 SHRM member: US\$375	Jan. 10, 2011	March 11, 2011	April 15, 2011
		<b>CA</b> HR professional: US\$325 SHRM member: US\$275			
<b>WINTER</b>					
PHR/SPHR	Dec. 1, 2010–Jan. 31, 2012	<b>PHR</b> HR professional: US\$300 SHRM member: US\$250	July 11, 2011	Oct. 7, 2011	Nov. 11, 2011
		<b>SPHR</b> HR professional: US\$425 SHRM member: US\$375			
GPHR/CA	Dec. 1–31, 2011	<b>GPHR</b> HR professional: US\$425 SHRM member: US\$375	July 11, 2011	Oct. 7, 2011	Nov. 11, 2011
		<b>CA</b> HR professional: US\$325 SHRM member: US\$275			

\*A US\$50 late fee will be incurred after the regular deadline.

THE EXAMS ASSESS YOUR KNOWLEDGE IN THE FOLLOWING AREAS

PHR\*



SPHR\*



GPHR\*



APPLYING FOR THE EXAM

Apply for your exam online in three simple steps:

1. Go to [www.hrci.org](http://www.hrci.org). Create an online profile to obtain your HRCI ID number.
2. Fill out the application and submit payment.
3. Schedule your appointment after receiving notification that you are eligible to take the exam.

FOLLOW US ON **CERTIFICATION MATTERS BLOG**  
 Web site: [www.hrci.org](http://www.hrci.org) © 2011 HRCI **COMMIT TO A HIGHER STANDARD**

# SHRM Foundation News

## Effective Practice Guidelines

If you are like most HR professionals, you probably lack the time to keep up with the latest research findings in human resource management. Yet knowing which HR practices have been shown by research to be effective can help you in your role as an HR professional. The SHRM Foundation's Effective Practice Guidelines are a series of reports that distill the latest research findings and expert opinion into specific advice on how to conduct effective HR practice. They are written in a concise, easy-to-read style to provide practical information to help you do your job better.

The SHRM Foundation publishes new reports each year. Recent reports include On boarding New Employees: Maximizing Success and The Search for Executive Talent: Understanding the Process and Setting It in Motion.

On boarding New Employees: Maximizing Success will explain how on boarding fits into the larger business context, what new employees can do to help facilitate their own orientation process and why on boarding is a critical part of an effective talent management strategy.

The Search for Executive Talent: Understanding the Process and Setting It in Motion provides an overview of the executive search process and offers specific research-based recommendations for increasing its success rate.

Other titles in the series include Employment Downsizing and Its Alternatives, Recruiting and Attracting Talent; Retaining Talent; Developing Leadership Talent; Implementing Total Rewards Strategy; Learning System Design; Employee Engagement and Commitment; and more.

All of the titles are available as free .pdf downloads under "SHRM Foundation Products" on the Foundation website ([www.shrm.org/foundation](http://www.shrm.org/foundation)). The Effective Practice Guidelines series is made possible by your tax-deductible contributions to the SHRM Foundation.

