

May 2015

Issue 45



Letter from the President

by Michelle Lehman

May is one of my favorite months of the year and a time of both endings and new beginnings. Spring flowers are in full bloom, the grass is newly green, school is almost over until fall, and high school and college students graduate and seek out new opportunities (maybe with your organization). In keeping with the spirit of spring, TAHRA has several programs to help re-energize you as an HR professional and bring fresh ideas to your organization. We would love to see you at our next Program Meeting and Learning Lab!



I am very excited about our May Networking Event, the "Spring Social", May 21st, 2015 from 4:00pm -7:00pm at James E McNellies Pub! This is a great opportunity for new members and current members to get acquainted with other TAHRA Members and expand your networks. Drinks and hors d'oeuvre's will be provided. We will have a great evening of fun with your Tulsa area HR colleagues!

The best testament to the value TAHRA provides is the referral of another HR professional. Please submit the names of colleagues or friends who may also benefit from TAHRA membership to admin@tahra.org Thank you in advance for your referrals!

Foundation Fact! Did you know that the SHRM Foundation provides valuable information in the form of research, whitepapers, radio, interviews and more on the SHRM website? These resources come with your National SHRM membership and are an invaluable tool! Access them anytime online at: <http://www.shrm.org/about/foundation/pages/foundationhome.aspx>

If you are interested in any volunteer opportunity or in joining the supporting committee, please email me at michellelehman@cox.net. Thank you for your membership, your time, and your dedication to our amazing profession!

Have a wonderful month---Michelle

May Program Meeting

Wednesday, May 20 |11:15am - 1:00pm|

Location: Crowne Plaza Tulsa - Southern Hills



Employee Engagement and Why it Matters

Presented by Dixie Agostino, SPHR, CPC
Switchgear Search & Recruiting

Employee engagement does not mean employee happiness. Someone might be happy at work, but that doesn't necessarily mean they are working hard or productively on behalf of the organization. Employee engagement is defined as the the emotional commitment the employee has to the organization and its goals. At our May program, Dixie Agostino will present on employee engagement and why it matters. She will discuss the cost of a less than engaged workforce, ideas to discover where your employees' current level of engagement is today and what to do about it once you know. This program will give HR professionals real facts to take to upper management and the fuel to set a strategic engagement plan in place.

Learning objectives:

- Definition and understanding of Employee Engagement and its impact on company
- Techniques to measure your organizations current level of engagement
- How to develop a plan to hit target engagement goals
- The benefits of implementing a long range, strategic engagement maintenance plan

[Register Now!](#)



This program has been approved for 1.0 recertification credit hours toward General recertification through the Human Resource Certification Institute (HRCI). Please be sure to note the program ID number on your recertification application form. For more information about certification or recertification, please visit the HRCI 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.



Chapter 0175

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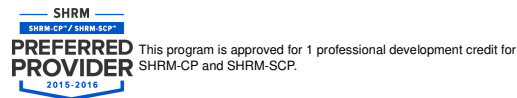
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Follow TAHRA!





Dixie Agostino has spent almost a decade learning what makes people give their best at work. She is driven by the question "How can we make this better?" She started Switchgear Search & Recruiting in 2010, specializing in recruiting top technical talent for the energy, manufacturing and engineering industries. Through her experience with hundreds of companies in Oklahoma, she is an expert in company culture, talent acquisition and employee engagement. Her client list ranges from Fortune 500 companies to start-ups, but the common denominator these companies share is a passion to maximize their people.

Sponsored by:



May Learning Lab

Thursday, May 28 | 2:00pm - 4:00pm
Location: OSU Tulsa North Hall

FMLA: Strategies for New Compliance Challenges

Presented by *Charles Plumb*
McAfee & Taft



FMLA usage is on the rise and more employees are enforcing their rights through the courts. When an employee misses work, it is the employer's responsibility to determine whether FMLA applies. You must know the rules!

Understanding all of the intricacies and challenges of the Family Medical Leave Act can be a daunting task. Whether you are new to employee benefits or are an experienced Human Resources professional, this lab will provide all of the latest information on FMLA compliance.

Charlie Plumb will cover the most recent FMLA developments and important legal updates. He will share the most effective approaches, when it comes to balancing an employer's legal obligations with the real world need to administer, monitor and police FMLA usage by the workforce.

[Sign up today!](#)

Charlie Plumb represents management in all phases of employment law and labor relations. Much of his practice is dedicated to counseling employers on compliance with a broad range of state and federal employment laws and regulations and educating management on best practices for avoiding disputes arising from the employer/employee relationship. He also has extensive litigation experience before federal and state courts, regulatory and administrative agencies, and in arbitration matters involving claims of discrimination, wrongful discharge, retaliatory discharge, breach of contract, and constitutional law violations.



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9th Annual **make**
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Employee Health and Wellness Conference:
A Healthy Tulsa Now

Register online at
www.miyb.myevent.com

Properly designed health promotion programs can positively impact an organization's bottom line, by lowering health care costs and increasing workplace productivity.

Conference attendees will learn what it takes to develop and implement an effective wellness program, how to create a culture of health, and how to inspire and engage your workforce toward behavior change.

May 28, 2015 • 8:30a

Healthy Executive Recognition Luncheon
12:00p - 1:30p

OSU-Tulsa, B.S. Roberts Room (North Hall 151)
700 N. Greenwood • Tulsa, OK

Featuring
Keynote Speaker



Dee Edgington, Ph.D.

Who should attend?

- Employer groups of any size
- HR personnel and consultants
- Wellness and prevention coordinators
- Workforce health and productivity managers



This is a paid advertisement.



NEW SUPREME COURT DECISION CHANGES THE RULES IN PREGNANCY DISCRIMINATION CASES

by Rachel Crawford, J.D.
VP - Legislative Affairs

A few weeks ago, the Supreme Court handed down its decision in *Young v. United Parcel Service*, No. 12-1226, a highly anticipated case regarding a key provision of the Pregnancy Discrimination Act ("PDA"). In a 6-3 ruling, the Court reversed the holding of the Fourth Circuit Court of Appeals, which had granted summary judgment in favor of UPS. In a surprising decision, the Court rejected the interpretation adopted by the Equal Employment Opportunity Commission ("EEOC") and the position suggested by UPS, and instead announced an entirely new rule that could significantly impact employers.

The key takeaways from the Court's decision:

- An employer may be liable for providing benefits or accommodations to some employees but not to pregnant employees depending on the strength of its justification for doing so;
- Considerations of cost or convenience are not, on their own, valid justifications;
- Contrary to the EEOC's guidance issued in July 2014, an employer does not automatically violate the PDA by providing light-duty positions to certain employees but not to pregnant employees.

The case concerned a former UPS employee named Peggy Young. Young was a delivery driver whose duties included lifting boxes which weighed up to 70 pounds. When Young became pregnant, she requested a light-duty position to comply with the 20-pound lifting restriction imposed by her doctor. UPS denied her request, relying on its general policy not to provide light-duty positions except in limited circumstances. Young sued UPS for allegedly violating the PDA.

To decide this case, the Supreme Court was required to interpret the following clause of the PDA:

[W]omen affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes . . . as other persons not so affected but similar in their ability or inability to work...

42 U.S.C. §2000e(k). The parties presented competing interpretations of this clause. Young argued the clause required UPS to give pregnant employees the same accommodations it would give to a non-pregnant employee who had the same inability to work, such as a lifting restriction due to an on-the-job back injury. Young pointed to three types of UPS employees who were given light-duty positions: workers who were injured on the job, workers who had an ADA-recognized disability, and delivery drivers who lost their Department of Transportation certification for any reason. Because UPS gave these non-pregnant employees light-duty positions, Young argued, the PDA required UPS to do the same for her. Young relied on guidance issued by the EEOC in July 2014, which adopted the same position.

UPS took a "polar opposite" view of the clause. Under its interpretation, the clause merely clarifies that pregnancy is a protected status under Title VII and that, as with any other status, employers cannot treat pregnant employees

Chamber Liaison

Julie Odom
Chapter Management
Professional

differently from similarly situated employees because of their pregnancy. UPS argued it had not treated Young differently from any other employee who could not perform her duties but did not fall under one of its three exceptions to its light-duty policy. If a non-pregnant employee sustained an off-the-job injury, for example, UPS would not give that employee a light-duty position. Thus, UPS did not treat pregnant employees any differently from non-pregnant employees with a similar inability to work.

The Court rejected both parties' interpretations and expressly declined to follow the EEOC's guidance on the issue. Instead, the Court held the contested clause created a new way for pregnant employees to demonstrate pretext. Specifically, an employee can establish pretext by showing: (1) that the employer's policies impose a "significant burden" on pregnant workers, and (2) that the employer's legitimate, nondiscriminatory reasons are not "sufficiently strong to justify the burden."

Instead of applying this new test to the facts of Young, the Court remanded the case to the appellate court for a final decision. As a result, employers have very little guidance when crafting their workplace policies. The Court suggested that the first element may be established through evidence that the employer accommodates a large percentage of nonpregnant workers while failing to accommodate a large percentage of pregnant workers—the kind of statistical analysis usually reserved for disparate impact and pattern-or-practice cases.

Until the lower courts resolve how the Court's new rule works in practice, employers should carefully reevaluate their policies for potentially unequal treatment of pregnant employees. As Young shows, it may not be enough that a policy forbids discrimination; a light-duty policy (or any policy that confers benefits) which excludes pregnant employees may be unlawful. And, as always, employers should actively engage in the interactive process if a pregnant employee covered by the ADA requests an accommodation.

Stay tuned for future developments!

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Train-the-Trainer (T3) Workshops
June 8-12 & December 7-11, 2015



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An Alternative View on Recruiting

By Dixie Agostino, SPHR, CPC
VP - Public Relations



Recently, while speaking to a company owner, he let me know he spent over \$125,000 a year in job postings on major job boards. I was FLOORED! When I asked him about the quality of the candidates he got from those ads, he said that he received average or less-than-average candidates but that "I use it for the PR".

This company thought that by providing regular postings, they would look like a desirable employer to current job seekers. However, they were completing missing the candidate pool they wanted to attract - high performing, currently employed achievers! My recommendation, stop using recruiting as public relations and instead use your PR for recruiting. Branding your company as a premier place to work and keeping it in the minds of the star talent you want to attract is usually much simpler and certainly can be more cost effective than using traditional job boards.

So, what are some ways you can market for recruiting? Having manager and employee testimonials on GlassDoor.com, YouTube and/or your company's website can be one way to show the positive attributes of working with your organization. Another way can be sponsorships to professional organizations and events whose members and attendees your company would want to attract. Seeing your company's name regularly may mean you are at the top of those candidate's mind when it comes time to make a career move. A third way can be encouraging employees to donate their time to a great cause or by providing paid volunteer time. That generosity can make your company very attractive to the people in your employee's personal circles and those with similar passions. And by volunteering together, that goodwill is being returned in the form of greater teamwork and synergy in those groups.



Certification Updates

By Christy Ptak, SPHR, SHRM-SCP
Certification Chair

I am happy to report that in addition to our HRCI professionals, a number of our

Chapter members have also obtained one of the new SHRM certifications.

At the recent OK State Human Resources Conference, there were 16 people who took the pre-conference session to learn more about the certification tracks and to pursue new or additional credentials. If you did attend the HR State Conference you are eligible for 12 plus credit hours (some business/strategic for those with HRCI credentials).

Remember, if you are already certified by HRCI, you can take the [SHRM Tutorial](#) at no cost for the remainder of 2015. Don't miss out on this opportunity!

Regardless of what certification track you elect to pursue, both are a testimony to your understanding and dedication to your field.

See where your letters can carry you!



Certification Scholarship - Individual SHRM members may apply for this \$750 award to support their pursuit of professional SHRM-CP or SHRM-SCP certification. Deadline 7/15/2015.

Academic Scholarship - Individual SHRM members may apply for this \$2,000 award to support their pursuit of a graduate or undergraduate college degree. Funds may be used for any combination of tuition, books or other course related fees. Deadline 7/15/2015.



We will not have a newsletter in June or July, but there are plenty of amazing HR events coming up. Get on your calendar today!

June 25 - Extended Learning Lab - Adult Mental Health First Aid

TAHRA is offering a 8 hour course on Mental Health First Aid. This course has been approved for *6.5 hours of HRCI credit and 8 professional development credits from SHRM. For this lab, there are 25 spots available and the rate is \$100 for attendees. The lab will be June 25th from 8:00am to 5:30pm with a one hour lunch (on your own) and two 15 minute breaks.

**We are seeking 8 hours of HRCI credit for this lab.*

June 28 - July 1 - SHRM Annual Conference - Las Vegas, NV

The SHRM Annual Conference is the best - and biggest - HR Conference in the world. Here, you'll find an array of experiences that can be found nowhere else - experiences that can help transform you, your team, and your organization in big and small ways. With over 200 sessions, inspiring keynote speakers, 49+ recertification credits, endless networking and world's largest HR marketplace, you'll leave Las Vegas more prepared for what's next.

July 15 - Program Meeting - The Power of Appreciation

Join TAHRA in July as Kevin Ames speaks to the essential role recognition plays in establishing a culture of appreciation. With insights from extensive global research, Kevin will discuss the importance of engagement and its impact on results.

July 23 - Learning Lab - TBA

August 19 - Program Meeting and Supervisor Training - Legal Updates (registration open for Program - Training registration open soon)

Mark your calendars for the
2016 Oklahoma Human Resources State Conference and Expo
 on April 26-28, 2016 at Hard Rock Hotel and Casino in Tulsa!
 Registration is now open! <http://www.okhrconference.com/>



Becca Richmond	Hilti	Tricia Quigley	Zeeco
Lana Ambrose	Saint Francis Health System	Leslie Lacy	ONE Gas, Inc
Susan Jennemann	Saint Francis Health System	Lindsay Brown	US Cellular
Angela Johnson	Saint Francis Health System	Chelsey Saliba	Webco
Tammala Walker	Saint Francis Health System	Alex Golimbiievsky	Job Pact
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Bobbie McPherson	Saint Francis Health System	Jodi Elston	Spartan SP Investor LLC
Cheryl Thompson	Saint Francis Health System	Rebekah Hipp	Saint Francis Health System
Marianna Moore	Rhema Bible Church	Misty Miller	O.C.Tanner



May 20 - Program Meeting - Employee Engagement and Why it Matters
May 21 - TAHRA Networking - Spring Social at McNellies
May 28 - Learning Lab - FMLA: Strategies for New Compliance Challenges
June 25 - EXTENDED Learning Lab - Adult Mental Health First Aid
July 15 - Program Meeting - The Power of Appreciation
July 23 - Learning Lab - TBA
August 19 - Program Meeting and Supervisor Training - Legal Updates

[Click here to view our full calendar.](#)

There will be no TAHRA newsletter in June or July.
 Watch your email and the website (www.tahra.org) for chapter updates
 and other items of interest!

Tulsa Area Human Resources Association
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 (918) 344-4622

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