



LIVINGSTON AREA HUMAN RESOURCES ASSOCIATION

December Program Meeting

Leadership Lessons – A View from the MISHRM State Conference



Come hear your fellow LAHRA members provide highlights from sessions attended at the MISHRM State Conference in October. This is a great opportunity to get an overview of what you missed as well as network with our Howell Chamber community partner members. Key points will be shared about the strategies and practices used by experts in the HR profession in the following areas:

Cheryl Rogers, Livingston Daily Press & Argus
“Do MORE with less. Reduce Training Costs Through Well Placed Technology”

Jon Porta, Grace & Porta Benefits
“Changing Your Destiny. Managing Healthcare Costs.”

Kristi Stutz, Kelly Services
“Conflict Management”

Steve Williams, EctoHR
“The 20 Biggest Mistakes That Human Resources Departments Make – A Lawyer’s Perspective”

Presented By:

LAHRA & Howell Area Chamber of Commerce

Date: Wednesday, December 9, 2009

Time: 11:30 p.m. – 1:00 p.m. (lunch provided)

Place: Howell Area Chamber of Commerce, Howell

Cost: \$20 for all attendees

Reservations: Make online at www.howell.org by 12/2/09

Save the Dates!



Tuesday, January 19th, 2010

January Program Meeting

11:30a.m.-1:00p.m.

Location: To Be Announced

Speaker: James Goebel – Co-Founder Menlo Innovations, Ann Arbor

Topic: “Hiring Team Oriented People by Changing the Way You Interview”

Tuesday, February 16, 2010

February Program Mtg.

Topic: “HR & Social Networking”

7:30a.m.-10:00a.m.

Presented by Tim Sackett,

Executive Vice President of HRU Tech

October 4-6, 2010

2010 MISHRM State Conference

HR Lean

Leadership. Environment. Action. Next Steps.

Devos Place @ Grand Rapids, MI

For more information:

www.ahrm.net or www.mishrm.org

Member News

Congratulations **Michelle Vorase-Biskner** on your promotion to Director of Human Resources and Senior HR Business Partner!

In her new role, Michelle will provide HR leadership and consultation to business leaders in both Payer and Innovation, working with them to strategically align talent and HR initiatives with business objectives.

Congratulations **Kristi Stutz** on being awarded the SHRM Foundations scholarship to complete your certification! For more information on the SRHM foundation and a list of award winners, please visit <http://www.shrm.org/about/foundation/scholarships/Pages/default.aspx>

Have any updates (i.e., promotions, certifications, moves)? Email them to laurelynhewitt@yahoo.com

President's Message

By Steve Williams



Steve Williams

It's truly hard to believe that it's time for the holidays already.... It certainly has been a wild year, hasn't it? As it relates to LAHRA, it's been a truly successful and fun year. We've managed to hold our membership steady and may even add a member or two. Our collaboration with other groups and community involvement has really increased and you'll see more activity there in the very near future. We've also tried to stay true to what's important to our members and avoid some of the challenges that other professional associations face.

One challenge we do currently have is a strong need for some more active volunteerism. LAHRA has always had a very strong core of volunteers but we want to expand on that core. We hope that we do not ever appear "clicky" and that we welcome new people. If not, I apologize for that personally and would like to make it up to you by

offering the once in a lifetime chance to be on a LAHRA committee! J Truly, as you've heard me say before, my work with the LAHRA team is some of the most rewarding professional work I have been involved with in my career. Specifically we could use some help with our membership committee, our workforce readiness team (army of one. Amy?!?), and the programs area. So, if you are in transition (lots of free time) or the type who likes to jump in and get involved, ask one of us how you can help and we'll put you to work. Not in a boring "here, do this" type of way, but in the way that will help you network, make some strong relationships, and ultimately benefit your career. Oh, and this includes any student members too – you're the future in the profession and we want you to be involved in shaping this chapter too.

What a wonderful November program, as those that attended can attest! The opportunity to pick the brains of managers that have built and lead successful teams of people really got my brain moving (watch out!) in a bunch

of creative ways. It also reinforced to me how giving HR people, and all people for that matter, really are and how most often, we just need to ask someone to help and they usually will. Our panel gave of their time and their intellectual property and we're thankful for their doing so. One of the goals of the Livingston Human Resource Association is to share best practices and to help each other, which benefits us individually, our companies, and our communities.

I hope to see many of you at the Howell Chamber Lunch & Learn program being co-hosted by LAHRA in December and I look forward to some great programs to start 2010 as well. We have the opportunity to change venues to Crystal Gardens and this partnership is a positive for LAHRA and Livingston County. Additionally, we're planning a FREE workshop or two that will benefit members and member companies and I hope all of you will take advantage of the benefits LAHRA offers you.

Top Employers - November Program Recap

Our panel offered a glimpse into the world of top places to work in the region. The discussion was especially interesting due to the wide range of industries represented. We had some good "take home" ideas after listening to this group of managers and HR professionals. Here are a few highlights:

Employees at Hemlock Semiconductor Corporation enjoy a "family" atmosphere in spite of the rapid growth of this organization, a Dow Corning subsidiary. Flex scheduling helps employees to maintain a work/life balance and allows some meeting free days to complete work

tasks. According to Operations Manager Sherrie Fritze-Harris, the company has a community focus and communicates with their neighbors through a community advisory panel and newsletter.

At Borders, headquartered in Ann Arbor, Senior Corporate HR Manager Lauren Comai Hornberger oversees "let's talk" round table discussions to foster communication within the organizations various levels. The company actively recruits for diversity of thought in their candidates. They also employ individuals that have a passion for their products whether, books, music, movies, or other media.

process and utilize the information that flows in from all levels of the organization. According to Senior HR Generalist Anne Dewys, the leadership in the organization makes an effort at transparency to help employees know what is going on behind the scenes to improve and strengthen the company. This has helped them to maintain stability during rapid growth.

At Orchard, Hiltz & McCliment, Inc. (OHM) an architectural and Civil Engineering firm, recruiting takes place at some local universities. OHM Director of HR Kelly L. Jackson manages programs that help students to develop interviewing skills and brand identity before coming out into the industry. Faculty has been helpful in developing talent and grooming future employees for the organization. Recently OHM has implemented a healthy living wellness program to assist their employees and help to manage health care costs.

Thanks to all our great speakers!



Cheryl Cunningham facilitates our Guest Speakers Kelly L. Jackson, Lauren Comai Hornberger, Anne Dewys, and Sherrie-Fritze-Harris.

Spectrum Health located in Grand Rapids is another of the award winning companies represented on our panel. They engage employees in the improvement

Excerpts From Legal Briefs

by Audrey E. Mross, Munck Carter LLP

• That's Sick

A rep from CA introduced a bill in Congress on Nov. 3 to mandate up to five days of sick leave be paid to employees, if their employer (defined as having 15+ employees) sent them home or advised them to go home or stay at home because the employee has a contagious illness, like the H1N1 flu bug. Employees who decide, on their own, to stay home would not be eligible for the mandated pay. The bill would also prohibit employers from firing, disciplining or retaliating against an employee for staying home due to illness. Hearings are set for the week of Nov. 16 and, if passed, could take effect within 15 days of signing. Stay tuned.

• That's Sick, Part 2

The EEOC is adding its take on H1N1, by posting "Pandemic Preparedness in the Workplace and the ADA" on its website at www.eeoc.gov/facts/pandemic_flu.html. In the guidance, the agency explains how disability-related inquiries and exams, excluding certain persons from the workplace and failing to reasonably accommodate certain individuals may run afoul of the ADA. The guidance includes an "ADA-Compliant Pre-Pandemic Employee Survey" that is being allowed, as part of an employer's advance planning to deal with the potential for increased absenteeism due to employee or employees' family members' illness.

• Rewrite Your FMLA Policy (Again)

The ink is barely dry from adding two new types of FMLA leave, for family members of military personnel who are providing care or helping with an exigent circumstance, and now those provisions are out-of-date. The National Defense Authorization Act of 2010 (H.R. 2647) expanded the scope of exigency leave to include time off to assist a member of the regular Armed Forces who is deployed to a foreign country. The former version gave up to 12 weeks off to the spouse, son, daughter or parent of a service member who was in the Guard or Reserve who had been called up. The caregiver leave had provided up to 26 weeks of time off to various

family members to care for a Guard/ Reserve/Armed Forces member who whose illness or injury was incurred while on active duty. Now, the scope is expanded to include veterans undergoing treatment, recuperation or therapy for an illness or injury that occurred any time during the five years prior to the date of medical treatment. The leave now also covers a service member who has aggravation of a pre-existing injury.

• This is Not a Text

President Obama signed an Executive Order on Oct. 1, telling federal employees they better not text while driving on official business or while using government equipment. And heads' up federal contractors, because the agency you're servicing is being told to encourage you to do the same, if you happen to be driving on government business. The definition of texting is broad, to include e-mailing, reading or writing messages, and receiving or sending other electronic data communications from a handheld or other electronic device, including for navigation purposes.

• When MySpace is Really My Space

Social networking sites put a lot of info, both flattering and not, into a public forum. Employers know this and often cruise sites as part of vetting an applicant for hire or perhaps an employee who's up for promotion. The relative ease with which one can read another's postings (or rants) lulls many into thinking it's all good, but a recent case provides a reminder that these "tech toys" can get employers into real trouble. Two waiters are fired after their employer reads their private MySpace page, which included sexual banter aimed at management and customers. Violation of harassment policy, right? Perhaps, but the larger concern is that the managers may have coerced the password out of the funny dudes' co-worker, in order to access a private MySpace account which included an invitation-only chat. In so doing, the court agreed with the plaintiffs that the managers had violated the federal Stored Communications Act

and the NJ Wiretapping and Electronic Surveillance Control Act and more. The jurors found the managers act malicious, which entitled plaintiffs to both compensatory and punitive damages. *Pietrylo v. Hillstone Restaurant Group* (D. N.J. 9-09). Lesson? Just because you have a talented IT person and/or can charm a password out of an employee, don't forget that private means private when accessing others' private pages. Just because you can does not mean that you should.

• Post It

Changes to the ADA and the addition of GINA mean that your current "EEO is the Law" poster is probably no longer compliant. There are two ways to fix the problem . . . either print off the new supplement poster and add alongside your EEOC version (Sept. 2002) or OFCCP version (Aug. 2008) of "EEO is the Law" poster, or take down the old version and post the new version (Nov. 2009). Both the supplement and the new version can be printed off at www.eeoc.gov/posterform.html or you can go to that same site and act on the directions for ordering multiple copies for each of your establishments, which will be sent via snail mail.

• Tears for Sears

The EEOC notched its largest ADA settlement ever, \$6.2 million against Sears, Roebuck and Co., over an alleged practice of denying reasonable accommodation requests that would allow employees to return to work and/or not allowing brief extensions of leave when the one-year leaves exhausted. The three-year consent decree includes an injunction against violation of the ADA and retaliation, requires preparation of a new workers' comp leave policy, reports to the EEOC, training of Sears employees and a notice posted at all Sears locations. The decision does not rule that the policy was unlawful and courts often find that neutral automatic termination policies that apply to all types of absence (not just those that involve an injury or illness), when applied consistently, do not constitute

continued on page 4

Legal Briefs

continued from page 3

disability discrimination or workers' comp retaliation. However, changes to the ADA which took effect in January are shifting the focus to the "interactive process" where the possibility of accommodation is discussed. If you are effecting automatic terminations of employment without an ADA review, think again. And you might want to look at a NJ case which denied an employer's summary judgment motion even though the plaintiff employee had not fully cooperated with the return to work and ADA review procedure. The court held that a fact issue remained as to whether the plaintiff or the employer were to blame for the ineffective interactive process, but seemed to hint when it said perhaps the employer had caused the problem by forcing the employee to choose between the employer's process or no interaction at all and "aborting the search for an accommodation when the plaintiff did

not play by [its] rules" and firing her. Decree v. UPS, Inc. (D.N.J. 9-09).

• Enlighten Me

Internal office and cubicle dwellers are going to love this one. If an employee brings a note from her psychologist that says placement in a room with no exterior light is most likely the cause of her depression (due to seasonal affective disorder or "SAD"), you might want to consider letting her see the light. In partially reversing summary judgment, the 7th Circuit Court of Appeals said the employer was obligated to provide this medically necessary accommodation unless it would pose undue hardship. With the option to switch rooms with someone else or move to a vacant room with windows, the Court felt a jury could reasonably find "little hardship" in doing so. Ekstrand v. School Dist. of Somerset (7th Cir. 10-09).

New EEOC Workplace Poster Required and Available

The Equal Employment Opportunity Commission has issued a revised workplace poster for employers covered by the federal anti-discrimination laws. The revised "Equal Employment Opportunity is the Law" poster incorporates the notice requirements under the new Genetic Information Nondiscrimination Act ("GINA") as well as changes related to the ADA Amendments Act.

The revised poster includes information regarding GINA's ban on

employment discrimination based on an individual's genetic information, which is effective on Nov. 21, 2009. GINA applies to all private, state, and local government employers with 15 or more employees. The poster's ADA section includes changes made as the result of the ADA Amendments Act that were effective January 1, 2009.

For additional information, see the EEOC website at: <http://www.eeoc.gov/>

Reminder - The LAHRA website is available to post free Job Postings for all LAHRA members.
www.livingstonhr.org



Livingston Area Human Resources Association

Our mission is to provide a forum for education and networking among area human resources professionals, to advance the HR profession and to help our members grow professionally.

2009-2010 BOARD OF DIRECTORS

Steve Williams
President
Steve@ectohr.com

Kristi Stutz
President-Elect
Director of Programs
stutzkl@kellyservices.com

Kari Olds
Secretary
Kolds@amerisure.com

Mary Nye
Treasurer
mnye@lcunitedway.org

Christine Gehringer
Director of Membership
Christine.Gehringer@tggroupna.com

Amy Bayerl
HRCI / SHRM Foundation
Legislative Affairs
Workforce Readiness
amy-bayerl@amc.mitsuba-gr.com

Lyn Hewitt
Director of Communications
laurelynhewitt@yahoo.com

Tracie Wolfe
Past President
twolfe@zingermans.com

Newsletter design by NLT Designs.
Contact nicole@nltdesigns.net for more information.