

August 2014

Issue 36



Letter from the President

by Billie Fisher Callahan, TAHRA President

I am not sure about the rest of our members, but I feel like this year is flying by. It seems like yesterday the focus was 2014 priorities and now many of us are talking 2015 budgets and planning...wow! TAHRA is staying busy too and yes, we are starting the planning process for 2015!



Nancy Gunter, VP of Programs is busy reviewing potential program speakers for first quarter of 2015 and Michelle Lehman, TAHRA President Elect and the board will begin succession planning for 2015 TAHRA leadership roles in late August. But before 2015 takes over, I want to remind members about the remaining 2014 initiatives and encourage your involvement.

There are four program meetings left to attend in 2014. Each of them will cover at least one topic members asked for on the 2013 membership survey. We also have four learning labs scheduled for the remainder of 2014. Register today and put your TAHRA membership to great use!

The Return on Inclusion Summit returns this year on October 30th and is sure to be amazing. The CEO/Executive Breakfast is FREE; please ask your leader to attend and register them today. The ROI committee has partnered with many local businesses and organizations and is featuring a nationally renowned speaker for this event. If you have not "googled" Lenora Billings-Harris, you should now. With several opportunities to participate, you will not want to miss this!

The annual membership survey will go out in early October, this is the TAHRA membership's opportunity to provide feedback about upcoming program meeting and learning lab topics. Survey results are reviewed by the board and improvements are driven from the survey feedback. Watch for it in your email and let us know what you want.

Also, don't forget in November, our Annual Employment Law and Practices Seminar will return. This full day legal seminar is scheduled for November 6th and is always a TAHRA favorite. Save this date on your calendar now!

Lastly, TAHRA will give our website a remodel later this year. If you have a passion for organizing, technology and an eye for information layout and design please reach out to myself or Julie. We are looking for eager, creative volunteers!

I encourage the TAHRA body to enjoy the next few months, whether it is



Chapter 0175

IN THIS ISSUE:

Program and Workshop

Learning Lab

PHR/SPHR Review Course

Legal Updates

Return on Inclusion

Metro TAHRA

SHRM Certification

TAHRA Board & Chairs



Follow TAHRA!

school starting, football season or just warm Pumpkin Spice coffee drinks this fall...don't forget about 2014!

Billie

August Program Meeting and Manager and Supervisor Workshop

Wednesday, August 20

Lunch and Program |11:15am - 1:00pm|

Manager and Supervisor Workshop |1:30pm - 3:30pm|

Renaissance Tulsa Hotel and Convention Center

The registration fee for the Supervisor Workshop is \$60 per person in addition to the Program fee (\$20 TAHRA Members, \$30 Guests).

Register 6 or more individuals from one entity and receive the discounted rate of \$50 per person for the Workshop. Registration for each event (program and workshop) is separate.



The Importance of Employment Law and Practices Training for Supervisors and Employees

Presented by W. Kirk Turner

Newton, O'Connor, Turner & Ketchum

Why is it so important to regularly and clearly provide legal training to your organization's supervisors and employees about your company's harassment, EEO, FMLA, ADA and other employment policies and practices? Come to the August program meeting and hear the critical legal and business reasons for training both supervisors and employees, the benefits of regularly conducting training, and the importance of clearly communicating to your employees and managers their legal responsibilities for understanding and complying with applicable employment laws and your organization's policies and procedures.

[Register for Program](#)

Manager and Supervisor Workshop

Bring your Supervisors and Managers to our Annual Workshop.

Immediately following our August Program, Kirk Turner, a regional leader in labor law and employment practices training, will conduct a two-hour training session for your managers and supervisors highlighting the biggest employment-related mistakes made by managers and supervisors and how to avoid them. Kirk will also provide interactive legal training to your leaders in the critical areas of compliance and effectively managing employee performance and behavior under the EEO laws, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA) and the Fair Labor Standards Act (FLSA). This is a great opportunity to expose leaders to the critical skills needed to effectively navigate the maze of employment laws to which employers are subject.



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College Relations Chair

Shane Norrid

[Register for Workshop](#)



This **program** has been approved for **1** (HR General) and **workshop** has been approved for **2** (HR General) recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute. Please be sure to note the program ID number on your recertification application form. For more information about certification or recertification, please visit the HR Certification Institute website at www.hrci.org.

The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.

Kirk Turner of Newton, O'Connor, Turner & Ketchum, P.C., a national leader in labor law and employment practices training and one of TAHRA's favorite speakers each year, will make the case that providing supervisors and employees with regular employment practices training will go a long way toward reducing exposure to liability for employment-related claims while improving management competencies in these critical areas. You will not want to miss this fast-paced, interactive presentation.

Sponsored by:



August Learning Lab

Thursday, August 28
|2:00pm - 4:00pm|
Location: OSU Tulsa

Retirement Readiness: Is Your Company's Retirement Plan Ready for Today and Tomorrow?

*Presented by Carter Cowan, AIF
Northstar Wealth Management, LLC
and Todd Champney
Great West Financial*



Offering a retirement plan can be one of the most challenging, yet rewarding, decisions an employer can make. The employees participating in the plan, their beneficiaries, and the employer benefit when a retirement plan is in place. Administering a plan and managing its assets, however, require certain actions and involve specific responsibilities.

Join us in August as Carter Cowan and Todd Champney share the top 10 mistakes in Retirement Plans, key fiduciary issues every HR representative needs to know and remedies to correct non compliant retirement plans. They will also discuss current trends to consider to help employees become retirement ready and the cost benefit to employers of a strongly engaged workforce.

Workforce Readiness Chair

Rod Benham, MBA, PHR
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Dixie Agostino, SPHR
HRCI Chair

Stanna Brazeel, SPHR
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Kari Dean, PHR
Sponsorship Chair

Denise Reid
Chamber Liaison

Julie Odom
Chapter Management
Professional

[Register today!](#)

Carter Cowan graduated from the University of Oklahoma with a Finance Degree and holds an MBA from Oklahoma State University. He began his career in Tulsa 16 years ago as a Relationship Manager for Bank of Oklahoma in their Institutional Wealth Management Division, working to ensure Plan Sponsors kept their retirement plans in compliance and up to standards that would help them to maintain and attract key employees.

Todd Champney is the Regional Sales Director at Great-West Financial covering Oklahoma and North Texas. He has been in the retirement plan industry since 1996. Todd combines his extensive industry knowledge and experience create solutions the in the marketplace. He is a graduate of Texas A & M University.



PHR/SPHR Review Course

The Fall 2014 PHR/SPHR Exam Review Course will begin August 14, 2014 at Tulsa Tech - Lemley Campus. This 14 week course is instructed by Bill Webb, SPHR and utilizes the SHRM Learning System. The SHRM Learning System Course is designed to provide you with an overview of key areas in human resource

management. Materials include six modules that correspond to the six functional areas, responsibilities, and associated knowledge as defined by the Human Resource Certification Institute (HRCI). Besides being a powerful tool to assist you in preparing for the PHR or SPHR certification exams, the course also provides professional development for you and your HR Department.

Why Should You Earn Your PHR/SPHR?

In order to remain competitive in the HR field, it is imperative to be certified. Earning a Professional in Human Resources (PHR) or Senior Professional in Human Resources (SPHR) certification will highlight your commitment to the profession, ensure you remain current with industry standards, and establish you as a leader both within your field and organization.

[Click here for enrollment brochure.](#)

For more information on fees and enrollment please contact Teri Ruggiero at 918-828-5453.

RECENT RULING FINDS EMPLOYER LIABLE FOR HARASSMENT BY THIRD PARTY

by W. Kirk Turner, VP of Legislative Affairs

The U.S. Court of Appeals for the Fourth Circuit recently ruled in *Freeman v. Dal-Tile Corp.* that an employer is liable for harassment by a third party when the employer knows or reasonably should have known about the harassment and fails to take prompt, remedial action reasonably calculated to end the harassment.

In *Freeman*, the female plaintiff worked as a customer service representative selling ceramic tile and other products. As part of her employment, Freeman had received the employer's anti-harassment policy which described both prohibited conduct and



the process for reporting such conduct. The male harasser was a sales representative for a kitchen and bath remodeling center. The plaintiff and the harasser interacted on a daily basis for three years. During these interactions, the harasser revealed to the employee pictures on his cell phone of naked women, expressed his hung-over state in racially derogatory terms, and referred to Plaintiff with racial and sexual slurs.

On other occasions, the employee overheard the harasser make offensive racial and sexual comments. These comments included referring to other employees as "black b****es" and telling another female employee that he was going to have sex with one of her daughters. The employee's co-workers also testified that the harasser made inappropriate sexual and racial comments on a daily basis. The harasser himself admitted that he made sexual comments and comments that were "[m]aybe racially inappropriate."

The employee asked the harasser to stop using offensive language and repeatedly discussed the harassment with her direct supervisor, as well as the harasser's employer. Her direct supervisor, who was present for some of the offensive incidents, acknowledged that the harasser was a "pig," and the harasser's employer laughed. When her direct supervisor took no action to stop the harassment for three years other than ineffectively telling the harasser to stop using inappropriate language, the employee complained to the human resources department.

The harasser was initially banned from the employer's facility. However, the employer then allowed the harasser to return on the conditions that he not communicate with the employee and that he schedule all of his on-site meetings through the employee's supervisor. The possibility of further harassment caused the employee to suffer from anxiety and depression and she had to take a two-month medical leave of absence. The employee resigned less than one month after returning from the leave of absence.

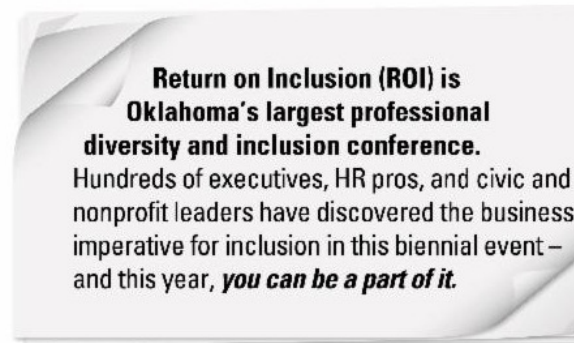
The employee filed suit in the U.S. District Court for the Eastern District of North Carolina, alleging, among other things, sexual and racial harassment. The district court granted the employer's motion for summary judgment on the harassment claims. According to the district court, the employee showed that the harassment was unwelcome, based on her race or sex, and subjectively perceived by her to be abusive. However, she failed to create a genuine dispute of material fact as to whether the harassment was objectively severe or pervasive. In addition, the district court ruled that liability could not be imputed to the employer. The district court held that the employee had not complained to her direct supervisor and knew that there were other avenues for complaints if she was not satisfied with her direct supervisor's response, and that the employer's response to the harassment was sufficient.

The employee appealed to the Fourth Circuit Court of Appeals, which reversed and remanded the decision. After initially reciting the frequent abusive behavior that occurred over the three-year period, the appeals court ruled that a reasonable jury could find that the sex-based harassment and the race-based harassment were objectively severe or pervasive. Second, the appeals court held that an employer is liable for third parties creating a hostile work environment if the employer knew or should have known of the harassment and failed to take prompt, remedial action reasonably calculated to stop the harassment. In this case, the employee's direct supervisor was aware of the harassment because she witnessed some of the incidents and was notified of other incidents by the employee. Moreover, the direct supervisor knew that the harassment was ongoing and took no action. The Fourth Circuit also found that when the employer did respond to the complaint of harassment, the response was neither prompt nor adequate. The employer took no action until the employee complained directly to the human resources department after enduring a full three years of harassment and then allowed the harasser to continue coming to the facility.

The following are preventive actions employers should take in light of the Freeman decision:

- Review and, if necessary, revise anti-harassment policies to ensure that offensive conduct by third parties such as customers, contractors, vendors and suppliers is prohibited and that multiple reporting avenues to complain are made available to employees.
- Frequently provide employment law training to supervisors regarding your organization's legal obligations, policies and the requirement that leaders promptly respond appropriately to harassment complaints and immediately report alleged inappropriate behavior to human resources and/or senior management.
- Ensure managers and supervisors are vigilant about policing for harassment among their subordinates, even if a complaint is not made.
- Take complaints of harassment by a third party as seriously as complaints of harassment by a supervisor or a co-worker.
- When harassment or other inappropriate behavior is substantiated, document the remedial action(s) taken and follow up with the victim to confirm that the harassment has stopped.

Please stay tuned for future developments and, as always, please do not hesitate to contact Kirk Turner at 918-587-0101 or kturner@newtonoconnor.com if you have any questions concerning this article.



Mosaic 2014 Top 20 Inclusive Workplace Culture Survey

Complete Survey by August 8th!

by Denise Reid, Chamber Liaison

Mosaic 2014 Top 20 Inclusive Workplace Culture Survey has launched and

we would like your help to reach 150 companies or organizations participating in the survey.

Our goal is to educate, lead and influence area employers to create inclusive workplace cultures through our survey by building awareness around our five key metrics:

1. CEO Commitment
2. Diversity Supplier
3. Diversity Recruitment, Hiring, Promotion & Development
4. Policies & Procedures
5. Community Outreach

If you are interested in propelling us forward please consider completing the Mosaic survey by **August 8th**. Link to complete survey -

https://tulsacc.az1.qualtrics.com/SE/?SID=SV_eKl0CTccGQoj1KB

If you would like more information about Mosaic's program of work visit www.MosaicTulsa.com or email Denise Reid denisereid@tulsachamber.com.



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Call for Volunteers!

The TAHRA Board currently has two openings, Vice President of Public Relations and Board Member at Large - Website/Technology.

VP of Public Relations -Responsible for promoting TAHRA to the general public and keeps members informed of HR and TAHRA issues through Newsletters, Advertising, Special Events and Publicity/Media.

Board Member at Large - Website/Technology - Tasked with providing and supporting members with an innovative website to interact and make resources available to the TAHRA membership.

You must be an active professional member to serve on the TAHRA Board of Directors. If you are interested in either of these positions, please contact Billie Fisher Callahan at billiefishercallahan@gmail.com.



Kerry Olson	Airgas	Emily Smith	Ross Group
Jennifer Green	Bill Knight Automotive	Kim Wolfe	Swagelok OK Fluid Solutions
Gena Brooks	TalentSmart	Mary Honea	Interline Brands
Bethany Lyon	Doerner, Saunders, Daniel & Anderson	Melissa Goodwin	CEJA Corporation
Natalie Thomas	Student	Rhonda Siex	Society of Exploration Geophysicists
Frank Quiroga	Luxa Enterprises	Jerry Zimmerman	Interactive CAD Services, Inc
Shannon Bingham	Dentsply	Melissa Shook	Kelly Services
Andi Hunt	Addison Group	Tammy Davis	Indian Health Care Resource Center of Tulsa
Jennifer Thompson	Nordam		



Calendar of Events

August 20 - Program Meeting - [The Importance of Employment Law and Practices Training for Supervisors and Employees](#) presented by Kirk Turner

August 20 - [Manager and Supervisor Workshop](#) presented by Kirk Turner

August 28 - Learning Lab - [Retirement Readiness: Is Your Company's Retirement Plan Ready for Today and Tomorrow?](#) presented by Carter Cowan and Todd Champney

September 17 - Program Meeting - [Strategic HR Leadership in the New Economy: Developing and Empowering a Workforce of Future Leaders](#) presented by Andy Masters

September 25 -Learning Lab - Details available soon

Tulsa Area Human Resources Association
admin@tahra.org
 (918) 344-4622

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